



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, December 19, 2017

5:30 PM

Council Chamber

Call to Order

This City Council meeting of the City of Greensboro was called to order at 4:09 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 Marikay Abuzuaiter, Councilmember Sharon M. Hightower, Councilmember Nancy Hoffmann, Councilmember Michelle Kennedy, Councilmember Justin Outling, Councilmember Tammi Thurm and Councilmember Goldie F. Wells

Also present were City Manager Jim Westmoreland, City Attorney Tom Carruthers, and Deputy City Clerk Angela R. Lord.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to go into closed session, immediately following the official Council photograph, to preserve the attorney-client privilege between the City Attorney and Council; and to consult with the City Attorney and the attorney retained by the City and to give instructions to legal counsel concerning the handling or settlement of a claim or judicial procedure pursuant to N.C.G.S. 143-318.11 (a) (3). The motion carried by voice vote.

Council recessed to closed session at 4:11 p.m.

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

Moved by Councilmember Abuzuaiter, seconded by Councilmember Wells to return to open session. The motion carried by voice vote.

Moment of Silence

The meeting opened with a moment of silence.

Pledge of Allegiance to the Flag

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

Recognition of Courier

City Manager Jim Westmoreland recognized Natalie Woods of the Neighborhood Development 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.

I. CEREMONIAL AND/OR PRESENTATION ITEMS

1. [ID 17-0688](#)

Resolution Honoring the Memory of the Late Eileen Cotton King

Councilmembers Wells and Hightower read the resolution into the record; and Councilmember Hightower presented the resolution to the family.

Council expressed thoughts and memories of Ms. King.

The family representative voiced appreciation for the resolution.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

324-17 RESOLUTION HONORING THE MEMORY OF THE LATE EILEEN COTTON KING

WHEREAS, on September 20, 2017, this community lost one of its outstanding community leaders with the passing of the late Eileen Cotton King;

WHEREAS, Ms. King, a native of Brooklyn, New York, was a graduate of Utrech High School and attended Rutledge College where she studied data entry, business administration, and accounting;

WHEREAS, after relocating to Greensboro in 1976, Ms. King began her community involvement as a community leader and neighborhood organizer in the Valleyview Neighborhood;

WHEREAS, the Valleyview Neighborhood became one of the ten neighborhoods under the Concerned Citizens of Northeast Greensboro's (CCNEG) umbrella when it was organized in 1998;

WHEREAS, Ms. King served as secretary of the CCNEG for many years and was a member of the present Planning Committee;

WHEREAS, additional community involvement included Citizens for Economic and Environmental Justice (CEEJ), the Renaissance Co-op; City Council, Leadership c.o.n.n.e.c.t.i.o.n.s "Young Women in Pink, and Grandparents Fostering Grandchildren; and the Dudley High School Senior Project Volunteer;

WHEREAS, Ms. King was the 2015 recipient of the National Association of Negro Business and Professional Women's Club, Inc. Sojourner Truth Award for Community Service;

WHEREAS, Ms. King was a rising senior at Guilford Technical Community College;

WHEREAS, the City Council wishes to express its sense of loss and sincere appreciation and gratitude for the many years of dedicated public service rendered by Eileen Cotton King, the outstanding contributions she has made to the community, and the legacy she leaves.

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

1. That the City Council wishes to express its condolences, and offer its sincere appreciation and gratitude for Eileen Cotton King's many years of dedicated public service. Her legacy will be remembered by the outstanding contributions she has made to the community.
2. That a copy of this resolution shall be delivered to the family of the late Eileen Cotton King as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Yvonne Johnson

2. [ID 17-0679](#)

Resolution Naming December 21, 2017 National Homeless Persons' Memorial Day

Councilmember Kennedy read the resolution into the record; invited representatives forward from Urban Ministry, the Housing Coalition, and AmeriCorps Partnership to End Homelessness at The Servant Center (AmeriCorps); commended those that work with homelessness; spoke to the partnership; and presented the resolution to AmeriCorps Director Julie Silverman.

Ms. Silverman provided information for a homeless awareness walk on Thursday.

Mayor Vaughan voiced support for the walk; and encouraged all to attend.

Moved by Councilmember Abuzuaiter, 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, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

325-17 RESOLUTION NAMING DECEMBER 21, 2017 NATIONAL HOMELESS PERSONS' MEMORIAL DAY

WHEREAS, December 21st marks the first day of winter and is the longest night of the year; the City of Greensboro recognizes that winter poses extreme hardship to everyone especially people experiencing homelessness;

WHEREAS, recognized by cities nationwide, December 21st has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Health Care for the Homeless Council;

WHEREAS, in the season of generosity and sharing, citizens of Greensboro are encouraged to commit themselves to promoting compassion and concern for all, especially those who are in need;

WHEREAS, hunger and homelessness continues to be a serious challenge for many Greensboro citizens; every citizen has the right to adequate food, housing, clothing, safety and health care;

WHEREAS, homelessness raises one's risk of illness, injury and death within every age group, and homeless citizens are three times more likely to die than the general population;

WHEREAS, by remembering our neighbors, we can honor their lives by working in unison to provide solutions to end homelessness within Greensboro.

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

That December 21, 2017 is hereby named National Homeless Person's Memorial Day in the City of Greensboro to remember those who have died experiencing homelessness and to encourage all citizens to come together to celebrate their lives by working to resolve the factors that lead to homelessness within the City.

(Signed) Marikay Abuzuaiter

3. [ID 17-0754](#)

Recognition of the 2017 Government Improvement Award Winners and Tom James and T. Cooper James & Associates, Program Benefactors

Mayor Vaughan recognized Assistant City Manager Chris Wilson to speak to the item.

Assistant City Manager Wilson provided the history of the item; spoke to employees support of the City of Greensboro and Guilford County; to creativity of employees; and recognized Tom James of Tom James and T.

Cooper James & Associates to announce the winners of the 2017 James Government Improvement Award.

Mr. James spoke to being a long term business member; to sponsorship of the item; and to innovation and inspiration.

Assistant City Manager Wilson voiced appreciation for the support of the business; announced Innovation Winner Tori Carle of Field Operations; commended Ms. Carle on her homeless blanket project; announced Elizabeth Carter of Information Technology as the Impact Award Winner; reviewed Ms. Carter's project for recycling cell phones for revenue; and expressed appreciation to the winners for their efforts.

59. [ID 17-0810](#)

Resolution Creating Town Hall Style Meetings and Modifying Procedures for the Speakers from the Floor Portions of City Council Meetings

Mayor Vaughan introduced the resolution; spoke to the proposed format for public comment beginning January 9, 2018; and recognized Councilmember Thurm to speak to the item.

Councilmember Thurm moved to amend policy #2 to add an additional sentence; and stated that after the third sentence, the new fourth sentence should read, "a minimum of one hour will be allowed provided there are at least 12 speakers that have requested to speak". It was the consensus of Council to accept the amendment.

Council discussion took place on clarification of the amendment; state statute; intent of the format change; and enhancement of the current policy.

Mayor Vaughan spoke to being more efficient; and stated the process would be reviewed in the upcoming months.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

326-17 RESOLUTION CREATING TOWN HALL STYLE MEETINGS AND MODIFYING PROCEDURES FOR THE SPEAKERS FROM THE FLOOR PORTIONS OF CITY COUNCIL MEETINGS

WHEREAS, On September 17, 2013 Council adopted a Resolution concerning the start time and the parliamentary rules governing City Council meetings, which replaced an August 3, 1989 Resolution;

WHEREAS, Council desires to amend portions of the 2013 Resolution to provide for a new meeting format styled as a Town Hall meeting, and to clarify policies regarding public comment periods, commonly referred to as "Speakers From the Floor;"

WHEREAS, North Carolina General Statutes Section 1 60A-71 allows the City Council to adopt its own rules of procedure, not inconsistent with the City Charter, general law, or generally accepted principles of parliamentary procedure;

WHEREAS, North Carolina General Statutes Section 1 60A-81.I requires that there shall be at least one period for public comment per month at a regular meeting of the Council and allows the Council to create reasonable rules for the time allotted and conduct of public comment periods such as Speakers from the Floor;

WHEREAS, the City Council of the City of Greensboro continues to exercise its discretion to set the schedules, organize the agendas, and to determine the procedures and policies of any of its meetings, and the City Council deems it to be in the best interest of the City to adopt these reasonable guidelines for its meetings, i n accordance with the authority set forth above;

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

1. Council will continue to hold two regular meetings of the City Council on the first and third Tuesdays of the month as determined by its adopted calendar and revisions thereto, and it may at its discretion schedule a third meeting on the fourth Tuesday of the month. Council retains discretion over the length of meetings, the format, the numbers of speakers, and the time allotted for each speaker.
2. The meeting on the first Tuesday will consist primarily of ceremonial items, presentations, and a public comment period which will be styled as a "Town Hall" meeting. Speakers will have a maximum of five (5) minutes each to speak. There will be no set cap on the number of speakers. A minimum of one hour will be allowed provided there are at least twelve speakers who have requested time to speak. Yielding of time to other speakers will not be permitted. The meetings shall be governed in accordance with City policies and state law regarding decorum and conduct.
3. The meeting on the third Tuesday will be for Consent items, Business items, and Public Hearing items. The public is invited to speak on any agenda item as set out in the 2013 Resolution. On months when the Town Hall meeting occurs, Speakers from the Floor will not be heard.
4. The meeting on the fourth Tuesday will be scheduled at the discretion of Council and will be reserved for additional Consent and City Business items if needed. The public is invited to speak on any agenda item. This meeting will not include Speakers from the Floor. Public Hearings must be advertised in accordance with state law and therefore Public Hearings may not be possible at this meeting.
5. The above rules, policies, procedures, scheduling, and agenda decisions shall be made at the discretion of City Council and may be suspended or altered where, in the sound judgment or preference of the City Council such decisions are determined to be reasonably warranted or necessary.
6. The above shall be effective the first meeting of the City Council following adoption of this Resolution.

(Signed) Marikay Abuzuaiter

24. [ID 17-0788](#)

Ordinance Amending Section 2-16 of the Greensboro Code of Ordinances with Respect to the Public Comment Period at Regular Meetings

It was the consensus of Council to remove item #24 from the consent agenda.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-0139 ORDINANCE AMENDING SECTION 2-16 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO THE PUBLIC COMMENT PERIOD AT REGULAR MEETINGS

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

Section 1. That Chapter 2, Article II, Section 2-16 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Sec. 2-16. - Public comment period at regular meetings.

Speakers from the floor/citizen public comment period will be heard at regular meetings for thirty (30) minutes immediately before the consent agenda. Comments during the public comment period shall be restricted to non-agenda items. Memorial resolutions shall be placed before the public comment period. The council shall provide at least one period for public comment per month at a regular meeting of the council.

Section 2. That this ordinance shall become effective upon adoption.

(Signed) Marikay Abuzuaiter

II. PUBLIC COMMENT PERIOD

Robert Moore, 280 Spring Garden Street spoke to a land dispute issue; to a statement regarding the deed; to clearing up the issue before the end of the year; and to attaining an attorney.

Mayor Vaughan reviewed the history of Mr. Moore's concerns; stated the issue was a civil matter; and asked for clarification on the selling of the property.

City Attorney Carruthers provided a brief history; outlined the process of the property sale; and clarified that issue was a matter that the City was not involved in.

Spoma Jovanovic, 129 Tate Street congratulated new Council members, spoke to sending students to meetings over the years; critical thinking; expressing compassion; the Participatory Budget process; to the need for affordable housing; and to investment in the City.

Claire Morse, 224 Kensington voiced concern regarding homicides and opioid deaths; decreased public safety; spoke to the need for job training; affordable housing; and to funding allocations.

Ron Tuck, 1500 West Vandalia Road spoke to opportunities for youth; breaking the crime cycle; providing tools for success; the need to help young people in high crime areas; to addressing drug use; and stated that all lives mattered.

Mayor Pro-Tem Johnson voiced agreement with Mr. Tuck's suggestion of the establishment of a Youth Police Citizens academy.

Lewis Pitts, 129 Tate Street representing Democracy Greensboro (DG) spoke to the platform of Council members; to the DG viewpoint; referenced news headlines; voiced concerns with the proposed parking decks and the Tanger Center; and spoke to the need for affordable housing

III. CONSENT AGENDA (One Vote)

Moved by Councilmember Hightower, seconded by Councilmember Hoffmann, to adopt the consent agenda as amended. The motion carried by voice vote.

4. [ID 17-0760](#)

Resolution Authorizing an Interlocal Agreement Between Guilford County and the City of Greensboro, on Behalf of the Greensboro Transit Authority, Acting in its Capacity as the Designated Recipient for the Federal Transit Administration Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program

327-17 RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN GUILFORD COUNTY AND THE CITY OF GREENSBORO, ON BEHALF OF THE GREENSBORO TRANSIT AUTHORITY, ACTING IN ITS CAPACITY AS THE DESIGNATED RECIPIENT FOR THE FEDERAL TRANSIT ADMINISTRATION SECTION 5310 ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM

WHEREAS, a Federal grant from the Federal Transit Administration requires an agreement between the City and

Guilford County;

WHEREAS, program funds are available for capital and operating expenses that; 1)serve the special needs of transit-dependent populations beyond traditional public transportation services, where public transportation is insufficient, inappropriate, or unavailable; 2)projects that exceed requirement of the American with Disabilities Act (ADA); 3) project that shall improve access to fixed route service and decrease reliance of complementary Paratransit service; and 4) project that are alternatives to public transportation;

WHEREAS, the recipient agencies agree to work collaboratively to enable increased opportunities for elderly, disabled and low income individuals to access transportation for employment, education and medical needs;

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization (MPO) conducted the competitive selection process for funding projects with the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grant;

WHEREAS, Guilford County also applied for funding in this process and along with the City, received an award;

WHEREAS, the City will serve as the lead agency in administering the FTA grant funds for these agencies and administer a fiscal year 2015 award in the amount of \$48,690 and a fiscal year 2016 award in the amount of \$50,000 to Guilford County Transportation and Mobility Services for the agency to provide transportation services for elderly individuals with disabilities and low income individuals that are on waiting lists to access transportation to employment, education and medical trips,

WHEREAS, under the attached interlocal agreement the City will pay \$48,690 in fiscal year 2015 FTA funds and \$50,000 in fiscal year 2016 funds to Guilford County which will leverage \$48,690 in fiscal year 2015 Guilford County match funds and \$50,000 in fiscal year 2016 Guilford County match funds from County local property taxes;

WHEREAS, In accordance with North Carolina State Statutes, interlocal agreements require City Council authorization.

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

That the interlocal agreement between the City of Greensboro and Guilford County for the City to administer the fiscal year 2015 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grant to Guilford County in the amount of \$48,690 and the fiscal year 2016 Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program grant to Guilford County in the amount of \$50,000 is hereby approved.

(Signed) Sharon Hightower

5. [ID 17-0768](#)

Resolution Approving Bid in the Amount of \$324,890 and Authorizing Execution of Contract No. 2017-041 with KMD Construction, LLC for the J. Douglas Galyon Depot Tunnel Leak Repair Project

328-17 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2017-041 WITH KMD CONSTRUCTION, LLC FOR THE J. DOUGLAS GALYON DEPOT TUNNEL LEAK REPAIR PROJECT

WHEREAS, after due notice, bids have been received for the repair of the passenger and baggage tunnel leaks at the J. Douglas Galyon Depot located at 236 E. Washington Street;

WHEREAS, KMD Construction, LLC, a responsible bidder, has submitted the low base bid in the amount of \$285,000 and Bid Alternate no. 1 in the amount of \$39,890 for a total bid amount of \$324,890 as general contractor for Contract No. 2017-041, which was determined to be the best option 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 KMD Construction, LLC is hereby accepted, and the City is authorized to enter into a contract with KMD Construction, LLC for the J. Douglas Galyon Depot Tunnel Leak Repairs 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 \$324,890.

