



March 15, 2013

TO: Mayor and Members of Council
FROM: Denise Turner Roth, City Manager *DR*
SUBJECT: Items for Your Information *For:*

IFYI HIGHLIGHTS

- Donation of Equipment
- Enhanced Economic Inclusion Program
- Western Area Plan Public Meeting
- Contact Center Feedback
- Small Group Meetings
- Grants Report

Agenda Items for the March 19, 2013 City Council Meeting

• **Donation of Equipment**

Attached is an addendum to the agenda for the March 19, 2013 City Council meeting regarding a resolution authorizing acceptance of equipment for criminal justice purposes for the Greensboro Police Department from the City of Charlotte.

• **Enhanced Economic Inclusion Program**

Attached is a memorandum from Assistant City Manager Andrew Scott, dated March 15, 2013, providing information regarding the agenda item on the City's Enhanced Economic Inclusion Program, which was formerly the M/WBE program.

Western Area Plan Public Meeting

Attached is a memorandum from Planning and Community Development Director Sue Schwartz, dated March 14, 2013, regarding the public meeting scheduled on March 26, 2013, to review the final draft of the Western Area Land Use and Infrastructure Plan.

Contact Center Feedback

Attached is the weekly report generated by our Contact Center for the week of March 4, 2013 through March 10, 2013.

Small Group Meetings

For the week of March 8, 2013 through March 14, 2013, there were no small group meetings between City Staff and [more than two but less than five] Councilmembers.

Grant Report

Attached is an updated list of grants for which the City intends to apply that do not require a match. Under the policy adopted by City Council, grants that do not require a match are not required to receive formal Council action.

DTR/mm
Attachments

cc: Office of the City Manager
Global Media



March 15, 2013

TO: Denise Turner Roth, City Manager
FROM: Andrew Scott, Assistant City Manager
SUBJECT: City's Economic Inclusion Programs

At the City Council Meeting on March 19, 2013, City Council will be asked to take official action to initiate the City's enhanced economic inclusion policy (formerly the M/WBE program).

- City Council will be asked to accept the findings of the City's 2012 Disparity Study. The Study finds that Greensboro has a document disparity between the availability of Minority and Women owned business, and it's utilization of Minority and Women owned business. This study establishes the legal basis for race and gender conscious programs.
- City Council will be asked to approve a request to the General Assembly of North Carolina to amend the City Charter to provide for the establishment of a small business enterprise program (SBE). This then becomes the legal basis for race and gender neutral programs. (The General Assembly has made similar adjustments for Charlotte's program.)
- City Council will receive a presentation from Mr. Franklin Lee, of Tydings and Rosenberg L.L.P., the City's consultant on policy options for an enhanced economic inclusion program. Council will be asked to set a public hearing on May 7, 2013, to formally gather public input to the recommended program changes and enhancements.

This process started in 2011 when the Council directed staff to enhance the participation of small business, minority owned business, and women owned business in the purchase of goods and services by the City of Greensboro.

- The first step in this process was the preparation of a disparity study – the results of which were shared with the City Council in June 2012.
- The second step was the appointment of a Community Steering Committee, Chaired by Gary McCants. The committee conducted five public focus group meetings during

the month of September 2012. The committee analyzed and prioritized over 300 relevant comments recorded at these meetings.

- The City then contracted with Mr. Franklin Lee, of Tydings and Rosenberg, L.L.P to consult with the steering committee and the City to develop policy recommendations which will be heard by Council on March 19, 2013.
- At the direction of City Council, Mr. Lee, working with Staff and the City Attorney will draft an ordinance to establish a revised Inclusive Economic Development Strategy.

For your information, I have attached the following:

- Mr. Lee's Power Point presentation of the recommended policy changes.
- The Executive Summary from the Greensboro Disparity Study.

AS
Attachments

ATTORNEYS AT LAW
TYDINGS & ROSENBERG LLP

Power Tools for Economic Inclusion: A Matrix of SBE and M/WBE Policy Options for the City of Greensboro, NC

Presenter: Franklin M. Lee, Esq.
Partner, Tydings & Rosenberg LLP

Greensboro City Council Chambers
Tuesday, March 19, 2013
5:30 PM

ATTORNEYS AT LAW
TYDINGS & ROSENBERG LLP

The Legal Framework: Potential Challenges to Economic Inclusion Policies

- **Strict Scrutiny**
 - When is it required?
 - To examine government use of a racial preference
 - To examine government use of a racial classification

Two Prongs of Strict Scrutiny

1st Prong: Compelling Interest

- MGT Disparity Study update provided a 'strong basis in evidence'
- That "factual predicate" provides a roadmap to remedies
 1. Identification of where disparities exist
 2. Identification of the nature & form of barriers, and root causes of disparities.

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Two Prongs of Strict Scrutiny

2nd Prong: Narrow Tailoring of Remedies

- Consideration of "race-neutral" remedies
- Consideration of appropriate "race-conscious" remedies only when it appears that neutral remedies, in and of themselves, are inadequate
- Limited duration; periodic review; limited by ethnicity/gender, industry, & form of discrimination
- Forms of remedies: Follow the Road Map of the Factual Predicate

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The Policy Deliberation Phase

- **Policy Option Matrix**
 - Identifies appropriate policy “tools” for addressing barriers identified in Disparity Study
 - Race- and gender-neutral tools
 - Race- and gender-conscious tools
 - Policy options that are legally defensible
 - Policy options that are effective / best practices

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The Policy Deliberation Phase

- **Policy Option Matrix**
 - Describes the features of each proposed policy option.
 - Cites relevant passages in Disparity Study that support consideration of proposed policy option.
 - Summarizes key pros and cons for each proposed policy option

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Finding the Right Prescription: Greensboro's Tool Kit for Economic Inclusion...



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Power Tools for Economic Inclusion...

Race-Neutral vs. Race-Conscious Remedies

- ❖ Industry-specific
 - ❖ Construction
 - ❖ Professional Services
 - ❖ Goods
 - ❖ Other Services
- ❖ Non-industry specific: bid-debriefings, financing, technical assistance, commercial non-discrimination, de-bundling, specification review.

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Power Tools for Economic Inclusion...

Race-Neutral Remedies

- Small Business Enterprise Prime Contract Program
- SBE Subcontracting Program
- HUBZone Program
- Bonding Assistance
- SBE Mentor-Protégé Program
- SBE Low-Cost Wrap Up Insurance (“OCIP”)

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Power Tools for Economic Inclusion...

Race-Neutral Remedies

- Construction Direct Purchasing
- SBE Vendor Rotation
- Evaluation Preferences
- Evaluation Panel Diversity
- SBE Reserve

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Power Tools for Economic Inclusion...

Race-Conscious Remedies

- Annual M/WBE Aspirational Goals
- M/WBE Joint Venture Incentives
- M/WBE Weighted Contract-Specific Subcontracting Goals
- M/WBE Mentor-Protégé Program
- Minority Inclusion Language in RFPs / Evaluation Preferences

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Power Tools for Economic Inclusion...

