MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N.C.

REGULAR MEETING: 20 OCTOBER 2009

The City Council of the City of Greensboro met in regular session at 5:30 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Yvonne J. Johnson presiding; Mayor Pro-Tem Sandra Anderson Groat, Councilmembers Michael L. Barber, T. Dianne Bellamy-Small, Zachery Matheny, Robert V. Perkins, Mary C. Rakestraw, and Trudy Wade. Absent: Goldie F. Wells participated by telephone; then was excused for her absence from the remainder of the meeting. Also present were City Manager, Rashad Young; Deputy City Manager, Robert Morgan; City Attorney, A. Terry Wood; and Assistant City Clerk, Dianalynn L. Schreiber.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

Mayor Johnson welcomed City Manager Rashad Young.

City Manager Young recognized Wendy Messer, employee of Water Resources, who served as Courier for the meeting.

Mayor Johnson explained Council procedure for conducting Speakers from the Floor by allowing ten speakers at a minimum, sequentially, within thirty-minutes of the first Speaker of the Floor segment; remaining speakers would be allowed to speak at the second Speaker of the Floor segment up to and until 11:00 p.m. Additionally, a Public Affairs staff member would be available to take citizens’ comments and/or inquiries.

Mayor Johnson expressed her concern for the victims of the typhoon in the Philippines.

Councilmember Matheny introduced a resolution honoring the memory of the late Dr. Patricia A. Sullivan and read into the minutes. Councilmember Bellamy-Small thereupon moved adoption of the resolution. The motion was seconded by Councilmember Rakestraw; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

234-09 RESOLUTION HONORING THE MEMORY OF THE LATE DR. PATRICIA A. SULLIVAN

WHEREAS, on August 20, 2009, this community lost one of its outstanding community leaders with the death of the late Dr. Patricia A. Sullivan at the age of 69;

WHEREAS, Dr. Sullivan, a native of Staten Island, New York was a 1961 cum laude graduate of Notre Dame College of St. John’s University, and earned her master’s and Ph.D. degrees in biology from New York University;
WHEREAS, Dr. Sullivan began her career in 1961 as a teaching fellow at New York University; she later held predoctoral and post-doctoral fellowships from the National Institutes of Health before serving for nine years on the biology faculty at Wells College;

WHEREAS, her career continued at Texas Women’s University until 1981, when she left to serve as Dean of Salem College in Winston-Salem before returning to Texas Women’s University to serve as Vice President for Academic Affairs until 1993 when she took on the role of the Interim President of the University;

WHEREAS, on January 1, 1995, Dr. Sullivan became the first female Chancellor at The University of North Carolina at Greensboro where she served as Chancellor until her retirement on July 31, 2008, at which time The Patricia A. Sullivan Science Building was named in her honor by the Board of Trustees;

WHEREAS, her tenure was marked by tremendous growth in enrollment, academic programs, research initiatives, diversity among the student body and faculty, endowments and fundraising;

WHEREAS, Dr. Sullivan was instrumental in campaigning to promote the $3.1 billion North Carolina’s Higher Education Bonds referendum; of which, the University received $166 million for capital projects including the construction of three new buildings and numerous renovation and infrastructure projects;

WHEREAS, on a national level she was involved with the American Council on Education, the American Association of State Colleges and Universities and served on the Advisory Board of the Council for International Exchange of Scholars;

WHEREAS, awards and honors include the 2007 Thomas Osborne Distinguished Citizenship Award; being one of ten recipients of the 2003 Women in Business Awards, the 2003 inductee for the Business Leaders Hall of Fame of the Central North Carolina Junior Achievements; and selection as one of the “10 People to Watch in 2004”;

WHEREAS, Dr. Sullivan was the recipient of the honorary Doctor of Pedagogy Degree from St. John’s University as well as the Old North State Award;

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

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

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Dr. Patricia A. Sullivan.
2. That a copy of this resolution shall be delivered to the family of the late Dr. Patricia A. Sullivan as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) T. Dianne Bellamy-Small

Mayor Johnson introduced a presentation by the Sustainability Council provided by committee members Bob Powell and Joel Landau.

Bob Powell, 2128 Wright Avenue, spoke to the Action Plan devised by the Sustainability Council to emphasize green technologies supported by public grant funding; and described topics for programming.

Joel Landau, announced the proposed Green Star Program to recognize entities responsible for community projects which focus on conservation and sustainability; and a request was made for Council to permit the issuance of certificates by the committee.

Councilmember Perkins moved that the Sustainability Council be authorized to proceed with the certificates; Councilmember Bellamy-Small seconded the motion; the motion was adopted by unanimous voice vote of Council.
Mayor Johnson requested that the Green Star Program winners be recognized before Council; that the criteria be made available to the public through Channel 13; that U.S. Department of Energy funding would be granted to the City for disbursement to qualifying businesses and non-profit organizations; and that the committee be involved in vetting solid waste alternatives for Council.

Mayor Johnson asked if anyone wished to speak from the floor.

Nancy Cavanaugh, 4505 Summit Avenue, requested city action against Tip Top Grocery located at 4608 Summit Avenue; expressed her concern about criminal activities in the vicinity; and requested that the condemned buildings and the store be razed. Council discussion emphasized the closing of the store in accordance with the nuisance abatement ordinance.

Dan Reynolds, Inspections Department, stated that service issues had delayed city action on the parcel. Councilmember Perkins made a motion to request the Police Department and Inspection Department to provide a report on activities at the store and surrounding properties and brought back to Council with a recommendation on whether or not the nuisance abatement ordinance could be used. Discussion included the enforcement of minimum code standards for commercial properties with additional city staff.

Councilmember Barber seconded the motion; the motion was adopted by unanimous voice vote of Council.

Glenda T. Gray, 2501 McConnell Road, spoke to criminal activities observed in the Friendly Neighborhood Council Community located in District 1; Mayor Johnson referred the resident to Deputy City Manager Morgan for assistance.

Ed Wolverton, 122 North Elm, provided an update of the Downtown Area Consolidated Plan; stated that the planning effort was a partnership between private enterprise, Downtown Greensboro Incorporated, Guilford County, Action Greensboro, and the City of Greensboro; stated that stakeholders were meeting to develop an implementation schedule and investment logistics; and announced an upcoming meeting the evening of 27 October at the Carolina Theater.

Carl E. Lebby, Jr. 3193-C Peters Creek Parkway, representing Ulturnagen of Winston-Salem, read a letter addressed to Council regarding the request for consideration concerning an alternative energy demonstration project. (The letter dated 17 October 2009, marked R-19 is hereby incorporated by reference and made a part of these minutes).

Councilmember Wells was called to participate by telephone.

Council commented on the Ulturnagen contract proposal, the timeline associated with the RFP (Request for Proposal) process, administrative procedures involved in researching alternative energy enterprises, desire for flexibility to assist the manager in researching emergent technology options; and funding required for implementation.

Councilmember Perkins made a motion to let the City Manager hire the best consultant possible and give Council a recommendation and then let Council debate instead of debating it and having all kinds of briefing sessions with folks coming in and us getting a lot of opinions without getting a lot of facts. The motion was seconded by Councilmember Bellamy-Small; no vote was conducted.
Councilmember Wade made a friendly amendment to wait until the City Manager has had an opportunity to see if he wants to hire a consultant.

Councilmember Barber moved a substitute motion that would allow the RFP be created and the process to go forward; at which time we receive proposals from any company that wished to propose anything related to this community or to the landfill, then we allow the City Manager to review them, honor the City Council and not have to suspend our rules to make a motion that circumvents a previous motion by this Council.

Attorney Wood clarified that the RFP process would continue until further instruction by the City Manager; and stated that the RFP formulation process was underway. After additional discussion about seeking local versus regional solutions, Councilmember Barber called the point of order.

Councilmember Barber restated his substitute motion which allows the RFP to go forward without making any other motions that would circumvent that process; and then following the RFP process, allow the City Manager to review those.

Councilmember Perkins offered a friendly amendment that the RFP request include regional alternatives, because to limit the RFP process to White Street Landfill at this point was a mistake. Councilmember Barber accepted the friendly amendment.