(Signed) Sharon Hightower

6. [ID 17-0745](#)

Resolution Authorizing Change Order in the Amount of \$90,000.00 for Contract No. 2016-012 with Yates Construction Company, Inc. for Downtown Greenway Phase 1b1 and 1b2

329-17 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT 2016-012 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE DOWNTOWN GREENWAY PHASE 1B1 AND 1B2 PROJECT

WHEREAS, Contract No. 2016-012 with Yates Construction Company, Inc. provides for Downtown Greenway Phase 1b1 and 1b2 project;

WHEREAS, due to : removal of failed planting mix on Phase 3b (for tree wells along Smith Street) and addition of sidewalk work along Gate City Boulevard and Lewis Street; thereby necessitating a change order in the amount of \$90,000.00.

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

That a change order in the above mentioned contract with Yates Construction Company, Inc. for Downtown Greenway Phase 1B1 and 1B2 project is hereby authorized at a total cost of \$90,000.00; payment of said additional amount is to be made from:

2008 Transportation Bond Funds	471-4502-18.6015	\$50,000.00
Field Operations Funds	402-4308-01.5611	\$40,000.00

(Signed) Sharon Hightower

7. [ID 17-0713](#)

Resolution Authorizing Execution of Contract with Carolina Management Team (CMT) in the Amount of \$265,493 for Protective Coatings Services at the T.Z. Osborne Water Reclamation Facility

330-17 RESOLUTION AUTHORIZING EXECUTION OF CONTRACT WITH CAROLINA MANAGEMENT TEAM (CMT) IN THE AMOUNT OF \$265,493 FOR ON-CALL PROTECTIVE COATINGS SERVICES AT THE T.Z. OSBORNE WATER RECLAMATION FACILITY

WHEREAS, after recent inspection, it has been determined that new paint and protective coatings are needed to extend the useful life of various areas at the T. Z. Osborne Water Reclamation Facility;

WHEREAS, the proposed coating project includes surface coating application for Clarifier #2, Final Building Exterior, and the Thickener Room, Building, Stairwell, and Walls;

WHEREAS, Carolina Management Team is one of two on-call protective coating services firms utilized by The Water Resources Department that was chosen through a Statement of Qualifications (SOQ) selection process to provide on-call coating services;

WHEREAS, the Coating Services for this project will be provided by Carolina Management Team, a local WBE and Covenant Enterprise Painting, a minority owned business (MBE) located within the City's Metropolitan Statistical Area (MSA).

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 Carolina Management Team to provide Coating Services 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 \$196,649 from Water Resources Operations Fund Account No. 501-7056-01.5621 and the amount of \$68,844 from Water Resources Operations Fund Account No. 501-7056-01.5613, for a total of \$265,493.

(Signed) Sharon Hightower

8. [ID 17-0763](#)

Resolution Approving a Contract in the Amount of \$438,000 with Arcadis G&M of North Carolina, Inc. for Bidding and Construction Phase Services Associated with the Hilltop Lift Station, Force Main and Gravity Sewer Project

331-17 RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF \$438,000 WITH ARCADIS G&M OF NORTH CAROLINA, INC. FOR BIDDING AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE HILLTOP LIFT STATION, FORCE MAIN AND GRAVITY SEWER PROJECT

WHEREAS, the Hilltop Road Lift Station is currently operating close to its rated pumping capacity and is serving a sewer basin that is experiencing increased flow due to development;

WHEREAS, the site for the existing station is constrained by Hilltop Road, multi-family development and a stream, making capacity improvements to the current station infeasible;

WHEREAS, the City authorized professional services design contract 2015-0970 with Arcadis G&M Of North Carolina, Inc. to perform the design of the project;

WHEREAS, the project design included the new lift station, a gravity sewer downstream of the existing lift station, a sewer force main and gravity sewer to a new discharge location and the abandonment of the existing station;

WHEREAS, along with the new station approximately 4,000 lf of new 16-inch gravity sewer, 800 lf of 30-inch gravity sewer and 12,000 lf of new force main will be constructed;

WHEREAS, the proposed construction engineering services include Bidding and Construction Phase Services;

WHEREAS, the proposed Bidding and Construction Phase services will be provided by Arcadis G&M of North Carolina because of their knowledge and experience with the design of the project;

WHEREAS, Arcadis will utilize the engineering services of Crittek Engineering Group, a minority owned business (MBE) located within the City's Metropolitan Statistical Area (MSA);

WHEREAS, Arcadis G&M of North Carolina, Inc., is one of the ten firms selected for the Professional Services Water Resource On-call Services Agreement.

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 Arcadis, G&M of North Carolina to provide Bidding and Construction Phase services associated with the Airport Lift Station Replacement Sewer 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 \$438,000 from Water Resources Capital Improvements Fund account 503-7027-05.5410 (Professional Services) and associated budget adjustment.

(Signed) Sharon Hightower

9. [ID 17-0750](#)

Resolution Approving a Maintenance Agreement in the Amount of \$447,817 with Systems and Software, Inc. for the City's Customer Information and Billing Software

332-17 RESOLUTION APPROVING A MAINTENANCE AGREEMENT IN THE AMOUNT OF \$447,817 WITH SYSTEMS AND SOFTWARE, INC. FOR THE CITY'S CUSTOMER INFORMATION AND BILLING SOFTWARE

WHEREAS, in 2003 the City purchased the Customer Information and Billing System (enQuesta) from Systems and Software;

WHEREAS, the original Contract No. 2003-1295 requires annual maintenance agreements for continued use of the software;

WHEREAS, Systems and Software is the only company that can provide the maintenance;

WHEREAS, the cost of the annual maintenance agreement will be \$447,817.00 and includes technical support and maintenance releases;

WHEREAS, a sole source purchase from Systems and Software is being requested to ensure maintenance to the enQuesta system used by the City.

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

That the sole source purchase of \$447,817.00 for the upgrade to the enQuesta system used by the City is hereby approved with payment of said amount to be made from Account No. 501-7012-01.5415.

(Signed) Sharon Hightower

10. [ID 17-0720](#)

Resolution Authorizing Change Order #2 in the Amount of \$11,195.38 for Contract 2017-0130 with Bar Construction for Guilford Metro 911 Exterior Site Improvements

333-17 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2017-0130 WITH BAR CONSTRUCTION COMPANY, INC.

WHEREAS; the City authorized professional services contract 2017-0130 with Bar Construction Company, Inc in the amount of \$260,100 on May 5, 2017 for Guilford Metro 911 Site Improvements;

WHEREAS; the change order is to add paving, replace the existing entrance approach, and replace a portion of chain link fencing;

WHEREAS; the changes are necessary to the site improvements.

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

That a change order in the above-mentioned contract with Bar Construction Company, Inc for the GM911 Site improvements Contract 2017-0130 in the amount of \$260,000 and additional work 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 \$11,195.38

from accounts

Account # 681-3904-04.5419 \$ 7,384.89

Account # 687-3901-01.5613 \$ 3,810.49

(Signed) Sharon Hightower

11. [ID 17-0756](#)

Resolution Authorizing a Contract in the Amount of \$124,160 Between the City of Greensboro and MyGov LLC

334-17 RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CITY OF GREENSBORO AND MYGOV, LLC

WHEREAS, the Code Compliance Division of the Neighborhood Development Department requires the use of specialized code enforcement software for both inspections and the storage of data;

WHEREAS, the current Local Ordinance Enforcement (LOE) Software can no longer be upgraded by IT to function with newer technology platforms that are a necessary interface;

WHEREAS, MyGOV, LLC was the sole responsive bidder to provide the set-up, training and subscription access for their specialized Code Enforcement software;

WHEREAS, the contract cost is estimated at \$124,160 for initial setup, staff training and annual subscription service, with a \$42,000 annual renewal term for subscription services;

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

WHEREAS, ongoing funding is subject to City Council approval for future fiscal budget appropriations.

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

That it hereby authorizes the City Manager to execute a \$124,160 contract between the City of Greensboro and MyGov LLC with an annual subscription renewal for Code Enforcement Software for the Neighborhood Development Department's Code Compliance Division.

(Signed) Sharon Hightower

12. [ID 17-0801](#)

Resolution Authorizing the City of Greensboro to Enter into a Contract with The Cultural Planning Group, LLC for an Estimated Amount not to Exceed \$125,000 for the Development of a Cultural Arts Master Plan

335-17 RESOLUTION AUTHORIZING THE AWARD OF CONTRACT 2018-10575 TO THE CULTURAL PLANNING GROUP, LLC FOR THE DEVELOPMENT OF A CULTURAL ARTS MASTER PLAN

WHEREAS, the Executive Department desires a firm to develop an inclusive, sustainable, and comprehensive master plan that capitalizes, enhances, and supports the arts in Greensboro; and

WHEREAS, in accordance with current City policy, contracts exceeding \$100,000 in value require City Council approval; and

WHEREAS, at the request of the Executive Department, the Centralized Contracting Division conducted an online competitive Request for Proposal, Event #8574 to select a consultant to develop a Cultural Arts Master Plan; and

WHEREAS, The Greensboro Cultural Arts Master Plan Task Force evaluated all proposals and unanimously selected the Cultural Planning Group as the vendor of choice; and

WHEREAS, the Centralized Contracting Division concurs with the recommendation of the Greensboro Cultural Arts Master Plan Task Force to award a contract to The Cultural Planning Group, LLC, a partnership with the main office located in San Diego, CA; and

WHEREAS, the recommendation for selection is based on the best value standard of award; and

WHEREAS, the contract term is for approximately nine months. The contract has an estimated value not to exceed \$125,000; and

WHEREAS, funding for this contract is available in a general fund non-departmental account with a budget adjustment required to move funding into the correct account; and

NOW THEREFORE BE IT APPROVED BY THE CITY COUNCIL OF GREENSBORO

That the resolution authorizing the award of Contract 2018-10575 to The Cultural Planning Group, LLC to develop a Cultural Arts Master Plan for the City is hereby approved.

(Signed) Sharon Hightower

13. [ID 17-0774](#)

Ordinance to Approve the Franchise Agreement Between the City of
Greensboro and Conterra Ultra
Broadband, LLC. FIRST APPROVAL

The ordinance was received on the FIRST READING and will be presented for adoption at the January 16, 2018 meeting of Council.

14. [ID 17-0771](#)

Resolution Authorizing Multi-Family Energy Efficiency Loan in the Amount of
\$473,900 to Carolina Community Investments, Inc. for Improvements at 2209
Apache Street, 307 Avalon Road, and 405 S. English Street, Known as Avalon
Trace

336-17 RESOLUTION AUTHORIZING MULTI-FAMILY ENERGY EFFICIENCY LOAN TO CAROLINA COMMUNITY INVESTMENTS, INC. FOR IMPROVEMENTS AT 2209 APACHE STREET, 307 AVALON ROAD, AND 405 S. ENGLISH STREET, KNOWN AS AVALON TRACE

WHEREAS, Central Carolina Investments, Inc., has applied to the City of Greensboro for a Multi-Family Energy Efficiency Program loan in an amount not to exceed \$473,900 for the purposes of a construction loan for energy and water efficiency improvements as part of the planned acquisition and renovations at Avalon Trace apartments, located at parcel addresses 2209 Apache Street, 307 Avalon Road, and 405 S. English Street;

WHEREAS, the City loan leverages additional social impact investments from the Reinvestment Fund, Community Foundation of Greater Greensboro, and Greensboro Housing Coalition to remediate substandard housing conditions which are impacting the health of residents and negatively affecting the Cottage Grove community;

WHEREAS, the City loan terms to Carolina Community Investments include an amount not to exceed \$473,900, at 1% interest, for a term up to 2 years, or close of permanent financing, whichever comes first, with a balloon at the end of the term;

WHEREAS, the City loan would be in second position behind the Reinvestment Fund and the City loan is contingent upon the Reinvestment Fund loan;

WHEREAS, repayment from the Multi-Family Energy Efficiency housing bond funds will come back to the revolving loan account to be made available for future projects.

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

That it approves a construction loan in an amount not to exceed \$473,900 from Multi-Family Energy Efficiency Program funds to Carolina Community Investments, Inc. for the purposes of energy and water efficiency improvements as part of the planned acquisition and renovations at Avalon Trace apartments, located at parcel addresses 2209 Apache Street, 307 Avalon Road, and 405 S. English Street, and the City Manager is authorized to execute all related loan documents.

(Signed) Sharon Hightower

15. [ID 17-0773](#)

Ordinance in the Amount of \$362,655 Amending FY 17-18 Nussbaum Fund Budget
& Neighborhood Development Revolving Loan Fund

17-141 ORDINANCE IN THE AMOUNT OF \$362,655 AMENDING FY 17-18 NUSSBAUM FUND BUDGET & NEIGHBORHOOD DEVELOPMENT REVOLVING LOAN FUND

Section 1

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

That the FY 17-18 Neighborhood Development Revolving Loan Fund of the City of Greensboro is hereby amended as follows:

That the appropriations be increased, as follows:

Account	Description	Amount
209-2101-01.6211	Transfer to Nussbaum	\$362,655

And, that this increase is financed by the following revenue:

Account	Description	Amount
209-0000-00.8900	Appropriated Fund Balance	\$362,655

Section 2

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

That the FY 17-18 Nussbaum Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased, as follows:

Account	Description	Amount
211-2101-12.5282	Real Estate Loans	\$362,655

And, that this increase is financed by the following revenue:

Account	Description	Amount
211-0000-00.9209	Transfer from Revolving Loan Fund	\$362,655

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

16. [ID 17-0731](#)

Ordinance in the Amount of \$8,000 Amending State, Federal, and Other Grants Fund Budget for the Appropriation of NC Department of Revenue Tax Distribution Drug Tax Funds for the Greensboro Police and Crime Stoppers Illegal Gun Project

17-142 ORDINANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF NC DEPARTMENT OF REVENUE TAX DISTRIBUTION DRUG TAX FUNDS FOR THE GREENSBORO POLICE AND CRIME STOPPERS ILLEGAL GUN PROJECT

Section 1

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

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

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

Account	Description	Amount
220-3550-02.5931	Contributions to Nongovt'l Agencies	\$8,000
Total		\$8,000

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

Account	Description	Amount
220-3550-02. 7123	State Drug Excise Tax	\$8,000
Total		\$8,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

17. [ID 17-0755](#)

Resolution Authorizing the Purchase of Property Located at 4220 West Wendover Avenue from the Martha Patterson Hicks Family Limited Partnership for the Big Tree Way Sidewalk Project

337-17 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 4220 WEST WENDOVER AVENUE FROM THE MARTHA PATTERSON HICKS FAMILY LIMITED PARTNERSHIP FOR THE BIG TREE WAY SIDEWALK PROJECT

WHEREAS, in connection with the Big Tree Way Sidewalk project, a portion of the property owned by The Martha Patterson Hicks Family Limited Partnership, Parcel 0055535 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by Foster Appraisal Services, Inc. at a value of \$16,325,

which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised 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 appraisal of the above mentioned portion of property in the amount of \$16,325 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 471-4502-15.6012, Activity #A11171.

