



March 28, 2013

TO: Mayor and Members of Council

FROM: Denise Turner Roth, City Manager

A handwritten signature in black ink, appearing to read "DTR", written over the name Denise Turner Roth.

SUBJECT: Items for Your Information

**Upcoming Meetings**

April 2 <sup>nd</sup> @ 5:30 pm	City Council Meeting
April 4 <sup>th</sup> @ 9:00 am	Economic Development Committee Meeting
April 4 <sup>th</sup> @ 3:30 pm	Tree Ordinance Review Committee Meeting

**Agenda Items for April 2, 2013 City Council Meeting**

• **Change Order: Ballinger Road Bridge Replacement**

Attached is a memorandum from City Engineer Ted Partrick, dated March 21, 2013, regarding a request for approval from Council on the contract change order in the amount of \$26,400 for the Ballinger Road Bridge replacement.

**Council Follow-Up Items**

• **South Elm Street Redevelopment**

As a follow-up to the request from Councilmember Bellamy-Small at the March 19, 2013 City Council meeting, attached is a memorandum from Planning and Community Development Sue Schwartz, dated March 28, 2013, providing an update on the South Elm Street redevelopment.

• **Public Information Request Community Meetings**

As a follow-up to a request from Councilmember Vaughan at the March 19, 2013 City Council meeting, attached is press release regarding the two community meetings on public records processes.

**MWBE Policy Initiatives Summary**

As a follow-up to the March 19, 2013 City Council meeting, attached is a memorandum from M/WBE Coordinator Kathleen Hoskins Smith, dated March 27, 2013, providing a summary of the proposed MWBE Policy Initiative.

**General Assembly Update**

Attached is a memorandum from Associate General Counsel Tom Carruthers, dated March 28, 2013, providing an update on the City's legislative agenda.

**Contact Center Feedback**

Attached is the weekly report generated by our Contact Center for the week of March 18, 2013 through March 24, 2013.

**Small Group Meetings**

Attached is the weekly Small Group Meetings report for the week of March 22, 2013 through March 28, 2013, between City Staff and [more than two but less than five] Councilmembers.

DTR/mm  
Attachments

cc: Office of the City Manager  
Global Media



March 21, 2013

**TO:** David Parrish, Assistant City Manager

**FROM:** Ted Partrick, City Engineer

**SUBJECT:** Ballinger Road Bridge Replacement  
Contract 2009-073 (B-4695)  
Change Order #1

### Summary

The contract 2009-073 has an additional cost that will require approval of a contract change order by City Council. An agenda memo is being prepared for the April 2, 2013, Council meeting as a change order for the amount of \$26,400. The City will submit a claim to the design consultant for the cost of the change order.

### Background

Blythe Construction, a North Carolina licensed General Contractor, was awarded the contract 2009-073 for the Ballinger Road Bridge Replacement Contract by the City Council on November 4, 2011, in the amount of their bid, \$1,964,319.50. The contract was estimated by the engineering staff in the amount of \$2,453,975.80 using historical pricing data. The bridge replacement project contract is approximately 70% complete.

The contract change order is the result of conflicting design details for the construction of the concrete bearings for the bridge's box beams. The conflict was not discovered until the contractor attempted to install the beams. The cost of the changes to the bearings, including additional rentals for cranes and tensioning equipment for a second installation attempt is the extent of this change order.

The extra cost for the changes is not a reimbursable expense under the terms of the grant from the Federal Highways Administration grant. The cost is due to a discrepancy in the design plans provided by the City's design consultant, so the contractor will have to be paid by the City. Since the cost is attributed to the design, the City will submit a claim to the designer for the extra costs to reimburse the City for the charges. The design engineering consultant is STV/Ralph Whitehead Associates, Inc., of Charlotte, NC.

With the low bid price and adding this change order amount, the contract is still within budget and below the engineer's and NCDOT's estimate of the cost.