Race-Conscious Remedies

- Economic Development Project M/WBE Subcontracting Goals
- M/WBE Vendor Rotation
- Voluntary M/WBE Distributorship Development Program

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REMAINING STEPS FOR A NEW PROGRAM

Council Action Items for Today:

- ❖ Formal acceptance of MGT Disparity Study findings and recommendations
- ❖ Formal acceptance of Policy Option Matrix
- ❖ Authorization for drafting of new “hybrid” SBE-M/WBE Program Ordinance based upon Policy Option Matrix (with further Internal / External Feedback)

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REMAINING STEPS FOR A NEW PROGRAM

Future Timeline for Completion:

- Presentation of Draft Ordinance to City Council (May 7, 2013); posting draft Ordinance online
- Public Comment Period (30 days) / Public Hearing
- Final edits, final draft of Ordinance for vote in mid to late June 2013.

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ATTORNEYS AT LAW

TYDINGS & ROSENBERG LLP

QUESTIONS???

Contact:

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EXECUTIVE SUMMARY

In May 2011, MGT of America, Inc. (MGT), was retained to conduct a Minority and Women Business Enterprise Disparity Study for the City of Greensboro (City) to provide current data on the Greensboro Minority and Women Business Enterprise (M/WBE) Program. The city established an M/WBE program in February 1986 and conducted its first disparity study in 1997.

The following findings and recommendations are excerpts from Chapter 8.0 and are highlighted here for your consideration. Chapter 8.0 of this report contains more detailed findings and recommendations. Additional policy options are presented in **Appendix M - Selected Policies of Other M/W/DBE Programs**.

E.1 Findings for M/WBE Utilization and Availability

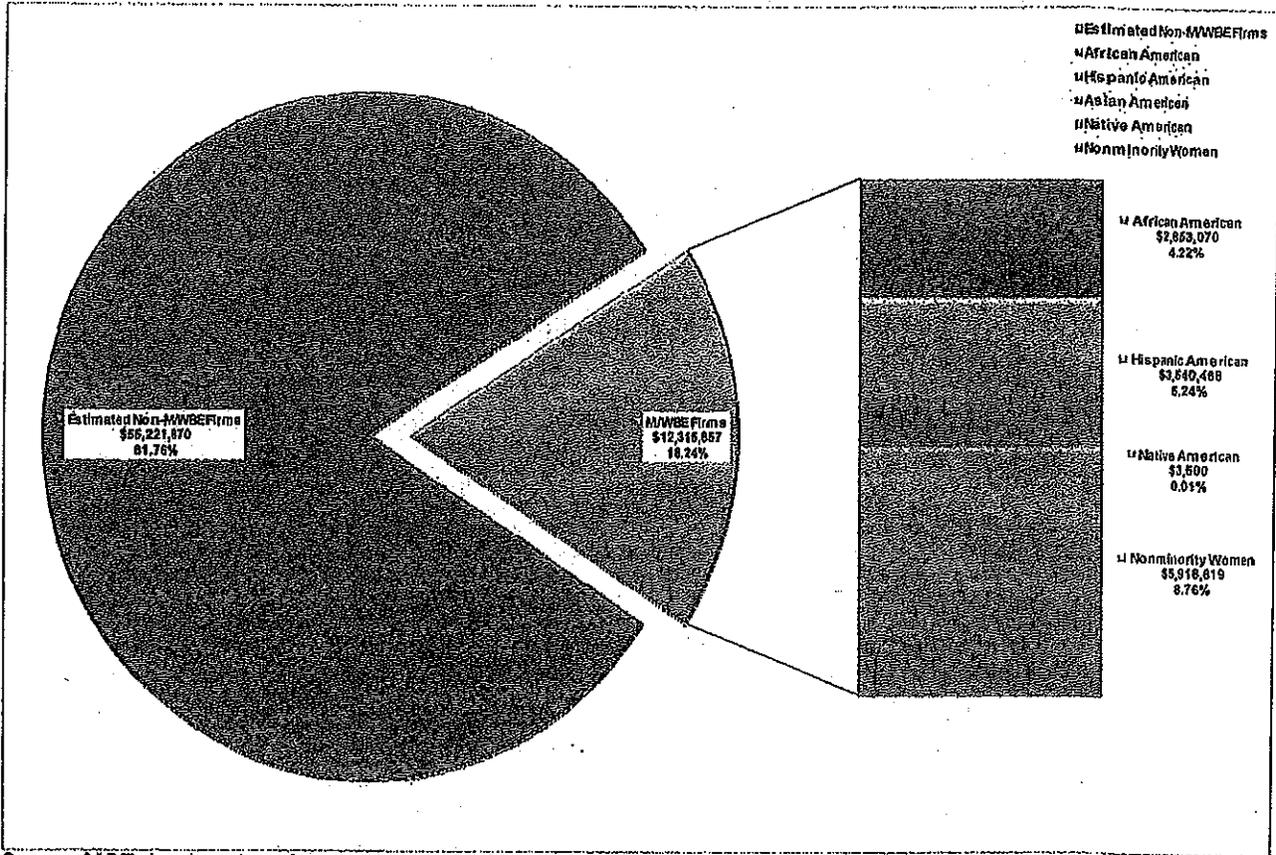
FINDING E-1: M/WBE Subcontractor Utilization, Availability, and Disparity

The dollar value of non-DBE and DBE subcontractor utilization by Greensboro over the current study period in the relevant market is shown in **Exhibits E-1 and E-2**, respectfully. A summary of utilization, availability, and disparity is provided in **Exhibit E-3**.

- MBEs won construction subcontracts for \$6.39 million (9.47% of the total). WBEs won construction subcontracts for \$5.91 million (18.76% of the total). There was substantial disparity for African American-, Asian American-, Native American- and Nonminority women-owned firms.
- MBE won construction subcontracts for \$2.07 million (9.57% of the total) through the DBE program. WBEs won construction subcontracts for \$2.07 million (9.57% of the total) through the DBE program. There was substantial disparity for all ethnic/gender groups.