(Signed) Sharon Hightower

18. [ID 17-0762](#)

Resolution Authorizing the Purchase of Property Located at 7341 West Friendly Avenue from Lingerfelt Commonwealth Greensboro Sub, LLC for the West Friendly Avenue Sidewalk Project

338-17 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY LOCATED 7341 WEST FRIENDLY AVENUE FROM LINGERFELT COMMONWEALTH GREENSBORO SUB, LLC FOR THE WEST FRIENDLY AVENUE SIDEWALK PROJECT

WHEREAS, in connection with the West Friendly Avenue Sidewalk Project, a portion of the property owned by Lingerfelt Commonwealth Greensboro Sub, LLC, Parcel 0099403 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 \$49,675 but the property owner has agreed to settle for the price of \$57,127, 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 \$57,127 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 401-4546-01, Activity A15138.

(Signed) Sharon Hightower

19. [ID 17-0769](#)

Resolution Authorizing the Purchase of Property Located at 3702 West Gate City Boulevard for the South Holden Road Sidewalk Project

339-17 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 3702 WEST GATE CITY BOULEVARD FROM THE HEIRS OF EUGENIA DULL FOR THE SOUTH HOLDEN ROAD SIDEWALK PROJECT

WHEREAS, in connection with the South Holden Road Sidewalk project, the property is owned by the heirs of Eugenia Dull, Parcel 0053279 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by Lynn B. Ritchie at a value of \$37,269, which appraisal, in

the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised 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 appraisal of the above mentioned portion of property in the amount of \$37,269 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 471-4502-15.6012, Activity #A11171.

(Signed) Sharon Hightower

20. [ID 17-0764](#)

Resolution Dedicating a Margin Tract and Temporary Construction Easement
Located at 5 YY Scotridge Point

340-17 RESOLUTION AUTHORIZING THE DEDICATION OF PROPERTY LOCATED AT 5 YY SCOTRIDGE POINT TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, The City of Greensboro has offered to dedicate property located at 5 YY Scotridge Point to the North Carolina Department of Transportation, said property being shown on the attached map;

WHEREAS, it is deemed in the best interest of the City to dedicate this property.

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

That, on behalf of the City of Greensboro, the dedication of property located at 5 YY Scotridge Point to The North Carolina Department of Transportation is hereby approved and said deed shall be recorded in the Office of the Register of Deeds of Guilford County.

(Signed) Sharon Hightower

21. [ID 17-0743](#)

Resolution Dedicating a Permanent Utility Easement Located at 4854 Lake Jeanette
Road to the North Carolina Department of Transportation

341-17 RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION OF PROPERTY LOCATED AT 4854 LAKE JEANETTE ROAD TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR FIRE STATION #43

WHEREAS, The City of Greensboro has offered to dedicate property located at 4854 Lake Jeanette Road to the North Carolina Department of Transportation for Fire Station #43, said property being shown on the attached map;

WHEREAS, it is deemed in the best interest of the City to accept this property dedication.

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

That, on behalf of the North Carolina Department of Transportation, the acceptance of the dedication of property located at 4854 Lake Jeanette Road by the City of Greensboro is hereby approved and said deed shall be recorded in the Office of the Register of Deeds of Guilford County.

(Signed) Sharon Hightower

22. [ID 17-0782](#)

Resolution of the City of Greensboro, County of Guilford, Regarding the Designation
of an Official to Make Recommendations to the North Carolina Alcoholic Beverage
Control Commission on ABC Permit Applications

342-17 RESOLUTION OF THE CITY OF GREENSBORO, COUNTY OF GUILFORD, REGARDING THE
DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO THE NORTH CAROLINA ALCOHOLIC
BEVERAGE CONTROL COMMISSION ON ABC PERMIT APPLICATIONS.

WHEREAS G.S.18B-904(1) authorizes a governing body to designate an official, by name or by position, to make
recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the City of Greensboro, County of Guilford, wishes to notify the NC ABC Commission of its designation
as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that Michael Grant Terry, Captain, is hereby designated to notify the North Carolina
Alcoholic Beverage Control Commission of the recommendations of the City of Greensboro, County of Guilford,
regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED that notices to the City of Greensboro, County of Guilford, should be mailed or
delivered to the official designated above at the following address:

Mailing address: 100 East Police Plaza
Office location: 100 East Police Plaza
City: Greensboro, North Carolina
Zip Code: 27401
Phone #: 336-373-7732

This the 19th day of December, 2017.

(Signed) Mayor Nancy Vaughan

Sworn to and subscribed before me this the 20th day of December, 2017.

Elizabeth H. Richardson

(Signed) Sharon Hightower

23. [ID 17-0770](#)

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion
of the Property of Barbara C. Dungee Located at 1301 Pisgah Church Road in
Connection with the Pisgah Church Road Sidewalk Project

343-17 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A
PORTION OF THE PROPERTY OF BARBARA C. DUNGEE IN CONNECTION WITH THE PISGAH CHURCH
ROAD SIDEWALK PROJECT

WHEREAS, Barbara C. Dungee is the owner of that certain property located at 1301 Pisgah Church Road,
designated as Parcel # 0086798 said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Pisgah Church Road Sidewalk
Project;

WHEREAS, negotiations with the owner at the appraised value of \$484.00 have been unsuccessful and said portion
of the property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of the property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner(s) in the amount of \$484.00.

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

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$484.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 401-4546-01.6012 Activity #A15138.

(Signed) Sharon Hightower

25. [ID 17-0747](#)

Resolution Listing Loans and Grants for City Council Approval

344-17 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at the March 1, 2005 meeting of City Council, the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

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

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 Council meeting.

(Signed) Sharon Hightower

26. [ID 17-0791](#)

Budget Adjustments Requiring Council Approval 11/7/17-12/12/17

Motion to approve the budget adjustments of 11/7/17 - 12/12/17 over the amount of \$50,000 was adopted.

(A copy of the Report is filed in Exhibit Drawer Z, Exhibit No. 33 which is hereby referred to and made a part of these minutes)

27. [ID 17-0790](#)

Budget Adjustments Approved by Budget Officer 11/7/17-12/11/17

Motion to accept the report of budget adjustments of 11/7/17 - 12/11/17, 2017 was adopted.

(A copy of the Report is filed in Exhibit Drawer Z, Exhibit No. 33 which is hereby referred to and made a part of these minutes)

28. [ID 17-0787](#)

Motion to Adopt the Amended 2018 City Council Meeting Schedule

Motion to adopt the amended 2018 City Council meeting scheduled was adopted.

29. [ID 17-0792](#)

Motion to Make a Part of the Official Record the Listing of Contracts that are Currently Eligible for Destruction as per the City Clerk's Office

Motion to make a part of the Official Record the Listing of Contracts that are currently eligible for destruction as per the City Clerk's Office was adopted.

30. [ID 17-0761](#)

Motion to Make a Part of the Minutes the Abstract of Votes for the Greensboro Municipal Election Held on November 7, 2017

Motion to make a part of the minutes the Abstract of Votes for the Greensboro Municipal Election Held on November 7, 2017 was adopted.

31. [ID 17-0772](#)

Motion to Approve the Minutes of the Regular Meeting of November 14, 2017

Motion to approve the minutes of the Regular meeting of November 14, 2017 was adopted.

32. [ID 17-0793](#)

Motion to Approve the Minutes of the Organizational Meeting of December 5, 2017

Motion to approve the minutes of the Organizational meeting of December 5, 2017 was adopted.

Mayor Vaughan spoke to the multiple speakers signed up to speak to various items; and explained the procedure that would be followed for speaking to the agenda items.

IV. PUBLIC HEARING AGENDA

33. [ID 17-0751](#)

Ordinance Annexing Territory into the Corporate Limits for Property Located at 2900, 2910, 2924 and 3136 McConnell Road - 110 Acres (North Carolina A & T University)

Mayor Vaughan stated this was the time and place set for a public hearing to consider an ordinance annexing territory into the corporate limits for property located at 2900, 2910, 2914, and 3136 McConnell Road - 110 acres (North Carolina A & T University) and an ordinance establishing original zoning for portions of property located at 2900, 2910, 2914, and 3136 McConnel Road.

Planning Manager Mike Kirkman made a PowerPoint Presentation; 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.

Mayor Vaughan asked for confirmation that the request had been initiated by North Carolina Agricultural and Technical State University (A & T) in which Mr. Kirkman responded in the affirmative.

Councilmember Hightower recognized William Barlow with A & T to speak to the request.

Mr. Barlow, Director of Planning and Designing at A & T spoke to the expansion of the agricultural department; the need for city water; and expanded services to Guilford County.

It was the consensus of Council to close the public hearing.

Mayor Pro-Tem Johnson congratulated the A & T football team.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer Z, Exhibit No. 33 which is hereby referred to and made a part of these minutes)

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-143 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 2900, 2910, 2924 AND 3136 MCCONNELL ROAD – 110 ACRES)

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 city limit line (as of August 31, 2017), said point being the southeast corner of Odell Beasley, as recorded in Deed Book 4981, Page 557; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following 16 courses and distances: (1) S 87° 56' 04" E 324.13 feet to a point, (2) S 32° 08' 03" E 31.02 feet to a point, (3) S 50° 48' 07" E 366.88 feet to a point, (4) S 00° 00' E 48.21 feet to a point, thence (5) N 89° 54' 23" E a distance of 83.41 feet to a point, (6) N 42° 07' 40" E 354.07 feet to a point, (7) N 33° 10' 10" E 19.85 feet to a point, (8) N 87° 22' 33" E 108.20 feet to a point, (9) N 86° 31' 22" E 299.27 feet to a point, (10) S 78° 52' 09" E 287.63 feet to a point, (11) N 02° 39' 08" E 159.71 feet to a point, (12) N 00° 32' 04" W 22.90 feet to a point, (13) N 05° 01' 16" E 100.89 feet to a point, (14) S 88° 12' 15" E 258.75 feet to a point, (15) S 88° 35' 47" E 198.37 feet to a point, and (16) S 17° 40' 16" E 572.02 feet to a point, said point being the northernmost point of that annexation adopted in Ordinance #11-31; thence continuing with the city limits in a southeasterly direction approximately 1,800 feet to the northwest corner of the 4.69-acre tract dedicated to Guilford County, City of Greensboro, and the public as drainageway, open space, and utility easement within the Guilford Commons Subdivision, as recorded in Plat Book 165, Page 52; thence proceeding with the northwest line of said tract N 63° 57' 06" E approximately 100 feet to the southwest corner of Wilhelmina T. Hargett, as recorded in Deed Book 5212, Page 1022; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Hargett's west line N 02° 14' E 380.2 feet to an iron; thence continuing with said line N 01° 14' E approximately 1,390 feet to a point in the southern right-of-way line of McConnell Road; thence in a westerly direction with said right-of-way line approximately 970 feet to its intersection with the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southerly direction 1 foot to a corner in the existing city limits; thence in a westerly direction approximately 1,800 feet along a line that is 1 foot south of and normal to the southern margin of said road to the intersection of said line and the southerly extension of the western margin of Cole Street; thence in a southerly direction along said southerly extension approximately 199 feet to a point, said point being 200 feet south of and normal to the southern margin of McConnell Road; thence in a westerly direction approximately 660 feet along a line 200 feet south of and normal to the southern margin of McConnell Road to a point on the east line of Solid Rock Baptist Church, Inc., as recorded in Deed Book 3127, Page 906; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said east line S 02° 30' W approximately 200 feet to the Church's southeast corner; thence S 78° W 349 feet with the south lines of the Church and of Norman B. Anderson, as recorded in Deed Book 3771, Page 249, to Anderson's southwest corner; thence with the east line of Odell Beasley S 04° 08' 00" W approximately 900 feet to the point and place of beginning; containing 110 acres, more or less. All plats and deeds referred to hereinabove are recorded in the Guilford County Register of Deeds Office.

Section 2. 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 December 19, 2017, the liability for municipal taxes for the 2017-2018 fiscal year shall be prorated on the basis of 6/12 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, 2018. Municipal ad valorem taxes for the 2018-2019 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.

(Signed) Sharon Hightower

34. [ID 17-0758](#)

Ordinance Establishing Original Zoning for Portions of Property Located at 2900, 2910, 2924 and 3136 McConnell Road

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to adopt the ordinance and stated that the Greensboro City Council believed that its action to approve the zoning amendment, for portions of the property located at 2900, 2910, 2924, and 3136 McConnell Road from County AG (Agricultural) and County PI (Public and Institutional) to City PI (Public and Institutional) to be consistent with the adopted Connections 2025 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Growth at the Fringe goal to provide a development framework for the fringe; the request is consistent with the Economic Development goal to promote a healthy, diversified economy; and the request does implement measures to protect neighborhoods from potential negative impacts. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzwaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-144 AMENDING OFFICIAL ZONING MAP

PORTIONS OF 2900, 2910, 2924 AND 3136 MCCONNELL ROAD, GENERLALY DESCRIBED AS SOUTH OF MCCONNELL ROAD AND WEST OF OLD MCCONNELL LOOP

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County AG (Agricultural) and County PI (Public and Institutional) to City PI (Public and Institutional).

The area is described as follows:

"BEGINNING at a point in the existing Greensboro city limit line (as of August 31, 2017), said point being the southeast corner of Odell Beasley, as recorded in Deed Book 4981, Page 557; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following 16 courses and distances: (1) S 87° 56' 04" E 324.13 feet to a point, (2) S 32° 08' 03" E 31.02 feet to a point, (3) S 50° 48' 07" E 366.88 feet to a point, (4) S 00° 00' E 48.21 feet to a point, thence (5) N 89° 54' 23" E a distance of 83.41 feet to a point, (6) N 42° 07' 40" E 354.07 feet to a point, (7) N 33° 10' 10" E 19.85 feet to a point, (8) N 87° 22' 33" E 108.20 feet to a point, (9) N 86° 31' 22" E 299.27 feet to a point, (10) S 78° 52' 09" E 287.63 feet to a point, (11) N 02° 39' 08" E 159.71 feet to a point, (12) N 00° 32' 04" W 22.90 feet to

a point, (13) N 05° 01' 16" E 100.89 feet to a point, (14) S 88° 12' 15" E 258.75 feet to a point, (15) S 88° 35' 47" E 198.37 feet to a point, and (16) S 17° 40' 16" E 572.02 feet to a point, said point being the northernmost point of that annexation adopted in Ordinance #11-31; thence continuing with the city limits in a southeasterly direction approximately 1,800 feet to the northwest corner of the 4.69-acre tract dedicated to Guilford County, City of Greensboro, and the public as drainageway, open space, and utility easement within the Guilford Commons Subdivision, as recorded in Plat Book 165, Page 52; thence proceeding with the northwest line of said tract N 63° 57' 06" E approximately 100 feet to the southwest corner of Wilhelmina T. Hargett, as recorded in Deed Book 5212, Page 1022; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with Hargett's west line N 02° 14' E 380.2 feet to an iron; thence continuing with said line N 01° 14' E approximately 1,390 feet to a point in the southern right-of-way line of McConnell Road; thence in a westerly direction with said right-of-way line approximately 970 feet to its intersection with the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a southerly direction 1 foot to a corner in the existing city limits; thence in a westerly direction approximately 1,800 feet along a line that is 1 foot south of and normal to the southern margin of said road to the intersection of said line and the southerly extension of the western margin of Cole Street; thence in a southerly direction along said southerly extension approximately 199 feet to a point, said point being 200 feet south of and normal to the southern margin of McConnell Road; thence in a westerly direction approximately 660 feet along a line 200 feet south of and normal to the southern margin of McConnell Road to a point on the east line of Solid Rock Baptist Church, Inc., as recorded in Deed Book 3127, Page 906; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said east line S 02° 30' W approximately 200 feet to the Church's southeast corner; thence S 78° W 349 feet with the south lines of the Church and of Norman B. Anderson, as recorded in Deed Book 3771, Page 249, to Anderson's southwest corner; thence with the east line of Odell Beasley S 04° 08' 00" W approximately 900 feet to the point and place of beginning; containing 110 acres, more or less. All plats and deeds referred to hereinabove are recorded in the Guilford County Register of Deeds Office."