THP

cc: Butch Simmons, Director, Engineering & Inspections Department  
Adam Fischer, Director, Transportation Department



March 28, 2013

**TO:** Denise Turner Roth, City Manager  
**FROM:** Sue Schwartz, FAICP, Director  
**SUBJECT: South Elm Street Redevelopment**

**Background**

On March 19, 2013, City Council approved the sale of the 7± acres known as the South Elm Street redevelopment site from the Redevelopment Commission of Greensboro to South Elm Development Group (SEDG) under the terms and conditions of a Master Development Agreement. The Master Development Agreement includes terms and conditions related to process for conveying property, development expectations, developer's responsibilities, compliance with federal, state and local requirements, and procedures for including Historically Underutilized Businesses and Minority/Women-Owned Business Enterprises at every level of the project.

**Proposed Building Program and Phasing**

The project is anticipated to take twelve years, beginning with infrastructure design in mid-2013 and completed by 2025 or earlier. The developer's building program is consistent with the program outlined in the October 2006 South Elm Street Redevelopment Plan, which was approved by City Council subsequent to significant public engagement and input.

- Phase 1: Infrastructure, 500 space parking deck, 210± apartments
- Phase 2: Approximately 100,000 square feet of adaptable use space (commercial, educational) with first floor retail
- Phase 3: 500 space parking deck
- Phase 4: 150 room hotel with first floor retail
- Phase 5: 26 for-sale residential units

**Anticipated Investment**

- 13% Public: \$11,013,500 (Redevelopment Plan Budget)
- 87% Private: \$70,646,072 (Preliminary Development Budget)
- Total Anticipated Investment: \$81,659,572

**Participation of Historically Underutilized Businesses and Minority/Women-Owned Business Enterprises (HUB/MWBE)**

The City of Greensboro recognizes the importance of a robust plan for Historically Underutilized Business and Minority and Women Business Enterprise (HUB/MWBE) inclusion and has engaged the non-profit Sustainable Community Resources to provide HUB/MWBE business

development services to assist minority- and women-owned businesses participate in all components of the South Elm Street Redevelopment project.

It is the policy of the South Elm Development Group to support the growth and development of minority- and women-owned businesses that can successfully compete within this project for contracting opportunities. SEDG has a stated goal of 20% M/WBE participation, 17% MBE and 3% WBE participation. SEDG has committed to implementing their M/WBE policy throughout the project to ensure the elimination of barriers to participation by:

- Early notification of project scope;
- Expedited payment program;
- Promote and conduct outreach efforts;
- Review of Good Faith Efforts throughout the process;
- Implementing small business strategies that create smaller packages that help foster inclusion;
- Self certification of contractors by developer;
- Promoting joint-venturing and partnering;
- Assisting with and participating in trade fairs, workshops and outreach seminars aimed at identifying and increasing M/WBE and HUB participation

SEDG will periodically survey contractors participating in the project as to how well the policies have worked for them.

#### **Next Steps**

Once the Master Development Agreement is executed, the following activities are scheduled for the remainder of 2013:

- Continued community and neighborhood outreach;
- Infrastructure design and construction start;
- Aggressive recruitment of sub-developers for multifamily housing, hotel, commercial, and parking structure development;
- Community engagement opportunities for residents of Greensboro to learn about the project, ask questions, provide input, and reconnect with the site and the concept put forth in the Redevelopment Plan; and
- Outreach and training for HUB/MWBE firms to assure that firms are aware of opportunities and prepared to participate in the South Elm Street Redevelopment project at all levels.

SS/da

cc: Jim Westmoreland, Deputy City Manager  
Hanna Cockburn, Long Range & Strategic Planning Manager  
Chancer McLaughlin, Planner/Project Manager



**CITY OF GREENSBORO  
FOR IMMEDIATE RELEASE**

Contact: Donnie Turlington  
Phone: 336-373-3769

### ***City Hosts Meetings on Public Records on April 8-9***

GREENSBORO, NC (March 28, 2013) – The City of Greensboro is hosting a pair of meetings about its public records processes April 8-9 in the Plaza Level Conference Room in the Melvin Municipal Office Building, 300 W. Washington St. While both meetings are open to residents, the April 8 meeting, 1-3 pm, is geared toward journalists and members of the online community, while the April 9 meeting, 6-8 pm, is for the general public.

The meetings offer the opportunity to review public records law and the City's public information request processes and system. Representatives from the City's legal, police, and information technology departments, along with the City Manager's Office, will be in attendance to answer any questions and receive feedback related to the City's public information request process and protocol. Guests and the City will have the opportunity to offer recommendations for process improvements.