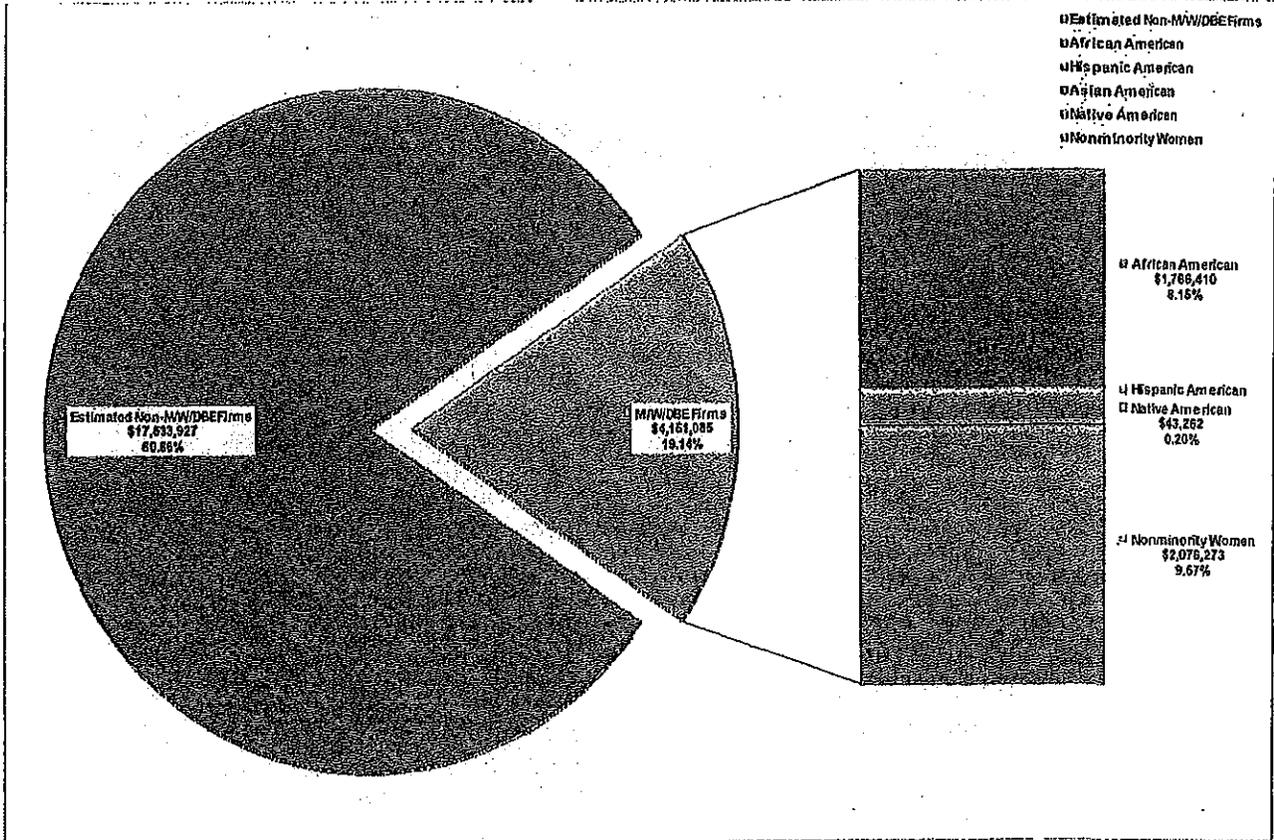
Overall Greensboro spent \$16.47 million with M/WBE subcontractors over the study period.

**EXHIBIT E-1
CITY OF GREENSBORO
NON-DBE SUBCONTRACTOR UTILIZATION
FY 2006 THROUGH FY 2010**



Source: MGT developed a subcontract database for the City of Greensboro covering the period between July 1, 2005 and June 30, 2010.

EXHIBIT E-2
CITY OF GREENSBORO
DBE SUBCONTRACTOR UTILIZATION
FY 2006 THROUGH FY 2010



Source: MGT developed a subcontract database for the City of Greensboro covering the period between July 1, 2005 and June 30, 2010.

**EXHIBIT E-3
CITY OF GREENSBORO
M/WBE SUBCONTRACTOR UTILIZATION, AVAILABILITY, AND DISPARITY
FY 2006 THROUGH FY 2010**

Business Category by Business Owner Classifications	\$ Dollars	% of Dollars	% of Available Firms
Construction Firms at the Subcontractor Level on Non-DBE Projects			
African Americans	\$2,853,070	4.22%	15.15%
Hispanic Americans	\$3,540,468	5.24%	2.52%
Asian Americans	\$0	0.00%	0.39%
Native Americans	\$3,500	0.01%	0.97%
Nonminority Women	\$5,918,819	8.76%	16.31%
Total M/WBE Firms	\$12,315,857	18.24%	35.34%
Construction Firms at the Subcontractor Level on DBE Projects			
African Americans	\$1,766,410	8.15%	15.15%
Hispanic Americans	\$265,140	1.22%	2.52%
Asian Americans	\$0	0.00%	0.39%
Native Americans	\$43,262	0.20%	0.97%
Nonminority Women	\$2,076,273	9.57%	16.31%
Total M/WDBE Firms	\$4,151,085	19.14%	35.34%

Source: MGT developed a subcontract database for the City of Greensboro covering the period between July 1, 2005 and June 30, 2010. MGT developed an availability database based on vendor availability.

¹ The percentage of dollars is taken from prime utilization shown in **Chapter 4.0**.

² The percentage of available firms is taken from availability shown in **Chapter 4.0**.

³ The disparity index is the ratio of % of dollars (utilization) to % available firms times 100.

* An asterisk is used to indicate a substantial level of disparity – disparity index below 80.00.

** Two asterisks are used to indicate that the ratio of utilization to availability is statistically significant at a 0.05 level

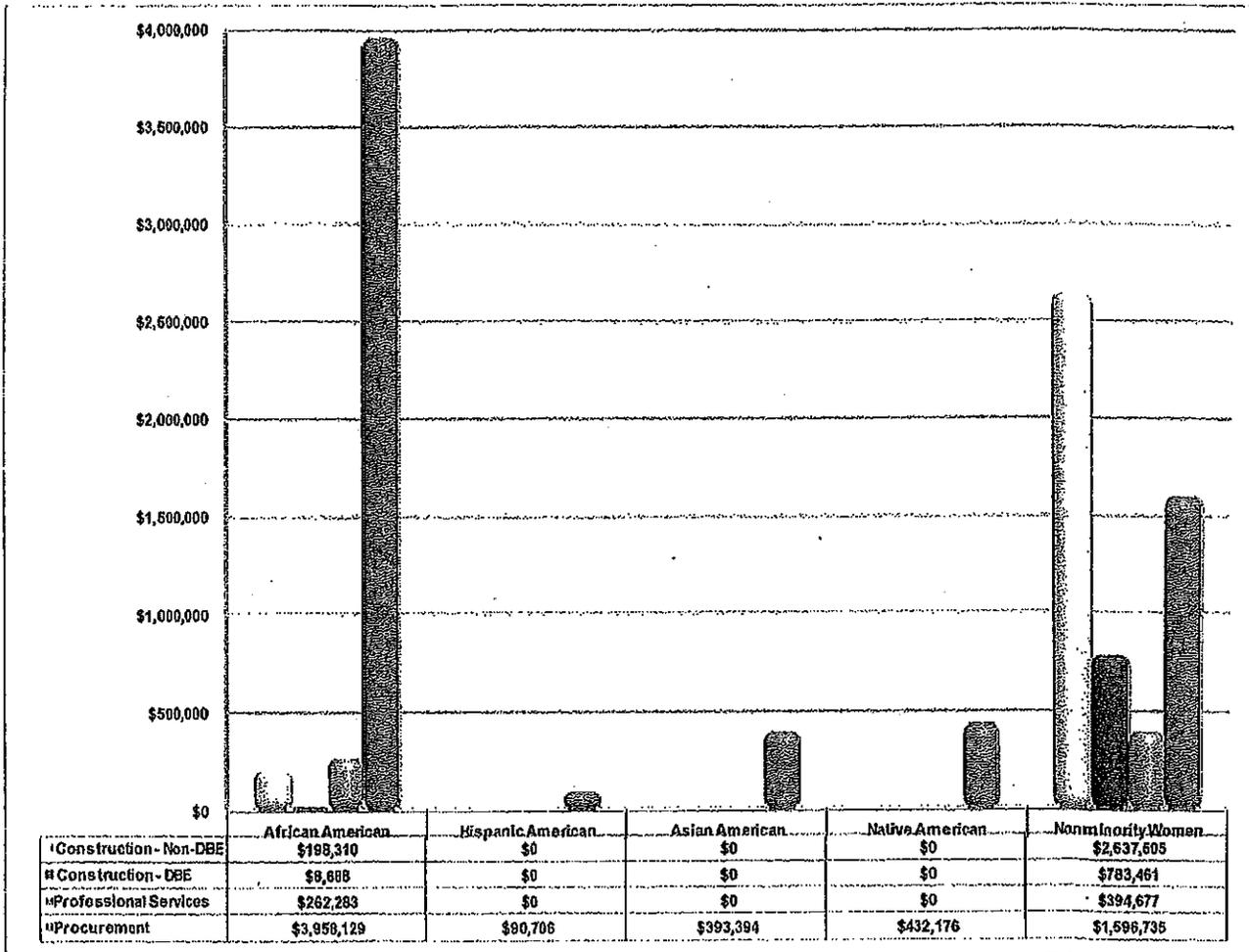
FINDING E-2: Greensboro M/WBE Prime Utilization and Availability