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the PI (Public and Institutional) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 3. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 4. This ordinance shall be effective on December 19, 2017.

(Signed) Yvonne Johnson

35. [ID 17-0752](#)

Ordinance Annexing Territory into the Corporate Limits for Property Located at 2921 West Vandalia Road - .95 Acres (Joseph Allen and Cherry Ford-Allen)

Mayor Vaughan stated this was the time and place set for a public hearing to consider an ordinance annexing territory into the corporate limits for property located at 2921 West Vandalia Road - .95 acres (Joseph Allen and Cherry Ford-Allen) and an ordinance establishing original zoning for a portion of property located at 2921 West Vandalia Road.

Joseph Allen, 2921 West Vandalia Road stated he was available to answer questions if needed.

It was the consensus of Council to close the public hearing.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-145 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 2921 WEST VANDALIA ROAD – .95 ACRES)

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 city limits (as of August 31, 2017), said point being 175 feet southward from the 1957 centerline of the street now named West Vandalia Road, said point also being in the west line of Lot 1 of Property of Joseph P. Allen, Heirs & Verda M. Allen, as recorded in Plat Book 67, Page 39 in the Office of the Guilford County Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS (located 175 feet south of and parallel to the 1957 centerline of said street) in an easterly direction approximately 70 feet to a point in the east line of said Lot 1; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the east line of said Lot 1 S 06° 44' 16" W approximately 275 feet to the southeast corner of said Lot 1; thence with the south line of said Lot 1 N 83° 12' 15" W 200.46 feet to the southwest corner of said Lot 1; thence with the west line of said Lot 1 N 08° 44' 20" E 158.78 feet to the southwest corner of Lot 2 on said plat; thence with the south line of said Lot 2 S 87° 32' 24" E 124.47 feet to the southeast corner of said Lot 2; thence with the east line of said Lot 2 N 06° 44' 16" E approximately 95 feet to the point and place of beginning, and containing approximately 0.95 acres.

Section 2. 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 December 19, 2017, the liability for municipal taxes for the 2017-2018 fiscal year shall be prorated on the basis of 6/12 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, 2018. Municipal ad valorem taxes for the 2018-2019 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.

(Signed) Marikay Abuzuaiter

36. [ID 17-0757](#)

Ordinance Establishing Original Zoning for a Portion of Property Located at 2921 West Vandalia Road

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hightower, to adopt the ordinance and stated that the Greensboro City Council believed that its action to approve the zoning amendment for the portion of property located at 2921 West Vandalia Road from County RS-40 (Residential Single-family) to City R-3 (Residential Single-family) to be consistent with the adopted Connections 2025 Comprehensive Plan and considered the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Growth at the Fringe goal to provide a development framework for the fringe; the request is consistent with the Housing and Neighborhoods goal to meet the needs of present and future Greensboro citizens; and the request does implement

measures to protect neighborhoods from potential negative impacts. The motion carried on the following roll call vote:

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-146 AMENDING OFFICIAL ZONING MAP

PORTION OF 2921 WEST VANDALIA ROAD, GENERALLY DESCRIBED AS SOUTH OF WEST VANDALIA ROAD AND WEST OF TONKINS STREET

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County RS-40 (Residential Single Family) to City R-3 (Residential Single Family).

The area is described as follows:

"Beginning at a point in the existing Greensboro city limits (as of August 31, 2017), said point being 175 feet southward from the 1957 centerline of the street now named West Vandalia Road, said point also being in the west line of Lot 1 of Property of Joseph P. Allen, Heirs & Verda M. Allen, as recorded in Plat Book 67, Page 39 in the Office of the Guilford County Register of Deeds; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS (located 175 feet south of and parallel to the 1957 centerline of said street) in an easterly direction approximately 70 feet to a point in the east line of said Lot 1; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with the east line of said Lot 1 S 06° 44' 16" W approximately 275 feet to the southeast corner of said Lot 1; thence with the south line of said Lot 1 N 83° 12' 15" W 200.46 feet to the southwest corner of said Lot 1; thence with the west line of said Lot 1 N 08° 44' 20" E 158.78 feet to the southwest corner of Lot 2 on said plat; thence with the south line of said Lot 2 S 87° 32' 24" E 124.47 feet to the southeast corner of said Lot 2; thence with the east line of said Lot 2 N 06° 44' 16" E approximately 95 feet to the point and place of beginning, and containing approximately 0.95 acres."

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the R-3 (Residential Single Family) zoning district unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

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

Section 5. This ordinance shall be effective on December 19, 2017.

(Signed) Marikay Abuzuaite

37. [ID 17-0753](#)

Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO)
With Respect To Zoning, Planning and Development - Open Air / Cover Porch
Front Setback Encroachments

Councilmember Kennedy left the meeting at 6:38 p.m. and returned at 6:41 p.m.

Mayor Vaughan stated this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Land Development Ordinance (LDO) with respect to Zoning, Planning and Development - Open Air/ Cover Porch Front Setback Encroachments.

Judy Stalder, 115 South Westgate Drive representing The Triad Real Estate and Building Industry Coalition (Trebic) thanked City staff for the partnership on the item; and voiced support for the item.

It was the consensus of Council to close the public hearing.

Councilmember Hightower inquired about the history of the item; and requested clarification on the language regarding porches.

Planning Manager Steve Galanti outlined the history and research of the item; spoke to what the amendment would allow; and to encroachments.

Councilmember Outling voiced appreciation for information provided by staff; spoke to property investments; highlighted the presentation included in the item; and spoke to consistency for neighborhoods.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-147 AMENDING CHAPTER 30 (LDO) AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Subsection (7) of Section 30-7-1.4(C), Encroachments into Required Setbacks, is hereby amended to read as follows:

(7) Porches, stoops, and decks may encroach into the required front and rear setbacks as follows:

Type of Porch or Deck Encroachment	Setback	Maximum Encroachment	Maximum Area
Covered or stoop, Uncovered	front	5 feet	35sq. ft.
Porch, Open Air/Covererd (1) but not within the required side setbacks	front	10 feet	May extend up to 100% of the facade
Deck, Uncovered -4 ft. Or less above grade	rear	50% of setback	-

General Notes:

(1) Open air / covered porch must be located a minimum of 15 feet from the front property line.

Commentary: The dimensional requirements for front street setback can be found in Section 30-7-1.4(A) and further explained in the Planning Director's June 9, 2014 memo.

Section 2. That Section 30-15-7, Terms Beginning with "F" is hereby rewritten to add a definition for "Facade" within alphabetical order to read as follows:

Facade

The front or principal face of a building; any side of a building that faces a street or other open space.

Section 3. That Section 30-15-16, Terms Beginning with "P" is hereby rewritten to add a definition for "Porch, Open Air/Covered" within alphabetical order to read as follows:

Porch, Open Air/Covered

An addition to a dwelling forming an approach to a doorway, which contains a roof (covered), columns or can be cantilevered, and is open (without glass, screens, lattice, Shades or any other material that would hinder visibility or the flow of air) on three sides. If porch exceeds 8 inches in height, steps are required.

Section 4. That Section 30-15-18, Terms Beginning with "S" is hereby rewritten to add a definition for "Stoop, Uncovered" within alphabetical order to read as follows:

Stoop, Uncovered

An addition to a dwelling forming an approach to a doorway, which is uncovered. If Stoop exceeds 8 inches in height, steps are required.

Section 5. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 6. This ordinance shall become effective upon date of adoption.

(Signed) Marikay Abuzuaiter

38. [ID 17-0776](#)

Resolution Ordering the Making of Certain Local Improvements - A Water Line Improvement on Primrose Avenue from an Existing 6-Inch Water Line at 4017 Primrose Avenue, to Approximately 360 Lineal Feet South to 4005 Primrose Avenue.

Mayor Vaughan stated this was the time and place set for a public hearing to consider a resolution ordering the making of certain local improvements - a water line improvement on Primrose Avenue from an existing 6-inch water line at 4017 Primrose Avenue, to approximately 360 lineal feet south to 4005 Primrose Avenue and a resolution ordering the making of certain local improvements - an 8-inch sewer line improvement from an existing manhole at the intersection of Primrose Avenue and Princess Road, to approximately 470 lineal feet south to 4003 Primrose Avenue.

Being no one to speak to the item, it was the consensus of Council to close the public hearing.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

P-198 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

WATER LINE IMPROVEMENT ON PRIMROSE AVENUE FROM AN EXISTING 6-INCH WATER LINE AT 4017 PRIMROSE AVENUE, TO APPROXIMATELY 360 LINEAL FEET SOUTH TO 4005 PRIMROSE AVENUE.

WHEREAS, due notice has been given that on the 19th day of December, 2017 at 5:30 p.m. in the Council Chamber in the Municipal Office Building, a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing;

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements.

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

A. That the Street or streets hereinabove set out is/are:

WATER LINE IMPROVEMENT ON PRIMROSE AVENUE FROM AN EXISTING 6-INCH WATER LINE AT 4017 PRIMROSE AVENUE, TO APPROXIMATELY 360 LINEAL FEET SOUTH TO 4005 PRIMROSE AVENUE.

B. That the local improvements to be made set out above are as follows:

(a) Water Main Improvements. That a water main be laid on the street or streets hereinabove named within the limits defined, and that necessary laterals be laid for the proper connection of abutting property.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Proposed Local Improvements which was served on the owners of the property to be assessed.

D. Assessments shall be held in abeyance until such time as the abutting property connects to the utility.

E. Terms of Payment. The assessments will be payable in ten equal annual installments, which installments will bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll; provided, that any such assessment may be paid in full in cash without the addition of interest within ninety days from the date of publication of the notice of the confirmation of the assessment roll. Terms of payment for assessments held in abeyance shall not apply until time of connection. Assessments held in abeyance shall not accrue interest until time of connection.

F. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Yvonne Johnson

39. [ID 17-0777](#)

Resolution Ordering the Making of Certain Local Improvements - An 8-Inch Sewer Line Improvement from an Existing Manhole at the Intersection of Primrose Avenue and Princess Road, to Approximately 470 Lineal Feet South to 4003 Primrose Avenue.

Councilmember Abuzuaiter inquired as to why the local improvement items were not consent agenda items.

City Manager Westmoreland spoke to the requirement of a public hearing.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

P-199 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

AN 8-INCH SEWER LINE IMPROVEMENT FROM AN EXISTING MANHOLE AT THE INTERSECTION OF PRIMROSE AVENUE AND PRINCESS ROAD, TO APPROXIMATELY 470 LINEAL FEET SOUTH TO 4003 PRIMROSE AVENUE

WHEREAS, due notice has been given that on the 19th day of December, 2017 at 5:30 p.m. in the Council Chamber in the Municipal Office Building, a public hearing would be held on the improvements hereinafter described

and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing;

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements.

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

A. That the Street or streets hereinabove set out is/are:

AN 8-INCH SEWER LINE IMPROVEMENT FROM AN EXISTING MANHOLE AT THE INTERSECTION OF PRIMROSE AVENUE AND PRINCESS ROAD, TO APPROXIMATELY 470 LINEAL FEET SOUTH TO 4003 PRIMROSE AVENUE.

B. That the local improvements to be made set out above are as follows:

(a) Sanitary Sewer Improvements. A sanitary sewer main to be laid on the street or streets hereinabove named within the limits defined, and necessary laterals to be laid for the proper connection of abutting property with the sewer main.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Proposed Local Improvements which was served on the owners of the property to be assessed.

D. Assessments shall be held in abeyance until such time as the abutting property connects to the utility.

E. Terms of Payment. The assessments will be payable in ten equal annual installments, which installments will bear interest at the rate of six percent per annum from the date of confirmation of the assessment roll; provided, that any such assessment may be paid in full in cash without the addition of interest within ninety days from the date of publication of the notice of the confirmation of the assessment roll. Terms of payment for assessments held in abeyance shall not apply until time of connection. Assessments held in abeyance shall not accrue interest until time of connection.

F. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Marikay Abuzuaiter

40. [ID 17-0649](#)

Resolution Closing a Portion of East February One Place from its Intersection with South Davie Street Westward a Distance of Approximately 133 Feet (City of Greensboro and Elm Street Center, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider a resolution closing a portion of East February One Place from its intersection with South Davie Street westward a distance of approximately 133 feet (City of Greensboro and Elm Street Center, LLC).

Councilmember Hightower spoke to the item being postponed from the last City Council meeting; referenced the revised language; confirmed the street name would remain February One Place; asked for clarification that the closing was temporary; about the street not being a public street; voiced concerns with the right-of-way (ROW) and the street closing in the future; and spoke to the significance of the street name.

City Manager Westmoreland explained the closing would allow the City to acquire the ROW; spoke to the proposed

parking deck and hotel; outlined the access during and after construction; spoke to the requirement for Council approval to close the street in the future; and to the ownership of said property.

Mayor Pro-Tem Johnson asked for clarification that Council would be required to vote in the event of a proposal to close the street in which City Manager Westmoreland responded in the affirmative..

Councilmember Outling spoke to a conflict of interest with the proposed parking decks; and requested City Attorney Carruther's advice on being recused from agenda items in relation to the decks.

City Attorney Carruthers voiced agreement that there would be a conflict of interest; and advised that Councilmember Outling should seek recusal from items #40, #50, #51, #52, and #53.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Abuzuaiter to excuse Councilmember Outling from items #40, #50, #51, #52, and #53. The motion carried by voice vote.

Councilmember Outling left the meeting at 6:53 p.m.

David Dalton. 203 Green Valley Road voiced concerns with access to the business; public safety; and opposition to the item.

Discussion ensued regarding the number of street parking spaces that would be affected; vehicle and pedestrian safety; the impact and access to a local business; functioning of the public street; the walkability of the street; the design of the road; the length of the loan; traffic direction; and the various points of access.

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

Ayes, 5 - Nancy Vaughan, Marikay Abuzuaiter, Nancy Hoffmann, Tammi Thurm and Goldie F. Wells

Nays, 3 - Yvonne J. Johnson, Sharon M. Hightower and Michelle Kennedy

Excused, 1 - Justin Outling

345-17 RESOLUTION CLOSING A PORTION OF EAST FEBRUARY ONE PLACE FROM ITS INTERSECTION WITH SOUTH DAVIE STREET WESTWARD A DISTANCE OF APPROXIMATELY 133 FEET

WHEREAS, the owners of a portion of the property abutting both sides of this portion of East February One Place have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, the owners of the abutting property are the City of Greensboro and Elm Street Center LLC and these owners are working cooperatively on a downtown development project which will include a new parking structure spanning above the portion of the street to be closed;

WHEREAS, the closing of the street will facilitate the permitting and construction process and compliance with the North Carolina State Building Code for the new parking structure;

WHEREAS, the owners of the abutting property intend for this portion of the street to continue to be available for vehicular and pedestrian access upon completion of the downtown development project;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, October 17, 2017, at 5:30 p.m., which was continued on the record to Tuesday, November 14, 2017, at 5:30 p.m., and continued on the record to Tuesday, December 19, 2017, at 5:30 p.m., on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

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

1. That in accordance with NCGS § 160A-299 and City Charter § 6.61, the City Council hereby finds as a fact that the owners of a portion of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.
2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to its property.
3. The City shall retain 20-foot utility easements over existing utility lines until such time as the lines are no longer needed for public use.
4. The entire portion of the street to be closed will be combined with property under the City's ownership.
5. The applicant shall provide a minimum of 15 feet clearance height underneath the proposed parking deck within the portion of the street to be closed.
6. The street closure is to become effective upon the recording of a plat in the Guilford County Register of Deeds that depicts the portion of street to be closed being combined with the abutting property in the City's ownership. The plat shall be signed by each property owner who has an ownership interest in the portion of street to be closed
7. That the following portion of street is hereby closed upon compliance with all terms and conditions as stated above:

A Portion of East February One Place from its intersection with South Davie Street westward a distance of approximately 133 feet.
8. That the closed portion of the street shall continue to be available for vehicular and pedestrian access upon completion of the downtown development project and will remain owned by the City and available for public use, subject to the parking deck encroachment above it, at that time.