**# # #**

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The City works with the community to improve the quality of life for residents through inclusion, diversity, and trust. As the seventh largest employer in Greensboro, the City has a professional staff of 2,800 employees who maintain the values of honesty, integrity, stewardship, and respect. The City is governed by a council-manager form of government with a mayor and eight council members. For more information on the City, visit [www.greensboro-nc.gov](http://www.greensboro-nc.gov) or call 336-373-CITY (2489).



March 27, 2013

**TO:** Andrew Scott, Assistant City Manager

**FROM:** Kathleen Hoskins Smith, M/WBE Coordinator

**SUBJECT:** Summary of M/WBE Policy Initiatives

On May 19, 2013, the Greensboro City Council accepted the findings of the 2012 Disparity Study. Attorney Franklin Lee, a legal consultant recommended by the M/WBE Community Relations Steering Committee, presented a legal review of the study and shared recommendations for updating the City of Greensboro's policies to address disparities in the utilization of small, minority and women-owned businesses (S/M/WBEs) located in the City's marketplace. His presentation followed a series of meetings with City staff responsible for contracts in Construction, Professional/Other Services, and Procurement of Goods contract programs.

As we move forward to consider the final policy options that will be submitted, our objective is a fine tuning of the Economic Inclusion processes, versus a major overhaul. One of the more significant proposals that will be presented to Council is the addition of a Small Business Enterprise (SBE) Program. This initiative, which must be approved by the North Carolina General Assembly, provides a race-neutral approach to contracting. SBE programs provide a solid legal and practical basis for inclusion of diverse small businesses and facilitation of their growth. The proposed SBE program may use several approaches, including set-asides, vendor rotation, and small business preference at certain dollar thresholds for contracts that particularly lend themselves to small businesses. Certification of size, gross dollar revenues and locations of small businesses in the area will be required on the City's part.

As a general construct, our current contracting processes involve seven primary areas:

- 1) Project Identification: Departments identify projects and services, defines the scope and sets the budget
- 2) Project design and conception of need for procurement
- 3) Setting project specific goals
- 4) Bid preparation
- 5) Bid Solicitation
- 6) Bid Qualification: Bids are analyzed, including M/WBE goals
- 7) Bid Award

Each of Attorney Lee's recommendations refers back to one of our current systems and processes. One recommendation at Bid Award in the Construction Program would be a bifurcated bid opening with "Good Faith" documentation viewed before bids are opened. Prime contractors could ask for a waiver of the goal, and could possibly see goals amended before any

measures, such as a contract rebid, would be taken. This recommendation may significantly enhance our current process, which typically verifies only the lowest bidding firm's calculation of goal attainment and good faith responsiveness prior to award.

The centerpiece of the proposed Economic Inclusion recommendations addresses the City's infrastructure - how we manage data, impact compliance and provide outreach and business assistance. The recommendation provides for a Centralized Bidder Registration Data System. Such systems have successfully helped municipalities across the country meet program objectives such as:

- 1) Provide a comprehensive list of available certified vendors because of mandatory registration
- 2) Automated email notification of contracting opportunities to contractors and suppliers
- 3) Require Prime Contractors to solicit sub-contractors with targeted e-mail alerts and website postings of their projects to log Good Faith
- 4) Track payments to sub-contractors and monitor compliance
- 5) Help to establish annual aspirational goals based on contracts within Construction, Professional/Other Services, and Purchased Goods.

The data system provides enhanced capabilities for program management, outreach, and reporting of utilization and growth of contracted S/M/WBE firms. Additionally, the data provides Contract Program Managers, Project Managers and Prime Contractors with the specific firms (both prime and sub-contractors) that are ready, willing and able to work on contracts with the City of Greensboro. This enables staff to set more accurate goals on a project-by-project basis.

One policy recommendation includes using a Goal Setting Committee at the Project Identification phase. This process will analyze projects for potential S/M/WBE contracting opportunities and identify potential ways to remove barriers for S/M/WBEs bidding.

