



City of Greensboro

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

Meeting Minutes - Final City Council

Tuesday, October 16, 2018

5:30 PM

Council Chamber

Call to Order

This City Council meeting of the City of Greensboro was called to order at 5:45 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 David Parrish, Interim City Attorney Jamiah Waterman, and Deputy City Clerk Angela R. Lord.

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

Mayor Vaughan confirmed Mayor Pro-Tem Johnson was participating in the meeting via telephone.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm, to excuse Councilmember Outling from attendance at the meeting. The motion carried by voice vote.

City Manager David Parrish recognized Carol Key of the Fire 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.

38. [ID 18-0645](#) Ordinance Rezoning Portion of Property Located at 1603 West Friendly Avenue (Michael S. Fox for Marshton Enterprises, LLC.)

Mayor Vaughan stated the applicant for item #38/18-0645 had requested the item to be postponed.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm to postpone item #38/ID 18-0645 to the November 20th meeting of Council without further advertising. The motion carried by voice vote.

I. CONSENT AGENDA (One Vote)

Mayor Vaughan asked if anyone wished to remove any items from the Consent Agenda; and reminded Council that if an item was removed from the consent agenda it would go on as a business item at the next meeting.

Moved by Councilmember Wells, seconded by Councilmember Thurm, to adopt the consent agenda. The motion carried by voice vote.

1. [ID 18-0565](#) Resolution Approving Amendment #12 to 800 MHZ Interlocal Agreement with Guilford Metro 911 and Guilford County

247-18 RESOLUTION APPROVING AMENDMENT #12 TO 800 MHZ INTERLOCAL AGREEMENT WITH GUILFORD METRO 911 AND GUILFORD COUNTY FOR CITY AND COUNTY COST SHARES AT \$774,019.93 EACH, FOR FY 2018-2019 COSTS

WHEREAS, State Statutes require municipalities to have governing board approval for interlocal agreements; and

WHEREAS, the attached amendment #12 to Guilford County Contract No. 36460-04/95-211 between the City of Greensboro and Guilford County for the 800 MHz Radio System amends the terms and conditions of the current agreement; and

WHEREAS, in accordance with North Carolina General Statutes 153A-445(a) and 160A-461, City Council authorization is required for interlocal agreements; and

WHEREAS, the City and Guilford County have collaborated in a joint Public Safety Radio System since 1995 to benefit the communications of public safety responders; and

WHEREAS, the parties have reaffirmed their ownership interests in a series of amendments and desire to reaffirm their commitment through the attached amendment #11; and

WHEREAS, the current system faces technical obsolescence of components and needs technology enhancements not supported by current infrastructure; and

WHEREAS, the City of Greensboro and Guilford County have committed funds to the first four years of a multi-year improvement process to upgrade the P25 system and mutually desire to assure that the radio infrastructure is maintained in a high state of readiness and operates on current technology platforms; and

WHEREAS, the City of Greensboro and Guilford County have mutually determined the terms and conditions of the attached interlocal agreement, which has been approved by Guilford County; and

WHEREAS, this amendment allows the City to accept 50% of the annual costs for the 800 MHz Radio System from Guilford County for the expenses the City has incurred to satisfy obligations of the Motorola Migration Assurance Plan (MAP) and annual radio services; and

WHEREAS, the agreement provides that the County will reimburse the City for 50% of radio system expenses.

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

That a resolution authorizing amendment #12 to Guilford County Contract No. 36460-04/95-211 for the 800 MHz Radio System is hereby approved.

(Signed) Goldie Wells

2. [ID 18-0633](#) Resolution Authorizing Intergovernmental Agreements between the City of Greensboro and Various Governmental Agencies for Guilford Metro 911 to Provide Radio Equipment Maintenance Services

248-18 RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENTS BETWEEN THE CITY OF GREENSBORO AND VARIOUS GOVERNMENTAL AGENCIES FOR GUILFORD 911 TO PROVIDE RADIO EQUIPMENT MAINTENANCE SERVICES

WHEREAS, Guilford Metro 911 serves as the regional radio equipment service provider for various governmental

agencies in the Guilford County Region; and

WHEREAS, Guilford Metro 911 and the agencies intend to enter agreements that establish the fees each agency will pay for Guilford Metro 911's services; and

WHEREAS, the following governmental agencies require radios services: The City of High Point, The City of Thomasville, Alamance Community College and the City of Graham Police Department; and

WHEREAS, services are charged by Guilford Metro 911 to these entities on a piece rate basis established in these interlocal government agreements; and

WHEREAS, service costs for maintenance are billed to the various agencies; and

WHEREAS, in accordance with North Carolina law, in order for the City to enter into an interlocal agreement, City Council approval is required;

NOW THEREFORE BE IT APPROVED BY THE CITY COUNCIL OF GREENSBORO

That the request for City Council to authorize intergovernmental agreements between the City of Greensboro and various governmental agencies for Guilford Metro 911 to provide radio equipment maintenance services is hereby approved.

(Signed) Goldie Wells

3. [ID 18-0640](#) Resolution Approving Change Order No.1 in the Amount of \$150,900 with SKA Consulting Engineers, Inc., for the Mitchell WTP Structural and Sediment Basin Rehabilitation 2016 Contract 2016-0570

249-18 RESOLUTION AUTHORIZING CHANGE ORDER NO.1 IN THE AMOUNT OF \$150,900 TO CONTRACT 2016-0570 WITH SKA CONSULTING ENGINEERING, INC. FOR THE MITCHELL WTP STRUCTURAL AND SEDIMENT BASIN REHABILITATION 2016 CONTRACT

WHEREAS, On August 16, 2016, the City authorized professional services construction administration and inspection services contract 2016-0570 with SKA Consulting Engineering, Inc. in the amount of \$295,000 to support the Structural and Sedimentation Basin Rehabilitation Project;

WHEREAS, The original contract provided for onsite observations of the work and field check of materials and equipment for the construction of the proposed improvements;

WHEREAS, The original construction timeframe was estimated to be 8 months, however, the actual construction duration stands at 9 months with another 6 months projected until completion;

WHEREAS, Additional work included in the change order consists design work due to unforeseen conditions and additional review and documentation of work installed that and replaced;

WHEREAS, The change order will allow the engineering team to extend their onsite observation, evaluation and technical guidance of the work necessary for the completion of the project due to an increase in the construction timeframe.

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

That the City is authorized to enter into a contract Change Order No. 1 for contract 2016-0570 with SKA Consulting Engineering, Inc. for Mitchell WTP Structural and Sediment Basin Rehabilitation 2016 Contract to provide additional construction oversight associated with the extended overall construction of the project in the amount of \$150,900 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 \$150,900 from Account No. 503-7028-04.5410 (Professional Services) and the associated budget adjustment.

(Signed) Goldie Wells

4. [ID 18-0620](#) Resolution to Extend Contract 2018-10644 in the Amount of \$55,000 for Coliseum Post Event Seat Cleaning Area Services for an Additional Two Months

250-18 RESOLUTION TO EXTEND CONTRACT 2018-10644 FOR COLISEUM POST EVENT SEAT CLEANING AREA SERVICES FOR AN ADDITIONAL TWO MONTHS ADDING THE AMOUNT OF \$55,000

WHEREAS The Greensboro Coliseum Complex would like to extend Contract 2018-10644 for Post Event Seat Cleaning Area Services an additional two months; and

WHEREAS, the contract was let for four months while services are to be rebid; and

WHEREAS, the department is requesting a two month extension and additional funding of \$55,000 for a total contract value of \$125,500; and

WHEREAS, the firm, Hopkins Services Inc, a North Carolina, was awarded the contract based on being the lowest, responsive, responsible bidder; and

WHEREAS, the MWBE Office approved extending the contract for an additional two months; and

WHEREAS, a two months extension and additional funding of an estimated \$55,000; and

WHEREAS, funds are to be budgeted in the 2018-19 fiscal year and

WHEREAS, future fund appropriations are subject to City Council approval.

NOW THEREFORE BE IT RESOLVED BY THE GREENSBORO CITY COUNCIL

That the resolution authorizing a two months extension of contract #2018-10644 and additional funding in the amount of \$55,000 for post event seat cleaning area services is hereby approved.

(Signed) Goldie Wells

5. [ID 18-0616](#) Resolution Approving Contract Number 2017-077A in the Amount of \$392,917 with O.U. Chavis Contracting Corporation for the Completion of the Multipurpose Space at Gateway Gardens Visitors Center

251-18 RESOLUTION APPROVING THE AWARD OF CONTRACT 2017-077A TO O.U. CHAVIS CONTRACTING CORPORATION FOR THE COMPLETION OF THE MULTIPURPOSE SPACE AT GATEWAY GARDENS VISITOR CENTER

WHEREAS, the City Council is being requested to approve the award of the contract to O.U. Chavis Contracting Corporation for the interior completion of the multipurpose space at the Gateway Gardens Visitor Center for the Parks and Recreation Department;

WHEREAS, it is recommended by the Parks and Recreation Department and Facilities Division and of the City of Greensboro that City Council approve the award of this contract O.U. Chavis Contracting Corporation for the interior completion of the multipurpose space at the Gateway Gardens Visitor Center;

WHEREAS, O.U. Chavis Contracting Corporation met the MBE goals and Good Faith Efforts review set forth from the City of Greensboro's MWBE program;

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

That a contract with O.U. Chavis Contracting Corporation for the completion of the multipurpose space at the Gateway Gardens Visitor Center is hereby authorized at a total cost of \$392,917, payment of said additional amount to be made from Account No. 482-5001-01.6019.

(Signed) Goldie Wells

6. [ID 18-0622](#) Resolution Delegating Signature Authority for Stormwater Operation and Maintenance Agreements to the City Manager's Office

252-18 RESOLUTION DELEGATING SIGNATURE AUTHORITY FOR STORMWATER OPERATION AND MAINTENANCE AGREEMENTS TO THE CITY MANAGER'S OFFICE

WHEREAS, the NC Department of Environmental Quality (NCDEQ) provides administrative oversight for water quality issues in North Carolina; and

WHEREAS, 15A NCAC 02H .0150 MDC and the NCDEQ Stormwater BMP Manual states that owners of stormwater control measures (SCMs) within the jurisdiction of the City of Greensboro shall enter into binding Operation and Maintenance Agreements (O&M) with the city because the city is responsible for implementing the stormwater program and approving any SCM devices; and

WHEREAS, the NCDEQ further requires that the Operation and Maintenance Agreements shall be recorded with the Guilford County Register of Deeds upon final plat approval; and

WHEREAS, for the sake of efficiency, the City Council delegates signature authority for O&M Agreements to the City Manager who, in turn, may delegate the signature authority to the appropriate Department Director/Assistant Directors; and

WHEREAS, any O&M Agreements previously signed by the City of Greensboro are hereby ratified and deemed to have the proper signature authority.

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

The above recitals are incorporated herein and that Stormwater Operation and Maintenance Agreements that are filed with the Guilford County Register of Deeds may be signed by the City Manager who, in turn, may delegate the signature authority to the appropriate Department Director/Assistant Directors. Further, that any Stormwater Operation and Maintenance Agreements that have been filed with the Guilford County Register of Deeds are hereby ratified.

(Signed) Goldie Wells

7. [ID 18-0618](#) Resolution Authorizing the Sale of Surplus Foreclosure Property Located at 1700 McKnight Mill Road to Jonathan N. Aragon Sosa

253-18 RESOLUTION AUTHORIZING THE SALE OF SURPLUS FORECLOSURE PROPERTY LOCATED AT 1700 McKNIGHT MILL ROAD TO JONATHAN N. ARAGON SOSA

WHEREAS, the City of Greensboro owns residual property located at 1700 McKnight Mill Rd., Parcel 0043831 said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, Property Management advertised the lot for sale and accepted the highest bid in accordance with

Section 4.122 of the Greensboro Charter;

WHEREAS, the property was appraised by Lynn B. Ritchy, at a value of \$15,000, and the highest bid of \$13,500 was accepted, which amount, in the opinion of the City Council is fair and reasonable;

WHEREAS, revenue proceeds from this conveyance will be credited in the Foreclosure Accounts Receivable Account No. 101-0000-00.0400.

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

That pursuant to Section 4.122 of the City Charter, the sale of the above mentioned residual property in the amount of \$13,500 is hereby approved and the sale of property located at 1700 McKnight Mill Road is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Goldie Wells

8. [ID 18-0619](#) Resolution Authorizing the Purchase of Property Located at 4527 W. Wendover Avenue from Humane Society of the Piedmont, Inc., Previously Known as Humane Society of Guilford County, Inc. in Connection with the Wendover Avenue Sidewalk Project

254-18 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY LOCATED AT 4527 W. WENDOVER AVENUE FROM HUMANE SOCIETY OF THE PIEDMONT, INC., PREVIOUSLY KNOWN AS HUMANE SOCIETY OF GUILFORD COUNTY, INC.

WHEREAS, in connection with the W. Wendover & Sapp Road Sidewalk Project, a portion of the property owned by Humane Society of the Piedmont, Inc., previously known as Humane Society of Guilford County, Inc., Parcel 0151156 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised by Matthew Foster of Foster Appraisals at a value of \$18,125, 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 \$18,125 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) Goldie Wells

9. [ID 18-0672](#) Resolution Authorizing the Purchase of Property Located at 715 Elwell Avenue for the Expansion of Fire Station #07 from Brenda Dennis Eller for Fire Station Temporary Location

255-18 RESOLUTION AUTHORIZING THE PURCHASE OF THE ENTIRE PROPERTY LOCATED AT 715 ELWELL AVENUE FOR THE EXPANSION OF FIRE STATION #07 FROM BRENDA DENNIS ELLER FOR TEMPORARY HOUSING

WHEREAS, the entire property located at 715 Elwell Avenue, Parcel 0021895 owned by Brenda Dennis Eller is required for temporary housing by the City for the expansion of Fire Station #07, said property being shown on the attached map;

WHEREAS, the required property to be purchased has a tax value of \$24,000.

WHEREAS, the property is required to accommodate staff, equipment and one firetruck in order to continue meeting emergency response coverage during the rebuilding and expansion of Fire Station #07

WHEREAS, the property owner has agreed to settle for the price of \$19,000, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

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

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

That the agreed price of the above mentioned property in the amount of \$19,000 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 411-6018-04.6011, Activity TBA.

A budget adjustment will be required to move funds into the appropriate account.

(Signed) Goldie Wells

10. [ID 18-0673](#) Resolution Authorizing the Purchase of Property Located at 3717 Near Sunnycrest Avenue for the Expansion of Fire Station #07 from House of Prayer Christian Churches of America, Inc. for Fire Station Temporary Location

256-18 RESOLUTION AUTHORIZING THE PURCHASE OF THE ENTIRE PROPERTY LOCATED AT 3717 NEAR SUNNYCREST AVENUE FOR THE EXPANSION OF FIRE STATION #07 FROM HOUSE OF PRAYER CHRISTIAN CHURCHES OF AMERICA, INC. FOR TEMPORARY HOUSING

WHEREAS, the entire property located at 3717 near Sunnycrest Avenue, Parcel 0021896, owned by House of Prayer Christian Churches of America, Inc. is required for temporary housing by the City for the expansion of Fire Station #07, said property being shown on the attached map;

WHEREAS, the required property to be purchased has a tax value of \$209,500.

WHEREAS, the property is required to accommodate staff, equipment and one firetruck in order to continue meeting emergency response coverage during the rebuilding and expansion of Fire Station #07

WHEREAS, the property owner has agreed to settle for the price of \$100,000, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

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

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

That the agreed price of the above mentioned property in the amount of \$100,000 is hereby approved, and the purchase of the property in accordance with the agreed price is hereby authorized, payment to be made from Account No. 411-6018-04.6011, Activity TBA.

A budget adjustment will be required to move funds into the appropriate account.

(Signed) Goldie Wells

11. [ID 18-0660](#) Resolution Authorizing Acceptance of Dedication of Ten Floodplain, Drainageway and Open Space Parcels from Westminster Company/Guilford Greene Community Association, Brown Investment Properties, Inc. Robert C. Rhein Interests, Inc. .7 CCC LLC, Woodberry, LLC, Reedy Fork Associates, LLC., Bellwood Village, Inc., Westminster Homes, Inc., Westminster Homes of North Carolina, Inc., Capsule Group LLC. and Reedy Fork East, LLC/Reedy Fork Investments, LLC

257-18 RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION OF TEN FLOOD PLAIN, DRAINAGEWAY AND OPEN SPACE PARCELS FROM WESTMINSTER COMPANY/GUILFORD GREENE COMMUNITY ASSOCIATION, BROWN INVESTMENT PROPERTIES, INC., ROBERT C. RHEIN INTERESTS, INC., 7 CCC LLC, WOODBERRY, LLC, REEDY FORK ASSOCIATES, LLC, BELLWOOD VILLAGE, INC., WESTMINSTER HOMES, INC., WESTMINSTER HOMES OF NORTH CAROLINA, INC., CAPSULE GROUP, LLC, AND A REEDY FORK EAST, LLC/REEDY FORK INVESTMENTS, LLC

WHEREAS, pursuant to North Carolina General Statutes Section 160A-374, the approval of a plat does not constitute the acceptance by a city or the public of the dedication of any street or other ground or public facility shown on the plat; however, a city council may by resolution accept the dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes;

WHEREAS, Parcel #0089095 was dedicated by the Westminster Company to the City of Greensboro for flood plain and open space in Plat Book 89 Page 32 recorded on February 26, 1988, as part of Section 3 of Hearthstone Meade at Guilford Greene. This parcel, also known as 2617 Open Quaker Landing Road, is approximately 4.0 acres, zoned Planned Unit Development, and is located in Council District 3. This parcel is currently listed by the Guilford County Tax Department as owned by the Guilford Greene Community Association which is responsible for maintenance of the permanent retention pond located on the parcel. A portion of the Atlantic & Yadkin Greenway crosses the property;

WHEREAS, Parcel #0081535 was dedicated by Brown Investment Properties, Inc. to the City of Greensboro and public as flood plain and open space in Plat Book 91 Page 2 recorded on July 26, 1988, as part of The Oaks of Brassfield. This parcel, also known as 3701 Open Crosstimbers Drive, is approximately 4.65 acres, zoned R-3, and is located in Council District 4. A proposed extension of the Price Park Trail is located on the property;

WHEREAS, Parcel #0078522 was dedicated by Robert C. Rhein Interests, Inc. to the City of Greensboro as drainageway and open space in Plat Book 172 Page 106 recorded on December 10, 2007, as part of Riley Village Phase 2. This parcel, also known as 5405 Rear Broadleaf Road, is approximately 1.20 acres, zoned R-3, and is located in Council District 3. This parcel is currently listed by the Guilford County Tax Department as owned by 7 CCC LLC. A portion of the Bald Eagle Trail crosses a portion of the property;

WHEREAS, Parcel #0085671 was dedicated by Woodberry, LLC as public open space in Plat Book 144 Page 105 recorded on January 8, 2002, as part of Phase 4 of Woodberry Park. This parcel, also known as 7 Near Chatterson Court, is approximately 0.58 acres, zoned CD-R3, and is located in Council District 3. A portion of the Atlantic & Yadkin Greenway and Little Loop Trail crosses a portion of the property;

WHEREAS, Parcel #0084339 was dedicated by Reedy Fork Associates, LLC to the City of Greensboro and the public for drainageway and open space in Plat Book 149 Page 14 recorded on December 30, 2002, as part of the Final Plat for Reedy Fork Ranch Drainageway & Open Space Dedication. This parcel, also known as 5955 Near Summit Avenue, is approximately 134.30 acres, zoned Planned Unit Development, and is located in Council District 2. A proposed extension of the Reedy Fork Greenway and Bryan Park Trail is located near the property;

WHEREAS, Parcel #0067398 was originally dedicated by Bellwood Village, Inc. to the City of Greensboro for flood plain and open space in Plat Book 100 Pages 18 and 19 recorded on November 15, 1990, as part of Section I, Phase 3 of the Bellwood Village North subdivision. The plat was re-recorded at Plat Book 115 Pages 71 and 73

recorded on March 8, 1995, to provide bearings and distances on the property lines around the flood plain and open space. This parcel, also known as 10 YY Thames Court, is approximately 1.41 acres, zoned CD-RM-12, and is located in Council District 2. A portion of the Redbud Greenway and Birds Nest Greenway intersect on the property;

WHEREAS, Parcel #0082359 was originally dedicated by Westminster Homes, Inc. to the City of Greensboro as drainageway and open space in Plat Book 127 Page 112 recorded on January 28, 1998, as part of Phase 3-B of the Saddle Creek subdivision also known as Brassfield. This parcel, also known as 2803 YY Grasmere Drive, is approximately 3.49 acres, zoned R-3, and is located in Council District 4. A proposed extension of the Price Park Trail is located on the property;

WHEREAS, Parcel #0082351 was originally dedicated by Westminster Homes of North Carolina, Inc. to the City of Greensboro, Guilford County, and the public as drainageway and open space, or thoroughfare, and utility easement in Plat Book 117 Page 133 recorded on September 20, 1995. This parcel, also known as 3539 YY Terrault Drive, is approximately 5.68 acres, zoned R-3, and is located in Council District 4. A proposed extension of the Price Park Trail and Horsepen Creek Trail is located on the property;

WHEREAS, Parcel #0081201 was originally dedicated by Capsule Group, LLC to the City of Greensboro and the public as drainageway, open space and thoroughfare in Plat Book 138 Page 9 recorded on July 3, 2000. This parcel, also known as 3747 Near Battleground Avenue, is approximately 1.53 acres, zoned CD-CM, and is located in Council District 4; A proposed extension of the Gracewood Connector and Horsepen Creek Trail is located on the property;

WHEREAS, Parcel #0084331 was originally dedicated by Reedy Fork East, LLC and Reedy Fork Investments, LLC to the City of Greensboro and the public for drainageway and open space in Plat Book 149 Page 13 recorded on December 30, 2002. This parcel, also known as 6430 Near US Highway 29, is approximately 33.56 acres, zoned Planned Unit Development, and is located in Council District 2. A proposed extension of the Reedy Fork Greenway is located on the property;

WHEREAS, the indicated flood plain, drainageway, and open space areas on the recorded subdivision plats have been reviewed and recommended for acceptance by the Greensboro Parks and Recreation Commission;

WHEREAS, it is deemed in the best interest of the City to formally accept the dedication of these flood plain, drainageway, and open space parcels.

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

That the City of Greensboro accepts the dedication of the flood plain, drainageway, and open space parcels referenced above.

(Signed) Goldie Wells

12. [ID 18-0649](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Tommy Pugh, Worth Pugh, Jr., and June Pugh Located at 5506 Randleman Road in Connection with the Guilford/Randolph Mega-Site Water and Sewer Extension Project

258-18 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF TOMMY PUGH, WORTH PUGH, JR. AND JUNE PUGH IN CONNECTION WITH THE GUILFORD/RANDOLPH MEGA-SITE WATER AND SEWER EXTENSION PROJECT

WHEREAS, Tommy Pugh, Worth Pugh, Jr., and June Pugh are the owners of certain property located at 5506 Randleman Road, designated as Parcel #0143306, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Guilford/Randolph Mega-Site Water and Sewer Extension Project;

WHEREAS, negotiations with the owner at the appraised value of \$3,350.00 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 portions 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 in the amount of \$3,350.00.

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 eminent domain proceedings to acquire said portions of the property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$3,350.00 to the Clerk of Superior Court as compensation to the owner(s), payment to be made from Account No. 507-7013-01.6012 Activity #A16121.

(Signed) Goldie Wells

13. [ID 18-0653](#) Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Piret NC Property Limited Partnership Located at 6105 Corporate Park Drive in Connection with the Rudd Station Road Sidewalk & Waterline Project

259-18 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF PIRET NC PROPERTY, LIMITED PARTNERSHIP IN CONNECTION WITH THE RUDD STATION ROAD SIDEWALK & WATERLINE PROJECT

WHEREAS, Piret NC Property, Limited Partnership is the owner of certain property located at 6105 Corporate Park Drive, designated as Parcel #0078609, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Rudd Station Road Sidewalk and Waterline Project;

WHEREAS, negotiations with the owner at the appraised value of \$8,525.00 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 portions 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 in the amount of \$8,525.00.

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 \$8,525.00 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 471-4502-15.6012 Activity #A11171.

(Signed) Goldie Wells

14. [ID 18-0654](#) Resolution Authorizing Amended Agreement with NC Department of Transportation for U-5532 A: Aycock Street & Walker Avenue Intersection & Corridor Improvement Project

260-18 RESOLUTION AUTHORIZING AMENDED AGREEMENT WITH NCDOT FOR U-5532: AYCOCK STREET AND WALKER AVENUE INTERSECTION AND CORRIDOR IMPROVEMENT PROJECT

WHEREAS, the Greensboro Urban Area Metropolitan Planning Organization, in cooperation with NCDOT, directed federal funds to the Aycock Street & Walker Avenue Pedestrian Improvement Project; and

WHEREAS, in July 2014 the City of Greensboro executed a municipal agreement with NCDOT for the project; and

WHEREAS, in June 2018 the Greensboro Urban Area Metropolitan Planning Organization, in cooperation with NCDOT, agreed to amend the project to add additional federal construction funding up to \$573,997; and

WHEREAS, the City of Greensboro will implement the project and provide the necessary additional local match amount of \$143,499.

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

That said project funding is hereby formally approved by the City Council of the City of Greensboro and the City Manager and Clerk of this Municipality are hereby empowered to sign and execute the amended agreement with the North Carolina Department of Transportation for Project U-5532 A.

(Signed) Goldie Wells

15. [ID 18-0652](#) Ordinance in the Amount of \$717,496 Amending U-5532 A: Aycock Street & Walker Avenue Intersection & Corridor Improvement Project Budget

18-120 ORDINANCE AMENDING THE STREET AND SIDEWALK CAPITAL PROJECT FUND BUDGET FOR PROJECT U-5532 A: AYCOCK STREET & WALKER AVENUE PEDESTRIAN IMPROVEMENT PROJECT

Section 1

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

That the appropriation for the Project U-5532 A: Aycock Street & Walker Avenue Pedestrian Improvement Project budget be increased as follows:

Account	Description	Amount
401-4561-01.6015	Sidewalk Construction	\$717,496
Total		\$717,496

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

Account	Description	Amount
401-4561-01.7100	Federal Funds	\$573,997
401-4561-01.9471	Transfer from Street Improvement Bond	\$143,499
Total		\$717,496

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

16. [ID 18-0670](#) Resolution Granting a Permanent Utility Easement to Duke Energy Carolinas, LLC to Install Underground Cable and a Transformer at 221 West Meadowview Road

261-18 RESOLUTION GRANTING A PERMANENT UTILITY EASEMENT TO DUKE ENERGY CAROLINAS, LLC TO INSTALL UNDERGROUND CABLE AND A TRANSFORMER AT 221 WEST MEADOWVIEW ROAD TO PROVIDE

ELECTRICAL SERVICE TO A GTA OPERATIONS FACILITY AND ADMINISTRATIVE OFFICES FOR THE PROTERRA ELECTRICAL BUSES CHARGING STATIONS

WHEREAS, installation of electrical equipment to provide a transformer and below ground electrical service is necessary;

WHEREAS, a permanent utility easement will need to be granted to Duke Energy Carolinas, LLC for the installation and maintenance of said electrical equipment;

WHEREAS, in the opinion of the City Council, such easement will not interfere with the proper use by the city of the property in which such easements are granted and that the City has no governmental or other public need which would be in conflict with the easements granted therein or the use made thereof.

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

That a permanent utility easement to Duke Energy Carolinas, LLC for the installation of electrical equipment for a GTA Operations facility and administrative offices for the Proterra electrical buses charging stations is hereby granted.

(Signed) Goldie Wells

17. [ID 18-0628](#) Resolution Authorizing City Manager to Enter into Agreement with NC Department of Transportation for FY 2019 Advanced Technology Grant

262-18 RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE FISCAL YEAR 2019 ADVANCED TECHNOLOGY GRANT

WHEREAS, GTA intends to purchase 4/5G modems for its fixed route and paratransit fleets using funding in the amount of \$204,984; and

WHEREAS, the City of Greensboro has requested the North Carolina Department of Transportation to assist in the funding of this project in the amount of \$184,485 or 90% of the full cost of the above project; and

WHEREAS, NC Department of Transportation awarded \$184,485 in FY2019 NCDOT-PTD Advanced Technology Grant funding; and

WHEREAS, the City of Greensboro will provide 10% of the cost of the above project.

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

That the City Manager is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

(Signed) Goldie Wells

18. [ID 18-0627](#) Resolution Authorizing City Manager to Enter into an Agreement with NC Department of Transportation for FY 2019 FTA Section 5303 Planning Assistance Grant

263-18 RESOLUTION AUTHORIZING THE CITY OF GREENSBORO TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE FISCAL YEAR 2019 FTA SECTION 5303 PLANNING ASSISTANCE GRANT

WHEREAS, GTA intends to fund on-going short range service planning activities using \$140,800 in FY2019 FTA Section 5303 Planning Assistance Grant funding, administered by the North Carolina Department of Transportation; and

WHEREAS, the City of Greensboro has requested the North Carolina Department of Transportation to assist in the funding of this project in the amount of \$17,600 or 10% of the full cost of the above project; and

WHEREAS, the City of Greensboro will provide 10% of the cost of the above project.

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

That the City Manager is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

(Signed) Goldie Wells

19. [ID 18-0621](#) Resolution to Accept Matching Funding from NC Department of Transportation to Reduce Local Match for Federal Fiscal Year 2016 FTA Congestion Mitigation Air Quality Grant

264-18 RESOLUTION TO ACCEPT MATCHING FUNDS FROM NC DEPARTMENT OF TRANSPORTATION TO REDUCE LOCAL MATCH FOR FEDERAL FISCAL YEAR 2016 FTA CONGESTION MITIGATION AIR QUALITY GRANT

WHEREAS, At the September 19, 2017 meeting, the Greensboro City Council approved a budget ordinance establishing the FY2016 FTA Congestion Mitigation Air Quality Grant funding in the amount of \$838,844; and

WHEREAS, These funds will be used to replace four (4) 40 foot diesel buses that have exceeded FTA's useful life standards, both in years of service and mileage; and

WHEREAS, The North Carolina Department of Transportation has approved a state funding match request in the amount of \$69,081 to support eligible expenses; and

WHEREAS, The approved State funds will reduce the required City match by \$69,081, from \$316,483 to \$247,402.

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

The City of Greensboro accepts the matching funds from the NC Department of Transportation in the amount of \$69,081 and authorizes the City Manager to enter into a contract with the NCDOT and execute all agreements and contracts with the NCDOT, Public Transportation Division. City Council also approves the associated budget adjustment.

(Signed) Goldie Wells

20. [ID 18-0623](#) Resolution to Accept Matching Funding from NC Department of Transportation to Reduce Local Match for Federal Fiscal Year 2017 FTA Congestion Mitigation Air Quality Grant

265-18 RESOLUTION TO ACCEPT MATCHING FUNDS FROM NC DEPARTMENT OF TRANSPORTATION TO REDUCE LOCAL MATCH FOR FEDERAL FISCAL YEAR 2017 FTA CONGESTION MITIGATION AIR QUALITY GRANT

WHEREAS, At the August 15, 2017 meeting, the Greensboro City Council approved a budget ordinance establishing the FY2016 FTA Congestion Mitigation Air Quality Grant funding in the amount of \$1,477,497; and

WHEREAS, These funds will be used to replace three (3) 40 foot diesel buses that have exceeded FTA's useful life standards, both in years of service and mileage; and

WHEREAS, The North Carolina Department of Transportation has approved a state funding match request in the amount of \$121,676 to support eligible expenses; and

WHEREAS, The approved State funds will reduce the required City match by \$121,676, from \$260,735 to \$139,059.

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

The City of Greensboro accepts the matching funds from the NC Department of Transportation in the amount of \$121,676 and authorizes the City Manager to enter into a contract with the NCDOT and execute all agreements and contracts with the NCDOT, Public Transportation Division. City Council also approves the associated budget adjustment.

(Signed) Goldie Wells

21. [ID 18-0624](#) Resolution to Accept Matching Funding from NC Department of Transportation to Reduce Local Match for Federal Fiscal Year 2017 FTA Section 5339 Bus and Bus Facilities Grant

266-18 RESOLUTION TO ACCEPT MATCHING FUNDS FROM NC DEPARTMENT OF TRANSPORTATION TO REDUCE LOCAL MATCH FOR FEDERAL FISCAL YEAR 2017 FTA SECTION 5339 BUS AND BUS FACILITIES GRANT

WHEREAS, At the April 24, 2018 meeting, the Greensboro City Council approved a budget ordinance establishing the FY2017 FTA Section 5339 Bus and Bus Facilities Grant funding in the amount of \$465,522; and

WHEREAS, These funds will be used to replace eight (8) less than 30 foot paratransit vehicles that have exceeded FTA's useful life standards, both in years of service and mileage; and

WHEREAS, The North Carolina Department of Transportation has approved a state funding match request in the amount of \$38,337 to support eligible expenses; and

WHEREAS, The approved State funds will reduce the required City match by \$38,337, from \$82,151 to \$43,814.

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

The City of Greensboro accepts the matching funds from the NC Department of Transportation in the amount of \$38,337 and authorizes the City Manager to enter into a contract with the NCDOT and execute all agreements and contracts with the NCDOT, Public Transportation Division. City Council also approves the associated budget adjustment.

(Signed) Goldie Wells

22. [ID 18-0625](#) Ordinance in the Amount of \$339,645 Establishing Grant Budget for the Fiscal Year 2018 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant

18-121 ORDINANCE IN THE AMOUNT OF \$339,645 ESTABLISHING GRANT BUDGET FOR THE FISCAL YEAR 2018 FTA SECTION 5310 ENHANCED MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES GRANT

Section 1

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

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant as follows bus purchases:

Account	Description	Amount
567-4525-01.5917	Licenses, Fees, & Other	\$ 18
567-4525-01.5919	Other Taxes/Assessments	\$ 6,000
567-4525-01.6051	Licensed Vehicles	\$211,804
Total		\$217,822

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

Account	Description	Amount
567-4525-01.7100	Federal Grant	\$174,258
567-4525-01.9481	Transfer from 2016 Bond Fund	\$ 43,564
Total		\$217,822

Section 2

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant as follows for expanded TAMS services:

Account	Description	Amount
567-4525-02.5429	Other Contracted Services	\$48,534
567-4525-02.5928	In Kind Services	\$48,534
Total		\$97,068

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

Account	Description	Amount
567-4525-02.7100	Federal Grant	\$48,534
567-4525-02.8695	Local In-Kind Services	\$48,534
Total		\$97,068

Section 3

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities Grant as follows for administration expenses associated with this program:

Account	Description	Amount
567-4525-03.4110	Salaries and Wages	\$ 24,755
Total		\$24,755

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

Account	Description	Amount
567-4525-03.7100	Federal Grant	\$ 24,755
Total		\$24,755

Section 4

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

23. [ID 18-0637](#) Ordinance in the Amount of \$660,287 Establishing FY2018 FTA Section 5339 Bus and Bus Facilities Grant

18-122 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2018 FTA SECTION 5339 BUS AND BUS FACILITIES GRANT

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

Section 1

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5339 Grant:

Account	Description	Amount
567-4527-01.5917	Licenses, Fees & Other	\$ 54
567-4527-01.5919	Other Taxes/Assessments	\$ 18,000
567-4527-01.6051	Licensed Vehicles	\$642,233
Total		\$660,287

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

Account	Description	Amount
567-4527-01.7100	Federal Grant	\$561,244
567-4527-01.9481	Transfer from 2016 Bond Fund	\$ 99,043
Total		\$660,287

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

24. [ID 18-0638](#) Ordinance in the Amount of \$155,383 Establishing the Budget for FY 2018 FTA Section 5307 Security and Routine Capital Assistance Program

18-123 ORDINANCE AMENDING GTA GRANT FUND BUDGET FOR THE FEDERAL FISCAL YEAR 2018 SECTION 5307 TRANSIT SECURITY AND ROUTINE CAPITAL ASSISTANCE GRANT

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

Section 1

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5307 Transit Security and Routine Capital Assistance Grant to be used for replacement vehicles:

Account	Description	Amount
567-4526-01.6051	Licensed Vehicles	\$96,976
567-4526-01.5919	Other Taxes/Assessments	\$ 3,000
567-4526-01.5917	License, Fees, and Other	\$ 24
Total		\$100,000

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

Account	Description	Amount
567-4526-01.7100	Federal Grant	\$80,000

567-4526-01.9564	Transfer from Transit Fund	\$20,000
Total		\$100,000

Section 2

That the GTA Grant Fund Budget be amended as follows for the FY 2018 FTA Section 5307 Transit Security and Routine Capital Assistance Grant to be used for security enhancements:

Account	Description	Amount
567-4526-02.5235	Small Tools and Equipment	\$ 55,383
Total		\$ 55,383

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

Account	Description	Amount
567-4526-02.7100	Federal Grant	\$44,306
567-4526-02.9564	Transfer from Transit Fund	\$11,077
Total		\$55,383

Section 3

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

- 25. [ID 18-0599](#)** Resolution Calling a Public Hearing for November 20, 2018 on the Annexation of Territory into the Corporate Limits for the Property Located at 4316 Burlington Road - 1.08-Acres (Robert, Joyce, Anthony, Tania and Tammy Ruffolo)

267-18 RESOLUTION CALLING A PUBLIC HEARING FOR NOVEMBER 20, 2018 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 4316 BURLINGTON ROAD – 1.08 ACRES

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

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

WHEREAS, at a regular meeting of the City Council on the 20th day of November, 2018, the following ordinance will be introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4316 BURLINGTON ROAD – 1.08 ACRES)

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

BEGINNING at the southwest corner of Lot 15 of Subdivision of John W. King Property, as recorded at Plat Book 10, Page 9 in Office of the Register of Deeds of Guilford County; thence with the western line of said Lot 15 N 0° 48' E approximately 445.9 feet to a point in the southern right-of-way line of Burlington Road; thence in an easterly direction with said right-of-way line approximately 102.30 feet to a point in the eastern line of Lot 16 of said Subdivision; thence with said eastern line S 0° 48' W approximately 464.8 feet to the southeast corner of said Lot

16; thence with the southern lines of said Lots 16 and 15 N 86° 54' W 100 feet to the point and place of BEGINNING, and containing approximately 1.08 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 November 20, 2018, the liability for municipal taxes for the 2018-2019 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2019. Municipal ad valorem taxes for the 2019-2020 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

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

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

That Tuesday, November 20, 2018 at 5:30 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than November 10, 2018.

(Signed) Goldie Wells

26. [ID 18-0603](#) Ordinance in the Amount of \$14,257 Amending State, Federal and Other Grants Fund Budget for the Appropriation of Piedmont Triad Regional Council Area Agency on Aging 2018-2019 Senior Center General Purpose Grant

18-124 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF PIEDMONT TRIAD REGIONAL COUNCIL AREA AGENCY ON AGING 2018-2019 SENIOR CENTER GENERAL PURPOSE GRANT

Section 1

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

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

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

Account name – FY 18/19 Senior Center General Purpose Grant

Account	Description	Amount
220-5093-01.5235	Small Tools and Equipment	\$8,375
220-5093-01.5613	Maintenance & Repair – Building	\$5,500
220-5093-01.5221	Advertising	\$382
Total		\$14,257

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

Account	Description	Amount
220-5093-01.9101	Transfer from General Fund	\$3,564
220-5093-01.7170	Local Government Grant	\$10,693
Total		\$14,257

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

27. [ID 18-0626](#) Ordinance Amending Section 18-24 of Chapter 18 of the Greensboro Code of Ordinances with Respect to Offenses and Miscellaneous Provisions

18-125 ORDINANCE AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

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

Section 1. Section 18-24 of Chapter 18, Offenses and Miscellaneous Provisions, is hereby amended to read as follows:

Sec. 18-24. - Concealed handguns prohibited.

(a) Concealed carry of handguns prohibited at city buildings and athletic fields. In accordance with N.C.G.S. § 14-415.11(c) and N.C.G.S. § 14-415.23, carrying a concealed handgun is prohibited in all city buildings and their appurtenant premises. Carrying a concealed handgun is also prohibited at city athletic fields and their appurtenant facilities during organized athletic events for which a person or organization scheduled the athletic field for use with the City of Greensboro Parks and Recreation Department. The term "during" shall be construed to mean the period of time in which such athletic field is used for the organized athletic event and a one-hour period before and after that athletic event. This prohibition shall apply to the following city athletic fields:

Ball Field at Allen Middle School
Basketball Court at Arlington Park
Ball Field at Barber Park
Disc Golf at Barber Park
Basketball Court at Benbow Park
Basketball Court at Bingham Park
Multi-purpose Court at British Woods Park
Multi-purpose Court at Brown Bark Park
Ball Fields at Carolyn Allen Park
Multi-purpose Court at College Park
Basketball Court at Cumberland Park
Basketball Court at Douglas Park
Ball Field at Folk Center Park
Basketball Court at Gillespie Park
Ball Fields at Glenwood Center Park
Multi-purpose Court at Greenhaven Park
Multi-purpose Court at Greentree Park
Tennis Court at Greenway Park
Basketball Court at Hampton Park

Ball Field at Hampton Park
Multi-purpose Court at Hannaford Park
Ball Field at Heath Park
Ball Field at Henry Street Park
Tennis Court at Hester Park
Ball Field at Hester Park
Multi-purpose Court at Hillsdale Park
Basketball Court at Hunter Hills Park
Ball Fields at Jaycee Park
Basketball Court at Jaycee Park
Ball Field at Joe Davis Park
Basketball Court at King's Forest Park
Basketball Court at Kirkwood Park
Tennis Courts at Lake Daniel Park
Ball Field at Latham Park
Ball Field at Leonard Center Park
Ball Field at Lewis Center Park
Ball Field at Luper Park
Ball Field at Market Street Park
Multi-purpose Court at Mayer Park
Ball Field at Mitchell Street Park
Ball Field at Nocho Park
Ball Field at Old Peck Park
Tennis Court at Peeler Center Park
Basketball Court at Peeler Center Park
Ball Field at Peeler Center Park
Multi-purpose Court at Random Woods Park
Ball Field at Revolution Park
Tennis Court at Shannon Hills Park
Ball Field at Shannon Hills Park
Basketball Court at Shannon Woods Park
Ball Field at Sheridan Park
Pickleball Courts at Smith Center Park
Multi-purpose Court at Southmont Park
Basketball Court at Spring Valley Park
Basketball Court at Steelman Park
Basketball Court at Sussman Street Park
Multi-purpose Court at Sussman Street Park
Ballfield at Warnersville Center Park
Basketball Court at Warnersville Center Park
Basketball Court at Windsor Center Park
Ball Field at Woodlea Acres Park
Tennis Court at Woodlea Acres Park

(b) Concealed carry of handguns prohibited at athletic facilities. Carrying a concealed handgun is also prohibited at any city facility used for athletic events, which shall include all gymnasiums and the following facilities:

The War Memorial Stadium Complex
Sprayground at Barber Park
Sprayground at Keeley Park
Interactive Fountain at LeBauer Park
Dudley High School Tennis Courts
Page High School Tennis Courts
Golf Course at Bryan Park Complex

Soccer Fields at Bryan Park Complex
Tennis Courts at Bryan Park Complex
Tennis Courts at Latham Tennis Center
Tennis Courts at Spencer Love Tennis Center
Golf Course at Bur-Mil Park
Aquatic Facility at Bur-Mil Park
Gillespie Golf Course

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

(Signed) Goldie Wells

28. [ID 18-0655](#) Ordinance Increasing FY 18-19 Nussbaum Affordable Housing Partnership Fund Budget Ordinance for Additional Housing Activities

18-126 ORDINANCE AMENDING FY 18-19 NUSSBAUM FUND BUDGET

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

Section 1

That the FY 18-19 Nussbaum Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations be increased, as follows:

Account	Description	Amount
211-2101-02.5285	Asset Management	\$10,000
211-2103-01.5283	Homeowner Repairs	\$40,000
211-2101-01.5284	Relocation	\$45,000
211-2101-01.5413	Consultant Services	\$30,000
211-2101-01.5214	Office Equipment and Fur	\$29,000
Total		\$154,000

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

Account	Description	Amount
211-0000-00.8900	Appropriated Fund Balance	\$154,000

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Goldie Wells

29. [ID 18-0546](#) Resolution Listing Loans and Grants for City Council Approval

268-18 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) Goldie Wells

30. [ID 18-0662](#) Budget Adjustments Requiring Council Approval 9/11/18 - 10/8/18

Motion to approve the budget adjustments of 9/11/18 - 10/8/18 over the amount of \$50,000 was adopted.

(A copy of the Report is filed in Exhibit Drawer A, Exhibit No. 23 which is hereby referred to and made a part of these minutes)

31. [ID 18-0663](#) Budget Adjustments Approved by Budget Officer 9/11/18 - 10/8/18

Motion to accept the report of budget adjustments of 9/11/18 - 10/8/18, 2018 was adopted.

(A copy of the Report is filed in Exhibit Drawer A, Exhibit No. 23 which is hereby referred to and made a part of these minutes)

II. PUBLIC HEARING AGENDA

32. [ID 18-0600](#) Ordinance Annexing Territory into the Corporate Limits for Property Located at 1114 and 1080Z NC Highway 68 North. - 50.883 Acres. (Eastwind Development Company, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #32, an Ordinance annexing territory into the Corporate Limits for property located at 1114 and 1080Z NC Highway 68 North. - 50.883 acres. (Eastwind Development Company, LLC); item #33, an Ordinance amending the Future Land Use Map of the Greensboro Connections 2025 Future Land Use plan for property at 1080-Z and 1114 NC Highway 68 North; and item #34, an Ordinance establishing Original Zoning for property located at 1080Z and 1114 NC 68 North (Marc Isaacson for East Wind Development Company, LLC).

Planning Manager Mike Kirkman reviewed the request; presented maps, aerial photographs and diagrams to illustrate the site and surrounding property; spoke to additional conditions attached to the zoning request that would be presented by the applicant; and stated that the Zoning Commission and staff had recommended approval of the request.

Speakers In Favor:

Attorney Marc Isaacson, 804 Green Valley representing Eastwind Development Company provided information on neighborhood meetings; and explained and read the amended zoning conditions into the record for Council consideration.

Moved by Councilmember Hoffmann, seconded by Councilmember Thurm to approve the amended conditions as read. The motion carried by voice vote.

Attorney Isaacson provided a handout to Council; reviewed site maps; spoke to a mixed use project; to a concept plan; stated the project had been reviewed by the Technical Review Committee (TRC); spoke to the need for annexation and zoning; to a fifty acre site; outlined the zoning sketch plan; addressed concerns that had been presented by the neighborhood; outlined the costs incurred by the developer; spoke to landscape buffers; grading;

to an letter sent to property owners; to the project benefits; recognized CPT Engineering and Surveying, Inc. President Chuck Truby in attendance; and requested Council approve the project.

Peter Streafaci, 4915 Gold Crest Drive, Oakridge spoke to homes that were along the property; clarified he did not oppose the project; highlighted issues from the property being logged; spoke to conversations with Attorney Isaacson; voiced concerns with the timing of the project; and requested the installment of a buffer to be expedited.

Speakers In Opposition:

Moses Perry, 7903 Riding Trail Court spoke to the neighbor meetings; to a minimal impact; voiced concerns with water runoff; with well water contamination; requested restrictions on underground storage; voiced the need for a traffic study; stated he did not oppose the project but had concerns for the impact on the neighborhood; voiced appreciation for concessions by the developer; and thanked Council for their consideration.

Zen Kpoh-Retvig, 4619 Gold Crest Drive spoke to a personal impact; commended Attorney Isaacson for being forthcoming; voiced concerns with dust, water runoff, grading, and flooding from a creek on her property; with the health of her family; distributed photographs for Council to review; requested a larger buffer; voiced the need for someone to represent the neighbors; and stated she was not opposed to the project.

Five Minute Rebuttal In Favor:

Attorney Isaacson spoke to a highly regulated project; City restrictions; confirmed concerns had been addressed with the zoning conditions; spoke to City water and sewer; a site visit with Ms. Kpoh-Retvig; to a traffic impact study that had been conducted; and spoke to landscaping on the property.

Mayor Vaughan asked about the timing of work to be done on the property; and inquired about water runoff.

Mr. Truby explained the process for landscaping on Ms. Kpoh-Retvig's property; spoke to addressing the runoff; to the installation of a buffer; to requirements of a retention pond; elevation of the ground on adjacent properties; to drainage from Interstate 73; and commended the developer for work being done to address concerns by the neighborhood.

Councilmember Hightower inquired about the concerns raised regarding the creek; and the impact of a retention pond.

Mr. Truby explained the interstate drainage impact on the creek; confirmed the illimitation of water on Ms. Kpoh-Retvig's property once the planned grading was completed; outlined the purpose of the retention pond; and reiterated the developer's cooperation to assist the neighbors.

Five Minute Rebuttal In Opposition:

Ms. Kpoh-Retvig voiced disagreement with the cause of the runoff on her property; spoke to vegetation; to the force of the runoff into a culvert; voiced concerns with grass being washed away; and requested Council assistance.

Moved by Councilmember Wells, seconded by Councilmember Thurm to close the public hearing. The motion carried by voice vote.

Councilmember Thurm asked if the retention pond had been installed; and inquired if the pond would prevent the water runoff.

Attorney Isaacson confirmed the pond had not been completed; spoke to shifting dirt; and to City regulations if Council approved the annexation.

Mayor Pro-Tem Johnson and Councilmember Thurm voiced appreciation for the investment.

Discussion took place regarding mitigation of the runoff; the City's retention pond requirements; the possibility of recourse by Ms. Kpoh-Retvig; installation of a fence; and a timeline for obtaining permits.

Interim City Attorney Waterman spoke to the zoning conditions; and explained the review of plan designs.

Councilmember Kennedy inquired about a timeframe from a City standpoint.

Planning Director Sue Schwartz outlined the process for the site plan; the site review; and spoke to expedition of fencing and landscaping.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 23 which is hereby referred to and made a part of these minutes)

Moved by Councilmember Hoffmann, 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, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Absent, 1 - Justin Outling

18-127 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 1080-Z and 1114 NC HIGHWAY 68 NORTH – 50.883 ACRES)

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

BEGINNING at an existing iron rod (rebar) at the intersection of the eastern right-of-way line of NC Highway 68 North and the southern line of Lot 7 of Saddle Brook Estates, as recorded in Plat Book 61, Page 146, said rebar being located S 24° 19' 31" E 1,240.13 feet from North Carolina Geodetic Survey Monument "Peeples" (said monument having state plane coordinates of N: 872780.50, E: 1713409.52), said rebar also being in the southern town limit line of the Town of Oak Ridge; THENCE PROCEEDING WITH THE EXISTING OAK RIDGE TOWN LIMITS with the southern lines of said Lot 7, Lot 6, and part of Lot 4 of Saddle Brook Estates S 85° 43' 17" E 853.49 feet to an existing iron rod (rebar), a common corner with East Wind Development Company, LLC, as recorded in Deed Book 7923, Page 1; thence with the southern line of said Lot 4 S 85° 43' 14" E 238.98 feet to a 1" iron pipe at the southwest corner of Lot 36 of Phase 2, Section 2 of Golden Acres, as recorded in Plat Book 99, Page 98; thence with the southern line of said Phase 2, Section 2 S 84° 59' 12" E 1,250.06 feet to a 5/8" rebar in the western right-of-way line of Interstate 73; THENCE DEPARTING FROM THE OAK RIDGE TOWN LIMITS with said right-of-way line the following seven courses and distances: 1) along a curve to the right having a radius of 3,735.00 feet and a chord bearing and distance of S 31° 45' 33" W 185.28 feet to a 5/8" rebar, 2) S 34° 24' 31" W 244.39 feet to a 5/8" rebar, 3) S 35° 00' 44" W 63.63 feet to a 5/8" rebar, 4) S 38° 13' 05" W 412.60 feet to a 5/8" rebar, 5) S 39° 47' 55" W 195.40 feet to a 5/8" rebar, 6) along a curve to the right having a radius of 2,290.00 feet and a chord bearing and distance of S 54° 17' 44" W 1,022.17 feet to a 5/8" rebar, and 7) S 67° 43' 45" W 47.00 feet to a 5/8" rebar at the intersection of the western right-of-way line of Interstate 73 and the eastern right-of-way line of NC Highway 68 North; thence with said eastern right-of-way line the following six courses and distances: 1) N 68° 16' 53" W 111.54 feet to a 5/8" rebar, 2) N 20° 25' 16" W 539.85 feet to a 5/8" rebar, 3) S 69° 34' 44" W 35.00 feet to a 5/8" rebar, 4) along a curve to the left having a radius of 11,590.00 feet and a chord bearing and distance of N 20° 46' 29" W 142.97 feet to an existing iron rod (rebar) at the southwest corner of another property of East Wind Development Company, LLC, as recorded in Deed Book 7792, Page 1121, 5) along a curve to the left having a radius of 11,590.00 feet and a chord bearing and distance of N 22° 22' 21" W 504.54 feet to an existing iron rod (rebar), and 6) N 23° 25' 36" W 611.56 feet to the point and place of BEGINNING, containing approximately 50.883 acres. The deeds and plats referred.

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 October 16, 2018, the liability for municipal taxes for the 2018-2019 fiscal year shall be prorated on the basis of 8/12 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, 2019. Municipal ad valorem taxes for the 2019-2020 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) Nancy Hoffmann

33. [ID 18-0647](#) Ordinance Amending the Future Land Use Map of the Greensboro Connections 2025 Future Land Use Plan for Property at 1080-Z and 1114 NC Highway 68 North

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

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

Absent, 1 - Justin Outling

18-128 ORDINANCE AMENDING THE GENERALIZED FUTURE LAND USE MAP WITHIN THE GREENSBORO CONNECTIONS 2025 COMPREHENSIVE PLAN, INCORPORATED BY REFERENCE IN THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT CHAPTER 30

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

WHEREAS, an amendment has been proposed as shown on the attached map to change the land use classifications for properties located at 1080-Z and 1114 NC Highway 68 North.

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

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

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

Section 3. This ordinance shall become effective upon adoption.

(Signed) Nancy Hoffmann

34. [ID 18-0644](#) Ordinance Establishing Original Zoning for Property Located at 1080Z and 1114 NC 68 North (Marc Isaacson for East Wind Development)

Company, LLC)

Moved by Councilmember Thurm, seconded by Councilmember Abuzuaiter to adopt the ordinance as amended and stated that the Greensboro City Council believed that its action to approve the zoning amendment, for the property located at 1080-Z and 1114 NC 68 North from County AG (Agricultural) to City PUD (Planned Unit Development) 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 Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy; and the request is consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. The motion carried on the following roll call vote:

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

Absent, 1 - Justin Outling

18-129 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4802 CLOVER ROAD AND 3819-3825 MCCONNELL ROAD – 4.4 ACRES)

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

BEGINNING at a point in the existing Greensboro city limit line (as of June 30, 2018), said point being the intersection of the east right-of-way line of McConnell Road and the south right-of-way line of Clover Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said south right-of-way line, N 86° 50' 58" E 260.78 feet to an iron pipe at the northwest corner of Gregory K. and Mary M. Jenkins, as recorded in Deed Book 3609, Page 892, said iron pipe also being NC Grid NAD 83 (CORS 96.2002) N 840,565.897, E 1,795,784.465; thence along the west line of Jenkins the following two courses and distances: S 21° 43' 27" E 95.21 feet to a bent angle iron and S 22° 42' 12" E 103.38 feet to an iron pipe, said iron pipe being NC Grid NAD 83 (CORS 96.2002) N 840,382.078, E 1,795,859.606; thence with the south lines of Lots 2 and 3 of Revision of C. H. Huffling Subdivision, as recorded in Plat Book 25, Page 57, S 88° 36' 06" E 214.81 feet to an existing iron pipe at the southeast corner of said Lot 3; thence with the east line of Tract 1 of Shiv Sumangala, LLC, as recorded in Deed Book 8055, Page 3014, S 00° 31' 59" W 224.17 feet to an existing iron pipe at the southeast corner of said Tract; thence with the east line of another property of Shiv Sumangala, LLC, as recorded in Deed Book 8059, Page 1656, S 01° 29' W 144 feet to an axle at the southeast corner of said property; thence with the south line of said property and the westwardly projection of said line N 86° 05' W approximately 385 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a generally northerly direction approximately 670 feet to the point and place of BEGINNING, containing approximately 4.4 acres, of which approximately 4.3 acres lies outside existing street right-of-way. The deeds and plats referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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 October 16, 2018, the liability for municipal taxes for the 2018-2019 fiscal year shall be prorated on the basis of 8/12 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, 2019. Municipal ad valorem taxes for the 2019-2020 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) Tammi Thurm

35. [ID 18-0602](#) Ordinance Annexing Territory into the Corporate Limits for Property Located at 3321 Old McConnell Loop, a Portion of 4220 Holts Chapel Road and 742-754 JFH Dairy Road - 72.5 Acres (EHL Development, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #35, an Ordinance annexing territory into the corporate limits for property located at 3321 Old McConnell Loop, a portion of 4220 Holts Chapel Road and 742-754 JFH Dairy Road - 72.5 Acres (EHL Development, LLC); item #36, an Ordinance establishing Original Zoning and Rezoning for property located at a portion of 4220 Holts Chapel Road and 752-754 JFH Dairy Road (North Carolina A&T State University); and item #37, an Ordinance establishing Original Zoning for property located at 3321 Old McConnell Loop (Dick Franks for EHL Development, LLC).

Mayor Vaughan confirmed that Councilmember Outling had joined the meeting via telephone at 6:44 p.m.

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

Discussion ensued regarding North Carolina A & T State University's (NC A & T) position on the item; representatives from A & T being in attendance; the request originating by petition; and confirmation of the conditions.

Speakers in Favor of Item:

Dick Franks, 4905 Hackamore Road representing EHL Development provided the history of the request; spoke to the history of the property; to the need for single family residences; explained the condition language outlining the number of proposed homes; the traffic impact study limitations; confirmed there would be approximately 35 homes with a target price of approximately \$200,000; provided details on notices sent to the neighborhood; spoke to the inclusion of a buffer; stated a bid had been held at the property; spoke to concerns for property values; a police presence; outlined benefits for the project; spoke to an increase in the tax base; and requested Council to approve the request.

Councilmember Hightower voiced concerns with the conflict in the conditions; with the topography of the land; with flooding and stormwater runoff; inquired as to how much of the land would be usable; asked for clarification on a traffic study; expressed concerns regarding a two-lane road; farm smells; and the projected price of the homes.

Mr. Kirkman explained the process for a full site plan; the layout of the land; spoke to development challenges on the southern side of the property; outlined traffic study trigger requirements; and clarified the proposed development did not trigger the need for a traffic study.

Councilmember Wells asked how many houses per acre were being proposed; inquired about the average price range for the homes; and voiced the need for affordable housing.

Mr. Kirkman responded there would be approximately seven homes per acre.

Mayor Vaughan reminded Council what they could discuss; and take into consideration for the request.

Interim City Attorney Waterman explained that Council could not negotiate with the applicant; and that if the applicant chose to change the conditions that Council could consider an amendment.

Mr. Franks referenced discussions with staff regarding a traffic study; and offered an amendment to change the zoning conditions to a maximum of 40 houses.

Interim City Attorney Waterman asked for clarification that Mr. Franks suggested an amendment to the zoning conditions to reflect a maximum of 40 houses to which Mr. Franks replied in the affirmative.

Moved by Councilmember Thurm, seconded by Councilmember Abuzuaiter to accept the amended condition. The motion carried by voice vote 8- 1 with Councilmember Hightower voting 'No'.

Speaker in Opposition:

NC A & T Director of External Affairs, Ray Trapp stated for the record that NC A & T was not in favor nor opposed to the project; expressed the need for disclosure; the need for prospective homeowners to be aware that the property was adjacent to an active farm; and recognized other NC A & T representatives in attendance.

Discussion continued regarding zoning conditions; a working research farm with livestock; and the potential for gunshots to ward off animal predators.

NC A & T Farm Superintendent, Leon Moses stated he had worked on the farm for 42 years; spoke to measures taken to protect livestock and crops; to the proposed development being in the middle of the farm; to what was used as a growing agent in the field; to lingering smells; and voiced concerns with runoff from the farm.

Mayor Vaughan asked for clarification on the bordering properties.

Mr. Moses provided a map outlining the location of the livestock units in relation to the proposed project.

Discussion took place regarding conversations with potential home owners and the developer; affordable housing; the location of the proposed development; the smells associated with a farm; farm equipment noise; and the impact of properties on the perimeters of the farm.

Mr. Trapp reiterated NC A & T's position was neither in favor or against the project; and the need for full disclosure.

Five Minutes Rebuttal in Favor:

Mr. Franks voiced disagreement with the location of the livestock; provided a map to outline the surrounding property owners; referenced conversations with Mr. Trapp; spoke to the community benefits; to the need for housing; and requested Council to approve the request.

Moved by Councilmember Hightower, seconded by Councilmember Kennedy to close the public hearing. The motion carried by voice vote.

Councilmember Hightower reiterated the need for affordable housing.

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 23 which is hereby referred to and made a part of these minutes)

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

to DENY the ordinance. The motion carried on the following roll call vote:

Ayes, 7 - Nancy Vaughan, Yvonne J. Johnson, Marikay Abuzuaite, Sharon M. Hightower, Michelle Kennedy, Tammi Thurm and Goldie F. Wells

Nays, 2 - Nancy Hoffmann and Justin Outling

- 36. [ID 18-0643](#)** Ordinance Establishing Original Zoning and Rezoning for Property Located at a Portion of 4220 Holts Chapel Road and 752-754 JFH Dairy Road (North Carolina A&T State University)

A VOTE WAS NOT TAKEN ON THE ITEM AS A RESULT OF ITEM #35/ID 18-0602 BEING DENIED.

- 37. [ID 18-0642](#)** Ordinance Establishing Original Zoning for Property Located at 3321 Old McConnell Loop (Dick Franks for EHL Development, LLC)

A VOTE WAS NOT TAKEN ON THE ITEM AS A RESULT OF ITEM #35/ID 18-0602 BEING DENIED.

Councilmember Outling entered the meeting at 7:18 p.m.

- 39. [ID 18-0601](#)** Ordinance Annexing Territory into the Corporate Limits for Property Located at 3819 - 3825 McConnell Road and 4802 Clover Road - 4.4 Acres (Shiv Sumungala, LLC)

Mayor Vaughan stated this was the time and place set for a public hearing to consider item #39, an Ordinance annexing territory into the corporate limits for property located at 3819 - 3825 McConnell Road and 4802 Clover Road - 4.4 Acres (Shiv Sumungala, LLC), and item #40, an Ordinance establishing Original Zoning for property located at 3819-3825 McConnell Road and 4802 Clover Road (William Seymour for SHIV SUMANGALA, LLC); and recognized staff for a presentation.

Mr. Kirkman reviewed the request; presented maps, aerial photographs and diagrams to illustrate the site and surrounding property; stated there were no conditions attached to the zoning request; and stated that the Zoning Commission and staff had recommended approval of the request.

Discussion ensued regarding the use of the property.

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

(A copy of the PowerPoint Presentation is filed in Exhibit Drawer A, Exhibit No. 23 which is hereby referred to and made a part of these minutes)

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

18-130 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 4802 CLOVER ROAD AND 3819-3825 MCCONNELL ROAD – 4.4 ACRES)

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

BEGINNING at a point in the existing Greensboro city limit line (as of June 30, 2018), said point being the intersection of the east right-of-way line of McConnell Road and the south right-of-way line of Clover Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said south right-of-way line, , N 86° 50' 58" E 260.78 feet to

an iron pipe at the northwest corner of Gregory K. and Mary M. Jenkins, as recorded in Deed Book 3609, Page 892, said iron pipe also being NC Grid NAD 83 (CORS 96.2002) N 840,565.897, E 1,795,784.465; thence along the west line of Jenkins the following two courses and distances: S 21° 43' 27" E 95.21 feet to a bent angle iron and S 22° 42' 12" E 103.38 feet to an iron pipe, said iron pipe being NC Grid NAD 83 (CORS 96.2002) N 840,382.078, E 1,795,859.606; thence with the south lines of Lots 2 and 3 of Revision of C. H. Huffling Subdivision, as recorded in Plat Book 25, Page 57, S 88° 36' 06" E 214.81 feet to an existing iron pipe at the southeast corner of said Lot 3; thence with the east line of Tract 1 of Shiv Sumangala, LLC, as recorded in Deed Book 8055, Page 3014, S 00° 31' 59" W 224.17 feet to an existing iron pipe at the southeast corner of said Tract; thence with the east line of another property of Shiv Sumangala, LLC, as recorded in Deed Book 8059, Page 1656, S 01° 29' W 144 feet to an axle at the southeast corner of said property; thence with the south line of said property and the westwardly projection of said line N 86° 05' W approximately 385 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a generally northerly direction approximately 670 feet to the point and place of BEGINNING, containing approximately 4.4 acres, of which approximately 4.3 acres lies outside existing street right-of-way. The deeds and plats referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County.

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 October 16, 2018, the liability for municipal taxes for the 2018-2019 fiscal year shall be prorated on the basis of 8/12 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, 2019. Municipal ad valorem taxes for the 2019-2020 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

40. [ID 18-0641](#)

Ordinance Establishing Original Zoning for Property Located at 3819-3825 McConnell Road and 4802 Clover Road (William Seymour for SHIV SUMANGALA, LLC)

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 property located at 3819-3825 McConnell Road and 4802 Clover Road from County HB (Highway Business) and County AG (Agricultural) to City C-M (Commercial Medium) to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest for the following reasons: the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy; and the request is consistent with the Comprehensive Plan's Growth at the Fringe goal to encourage development at the fringe that follows a sound, sustainable pattern of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. 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

18-131 AMENDING OFFICIAL ZONING MAP

3819-3825 MCCONNELL ROAD AND 4802 CLOVER ROAD, GENERALLY DESCRIBED AS EAST OF MCCONNELL ROAD AND SOUTH OF CLOVER ROAD

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

Section 1. The Official Zoning Map is hereby amended by original zoning from County HB (Highway Business) and County AG (Agricultural) to City C-M (Commercial Medium).

The area is described as follows:

"BEGINNING at a point in the existing Greensboro city limit line (as of June 30, 2018), said point being the intersection of the east right-of-way line of McConnell Road and the south right-of-way line of Clover Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS with said south right-of-way line, , N 86° 50' 58" E 260.78 feet to an iron pipe at the northwest corner of Gregory K. and Mary M. Jenkins, as recorded in Deed Book 3609, Page 892, said iron pipe also being NC Grid NAD 83 (CORS 96.2002) N 840,565.897, E 1,795,784.465; thence along the west line of Jenkins the following two courses and distances: S 21° 43' 27" E 95.21 feet to a bent angle iron and S 22° 42' 12" E 103.38 feet to an iron pipe, said iron pipe being NC Grid NAD 83 (CORS 96.2002) N 840,382.078, E 1,795,859.606; thence with the south lines of Lots 2 and 3 of Revision of C. H. Huffling Subdivision, as recorded in Plat Book 25, Page 57, S 88° 36' 06" E 214.81 feet to an existing iron pipe at the southeast corner of said Lot 3; thence with the east line of Tract 1 of Shiv Sumangala, LLC, as recorded in Deed Book 8055, Page 3014, S 00° 31' 59" W 224.17 feet to an existing iron pipe at the southeast corner of said Tract; thence with the east line of another property of Shiv Sumangala, LLC, as recorded in Deed Book 8059, Page 1656, S 01° 29' W 144 feet to an axle at the southeast corner of said property; thence with the south line of said property and the westwardly projection of said line N 86° 05' W approximately 385 feet to a point in the existing city limit line; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS in a generally northerly direction approximately 670 feet to the point and place of BEGINNING, containing approximately 4.4 acres, of which approximately 4.3 acres lies outside existing street right-of-way. The deeds and plats referred to hereinabove are recorded in the Office of the Register of Deeds of Guilford County."

Section 2. This property will be perpetually bound to the uses authorized and subject to the development standards of the C-M (Commercial Medium) 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 October 16, 2018.

(Signed) Marikay Abuzuaite

Moved by Councilmember Abuzuaite, seconded by Councilmember Hightower that the City Council adjourn to a closed session pursuant to North Carolina General Statutes Chapter 143, Section 318.11 in order to: prevent the disclosure of information that is confidential pursuant to North Carolina General Statutes Chapter 160A, Section 168; establish the amount of compensation and other material terms of an employment contract; consider the qualifications, competence, performance, character, fitness, and conditions of employment of a public employee; and to consult with and give instructions to the City's attorney in the matters of: BNT Ad Agency, LLC versus the City of Greensboro, National Law Center on Homelessness and Poverty, et al. versus the City of Greensboro and in

the Matter of Custodial Law Enforcement Recording Sought by the City of Greensboro. The motion carried by voice vote.

Council recessed to closed session at 7:35 p.m. Council reconvened into open session at 8:14 p.m. with all members in attendance except Mayor Pro-Tem Johnson.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Hightower to return to open session. The motion carried by voice vote 8-0.

Mayor Pro-Tem Johnson left the meeting at the end of the closed session.

Moved by Councilmember Kennedy, seconded by Councilmember Wells to excuse Mayor Pro-Tem Johnson from the meeting. The motion carried by voice vote.

III. GENERAL BUSINESS AGENDA

41. [ID 18-0659](#) Resolution Authorizing Contract in the Amount of \$604,863.00 to Kimley-Horn and Associates, Inc. for the Davie Street Streetscape Design Project

Mayor Vaughan introduced item #41; and stated the item had been postponed from the September 25th meeting of Council.

Councilmember Hightower voiced concerns with the Minority/Women Business Enterprise (M/WBE) goals; and asked for clarification on the use of a Women Business Enterprise (WBE) for landscaping; spoke to state dollars; requested staff research M/WBE goal procedures for all City contracts; and spoke to the expansion of the territory to be considered.

Assistant City Manager Barbara Harris explained projects that determined M/WBE availability; outlined the goal setting process; confirmed the M/WBE office made goal determinations; spoke to encouragement of bidders to utilize minority and woman owned businesses; to a proposed goal setting training session with Griffin and Strong; to staff review of certified firms; to trade categories; and to an upcoming presentation to the Goal Setting Committee.

Chuck Byrd, 631 East Florida Street representing the Greensboro Business League Contract Engagement Committee referenced previous appearances before Council; spoke to a broken M/WBE program; to Council's leadership in the community; unacceptable conditions; to the lack of representatives from Kimley Horn at the meeting; and to the need to address City values.

Mayor Vaughan and Assistant City Manager Harris spoke to the lack of service providers available.

Interim City Attorney Waterman recognized Deputy City Attorney James Dickens to speak to the item.

Deputy City Attorney Dickens explained the item was a professional services contract; spoke to the Mini-Brooks Act; to contract goals; to utilization of subcontractors; stated the General Statutes did not give authority to set goals; and outlined an incentive points system.

Assistant City Manager Harris spoke to lack of available landscape architects.

Mayor Vaughan voiced concerns with a territory expansion; spoke to a larger pool source; voiced concerns with exporting wealth to other communities; and spoke to the need for targets and goals.

Councilmember Kennedy inquired about a possible conflict of interest; spoke to a contract between the landscape architect and the Interactive Resource Center; and to a limited pool for landscape architects.

Interim City Attorney Waterman confirmed that since Councilmember Kennedy was not an owner and did not

receive income from the landscaping firm that she did not have a conflict of interest; and that Councilmember Kennedy had an obligation to vote on the matter.

Council discussed architect classes held through the Parks and Recreation Department; scoring procedures; the need for diversity; opportunities for women and minority businesses; and territory expansion concerns.

Councilmember Outling requested staff to review contracting procedures including professional service contracts.

Councilmember Hightower voiced she could not support City projects that did not meet M/WBE capacities.

Councilmember Kennedy spoke to the integrity of Kimley Horn and Associates.

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

Ayes, 7 - Nancy Vaughan, Marikay Abuzuaiter, Nancy Hoffmann, Michelle Kennedy, Justin Outling, Tammi Thurm and Goldie F. Wells

Nays, 1 - Sharon M. Hightower

Absent, 1 - Yvonne J. Johnson

269-18 RESOLUTION AUTHORIZING AWARD OF THE DAVIE STREET STREETScape DESIGN PROJECT TO KIMLEY-HORN AND ASSOCIATES, INC.

WHEREAS, the Davie Street Streetscape Design Project is ready for design;

WHEREAS, the design limits are from A. Brenner Place to McGee Davie Street Streetscape;

WHEREAS, the proposal from the consulting firm was reviewed and agreed to with the participation of the Transportation and Engineering & Inspections Departments, and the M/WBE Office;

WHEREAS, Kimley-Horn and Associates, Inc. was selected on the strength of their roadway planning and design experience, their extensive work on roadway, greenway, storm water, and transportation engineering, and their use of local firms, including minority and women-owned firms;

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

That the award of the Davie Street Streetscape Design Project to Kimley-Horn and Associates, Inc. is hereby authorized with funding in the amount of \$604,863.00 to come from:

\$555,092	2016 HCD Bond Funds	484-2201-04.5410.
\$49,771	Water Resources Cap Imp Fund	503-7028-01.5413
\$604,863		

A budget adjustment will be required to move funds into the appropriate account.

(Signed) Justin Outling

- 42. [ID 18-0617](#)** Resolution Approving Bid in the Amount of \$9,974,539.60 and Authorizing Execution of Contract 2009-056 (EL-5101 DJ) with Yates Construction Company for the Construction of the Murrow Boulevard Roadway Improvements and Downtown Greenway Phase 2

Mr. Byrd voiced concerns with contracts that were not vetted through the M/WBE program; spoke to negotiations; to the absence of representatives from Yates Construction; to Federally funded projects; and voiced concerns with

the Disadvantaged Business Enterprise (DBE) program.

Councilmember Hightower asked for clarification on M/WBE goals; and staff to provide DBE information on Federal and State funded contracts.

Assistant City Manager Harris referenced conversations with M/WBE Program Coordinator Gwen Carter; outlined the process at the State level; spoke to the utilization of DBE firms; and stated staff would provide the requested information going forward.

Deputy City Attorney Dickens outlined the process for State and Federal funding.

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

Ayes, 5 - Nancy Vaughan, Marikay Abuzaiter, Nancy Hoffmann, Justin Outling and Tammi Thurm

Nays, 3 - Sharon M. Hightower, Michelle Kennedy and Goldie F. Wells

Absent, 1 - Yvonne J. Johnson

270-18 RESOLUTION APPROVING BID IN THE AMOUNT OF \$9,974,539.60 AND AUTHORIZING EXECUTION OF CONTRACT 2009-056 (EL-5101 DJ) WITH YATES CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE MURROW BOULEVARD ROADWAY IMPROVEMENTS AND DOWNTOWN GREENWAY PHASE 2 PROJECT

WHEREAS, after due notice, bids have been received for the Murrow Boulevard Roadway Improvements and Downtown Greenway Phase 2 project;

WHEREAS, Yates Construction Company a responsible bidder, has submitted the low base and alternate bid in the total amount of \$9,974,539.60 as general contractor for Contract No. 2009-056, 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 Murrow Boulevard Roadway Improvements and Downtown Greenway Phase 2 project subject to the terms outlined above. The Mayor and/or City Manager and the City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$9,974,539.60 from the following accounts:

401-4542-01.6014 A18068	\$6,325,237.10
401-4542-01.6015A18069	\$2,498,161.00
471-4502-18.6015	\$634,671.00
402-4311-01.5611	\$247,590.50
503-7028-01.6016	\$268,880.00 and the associated budget adjustment.

(Signed) Justin Outling

- 43. [ID 18-0639](#)** Resolution Approving Bid in the Amount of \$15,122,106.06 and Authorizing Execution of Contract 2013-094 with Jimmy R. Lynch & Sons, Inc. for Young's Mill Road Outfall Project

Mayor Vaughan introduced item #43 and item #44; spoke to exceeded goals; and stated there was a speaker for the items.

Mr. Byrd voiced concerns with the goal percentages in relation to the amount of the contract; spoke to available minority landscape architects; capacity building; joint venture programs; to de-bundling of contracts in Guilford County; and to the need for change.

Councilmember Hightower referenced the City's de-bundling of contracts; the use of minority businesses for City contracts; and requested staff review M/WBE goals and procedures.

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

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

Absent, 1 - Yvonne J. Johnson

271-18 RESOLUTION APPROVING BID IN THE AMOUNT OF \$15,122,106.06 AND AUTHORIZING EXECUTION OF CONTRACT 2013-094 WITH JIMMY R. LYNCH & SONS, INC. FOR YOUNG'S MILL ROAD OUTFALL PROJECT

WHEREAS, after due notice, bids have been received for the Young's Mill Road Outfall project;

WHEREAS, Jimmy R. Lynch & Sons, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$15,122,106.06 as general contractor for Contract No. 2013-094 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 Jimmy R. Lynch & Sons, Inc. is hereby accepted, and the City is authorized to enter into a contract with Jimmy R. Lynch & Sons, Inc. for the Young's Mill Road Outfall 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 \$15,122,106.06 from account 516-7044-02.6019.

(Signed) Sharon Hightower

- 44. [ID 18-0678](#)** Ordinance in the Amount of \$15,122,110 Amending the Water Resources Capital Project Bond Fund - Series 2018 Budget to Establish Funding for the Young's Mill Road Outfall Project

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

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

Absent, 1 - Yvonne J. Johnson

18-132 ORDINANCE AMENDING THE WATER RESOURCES CAPITAL PROJECT BOND FUND – SERIES 2018 BUDGET TO ESTABLISH FUNDING FOR THE YOUNG'S MILL ROAD OUTFALL PROJECT.

Section 1

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

That the Water Resources Capital Project Bond Fund – Series 2018 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Water Resources Capital Project Bond Fund – Series 2018 Budget be increased as follows:

Account	Description	Amount
516-7044-02.6019	Other Improvements	\$15,122,110
Total		\$15,122,110

And, that this increase be financed by increasing the following Water Resources Capital Project Bond Fund – Series 2018 Budget account:

Account	Description	Amount
516-0000-00.9005	Revenue Bond Proceeds	\$15,122,110
Total		\$15,122,110

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Sharon Hightower

45. [ID 18-0667](#) Ordinance to Amend Chapter 11 of the Greensboro Code of Ordinances with Respect to Periodic Inspections of Residential Dwelling Units

Mayor Vaughan introduced the item; and stated there were speakers for the item.

Judy Stalder, 115 South Westgate Drive representing the Triad Real Estate Building Industry (TREBIC) recognized John Lowder of the Piedmont Triad Apartment Association in attendance; confirmed the organizations were not in opposition to the amendment; spoke to the reflections of State Statutes; and to additional avenues to identify unlawful conditions.

Marcus Hyde, 305 Tate Street referenced communications with Council; spoke to being neutral on the item; voiced concerns with the ordinance language; State law requirements; community input; and with a recent revision to the ordinance.

Ryan Tardiff, 830 West Market Street voiced opposition to the item; concerns regarding landlord penalties; referenced a previous appearance before Council; spoke to the ordinance language; low income residents; and requested Council to delay voting on the item.

Michael Walker, 709 Mayflower Drive President of the Greensboro Landlord Association (Association) spoke to being neutral on the item; stated the Association represented approximately 7000 rental units in Greensboro; stated the Association had not been involved in the drafting of the ordinance; referenced a meeting attended by Mayor Vaughan and City staff; spoke to low income housing; vague rules; fees that would be passed onto tenants; voiced the need for additional public opinion; and requested an extension of the item.

Discussion ensued regarding the involvement of the Association; the need for increased inspections; the need for a work session discussion; safe housing; clear inspection goals; the creditability of the Association; the ordinance revision today; transparency; and the participation of the Greensboro Housing Coalition (GHC) and Legal Aid.

GHC Executive Director Brett Byerly referenced communication with Legal Aid; and confirmed the mirroring of the State ordinance.

Government Affairs Director for North Carolina Realtors Nick Scarci, 205 McAdee Avenue representing Greensboro Realtors (GSO Realtors) voiced concerns with the group not being consulted; unintended consequences; ordinance

language and definitions; outlined concerns with 4th Amendment issues; spoke to potential violations and penalties; and requested Council to postpone the item.

Discussion continued regarding the involvement of Legal Aid; conducting inspections; and compliance with State laws.

Hester Petty, 3402 Canterbury Street voiced opposition to the item; referenced the implementation of the State law; discussions with the City Manager's Office; spoke to a landlord friendly ordinance; explanations by the University of North Carolina School of Government; to non-periodic and triggers for inspections; and asked Council to postpone the item to receive additional input.

Councilmember Kennedy left the meeting at 9:10 p.m. and returned at 9:15 p.m.

Bulent Bediz, 808 Lexington Avenue spoke to the purpose of the ordinance; to safe housing; voiced concerns with ordinance language; spoke to an abuse of power; to the need for stakeholder participation; and requested more time for consideration.

Councilmember Thurm spoke to conversations regarding the inspections process and access; and asked staff to explain the inspection procedures.

Assistant City Manager Harris outlined the inspection process; options for an inspection request; spoke to major violations; and to the process to gain entry into residencies.

Councilmember Kennedy left the meeting at 9:16 p.m. and returned at 9:17 p.m.

Councilmember Outling spoke to the investment of the GHC to move housing forward; referenced recent incidents that had occurred; spoke to housing related issues; sub-standard conditions; empowering inspectors; repeat offenders; voiced concerns with a delay; explained the options for amendments; spoke to understanding laws; stakeholder engagement; to input by Legal Aid and the GHC; and stated he hoped Council would support the ordinance.

Councilmember Hoffmann spoke to the alignment with the State statute.

Councilmember Hightower requested clarification on the State statute requirements on the inspection numbers for violations; voiced concerns with transparency; the need for safe housing; and requested staff research hiring additional code compliance inspectors.

Deputy City Attorney Terri Jones spoke to the adoption of the Bill; the amendment to the statute; and explained violations triggering inspections within a thirty-day and twelve month period.

Councilmember Abuzuaiter voiced the need for secure housing; to involve renters in the conversations; spoke to the urgency for ordinance implementation; and stated she would vote for the item.

Mayor Vaughan spoke to the history of the item; referenced blight discussions; voiced concerns with the health and safety of the community; and spoke to the roles of Council.

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

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

Absent, 1 - Yvonne J. Johnson

18-133 ORDINANCE TO AMEND CHAPTER 11 OF THE GREENSBORO CODE OF ORDINANCES WITH
RESPECT TO PERIODIC INSPECTIONS OF RESIDENTIAL DWELLING UNITS BE IT ORDAINED BY THE CITY

COUNCIL OF THE CITY OF GREENSBORO:

Section 1. Section 11-2 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-2. - Definitions.

* * * *

* * * *

Section 2. Section 11-38 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-38. - Inspections.

(a) It shall be the duty of the inspector diligently to examine buildings, dwellings, units, and accessory structures located in the city especially in those portions of the city where the conditions described in section 11-3 exist for the purpose of locating and taking action with respect to such buildings, dwellings, units, and structures as appear to be unfit for human habitation. Reasonable cause to inspect means any of the following:

- (1) There has been a complaint that substandard conditions exist within the building or dwelling unit;
- (2) There has been a request that the building or dwelling unit be inspected;
- (3) The inspection department has actual knowledge of an unsafe condition within the building and/or dwelling unit;
- (4) Violations of the local ordinances or codes are visible from the outside of the property; or
- (5) As defined in section 11-40.

(Code 1961, §§ 10-14(b), 10-17; Ord. No. 89-58, § 1, 4-27-89; Ord. No. 05-122, § 6, 6-7-05; Ord. No. 13-104, § 1, 7-16-13; Ord. No. 15-0110, § 1, 9-1-15)

Section 3. Section 11-40 of Chapter 11, Housing Code, is hereby amended as follows:

Sec. 11-40. - Periodic inspections for hazardous or unlawful conditions.

(a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in buildings or structures within its territorial jurisdiction. However, when the inspection department determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if the same safety hazard exists. The inspection department may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential buildings or structure. For purposes of this section, the term "reasonable cause" means any of the following: (i) the property has a history of more than four verified violations of the housing ordinances or codes within a rolling 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or dwelling unit; or (iii) there has been a request that the building be inspected; (iv) the inspection department has actual knowledge of an unsafe condition within the building; (v) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the inspection department shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, members of the department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspections or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with state fire prevention code or as otherwise required by state law.

(b) [Reserved]

(c) The City may not (i) require any owner or manager of rental property to obtain any permit or permission from the City to lease or rent residential real property or to register rental property with the City, except for those individual rental units that have either more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period; (ii) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy; (iii) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in subdivision (i) of this subsection and the fee does not exceed five hundred dollars (\$500.00) in any 12-month period in which the unit or property is found to have verified violations; (iv) provide that any violation of a rental registration ordinance is punishable as a criminal offense; or (v) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the City. For purposes of this section, the term "verified

violation” means all of the following:

- (1) The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a 72-hour period.
- (2) Any violations that have not been corrected by the owner or manager within 21 days of receipt of written notice from the city of the violation. Should the same violation occur more than two times in a 12-month period, the owner or manager may not have the option of correcting the violation. If the housing ordinance or code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within 30 days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.
- (d) If the City takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Minimum Housing Standards Commission. The Commission shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The Commission may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the Commission ought to be made in the matter.

(Ord. No. 13-104, § 1, 7-16-13; Ord. No. 15-0110, § 1, 9-1-15)
State Law reference—Similar provisions, G.S. § 160A-424.

Section 4. That this ordinance shall become effective upon adoption.

(Signed) Michelle Kennedy

46. [ID 18-0581](#) Ordinance Amending Section 21-8 of the Greensboro Code of Ordinances with Respect to Personnel

Mayor Vaughan introduced the item; and stated there was a speaker for the item.

Councilmember Abuzuaiter stated that Mayor Pro-Tem Johnson wanted to be involved in the discussions regarding the item; and suggested a postponement.

Dave Coker, 607 Park Avenue spoke to City employee's running for political offices; a conflict with State Statute; referenced the Mini Hatch Act; spoke to the vetting of the ordinance; employee engagement in the community; highlighted reasons for running for public office; and requested Council approve for employees living outside of Guilford County the option to run for political office.

Moved by Councilmember Abuzuaiter, seconded by Mayor Vaughan to postpone the ordinance to the November 20th meeting of Council. The motion carried by voice vote.

47. [ID 18-0664](#) Boards and Commissions Listing for October 16, 2018

Councilmember Hightower inquired about a vacancy on the Community Sustainability Council; and referenced an upcoming meeting for the North Carolina League of Municipalities.

City Clerk Betsey Richardson confirmed the vacancy; and spoke to the resignation of Kelly Swain.

Councilmember Thurm spoke to the Library Still Trade Resouce event on October 23rd; reminded residents of the upcoming Friendsgiving Feast; of free programming in Downtown; and highlighted two festivals on Sunday.

Councilmember Outling announced the Run for the Greenway event on October 27th.

Moved by Mayor Vaughan, seconded by Councilmember Abuzuaiter to appoint Johanna Cockburn to the Greensboro Housing Authority. The motion carried by voice vote.

Moved by Councilmember Wells, seconded by Councilmember Abuzuaiter to appoint Joe Isler to the Participatory

Budgeting Committee. The motion carried by voice vote. Councilmember Wells extended an invitation to the District 2 Townhall meeting at Union Square; and encouraged participation at the City Libraries and the Museum's.

Councilmember Kennedy spoke to Tropical Storm Michael; voiced appreciation for work by City staff; and commended the level of staff commitment.

Councilmember Hoffmann echoed appreciation for staff during and after the storm; spoke to the loss of power; and the need to address communication by Duke.

48. [ID 18-0665](#) Summary of M/WBE Contract Goal Achievement for October 16, 2018

Mayor Vaughan stated there was a speaker to the Council informational item.

Mr. Byrd referenced scripture; spoke to community values; voiced concerns with M/WBE participation; and with City economical issues.

Matters to be presented by the City Attorney

There were no items for discussion by the Interim City Attorney.

Matters to be presented by the City Manager

Assistant City Attorney Chris Wilson voiced appreciation to the public safety employees during the storms.

Councilmember Abuzuaiter echoed thanks to City staff for their hard work.

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm that the City Council adjourn to a closed session pursuant to North Carolina General Statutes Chapter 143, Section 318.11 in order to prevent the disclosure of information that is confidential pursuant to North Carolina General Statutes Chapter 160A, Section 168; to establish the amount of compensation and other material terms of an employment contract; and to consider the qualifications, competence, performance, character, fitness, and conditions of employment of a public employee. The motion carried by voice vote.

Council recessed to closed session at 9:51 p.m. Council reconvened into open session at 10:40 p.m. with all members in attendance except Mayor Pro-Tem Johnson.

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

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

Moved by Councilmember Abuzuaiter, seconded by Councilmember Thurm, to adopt the resolution appointing Jim Hoffman as Interim City Attorney. The motion carried by the following vote:

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

Absent, 1 - Yvonne J. Johnson

272-18 RESOLUTION APPOINTING JIM HOFFMAN AS INTERIM CITY ATTORNEY

WHEREAS, the City Attorney resigned employment effective October 2, 2018; and

WHEREAS, the City Council deems it in the best interest of the City to appoint an Interim City Attorney; and

WHEREAS, the City Council recognizes that Jim Hoffman has a diverse and extensive legal background and is

qualified and willing to serve the City of Greensboro as Interim City Attorney;

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

That effective October 17, 2018, Jim Hoffman is hereby appointed Interim City Attorney of the City of Greensboro. Further, the Mayor is authorized to enter into a professional services agreement between the City of Greensboro and Jim Hoffman setting his monthly compensation at \$15,000 per month.

(Signed) Marikay Abuzuaiter

Adjournment

Moved by Councilmember Kennedy, seconded by Councilmember Outling, to adjourn the meeting. The motion carried by voice vote.

THE CITY COUNCIL ADJOURNED AT 10:42 P.M.

ANGELA R. LORD
DEPUTY CITY CLERK

NANCY VAUGHAN
MAYOR