Councilmember Barber’s substitute motion was made with Councilmember Perkins’ friendly amendment. The motion was seconded by Councilmember Wade; the motion was adopted on the following roll call vote: Ayes: Barber, Groat, Matheny, Rakestraw and Wade. Noes: Bellamy-Small, Johnson, Perkins and Wells.

Councilmember Barber departed the Chamber at 6:34 p.m. and returned at 6:38 p.m.

Councilmember Wells discontinued participation by telephone at 6:40 p.m.

Jim Kee, 4301 Lord Jeff Drive, stated that the City has economic development and public safety decisions to resolve; and asked Council to make decisions that would benefit the community and city residents; and indicated his opposition to reopening the White Street Landfill.

Gene Russell, 3006 Redford Drive, spoke to the crime wave affecting New Irving Park residents; elaborated on the neighborhood meeting conducted at Mendenhall Middle School; requested a moratorium on false alarm penalties; and requested that the Police Department provide residents with warning stickers and engraver contact information.

Councilmember Barber made a motion to put a moratorium on false alarms until the 10 November Council meeting; the motion was seconded by Councilmember Matheny; the motion was adopted on the following roll call vote: Ayes: Barber, Groat, Johnson, Matheny, Perkins, Rakestraw, and Wade. Noes: Bellamy-Small.

Leon Nutes, 214 Peach Orchard Street, suggested recycling grass clippings in paper containers; and expressed concern regarding debris adjacent to his property located in a city easement; the resident was referred to Butch Simmons, Director of Engineering and Inspections for assistance.
Richard Beard, 2908 Round Hill Road, spoke to the increase in residential burglaries in the Irving Park neighborhood; requested supporters in the audience to stand; and advocated more aggressive police monitoring and increased pressure on the District Attorney for resolution.


Chad Lackey, 3011 Lake Forest Drive, stated his concern for countering criminal elements in the Irving Park neighborhood; indicated that police surveillance was underway; and that his concerns focused on individuals who were at home when the incidents occurred.

Council discussion included the effectiveness of a community watch; utilization of electronic communication and increased awareness in conjunction with reporting suspicious behavior; increased incidents of burglaries city-wide; commentary on the displayed map pinpointing municipal burglaries; and that the rising unemployment rate contributed to crime.

Councilmember Bellamy-Small made a motion to excuse Councilmember Wells from the remaining portion of the meeting. The motion was seconded by Councilmember Perkins; the motion was adopted unanimously by voice vote of Council.

Mayor Johnson stated that there was a request from staff to continue two agenda items to the 10 November 2009 meeting of Council: Item #13, resolution authorizing the use and appropriation of $1,564,000 of voter approved Economic Development Bond Funds on an Economic Incentive Grant to the Piedmont Triad Airport Authority; and Item #34, resolution authorizing the use of $1,800,000 from the Greensboro Water and Sewer Trust Fund for engineering design and construction of a Federal EPA Brownfields Assessment Grant under the American Recovery and Reinvestment Act (ARRA) of 2009. Councilmember Perkins moved that the items be continued without further advertising. The motion was seconded by Councilmember Rakestraw; the motion was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

Mayor Johnson stated that this was the time and place for a public hearing to consider a resolution authorizing on the basis of public necessity water main improvements at the intersection of Pleasant Ridge Road and Old Oak Ridge Road west approximately two-hundred feet to 7100 Prentiss Road.

After brief discussion, Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Wade; the resolution was adopted by the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

P-195 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

8" WATER MAIN TO BE INSTALLED ON PRENTISS ROAD FROM AN EXISTING 16" LINE AT THE INTERSECTION OF PLEASANT RIDGE ROAD AND OLD OAK RIDGE ROAD WEST APPROX. 200 FEET TO 7100 PRENTISS ROAD

WHEREAS, due notice has been given that on the 20th day of October, 2009 at 5:30 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:
A. That the street or streets hereinabove set out is/are

PRENTISS ROAD FROM AN EXISTING 16” LINE AT THE INTERSECTION OF PLEASANT RIDGE ROAD AND OLD OAK RIDGE ROAD WEST APPROX. 200 FEET TO 7100 PRENTISS ROAD

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

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

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

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

(Signed) T. Dianne Bellamy-Small

Mayor Johnson stated that this was the time and place set for a public hearing to consider an ordinance establishing the J.W. Jones Building at 345-347 South Elm Street as a Guilford County landmark.

Mike Cowhig, Planner/Housing and Community Development, spoke to the item, presented background and photographs, and requested Council’s adoption of the ordinance.

Councilmember Groat departed the Chamber at 7:04 p.m.; and returned to the Chamber at 7:14 p.m.

There being no one to speak to the matter, Councilmember Barber moved adoption of the ordinance. The motion was seconded by Councilmember Rakestraw; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

09-166 ORDINANCE ESTABLISHING THE J.W. JONES BUILDING, 345-347 SOUTH ELM STREET AS A GUILFORD COUNTY LANDMARK

WHEREAS, all the prerequisites to the adoption of the ordinance, as prescribed by Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, have been met;

WHEREAS, the Guilford County Historic Preservation Commission has submitted a report, which is incorporated herein by reference, and recommended in a public hearing that the property described below be designated as a historic landmark;

WHEREAS, appropriate notice has been given of the public hearing as required by law;

WHEREAS, the Guilford County Historic Preservation Commission finds that the property described herein is of historical, architectural, educational, and/or cultural significance, and its preservation should be encouraged so as to safeguard the heritage of the City and County and to promote the use and conservation for the education, pleasure and enrichment of the residents of the City and County.

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

1. The City Council of the City of Greensboro accepts the findings of the Guilford County Historic Preservation Commission and adopts the recommendation of the Commission for the preservation of the
subject property by the authority set forth in Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and local ordinance adopted pursuant thereto.

2. The designation includes only the exterior façade, south elevation and exposed north elevation for the property known as The J. W. Jones Building located at 345-347 South Elm Street.

3. The Guilford County Landmark Plaque shall be installed on the property and such sign shall indicate that such property has been designated as a Historic Landmark. Details of the display of the plaque are to be approved by the Guilford County Historic Preservation Commission before installation.

4. The procedures provided by law, including waiting period, shall be observed prior to demolition, alteration remodeling or removal of the designated property. This includes the process of approving a Certificate of Appropriateness before any changes are made to this designated property.

5. A certified copy of this ordinance is to be appropriately recorded with the Register of Deeds, the Tax Department and Inspections Department in accordance with provisions of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and the local ordinance adopted pursuant thereto.

6. This ordinance shall be effective from and after its adoption.

(Signed) Michael L. Barber

Mayor Johnson stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to zoning, planning and development.

Planning Director Dick Hails presented the item. Brief discussion was held regarding publication of the amendment to community groups and overall attendance.

There being no one to speak to the matter, Councilmember Barber moved adoption of the ordinance. The motion was seconded by Councilmember Matheny; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

09-167

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

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

Section 1. That Section 30-3-12, Zoning map amendments, is hereby amended by adding a new Subsection 30-3-12.3, Waiver of procedure, to read as follows:

30-3-12.3. Waiver of procedure.

At its discretion, the City Council may waive the procedural requirements of Section 30-3-12.2 (Procedure) and may process a comprehensive rezoning of all property in the city in accordance with procedural provisions of general law, except the Zoning Commission shall function in accordance with NCGS 160A-361 regarding the zoning map amendment.

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 the date of adoption.

(Signed) Michael L. Barber
Mayor Johnson stated that this was the time and place set for a public hearing to consider a resolution establishing the procedure for the adoption of the Land Development Ordinance and Comprehensive Rezoning by the City of Greensboro.

There being no one to speak to the matter, Councilmember Barber moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted by the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

**236-09 RESOLUTION ESTABLISHING THE PROCEDURE FOR THE ADOPTION OF THE LAND DEVELOPMENT ORDINANCE AND COMPREHENSIVE REZONING BY THE CITY OF GREENSBORO**

WHEREAS, The City of Greensboro is in the process of revising the text of the Development Ordinance located with Chapter 30 of the City Code which will involve a comprehensive rezoning of all property located within the zoning jurisdiction of the City Greensboro;

WHEREAS, Section 30-3-15 of the Development Ordinance establishes the procedure to be followed for changing the text of Chapter 30 of the City Code;

WHEREAS, Section 30-3-12 of the Development Ordinance establishes the procedure to be followed for changing the zoning classification of land located within the City of Greensboro’s jurisdiction;

WHEREAS, Section 30-3-12.3 of the Development Ordinance permits City Council to waive the procedure established in Section 30-3-12 to be followed for changing the zoning classification of land located within the City of Greensboro’s jurisdiction relative to a comprehensive rezoning of all property in the City; and

WHEREAS, when the procedures to be followed for changing the zoning classification of land located within the City of Greensboro’s jurisdiction established in Section 30-3-12 are waived, a procedure to be followed must then be established by City Council.

