

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

17 JANUARY 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:17 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to N.C.G.S. 143-318.11(a) (3) & (a)(4).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaite, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, David Parrish, Assistant City Manager and Elizabeth H. Richardson, City Clerk.

Brent Christensen of the Greensboro Chamber of Commerce was also present.

Mayor Vaughan stated Council would hear the first item, open the regular meeting and then hear the second item at the break.

City Manager Jim Westmoreland informed Council they would hear about an expansion proposition by Coca Cola; recognized Brent Christensen to speak to the item; and stated Council would consider the item at a public hearing on February 7th.

Mr. Christensen recognized representatives of Coca-Cola and Development Advisors; provided a handout and overview of Project Gold off McConnell Road; spoke to two other locations in South Carolina the company was considering; outlined investment, the number of jobs, both existing and new; average wage with benefits; length of time the company had been located in Greensboro; stated the competition was for the existing and new jobs; provided an overview of the incentive request; and verified that the company was planning on moving the existing 230 jobs should the incentive be denied.

City Manager Westmoreland provided an overview of the incentive for the 6/80 incentive request; clarified what the company was requesting; and spoke to the staff recommendation.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to conduct a public hearing on February 7th. The motion carried by voice vote.

Councilmember Barber asked the representative who handled negotiations for local events similar to the Wyndham Championship.

A representative from the company confirmed that would be on the national level; thanked Council for consideration of the incentive; and spoke to the driving force of the company.

Mr. Christensen collected the handout back up.

Mayor Vaughan stated Council would meet in the next closed session portion at the break.

Council adjourned this portion of the closed session at 5:26 p.m.

Council reconvened in the closed session at 7:20 p.m. with all members in attendance.

Finance Director Rick Lusk and Transportation Direction Adam Fischer were also present.

DGI President Zack Matheny and The Carroll Companies representative Brian Sledar were also present.

Assistant City Manager David Parrish made a PowerPoint Presentation (PPP) for the proposed Eugene Hotel project; spoke to parking deck demand; explained the project would include office space, a hotel, and parking adjacent to the ballpark; stated the City was under market in its parking rates; provided an overview of the site; history of the project; spoke to the height and makeup of the structures; and highlighted the investment; estimated property and sales tax; and estimated hotel/motel tax for the project.

Discussion took place regarding conversations with Guilford County; what a reasonable assessment from the County might look like; reference to conversations staff had with the Guilford County Manager; the need for the City to participate in better deals; and future conversations with the Guilford County Commissioners.

City Attorney Carruthers referenced to Durham and Mecklenburg counties.

Assistant City Manager Parrish provided an overview of the proposed parking deck to be housed under the hotel; the number of parking spaces that would be created; stated the estimated \$30 million construction cost would be financed over 30 years; explained the estimated operating, maintenance and debt service for the proposed deck; and referenced the automation proposal for the deck.

Discussion took place regarding the automation of the aloft in Durham.

Assistant City Manager Parrish spoke to the partnership for the projects; added that staff would bring the contract request before Council in March or April; and recognized Brian Slevar with The Carroll Companies.

Mr. Slevar showed renderings for the project; made a comparison with the height of CenterPointe; stated the company was looking to build the tallest building in Greensboro; and spoke to the time frame for the construction.

Assistant City Manager Parrish outlined the proximity of the ball field; added that the project would be a game changer; and clarified the location of the project.

City Manager Westmoreland confirmed that staff was asking for consent to move forward.

DGI President Zack Matheny interjected that the proposed aloft had been announced but the other improvements had not; voiced that this would provide Downtown with good inventory; spoke to companies that would locate in the proposed structure; and affirmed the project would invite the recruitment of a corporate headquarters to be located Downtown.

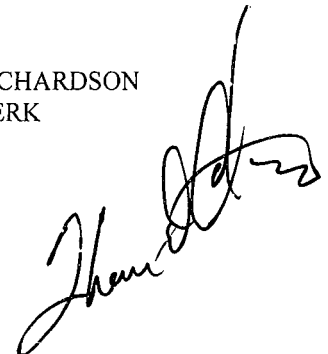
Assistant City Manager Parrish highlighted the façade and clarified the location of the proposed structure; spoke to the creation of a Memorandum of Understanding; and confirmed the information was to provide an update to Council.

(A copy of the PowerPoint Presentation is hereby referred to and made a part of these minutes).

THE CLOSED SESSION WAS ADJOURNED AT 7:47 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK



1.17.2017
closed
5:55 PM

Eugene Hotel and City Parking Deck



Parking Supply/Demand

- Existing Supply
 - 3 out of 4 parking decks are full.
 - Less than 100 spaces available in Church Street
 - Surface Lots are near capacity
- Increase in Parking Demand
 - New Hotel/Office Tower 1 (up to 450 spaces)
 - New Office Tower 2 (up to 350 spaces)
 - Baseball Stadium (event parking)
 - County Employees (~100-150)

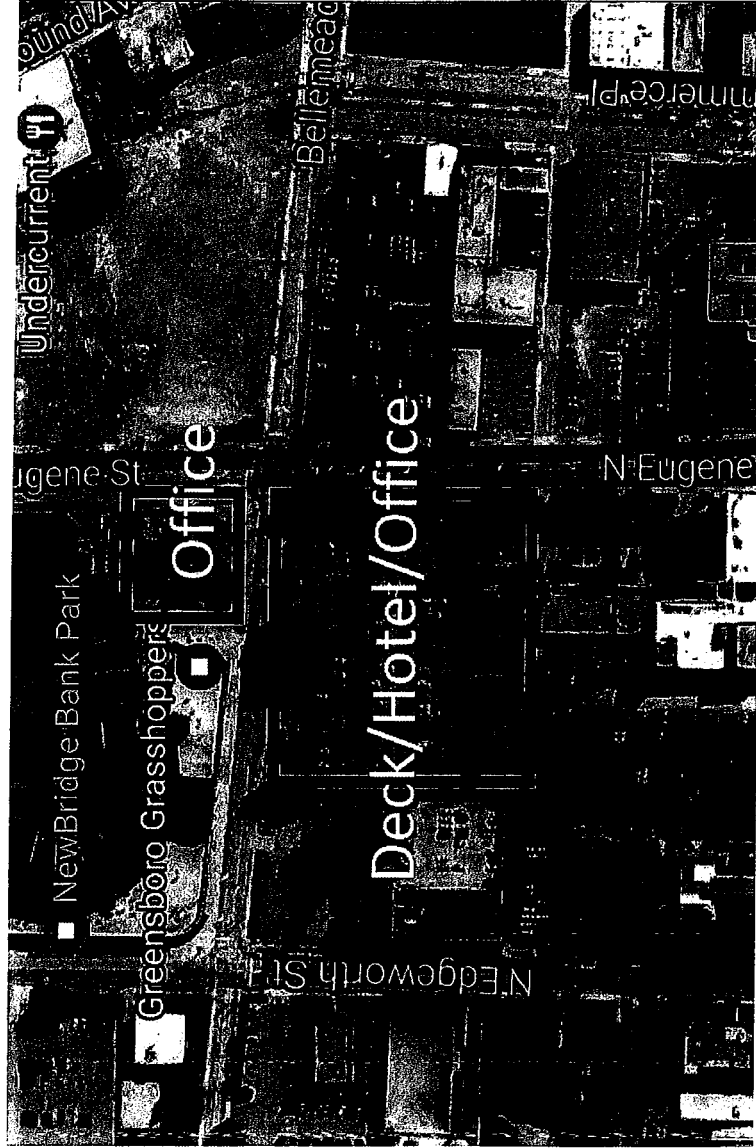


Parking Deficit “Hot Spots”

- Greene Street (706 spaces), Full
- Davie Street (415 spaces), Full
- Bellemede Street (1,276 sp.), Full
- Church St. (417 sp.), < 100 available



Site



Proposed Hotel & Office Tower 1

- Approximately 23-25 Stories Tall
 - Potentially The Tallest In Greensboro
 - 150 Hotel Rooms
 - Approximately 120,000 sq/ft Of Office Space
 - Up To 450 Parking Spaces
 - Est. Construction Investment \$80M
 - Est. Property Tax & Sales Tax \$460k
 - Est. Hotel/Motel Tax \$175k To \$200k
-



Proposed Office Tower 2

- Approximately 10 Stories Tall
- Approximately 100,000 sq/ft Of Office Space
- Up To 350 Parking Spaces
- Est. Construction Investment \$20M
- Est. Property Tax & Sales Tax \$120k
- Potential For Regional Headquarters



New Parking Deck

- 1,200 Spaces
- 6 Stories that will span under Hotel/Office
- Estimated Deck Cost \$30M
- Finance over 30 years
- Estimated Annual City Cost (Operating, Maintenance and Debt Service) \$2.5M



Funding

Cost:

- Estimated Deck Cost \$30M
- Estimated Annual City Cost (Operating, Maintenance and Debt Service) \$2.5M

Revenue:

- Estimated Annual Revenue \$2.5M
 - New “Eugene” Deck Revenues
 - Existing Parking Fund/Increased Rates
 - General Fund Revenues



Partnership

- Private entity will construct parking structure
- City will reimburse for agreed upon final construction cost
- City will lease land under the hotel for \$1/year
- City will own and operate the parking deck
- Hotel/Office 1 will lease up to 450 reserved spaces under the hotel each year at market rate
- Office 2 tenants will lease up to 350 reserved spaces at market rate
- Parking structure will be built in compliance with City policies



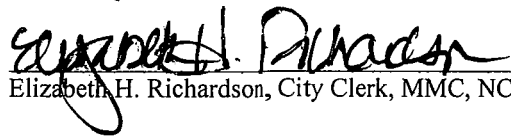
Timeline

- Complete Design – Fall 2017
- Construction Start – Late 2017-Early 2018
- Construction Complete – by Mid 2019

“Eugene” Deck

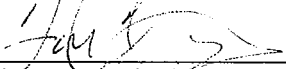


January 17, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____
- (D) *Partial Release* _____



Release Authorized by:
City Attorney/City Council

4/3/17
Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

21 FEBRUARY 2017

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:12 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property pursuant to N.C.G.S. 143-318.11(a) (3) & (a) (5).