With the program redesign, staff will be responsible for continuing to address program components such as certification, goal-setting, data reporting, bid evaluations, monitoring contract performance, Good Faith waivers, and most importantly outreach initiatives, internal training and community education. From project design to award, Attorney Lee proposes several policy 'tools to add to our toolbox.' There is also a possible phasing in of such policies as Joint Venture and Mentor Protégé initiatives.

All departments are expected to contribute to the success of our Business Diversity Policy. Policy goals are needed to establish beneficial relations with S/M/WBE firms that will enhance their growth and development, to increase use of these firms and to meet project goals. This will help bolster the City Manager's vision of a strong, robust S/M/WBE Program. Because improved Economic Development is the ultimate objective of this policy, it is critical that we have buy-in from all our internal and external stakeholders, and improved internal efficiencies using best practices from other jurisdictions with these programs. We will be adjusting our redesigned program over time to meet our needs for success.

Over the next several weeks, we will work closely with staff to review all the policies proposed, how they affect our overall processes, cost impacts, and strategies for implementation in phases. The draft ordinance of this policy will be presented to City Council on May 7, 2013. A 30-day public comment period/public hearing, final edits and staff discussions will lead to a final ordinance presented by the consultant to Council for a vote in late June 2013. A roll-out of the program will include staff training for several months before implementation of the enhanced S/M/WBE Program for the City of Greensboro.

KHS



March 28, 2013

TO: Denise Turner Roth, City Manager  
S. Mujeeb Shah-Khan, City Attorney

FROM: Tom Carruthers, Associate General Counsel

SUBJECT: General Assembly Update

The Senate deadline to introduce public bills (nonlocal or statewide) is on March 28<sup>th</sup>. The Senate deadline to introduce local bills has passed. The House deadline for introduction of local bills is April 3<sup>rd</sup> and April 10<sup>th</sup> for public bills. Below is the summary of the status of our legislative agenda.

**Local Legislative Agenda**

*1. Protect Municipal Revenue.*

No specific legislation was proposed by the City for this item. By the City Manager's May 21 letter to the Delegation, we informed the Delegation of the City's opposition to SB 363, Business Tax Reduction and Reforms (discussed below), which will eliminate the City's Privilege License Tax.

*2. Hold Harmless Resolution.*

Representative Harrison has sponsored and introduced H373, Extend State Hold Harmless Tax Funds into the house. It was referred to the House Committee on Finance. It is similar in content to HB389/SB 307, Restore Hold Harmless Sales Tax Funds, which is also pending and also before the House Committee on Finance.

*3. Jordan Lake.*

Senator Wade and Senator Gunn of Alamance County have introduced SB 515, Nutrient Management Standards Reform Act into the Senate Chamber.

*4. MWBE/SBE.*

At its March 19, 2013 meeting, Council approved the proposed language for legislation to enable the City to create an SBE program. The Delegation received a proposed local bill prior to Council's approval as Council would approve the bill after the Senate deadline for local bills. Senator Robinson introduced SB 233, Greensboro SBE, as a "placeholder", which will be amended to conform to the proposed bill Council approved on March 19. Representative Harrison has indicated she will also introduce the proposed bill in the House.

5. *Electronic Notice.*

Senator Wade has introduced SB 186 as statewide legislation, and introduced Senate Bill 287 as a local bill for Greensboro, High Point and Guilford County.

6. *Increase Funding for Greensboro Transit Authority (“GTA”).*

Representative Harrison will sponsor this legislation and it is now in bill drafting. Representative Brandon has introduced similar legislation, HB 309, for High Point.

7. *Housing Receivership.*

Representatives Brandon, Faircloth, Hardister and Harrison have introduced HB 227, Local Gov'ts/Vacant Housing Receivership. HB 227 is statewide, as opposed to a local bill.

8. *Greensboro Firemen’s Supplemental Retirement System Local Act Amendment.*

Representative Faircloth, Adams, Harrison, Hardister and Brandon sponsored the introduction of HB 347 in the House, and which is now moving through committee.

9. *Revisions to City Charter Section 5.65 and 5.74.*

Representative Harrison has this legislation ready to introduce.

10. *Prohibition of Brown Bagging at Sexually Oriented Businesses.*

Senator Wade introduced SB 470, No Beer/Wine if Permit Revoked or Suspended,

11. *DMV Registration Blocking for Unpaid Tickets.*

Senator Robinson introduced SB 227, Parking Tickets as Municipal Tax, and the legislation has been referred to the Senate Finance Committee.