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

Section 1 – The procedure to be followed for the comprehensive rezoning of all property in the City’s jurisdiction shall be that established in Section 30-3-12 of the Development Ordinance, with the following exceptions:

1. The notification requirements for the public hearing to be held by the Zoning Commission shall be a legal notice published once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date of the hearing.

2. The public notification requirements for the public hearing to be held by City Council shall be a notice mailed by first class mail to the owners of the parcels of land as shown on the county tax listing and the owners of all parcels of land abutting the parcels of land as shown on the county tax listing. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.

3. The Zoning Commission shall hold a public hearing on the comprehensive rezoning. The Planning Department shall present the comprehensive rezoning to the Zoning Commission together with the Planning Department’s recommendation.

Action by City Council: The City Council shall approve or deny the comprehensive rezoning after receipt of the recommendation from the Zoning Commission in accordance with the provisions of this Resolution.

Section 2 - That this Resolution shall be on file in the Office of the City Clerk of the City of Greensboro for inspection by citizens of the city and the surrounding area.

Section 3 - That this Resolution shall become effective immediately upon adoption.

(Signed) Michael L. Barber

Mayor Johnson stated that this was the time and place set for a public hearing to consider an ordinance amending Section 30-5-2.37 of the Greensboro Code of Ordinances with respect to Zoning – Family Care Home Separation.

Council discussion ensued regarding the legalities of amending the separation requirement, amortization periods of two versus five years; updating GIS mapping, databank and the associated impact; a request for staff to review the impact of incremental separation requirements; the ability of the city to regulate behavioral complaints; and the frequency of local and state facility inspections.

Councilmember Barber moved adoption of the ordinance. The motion was seconded by Councilmember Perkins. After further discussion of the public’s dissatisfaction with current and proposed compliance standards, Councilmember Barber withdrew his original motion and requested a substitute motion to table the item without further advertising. Councilmember Bellamy-Small offered a friendly amendment to include a time limit of thirty-days; Councilmember Barber accepted the friendly amendment. Councilmember Matheny seconded the substitute motion; the substitute motion was adopted by unanimous voice vote of Council.

Mayor Johnson asked if Council wished to remove any items from the Consent Agenda. There being no revisions, Councilmember Bellamy-Small moved adoption of the ordinances, resolutions and motions listed on the Consent Agenda of Items #14-32. The motion was seconded by Councilmember Perkins; the Consent Agenda was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2007-026
WITH YATES CONSTRUCTION COMPANY, INC. FOR THE JOLSON STREET ROADWAY
IMPROVEMENTS (INCLUSIVE OF RIDGEHAVEN DRIVE AND PLEASANT GARDEN ROAD)
PROJECT

WHEREAS, after due notice, bids have been received for the Jolson Street Roadway Improvements (inclusive of Ridgehaven Drive and Pleasant Garden Road) project;

WHEREAS, Yates Construction Company, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of $363,197.50 as general contractor for Contract No. 2007-026, 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, Inc. is hereby accepted, and the Mayor and 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 $135,538.50 from Account No. 441-6003-03.6014 Activity 08162; in the amount of $36,322.50 from Account No. 503-7019-02.6017 Activity 10067; in the amount of
$20,753.00 from Account No. 503-7019-01.6016 Activity 10062; in the amount of $87,525.00 from Account No. 101-4303-02.5429 and in the amount of $83,058.50 from Account No. 220-4581-01.6014.

(Signed) T. Dianne Bellamy-Small

09-168 ORDNANCE AMENDING STATE, FEDERAL, AND OTHER GRANTS FUND BUDGET FOR THE PLEASANT GARDEN RD & INDUSTRIAL AVE PROJECT WITH NCDOT

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 be amended for the Pleasant Garden Rd & Industrial Ave Project Budget as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
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<tr>
<td>220-4581-01.5240</td>
<td>Traffic Signal &amp; Lighting Equipment</td>
<td>$56,000</td>
</tr>
<tr>
<td>220-4581-01.6014</td>
<td>Street Construction and Paving</td>
<td>$84,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$140,000</td>
</tr>
</tbody>
</table>

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds budget accounts for the Pleasant Garden Rd & Industrial Ave Project Budget:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>220-4581-01.7110</td>
<td>State Grant</td>
<td>$140,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$140,000</td>
</tr>
</tbody>
</table>

Section 2:

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

09-169 ORDNANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR CONTINUATION OF THE METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM

Section 1

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

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

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>220-4087-01.4140</td>
<td>Roster Wages</td>
<td>$ 9,348</td>
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<tr>
<td>220-4087-01.5235</td>
<td>Small Tools and Equipment</td>
<td>$139,000</td>
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<tr>
<td>220-4087-01.5239</td>
<td>Miscellaneous Supplies</td>
<td>$100,584</td>
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</table>
220-4087-01.5510  Business & Meeting Expenses                  $  12,653
220-4087-01.5520  Seminar/Training Expenses                      $  50,000
TOTAL:                                                        $311,585

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

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<tr>
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<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>220-4087-01.7100</td>
<td>Federal Grant</td>
<td>$311,585</td>
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</tbody>
</table>

TOTAL: $311,585

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

09-170  ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR GOVERNOR’S CRIME COMMISSION GANG VIOLENCE PREVENTION GRANT FY 08-09 ADDITIONAL ROLLOVER FUNDS

Section 1

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

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

That the appropriation for the State, Federal and Other Grants Fund be increased as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-3551-02.5235</td>
<td>Small Tools &amp; Equipment</td>
<td>$2,163</td>
</tr>
<tr>
<td>220-3551-02.5419</td>
<td>Other Services</td>
<td>$2,158</td>
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<td>220-3551-02.5429</td>
<td>Other Contracted Services</td>
<td>$3,948</td>
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<td>220-3551-02.5520</td>
<td>Seminar/Training Expense</td>
<td>$365</td>
</tr>
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</table>

Total: $ 8,634

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

<table>
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<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
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<td>State Grant</td>
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<tr>
<td>220-3551-02.7123</td>
<td>State Drug Excise Tax</td>
<td>$2,159</td>
</tr>
</tbody>
</table>

Total: $ 8,634

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small
238-09 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2009-54 WITH BREECE ENTERPRISES, INC. FOR THE 2008 ANNEXATION WATER AND SEWER PROJECTS PART 5

WHEREAS, after due notice, bids have been received for the 2008 Annexation Water and Sewer Projects Part 5;

WHEREAS, Breece Enterprises, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of $364,471 as general contractor for Contract No. 2009-054, 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 Breece Enterprises, Inc. is hereby accepted, and the Mayor and 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 $141,672 from Account No. 503-7019-06.6016 Activity 10072 and in the amount of $222,799 from Account No. 503-7019-06.6017 Activity 10073.

(Signed) T. Dianne Bellamy-Small

239-09 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF JAMES R. BARBER AND CATHY L. BARBER FOR THE LAWNDALE DRIVE SIDEWALK PROJECT

WHEREAS, in connection with the Lawndale Drive Sidewalk project, a portion of the property owned by James R. Barber and Cathy L. Barber, Tax Map No. 544-2-10 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of $32,358, 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 $32,358 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 401-4535-01.6012 Activity Number 09159.

(Signed) T. Dianne Bellamy-Small

240-09 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF GUILFORD DAY SCHOOL FOR THE BRINTON DRIVE OUTFALL PROJECT

WHEREAS, in connection with the Brinton Drive Outfall project, a portion of the property owned by Guilford Day School, Tax Map No. 3-173-835-35 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of $27,500 but the property owner has agreed to settle for the price of $30,250, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

WHEREAS, the owner has agreed to convey said property to the City at the agreed price and it is deemed in the best interest of the City to acquire said property.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the agreed price of the above mentioned portion of property in the amount of $30,250 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. 503-7018-06.6012 Activity No. 09070.