The following members of Council were present: Mayor Nancy Vaughan, Councilmembers Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins. Absent: Mayor Pro-Tem Yvonne Johnson.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, David Parrish, Assistant City Manager and Elizabeth H. Richardson, City Clerk.

City Manager Jim Westmoreland stated that Assistant City Manager David Parrish would provide an update on the property acquisition for the February One/Westin project parking deck.

Assistant City Manager Parrish provided an update to Council on the status for the purchase of the properties; stated staff had estimated \$2.5 million for the acquisition; an overview of negotiations for the property the Showfety Building was located on; reviewed the appraisal value; offer made by the City; verified the seller's counteroffer for \$1.025 million was the final offer; spoke to the use of the property; and to the need to secure a purchase agreement which was critical for the project design work. Assistant City Manager Parrish provided an overview of the negotiations for the surrounding parking lot that was owned by the same owner as the Dixie building; informed Council that the seller wanted to sell both the lot and the building; that they were working with DGI to secure a buyer for the building who would give the City an option on the parking lot; stated the City had offered \$950,000; stated the seller had countered at \$1.5 million; and asked for direction from Council. Assistant City Manager Parrish reiterated that the seller was not interested in conveying only the parking lot; outlined the process for condemnation proceedings; reminded Council of their previous direction to staff; suggested staff be authorized to go to \$2.525 million for the land acquisition which was 10% of the projected project cost; stated the appraisal had come in at about \$650,000 which was conservative; and that a second appraisal could be done.

City Attorney Carruthers outlined the condemnation timeframe and process.

Discussion took place regarding the appraised value; the City's offer; timeframe for acquiring the property; if there was an alternative site; negotiations with the seller; the need for Council to receive an update to provide further direction; a third party interested in purchasing the building; possible increase in the price should a third party purchase the building; timeframe and impact of obtaining a second appraisal; difference between the appraisal and the offer; prior direction of Council; letting the seller know the City was looking for a lower purchase price; identification of and offer by the third party for the building; and coming back to Council.

City Attorney Carruthers stated staff would provide the identity of the third party.

Moved by Councilmember Outling, seconded by Councilmember Barber to direct staff to get a second appraisal; and to not make any counteroffers on either parcel at this time. The motion carried by unanimous consensus of Council.

Assistant City Manager Parrish confirmed the direction was for both properties; stated that the total combined counteroffers were at \$2.52 million; and confirmed that the land purchase was usually about 10% of the project cost.

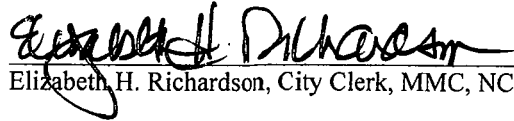
THE CLOSED SESSION WAS ADJOURNED AT 5:32 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

A handwritten signature in black ink, appearing to read 'Elizabeth H. Richardson', written in a cursive style.

February 21, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

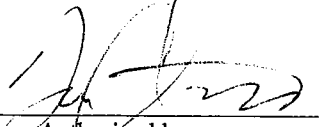
Public Inspection Status

(A) Must Remain Confidential

(B) Confidential Pending Release

(C) Release for Public Inspection

when adopted by Council



Release Authorized by:
City Attorney/City Council

4/3/17

Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

7 MARCH 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:04 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property pursuant to N.C.G.S. 143-318.11(a) (3) & (a) (5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson; Councilmembers Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins. Absent: None.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, David Parrish, Assistant City Manager and Elizabeth H. Richardson, City Clerk.

Assistant City Manager David Parrish provided an update on the appraisals that had been done since the closed session on February 21, 2017; spoke to what was taken into account for the recent appraisals; referenced the increase in the Showfety Building appraisal as a result of improvements made; continued growth in valuation for property located along Davie and Market Streets; stated the City would accept their counteroffer; and outlined the rent free exceptions requested by the seller. Assistant City Manager Parrish confirmed he would have the authority to accept the counter offer in the amount of \$1.025 on the Showfety property; the ability to negotiate the rent for up to twelve months, if necessary; to negotiate up to \$1.2 on the second parcel; and stated the third party's name was David Stalton.

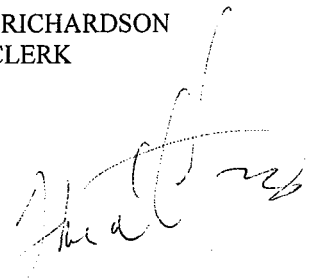
Discussion took place regarding the appraiser used for the original appraisals.

Moved by Councilmember Hightower, seconded by Councilmember Barber to authorize Assistant City Manager Parrish to negotiate as set out above on behalf of the City. The motion carried by unanimous voice vote.

THE CLOSED SESSION WAS ADJOURNED AT 5:09 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK



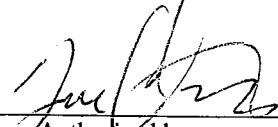
March 7, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential
- (B) Confidential Pending Release
- (C) Release for Public Inspection

✓ where Adopted by Council


Release Authorized by:
City Attorney/City Council

4/3/17
Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

4 APRIL 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:57 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and the attorney retained by the City concerning pending litigation in the matter of Vickie (Teresa) Ketner v. City of Greensboro, to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations and to instruct the City's staff concerning negotiations of the price and other material terms of a contract for acquisition by purchase of real property pursuant to N.C.G.S. 143-318.11(a) (3), (a)(4) & (a)(5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson; Councilmembers Marikay Abuzuaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins.

Mayor Vaughan participated via telephone.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Rick Lusk, Finance Director, David Parrish, Assistant City Manager, Adam Fischer, Transportation Director, Terri Jones and Rosetta Davidson, Assistant City Attorneys and Elizabeth H. Richardson, City Clerk.

Also present: Attorney Caroline Lock, Matt Schweitzer, Safety and Health Manager, Audrey Hewitt, Workers Comp Analyst.

City Manager Westmoreland outlined the content of the closed session which would include a Workers Compensation Claim and the status of the proposed parking decks.

Assistant City Manager David Parrish provided an overview of Council's directive; and the status of the projects.

City Manager Westmoreland explained that staff was working with the Development Group and Roy Carroll with regard to the second parking deck; explained the set up for the February 1 Parking Deck; stated Council would need to consider several resolutions at the April 18th meeting to support and allow staff to enter into agreements and continue to advance the projects as well as allocate approximately \$2 million for project design; and spoke to what would be included in the structure.

Discussion took place regarding ownership of the land; maintenance of the decks; security of the City's investment; and the contents of the development agreements.

Assistant City Manager Parrish confirmed the City would have some form of ownership of the decks.

Councilmember Fox entered the meeting at 5:07 p.m.

City Manager Westmoreland provided an overview of the second 1,200 parking space deck located at Eugene and Bellemeade Streets; stated staff was working with Roy Carroll; provided an overview of the future mixed use structure that would be built on the top of the deck; the number of spaces that would be leased; advised of parking requirements in the Central Business District; and to the impact should a deck not be constructed. City Manager Westmoreland added that Robin Team and John Martin were interested in developing a new \$25 million ten-story office tower; spoke to the timeframe for Mr. Carroll to construct a hotel on the site; stated the Messrs. Team and Martin were ready to break ground but needed to know that parking would be available; provided an overview of Phases I and II of the project; referenced the \$60 million Bellemeade Village project Mr. Carroll was currently

involved in; and stated that Mr. Carroll wanted to complete that project before beginning the proposed hotel to be located on top of the parking deck.

Discussion took place regarding the number of parking spaces that would be leased; who would lease said spaces; whether Guilford County would participate in the costs; if there was a written agreement from Guilford County regarding the number of spaces it would lease on a monthly basis; proposed parking rate increase; utilization of the proposed parking deck; and alternatives should the spaces not be leased.

City Manager Westmoreland provided additional information for funding allocation for the deck; voiced that the deck would generate additional private investment in Downtown; spoke to working with the developers; to the process for construction on top of the deck; and stated that there would be support for the deck by other growth and development Downtown.

Additional discussion took place regarding the project being a calculated risk; alternatives and options should the City not take said risk; worst case scenario if the hotel and office component were not completed; process used in Greenville, South Carolina for Downtown growth; and impact to taxpayers and/or users for the cost of the deck.

Messrs. Robin Team, John Martin and DGI President Zack Matheny entered the meeting at 5:25 p.m.

Mr. Team provided an overview of projects his company was involved in throughout the Triad region; number of jobs as a result of said development; stated Mr. Martin had a client who was looking for approximately 30,000 square feet of office space Downtown to house 75 to 85 employees; spoke to challenges of development Downtown; explained why they chose the site across from the proposed deck; and provided renderings of the proposed office building. Mr. Team provided an overview for the proposed nine-story office building; spoke to entities they had soft commitments from; confirmed that one entity needed to be in the building by the fourth quarter of 2018; voiced the need for assurance that the parking deck would be built; stated he had met with Jim Melvin regarding the design; and confirmed the structure would blend in with the ballpark.

Discussion took place with regard to the impact should the proposed tenants choose to locate outside of Downtown; tenants interested in the site; location of the proposed tenants; commitment by Mr. Team that their tenants would lease approximately 350 parking spaces in the deck; and the need for an obligation by the City prior to Messrs. Team and Martin moving forward.

Mr. Matheny interjected that the proposed office building would provide inventory that Downtown currently did not have; and emphasized this was a good time to build a parking deck in the vicinity.

Mr. Team verified that the interested parties would sign agreements for parking spaces.