The dollar value of M/WBE prime utilization by Greensboro over the current study period in the relevant market is shown in **Exhibit E-4**: A summary of utilization, availability, and disparity is provided in **Exhibit E-5**.

- MBEs won prime construction contracts for \$193,310 (0.21% of the total). WBEs won prime construction contracts for \$2.63 million (2.85% of the total). There was substantial disparity for African American- and Nonminority women-owned firms.
- One MBE won a single prime construction contract for \$8,688 (0.03% of the total) through the DBE program. WBEs won prime construction contracts for \$783,461 (2.54% of the total) through the DBE program. There was substantial disparity for African American- and Nonminority women-owned firms.
- MBEs won professional services contracts for \$262,283 (0.80% of the total). WBEs won professional services contracts for \$394,677 (1.20 % of the total). There was substantial disparity for African American-, Hispanic American-, Native American-, and Nonminority women-owned firms (there was no availability for Asian American-owned firms).
- MBEs won procurement contracts for \$4.87 million (3.75% of the total). WBEs were awarded \$1.59 million (1.23% of the total). There was substantial disparity for African American-, Hispanic American-, and Nonminority women-owned firms and disparity for Native American-owned firms.

Overall, Greensboro spent \$10.8 million with M/WBE prime contractors over the study period in the relevant market area, 3.76% of the total. Of this amount, \$5.41 million was spent with WBEs, 1.89% of the total, and \$5.34 million with MBEs, 1.87 % of the total.

**EXHIBIT E-4
CITY OF GREENSBORO
M/WBE PRIME CONTRACTOR UTILIZATION
FY 2006 THROUGH FY 2010**



Source: MGT developed a prime contract and payment database for the City of Greensboro covering the period between July 1, 2005 and June 30, 2010.

**EXHIBIT E-5
CITY OF GREENSBORO
M/WBE PRIME CONTRACTOR UTILIZATION, AVAILABILITY, DISPARITY
FY 2006 THROUGH FY 2010**

Business Category by Business Owner Classifications	\$ Dollars	% of Dollars	% of Available Firms	Disparity Index	Disparate Impact of Utilization
Non-DBE Construction at the Prime Level					
African Americans	\$198,310	0.21%	12.37%	1.74	* Underutilization
Hispanic Americans	\$0	0.00%	0.00%	NA	NA
Asian Americans	\$0	0.00%	0.00%	NA	NA
Native Americans	\$0	0.00%	0.00%	NA	NA
Nonminority Women	\$2,637,505	2.85%	10.75%	26.55	* Underutilization
Total MWBE Firms	\$2,835,814	3.07%	23.12%		
DBE Construction at the Prime Level					
African Americans	\$8,688	0.03%	12.37%	0.23	* Underutilization
Hispanic Americans	\$0	0.00%	0.00%	NA	NA
Asian Americans	\$0	0.00%	0.00%	NA	NA
Native Americans	\$0	0.00%	0.00%	NA	NA
Nonminority Women	\$783,461	2.54%	10.75%	23.67	* Underutilization
Total MWDBE Firms	\$792,149	2.57%	23.12%		
Professional Services Firms					
African Americans	\$262,283	0.80%	8.58%	9.33	* Underutilization
Hispanic Americans	\$0	0.00%	0.27%	0.00	* Underutilization
Asian Americans	\$0	0.00%	0.00%	NA	NA
Native Americans	\$0	0.00%	0.27%	0.00	* Underutilization
Nonminority Women	\$394,677	1.20%	6.17%	19.54	* Underutilization
Total MWBE Firms	\$656,960	2.01%	15.28%		
Procurement Firms					
African Americans	\$3,958,129	3.04%	6.72%	45.25	* Underutilization
Hispanic Americans	\$90,706	0.07%	0.43%	16.38	* Underutilization
Asian Americans	\$393,394	0.30%	0.09%	355.30	Overutilization
Native Americans	\$432,176	0.33%	0.34%	97.58	Underutilization
Nonminority Women	\$1,596,735	1.23%	3.83%	32.05	* Underutilization
Total MWBE Firms	\$6,471,140	4.97%	11.40%		

Source: MGT developed a prime contract and payment database for the City of Greensboro covering the period between July 1, 2005 and June 30, 2010. MGT developed an availability database based on vendor availability.

¹ The percentage of dollars is taken from prime utilization shown in Chapter 4.0.

² The percentage of available firms is taken from availability shown in Chapter 4.0.

³ The disparity index is the ratio of % of dollars (utilization) to % available firms times 100.

* An asterisk is used to indicate a substantial level of disparity – disparity index below 80.00.

N/A denotes constraint of division by zero. This occurred because there is zero availability in this category. However, the existence of disparity can be inferred due to the evidence of low utilization levels

FINDING E-3: Private Sector Commercial Construction

M/WBE utilization in private sector commercial construction in the Greensboro Metropolitan Statistical Area (MSA) was very low, as measured by data from building permits. From 2006 through 2010 permits issued to M/WBE, prime contractors were valued at \$155,375, representing 0.03% of construction values and 0.1% of the number of building permits. M/WBE subcontractors were issued 0.1 %of all subcontracting permits). Only one MBE and four WBEs were used as subcontractors in the commercial permits data, as compared to 73 M/WBE subcontractors on Greensboro projects (and 29 on Greensboro DBE projects), with an estimated 35.8% of the construction subcontractor dollars used on Greensboro projects.

There was a link between this low private sector M/WBE subcontractor utilization and Greensboro. There were a total of 46 contractors on both the Greensboro projects and private sector commercial projects. Of these 46 firms, 23 used M/WBE subcontractors on Greensboro projects. Of the 23 prime contracting firms that used M/WBE subs on City projects, only two used WBEs subcontractors on commercial construction projects, and none used MBE subcontractors on private sector commercial projects. These results seem consistent with the survey results discussed in Chapter 8, Finding 8-6.

E.2 Commendations and Recommendations

The following recommendations focus on combining both race- and gender-neutral (small business) and race- and gender-conscious (M/WBE) methods. In keeping with prevailing case law the priority should be on the implementation of race- and gender-neutral methods.

Commendations and recommendations that follow are broken into race- and gender-neutral and M/WBE policy proposals. Most of the following commendations and recommendation are based on multiple findings and do not necessarily tie to one finding

Commendations and Recommendations for Race- And Gender-Neutral Alternatives

RECOMMENDATION E-1: Professionals Services and Other Services

Greensboro should consider the selective use of vendor rotation to expand utilization of underutilized M/WBE groups. Some political jurisdictions use vendor rotation arrangements to limit habitual repetitive purchases from incumbent majority firms and to ensure that M/WBEs have an opportunity to bid along with majority firms. Generally, a diverse team of firms is prequalified for work and then teams alternate undertaking projects. A number of agencies, including the Port Authority of New York and New Jersey; the city of Indianapolis; Fairfax County, Virginia; and Miami-Dade County, Florida use vendor rotation to encourage utilization of underutilized M/WBE groups, particularly in professional services.

RECOMMENDATION E-2: Small Business Enterprise (SBE) Program

A strong SBE program is central to maintaining a narrowly tailored program to promote M/WBE utilization. In particular, Greensboro should focus on increasing M/WBE

utilization through an SBE program. Greensboro does not face constitutional restrictions on its SBE program, only those procurement restrictions imposed by State law.

RECOMMENDATION E-3: SBE Program for Subcontracts

Small business programs are an important component of race- and gender-neutral alternatives to address identified disparities in purchasing. Greensboro should consider imposing mandatory subcontracting clauses on contracts where there are subcontracting opportunities and such clauses would promote M/WBE utilization.¹

COMMENDATION AND RECOMMENDATION E-4: Business Development Assistance

Greensboro should be commended for its partnerships with North Carolina A&T, North Carolina State University, and the Small Business and Technology Development Center. Greensboro should consider devoting more resources to business development assistance. Greensboro should review examples of other agencies with substantial business development initiatives. Greensboro should evaluate the impact of these initiatives on M/WBE utilization. In particular, Greensboro should follow the example of the Port Authority of New York and New Jersey, for which management and technical assistance contracts have been structured to include incentives for producing results, such as increasing the number of M/WBEs being registered as qualified vendors with the Port Authority, and increasing the number M/WBEs graduating from subcontract work to prime contracting.

RECOMMENDATION E-5: Narrowly Tailored M/WBE Program

This study provides evidence to support continuing the Greensboro M/WBE program. This conclusion is based primarily on statistical disparities in current M/WBE utilization, particularly in subcontracting; substantial disparities in the private marketplace; evidence of discrimination in business formation and revenue earned from self-employment; evidence of passive participation in private sector disparities; credit disparities; and anecdotal evidence of discrimination. Greensboro should tailor its women and minority participation policy to remedy each of these specific disparities.

RECOMMENDATION E-6: Annual Aspirational M/WBE Goals

The study provides strong evidence to support the setting of annual aspirational goals by business category, not rigid project goals. To establish a benchmark for goal setting, aspirational goals should be based on relative M/WBE availability. The primary means for achieving these aspirational goals should be an SBE program, race-neutral joint ventures, outreach, and adjustments in City procurement policy. As in the DOT DBE program goals on particular projects should, in general, vary from overall aspirational goals.

Possible revised aspirational goals based on M/WBE availability are proposed below in **Exhibit E-6**. These proposed goals are similar in structure to the DBE goal setting

¹ San Diego as part of its Subcontractor Outreach Program (SCOPE) has mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has subcontracting is determined by the engineer on the project.

process in that the goals are a weighted average of estimated M/WBE availability and prior M/WBE utilization.

**EXHIBIT E-6
CITY OF GREENSBORO
PROPOSED M/WBE ASPIRATIONAL GOALS
BY PROCUREMENT CATEGORY**

Procurement Category	MBE Goal	WBE Goal	Total M/WBE Goal	Current M/WBE Utilization %
Construction Prime Contracting	7%	7%	14%	2.95%
Professional Services	6%	5%	11%	2.01%
Goods & Services	5%	3%	8%	4.97%
Construction Subcontracting*	8%	7%	15%	13.37%

Source: Availability estimates are based on a 50/50 weighted average of current utilization and census availability data in Chapter 6.0.

*Subcontractor goals and utilization percentage are the percentage of the total construction prime contract dollars, not the percentage of subcontract dollars.

RECOMMENDATION E-7: M/WBE Subcontractor Plans

The basis for reestablishing good faith efforts for M/WBE subcontractor requirements is disparities in construction subcontracting, the very low utilization in private sector commercial construction and other evidence of private sector disparities, even after controlling for capacity and other race-neutral variables. The core theme should be that prime contractors should document their outreach efforts and the reasons why they may have rejected qualified M/WBEs that were the low-bidding subcontractors. Accordingly, the following narrow tailoring elements must be considered:

1. Good faith effort requirements should apply to both M/WBE and non-M/WBE prime contractors.
2. Project goals should vary by project and reflect realistic M/WBE availability for particular projects.
3. A documented excessive subcontractor bid can be a basis for not subcontracting with an M/WBE.
4. A documented record of poor performance can be a basis for not subcontracting with an M/WBE.²

A stronger M/WBE subcontractor program will require more resources for monitoring contract compliance.

² The last two elements were adopted by the North Carolina Department of Transportation (NCDOT). 19A NCAC 02D.1110(7). These and other elements of the NCDOT M/WBE program were found to be narrowly tailored in *H.B. Rowe v. Tippett*, 615 F.3d 233(4th Cir 2010).

**ADDENDUM
MARCH 19, 2013**

33a. Resolution authorizing acceptance of equipment for criminal justice purposes for the Greensboro Police Department from the City of Charlotte.



City of Greensboro
City Council
Agenda Item

TITLE: Donation of Equipment for Criminal Justice Purposes from the City of Charlotte

Department: Police	Meeting Date: 3/19/2013
Contact 1: Capt. BL James	Public Hearing: No
Phone: 336-433-7380	Advertising Date / Advertised By: NA
Contact 2: Stephanie Moore	Council District: Citywide
Phone: 336-433-2845	Authorized Signature: <i>Tommy A. Cheek</i>
Attachments:	Attachment A: Resolution to accept the donation of equipment from the City of Charlotte Attachment B: Agreement for the Disposition of City of Charlotte Property Attachment C: Equipment Inventory List

PURPOSE:

The Greensboro Police Department (GPD) assisted the Charlotte-Mecklenburg Police Department (CMPD) by working the 2012 Democratic National Convention ("DNC") held September 3-6, 2012. On February 25, 2013, the Charlotte City Council, by Resolution, approved the disposition of surplus equipment to outside law enforcement agencies to be used for criminal justice purposes by agencies that assisted the City of Charlotte by providing public safety and security during the DNC. A resolution needs to be approved by City Council in order to accept this equipment donation.

BACKGROUND:

On April 4, 2012, the City of Charlotte was awarded a grant (2012-ZC-BX-0001) from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP) to serve as the fiscal agent responsible for administering funding support for the 2012 Democratic National Convention ("DNC") to be held September 3-6, 2012. Funding was provided pursuant to the Department of Justice Appropriations Act, Pub. L. No. 112-55, 125 Stat. 552, 615, for extraordinary law enforcement expenditures and related security costs. The City of Charlotte was authorized to purchase law enforcement related equipment and supplies to provide for the public safety and security during the DNC.

GPD and CMPD entered into an Agreement under the authority of N.C. Gen Stat. § 160A-280, Title 28 CFR Part 66, Title 2 CFR section 215.34 and consistent with the 2011 Office of Justice Programs Financial Guide which authorizes the distribution of grant purchased City owned surplus items to outside law enforcement agencies to be used for criminal justice purposes by agencies that assisted the City by providing public safety and security during the DNC.

BUDGET IMPACT:

There is no budget impact. The donation of this equipment meets applicable laws in General Statute § 160A-280 Donations of personal property to other governmental units. The equipment is valued at approximately \$191,090.65 and is outlined in Attachment C.

RECOMMENDATION / ACTION REQUESTED:

It is requested and recommended that the City Council adopt a resolution allowing the donation of equipment to be used for criminal justice purposes from the City of Charlotte valued at approximately \$191,090.65.

Agenda Item: _____

Attachment A

RESOLUTION AUTHORIZING ACCEPTANCE OF EQUIPMENT FOR CRIMINAL JUSTICE PURPOSES FOR THE GREENSBORO POLICE DEPARTMENT FROM THE CITY OF CHARLOTTE

WHEREAS, On April 4, 2012, the City of Charlotte was awarded a grant (2012-ZC-BX-0001) from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP) to serve as the fiscal agent responsible for administering funding support for the 2012 Democratic National Convention ("DNC") to be held September 3-6, 2012. Funding was provided pursuant to the **Department of Justice Appropriations Act, Pub. L. No. 112-55, 125 Stat. 552, 615**, for extraordinary law enforcement expenditures and related security costs. The City of Charlotte was authorized to purchase law enforcement related equipment and supplies to provide for the public safety and security during the DNC; and

WHEREAS, the Greensboro Police Department and the Charlotte-Mecklenburg Police Department entered into an Agreement under the authority of **N.C. Gen Stat. § 160A-280, Title 28 CFR Part 66, Title 2 CFR section 215.34** and consistent with the 2011 Office of Justice Programs Financial Guide which authorizes the distribution of grant purchased City owned surplus items to outside law enforcement agencies to be used for criminal justice purposes by agencies that assisted the City by providing public safety and security during the DNC; and

WHEREAS, **§ 160A-280 Donations of personal property to other governmental units states**

(a) A city may donate to a another governmental unit within the United States, a sister city, or a nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, any personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused. The governing board of the city or county shall post a public notice at least five days prior to the adoption of a resolution approving the donation. The resolution shall be adopted prior to making any donation of surplus, obsolete, or unused personal property. For purposes of this section a sister city is a city in a nation other than the United States that has entered into a formal, written agreement or memorandum of understanding with the donor city for the purposes of establishing a long term partnership to promote communication, understanding, and goodwill between peoples and to develop mutually beneficial activities, programs, and ideas. The agreement or memorandum of understanding establishing the sister city relationship shall be signed by the mayors or chief elective officer of both the donor and recipient cities.

(b) For the purposes of this section, the term "governmental unit" shall have the same meaning as defined by G.S. 160A-274(a).

(c) The authority granted to a city, county, or governmental unit under this section is in addition to any authority granted under any other provision of law. (2007-430, s. 1.)

WHEREAS, the Greensboro Police Department assisted the Charlotte-Mecklenburg Police Department by working the 2012 Democratic National Convention ("DNC") held September 3-6, 2012; and

WHEREAS, On February 25, 2013, the Charlotte City Council, by Resolution, approved the disposition of surplus equipment to outside law enforcement agencies to be used for criminal justice purposes by agencies that assisted the City of Charlotte by providing public safety and security during the DNC;

WHEREAS, the staff of the Greensboro Police Department supports accepting the donation of equipment for criminal justice purposes,

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

That the City is authorized to accept the donation of equipment from the City of Charlotte for criminal justice purposes in the amount of approximately \$191,090.65.

Attachment B

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

AGREEMENT FOR THE DISPOSITION OF CITY PROPERTY

This Agreement for the disposition of City property (the "Agreement") is entered into and made effective as of this 1st day of September, 2012, by and between the City of Charlotte, a North Carolina municipal corporation (the "City") and Greensboro Police Department, (the "Recipient Governmental Unit")

STATEMENT OF BACKGROUND AND INTENT

A. The City, by resolution of the City Council, is authorized to donate City property to other governmental units within the United States pursuant to N.C. Gen. Stat. §160A-280.

B. On April 4, 2012, the City of Charlotte was awarded a grant (2012-ZC-BX-0001) from the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP) to serve as the fiscal agent responsible for administering funding support for the 2012 Democratic National Convention ("DNC") to be held September 3-6, 2012. Funding was provided pursuant to the Department of Justice Appropriations Act, Pub. L. No. 112-55, 125 Stat. 552, 615, for extraordinary law enforcement expenditures and related security costs. The City was authorized to purchase law enforcement related equipment and supplies to provide for the public safety and security during the DNC.

C. The parties enter into this Agreement under the authority of N.C. Gen Stat. § 160A-280, Title 28 CFR Part 66, Title 2 CFR section 215.34 and consistent with the 2011 Office of Justice Programs Financial Guide which authorizes the distribution of grant purchased City owned surplus items to outside law enforcement agencies to be used for criminal justice purposes by agencies that assisted the City by providing public safety and security during the DNC.

D. At a regular meeting on February 25, 2013, the Charlotte City Council, by Resolution, approved the disposition of surplus equipment set forth on Attachment A (the "Equipment") to the Recipient Governmental Unit.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, the parties agree as follows:

AGREEMENT

1. DONATION

The City hereby donates and assigns the surplus Equipment to the Recipient Governmental Unit and the Recipient Governmental Unit hereby agrees and affirms that the Equipment shall be utilized only for criminal justice purposes.

2. WAIVER OF WARRANTIES

THE RECIPIENT GOVERNMENTAL UNIT AGREES THAT THE EQUIPMENT IS DONATED BY THE CITY "AS IS" AND THAT THE CITY EXCLUDES ALL WARRANTIES, INCLUDING THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Nothing in this section shall be deemed to limit the Recipient Governmental Unit's ability to pursue warranty claims with the Equipment manufacturers.

3. LIMITATION OF LIABILITY

IN NO EVENT SHALL THE CITY HAVE ANY LIABILITY ARISING OUT OF OR RELATING TO THE EQUIPMENT OR TO THE CITY'S DISPOSITION OF THE EQUIPMENT, INCLUDING BUT NOT LIMITED TO LIABILITY FOR DIRECT, INDIRECT, CONSEQUENTIAL, INCIDENTAL, PUNITIVE OR SPECIAL DAMAGES.