(Signed) T. Dianne Bellamy-Small

09-171 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR 2009 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD FOR THE GREENSBORO POLICE DEPARTMENT

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 for the State, Federal and Other Grants Fund be increased as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-3575-01.5235</td>
<td>Small Tools &amp; Equipment</td>
<td>$230,831</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$230,831</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-3575-01.7100</td>
<td>Federal Grant</td>
<td>$230,831</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$230,831</td>
</tr>
</tbody>
</table>

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

09-172 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARKS AND RECREATION CITY ARTS DRAMA CULTURAL PARTNER 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 for the State, Federal and Other Grants Fund be increased as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-5050-01.5413</td>
<td>Consultant Services</td>
<td>$3,750</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$3,750</td>
</tr>
</tbody>
</table>
and, that this increase be financed by increasing the following State, Federal and Other Grants Fund accounts:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-5050-01.8620</td>
<td>Donations and Private Contributions</td>
<td>$3,750</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$3,750</strong></td>
</tr>
</tbody>
</table>

Section 2

And, that this ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

……..

241-09 RESOLUTION APPROVING LOAN SUBORDINATION OF CITY FINANCING FOR THE L. RICHARDSON HOSPITAL APARTMENTS LOCATED AT 603 SOUTH BENBOW ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUIRED DOCUMENTATION

WHEREAS, Beacon Management Corp. on behalf of the L. Richardson Hospital LP has requested subordination of the City deed of trust and declaration of restrictions to a new first position loan for the L. Richardson Hospital Apartments located at 603 Benbow Road;

WHEREAS, as a result of the subordination of the City loan to the second lien position, the bank loan mortgage balance would be reduced and monthly payments would be decreased;

WHEREAS, the proposed Community Investment Corporation of the Carolina’s (CICCAR) loan in the amount of $450,000 requires that all financing, restrictions, covenants and agreements be subordinate to the CICCAR financing.

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

That the subordination of the City loan for the L. Richardson Hospital Apartments located at 603 South Benbow Road to the second lien position is hereby approved and the City Manager is hereby authorized to execute the required documentation.

(Signed) T. Dianne Bellamy-Small

……..

242-09 RESOLUTION APPROVING LOAN SUBORDINATION OF CITY FINANCING FOR THE CHURCHVIEW FARM APARTMENTS LOCATED AT 2302 OLD CHAPMAN STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REQUIRED DOCUMENTATION

WHEREAS, Beacon Management, Corp., on behalf of the Churchview Place LP, has requested that the City subordinate its deed of trust and declaration of restrictions to Low Income Housing Tax Credit (LIHTC) financing;

WHEREAS, without the financing option, the project would have to find equity participation in an unstable tax credit market and could face a large unplanned gap in development funds;

WHEREAS, due to the difficulty in obtaining tax credit syndication in the current market, the North Carolina Housing Finance Agency (NCHFA) has offered recent projects the opportunity to exchange their tax credit allocations for a forgivable loan;
WHEREAS, the terms of the NCHFA loan require that the Tax Credit Exchange Program financing be in the second position;

WHEREAS, participation in the NCHFA Exchange Loan Program would allow the project to move forward under its original development budget projections without the risk of a development funding gap, which could have occurred due to falling prices for tax credits in the current market;

WHEREAS, the project is currently in construction with an estimated completion date of May, 2010;

WHEREAS, during the construction phase of the project the pricing for LIHTC’s has fallen from 0.86 cents to 0.63 cents per dollar;

WHEREAS, the total projected development for the project is $7,771,361 with the following proposed permanent loans: bank loan in the amount of $804,000; NCHFA Exchange Loan in the amount of $4,797,194; City of Greensboro Loan in the amount of $888,284; NCHFA RPP Loan in the amount of $800,000 and NCHFA State Tax Credit Loan in the amount of $362,076.

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

That the subordination of the City of Greensboro financing for the Churchview Farm Apartments located at 2302 Old Chapman Street to a second position to allow the developer to secure North Carolina Housing Finance Agency financing is hereby approved, and the City Manager is hereby authorized to execute the required documentation for said subordination.

(Signed) T. Dianne Bellamy-Small

243-09 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2007-045 WITH BREECE ENTERPRISES, INC. FOR SANITARY SEWER LINE IMPROVEMENTS

WHEREAS, Contract No. 2007-045 with Breece Enterprises, Inc. provides for construction of sanitary sewer improvements in various areas of the City;

WHEREAS, the contract contains a fifty percent extension clause to allow for additional projects where work is needed;

WHEREAS, the Water Resources Department has requested that Derbyshire Sewer Outfall (PO4819) be included in the contract, thereby necessitating a change order in the contract in the amount of $50,000.00.

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

That a change order in the above-mentioned contract with Breece Enterprises, Inc. for the construction of sanitary sewer improvements in various areas of the City is hereby authorized at a total cost of $50,000.00, payment of said additional amount to be made from Account No. 503-7019-02.6017, Activity 10067.

(Signed) T. Dianne Bellamy-Small

244-09 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2009-017 WITH THOMAS STANLEY GRADING AND HAULING FOR STORM DRAINAGE IMPROVEMENTS IN EDGEWORTH STREET

WHEREAS, Contract No. 2009-017 with Thomas Stanley Grading and Hauling provides for construction of storm drainage upgrades on five various residential streets in Greensboro;
WHEREAS, the contract contains a fifty percent extension clause to allow for additional projects where work is needed;

WHEREAS, the Water Resources Stormwater Division has requested that the Hedrick Drive Storm Drainage Outfall project be included in the contract to expedite repairs to a culvert to meet the current storm drainage needs, thereby necessitating a change order in the contract in the amount of $50,500.00.

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

That a change order in the above-mentioned contract with Thomas Stanley Grading and Hauling for the construction of storm drainage upgrades on five various residential streets in Greensboro is hereby authorized at a total cost of $50,500.00, payment of said additional amount to be made from Account No. 506-7009-01.6018, Activity 10055.

(Signed) T. Dianne Bellamy-Small

245-09 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2009-070 WITH J & W OF NORTH CAROLINA FOR THE REGIONAL ROAD WATER TANK REHABILITATION PROJECT

WHEREAS, after due notice, bids have been received for the Regional Road Water Tank Rehabilitation project;

WHEREAS, J & W of North Carolina, a responsible bidder, has submitted the low base and alternate bid in the total amount of $317,000 as general contractor for Contract No. 2009-070, 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 J & W of North Carolina is hereby accepted, and the Mayor and 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 $317,000 from Account No. 503-7019-03.5625.

(Signed) T. Dianne Bellamy-Small

246-09 RESOLUTION AUTHORIZING PURCHASE OF PROPERTY OF SOUTH, LLC FOR THE CLARKSON ROAD SEWER OUTFALL ANNEXATION PROJECT

WHEREAS, in connection with the Clarkson Road Annexation Sewer Outfall Project, a portion of the property owned by South, LLC, Tax Map Nos. 1-32-898-10 and 11 are required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of $15,472.00 but the property owner has agreed to settle for the price of $17,362.40, which settlement, in the opinion of the City Council, is a fair and reasonable alternative to condemnation;

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:
That the agreed price of the above mentioned portion of property in the amount of $17,362.40 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. 503-7018-06.6012 Activity #09070.

(Signed) T. Dianne Bellamy-Small

......

247-09 RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN A PORTION OF THE PROPERTY OF JOHN E. CRUTCHFIELD, III AND REBECCA W. CRUTCHFIELD, IN CONNECTION WITH THE BRINTON DRIVE OUTFALL PROJECT

WHEREAS, John E. Crutchfield, III and Rebecca W. Crutchfield are the owners of certain property located on Four Farms Road designated as Tax Map 3-175-0834-S-5, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Brinton Drive Outfall Project;

WHEREAS, negotiations with the owners at the appraised value of $24,173.04 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of $24,173.04.

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 portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of $24,173.04 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 503-7018-06.6012 Activity 09070.

(Signed) T. Dianne Bellamy-Small

......

248-09 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1, 2005 meeting 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) T. Dianne Bellamy-Small

......
Motion to approve budget adjustments from the periods of May 1-31, June 1-30, July 1-31, and August 1-31, 2009 was adopted.