Mr. Martin confirmed that the Grasshoppers were on board and excited about the project; and spoke to the surface lot the ballpark currently used.

Messrs. Team and Martin left the meeting at 5:37 p.m.

Councilmember Barber left the meeting at 5:37 p.m. and returned at 5:39 p.m.

Roy Carroll entered the meeting at 5:38 p.m.

City Manager Westmoreland provided an overview to Mr. Carroll of what had been discussed; and asked Mr. Carroll to provide an update and rendering of the proposed project.

Mr. Carroll explained that he had been working with City staff; stated the Bellemeade Village project was halfway completed; provided the history of why he was here today; expressed excitement about the synergy Downtown; spoke to the potential to host large conferences; the need for parking; spoke to placing kiosks along the Bellemeade Village project; proposed retail in the area; and provided a rendering of the approximately 140,000 square foot office space and 150 room hotel.

Discussion took place regarding cost of the project being over \$90 million; time constraints for beginning construction of the aLoft Hotel; and for parking needs.

Mr. Carroll provided details as to who would benefit from the project; other projects that would benefit from the parking deck; spoke to the importance of integrating parking decks into projects; referenced the CenterPointe and Bellemeade projects; importance of infrastructure; confirmed that penalties should the construction of the hotel not begin within two years would be close to \$100,000; and outlined the process for ownership of the deck and upper space.

City Manager Westmoreland explained the financial and ownership arrangements; stated a formal public/private partnership would be formed; confirmed the commitment by the County to lease 100 spaces; transitioning clientele from other parking decks; spoke to the commitment to work together; referenced the need to look toward the future; and reminded Council of the calculated risks that had been taken in the past that the community had benefited from.

Mayor Pro-Tem Johnson reminded Council that they were late for the Council meeting.

City Manager Westmoreland outlined the next steps for Council's consideration; spoke to what he would bring to Council on April 18th; and to the \$2 million funding allocation.

Council discussed the impact to the projects should Council not take action at this time; the need to move forward on the projects; and Council taking a straw vote.

Mr. Carroll confirmed they needed to start the design; and left the meeting with Mr. Matheny at 5:57 p.m.

Moved by Councilmember Barber, seconded by Councilmember Hoffmann that Council authorize City Manager Westmoreland to draft memorandums of understanding and continue to negotiate up to \$2 million for the proposed projects. The motion carried by unanimous voice vote.

Police Chief Wayne Scott entered the meeting at 5:58 p.m.

City Attorney Carruthers stated that Carolyn Lock with Smith Moore was the attorney working on a worker's compensation claim for the City; spoke to the case; and provided an overview of the Vicki Theresa Ketner case from October 24, 2010.

Attorney Carolyn Lock, Assistant City Attorney Rosetta Davidson, Matt Schweitzer and Audrey Hewitt entered the meeting at 6:00 p.m.

Attorney Lock provided the history of the case;

highlighted what was covered under Workers Compensation Insurance; payments that had been made; spoke to the process for the City to pay their portion under Workers Compensation Insurance; confirmed the employee's age; that was on Medicare; spoke to the contingent settlement; and stated the total value of the settlement was approximately \$510,000.

City Attorney Carruthers spoke to the amount of the City's remaining exposure before Safety National stepped in; advised the City needed to resolve the case; and that staff needed a motion to adopt Attorney Lock's recommendation.

Attorney Lock confirmed the City would be reimbursed after it paid the entire settlement; and that the insurance company would not litigate.

Moved by Councilmember Barber, seconded by Councilmember Fox to adopt Attorney Lock's recommendation to settle the case. The motion carried by unanimous voice vote.

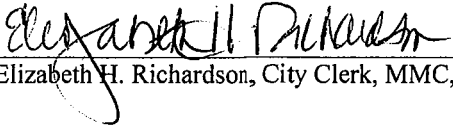
THE CLOSED SESSION WAS ADJOURNED AT 6:03 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

YVONNE JOHNSON
MAYOR PRO-TEMPORE

ELIZABETH H. RICHARDSON
CITY CLERK

A handwritten signature in black ink, appearing to be 'E. Richardson', written in a cursive style.

April 4, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

18 APRIL 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:07 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and the attorney retained by the City, to give instructions to legal counsel concerning the handling or settlement of a claim or mediation pursuant to G.S. 143-318.11 (a)(3), to prevent disclosure of personnel information and body worn camera recordings which are privileged or confidential under G.S. 160A-168 or not considered a public record and are released pursuant to G.S. 132-1.4A, which is necessary and essential to the proper function of Council to inspect, and in accordance with G.S. 143-318.11(a)(1) and (a)(10); and to consider the qualifications, competence, performance, character and fitness of public officer or an employee or to hear or investigate a complaint, charge or grievance against an individual public officer or employee pursuant to G.S. 143-318.11(a)(6).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Wayne Scott, Police Chief, Andrea Harrell and Polly Sizemore, Assistant City Attorneys and Elizabeth H. Richardson, City Clerk.

Also present: Attorneys Alan Duncan and Steve Russell.

City Attorney Tom Carruthers stated that the pre-litigation mediation for the Yourse case would take place on April 25th; reminded Council there was relevant video they had not yet seen; stated that Attorneys Duncan and Russell would provide recommendations; and that he did not anticipate the plaintiff would remain at their original \$600,000 settlement request.

Police Chief Wayne Scott explained that there would be three separate video clips to view; referenced the content of the videos; spoke to conflicting statements; stated that the video would explain some of the history between Mr. Yourse and his mother; and spoke to the video where the Corporal had done the initial investigation.

City Attorney Carruthers reiterated why he thought Council should view the video; and verified that he wanted them to be informed of all the events prior to consider settlement of the case.

Police Chief Scott showed the segment where the supervisor interviewed Mr. Yourse at the jail; spoke to what was in the video; and reminded Council that there was a lot of going back and forth.

Councilmember Fox entered the meeting at 4:27 p.m.

Councilmember Wilkins left the meeting at 4:28 p.m. and returned at 4:31 p.m.

Police Chief Scott stated the next video was regarding an interaction between former Officer Cole and Mr. Yourse at the jail.

City Attorney Carruthers confirmed he wanted to ensure Council had viewed all of the video.

Attorney Alan Duncan stated he wanted Council to try to place the events in perspective; asked Council to assume that these things would come out in the case; spoke to what would or would not be admissible; provided the chronological order; reminded Council the plaintiff would request to review former Officer Cole's personnel record; referenced that the record contained some instances of claims of excessive force in the past in addition to the Scales brothers issue; explained that a majority of officers' personnel files would have a charge made for excessive force at one time or another; emphasized police officers had a very hard job; and referenced the types of persons police officers came into contact with daily. Attorney Duncan reminded Council of the claim for excessive force; advised Council what steps officers needed to do to take to control the suspect; and spoke to the difficult job of police officers.

Attorney Steve Russell interjected that former Officer Cole's instances were self-reported; and reminded Council that those investigations concluded that he used a reasonable use of force.

Attorney Duncan explained that almost all officers might have a use of force incident in their files; that Council needed to judge based on what they had seen in the videos; added that everyone had their own perception; referenced Mr. Yourse's phone call; Officer Cole's perceived threat for Mr. Yourse's friends to come over and intervene which initiated the scuffle; and stated the question was if it was appropriate for an officer to have concern for public safety as a use of the telephone. Attorney Duncan spoke to the opinion of the District Attorney; reminded Council that there was not a lot of case law on the issue; spoke to the prevailing legal opinion; asked if the officer had enough reasonable basis to believe Mr. Yourse was doing something wrong on the property; and spoke to the timing for obtaining information to have probable cause with regard to additional information being collected by Officer Jackson during the incident.

Councilmember Barber asked if there was a chance the outstanding warrant would not be admissible.

Attorney Duncan responded that the outstanding warrant could be admissible for different reasons; and spoke to why Mr. Yourse spent the night in jail.

Discussion took place regarding information in the claims by Mr. Yourse; and the logic of the arrest regardless of the information collected by Officer Jackson; and the need to look at the two different issues.

Additional discussion ensued regarding Mr. Yourse's previous warrants; what would be admissible in court; if Mr. Yourse would have been released if not for the original warrant; types of warrants that caused persons to be retained in jail overnight; and what transpired in the videos viewed this evening.

Police Chief Scott explained the process for retaining persons with prior records; and outstanding warrants.

Attorney Russell spoke to the process for Officer Jackson to obtain prior information on Mr. Yourse; Officer Jackson's actions; and the difficulty in locating Mr. Yourse's mother during the incident.

Police Chief Scott explained that there was some dispute on the different last name pronunciations.

Discussion took place regarding comments by Council on the substance of the case before the litigation; where the actual damages were assuming the City did something wrong; Mr. Yourse's mother's statement that he had not resisted arrest previously;

Attorney Duncan reminded Council of Mr. Yourse's criminal history; spoke to what officers knew at the time of the incident; to what would, or would not be, admissible in Court; stated Mr. Yourse had a subsequent arrest for violence; spoke to the facts of the case; and confirmed he did not know Mr. Yourse's medical diagnosis.

Discussion took place regarding if awareness of Mr. Yourse's mental condition would have made a difference in the incident; similarities between this and other cases with regard to mental health issues; importance in adding officer training for dealing with mental health issues; the hope that families would take efforts to keep a family member out of harms way; expectations that officers should be psychologists when in the field; the need for officers to have as much information as they could to recognize mental challenges of persons; and importance to focus on persons with autism.

Attorney Duncan reminded Council that the question was whether the level of force was justified with regard to what the officers knew at the time; advised the answer was probably more no than yes; and spoke to a jury trial. Attorney Duncan continued that there was a fair assessment of what the officers knew at the time; stated that the officers had some potential culpability for their actions; advised that Council's resolution with the apology would be considered an admission in the Court; spoke to other recent incidents in the Middle District Courts; to the limited number of cases for information; to the level of unpredictability; recommended that the mediation to take place on April 25th; stated counsel expected the \$600,000 would change to a lower figure when they got into mediation.