(Signed) Nancy Hoffmann

41. [ID 17-0766](#)

Resolution Making Certain Findings And Determinations Regarding The
Proposed Financing And Refinancing Of A New Performing Arts Center And
Related Facilities For The City And Requesting The Local Government
Commission To Approve The Financing Arrangement

Mayor Vaughan stated this was the time and place set for a public hearing to consider a resolution making certain findings and determinations regarding the proposed refinancing and financing of a new Performing Arts Center and related facilities for the City and requesting The Local Government Commission to approve the financing arrangement. Mayor Vaughan stated the item was strictly on the financing of the proposed Steven B. Tanger Center.

Councilmember Outling returned to the meeting at 7:09 p.m.

The following speaker voiced opposition to the item:

Michael Roberto, 317 South Chapman Street.

Financing Director Rick Lusk spoke to the collateral for the finance agreement.

Mayor Vaughan spoke to the investment of private funding; financing; referenced previous discussions for the Tanger Performing Arts Center (TPAC); communicated the transparency by the City during the discussions; and stated the item was a good proposal.

Councilmember Hightower voiced concerns regarding refinancing of an item from a previous City Council agenda; and with repayment of the loans.

Mr. Lusk explained the financing of the current item; and outlined the process for refinancing for long term financing.

Mayor Vaughan reviewed the fees for daytime and nighttime parking to pay for the loan.

Discussion took place regarding proposed events; parker revenues; and VIP parking spaces.

Coliseum Director Matt Brown spoke to the additional spaces; demolition of the Chamber site; the new Civil parking site plan; opportunities for VIP parking; review processes used in Durham for parking; outlined private and public funding; referenced challenges to acquire additional funding; spoke to repurposed dollars; the phases of the projects; speciality equipment; supplemental construction contingency funds; and to bid specks.

Councilmember Abuzuaiter stated Greensboro was proud of the AAA Bond Rating; asked if the loan would have any affect on the rating; voiced appreciation for the work done by Mr. Brown on the project; spoke to a economic boom in the City; to attracting businesses to the area; and to addressing issues with poverty and crime.

Mr. Lusk stated he did not anticipate the rating to be affected.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

346-17 The City Council of the City of Greensboro, North Carolina met in a regular meeting in the Council Chambers of the Melvin Municipal Office Building located at 300 W. Washington Street in Greensboro, North Carolina, the regular place of meeting, at 5:30 p.m. on December 19, 2017.

Present: Mayor Nancy B. Vaughan, presiding, Mayor Pro-Tem Yvonne Johnson, and Council Members Marikay Abuzuaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm, and Goldie Wells.

Absent: None

Also Present: Jim Westmoreland, City Manager, Rick Lusk, Finance Director, Thomas D. Carruthers, Esq, City Attorney, and Angela R. Lord, Deputy City Clerk

* * * * *

The Mayor announced that this was the hour and day of the public hearing on a trust agreement or similar installment financing agreement (the "Agreement") to be entered into by the City of Greensboro, North Carolina (the "City") pursuant to Section 160A-20 of the General Statutes of North Carolina providing for the issuance of limited obligation bonds in an aggregate principal amount not to exceed \$48,000,000 for the purpose of providing funds, together with any other available funds, to (a) refinance an existing Installment Financing Agreement, dated as of December 18, 2014 (as supplemented and amended, the "Prior Agreement"), between the City and PNC Bank, National Association, entered into by the City for the purpose of providing funds to refinance and finance certain initial costs of acquiring, constructing and equipping a new performing arts center and related facilities for the City

(collectively, the "Project"), (b) pay the remaining costs of the Project and (c) pay certain financing costs relating thereto. If the City enters into the proposed Agreement, it will secure its obligations thereunder by executing and delivering a deed of trust granting a lien on all or a portion of the site of the Project, together with all improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

Section 160A-20(g) of the General Statutes of North Carolina requires that the City hold a public hearing prior to entering into the Agreement.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said City and directed the City Clerk to attach the affidavit showing publication in said newspaper on a date at least ten (10) days prior to the date hereof as Exhibit A.

The Mayor then announced that the City Council would immediately hear anyone who might wish to be heard on the proposed Agreement as described above.

A list of all persons making comments and a summary of such comments are attached as Exhibit B.

The public hearing was closed.

All statements and comments by participants of the public hearing were duly considered by the City Council.

Thereupon, Mayor Vaughan introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING AND REFINANCING OF A NEW PERFORMING ARTS CENTER AND RELATED FACILITIES FOR THE CITY AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the City Council (the "City Council") of the City of Greensboro, North Carolina (the "City") as follows:

Section 1. The City Council does hereby find and determine as follows:

(a) The City has determined to (i) refinance an existing Installment Financing Agreement, dated as of December 18, 2014 (as supplemented and amended, the "Prior Agreement"), between the City and PNC Bank, National Association, entered into by the City for the purpose of providing funds to refinance and finance certain initial costs of acquiring, constructing and equipping a new performing arts center and related facilities for the City (collectively, the "Project") and (ii) pay the remaining costs of the Project.

(b) After a public hearing and due consideration, the City has determined to enter into a Master Trust Agreement and a First Supplemental Trust Agreement (collectively, the "Trust Agreement") between the City and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the City will issue taxable limited obligation bonds thereunder in an aggregate principal amount not to exceed \$48,000,000 (the "Bonds") to provide funds, together with any other available funds, to (i) refinance the Prior Agreement, (ii) pay the remaining costs of the Project and (iii) pay the fees and expenses incurred in connection with the sale and issuance of the Bonds.

(c) In order to secure its obligations under the Trust Agreement, the City will execute and deliver a Deed of Trust (the "Deed of Trust") for the benefit of the Trustee granting a lien on all or a portion of the site of the Project, together with any improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

(d) It is in the best interest of the City to enter into the Trust Agreement and to issue the Bonds pursuant thereto in that such plan of finance will result in the refinancing of the Prior Agreement and the financing of the Project in an efficient and cost effective manner.

(e) Entering into the Trust Agreement and issuing the Bonds pursuant thereto is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have sufficient constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of general obligation debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing and refinancing of the Project; (ii) the nature of the financing does not allow for the issuance of revenue bonds to finance and refinance the Project; (iii) the cost of financing and refinancing the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to finance and refinance the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the Project by several months; and (v) there can be no assurances that the issuance of general obligation bonds to finance and refinance the Project would be approved by the voters and the current interest rate environment dictates the financing and refinancing of the Project be accomplished in a timely and expedient manner.

(f) Based upon information provided to the City Council, the costs of the financing described above is reasonably comparable to the costs associated with other alternative means of financing and is acceptable to the City Council.

(g) Counsel to the City will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(h) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(i) No valorem tax rate increase is currently expected to be necessary to pay principal of and interest on the Bonds.

Section 2. The City Council hereby authorizes, approves and ratifies the filing of an application with the Local Government Commission for approval of the Bonds and the Trust Agreement and requests the Local Government Commission to approve the Bonds and the Trust Agreement and the proposed financing in connection therewith.

Section 3. The following financing team members are hereby approved by the City in connection with the proposed financing:

Co-Bond Counsel:	Womble Bond Dickinson (US) LLP
McKenzie & Associates Underwriters:	PNC Capital Markets LLC
Loop Capital Markets LLC Underwriters' Counsel:	Robinson, Bradshaw & Hinson, P.A.
Trustee:	U.S. Bank National Association
Financial Advisor:	DEC Associates, Inc.

Section 4. This resolution shall take effect immediately upon its adoption.

The City Attorney then announced that he had approved the foregoing resolution as to form.

Upon motion of Council Member Hoffmann, seconded by Mayor Pro-Tem Johnson, the foregoing resolution was adopted by the following vote:

Ayes: Councilmembers Abuzuaiter, Hoffmann, Johnson, Kennedy, Outling, Thurm, Vaughan and Wells.

Noes: Councilmember Hightower

I, Angela R. Lord, Deputy City Clerk of the City of Greensboro, North Carolina, hereby certify the foregoing to be a true, current and correct copy of Resolution No. 346-17 as duly and officially adopted by the Greensboro City Council at a Regular meeting held on December 19, 2017.

Witness my hand and corporate seal of the City of Greensboro, this 21st day of December, 2017.

Angela Lord
Deputy City Clerk
[SEAL]

(Signed) Nancy Hoffmann

V. GENERAL BUSINESS AGENDA

42. [ID 17-0796](#)

Resolution Authorizing City Staff to Execute a Contract with Barnhill Contracting Company to Construct Phase 2 of the Steven B. Tanger Performing Arts Center for a sum not to exceed \$57,900,000

Mayor Vaughan introduced items #42, #43, #44, #45, and #46 together.

The following speakers voiced opposition to the items: Lee Addo, 111 North Chestnut Street, Winston Salem and Virgil Cobb, 1922 Martin Luther King.

The following speaker spoke in favor of the items: Denny Brown, Greensboro.

Councilmember Kennedy voiced concern with Minority/Women Business Enterprise (M/WBE) as a second tier; and requested staff research additional staffing for the M/WBE office.

City Manager Westmoreland stated information would be provided at the City Council retreat; commended the work by the M/WBE staff; and outlined the current staff of the office.

Councilmember Hightower spoke to previous requests for additional staffing; and reiterated the request.

Councilmember Outling referenced previous concerns discussed regarding M/WBE participation on projects; highlighted the 1.1 million dollar transaction for minority businesses on one item; spoke to rejection of the low bid on the project; and requested staff provide details to the rejection.

Assistant City Manager Barbara Harris spoke to the low bidder at the bid openings; to the setting aside the low bidder due to the lack of meeting good faith efforts; outlined the rejection and appeal process; and explained the selection of the next bidder Barnhill Contracting Company.

Discussion ensued regarding City policies regarding good faith efforts; equity and inclusion; and Barnhill demonstrating good faith efforts.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

347-17 RESOLUTION AUTHORIZING CITY STAFF TO EXECUTE A CONTRACT WITH BARNHILL CONTRACTING COMPANY TO CONSTRUCT PHASE 2 OF THE STEVEN B. TANGER PERFORMING ARTS CENTER FOR A SUM NOT TO EXCEED \$57,900,000

WHEREAS, on March 4, 2014, the City Council adopted a Resolution authorizing the Mayor and City Manager to enter into a Memorandum of Understanding ("MOU") between the Community Foundation of Greater Greensboro

("CFGG") and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Performing Arts Center (STPAC) for a total cost of \$65 million.

WHEREAS, the CFGG committed to raise \$35 million in private donations, and the City committed to funding \$30 million from Hotel and Motel Tax Revenues and User Fees from the VIP Parking Lot on the site of the STPAC.

WHEREAS, on December 8, 2015, the City increased its funding commitment to \$39.6 million and the CFGG increased its commitment to \$38.5 million.

WHEREAS, on April 25, 2017, City Council passed a resolution to construct Phase 1 of the project

WHEREAS, Phase 1 will be completed in mid-December 2017, and the City has received construction documents to construct Phase 2 of the STPAC.

WHEREAS, Phase 1 consisted of making the site "shovel-ready", which included Grading Earthwork and Storm Water Utilities, and the installation of Water, Sewer, and Electrical Utilities.

WHEREAS, Phase 2 will consist of the construction of the performing arts center and parking lot.

WHEREAS, on September 7, 2017, the Coliseum received two pre-qualification proposals from T. A. Loving Company and Barnhill Construction Company to construct Phase 2 of the STPAC.

WHEREAS, bids were received on December 5, 2017. Barnhill Construction Company was the lowest, responsible, responsive bidder with a bid in the amount of \$57,900,000.

WHEREAS, the MOU established a 20% MWBE subcontracting goal for the eligible construction and supplier contracts. This 20% goal on the eligible construction and supplier contracts was also approved by the City's Goal Setting Committee September 26, 2014.

WHEREAS, after the City held an MWBE Outreach meeting during Phase 1, the City clarified the 20% goal as 10% MBE and 10% WBE participation.

WHEREAS, on bid day, Barnhill Contracting Company committed to using 2.62% WBE and 0.50% MBE participation within the City's ten county Metropolitan Statistical Area (MSA) in this contract.

WHEREAS, the cost of the contract to construct Phase 2 is not to exceed \$57,900,000.

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

That City of Greensboro awards the contract to construct Phase 2 of the Steven B. Tanger Center for the Performing Arts to Barnhill Contracting Company for a sum not to exceed \$57,900,000. These funds will be funded from accounts established in the Performing Arts Center Capital Project Fund.

(Signed) Nancy Hoffmann

43. [ID 17-0797](#)

Resolution Amending City Council July 29, 2014 Resolution Awarding Contracts to Design the Steven B. Tanger Center for the Performing Arts

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

348-17 RESOLUTION AMENDING CITY COUNCIL JULY 29, 2014 RESOLUTION AWARDDING CONTRACTS TO DESIGN THE STEVEN B. TANGER CENTER FOR THE PERFORMING ART

WHEREAS, on March 4, 2014, the City Council adopted a Resolution Authorizing the Mayor and City Manager to Enter into a Memorandum of Understanding Between the Community Foundation of Greater Greensboro and the City of Greensboro to design, finance, develop, construct, and manage the operations and programs of the Steven B. Tanger Center for the Performing Arts;

WHEREAS, as part of this Memorandum of Understanding, the Community Foundation of Greater Greensboro, through private donors, agreed to pay up to \$5 million of design costs for the Steven B. Tanger Center for the Performing Arts and up to \$30 million for the construction costs;

WHEREAS, the City of Greensboro also agreed to pay up to \$30 million for the construction of the Steven B. Tanger Center for the Performing Arts;

WHEREAS, the City of Greensboro and the Community Foundation of Greater Greensboro have agreed on the fifteen different design professionals (i.e. architects, engineers, and consultants) that will design the Steven B. Tanger Center for the Performing Arts pursuant to a Construction Manager at Risk contract;

WHEREAS, over the course of the three (3) years required to complete the multiple Phases of Design and Development of Construction Documents the Tanger Center Project, the Scope of Services and related Fees amongst various original members of the Tanger Center A & E Design Team have been modified, changed, reduced, expanded or increased and also required the addition of new Architectural, Engineering and Construction Management Professionals to be added to the A & E Design Team to address changes in the Scope of Services and Design of the final Tanger Center Plans;

WHEREAS, these costs have increased by an additional \$820,619.88, from \$5,000,000 to \$5,820,619.88, to pay for the additional Scope of Services and, related Fees for both the original and additional new members of the Tanger Center A & E Design Team. The new "not to exceed amounts" of each of these individual contracts are listed in Attachment B to this Agenda Item;

WHEREAS, City Staff recommends that City Council approve increasing the "not to exceed" amount of the July 29, 2014 City Council Resolution by \$820,619.88 for a total of \$5,820,619.88.

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

That the City Manager is authorized to amend or enter into contracts with the design professionals attached to this Resolution as Exhibit B in the amounts designated therein. The total not to exceed amount for all fifteen design professional contracts including the additional amounts budged for reimbursable expenses, A & E reserve. The funds for all of these contracts will come from the Performing Arts Center Fund Budget, Account #527-7501-01.5410.