……...

Motion to approve the minutes of the regular meetings of City Council of September 1 and 15, 2009; and the special meeting of City Council of October 2, 2009 was adopted.

……...

Mayor Johnson introduced an ordinance establishing a state, federal and other grants fund budget for the appropriation of a Federal EPA Brownfields Assessment Grant.

Dan Curry, Acting Housing and Community Development Director, spoke to the item.

Being no discussion, Councilmember Bellamy-Small moved adoption of the ordinance. The motion was seconded by Councilmember Matheny; the ordinance was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

09-173 ORDINANCE ESTABLISHING A STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE APPROPRIATION OF A FEDERAL EPA BROWNFIELDS ASSESSMENT GRANT

Section 1

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

That the State, Federal and Other Grants Fund be increased as follows:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>221-2204-01.4110</td>
<td>Salaries &amp; Wages</td>
<td>$ 60,000</td>
</tr>
<tr>
<td>221-2204-01.5213</td>
<td>Office Supplies</td>
<td>$ 2,500</td>
</tr>
<tr>
<td>221-2204-01.5413</td>
<td>Consultant Services</td>
<td>$ 333,000</td>
</tr>
<tr>
<td>221-2204-01.5520</td>
<td>Seminar/Training Expenses</td>
<td>$ 4,500</td>
</tr>
</tbody>
</table>

Total $ 400,000

and, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>221-2204-01.7102</td>
<td>Federal Grant (ARRA)</td>
<td>$ 400,000</td>
</tr>
</tbody>
</table>

Total $ 400,000

Section 2

That this Ordinance should become effective upon adoption.

(Signed) T. Dianne Bellamy-Small

……...

Mayor Johnson introduced a resolution approving bid in the amount of $5,803,579.99 and authorizing Contract No. 2007-011 with Dane Construction for the Hornaday Road and Bridge Construction.

Mayor Johnson stated there was a speaker to the item.
Councilmember Barber departed the Chamber at 7:30 p.m.; returning at 7:34 p.m.

Ed McKeever, 18 Country Walk Lane, stated his dissatisfaction with municipal MWBE (Minority and Women Business Enterprise program) bidding procedures.

Kathleen Hoskins-Smith, MWBE Director, clarified federal, state and local contract bidding guidelines.

Councilmember Matheny moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Barber, Groat, Matheny, Perkins, Rakestraw. Noes: Bellamy-Small, Johnson and Wade.

249-09 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2007-011 WITH DANE CONSTRUCTION FOR THE HORNADAY ROAD AND BRIDGE CONSTRUCTION

WHEREAS, after due notice, bids have been received for the Hornaday Road and Bridge construction;

WHEREAS, Dane Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of $5,803,579.99 as general contractor for Contract No. 2007-011, 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 Dane Construction is hereby accepted, and the Mayor and 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 $5,803,579.99 from Account No. 220-4564-01.6019, Activity 05124.

(Signed) Zachery Matheny

……..

Mayor Johnson introduced a resolution approving bid and authorizing execution of Contract No. 2009-020 with Brooks General Contractors for Fire Station No. 61 construction.

Discussion included the policy of municipal control over the bidding processes.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Matheny; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

250-09 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2009-020 WITH BROOKS GENERAL CONTRACTORS FOR FIRE STATION NO. 61 CONSTRUCTION

WHEREAS, after due notice, bids have been received for construction of Fire Station No. 61;

WHEREAS, Brooks General Contractors, a responsible bidder, has submitted the low base and alternate bid in the total amount of $1,918,110 as general contractor for Contract No. 2009-020, 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 Brooks General Contractors is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of $1,918,110 from Account No. 455-4004-01.6013, Activity 07197.
Mayor Johnson introduced a resolution authorizing change order in Contract No. 2008-048 with Yates Construction Company, Inc. for the Battleground Avenue Rail-Trail Grade Separation.

Mayor Johnson indicated there was a speaker to the item.

Ed McKeever, 18 Country Walk Lane, spoke to staff communication procedures relevant to MWBE contractors.

Council response indicated that the change order represented an amendment to an active contract to cover unexpected work necessary to comply with OSHA regulations; that contingency funding was no longer available to cover extraneous expenses; and a request for a community meeting to discuss safety issues in the tunnel.

A request was made of the City Manager to meet with Mr. McKeever regarding municipal contracting.

Councilmember Barber moved adoption of the resolution. The motion was seconded by Councilmember Matheny; the resolution was adopted on the following roll call vote: Ayes: Barber, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: Bellamy-Small.

RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2008-048 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE BATTLEGROUND AVENUE RAIL TRAIL GRADE SEPARATION

WHEREAS, Contract No. 2008-048 with Yates Construction Company, Inc. provides for Battleground Avenue Rail Trail Grade Separation to cover the cost associated with the construction of the pedestrian tunnel;

WHEREAS, due to an addendum to the contract requiring a change in approach to the shoring required by the contractor to ensure an OSHA safe work zone and practical working conditions in the confined area of the construction of ramp walls, and the addition of work to remedy water and sewer network issues affecting the immediate neighborhood discovered during construction in order to expedite construction and provide a safer environment for the public during the duration of the project, thereby necessitating a change order in the contract in the amount of $278,378.

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

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for Battleground Avenue Rail Trail Grade Separation to cover the cost associated with the construction of the pedestrian tunnel is hereby authorized at a total cost of $278,378, payment of said additional amount to be made from Account No. 441-6004-02.6015, Activity No. 02043.

(Signed) Michael L. Barber

Mayor Johnson declared a recess at 7:42 p.m. Council reconvened at 8:02 p.m. with all members in attendance except Councilmember Wells.

Mayor Johnson introduced a resolution authorizing change order in Contract No. 2008-032 with Yates Construction Company for the Battleground Avenue Rail Trail.

Being no one to speak to the item, Councilmember Matheny moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Barber, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: Bellamy-Small.
RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2008-032 WITH YATES CONSTRUCTION COMPANY, INC. FOR THE BATTLEGROUND AVENUE RAIL TRAIL

WHEREAS, Contract No. 2008-032 with Yates Construction Company, Inc. provides for construction of the trail portion of the pedestrian and bicycle “shared use path” parallel to Battleground Avenue, from Pisgah Church Road to Markland Avenue;

WHEREAS, due to Greensboro Department of Transportation’s proposal to move forward with lighting in the amount of $205,115 and landscaping in the amount of $100,000 to enhance the trail’s appeal and safety; overruns in handling existing storm drainage of adjacent properties and unforeseen miscellaneous items in the amount of $40,722; and the inadvertent oversight of a line item for the proposed footbridge, thereby necessitating a change order in the contract in the amount of $345,837.

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

That a change order in the above-mentioned contract with Yates Construction Company, Inc. for construction of the trail portion of the pedestrian and bicycle “shared use path” parallel to Battleground Avenue, from Pisgah Church Road to Markland Avenue is hereby authorized at a total cost of $345,837, payment of said additional amount to be made from Account No. 441-6004-02.6015, Activity No. 02043.

(Signed) Zachery Matheny

Mayor Johnson introduced a resolution making certain findings with respect to the refunding of Series 1997 Special Obligation Bonds.

Rick Lusk, Finance Director, spoke to the bond proceedings.

Attorney Wood stated that he had approved as to form.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Barber; the resolution was adopted by the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

The City Council of the City of Greensboro, North Carolina, met in regular session in the City Council Chamber at the Melvin Municipal Office Building in Greensboro, North Carolina, the regular place of meeting, at 5:30 P.M. on Tuesday, October 20, 2009.


Absent: Goldie F. Wells.

Also present: Rashad M. Young, City Manager, Richard L. Lusk, Finance Director, A. Terry Wood, City Attorney, and Dianalynn L. Schreiber, Assistant City Clerk.

Mayor Johnson introduced the following resolution, which was read by title and summarized by the Finance Director, a copy thereof having been provided to each Councilmember prior to the meeting:

RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO, AND DIRECTING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF, THE ISSUANCE AND PRIVATE SALE OF CITY OF GREENSBORO, NORTH CAROLINA SPECIAL OBLIGATION BONDS, SERIES 2009 AND
REQUESTING THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING TEAM IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the “City”), acting by and through its City Council, is authorized by Chapter 159I of the North Carolina General Statutes, as amended (the “Act”), to issue special obligation bonds for the purpose of financing the cost of acquisition, construction, reconstruction, enlargement, equipping, expansion, extension, installation or renovation of solid waste management projects and to refund special obligation bonds issued for such purposes; and

WHEREAS, the City owns and operates solid waste disposal facilities; and

WHEREAS, the City proposes to issue its Special Obligation Bonds, Series 2009 (the “Series 2009 Bonds”) in an aggregate principal amount not exceeding $5,800,000, for the purpose of providing funds, together with other available funds, to (i) refund all of the City’s Special Obligation Bonds, Series 1997 that are stated to mature on June 1 in the years 2010 to 2013, inclusive (the “Bonds to be Refunded”), provided that such refunding will result in net present value debt service savings that equals or exceeds three percent (3.00%) of the amount of the Series 2009 Bonds, and (ii) pay certain costs incurred in connection with the issuance of the Series 2009 Bonds; and

WHEREAS, the City wishes to obtain the approval by the Local Government Commission of North Carolina (the “LGC”) of the financing team to be used in connection with the issuance and sale of the Series 2009 Bonds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA DOES HEREBY DETERMINE AND RESOLVE, as follows:

Section 1. The City Council hereby finds and determines in connection with the issuance of the Series 2009 Bonds that (i) the issuance of the Series 2009 Bonds is necessary or expedient for the City, (ii) the proposed principal amount of the Series 2009 Bonds is adequate and not excessive for the proposed purposes of such issue, (iii) the Series 2009 bonds shall not be issued unless such refunding will result in net present value debt service savings that equals or exceeds three percent (3.00%) of the amount of the Series 2009 Bonds, (iv) the City's debt management procedures and policies are good and the City's finances are managed in strict compliance with law and (v) under current economic conditions, the Series 2009 Bonds can be marketed at a reasonable interest cost to the City.

Section 2. The City Council hereby authorizes the filing of an application with the LGC for approval of the issuance of the Series 2009 Bonds pursuant to N.C.G.S. §159I-30 and hereby directs Richard L. Lusk, Finance Director of the City, as the representative of the City to file such application with the LGC.

Section 3. The LGC is hereby requested to sell the Series 2009 Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such price as the LGC determines to be in the best interest of the City, subject to the approval of the City.

Section 4. The City Council hereby recommends the following financing team members be engaged in connection with the issuance and sale of the Series 2009 Bonds and requests the approval of the LGC thereof:

- Co-Bond Counsel: Sidley Austin LLP
- Trustee and Bond Registrar: DEC Associates
- Escrow Agent: First-Citizens Bank & Trust Company
- Verification Agent: Grant Thornton LLP

Section 5. This resolution shall take effect immediately upon its passage.

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

Upon motion of Councilmember Bellamy-Small, seconded by Councilmember Barber, the foregoing resolution entitled “RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO, AND DIRECTING THE FILING OF AN APPLICATION WITH THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF, THE ISSUANCE AND PRIVATE SALE OF CITY OF GREENSBORO, NORTH CAROLINA SPECIAL
Mayor Johnson introduced a resolution authorizing contract with Duke Energy to supply and maintain the lighting system along U.S. Highway 29.

Adam Fischer, Director of Transportation, spoke to the item by stating that Duke Energy would no longer share costs and/or maintain lighting along NC HWY 29 since the forty-year maintenance contract had elapsed; that maintenance had reverted to NCDOT (North Carolina Department of Transportation) and Greensboro’s Transportation Department; and discussion included the policy to report, to respond to and the replacement of bulb outages. Council requested that informational video providing information on reporting street light outages be created for viewing on Channel 13.

Councilmember Perkins moved adoption of the resolution. The motion was seconded by Councilmember Matheny; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

254-09 RESOLUTION AUTHORIZING CONTRACT WITH DUKE ENERGY TO SUPPLY AND MAINTAIN THE LIGHTING SYSTEM ALONG U.S. HIGHWAY 29
WHEREAS, the contract between Duke Energy and the City of Greensboro requiring Duke Energy to supply and maintain street lighting along U.S. Highway 29 consisting of 177 luminaries, poles and underground wiring from Bothwell Street to Phillips Avenue has expired;

WHEREAS, a proposed contract with Duke Energy provides for the City of Greensboro to purchase the lighting system along U.S. Highway 29 from Duke Energy, and; the City in conjunction with North Carolina Department of Transportation (NCDOT) would be responsible for maintaining the lighting system, said proposed contract presented herewith this day;

WHEREAS, the proposed contract with Duke Energy is for $1 to take ownership of the 177 luminaries, poles and underground wiring;

WHEREAS, the estimated annual electrical cost for the lighting system is $18,000, said amount to be paid out of the budgeted Streetlight account.

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

That the proposed contract with Duke Energy presented herewith this day for the City of Greensboro to take ownership and maintain 177 luminaries, poles and underground wiring along U.S. Highway 29 from Bothwell Street to Phillips Avenue in conjunction with the North Carolina Department of Transportation is hereby authorized.

(Signed) Robert V. Perkins

Mayor Johnson introduced a resolution authorizing funding agreement with Greensboro Housing Development Partnership Incorporated for the purchase of property located at 312 Murray Street.

Dan Curry, Acting Director Housing and Community Development, spoke to the background of the property and the logistics of the purchase transaction. Upon discussion regarding the assumption of financial obligation and tentative mediation, Councilmember Barber moved to deny the resolution. The motion was seconded by Councilmember Matheny and denied on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Matheny, Perkins, Rakestraw and Wade. Noes: Johnson.

Item DENIED

RESOLUTION AUTHORIZING FUNDING AGREEMENT WITH GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP, INC. FOR PURCHASE OF PROPERTY LOCATED AT 312 MURRAY STREET

WHEREAS, over the past ten years, Greensboro Housing Development Partnership, Inc. (GHDP) has implemented a comprehensive development program in the Southside neighborhood during which time many, but not all, of the properties on Murray Street were renovated or cleared for new construction;

WHEREAS, 312 Murray Street was not one of the properties purchased and rehabilitated as part of the Southside development program and the owner, Mr. John Saunders applied for a grant from the City in 2005 for funding to remove lead paint hazards from the property;

WHEREAS, Mr. Saunders has concerns about the work done and an attempt to resolve these issues has begun;

WHEREAS, Mr. Saunders has requested that the property be purchase for $225,000; the property had been appraised in October 2008 for the amount of $195,000;

WHEREAS, staff has prepared estimates of the costs of acquiring and reselling this property and it is anticipated that there will be a net loss of approximately $71,000;
WHEREAS, in order to cover this possible net loss, GHDP would need to enter into a net proceeds agreement with the City whereby the City agrees to provide funds equaling any net loss experienced by GHDP;

WHEREAS, at the September 28, 2009 GHDP meeting, the Board of Directors approved the purchase of 312 Murray Street at the appraised value of $195,000 subject to obtaining a line of credit for the purchase price subject to the City providing a funding agreement to cover any net loss in the purchase and resale of the property.

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

That a Funding Agreement with Greensboro Housing Development Partnership, Inc. for the purchase of property located at 312 Murray Street subject to the terms outlined above is hereby authorized.

Mayor Johnson introduced a resolution in support of City Council members being subject to the State Ethics and Conflict-of-Interest Reporting Forms.

Attorney Wood spoke to the item; elaborated on parameters and discussed various alternatives for Council to voluntarily subject themselves to a code of ethics and conflict of interest form in order to enhance transparency consisting of two-hours of ethics training and adoption of a code of ethics. Council discussion included devising a simple disclosure form for compliance.

Upon further discussion, Attorney Wood stated that the ethics policy would be as strong as its enforcement; and that constituents would enforce the interest statement as a transparency issue. Council discussion indicated that the city’s ethics policy should reflect state law; and that local ethics reform should reflect the state’s process.

Councilmember Bellamy-Small offered a substitute motion that we use what the criteria that the state law has already put into place which is the two hours of ethics training and the code of ethics, or revise what we have, and come up with a version of Councilmember Rakestraw’s short form, that will guide us for right now.