Attorney Duncan requested direction from Council regarding what it would be willing to settle the case for; advised that he would like to have a recommendation to put at least \$25,000 on the table; and that the Council might go into a high five figure amount.

Discussion took place regarding merits for settlement of the case; costs of litigation; settlement and litigation becoming a community issue; non-disclosure agreements; lack of benefit to the City for settling cases; what compensatory damages would look like in the case; and cost of litigation for the case.

Attorneys Duncan and Russell stated there could be punitive damages that went beyond the physical injuries; addressed Mr. Yourse's non-economic costs; explained the outcome for similar cases; and outlined what the case would look like should the mediation break down.

Mayor Pro-Tem Johnson left the meeting at 5:01 p.m. and returned at 5:03 p.m.

Attorney Duncan confirmed that counsel would defend the case on merits; explained that the other side had a chance to prevail; the possibility of a jury trial; referenced the temperature in the police world; emphasized the bigger issue was what are the damages were; and stated he would not commit to a settlement figure until he came back to Council.

Councilmember Hightower suggested Council allow Attorney Duncan to go up to \$75,000.

Mayor Pro-Tem Johnson and Councilmember Barber asked if counsel could get the figures for Mr. Yourse's child support arrears.

Attorney Russel advised council would not recommend a different number based on the child support arrears; and that they could research Mr. Yourse's court files.

Mayor Pro-Tem Johnson clarified that she would like to see the monies go the Mr. Yourse's children if he was not current on his child support.

Councilmember Wilkins voiced concern regarding why Officer Cole would not protect his safety and take the phone; inquired if Council could find out who Mr. Yourse called during the incident; and whether Officer Cole felt he was in danger.

Mayor Pro-Tem Johnson emphasized that part of her background was doing racism training for 20 plus years; spoke to how different peoples' perspectives were depending on their backgrounds; and confirmed that there were differences between black and white perspectives and perceptions.

Police Chief Scott confirmed that Mr. Yourse had phoned his girlfriend during the incident; and that the information was irrelevant.

Councilmember Outling asked how much it would cost to litigate the case; and voiced concern with this becoming a community issue.

Attorney Duncan advised that it would be costly to litigate the case; referenced whether the City would need to cover the costs to defend Officers Cole and Jackson; and asked if he could offer \$25,000 to settle the case.

Mayor Vaughan voiced that she would be uncomfortable with more than \$25,000; and spoke to the settlement of the Scales Brothers case.

Councilmember Abuzuaiter asked who would be in attendance at the mediation; and asked if Mr. Yourse's mother was aware that Council had viewed the video of her interview.

Attorney Duncan outlined the process for mediation; stated that Lynn Gullick would be the mediator; stated Mr. Yourse's attorney had a copy of the videos Council had seen this evening; stated Attorney Bryant would show the video to the mediator; confirmed the City could pay the attorney's fees for Mr. Yourse; and Officers Cole and Jackson should they lose in court.

City Attorney Carruthers interjected that if the City paid for Officer Cole's attorney's fees it would strengthen former Police Chief Wray's case; stated Attorney Bryant had the video Council had seen; and spoke to the impact should the City not pay Cole.

Mayor Vaughan reminded Council that her recommendation would be no more than \$25,000.

Councilmember Outling stated that the majority said they could agree the actions were improper; that counsel advised the City may lose the case based on merits.

Councilmember Outling voiced that Council should authorize the attorneys to settle for \$25,000, come back to Council if they needed more; and stated he would put that in the form of a motion

Attorney Duncan confirmed that he would like the goal to be to bring back the best number; and make a decision.

City Attorney Carruthers recommended that Council would consider a five figure settlement but not a six figure; verified that Attorney Duncan was proposing a method to bring forward the best offer the City could get; and urged Council to consider Attorney Duncan's recommendation rather than putting a hard stop at \$25,000.

Discussion took place regarding if the plaintiff would consider the City was trying to downplay the issue based on Officer Cole's experience with African Americans; and if the settlement proposal could be up to \$25,000.

Attorney Duncan confirmed that the plaintiff had not referenced the Scales Brothers case in the Complaint.

Councilmember Outling amended the motion to accept with the attorney's recommendation. Moved by Councilmember Outling, seconded by Councilmember Hightower. The motion carried by a show of hands with Councilmember Wilkins voting in opposition.

Attorney Duncan verified his understanding of Council's direction with regard to a settlement figure.

Mayor Vaughan stated Council would handle City Manager Westmoreland's evaluation at the break.

Councilmember Hightower verified that the judge had concluded that Council could view the Jose Charles's video but not speak about it.


City Attorney Carruthers advised that the Order stated that Council could view and discuss the video in closed session but could not discuss or pass any information regarding the body worn camera footage to the public or in open session; and advised that a 71 year old gentleman would be coming forward with a claim regarding injuries he sustained at a traffic stop.

Discussion took place with regard to what Council could say upon viewing the video of a juvenile case; and whether or not a member would be an accessory.

City Attorney Carruthers spoke to the risks of discussing a juvenile case; stated City Manager Westmoreland would provide his timetable; spoke to when Council might wish to view the video; to what was discussed in closed session; and reminded Council this discussion needed to remain private and confidential.

This portion of the closed session adjourned at 5:22 p.m.

April 18, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

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Release Authorized by:
City Attorney/City Council

Date

CLOSED SESSION (CONT.)

April 18, 2017

THE FOLLOWING PORTION OF THE MEETING IS PERSONNEL AND PERMANENTLY SEALED

THE CLOSED SESSION WAS ADJOURNED AT 9:17 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

Nancy Vaughan
NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

2 MAY 2017

Pursuant to a motion made at the resumed special meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 2:32 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and the attorney retained by the City, to give instructions to legal counsel concerning the handling or settlement of a claim or mediation pursuant to G.S. 143-318.11 (a)(3), to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to G.S. 143-318.11 (a)(4), and to prevent disclosure of personnel information and body worn camera recordings which are privileged or confidential under G.S. 160A-168 or not considered a public record pursuant to the law of this State and are released pursuant to G.S. 132-1.4A, which are necessary and essential to the proper function of Council to inspect in accordance with G.S. 143-318.11(a)(1) and (a)(10). The following members of Council were present: Mayor Pro-Tem Yvonne Johnson and Councilmember Sharon Hightower.

The following members were unexcused and marked present: Mayor Nancy Vaughan; Councilmembers Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Nancy Hoffmann, Justin Outling, and Tony Wilkins.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Police Chief Wayne Scott, Assistant City Attorneys Andrea Harrell and Polly Sizemore, and Elizabeth H. Richardson, City Clerk.

This portion of the closed session recessed at 4:07 p.m.

May 2, 2017
Closed Session

Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date

THIS PORTION OF THE CLOSED SESSION MINUTES IS NOT PERMANENTLY SEALED

The closed session reconvened at 4:40 with all members in attendance.

City Manager Westmoreland provided information on the items that would be discussed; and recognized North Carolina A&T State University Chancellor Harold Martin and President and CEO of Core Technology Molding Corporation (CTMC) Geoff Foster for an economic development item to relocate CTMC from High Point to the Gateway University Research Park. City Manager Westmoreland explained that CTMC had outgrown its current facility; was looking to expand operations; provided an overview of the operations; stated there had been in discussions between Gateway University Park for a new 40,000 square foot building; showed the proposed location of the site; and provided the breakdown of the cost for infrastructure, site development, building construction, and equipment of approximately \$5,180,000.

Mayor Vaughan interjected that Mayor Pro-Tem Johnson, and Councilmembers Fox and Hightower had been working on the project.

City Manager Westmoreland spoke to the economic potential; stated the City's contribution would be approximately \$1.2 million that could come from the 2006 Bond Fund monies; spoke to other funding options of the City; outlined four requirements of the agreement; verified the project would require an additional \$4 million investment; that the company would be required to identify 25 new jobs within three years; HUB Participation; spoke parameters of the East Greensboro Study; stated the project fell within the Economic Development Impact Zone II area; and verified that the \$ 4 million would come from Gateway University Research Park with the City's involvement in the site development.

Chancellor Harold Martin voiced importance in retaining a critically important business; provided the history and board makeup of Gateway University Research Park; spoke to the facilities and umbrella of the Gateway University Research Park; to the programs supported by the entity; outlined the funding options that would be involved with the project; and spoke to the innovation of the project.

Councilmember Barber disclosed that Chuck McQueary was a member of his board.

Mr. Foster provided an overview of the company that was stem focused; highlighted several current customers; verified that the employees were high level technical employees from area universities that would relocate to Greensboro; and to engineers he had hired in the last twelve months.

Discussion took place regarding the metrics for the City's return; partnership and conditions for the agreement; the project being a well-tested model to invest in; potential economic impact for Gateway University Research Park; and relocation discussions that had taken place with South Carolina.

City Manager Westmoreland outlined the next steps; reiterated that the City would contribute \$1.2 million to the project; highlighted the private/public partnership with Gateway University Research Park; the need to make an investment in East Greensboro; spoke to the advertising timeframe; and stated the item would come back before Council for a public hearing.

Moved by Mayor Pro-Tem Johnson, seconded by Councilmember Hightower to place the item on an upcoming Council agenda for a public hearing.

Councilmember Outling voiced concerns with not having information regarding the metrics for the City; voiced this was a good project; and asked that Council receive that information prior to voting.

Additional discussion ensued regarding the company's annual sales of \$100 million; potential of the company; if there were any time constraints; the project spurring other development in the area; a request for staff to provide a white paper to Council within the next several days; if the project qualified for the 6/8 incentive request; and the average compensation of \$45,000 for employees.