12. *Breast Density Awareness.*

House Bill 467, Breast Density Notification and Awareness, was introduced by Representatives John Faircloth, Alma Adams, Pricey Harrison and Jim Fulghum, M.D. as the primary sponsors. The Senate companion bill, SB 519, was introduced with Senator Robinson and Wade as primary sponsors.

13. *ALS Awareness.*

A resolution has been submitted to bill drafting.

**Pertinent Legislation of Local Interest.**

1. *HB 79, Annexation Amendment.*

This bill was introduced by Representative Hardister; it would amend the North Carolina Constitution to match the current annexation laws and restrict the rights of future General Assemblies to modify these laws without a future constitutional amendment.

2. *S276, Zoning/Board of Adjustment Changes.*

This bill will clarify current standards when a Board of Adjustment may approve a variance from local zoning requirements. It was referred to the Senate Committee on State and Local Government.

3. SB 264, Abate Nuisances/Drug Sales from Stores.

This bill seeks to revise and expand the definition of a nuisance under Chapter 19 of the General Statutes. The bill would no longer require the Courts to find the sole purpose of the use of the premises was illegal activity before finding a nuisance exists. It also broadens the right of the State or municipality to seize real property under these actions. The bill was referred to the Senate Judiciary I Committee.

4. SB 394, Lower Tax Rates for a Stronger NC Economy.

This bill was introduced on March 21 and revised on March 25 and 27. It is the second tax reform bill filed this session. (See SB 363 below) This bill repeals the current state income tax system and state privilege tax and franchise tax system. It generally lowers effective tax rates and broadens the tax base. As with SB 363, it does not identify adequate replacement revenue and does not hold the municipalities harmless from potential negative consequences. Based on estimates from the North Carolina League of Municipalities, it is estimated the City of Greensboro could experience a revenue shortfall of approximately \$16,842,855.00 if this bill is enacted into law. Additional revenues derived from a new sales tax on services are anticipated this session to address the revenue shortfall municipalities will face. However, it is unclear what will be used to make up for lost municipal revenues, and if cities like Greensboro will be held harmless. This bill is in the Senate Finance Committee along with SB 363.

5. HB 284, Local Bidder Preference Act.

Representative Harrison introduced HB 284, which will allow municipalities that seek bids for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment to award to local bidders if they bid within 5% or \$10,000.00 (whichever is less) of the lowest bid. It was referred to the House Committee on Government.

6. SB 363, Business Tax Reduction and Reforms.

If adopted, this bill would eliminate municipalities' rights to levy local privilege license taxes after January 1, 2015. The General Assembly provided the municipalities broad powers to levy privilege license taxes over 75 years ago. Greensboro estimates that the city will collect over \$3,165,000.00 during the 2013-14 fiscal year. This amount total typically grows at an annual 2-3% rate. There is no proposed reimbursement in this bill for the loss of revenue to the municipality.

7. HB 299, Law Enforcement Fairness Act.

This act would establish a quasi judicial board for each municipality to review dismissals of and grievances by law enforcement officers. It has moved to the House Rules and Operations Committee.

8. HB 8, Eminent Domain.

This is a proposed amendment to the North Carolina Constitution. It would amend the power of the state to take property for public use and benefit and restricts this power to public use only. Also clarifies the right of the municipality and other specified entities to extend utility services across private property to new customers. This bill is now before House Judiciary Subcommittee B.

9. HB 95, Standard of Proof/Public Safety Dispatchers.

This proposed legislation raises the standard of proof that a plaintiff must establish before that individual could recover damages from the actions or inactions of GM911. Typically a plaintiff must prove their case by a “preponderance of the evidence” or the “51% rule” as it is commonly known. This standard will be amended to “clear and convincing”. This legislation passed the house on March 12<sup>th</sup>. It sits in the Senate Judiciary II Committee.

10. HB 120, NC Building Code Inspections.

This legislation mandates more uniform building inspection procedures. Local inspectors may not require inspections in addition to those required by the NC Building Code without first obtaining approval from the NC Building Code Council. It passed the House on March 12<sup>th</sup>, and now resides in the Senate Commerce Committee. Staff has expressed the City’s opposition to the bill as currently written.