Councilmember Perkins seconded the motion. The resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

255-09 RESOLUTION REQUIRING PERSONS ELECTED TO THE GREENSBORO CITY COUNCIL TO ANNUALLY FILE FINANCIAL AND PERSONAL INTEREST DISCLOSURE FORMS AS REQUIRED BY PERSONS COVERED BY THE STATE GOVERNMENT ETHICS ACT –CHAPTER 138A

WHEREAS, on July 28, 2009, the General Assembly enacted HB 1452 requiring all cities to adopt a code of ethics and that all elected officials complete at least two hours of training within 12 months of being elected or appointed;

WHEREAS, on July 18, 2008, the General Assembly enacted HB 2542 requiring State candidates for elective office and other covered persons to annually file a statement of economic interest with the State Government Ethics Commission as set forth in Attachment 1;

WHEREAS, HB 2542 is intended to require covered persons to disclose those personal and financial interests that could be or cause a conflict of interest or potential conflict of interest between the covered person’s private interests and the covered person’s public duties;

WHEREAS, the Mayor and members of the City Council recognize that it is important for the citizens of Greensboro to know that when they act the decisions and policies are not made for personal gain, in order that the public will have confidence in the integrity of its local government;

WHEREAS, the reporting requirements for local officials are not as stringent as the requirements for State officials;
WHEREAS, Greensboro’s elected officials may adopt a Resolution imposing upon themselves to voluntarily disclose certain financial and personal interests in addition to those required of all other local officials and to make such disclosures a public record;

WHEREAS, to better protect the integrity of local governmental decisions, and to promote public confidence with respect to the impartiality and the fairness of those decisions, it is deemed in the best interest of the City of Greensboro to impose this additional obligation upon the Mayor and each member of the City Council to annually file the additional written financial and personal disclosure statement with the City Clerk.

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

Within forty-five (45) days of taking office, and on or before December 31 annually thereafter, every person elected or appointed to City Council shall file a written Disclosure of Property Interest with the City Clerk. The Disclosure of Property Interest shall be on a form substantially similar to the form completed by members of the Guilford County Board of Commissioners to be provided by the City Manager and shall be a public record.

(Signed) T. Dianne Bellamy-Small

Mayor Johnson introduced a resolution authorizing a waiver of past due utility liens and collection of said liens pursuant to State law.

Councilmember Perkins interjected that the cost of the item would be from $700,000 to $1 million to the city; that there had been proposed changes be limited to rental properties only; that the residential water utility deposit be increased from $100 to $200; accommodation of the financing of the deposit; and that commercial property deposits be increased from $100 to $200 or be based an estimated ninety-day water bill, whichever was greater. Councilmember Barber moved Item #43 with those changes.

Council expressed concerns about the hardship on low-income individuals; increasing the deposit was intended to help mitigate the municipal loss in non-collections;

Mayor Johnson stated there were speakers to the item.

Sarah Clegg Lawrence, 2304 North Elm Street, opposed increasing deposits on renters.

Council clarified that with the increased deposit policy, an outstanding water bill would not be registered as a lien against the property owner; and that the city would incur the cost of collecting from delinquent water customers.

Ed Regensburg, 1334 Wiley Lewis Road, spoke to circumstances impacting property holders in municipal utility collections and lien processing; and complications associated with electronic searches of water liens; and supported revisions recommended by Council.

Andy Clark, 4805 Archwood Drive, requested Council to reconsider its request to increase deposits on residential water customers.

Councilmember Barber offered a friendly amendment to raise the water utility deposit to $150.00.

Jason Austin, 1808 Spring Garden Street opposed raising utility deposit rates for commercial enterprises; and stated that the landlord association was responsible for policing tenants for delinquent bills.

Joseph Hart, 3902 Overland Heights, spoke in opposition to requiring additional deposit fees on water utility billings; and preferred to shorten the cut-off period within the billing cycle.

Marlene Sanford, 115 South Westgate Drive, supported the amendments to the policy; favored the city collecting water utility billings in addition to removing the lien power off of rental properties.
Additional discussion emphasized the possibility of changing the grace period of the water billing cycle; municipal collection rates in the delinquent water and parking fees; and that financial assistance would be available for individuals in need.

Councilmember Perkins accepted the friendly amendment and seconded the motion; the resolution was adopted ‘as amended’ on the following roll call vote: Ayes: Barber, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: Bellamy-Small.

256-09 RESOLUTION ESTABLISHING POLICY WAIVING CHARTER AUTHORIZED UTILITY LIENS ON PROPERTY SERVED AND AUTHORIZING UTILITY FEE COLLECTION PURSUANT TO STATE LAW

WHEREAS the Greensboro City Charter provides in Section 6.83 that any municipal utility service fee which remains unpaid for 10 days or more shall become a lien upon the property served;

WHEREAS the referenced Section 6.83 imposes the unpaid utility fees of tenants as a lien upon the property owner’s premises;

WHEREAS the burden created by Section 6.83 is deemed to impose hardship upon landlords in the Greensboro city limits resulting in burdens upon the local housing market;

WHEREAS it is deemed more appropriate to impose the unpaid utility fee solely upon the tenant where appropriate;

WHEREAS Council deems the utility fee and rate enforcement provisions of NCGS § 160A-314 to be the more adequate procedure enforceable against the owner of a leased premises applicable only when the premises is leased or rented to more than one tenant and services are measured by one meter; or when charges made for the sewage system are billed separate from the water system;

NOW THEREFORE BE IT RESOLVED that any utility bills in the name of the tenant for rental property incurred and becoming past due after July 1, 2010 shall be collected pursuant to NCGS § 160A-314 and other applicable State laws and not Greensboro Charter Section 6.83; further, the required City deposit for residential property shall be increased from $100.00 to $150.00, and the deposit for commercial rental property shall be increased from $100.00 to $200.00. The Manager is further directed to seek ways to finance deposits for residential tenants who are unable to afford the original deposit.

(Signed) Robert V. Perkins

Mayor Johnson introduced a resolution initiating rezoning petition for property located on the south side of Arcadia Drive, the east and west sides of Gretchen Lane and west of Lindbrook Drive known as Coble Farm II.

Planning Director Dick Hails presented the item; stated that the original zoning was approved in 2002; that the homeowners association had inherited financial responsibility for common areas within the development that included a dam formerly maintained by now defunct Portrait Homes; that to allow the homeowner’s association to remove the dam, a specific condition regarding lake preservation had to be removed from the 2002 zoning approval; and concern regarding establishing a precedent for city initiated rezonings that could involve fee waivers.

Mayor Johnson stated there was a speaker to the item.

Steve Freese, 1012-B Gretchen Lane, stated the request was strictly associated with the fees charged for rezoning.
Councilmember Wade made a motion to adopt the resolution. The motion was seconded by Councilmember Barber; the resolution was adopted on the following roll call vote: Ayes: Barber, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: Bellamy-Small.

**257-09 RESOLUTION INITIATING REZONING PETITION FOR PROPERTY LOCATED ON THE SOUTH SIDE OF ARCADIA DRIVE, THE EAST AND WEST SIDES OF GRETCHEN LANE AND WEST OF LINDBROOK DRIVE KNOWN AS COBLE FARM II**

WHEREAS, on February 5, 2002 City Council approved a rezoning request for property located on the south side of Arcadia Drive, the east and west sides of Gretchen Lane, and the west of Woodbrook Drive the property being known as Coble Farm II;

WHEREAS, the rezoning to Conditional District Residential Multifamily – 5(CD-RM-5) contained a condition that:

“3) The existing single family home and pond on the eastern portion of the property shall be preserved.”

WHEREAS, at the time of the 2002 rezoning the current Home Owner’s Association of Coble Farm II was not responsible for the common area which includes among other things portions of a large lake and its dam;

WHEREAS, the Home Owner’s Association of Coble Farms II, pursuant to its Association conditions became liable for the common area and the previous responsible party, the developer Portrait Homes, is bankrupt;

WHEREAS, the dam, by Order of the State Division of Land Resources (NCDENR) must be repaired at an estimated cost of $150,000.00, a responsibility and cost unknown to the Home Owner’s Association at the time the various owner’s purchased their homes;

WHEREAS, the Home Owner’s Association wishes to have the dam drained at much less expense but must have the condition (3) removed or altered with reference to the current zoning conditions; and the Council may initiated the rezoning request to eliminate rezoning filing costs;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT due to the extenuating circumstances of this situation the Council initiates the rezoning request and that the requisite fee is thereby waived.

(Signed) Trudy Wade

Mayor Johnson introduced resolution authorizing the execution and approval of the Memorandum of Understanding associated with the Sister City Proposal between Yingkou City, China and the City of Greensboro.

Lily Yang of Raleigh presented the item.

Mayor Johnson stated that there was no cost to the City of Greensboro and that the purpose of the memorandum was to enhance trade.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Groat; the resolution was adopted on the following roll call vote: Ayes: Barber, Bellamy-Small, Groat, Johnson, Matheny, Perkins, Rakestraw and Wade. Noes: None.

**258-09 RESOLUTION AUTHORIZING THE EXECUTION AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING ASSOCIATED WITH THE SISTER CITY PROPOSAL BETWEEN YINGKOU CITY, CHINA AND THE CITY OF GREENSBORO**

WHEREAS, on September 15, 2009 Lily Yang and James Montague provided a presentation to Council regarding the opportunity to seek a partnership between the City of Greensboro and Yingkou, Liaoning Province, China;
WHEREAS, a Memorandum of Understanding is proposed to establish a sister-city partnership between the two cities; said proposed Memorandum of Understanding is presented herewith this day;

WHEREAS, the Memorandum of Understanding would allow the delegation to travel to Yingkou on behalf of Greensboro in November, 2009 to meet with the Yingkou administration and have Yingkou representatives visit the City of Greensboro in January of 2010;

WHEREAS, Ms. Yang and Mr. Montague are not affiliated with the official “Sister Cities International” program and are private entrepreneurs that facilitate relationships between cities.

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

That the proposed Memorandum of Understanding associated with the Sister City proposal between Yingkou City, China and the City of Greensboro presented herewith this day is hereby authorized and Mayor Johnson is authorized to execute said agreement on behalf of the City of Greensboro.

(Signed) T. Dianne Bellamy-Small

Mayor Johnson introduced a motion to approve the 27 October 2009 Council Briefing Agenda.

Councilmember Perkins objected to the following items on the Briefing Agenda: Item #1, Presentation of White Street Landfill Alternatives by Cico LLC; and Item #2, Draft RFP for the Landfill alternatives for Council review/approval.

Councilmember Barber moved adoption of the 27 October 2009 Briefing Agenda. Councilmember Wade made a friendly amendment to remove Item #5, Curb and Gutter assessment update (Fischer); and Item #6, Presentation of design concept for War Memorial Stadium (Morgan). The motion was seconded by Councilmember Matheny; the amended briefing agenda was adopted on the following roll call vote: Ayes: Barber, Groat, Matheny, Rakestraw and Wade. Noes: Bellamy-Small, Johnson and Perkins.

COUNCIL BRIEFING
TUESDAY
27 OCTOBER 2009
3:00 P.M.
PLAZA LEVEL CONFERENCE ROOM

1. Presentation on White Street Landfill Alternatives by Cico, LLC.
2. Draft Request for Qualifications (RFQ) for the Landfill alternatives for Council review/approval.
3. Discussion of Business Summit Survey.
4. Aquatic Center update.

Mayor Johnson indicated that there was a speaker from the floor.

Laura Jackson, 2615 West Court Street, spoke to seasonal changes and requested that additional city staff be put in place to assist with the identification of street light outages along the High Point Road/West Lee Street corridor.
Council discussed various events and items of interest including but not limited to a celebration of the late Charlie Hagan, a memorial ceremony honoring soldiers lost in Afghanistan, the late Jim Turner who had served on the Greensboro Housing Development Partnership, concern regarding trash cans removed from Eugene Street, the Salvation Army’s Boys and Girls Club Paint-a-thon, the North Carolina A&T Homecoming; council participation at community events; and appreciation for council’s support of community watch efforts.

Councilmember Matheny appointed Will Stevens to Tourism Board, Ann Bowers to Historic Preservation Commission, Lloyd Newby to the Library Board; and Mclean Moore to the Bryan Park Commission; Councilmember Wade seconded the motion; the motion was adopted by unanimous voice vote of Council.

Councilmember Wade encouraged responses to the city service satisfaction survey that was enclosed in the monthly water bills.

Councilmember Bellamy-Small stated that Councilmember Wells requested her to place the name of Reverend Jasper Horn to be placed in databank for future service on the Community Resource Board. Councilmember Bellamy-Small placed the name of Zachary Crutchfield be placed in the databank for future service on the Parks & Recreation Commission.

Councilmember Barber made a motion to cancel the 17 November 2009 Council meeting; Councilmember Wade seconded the motion. Due to administrative requirements, it was not possible to cancel the 17 November meeting.

Councilmember Barber made a motion that for the following people: Tom Fox, Scott Sanders, Randall Brady, David Wray, Matt Lojko, we pay reasonable attorney fees, present future and full settlement of all claims against the City of Greensboro, its officials and employees. The motion was seconded by Councilmember Rakestraw.

Attorney Wood indicated that the motion was feasible in open session. Councilmember Wade inquired if the motion included officers who had included Councilmember Wade in a separate lawsuit; to which, this was not the case.

Councilmember Matheny stated his opposition to the motion.

Councilmember Perkins made a substitute motion to adjourn to executive session and come back out to consider this motion. Councilmember Barber accepted the friendly amendment.

Councilmember Groat announced the ribbon cutting at the Sears Outlet off Bridford Parkway.

Mayor Johnson reiterated the importance of the $20 million economic stimulus project at Bennett College; announced the city was being recognized by the League of American Bicyclists with the Fall 2009 Bicycling Friendly Community award; and added the name of Gayle Kurtz to the databank for future service on the Commission on the Status of Women.

Councilmember Perkins spoke to the connection between community redevelopment project at Southside with the development at Bennett College’s $20 million campus construction project.
Attorney Wood requested a motion that City Council adjourn into closed session to discuss certain personnel matters; to consult with and receive advice from the City Attorney and to discuss claims; and to consult with legal counsel concerning pending litigation in the following actions: David Wray v. Greensboro and Mitchell Johnson in his Official capacity and Individually (Guilford County 09 CvS 2437); Julius Anthony Fulmore v. City of Greensboro (09 CVS 373) and Randall Brady v. City of Greensboro (09 CvS 2435); Alexander v. Greensboro, David Wray, and Randall Brady (09 CvS 2670); and to consider confidential information pursuant to NCGS 160A-168; NCGS 132-1.4 (Investigations) and related issues and to discuss economic development incentives pursuant to NCGS 143-318.11(a)(4).

Councilmember Wade made the motion that City Council adjourn to closed session for the reasons stated above. The motion was seconded by Councilmember Matheny; the motion was adopted by unanimous voice vote of Council.

Mayor Johnson indicated that Council would recess to Closed Session and return to the Chamber to adjourn.

City Council reconvened at 10:52 p.m. with all members in attendance except Councilmember Wells.

Councilmember Perkins made a motion to table Councilmember Barber’s motion for more discussion at a later time. The motion was seconded by Councilmember Bellamy-Small.

Councilmember Barber called for point of order and stated that he had a motion on the table and would accept a friendly amendment I would like to read and then if Councilmember Perkins has a table; the previous motion that I read was that we pay the reasonable attorney’s fees of Tom Fox, Scott Sanders, Randall Brady, David Wray, Matt Lojko, we direct our legal counsel to make an offer, enter into negotiations for the reasonable attorney fees present and future only in full and final settlement of all claims against the City of Greensboro, its officials and employees and that we further direct the City Manager to instruct our legal counsel to engage in a settlement conference with the Alexander claimants to include Fulmore and Hinson prior to the November 10th meeting for the purposes of settlement discussions. Councilmember Barber further stated that his motion included a friendly amendment and that a second was already on the floor. Councilmember Rakestraw stated she would withdraw her second because this motion was different from the one that she agreed to second.

Mayor Johnson asked if there was a second for this motion with the amendment; there being none, Mayor Johnson stated the motion died.

Councilmember Barber moved to that City Council adjourn. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

The CITY COUNCIL ADJOURNED AT 10:57 p.m.

DIANALYNN L. SCHREIBER
ASSISTANT CITY CLERK

ELIZABETH H. RICHARDSON
CITY CLERK

YVONNE J. JOHNSON
MAYOR

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