It was the consensus of Council to place the item on the next possible agenda.

Chancellor Martin and Mr. Foster left the meeting at 5:13 p.m.

Police Chief Scott; Assistant City Attorney Harrell; and Attorneys Alan Duncan and Steve Russell entered the meeting at 5:14 p.m.

Mayor Vaughan reminded everyone that Council needed to start the regular meeting as close to 5:30 p.m. as possible.

City Attorney Tom Carruthers recognized Attorneys Duncan and Russell.

Attorney Duncan provided the history and background of the Yourse case through a PowerPoint Presentation; spoke to the drivers for settlement; the City's liability; and outlined the proposed costs should the City need to defend the case.

Councilmember Wilkins inquired about the indemnity of Officer Cole.

Attorney Duncan responded indemnity could be a determination in the case; outlined the discovery phase; spoke to the medical conditions of Mr. Yourse; possible Post Traumatic Stress Disorder of Mr. Yourse; reviewed the issues that could be included in litigation; provided a synopsis of the mediation process that took place on April 25th; spoke to the mother's comments at the mediation; reviewed the settlement offers; referenced conversations counsel had with Mr. Yourse.

Attorney Duncan verified that the parties had agreed to a figure of \$95,000 with a stipulation of a commitment that Mr. Yourse would pay all of his back child support payments.

Council discussed the ages of Mr. Yourse's three children; process that would be used to pay the child support arrears; if Mr. Yourse would pay extra child support; jail time served by Mr. Yourse; and impact of the settlement if he did not fulfill his commitment to pay the child support arrears.

Attorney Duncan spoke to what counsel could require with regard to Mr. Yourse paying child support; explained the proposed cost and time to try the case; stated that Mr. Yourse had executed a mediation agreement which would be a public record; and that Mr. Yourse's attorneys would work with the agencies involved in paying the child support arrears.

Councilmember Outling voiced concern with the perception of child support being an issue in the case for a young African American male being paternalistic.

Councilmember Outling made the motion to propose the proposed settlement with the exception of the requirement to pay child support. The motion was seconded by Councilmember Fox.

Discussion took place regarding the settlement; the need to fight for child support; the need to be careful with perceptions of an African American male; if child support had been investigated for white males; how Council obtained the knowledge of Mr. Yourse's child support; public perception issues; setting precedent; and whether or not Mr. Yourse deserved any damages.

Councilmember Outling stated he could not support it with the child support item included.

Councilmember Barber expressed that he did not feel Mr. Yourse deserved any damages but supported the settlement as the child support arrears would be paid.

Attorney Duncan spoke to the settlement agreement.

The motion to exclude payments of back child support failed by a 2-7 vote with Councilmembers Fox and Outling voting in the affirmative.

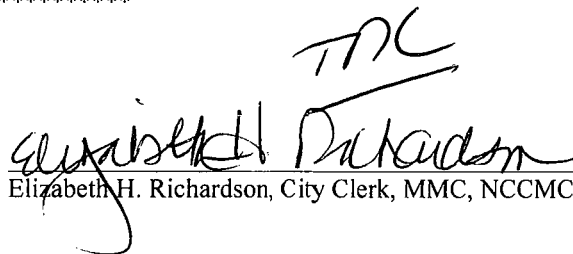
Moved by Councilmember Hightower, seconded by Mayor Pro-Tem Johnson to approve the settlement as presented by Attorney Duncan. The motion carried by a 6-3 vote with Councilmembers Fox, Outling and Wilkins voting 'no'.

THE CLOSED SESSION WAS ADJOURNED AT 5:31 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUAGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

May 2, 2017
Closed Session

TTC

Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

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City Attorney/City Council

Date

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CITY OF GREENSBORO

CLOSED SESSION

18 JULY 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:09 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to discuss matters relating to the location or expansion of industries or other businesses in the area, including agreement on a tentative list of economic development incentives that may be offered and to instruct the City's staff concerning negotiations of the price and other material terms of a contract or proposed contract for acquisition by purchase, option, lease or exchange of real property pursuant to N.C.G.S. 143-318.11(a) (3), (a) (4) and (a) (5).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Mike Barber, Jamal T. Fox, Sharon Hightower, Nancy Hoffmann, Justin Outling, and Tony Wilkins.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Terri Jones, Assistant City Attorney, Kathi Dubel, Economic Development and Business Support Manager, and Elizabeth H. Richardson, City Clerk.

Marti Kotis and David Swift of Kotis Holdings, LLC (Kotis) were also present.

Mayor Vaughan reminded Council of the lengthy agenda this evening; asked if persons could rotate in and out of the Chamber for the rezoning item; and stated that Councilmember Fox's item would be last.

City Manager Jim Westmoreland stated there were two items with regard to Kotis; spoke to the designated Midtown area; stated Kotis had requested a possible property exchange with the City; provided an update on the Midtown area; an overview of the property exchange; a PowerPoint Presentation; and stated the exchange would be beneficial to the City. City Manager Westmoreland explained that the City owned an underutilized piece of property located at 1801 Battleground Avenue at the intersection of Pembroke/Battleground Avenue/Green Valley and Westover Terrace that could come into the City tax rolls; that Kotis owned property behind the Texas Road House at 2414 Battleground Avenue; showed maps of the properties; stated the properties were impaired by the Norfolk Southern Railroad; spoke to the ownership rights and easements that impacted both properties; highlighted the requirements for property exchanges; and stated that staff would continue conversations with Kotis to develop an exchange agreement and methodology for appraisals.

Councilmember Barber asked for clarification on the appraisal process based on the proximity of the properties should there be a potential cloud on the property.

City Attorney Tom Carruthers advised Council that Mr. Kotis was present to speak to the overall development proposals for the area; to Kotis's desire to get the red shops project going; reminded Council of the closed session statute regarding real property issues; of the purpose of the closed session; and asked that Council hold their discussions at this time to hear the request.

City Manager Westmoreland recognized Mr. Kotis.

Mr. Kotis stated his company was trying to find transformative projects in different areas of the City; reminded Council of his investments throughout the City; referenced Greenway projects; spoke to the creation of walkable mixed use areas with amenities nearby; and outlined the proposed development. Mr. Kotis provided a presentation of an overhead drone video of the vicinity; spoke to the development of a CoreLife Eatery; added amenities; confirmed that he was proposing a land swap with the City; that he hoped to build a pump track mountain bike

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facility on the property behind the Texas Road House at 2414 Battleground Avenue at no cost to the City; stated he owned the property in fee except for the railway easement; and provided a map of the proposed development. Mr. Kotis explained that the City did not have clear title to its property; outlined the conditions of the land swap; confirmed the development would make progress along the Greenway; and that the pump track would be constructed once clear title for the City property was received.

Mayor Vaughan asked what the next steps would be for the land swap.

Mr. Kotis explained the process for obtaining appraisals; voiced the need provide clarity to the appraiser of what the City interest was in the property; stated he felt confident his fee interest would outweigh the City's piece; that he felt this would be a win-win; that the numbers would work; and spoke to taking the risks on the front end of the project. Mr. Kotis explained that the second part of his request was a mid-rise development project; referenced Raleigh's walkable Midtown area; voiced the need for structured parking that could be favorable to the City; outlined the maintenance and leasing option proposals for the parking deck; emphasized the project would be an extension of Downtown; provided renderings of what he envisioned; stated he would like to place a Publix in the area with additional parking, shops, and rooftop terraces; and added that this would provide structured parking near the Greenway.

Councilmember Hoffmann asked for clarification of the structured parking facilities.

Mr. Kotis explained that there would be approximately 650 parking spaces at an estimated total cost of \$15 million; would result in a 2.5% return to the City; confirmed he would lease all of the spaces; spoke to the proposed investment and maintenance of the deck; and added that he would look for the ability to purchase the deck within 15 to 20 years. Mr. Kotis expressed that he had completed many projects around the City.

City Manager Westmoreland recognized David Swift with Kotis; and thanked Mr. Kotis for his investment in the City.

Messrs. Kotis and Swift left the meeting at 5:29 p.m.

Councilmember Hightower left the meeting at 5:29 p.m. and returned at 5:31 p.m.

City Manager Westmoreland outlined the next steps on the property exchange; spoke to the timeframe to acquire appraisals; outlined the three options for Midtown parking support; highlighted what Mr. Kotis wished to do; spoke to the need for a definitive public purpose to enable an economic incentive; spoke to options for purchasing the former Chandler Concrete site; stated staff would research the possible creation of a Municipal Service District (MSD) boundary around the property; and that staff would bring the issue back before Council.

City Attorney Carruthers interjected that staff was researching what was permitted regarding off street parking with an MSD; confirmed that the request was not a classic economic development request; that an MSD could be an innovative way to develop parking in Midtown; spoke to the use of the Chandler Concrete site; and stated that a parking garage under a Publix did not meet the economic development requirements.

Discussion took place regarding parking at Costco.

City Attorney Carruthers confirmed staff would review the parking at Costco.

City Manager Westmoreland voiced that he was looking for authorization to proceed; and work with Mr. Kotis to go forward with the projects. It was the consensus of Council to do so.

Councilmember Barber spoke to Council doing things outside of the box when they saw something that was good for the City; verified the need to recognize that this area would be a Greenway entrance; stated he felt like the City kept kicking the can down the road; spoke to the creation of an MSD; and asked that staff identify the numbers for what Mr. Kotis wanted to do for Council discussion and evaluation at a work session.

July 18, 2017

Councilmember Hightower asked about the parking deck for the proposed Westin Hotel; and referenced Ms. Comer's incentive.

City Attorney Carruthers explained the difference between Downtown and Midtown business parking requirements; and stated that the City could not provide parking in Midtown similar to Downtown.

City Manager Westmoreland confirmed that Mr. Kotis's property was not located along a redevelopment corridor.

Councilmember Barber added that the Greenway was a public purpose.

Mayor Vaughan confirmed City Manager Westmoreland had the direction he needed; and stated Council would begin the regular meeting at 5:45 p.m.

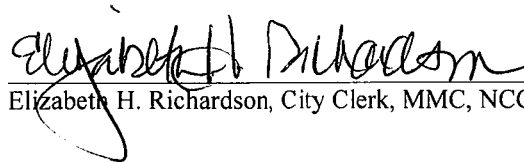
(A copy of the PowerPoint Presentation is attached and is hereby referred to and made a part of these minutes. The presentation by Mr. Kotis is not included as a part of these minutes)

THE CLOSED SESSION WAS ADJOURNED AT 5:36 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

June 20, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



Closed Session July 18, 2017

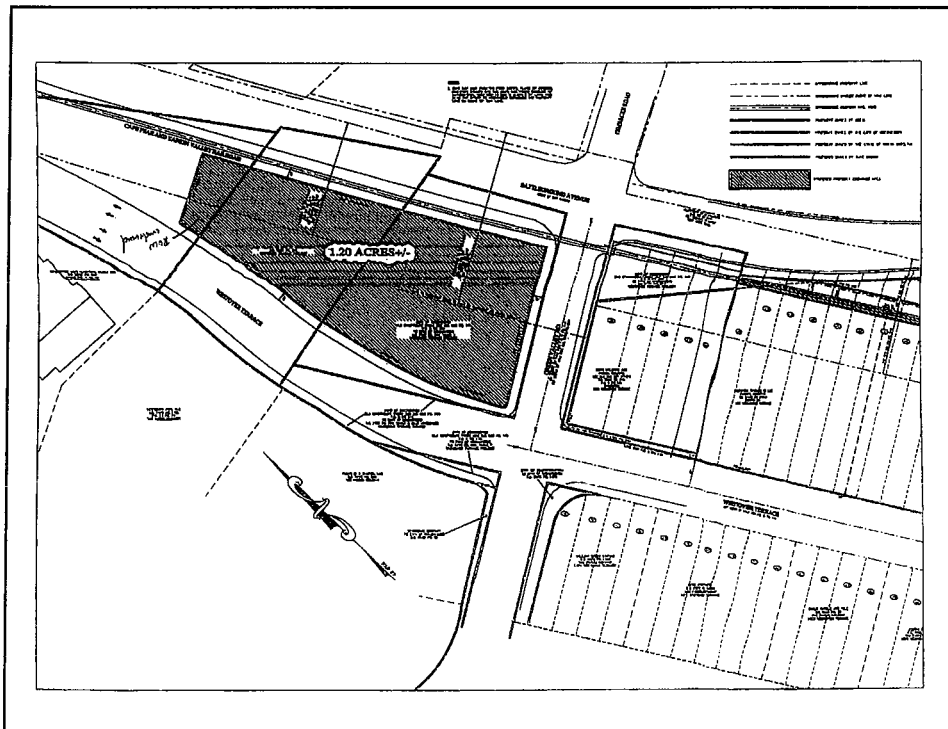
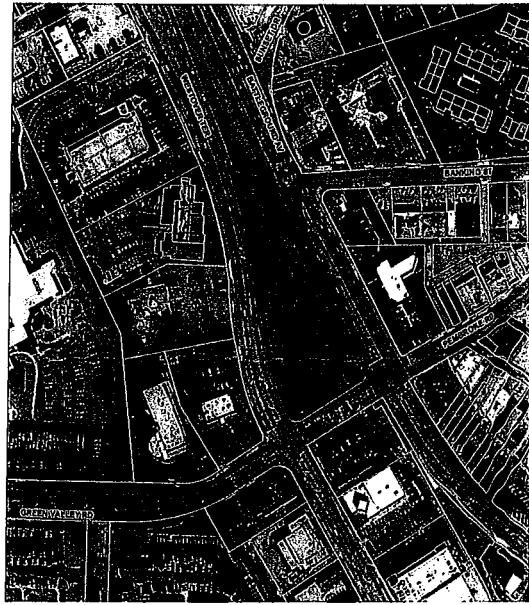


Midtown Development Plan - Proposed Property Exchange

- Proposed Property Exchange:
 - Property located at 2414 Battleground Avenue owned by Kotis Holdings, LLC
 - < For >
 - Property located at 1801 Battleground Avenue owned by the City of Greensboro
- Potential Benefits to Parties:
 - Option to develop and return property at 1801 Battleground Avenue back to City tax rolls
 - Option to develop property at 2414 Battleground Avenue into future City or Greenway support amenity



City: 1801 Battleground Avenue



Midtown Support Options & Follow-up

➤ Options:

- Establish long-term lease of parking spaces for Greenway
- Explore option to purchase former Chandler Concrete site and develop as greenway trailhead with parking
- Explore option to create a Midtown MSD
 - Purpose: Off-street parking
 - Limits: To Be Determined
 - Creates additional options for City to support developing and financing off-street parking

➤ Follow-up schedule and next steps:

- Explore options – July/Aug 2017
- Council Work Session Update - September 2017



**Closed Session
July 18, 2017**



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CLOSED SESSION

15 AUGUST 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 5:05 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege with the City Attorney pursuant to G.S. 143-318.11 (a)(3) and to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to G.S. 143-318.11 (a)(4).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Justin Outling, Goldie Wells and Tony Wilkins. Absent: Mike Barber.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Terri Jones, Assistant City Attorney, Kathi Dubel, Economic Development and Business Support Manager, and Elizabeth H. Richardson, City Clerk.

Additional persons present were Benton Blaine, Brent Christensen and David Ramsey.

City Manager Westmoreland explained that this was for an economic development project in eastern Guilford County; and recognized Brent Christensen with The Greensboro Partnership.

Mr. Christensen stated that Project Sky had been in the works for about one year; that the company was looking at several areas; was looking at incentives to put into their financial analysis; that the proposed site was located just outside the City limits; and that the company was not sure they wanted to be inside or outside of the City limits. Mr. Christensen provided an overview of the estimated \$250 million investment which would create approximately 1,000 jobs; explained the project would provide a food distribution center that could turn into food manufacturing; and spoke to the location of the proposed site. Mr. Christensen recognized Benton Blaine and David Ramsey from Ernst and Young; confirmed that the company was not ready to share its name; that Greensboro had not made it to the final game yet; and that he hoped discussions this evening would get the City there.

Mr. Blaine confirmed that it had been a long project; thanked Messrs. Christensen and Ramsey for their assistance; provided the background of the company; an overview of the proposed jobs; wages; and capital standing of the company; explained the investment would have two phases; spoke to the proposed expansion of the company on the site; stated the company was employee owned; highlighted the community involvement, diverse workforce, and the structure of the company; spoke to the qualifications persons would need; and confirmed the starting salaries would be around \$50,000 for approximately 500 positions.

Mayor Pro-Tem Johnson asked if training would be provided.

Mr. Blaine responded there would be some training; confirmed safety was the number one goal of the company; spoke to the expectations of employees; stated that Greensboro had a trained work force; highlighted the culture of the company; request of the company; spoke to narrowing the request down to three different scenarios; and explained the benefits provided to employees including a full cafeteria.

Councilmember Hightower asked what made the company look at Greensboro.

Mr. Blaine responded the workforce; central location with interstate access; spoke to the potential challenges of the site; and thanked Council for their time.

August 15, 2018

There being no additional questions, Mr. Blaine left the closed session at 5:14 p.m.

City Manager Westmoreland made a PowerPoint Presentation (PPP) which provided the geographic boundaries, bearings and map of the 350 acre site; confirmed the company needed to work through the site design; was not looking for a response this evening; provided an overview of the incentive request; advised that the company had also gone to Guilford County, the State, and State Department of Transportation; outlined fees the City had been asked to waive for the request; spoke to the possible annexation of the property into the City limits; to the motivation for them to be annexed into the City; stated that should the company decide not to annex that the tax option incentive would be off the table; spoke to the power provision through Duke Energy; and stated the company was looking at the pros and cons for both the City and County incentives to allow them to pay for the power provision.

Mr. Christensen advised that the site would need City services; and spoke to options for securing the company into the City limits.

City Manager Westmoreland spoke to the property tax incentive component; job creation; the need for the company to request the rezoning of the property; the sewer capacity and wastewater stream; stated the request fell within the Tier 2 Impact Zone under the current Economic Incentive Policy; and confirmed certain fees and charges had been eliminated by the General Assembly effective January 2018. City Manager Westmoreland provided an overview of the annexation and rezoning process; approximate return to the company for six and ten year incentives; stated the current City policy provided only a six year incentive; outlined the approximate cost of the City to provide water and sewer infrastructure to the site; stated the request met the incentive criteria details; and spoke to the difference between the six year and ten year incentive grant options.

Councilmember Hightower asked about use of the 8 for 80 incentive; and if the City could use East Greensboro Bond funds.

City Manager Westmoreland explained the inner and outer tiers for East Greensboro as well as the specific requirements for the 8 for 80 incentive.

Discussion took place regarding use of the 8 for 80 economic development incentive; the City's water and sewer policy; and funding options for the request.

Mayor Vaughan requested Council be mindful of the need to start the regular meeting on time as they had a full house.

City Manager Westmoreland confirmed the 2016 bond funding was still available; and explained that said funds could only be used if the company agreed to annex into the City limits.

Mayor Vaughan confirmed no one had any reservations for moving the project forward at this point.

Mr. Christensen asked if anyone would be uncomfortable with going ten years to which Council responded 'no'.

(A copy of the PowerPoint Presentation is attached and is hereby referred to and made a part of these minutes.)

THE CLOSED SESSION WAS ADJOURNED AT 5:28 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

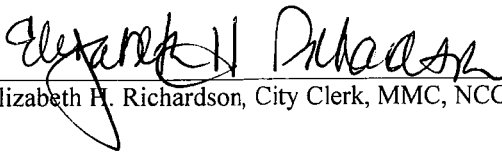
NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

TOC

August 15, 2018

August 15, 2017
Closed Session


Elizabeth H. Richardson, City Clerk, MMC, NCCMC

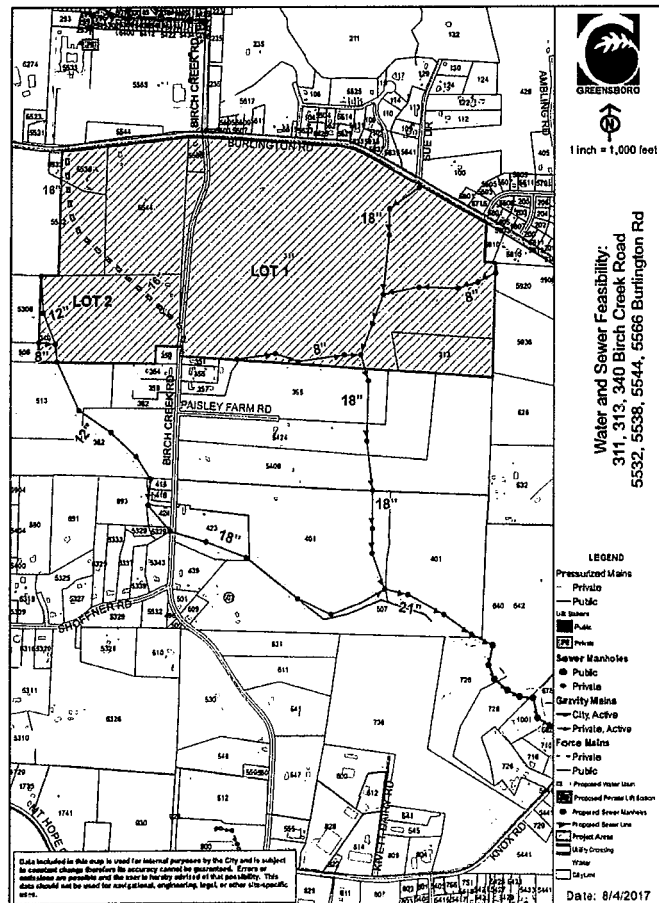
Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date

Project Sky - Closed Session August 15, 2017



Project Sky Incentive Requests

- Waiver of Capacity Fees - Water & Sewer
- Waiver of Frontage fees for water/sewer lines
- Waiver of annexation costs
- Development of property for both Phase 1 and Phase 2 will follow County guidelines. City will annex property no earlier than the date of the certificate of occupancy on Phase 1 (Can Work with Client)
- Approval of rezoning request (Cannot Guarantee)
- City will accept usage & effluents from future manufacturing project at no cost to the project or company (Cannot Agree)



Project Sky Incentive Request

- Ten Year 80% property tax reimbursement
 - approximately **\$8,465,198**
- Waiver of Capacity Fees - Water & Sewer
 - Water/Sewer Inside the City = **\$100,000**
 - Water/Sewer Outside the City = **\$200,000**
 - Fees eliminated by General Assembly 1/1/18
- Waiver of Frontage fees for water/sewer lines
 - Water = **\$135,448**
 - Sewer = **\$180,256**



Project Sky Incentive Request

- Waiver of annexation costs
 - Acreage fees eliminated by Council 7/1/17
- Approximate Cost of Public Water Line Extension
 - **\$402,338**
- Approximate Cost of Public Sewer Line Extension
 - **\$2,510,742**



Incentive Criteria Details

| | Project Sky Figures | City of Greensboro Incentive Guidelines |
|-----------------|---------------------|---|
| New Jobs: | 1,000 New Jobs | 25 Jobs ✓ |
| Average Salary: | \$41,053 | \$36,482* ✓ |
| Investment: | \$249,862,000 | \$7 Million ✓ |

* Impact Zone average salary is 80% of Guilford County wage

** Guidelines indicate new jobs to be created within 3 yrs



Incentive Grant Options

Impact Zone 2 allows 80% of new tax revenue for 6 years

| Based on Real Property Assessed Value and Machinery & Equipment Depreciable Value | | | |
|---|---------------|------------------|--------------------|
| | Tax Collected | 80% Granted Back | Possible Incentive |
| 6 yr beginning 2019 | \$5,631,223 | 80% | \$4,504,978 |
| 6 yr beginning 2022 | \$7,780,316 | 80% | \$6,224,252 |

| | 2022 | 2023 | 2024 | 2025 |
|--------------|------|------|------|------|
| Job Creation | 500 | | 250 | 250 |

| | Tax Collected | 80% Grant Back | Possible Incentive |
|----------------------|---------------|----------------|--------------------|
| 10 yr beginning 2019 | \$10,581,498 | 80% | \$8,465,198 |



Project Sky Water & Sewer Request

- Water & Sewer Public Line Extensions **\$2,913,080**
 - Possible for reimbursement support

- Water and Sewer Fees **\$ 315,448**
 - 6-inch Meter Fee **\$ 6,000**
 - \$ 321,448**
 - Council has not waived fees in the past



Closed Session August 15, 2017



CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

17 OCTOBER 2017

Pursuant to a motion made at the work session held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:55 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council and to consult with the City Attorney pursuant to G.S. 143-318.11 (a)(3), to discuss matters relating to the relocation or expansion of industries or other businesses, including potential economic development incentives that may be offered in negotiations, pursuant to G.S. 143-318.11 (a)(4), and to consider the qualifications, competence, performance, character and fitness of public officer or an employee pursuant to N.C.G.S. Sections 143-318.11(a)(6).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzuaiter, Mike Barber, Sharon Hightower, Nancy Hoffmann, Justin Outling, Goldie Wells and Tony Wilkins.

Also present: Jim Westmorland, City Manager, Tom Carruthers, City Attorney, Steve Drew, Water Resources Director, and Angela R. Lord, Deputy City Clerk.

Mayor Vaughan confirmed Councilmember Hightower was participating by phone.

City Manager Westmoreland spoke to providing an update on the water and sewer project for the Greensboro Randolph Megasite; referenced previous interest in the site; a potential client driving the schedule; emphasized the confidentiality of the item; spoke to the importance of the item to the site and the community; and provided handouts to Council.

Mayor Vaughan reiterated the need for confidentiality.

Councilmember Wilkins inquired about who all understood what the City Manager was referring to.

City Manager Westmoreland spoke to the site being reviewed six months ago for project Foxcon; outlined the history of the project; spoke to a potential selection; the City being a top contender for the project; the importance of the schedule focus; team planning; the cost of the project in terms of invested funds; the potential of additional support; and recognized Assistant City Manager David Parrish to review the schedule.

Discussion ensued regarding Council members being informed about the project.

Assistant City Manager Parrish provided an overview of the project; a map of the Megasite and surrounding areas; spoke to a dual feed water line; tapping into a sewer lift station; completion of a design and surveying; a tentative schedule; communicating with citizens; tentative property acquisitions; the needs of the potential client; and to additional clientele options. Assistant City Manager Parrish commended Greensboro for leading the way with Piedmont Gas and Duke Energy; spoke to the partnership with HDR; referenced an approximate \$30,000,000 project; stated information had been shared with the state; addressed funding by state agencies; confirmed Commerce had put aside approximately \$50,000,000 for roadways and infrastructure; stated staff had been working on the project since 2015; spoke to well attended public meetings; to the reduced opposition of the project; voiced public concern regarding connections and annexations; outlined the areas outside the City's authority; and spoke to the possibility of entertaining options for manufacturing and economic purposes.

Mayor Vaughan spoke to the design and right-of-way information being public.

Discussion took place regarding the securing a donut hole; the approximate 1500 acre site; infrastructure, utilities, and workforce potentials; and the impact on the City's water supply.

October 17, 2017

Councilmember Wilkins inquired about the billing of services.

Water Resources Director Steve Drew outlined inside and outside rates.

Assistant City Manager Parrish confirmed that billing would be for outside rates.

City Manager Westmoreland stated staff would update Council; spoke to the requests and demands from the state; future support from Council in decision-making; referenced project Diamond; and spoke to the possibility of additional funding as a result of a funding gap.

Discussion continued regarding additional sites being considered; Greensboro being a front contender; actions by the General Assembly and the Governor to assist the competitive locations; and the importance of confidentiality.

Assistant City Manager Parrish collected the handouts from Council.

(Handout referred to are attached here to and made a part of these minutes).

City Attorney Carruthers spoke to restrictions regarding political speakers from the floor during the regular Council meeting.

Mayor Vaughan stated that an evaluation for City Attorney Carruthers had been provided to Council; and spoke to the deadline for evaluations to be returned.

Discussion ensued regarding voting on business items on the agenda.

Councilmember Hightower asked for confirmation on the donut hole; and about a construction start date.


City Manager Westmoreland clarified that all property required was under contract; that some opposition still remained; spoke to acquiring the right-of-way; and an estimated construction start date in eight months.

THE CLOSED SESSION WAS ADJOURNED AT 5:18 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ANGELA R. LORD
DEPUTY CITY CLERK

October 17, 2017
Closed Session


Angela R. Lord, Deputy City Clerk, CMC, NCCMC

Public Inspection Status
(A) Must Remain Confidential _____
(B) Confidential Pending Release _____
(C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date



Greensboro – Randolph Mega Site

Water Availability / Service

- Projected construction cost for water service is \$20M
- Projected construction cost for sewer service is \$11.8M

Design / Permitting

- Design / Permitting Fee of \$2.452M
 - Environmental Assessment / Permitting - \$398,000
 - Design - \$1,167,000
 - Survey - \$549,000
 - Geotechnical - \$133,000
 - Project Contingency - \$50,000
 - Strategic Communications - \$155,000 (separate contract)

Property/Easements

- Budget \$2.0M

Construction Administration/Bidding Services

- \$1.0M

Total Cost

- \$ 37.252M
- Funding not secured \$24.658

*Grants/Additional Funding

- Golden LEAF Foundation Grant \$7.0M December 2017
- Department of Commerce Grant \$1.418M

| Greensboro Randolph MegaSite Water and Sewer | Cost | Funding Comments | To be Funded |
|---|---------------------|-------------------------|---------------------|
| Projected construction cost for water service | \$20,000,000 | | \$20,000,000 |
| Projected construction cost for sewer service | \$11,800,000 | \$8.148 M from Grants * | \$3,658,200 |
| Design and Permitting | \$2,452,000 | Funded | |
| Property Easements | \$2,000,000 | Budgeted | |
| Construction Administration/Bidding Services | \$1,000,000 | | \$1,000,000 |
| Total | \$37,252,000 | | \$24,658,200 |

CONFIDENTIAL
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO

CLOSED SESSION

19 DECEMBER 2017

Pursuant to a motion made at the regular meeting held on the above date, the City Council of the City of Greensboro met in Closed Session at 4:18 p.m. in the Council Office located in the Melvin Municipal Office Building to preserve the attorney-client privilege between the City Attorney and Council; to consult with the City Attorney and the attorney retained by the City and to give instructions to legal counsel concerning the handling or settlement of a claim or judicial procedure pursuant to N.C.G.S. 143-318.11 (a) (3).

The following members of Council were present: Mayor Nancy Vaughan, Mayor Pro-Tem Yvonne Johnson, Councilmembers Marikay Abuzaiter, Sharon Hightower, Nancy Hoffmann, Michelle Kennedy, Tammi Thurm, and Goldie Wells. Absent: Councilmember Justin Outling did not participate in the closed session.

Also present: Jim Westmoreland, City Manager, Tom Carruthers, City Attorney, Andrew Kelly, Assistant City Attorney, and Elizabeth H. Richardson, City Clerk.

Also present: Attorneys Bruce Ashley and Robert Boydoh.

City Attorney Tom Carruthers provided an overview of what Council would consider tonight; highlighted a potential judicial claim and condemnation for item #50 regarding the February One parking deck on the agenda; stated Attorneys Robert Boydoh and Bruce Ashley were present to speak to Council; spoke to their expertise on specific topics; and to what Council could expect through the condemnation proceeding. City Attorney Carruthers provided a PowerPoint Presentation (PPP) outlining the easement in question and the surrounding area; explained the ownership rights for the 8.5 foot wide easement within the parking lot the City purchased in June from the Dixie building; showed the proposed rendering with improvements; spoke to concerns of the owners; provided an overview of the different segments of the drawings; spoke to ongoing discussions with surrounding owners for ingress and egress access rights; to the existing parking agreement with Rocco Scarfone; confirmed that N Club, LLC had no contractual parking rights in their deed; and added that their tenant had a parking agreement to park Downtown. City Attorney Carruthers referenced the rights under the law to remove the easement if the City paid fair market value of approximately \$5,500; explained that the City had employed appraisers, a design team, and inspectors to ensure that the new proposed 18 foot easement met the needs of owners and patron safety; stated that staff would come before Council in January with the complete easement design; outlined the installation of a dry pipe, fire suppression and parking within the new easement; and spoke to what the proposed easement would provide.

Discussion ensued regarding the dry pipe method used for fire suppression throughout the City; trash and recycling collection within the proposed 18 foot easement; vehicle access; and turnaround capability.

City Attorney Carruthers provided an overview of the proposed trash and recycling collection; access and turnaround for buses and other large vehicles bringing entertainment acts to venues; spoke to parking rights under the parking agreement; and confirmed that the engineers had found the design to have an adequate turning radius for the proposed alleyway once completed.

City Manager Jim Westmoreland explained the access to the proposed alleyway; and referenced parking and loading lanes along East Market Street.

City Attorney Carruthers explained issues staff had been struggling with since July; where the City currently was; Attorney Amiel Rossabi's accusations regarding the deed on record; the money invested in the N Club; confirmed that Mr. Scarfone had shut down a club that had been a nuisance knowing he did not have identified parking rights; and provided a rendering of the site during, and upon completion of, the construction for parking accommodations.

December 19, 2017

City Attorney Carruthers added that the N Club currently paid approximately \$1,000 per month for two spaces they could use approximately 100 times per year.

City Manager Westmoreland explained that there had been three meetings since July where concerns and issues had been discussed; spoke to what the City was willing to provide to the NClub; to vehicles that had been used to date for access to the area; referenced the bus parking accommodation the City had offered up early on; to working with them to facilitate their needs for access and use of the property; stated the City had provided a complete effort in trying to accommodate the owners; and confirmed that the owners wanted to sell the building to the City for \$5 million to resolve the issue.

Discussion took place clarifying the easement rights provided in the deed; the proposed easement being 18 feet wide to replace an 8.5 foot wide easement; value and size of both the current and proposed easements; ingress and egress to the property for the owners going forward; confirmation of the where the proposed easement would be located; use of Davie Street for access; traffic flow in the event of an emergency; and directives for access on the N Club's website.

City Attorney Carruthers outlined the process for evacuating all of the clubs during an emergency both during and upon completion of the construction; spoke to directives on the N Club's website for access of acts to the club; and spoke to a lack of support for the case.

Mayor Pro-Tem Johnson requested that City Attorney Carruthers provide a complete overview and the PPP during the regular meeting to assist the general public in understanding the issue.

Mayor Vaughan voiced concerns with vehicles backing out onto Market Street; referenced the time the acts would be leaving the site; and moving large vehicles during rush hour.

City Attorney Carruthers provided a brief video of a vehicle backing into the alley.

Discussion took place regarding the number of times acts came to the venue; the need to be clear about what the City was condemning; reference to the Horsepen Creek Road project; and litigation sometimes being necessary.

City Manager Westmoreland confirmed that the City had listened to the owners' concerns and issues; and had offered up various solutions.

Councilmember Kennedy voiced that the City had done a less than stellar job of communicating to the public; voiced concern with a misinformed community; and the need to set the information provided this evening right and control the narrative.

Councilmember Hightower emphasized the need to be clear about the process for the City condemning the property; not destroying a small business; and reminded members of the issues with Gate City Boulevard.

City Manager Westmoreland explained to Council staff's understanding after a meeting with Attorney Rossabi and others several weeks ago; Mr. Rossabi's decision to share information publicly through the media; and spoke to issues that had caused some confusion with the public.

Discussion ensued regarding continued negotiations during the condemnation; the need to begin condemnation proceedings immediately; the Westin Hotel's ability and need to move forward; to reiterate how the decks will be paid for; and if the City could discuss claims and litigation.

City Attorney Carruthers added that staff anticipated Attorney Rossabi to file documents as early as tomorrow; that a hearing could take place the first or second week of January; and stated the question would be whether the City had the right to begin.

Additional discussion took place regarding the impact of a delay on the construction of the Westin Hotel; the need to move forward with the condemnation; and confirmation that construction and activity could be done during the condemnation process.

December 19, 2017

City Attorney Carruthers provided an overview of the stages of litigation.

Attorney Robert Boydoh; outlined his working knowledge of the recorded legal easement at issue; verified it gave the owners the right of ingress and egress but not to park; provided the history of the parking license and agreement; and confirmed it was a recorded easement.

Councilmember Kennedy left at 5:03 p.m. and returned at 5:05 p.m.

Attorney Boydoh outlined the specifics of where the owners were currently allowed to park; referenced the owners' rights under the executed parking agreement; spoke to reasons the parking agreement could be terminated; and to removing the current deeded ingress and egress easement.

Council emphasized the need to communicate the issue this evening in plain language to ensure people understood.

Attorney Bruce Ashley provided an overview what the City would be authorized to do during the litigation and condemnation process; outlined the alternatives should an injunction not be filed; valid challenges and issues that could be brought up through an injunction; what would stop the condemnation process; and provided a proposed timeline for the litigation.

Councilmember Thurm asked if the City would be obligated to pay their attorney fees.

Attorney Ashley stated they would have an opportunity to collect attorney fees if it was ruled that the City could not condemn the property; and stated the case would generally be set within four to six months.

In response to Councilmember Hightower's question regarding a similar condemnation, Attorney Carruthers stated he was not aware of a condemnation for a parking enterprise; stated the City was involved in condemnation cases every day; stated he felt that the City could resolve the case; and stated staff would continue to work to resolve the issue but that it could take more than \$55,000 to resolve the case.

Mayor Vaughan reminded Council that she wanted to start the meeting on time at 5:30 p.m.; and that Council they needed to be on their best behavior during the meeting.

City Attorney Carruthers closed by stating that this was a viable lawsuit; spoke to the passage of title to the City; and that it was a case he felt the City could resolve.

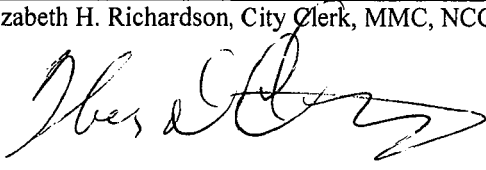
THE CLOSED SESSION WAS ADJOURNED AT 5:13 P.M. BY CONSENSUS OF THE MEMBERS OF THE GREENSBORO CITY COUNCIL. The City Council returned to open session.

NANCY VAUGHAN
MAYOR

ELIZABETH H. RICHARDSON
CITY CLERK

December 19, 2017
Closed Session

Elizabeth H. Richardson, City Clerk, MMC, NCCMC



Public Inspection Status

- (A) Must Remain Confidential _____
- (B) Confidential Pending Release _____
- (C) Release for Public Inspection _____

Release Authorized by:
City Attorney/City Council

Date