11. HB 150, Zoning/Design and Aesthetic Controls:

Prohibits aesthetic zoning controls from applying to one and two family residential dwellings. Historic Districts, landmarks are exempted. Neighborhood overlays are exempted if specifically approved by the owners of all the property in the overlay district. This legislation passed the House on March 21<sup>st</sup>, and is before the Rules and Operations Committee in the Senate. Staff has expressed the City’s opposition to the bill as currently written.

12. House Joint Resolution 55 & Senate Joint Resolution 147, Reform Workforce Development.

This legislation would consolidate the Greensboro/High Point/ Guilford County Workforce Development Board into a larger board under the Piedmont Triad Regional Council which serves 73 member governments in a 12 county area. No action on this Legislation since its introduction on February 28<sup>th</sup>. The Council’s resolution opposing both resolutions was provided to the Delegation, as well as the Speaker of the House, the President Pro Tem of the Senate.

13. SB 125, Criminalization of Violations of Public Meetings Laws and Public Records Act.

This would make any violation of the public meetings laws and any unauthorized failure to provide public records a Class 3 misdemeanor. Two hearings occurred on this legislation in the Senate Judiciary I Committee. Senators from both parties expressed opposition or concern with the bill as written. No formal votes have occurred.

14. SB 105, Regulation of Political Signs.

This would clarify G.S. § 136-32 to allow municipalities to regulate political signage within the entire municipality, including state highways that run through the Cities. This bill was referred to the Senate Transportation Committee.

TDC

**Public Affairs  
Contact Center Weekly Report  
Week of 3/18/13 – 3/24/13**

**Contact Center**

3962 calls answered this week

**Top 5 calls by area**

**Water Resources**

Balance Inquiry – 603  
IVR/Pay by Phone – 149  
New Sign up – 138  
Sign up/Owners – 95  
Cutoff Requests – 92

**Field Operations**

HHW/Landfill/Transfer – 89  
Mattress Collection – 80  
No Service/Garbage – 79  
Bulk Guidelines – 73  
Collection Day – 53

**All others**

Police/Watch Operations – 319  
Courts/Sheriff – 60  
Privilege License – 54  
HR/Employment – 35  
Tax Department – 34

**Comments**

We received a total of 5 comments this week:

**Field Operations - 1 comment:**

- Just want to thank you for your quick response to my request asking you to clean up the sidewalk on Holden Rd. between Friendly Ave. and Cascade. It looks so good and so much easier to walk on.

**Parks and Recreation – 1 comment:**

- Citizen is concerned about the monarch butterflies. National news reported spawn area in Mexico decreased this year from last year by 60%. Could we establish small areas in our city parks to plant milkweed for them to feed on? This is a North American problem and what can Greensboro do to help?

**Transportation – 1 comment:**

- Customer called to say thanks to the City for quick graffiti clean-up. Good job.

**Water Resources – 2 comments:**

- Resident wants to let us know that the City employees working on the sewer in the Guilford Hills area are very nice and extremely polite. People in the neighborhood have noticed the same thing. She knows people are quick to complain so she wanted to compliment the crew.
- You guys are awesome. Have you tried to call in to get your power cut on? You don't want to. You guys are great to work with. I get straight through and it's fast.

**Overall**

Calls for the Tax Department and calls about employment remained steady while calls about the Solid Waste collection schedule for the Easter holiday increased last week. Call volume was steady through the end of the week.



## *SMALL GROUP MEETINGS*

<b>Date</b>	<b>Councilmember</b>	<b>Person Contacted / Department</b>	<b>Subject</b>	<b>Council Notification Date</b>
March 25, 2013	Mayor Perkins Councilmember Kee	City Manager Roth Assistant City Manager Neerman Parks & Recreation Director Wilson	War Memorial Stadium with NC A&T	March 28, 2013
March 26, 2013	Mayor Perkins Councilmember Matheny Councilmember Vaughan	City Manager Roth	Young Professional Committee	March 28, 2013
March 28, 2013	Mayor Perkins Councilmember Vaughan	City Manager Roth	Duke Energy - Vegetation Management	March 28, 2013