(Signed) Nancy Hoffmann

44. [ID 17-0767](#)

Resolution Approving And Authorizing The Sale And Issuance Of Limited Obligation Bonds And The Execution And Delivery Of A Master Trust Agreement, A First Supplemental Trust Agreement, A Deed Of Trust And Related Documents In Connection With The Financing And Refinancing Of A New Performing Arts Center And Related Facilities

City Attorney Carruthers stated that items #41 and #44 were approved as to form.

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

349-17 Thereupon, Mayor Nancy Vaughan introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

RESOLUTION APPROVING AND AUTHORIZING THE SALE AND ISSUANCE OF LIMITED OBLIGATION BONDS AND THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT, A FIRST SUPPLEMENTAL TRUST AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING AND REFINANCING OF A NEW PERFORMING ARTS CENTER AND RELATED FACILITIES

BE IT RESOLVED by the City Council (the "City Council") for the City of Greensboro, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) There exists in the City a need to (i) refinance an existing Installment Financing Agreement, dated as of December 18, 2014 (as supplemented and amended, the "Prior Agreement"), between the City and PNC Bank, National Association, entered into by the City for the purpose of providing funds to refinance and finance certain initial costs of acquiring, constructing and equipping a new performing arts center and related facilities for the City (collectively, the "Project") and (ii) pay the remaining costs of the Project.

(b) After a public hearing and due consideration, the City Council has determined that the most efficient manner of refinancing the Prior Agreement and financing the Project will be through the execution and delivery of a Master Trust Agreement, to be dated as of February 1, 2018 (the "Master Trust Agreement"), between the City and U.S. Bank National Association, as trustee (the "Trustee"), and a First Supplemental Trust Agreement, to be dated as of February 1, 2018 (the "First Supplemental Trust Agreement," and, together with the Master Trust Agreement, the "Trust Agreement"), between the City and the Trustee, pursuant to which the City will issue taxable limited obligation bonds thereunder in an aggregate principal amount not to exceed \$48,000,000 (the "Bonds") to provide funds, together with any other available funds, to (i) refinance the Prior Agreement, (ii) pay the remaining costs of the Project and (iii) pay the fees and expenses incurred in connection with the sale and issuance of the Bonds.

(c) In order to secure the payment of principal of and interest on the Bonds and the performance of the City's obligations under the Trust Agreement, the City will execute and deliver a Deed of Trust, to be dated as of February 1, 2018 (the "Deed of Trust"), to the deed of trust trustee named therein for the benefit of the Trustee, granting a lien on all or a portion of the site of the Project, together with all improvements and fixtures located or to be located thereon.

(d) The Bonds will be initially sold to PNC Capital Markets LLC and Loop Capital Markets LLC (collectively, the "Underwriters") pursuant to the terms of a Bond Purchase Agreement, to be dated the date of delivery thereof (the "Bond Purchase Agreement"), between the City and the Underwriters.

(e) In connection with the offering and sale of the Bonds by the Underwriters, there will be prepared and distributed to potential purchasers a Preliminary Official Statement, to be dated as of the date of delivery thereof (the "Preliminary Official Statement"), relating to the offering and sale of the Bonds and the Official Statement (hereinafter defined).

(f) There have been presented to the City Council drafts of the following documents relating to the transaction hereinabove described:

- (1) the Master Trust Agreement;
- (2) the First Supplemental Trust Agreement, together with the form of the Bonds attached as Exhibit B thereto;
- (3) the Deed of Trust;

- (4) the Bond Purchase Agreement; and
- (5) the Preliminary Official Statement.

Section 2. In order to provide for the financing of the Project, the City is hereby authorized to enter into the Master Trust Agreement and the First Supplemental Trust Agreement and issue the Bonds thereunder in an aggregate principal amount not to exceed \$48,000,000. The actual principal amount of the Bonds shall be determined by the City at the time of execution of the Bond Purchase Agreement, such execution and delivery of the Bond Purchase Agreement to constitute approval by the City of the principal amount of the Bonds as set forth in the Bond Purchase Agreement. The principal amount of the Bonds shall be the amount that, in the best judgment of the person executing the Bond Purchase Agreement, shall be the amount necessary to provide sufficient funds, together with any other available funds, to (a) refinance the Prior Agreement, (b) pay the remaining costs the Project and (c) the fees and expenses incurred in connection with the sale and issuance of the Bonds. The interest rates on the Bonds shall be determined by the City at the time of the execution by the City of the Bond Purchase Agreement; provided, however, that such interest rates shall not result in a true interest cost in excess of 4.67% per annum, such execution and delivery of the Bond Purchase Agreement to constitute approval by the City of the interest rates on the Bonds.

Section 3. The Bonds shall be sold to the Underwriters pursuant to the Bond Purchase Agreement. The Bonds may be sold to the Underwriters at a discount below the amount of the principal amount of the Bonds, such discount not to exceed 98% of the principal amount of the Bonds; provided, however, that if all or any of the Bonds are to be sold to the public by the Underwriters at original issue discount (resulting in lower interest costs of the interest on the Bonds), then the Bonds may be sold at a further discount in the amount necessary to cover such original issue discount. The final maturity of the Bonds shall not be later than February 1, 2043.

Section 4. The City Council hereby approves the forms of the Master Trust Agreement, the First Supplemental Trust Agreement, the Deed of Trust and the Bond Purchase Agreement in substantially the forms presented at this meeting. The Mayor, the City Manager and the Finance Director are each hereby authorized to execute and deliver on behalf of the City the Master Trust Agreement, the First Supplemental Trust Agreement, the Deed of Trust and the Bond Purchase Agreement in substantially the forms presented at this meeting, containing such modifications as the person executing such documents shall approve, such execution to be conclusive evidence of approval by the City Council of any such changes. The City Clerk or any assistant or deputy City Clerk is hereby authorized to affix the official seal of the City to each of said documents and to attest the same to the extent so required.

Section 5. The City Council hereby approves the Preliminary Official Statement in substantially the form presented at this meeting and hereby approves the distribution thereof by the Underwriters in connection with the offering and sale of the Bonds. Upon the sale of the Bonds to the Underwriters, a final Official Statement, to be dated as of the date of the Bond Purchase Agreement (the "Official Statement"), will be prepared substantially in the form of the Preliminary Official Statement and will contain such information relating to the pricing terms of the Bonds and such additional information as may be necessary. The City Council hereby approves the distribution thereof by the Underwriters in connection with the offering and sale of the Bonds.

Section 6. No deficiency judgment may be rendered against the City in any action for breach of any contractual obligation under the Trust Agreement, and the faith and credit and taxing power of the City is not and may not be pledged directly or indirectly to secure any moneys due under the Trust Agreement.

Section 7. The Mayor, the City Manager, the Finance Director and the City Attorney are hereby authorized to cooperate with the Underwriters in preparing and filing such filings under state securities or "blue sky" laws as the Underwriters may request; provided, however, that the City shall not be required to consent to the jurisdiction of any state in which it is not now subject unless the City Attorney shall determine that such consent is in the best interest of the City.

Section 8. The Mayor, the City Manager, the Finance Director, the City Attorney and the City Clerk, and any other officers, agents and employees of the City, are hereby authorized and directed to take such actions and to deliver such certificates, opinions and other items of evidence as shall be deemed necessary to consummate the

transactions described in this resolution.

Section 9. This resolution shall take effect immediately upon its adoption.

The City Attorney then announced that he had approved the foregoing resolution as to form.

Upon motion of Council Member Wells, seconded by Council Member Abuzuaiter, the foregoing resolution was adopted by the following vote:

Ayes: Councilmembers Abuzuaiter, Hoffmann, Johnson, Kennedy, Outling, Thurm, Vaughan and Wells.

Noes: Councilmember Hightower

* * * * *

I, Angela R. Lord, Deputy City Clerk of the City of Greensboro, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on December 19, 2017, as it relates in any way to the holding of a public hearing and the adoption of resolutions relating to a proposed trust agreement or similar financing agreement to finance and refinance a new performing arts center and related facilities for the City and that said proceedings are recorded in the minutes of said City.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 20th day of December, 2017.

Angela Lord
Deputy City Clerk
[SEAL]

(Signed) Goldie Wells

45. [ID 17-0779](#)

Ordinance in the Amount of \$53,716,180 Amending the Performing Arts Center Capital Project Fund Budget

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

17-148 ORDINANCE AMENDING THE PERFORMING ARTS CENTER FUND

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

Section 1

That the Performing Arts Center Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased as follows:

Account	Description	Amount
527-7501-01.6013	Building	\$48,388,998

527-7501-01.6059	Equipment	194,380
527-7501-01.5410	Design Cost	805,620
527-7501-01.5821	Capitalized Interest	3,870,000
527-7501-01.5831	Bond Issuance Cost	457,182
Total		\$53,716,180

And, that this increase is financed by the following revenue:

Account	Description	Amount
527-7501-01.9012	Bond Proceeds	\$13,598,180
527-7501-01.8620	Private Contributions	39,026,000
527-7501-01.8670	Sales Tax Refund-State	650,000
527-7501-01.8671	Sales Tax Refund-County	350,000
527-7501-01.8645	Miscellaneous Revenue	92,000
Total		\$53,716,180

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Nancy Hoffmann

46. [ID 17-0809](#)

Resolution Revising the Memorandum of Understanding Between the City of Greensboro and The Community Foundation of Greater Greensboro for the Design, Construction, and Operation of the Steven B. Tanger Center for the Performing Arts

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

Ayes, 8 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

350-17 RESOLUTION REVISING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GREENSBORO AND THE COMMUNITY FOUNDATION OF GREATER GREENSBORO FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF THE STEVEN B. TANGER CENTER FOR THE PERFORMING ARTS

WHEREAS, on March 4, 2014, the City Council adopted a Resolution Authorizing the Mayor and City Manager to Enter into a Memorandum of Understanding Between the Community Foundation of Greater Greensboro and the City of Greensboro to design, finance, develop, construct, and manage the operations and programs of the Steven B. Tanger Center for the Performing Arts;

WHEREAS, as part of this Memorandum of Understanding, the Community Foundation of Greater Greensboro, through private donors, agreed to pay up to \$5 million of design costs for the Steven B. Tanger Center for the Performing Arts and up to \$30 million for the construction costs;

WHEREAS, the City of Greensboro also agreed to pay up to \$30 million for the construction of the Steven B. Tanger Center for the Performing Arts;

WHEREAS, on December 8, 2015, the City increased its funding commitment to \$39.6 million, and the CFGG increased its commitment to \$38.5 million. The MOU was also amended to include a ticket service fee of not more than four dollars (\$4) per ticket on tickets sold for events at the Stephen Tanger Center for the Performing Arts. This

amendment also allowed the City to annually allocate a minimum of \$120,000 per year from Stephen Tanger Center for the Performing Arts annual sponsorship revenue to use as an Arts Stabilization Fund;

WHEREAS, over the course of the three (3) years required to complete the phases of Design and Development of Construction Documents for the Stephen Tanger Center for the Performing Arts, additional fees, costs, and expenses have been incurred. Additionally, the costs to construct the facility have increased due to the length of time it took to complete the Construction Document. As a result, the MOU needs to be amended to address these additional fees, costs, and expenses for the design and construction of the facility;

WHEREAS, the City and the Community Foundation of Greater Greensboro desire to revise Sections B.1 and B.2 of the Amended Memorandum of Understanding) for the proposed Steven B. Tanger Center for the Performing Arts to fund the costs of the design and construction of the facility;

WHEREAS, the City's financial commitment will increase to \$42.879 million, and the Community Foundation of Greater Greensboro's financial commitment will increase to \$41.826 million.

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

That the City Manager is authorized to amend Sections B.1 and B.2 of the Amended Memorandum of Understanding between the City of Greensboro and the Community Foundation of Greater Greensboro to increase the City's financial commitment from \$39.6 million to \$42.879 million, and to increase the Community Foundation of Greater Greensboro's financial commitment to \$41.826 million.

(Signed) Justin Outling

Mayor Vaughan declared a recess at 8:03 p.m. Council reconvened at 8:32 p.m. with all members in attendance.

47. [ID 17-0798](#) Resolution Rescinding Council Resolution 17-0630 Awarding Service Contract to Transdev Services, Inc. for the Management and Operations of Transit Services Provided by the Greensboro Transit Authority and Extending Transdev Services, Inc.'s Current Contract for an up to Twelve Months

Discussion took place regarding the timeline for the project.

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

351-17 RESOLUTION RESCINDING COUNCIL RESOLUTION 17-0630 AWARDING SERVICE CONTRACT TO TRANSDEV SERVICES, INC. FOR THE MANAGEMENT AND OPERATIONS OF TRANSIT SERVICES PROVIDED BY THE GREENSBORO TRANSIT AUTHORITY AND EXTENDING TRANSDEV SERVICES, INC.'S CURRENT CONTRACT FOR AN UP TO TWELVE MONTHS

WHEREAS, on October 17, 2017, City Council adopted a Resolution 17-0630 awarding the "Service Contract for the Management and Operations of Transit Services Provided by the Greensboro Transit Authority" to Transdev Services, Inc.;

WHEREAS, on or about December 1, 2017, outside counsel for the GTA Board, Mr. Anthony Fox of Parker Poe Adams & Bernstein, LLP, received notification from a GTA Board Member that a member of the GTA Evaluation and Selection Committee is married to an employee of Transdev Services, Inc. (hereinafter, "Transdev");

WHEREAS, Title 2 of the Code of Federal Regulations prohibits any employee from participating in the selection, award, or administration of a federally supported contract, if he or she has a real or apparent conflict of interest;

WHEREAS, as a requirement of receiving federal grants, the City also enacted Human Resources Personnel Policy HR B-22, which recites this regulation and implements it in our local decision making processes;

WHEREAS, since a member of the GTA Evaluation and Selection Committee is currently married to an employee of Transdev, that member's scoring and vote of the Proposals constituted, at minimum, an apparent conflict of interest prohibited by federal law;

WHEREAS, City Staff recommends that the Council rescind its resolution awarding the Transit Services Contract to Transdev and extend Transdev's current contract for up to one year to allow the GTA Board to constitute a completely new Evaluation and Selection Committee to review the RFPs that were previously submitted by the Proposers;

WHEREAS, each Proposer will be given an opportunity to amend their proposal to substitute members of their Key Management Personnel, because the original members that were proposed may no longer be available;

WHEREAS, new interviews will be conducted with all Proposers, and new Best and Final Offers (hereinafter, "BAFO") will be accepted after these interviews so that all Proposers can update their prices;

WHEREAS, the City's outside counsel, Anthony Anderson of Thompson Coburn, LLC, a Washington, D.C. law firm with substantial experience in these matters, agrees that this option will satisfy the federal agency that funds the City's transit system, the Federal Transit Authority, that this conflict of interest issue will be resolved in accordance with federal laws and regulations;

WHEREAS, this option also has the advantage of removing the "apparent conflict of interest" presented by the GTA Evaluation and Selection Committee member without repeating the entire procurement process;

WHEREAS, currently, the City/GTA has a three year contract with two one-year options, with Transdev Services, Inc. for the management and operations of transit services provided by the Greensboro Transit Authority. The three year contract expired on June 30, 2017;

WHEREAS, on June 20, 2017, City Council extended this contract for an additional six months for a sum not to exceed \$9 million. This extension will expire on December 31, 2017;

WHEREAS, Transdev indicates that it will agree to an extension of up to one year with a price adjustment to allow for the prices of the new union contract which Transdev is currently negotiating;

WHEREAS, City Staff requests authorization to enter into another extension for up to twelve months, until December 31, 2018, for a sum not to exceed \$18 million.