4. INDEMNIFICATION

To the fullest extent provided by law, the Recipient Governmental Unit hereby agrees to indemnify, defend and hold harmless the City and its officers, agents and employees from and against any and all liabilities, liens, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including without limitation attorneys' fees, imposed or incurred by or asserted against the City or its assigns, arising out of, connected with, or resulting directly or indirectly from the Equipment or the City's disposition of the Equipment. The Recipient Governmental Unit shall give the City or its assigns prompt written notice of any matter hereby indemnified against.

5. MISCELLANEOUS

A failure by either party to enforce any right under this Agreement shall not at any time constitute a waiver of such right or any other right, and shall not modify the rights or obligations of either party under this Agreement. This Agreement shall obligate and benefit the parties, and their permitted receivers, trustees, assignors, and other representatives. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision, the remaining provisions being deemed to continue in full force and effect. This Agreement shall be governed by and construed under the laws of the State of North Carolina, excluding its conflicts of law principles. The parties further agree that any and all legal actions or proceedings relating to this Agreement shall be brought in a state court sitting in Mecklenburg County, North Carolina. By execution of this Agreement, the parties irrevocably waive any and all objections, which they may have with respect to venue in any court sitting in Mecklenburg County. This Agreement is the entire agreement of the parties, and supersedes all prior agreements and communications, whether oral or in writing, between the parties with respect to the subject matter of this Agreement. No amendment or modification of this Agreement shall be effective unless made in writing and signed by both parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

City of Charlotte

Ken Miller, Chief of Police
Greensboro Police Department

CERTIFICATION

I, Ken Miller, certify that the Equipment provided under this Agreement to the Greensboro Police Department will not be used to supplant local or State funds.

Name: Ken Miller
Title: Chief of Police

Attachment C

Greensboro Police Department				
Description	Item/Equipment	Unit Cost	Total	Serial Numbers
Complete Mobile Field Force (MFF) Protective Gear Set including: Kevlar Helmet, Chest Protector, Shin Guards, Gloves, Belt, Belt Keepers, Elbow Pads, Gas Mask. Gas Mask Carrier, 2 Gas Mask Filter, OC Spray, OC Carrier, 26" Wood Baton, Baton Holder, 1.25" Rubber Baton Grommet, 4 Uniform Shirts, 4 Uniform Pants, MFF Equipment Bag, Police Ball Cap	60	\$1,556.84	93,410.40\$	Helmet Numbers: 2262, 2288, 2388, 2118, 2103, 2104, 2120, 2002, 2293, 2281, 2126, 2110, 2040, 2003, 2309, 2109, 2265, 2395, 2264, 2253, 2283, 2119, 2317, 2256, 2272, 2260, 2178, 2259, 2124, 2357, 2250, 2319, 2188, 2102, 2718, 2275, 2269, 2125, 2282, 2261, 2715, 2311, 2714, 2123, 2111, 2101, 2254, 2268, 2279, 2273, 2006, 2116, 2129, 2100, 2128, 2731, 2738, 2748, 2734, 2119
Police Bicycle includes bicycle rack, lighting equipment, soft luggage bag	27	\$1,114.00	30,078.00\$	GD2G0566, GD274754, GD2G0538, GD274775, GD271915, GD271914, GD271928, GD286209, GD272034, GD274809, GD2G0980, GD2G0550, GD274822, GD272135, GD2G0991, GD274798, GD271939, GD272006, GD274756, GD2G0591, GD286177, GD286296, GD2G1116, GD271957, GD283589, GD2G0564, GD2G986
Kawasaki Mule UTV	1	\$11,634.00	11,634.00\$	JK1AFDG12AB502596
Bicycle Uniform Set includes: 2 bicycle pants, 2 bicycle shirts, gloves, bicycle helmet, shin guards, elbow guards, hydration pack	40	\$619.43	24,777.20\$	
Defense Technology 40 MM Launcher	2	\$915.40	1,830.80\$	D36143, D36272
Pepperball Technologies Custom Carbine Launcher	5	\$607.16	3,035.80\$	1738790, 1738791, 1738792, 1738793, 1738794
Pro Tech Plate Carrying Load Bearing Grenadier Vest	6	\$113.39	680.34\$	
Grenadier Pepperball Vest Strikeforce RAP 4	5	\$53.00	265.00\$	
Pepperball Technologies, Inc. Munitions, Live Agent PAVA Powder Case (3000 rounds per case)	2	\$5,160.90	10,321.80\$	
Defense Technology MK4 OC 1.3% Stream Canister	60	\$14.57	874.20\$	
Defence Technology MK9 OC Delivery System	10	\$65.26	652.60\$	
Defense Technology MK46 OC Delivery System,	4	\$452.77	1,811.08\$	

Defense Technology 40mm Direct Impact Round OC	59	\$27.00	1,593.00\$
Defense Technology CS Pocket Tactical System	35	\$23.95	838.25\$
Defense Technology CS Triple Chaser System	10	\$47.75	477.50\$
Defense Technology CS Spede-Heat System	15	\$35.26	528.90\$
Defense Technology OC Fogger System	11	\$19.11	210.21\$
Defense Technology Saf- Smoke Triple Chaser System	24	\$44.63	1,071.12\$
Defense Technology Smoke Pocket Tactical System	35	\$21.81	763.35\$
Defense Technology CS Muzzle Blast System	60	\$25.47	1,528.20\$
Premier Crown 9069 Helmet	49	\$ 96.10	\$ 4,708.90
Total Donated		191,090.65\$	



March 14, 2013

TO: Jim Westmoreland, Deputy City Manager
FROM: Sue Schwartz, FAICP, PCD Director
SUBJECT: Western Area Plan Meeting

Planning and Community Development is holding a public meeting to review a final draft of the Western Area Land Use and Infrastructure Plan. The time and location of the meeting is:

Tuesday, March 26, 2013
6 to 8 p.m.
Girl Scout Learning Center Gym
8818 West Market Street

You can view a draft of the plan and get other information at www.greensboro-nc.gov/wap.

The City of Greensboro has been working with residents, property owners and businesses in the area over the past several years to develop this plan. The City undertook this effort to ensure that any economic development initiatives and service provisions in the area do the following:

- take the long-term needs of area residents into account
- coordinate with other agencies in the area including Guilford County, the airport, neighboring towns and various state agencies
- coordinate the City's long-term investments, such as water and sewer lines and road improvements, with other long term land use plans and goals.

This planning effort is important since the area is currently subject to growth pressure due to:

- being adjacent to an airport that is seen as a major driver for the region's economy
- being adjacent to several major highway projects that have recently been completed and more that are planned for the future
- large tracts of land that are close to properties with significant investments.

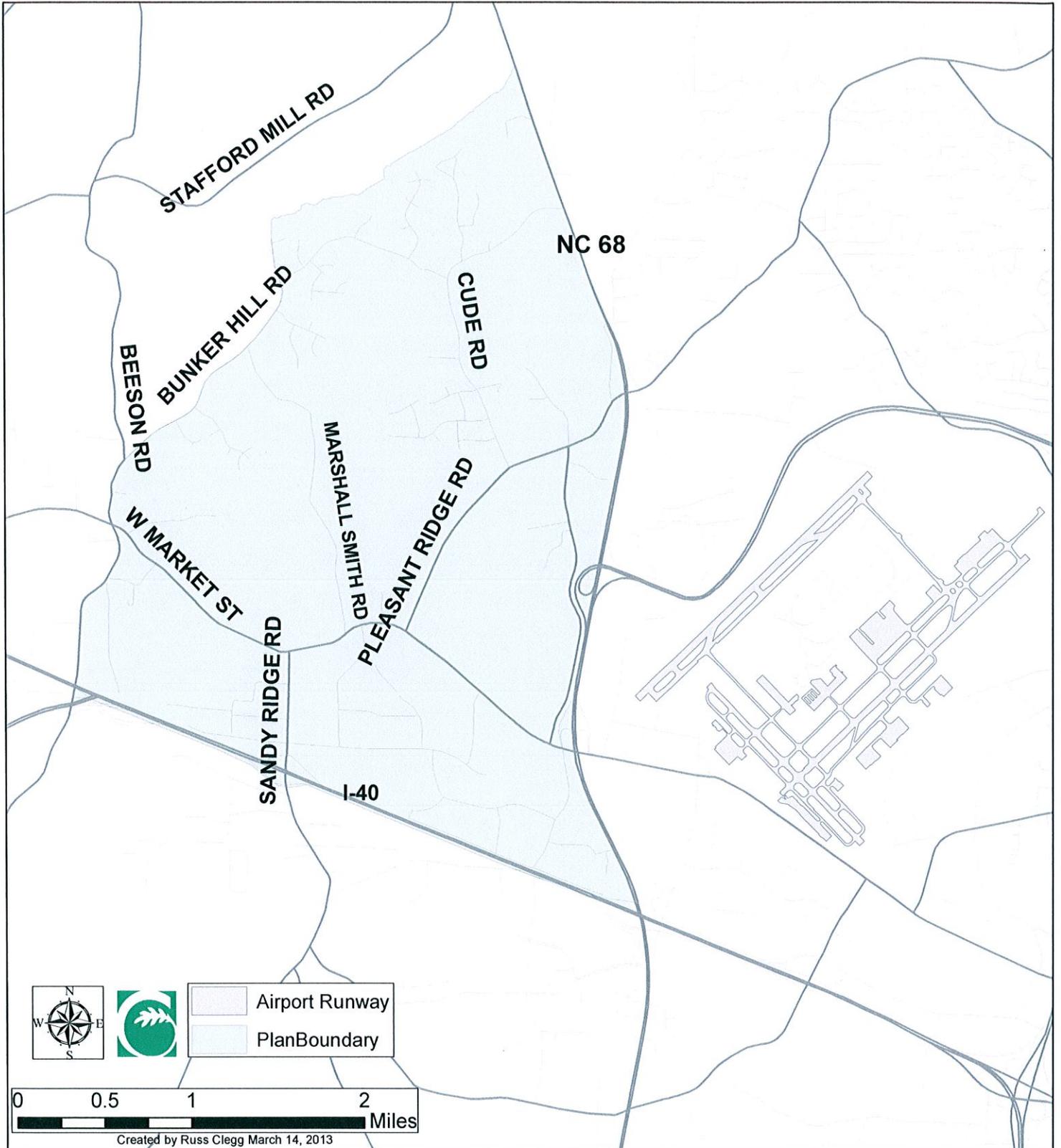
The process to develop this plan included in depth reviews of existing land use and transportation plans and studies, a market analysis, and a series of public workshops. Additional meetings were held with representatives from surrounding jurisdictions, the airport, and Metropolitan Planning Organizations. Highlights of the Plan's recommendations include:

- ample sites for employment through the redevelopment of existing sites and the development of new opportunities
- strategic recommendations for roads, water and sewer service
- two mixed use centers, one near the new GTCC campus and another at the intersection of Sandy Ridge Road and West Market Street
- a greater mix of housing types
- promotion of farming and agricultural assets
- preservation of key historical and cultural assets.

SS/wrc

Attachment: Plan Boundary Map

Western Area Plan Boundary



**Public Affairs
Contact Center Weekly Report
Week of 3/4/13 – 3/10/13**

Contact Center

4531 calls answered this week

Top 5 calls by area

Water Resources

Balance Inquiry – 935
IVR/Pay by Phone – 352
New Sign up – 135
General Info – 99
Bill Extension – 93

Field Operations

Bulk Guidelines – 86
HHW/Landfill/Transfer – 74
Mattress Collection – 61
Repair Can/Garbage – 33
Collection Day – 33

All others

Police/Watch Operations – 391
Privilege License – 77
Courts/Sheriff – 74
Tax Department – 28
HR/Employment – 28

Comments

We received a total of 4 comments this week:

Field Operations - 2 comments:

- Resident feels the City should be driving around noticing all of the litter. She says the City is really looking bad with all of the litter and dumping. We should have people to drive around to find and clean up these areas.
- Customer wants us to know the TV program on GTN about the recycle items we pick up now is not clear. She said the person speaking is not speaking clear. She used to be in the theater and if they need help she will be glad to help them.

Public Affairs – 1 comment:

- There are too many menu options on the 373-CITY number. They do not want to listen to all of that.

Water Resources – 1 comment:

- Customer complaint - When the Water Maintenance Department is doing preventive maintenance resulting in water service being suspended, residents in the affected area should be made aware before the work is done.

Overall

Calls for the Tax Department and calls about employment increased last week. Call volume was steady through the end of the week.



City of Greensboro Grant Applications Submitted

<u>Grantor</u>	<u>Grants Projects / Description of Purpose</u>	<u>Amount Requested</u>	<u>Department Requesting Funding</u>	<u>Council Notification Date</u>	<u>Status</u>
Wal-Mart Foundation / Local Giving Program	Through the Local Giving Program, Wal-Mart stores, Sam's Clubs and Logistics facilities support the needs of their communities by providing grants to local organizations. The Greensboro Police Department (GPD) has applied and been awarded a \$1,000 grant to establish a Larceny/Shoplifting Education & Diversion Program. The funds will be used to purchase program supplies, education materials, as well as, printing cost, signage and refreshments. A pilot program to assist the community by alleviating our court system's workload associated with first time offenders. By participating in this optional program, first time Larceny/Shoplifting offenders will become educated on the damage this crime causes to the community in which they live. If the offender successfully completes the program they will not be officially charged with a crime, for their first offense, which could cause loss of employment and/or income for the individual. The replicable program will initially operate in the GPD's Eastern Division.	\$ 1,500.00	Greensboro Police Department	March 15, 2013	Approved by Department on March 11, 2013
Firehouse Sub Public Safety Foundation	The Firehouse Subs Public Safety Foundation is a non- profit organization , provide funding for life-saving equipment, disaster assistance and educational opportunities for first responders and public safety organizations. The Greensboro Police Department's Underwater Recovery Team (URT) conducts underwater searches for evidence, stolen property, drowning victims, and other underwater activities related to investigations. The requested funding if awarded will be used to purchases several pieces of equipment that will assist with their efforts. If funded, the equipment request will ease the current financial burden and enhance the life-saving capabilities of the URT.	\$ 23,833.18	Greensboro Police Department	March 15, 2013	Approved by Department on March 11, 2013