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

The City Council hereby rescinds City Council Resolution, 17-0630, awarding the "Service Contract for the Management and Operation Of Transit Services Provided By The Greensboro Transit Authority" to Transdev Services, Inc. to constitute a completely new Evaluation and Selection Committee to: (1) review the RFPs that were previously submitted by the Proposers; (2) allow Proposers to substitute members of their Key Management Personnel; and (3) to submit new Best and Final Offers to be reviewed. City Council also authorizes the City Manager to extend Transdev Services, Inc.'s contract for an additional twelve months, through December 31, 2018, for a sum not to exceed \$18 million.

(Signed) Goldie Wells

48. [ID 17-0728](#)

Resolution Authorizing the City Manager to Enter into a Project Involvement and

Cost Sharing Agreement with CHI Greensboro, LLC for the Construction of the Eugene Parking Deck and, Authorizing a not to Exceed Amount of \$30,000,000 for the Project

Mayor Vaughan introduced items #48 and #49 together; spoke to the number of speakers to the items; verified that each speaker would have a two minute time limit; and recognized staff for a presentation.

City Manager Westmoreland made a PowerPoint Presentation (PPP); spoke to the history of the items; to parking deficits; to the 2008 parking study; supply and demand; the two phases of the proposed project; the projects that were in the design and development phase; spoke to a proposed hotel and office space; and referenced a support letter from the Greensboro Grasshoppers that had been provided to Council for review. City Manager Westmoreland spoke to the relocation of county employee parkers to the proposed deck; to limited capacity; investments in Downtown; redevelopment of the area; outlined funding and bond issuances; proposed parking fees; bond maturity date; spoke to property and sales tax; potential generated revenues; voiced the need to move forward with the projects; and spoke to the proposed construction start date.

Councilmember Thurm asked for clarification that the parking fund could only be used to support parking to which City Manager Westmoreland responded in the affirmative.

Discussion ensued regarding the ownership of the Downtown decks; community concerns; maintenance on the decks; the City financial report; confirmation that General Fund dollars were not involved in the projects; and committed spaces for businesses.

Councilmember Kennedy asked if there would be risks to the General Fund budget.

Mr. Lusk reiterated there were no foreseeable risks on the General Fund; and stated the model was based on property and sales tax rates.

The following speakers voiced opposition to the items: Signe Waller Foxworth, 2506 Pinecroft Road, O. W. Sweeney, 1925 Taylor Street, John Moyle, 3901 Battleground, Larry Morse, 224 Kensington Road, Dillon Tyler, 1014 Grays Land Road, Hester Petty, 3402 Canterbury Street, Megan Weathersbee, 304 North Greene Street, Sandra Isley, 1009 Bellevue Street, Robert Foxworth, 2506 Pinecroft, Hugh Latham, Jr., 819 Ross Avenue, Michael Roberto, 317 South Chapman Street, Steven Buccini, 4010 Westmount Drive, and Casey Thomas, 1041 South Aycock Street.

The following speakers spoke in favor of the items: Charles Blackmon, Lincoln Financial Building, North Elm Street, Ron Tuck, 1500 West Vandalia Road, Robin Team, 16 South Main Street, Lexington, Andy Zimmerman, Lewis Street, Nick Piornack, 536 South Elm Street, Roy Carroll, 201 North Elm Street, Zack Matheny, 536 South Elm Street (letter of support in Exhibit folder)

Brent Christianson, Greensboro Chamber of Commerce (read for the record a letter of support in Exhibit folder)

Discussion continued regarding poverty and homicides; food deserts; providing infrastructure; potential for good paying jobs to benefit the City; the Urban Economic Development plan for east Greensboro; a united City; investments in Downtown; the value of the Revolution Mill project; and projected wages.

Councilmember Kennedy left the meeting at 9:58 p.m. and returned at 10:01 p.m.

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

Mayor Vaughan thanked the public for their comments; and stated the Council was committed to moving the City forward.

Councilmember Kennedy referenced conversations with Councilmember Hightower; spoke to a difficult decision; to taking a stand for transparency; inclusion and equity; and voiced she would not be supporting the item.

(A copy of the PowerPoint Presentation and the letter read into the record by Brent Christianson are filed in Exhibit Drawer Z, Exhibit No. 33 which is hereby referred to and made a part of these minutes)

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

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

Nays, 1 - Michelle Kennedy

352-17 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROJECT INVOLVEMENT AND COST SHARING AGREEMENT WITH CHI GREENSBORO LLC FOR THE CONSTRUCTION OF THE EUGENE PARKING DECK AND AUTHORIZING A NOT TO EXCEED AMOUNT OF \$30,000,000 FOR THE PROJECT

WHEREAS, pursuant to Resolution #264-17, on September 19, 2017 the City Council found that the Eugene Downtown Development Project it is likely to have a significant effect on the revitalization of the City's central business district;

WHEREAS, pursuant to Section 4.55 of the City of Greensboro Charter, the City Council finds that this project will promote and enhance economic development;

WHEREAS, pursuant to Section 16-156 of the Greensboro City Code of Ordinances, the City of Greensboro operates a Public Enterprise which provides public off-street parking in the City and downtown, the public portion of the Eugene Parking Deck is a significant addition to the City's Parking Enterprise;

WHEREAS, the Eugene Downtown Development Project is defined into two phases; Phase One will consist of the complete design and construction of the Eugene Parking Deck, a public/private parking structure of approximately 1,050 public spaces and private basement parking and ground floor retail space, and the Stadium Office Project, an approximate 75,000 ± square foot office building to be constructed by Downtown Slugger LLC on a portion of the property now owned by Greensboro Baseball, LLC; Phase Two of the Project is intended to consist of the private construction of an additional 15-20 stories of hotel, office, and/or residential space on top of the Eugene Parking Deck and to be constructed by CHI Greensboro LLC and/or an affiliated entity known as Park Lot LLC.;

WHEREAS, the Eugene Parking Deck project will be designed to support the anticipated 15-20 stories of additional development on top of the parking deck (Phase Two) and its planned parking demand of 450 parking spaces, to provide additional parking capacity in the parking deck to accommodate hourly parkers and additional high density development in the northwest quadrant of downtown; and when complete, Phase Two of the project is envisioned to be a signature building in the City;

WHEREAS, pursuant to Resolution #264-17 and the Downtown Development Project and Parking Agreement, the City has committed to providing parking to Downtown Slugger LLC and its tenants in the new parking structure and Downtown Slugger LLC has committed to invest at least \$17 Million in the construction of the new 75,000 ± square foot office building;

WHEREAS, pursuant to Resolution #098-17 and the Downtown Development Agreement dated August 7, 2017, the City has committed to paying up to \$2 Million to CHI Greensboro LLC for the design of the new parking structure;

WHEREAS, City and Park Lot LLC agree that the value of the parcel on which the Eugene Parking Deck will be located, except for certain rights to be reserved by Park Lot LLC for private basement-level parking, ground floor retail space, Phase Two space above the deck, and a 24 foot alley, shall be \$2.5 Million (and is comparable to the cost of other property recently acquired by the City for the Tanger Performing Arts Center project and February One Parking Deck project and is reasonable for a project of this magnitude). The parcel shall be provided to the City at no cost and shall be included as a cost borne by CHI Greensboro LLC in the total costs of the Eugene Downtown Development Project;

WHEREAS, the City shall pay for the design of the public components of the Eugene Parking Deck and, plans to publicly bid, build, and finance the parking deck as a City project;

WHEREAS, CHI Greensboro LLC, or an affiliated entity, shall pay for the construction of the private components of the Eugene Parking Deck (also referred to as Phase One of the Project) and shall provide documentation to the City that it has adequate financing or has funds available for the investment in the construction the Eugene Street Parking Deck;

WHEREAS, the Eugene Street Parking Deck project will be subject to the requirements of the City's MWBE Program Plan;

WHEREAS, the current anticipated cost of the project is \$30 Million which will be funded by limited obligation bonds issued in 2018;

WHEREAS, annual operating expenses and debt service costs totaling approximately \$2.3 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:

- (1) That the foregoing whereas clauses are adopted as findings and incorporated herein.
- (2) That the City of Greensboro shall pay for the design and construction of the public components of the Eugene Parking Deck and, plans to publicly bid, build, and finance the parking deck as a City project.
- (3) That CHI Greensboro LLC, or an affiliated entity, shall pay for the construction of the private components of the Eugene Parking Deck.
- (4) That the City Manager is authorized to negotiate and execute an appropriate project involvement and cost sharing agreement with CHI Greensboro LLC for the construction of the Eugene Parking Deck project. This agreement will allow CHI LLC to be involved in the project development/construction and to properly evaluate and separate the private versus public components, responsibilities, and costs of the project.
- (5) That based on current planning cost estimates, the Eugene Parking Deck project is currently estimated to cost approximately \$30,000,000 (estimated \$2,000,000 for design and \$28,000,000 for construction) to complete and, will serve as the authorized not to exceed amount for the project until such time more detailed project plans and cost estimates are available. Once available, staff will present the revised project cost estimates to City Council for review and consideration of potential adjustments to the authorized budget and not to exceed amount for the Eugene Parking Deck project.
- (6) That the City is authorized to expend up to \$30,000,000 for the project.
- (7) That the Eugene Parking Deck project will be subject to requirements of the City's MWBE Program Plan.
- (8) That the Mayor is authorized to execute any necessary deeds, easements, or other closing documents to effectuate the construction of the Eugene Parking Deck Project.
- (9) That City Council shall consider and approve the award of the final construction contract for the Eugene Parking Deck project.

(Signed) Nancy Hoffmann

49. [ID 17-0808](#)

Ordinance in the Amount of \$28,000,000 Appropriating Funds for Eugene Street Parking Deck Project

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

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

Nays, 1 - Michelle Kennedy

17-149 ORDINANCE AMENDING THE PARKING FACILITIES BOND FUND BUDGET

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

Section 1

That the Parking Facilities Bond Fund Budget (Eugene Street Parking Deck Project) of the City of Greensboro is hereby amended as follows:

Account	Description	Amount
546-4520-01.6019	Parking Garage	\$28,000,000

And, that this increase is to be financed by the following revenue:

Account	Description	Amount
546-0000-00.9012	Limited Obligation Bond Proceeds	\$28,000,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Marikay Abuzuaiter

50. [ID 17-0784](#)

Resolution Authorizing the City Attorney to Institute Proceedings to Acquire by Eminent Domain an Easement Running Over and Across Property Located at 112 E. Market Street, as more particularly described in the Guilford County Register of Deeds, Deed Book 669, Page 576, and Deed Book 1206, Pages 424 and 436, and Being Owned by N Club, LLC, Tubi Properties, LLC, and Peters Holdings, LLC in Connection with the City's Authority to Operate a Public Enterprise.

Being recused from item #50 earlier in the meeting, Councilmember Outling left the meeting at 10:19 p.m.

Mayor Pro-Tem requested staff to provide a presentation.

City Attorney Carruthers spoke to legal proceeding for eminent domain; provided the details of the item; voiced the need to start the condemnation process; made a PowerPoint Presentation (PPP); provided photos of the property and easement; spoke to ownership; and to the parking agreement. City Attorney Carruthers spoke to the acquisition of the property; outlined resolutions and accommodations provided by staff; spoke to fire suppression issues; improvements to the property; and outlined the proposed options.

Attorney Amiel Rossabi, 706 Green Valley Road attorney representing Rocky Scarfone voiced concern with inadequate records; spoke to the impact on the business; referenced comments regarding transparency; expressed concerns over unresolved issues; for public safety; spoke to the use of public funds for a private purpose; inquired about the benefactor of the project; stated Mr. Scarfone had recently learned of the project; and referenced potential legal action.

Mr. Scarfone, 706 Green Valley Road stated he was the owner of the entertainment center; spoke to the history of the business; receipt of an email regarding rent; voiced concerns with transparency; spoke to offers to purchase the property; stated a hotel would not benefit the business; and spoke to an unrealistic plan.

Mayor Pro-Tem Johnson asked Mr. Scarfone for suggestions for compromises in which Mr. Scarfone requested a postponement of the item to allow time for a meeting with Council, the City Managers Office, and the City Attorney

to discuss redesigning options.

Councilmember Hightower asked if a resolution could be met in thirty days; voiced opposition to condemning the easement; spoke to the need for good will; and made a motion to postpone the item to the January 16, 2018 meeting of Council. The motion died for lack of a second.

Discussion took place between outside counsel Attorney Rossabi, City Attorney Carruthers, City Manager Westmoreland, and Council regarding the timeline and history of negotiations for the easement running over and across property located at 112 East Market Street.

Jeff Furr, 706 Green Valley Road, business partner with Mr. Scarfone requested a postponement of the item; and spoke to a potential lawsuit.

Hester Petty voiced opposition to the item.

Greg Dillon, 19510 Halmos Road, Poolesville, MD spoke to the history of the item; the need to meet upcoming deadlines; and impending penalties should the project be delayed.

City Attorney Carruthers requested a brief recess.

Mayor Vaughan declared a recess at 11:24 p.m. Council reconvened at 11:44 p.m. with all members in attendance except for Councilmember Outling.

Mayor Vaughan stated that staff's recommendation was to move forward with the condemnation.

Mr. House spoke to the need to meet construction deadlines.

City Attorney Carruthers stated his recommendation did not coincide with City Manager Westmoreland; recommended that the project to be approved by Council; and for the condemnation to be placed on the January 9th meeting of Council.

Mayor Vaughan spoke to the new procedures for Council meetings; and voiced the need to move forward with the item.

Discussion continued regarding possible negotiations.

Councilmember Wells made a motion to move the item forward.

Mayor Vaughan stated that Councilmember Hightower's motion to postpone failed due to the lack of a second.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer Z, Exhibit No. 33 which is hereby referred to and made a part of these minutes)

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

Ayes, 6 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Tammi Thurm and Goldie F. Wells

Nays, 2 - Sharon M. Hightower and Michelle Kennedy

Excused, 1 - Justin Outling

353-17 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO ACQUIRE BY EMINENT DOMAIN AN EASEMENT RUNNING OVER AND ACROSS PROPERTY LOCATED AT 112 E. MARKET STREET, AS MORE PARTICULARLY DESCRIBED IN THE GUILFORD COUNTY REGISTER OF DEEDS, DEED BOOK 669, PAGE 576, AND DEED BOOK 1206, PAGES 424 AND 436, AND BEING OWNED BY N CLUB LLC,

TUBI PROPERTIES, LLC, AND PETERS HOLDINGS, LLC IN CONNECTION WITH THE AUTHORITY OF THE CITY TO OPERATE A PUBLIC ENTERPRISE

WHEREAS, the City of Greensboro operates a Public Enterprise to provide off-street parking facilities pursuant to its authority under G.S. §§ 160A-301-302 and 311-312;

WHEREAS, pursuant to Sec. 16-156 of the Greensboro Code of Ordinances, the City has operated off-street parking facilities for over 50 years. The City currently has nine off-street parking facilities as identified by Traffic Schedule No. 9;

WHEREAS, it is in the public interest for the City of Greensboro to operate said public enterprise;

WHEREAS, the property located at 112 E. Market St. (Parcel #0000004) was acquired by the City on June 28, 2017, and is hereby designated a part of the City of Greensboro public enterprise to provide off-street parking in downtown Greensboro to alleviate traffic congestion and promote public safety;

WHEREAS, this property is also located at the proposed sight of the February One Downtown Development Project, which will consist of an 800 space off-street parking facility owned and operated by the City of Greensboro and a private hotel and commercial space, and will likely have a significant impact on the revitalization effort in the City's Central Business District;

WHEREAS, acquisition of the easement is necessary to operate an off-street parking facility, regardless of whether it is redeveloped pursuant to the February One Downtown Development Project or operated as a surface parking lot;

WHEREAS, N Club, LLC, Tubi Properties, LLC, and Peters Holdings, LLC, have an easement running over and across a portion of said City owned property located at 112 E. Market St., the same being shown on the attached map and more particularly described in Guilford County Register of Deeds, Deed Book 669, Page 576, and Book 1206, Pages 424 and 436;

WHEREAS, said easement is located within the existing surface parking lot and proposed footprint of the off-street parking facility and removal of said easement is required by the City to operate an off-street parking facility in accordance with its public enterprise authority;

WHEREAS, negotiations with the owners is ongoing, but, at present, have been unsuccessful and said easement is necessary for said purposes; and

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute eminent domain proceedings to acquire said property and that the Director of Finance be authorized to issue a draft for just compensation in the minimum amount of \$166,500.00, such amount determined to be fair market value of the taking pursuant an independent appraisal of the subject property, in addition to any litigation costs and settlement agreements.

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

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute proceedings to acquire by eminent domain said easement, and the Director of Finance is hereby authorized draft the minimum amount of \$166,500.00 as compensation to the owner(s), in addition to any litigation costs and settlement costs, payment to be made from 543-4530-01.6011.

(Signed) Nancy Hoffmann

51. [ID 17-0780](#)

Resolution Authorizing the Land Exchange of a Portion of Property Located at
112 East Market Street, Owned by the City of Greensboro, with a Portion of

Property Located at 125 South Elm Street, Owned by The Dixie Building, LLC
for the Greensboro Department of Transportation Parking Deck Facility

Mayor Vaughan introduced items #51, #52, and #53 together; and outlined the procedure for hearing speakers to the items.

David Dalton, 2013 Green Valley Road voiced opposition to the item; concerns with ownership of the property; and spoke to conflicts of interests.

City Attorney Carruthers provided information on the ownership in question.

Councilmember Kennedy left the meeting at 12:05 a.m. and returned at 12:06 a.m.

Attorney Rossabi voiced opposition to the item; and reiterated the potential for legal action.

Discussion took place regarding city contracts; and inspections by the Fire Marshal.

City Attorney Carruthers advised that discussions should cease.

Hester Petty voiced opposition to the item; and concerns regarding transparency.

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

Ayes, 6 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Nancy Hoffmann, Tammi Thurm and Goldie F. Wells

Nays, 2 - Sharon M. Hightower and Michelle Kennedy

Excused, 1 - Justin Outling

354-17 RESOLUTION APPROVING THE EXCHANGE OF PROPERTY OWNED BY THE CITY OF GREENSBORO WITH PROPERTY OWNED BY THE DIXIE BUILDING, LLC FOR A GREENSBORO DEPARTMENT OF TRANSPORTATION PARKING DECK FACILITY

WHEREAS, The City of Greensboro is the owner of a portion of property located at 112 E. Market Street;

WHEREAS, The Dixie Building, LLC is the owner of a portion of property located at 125 South Elm Street;

WHEREAS, in an effort to complete the area needed for a proposed parking deck facility the Greensboro Department of Transportation has requested the exchange of a portion of property located at 112 East Market Street with a portion of property located at 125 South Elm Street;

WHEREAS, the City has separate and independent appraisals performed on both parcels and the appraisals for each are very close;

WHEREAS, in the opinion of City Council, the best interest of the City will be served by exchanging properties, as above set out with The Dixie Building, LLC.

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

That the even exchange of the above-mentioned properties with The Dixie Building LLC, as above set out, is hereby authorized, and the Mayor and City Clerk are hereby authorized to execute, on behalf of the City of Greensboro, the necessary deeds to carry the exchange into effect.

(Signed) Marikay Abuzuaite

52. [ID 17-0488](#)

Resolution Authorizing the February One Downtown Development Project Including a Construction Reimbursement Agreement between the City of Greensboro and Elm Street Hotel, LLC for the Construction of the February One Parking Deck and, Authorizing a not to exceed amount of \$30,000,000 for the February One Parking Deck Project

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

Ayes, 6 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Tammi Thurm and Goldie F. Wells

Nays, 2 - Sharon M. Hightower and Michelle Kennedy

Excused, 1 - Justin Outling

355-17 RESOLUTION AUTHORIZING THE FEBRUARY ONE DOWNTOWN DEVELOPMENT PROJECT INCLUDING A CONSTRUCTION REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF GREENSBORO AND ELM STREET HOTEL, LLC FOR THE CONSTRUCTION OF THE FEBRUARY ONE PARKING DECK AND, AUTHORIZING A NOT TO EXCEED AMOUNT OF \$30,000,000 FOR THE FEBRUARY ONE PARKING DECK PROJECT

WHEREAS, pursuant to N.C.G.S. 160A-458.3, if the City Council finds that it is likely to have a significant effect on the revitalization of the City's central business district, then the City may enter into binding contracts with one or more private developers with respect to acquiring, constructing, owning, or operating a downtown development project comprising of one or more buildings and including both public and private facilities;

WHEREAS, pursuant to Section 4.55 of the City of Greensboro Charter, the City Council finds that the project will promote and enhance economic development;

WHEREAS, pursuant to Section 16-156 of the Greensboro City Code of Ordinances, the City of Greensboro operates a Public Enterprise which provides public off-street parking in the City and downtown, the public portion of the February One Parking Deck is a significant addition to the City's Parking Enterprise;

WHEREAS, Elm Street Hotel LLC intends to invest \$30,000,000 in the redevelopment of the Elm Street Center and the construction of a new hotel and retail space adjacent to February One Place;

WHEREAS, the new hotel tower will contain approximately 180 rooms located above part of a new public parking structure;

WHEREAS, the City intends to reimburse Elm Street Hotel LLC for the design and construction of the new City parking structure which will contain approximately 850 parking spaces;

WHEREAS, the new hotel and retail space are anticipated to require 180 parking spaces which will be leased from the City at market rates;

WHEREAS, on April 18, 2017, the City Council adopted Resolution #089-17 and authorized the City Manager to enter into a Memorandum of Understanding with Elm Street Hotel, LLC to design and build a public/private parking structure in the 100 block of South Davie Street;

WHEREAS, the February One Downtown Development Project would include the new hotel, new retail space, new parking structure, and renovated event center;

WHEREAS, the current estimated cost to design, purchase land, and construct the public components of the parking structure is approximately \$30,000,000 (estimated \$2,000,000 for design, \$2,133,759 for land, and \$25,866,241 for construction);

WHEREAS, the February One Parking Deck project will be subject to the requirements of the City's MWBE Program Plan;

WHEREAS, annual operating expenses and debt service costs totaling approximately \$2.3 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:

- (1) That the foregoing whereas clauses are adopted as findings and incorporated herein.
- (2) That the City Council finds that the February One Downtown Development Project is likely to have a significant effect on the revitalization of the City's central business district and will enhance and promote economic development and revitalization of the City.
- (3) That based on current planning cost estimates, the February One Parking Deck project is currently estimated to cost approximately \$30,000,000 (estimated \$2,000,000 for design, \$2,133,759 for land and, \$25,866,241 for construction) to complete and, will serve as the authorized not to exceed amount for the project until such time more detailed project plans and cost estimates are available. Once available, staff will present the revised project cost estimates to City Council for review and consideration of potential adjustments to the authorized budget and not to exceed amount for the February One Parking Deck project.
- (4) That the City is authorized to expend up to \$30,000,000 for the project and construction of the February One Parking Deck project, provided that City funds do not exceed 50% of the total costs of the February One Downtown Development Project.
- (5) That the City of Greensboro shall pay for the design and construction of the public components of the February One Parking Deck and that Elm Street Hotel, LLC shall pay for the design and construction of the private components of the February One Parking Deck.
- (6) That the City Manager is authorized to negotiate and execute the appropriate construction reimbursement agreement with Elm Street Hotel, LLC in an amount not to exceed \$25,866,241. That said agreement shall allow Elm Street Hotel, LLC to build the February One Parking Deck for the City at an agreed to Guaranteed Maximum Price (GMP). That once agreed to, the final GMP will be communicated to the City prior to the start of construction to allow the City an opportunity to ensure all City pre-construction requirements have been satisfied and to allow the City Manager the opportunity to inform City Council on the GMP result and construction start date.
- (7) That the February One Parking Deck project will be subject to requirements of the City's MWBE Program Plan.
- (8) That the Mayor is authorized to execute any necessary deeds, easements, or other closing documents to effectuate the construction of a new parking structure for the February One Downtown Development Project.

(Signed) Nancy Hoffmann

53. [ID 17-0746](#)

Ordinance in the Amount of \$25,866,241 Appropriating Funds for February One Parking Deck Project

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

Ayes, 6 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Nancy Hoffmann, Tammi Thurm and Goldie F. Wells

Nays, 2 - Sharon M. Hightower and Michelle Kennedy

Excused, 1 - Justin Outling

17-150 ORDINANCE AMENDING THE PARKING FACILITIES BOND FUND BUDGET

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

Section 1

That the Parking Facilities Bond Fund Budget (February One Parking Deck Project) of the City of Greensboro is hereby amended as follows:

Account	Description	Amount
546-4510-01.6019	Parking Garage	\$25,866,241

And, that this increase is to be financed by the following revenue:

Account	Description	Amount
546-0000-00.9012	Limited Obligation Bond Proceeds	\$25,866,241

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Nancy Hoffmann

Mayor Pro-Tem Johnson moved to hear item #57; and to adjourn the meeting. The motions failed due to a lack of a second.

Councilmember Outling returned to the meeting at 12:18 p.m.

54. [ID 17-0778](#)

Resolution Approving Bid in the Amount of \$24,984,556.10 and Authorizing Execution of Contract 2010-010 with Yates Construction Company for the Construction of the Horsepen Creek Road Widening

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

356-17 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT 2010-010 WITH YATES CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE HORSEPEN CREEK ROAD WIDENING

WHEREAS, after due notice, bids have been received for the Horsepen Creek Road Widening project;

WHEREAS, Yates Construction Company a responsible bidder, has submitted the low base and alternate bid in the total amount of \$24,984,556.10 as general contractor for Contract No. 2010-010, 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 Yates Construction Company is hereby accepted, and the City is authorized to enter into a contract with Yates Construction Company for the Horsepen Creek Road Widening 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 \$24,984,556.10 from 471-4502-08.6014.

(Signed) Marikay Abuzuaiter

55. [ID 17-0781](#)

Resolution Approving Bid in the Amount of \$1,287,502.15 and Authorizing Execution of Contract 2014-010 with Yates Construction Company for the Construction of the Pleasant Ridge Road - Sewer Line Extension

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

357-17 RESOLUTION APPROVING BID IN THE AMOUNT OF \$1,287,502.15 AND AUTHORIZING EXECUTION OF CONTRACT 2014-010 WITH YATES CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE PLEASANT RIDGE ROAD – SEWER LINE EXTENSION

WHEREAS, after due notice, bids have been received for the Pleasant Ridge Road - Sewer Line Extension project;

WHEREAS, Yates Construction Company a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,287,502.15 as general contractor for Contract No. 2014-010, 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 Yates Construction Company is hereby accepted, and the City is authorized to enter into a contract with Yates Construction Company for the Pleasant Ridge Road – Sewer Line Extension 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 \$1,287,502.15 from account 503-7027-02.6017 A18040 and the associated budget adjustment.

(Signed) Goldie Wells

56. [ID 17-0749](#)

Resolution Approving Utility Agreement in the Amount of \$1,933,567 Between the North Carolina Department of Transportation and the City of Greensboro for Project U-2525C

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

358-17 RESOLUTION APPROVING UTILITY AGREEMENT IN THE AMOUNT OF \$1,933,567 BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF GREENSBORO FOR PROJECT U-2525C

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans for Project U-2525C for construction of the Eastern Urban Loop from US 29 to Lawndale Drive in Northwest Greensboro;

WHEREAS, said Department of Transportation (NCDOT) and the City of Greensboro propose to enter into an Agreement to support construction activities related to the relocation and adjustment of existing water and sewer utility infrastructure required to maintain utility standards;

WHEREAS, the lines and associated adjustments have been included in the construction contract with an estimated cost to the City of Greensboro of \$1,933,567.

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

That the City is authorized to approve a Utility Agreement with NCDOT under Project U-2525C and construction work associated with the 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 \$1,933,567 from Water Resources Capital Fund Account Numbers: 503-7027-03.6017 A18043 in the amount of \$453,954; and 503-7027-01.5615 in the amount of \$1,292,454; and 503-7027-02.5615 in the amount of \$187,159 and the associated budget adjustment.

(Signed) Michelle Kennedy

57. [ID 17-0748](#)

Ordinance in the Amount of \$2.9 Million for Lead-Based Paint Hazard Control and Healthy Homes Grant

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

Ayes, 9 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaiter, Sharon M. Hightower, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

17-151 ORDINANCE ESTABLISHING FY 2018 LEAD-BASED PAINT HAZARD CONTROL AND HEALTHY HOMES GRANT

WHEREAS, the Local Government Budget and Fiscal Control Act, as amended, provides for grant project budgeting pursuant to G.S. 159-13.2 as an alternative to annual budgeting of grant projects;

AND WHEREAS, in order to alleviate the requirements to re-adopt appropriations from fiscal year to fiscal year, and to permit the use of continuing appropriations to account for Lead-Based Paint Hazard Control and Healthy Homes Grant, it is deemed in the best interest of the City to establish a special grant project ordinance, with the revenues and expenditures being established as shown below:

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

Section 1. That the grant project budget for Lead-Based Paint Hazard Control and Healthy Homes Grant be established and appropriated for the life of the project as follows:

Description	Estimated Expenditures	Estimated Revenues
Administration	196,452	
Program Delivery	315,633	
Lead Remediation	1,973,483	
Other Direct Cost	14,432	
Healthy Homes	400,000	
Total	2,900,000	
Lead - Federal Grant		2,500,000
Healthy Homes - Federal Grant		400,000

Total	2,900,000
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Section 2. That this Ordinance shall be effective upon adoption.

(Signed) Michelle Kennedy

58. [ID 17-0561](#)

Boards and Commissions Listing for December 19, 2017

Councilmember Hightower placed the following names into the databank for future use on a board or commission: Jose Fernando Olivia, Kiheem Cooper, Christopher Boozer, and Terrance Polk. Moved by Councilmember Hightower, seconded by Mayor Vaughan to reappoint Brantly Greer to the GTA Board. The motion carried by voice vote.

Moved by Councilmember Outling, seconded by Mayor Pro-Tem Johnson to appoint Wayne Durham to the Insurance Advisory Committee. The motion carried by voice vote.

Moved by Mayor Vaughan, seconded by Councilmember Abuzuaiter to appoint Graham Sheradon to the Zoning Commission. The motion carried by voice vote. Mayor Vaughan placed Amanda Hordiene into the databank for future use on a board or commission.

Mayor Pro-Tem Johnson requested that a recognition item for the North Carolina A & T State University (A & T) football team to be placed on the January 16th Council meeting agenda.

Councilmember Wells placed the name of Crystal Smith into the databank for future use on a board or commission.

Moved by Councilmember Hoffmann, seconded by Mayor Pro-Tem Johnson to appoint Tim Hanlin to the Library Board. The motion carried by voice vote.

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

Councilmember Hightower extended congratulations to A & T.

Mayor Vaughan stated that Police Chief Wayne Scott would provide an update at the January 9, 2018 meeting of Council.

Adjournment

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

THE CITY COUNCIL ADJOURNED AT 12:25 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR