

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*



Meeting Agenda

Monday, December 7, 2015

5:30 PM

Council Chambers

City Council

*William S. Bencini, Jr., Mayor
James C. Davis, Mayor Pro Tem
Latimer B. Alexander, IV, Cynthia Y. Davis,
Jason P. Ewing, Jeffrey J. Golden,
Alyce E. Hill, Christopher Williams,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**RECOGNITIONS AND PRESENTATIONS**

- [150377](#) Proclamation- Freemason's Day
Mr. Michael Rinehardt, Master Mason of the Numa F. Reid Lodge, No. 344 here in High Point, will be in attendance to accept a Proclamation proclaiming December 14th as "Freemasonry Day" in the City of High Point.
- [150378](#) North Carolina AWWA Awards
Recognition of the following Public Services Department employees who received awards at the North Carolina American Waterworks Association (AWWA) conference:
- John Hodges, Wastewater Plants Manager - 2015 recipient of the Donald E. Francisco Educator of the year Award
Bouthan Vannavong - 1st Place for Photo Contest "Members at Work" and 3rd place for "Structures"
Wendell Pickett - 3rd Place for "Best Tasting Water"

PUBLIC COMMENT PERIOD

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards and presentations. Our policy states persons may speak on any item not on the agenda.

**Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.*

**Persons addressing City Council are asked to limit their comments to 3 minutes.*

**Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.*

**If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.*

Thanks to everyone in the audience for respecting the meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

CONSENT AGENDA ITEMS**FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair**

- [150379](#) Contract - Substation Transformers
Council is requested to approve contract with SPX - Waukesha in the amount of \$1,237,126.00 for the purchase of two (2) Substation Transformers (30 MVZ) for the new North College Drive substation and

the Russell Street Substation.

[150380](#) Prime Site Tower Upgrade
Council is requested to approve contract with Branat Construction Company in the amount of \$228,700 to upgrade the City's Commerce Street prime site tower and foundation system.

[150381](#) Supplemental Agreement No. 8 - NCDOT - High Point Train Depot Improvements
Council is requested to approve North Carolina Department of Transportation (NCDOT) Supplemental Agreement No. 8 for the High Point Train Depot Improvements (passenger platform roof).

[150382](#) Municipal Agreement - CMAQ Grant -Greenway Project
Consideration of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a CMAQ grant for the Deep River Greenway project.

[150383](#) Budget Ordinance Amendment - CMAQ Grant - Greenway Project
Adoption of an ordinance amending the 2015-2016 Budget Ordinance to appropriate funding in the amount of \$1,236,000 for the NCDOT CMAQ Grant for the Greenway project.

PENDING ITEMS

[150284](#) Budget Ordinance Amendment- Little Red Schoolhouse
Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

REGULAR AGENDA ITEMS

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Golden, Chair

[150384](#) Ordinance - Demolition of Structure - 303 Kennedy Avenue
Consideration of adoption of an ordinance ordering the Inspector to effectuate the demolition of a structure located at 303 Kennedy Avenue belonging to Steven L and Jeannie Shamka.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair

[150385](#) Wendover Hills Wesleyan Church - Water/Sewer Connection Request 15-03
A request by Wendover Hills Wesleyan Church for an exception to the City's Water and Sewer Extension Policy for 2206 Joy Drive. The site located on the south side of W. Wendover Avenue, approximately ½ mile west of Piedmont Parkway, along the west side of Joy Drive.

- [150386](#) Fibertech Networks - Right-Of-Way Encroachment Permits -
RE-15-0001, RE-15-0002, RE-15-0007, RE-15-0008, RE-15-0009,
RE-15-0010, RE-15-0011, RE-15-0016 RE-15-0017, RE-15-0018 &
RE-15-0020
A request by Fibertech Networks to allow 11 utility poles to be erected
within the right-of-way in various areas of the City where utilities have
been placed underground. The poles encroach into the right-of-way at
differing amounts dependent upon location.
- [150387](#) Fibertech Networks - Right-Of-Way Encroachment Permits -
RE-15-0003 through -0006, RE-15-0012, RE-15-0015, & RE-15-0023
A request by Fibertech Networks to allow 7 utility poles to be erected
within the right-of-way in various areas of the City. The poles encroach
into the right-of-way at differing amounts dependent upon location.

PUBLIC HEARINGS

- [150388](#) Berkley Group, LLC - Special Use Permit Case 15-01
A request by the Berkley Group, LLC to allow a Telecommunication
Tower exceeding the height limits of the Conditional Use Limited Office
(CU-LO) District. The site is lying along the west side of Baker Road
approximately 1,100 north of S. Main Street (301 Baker Road).
- [150389](#) Ordinance - Kotis Properties, Inc. - Zoning Amendment Case 15-17
A request by Kotis Properties, Inc. to rezone a 0.67-acre parcel from a
Heavy Industrial (HI) District to a General Business (GB) District. The
site is lying along the east of the W. English Road, directly opposite of
Boyer Street (2401 W. English Road).
- [150390](#) Resolution - City of High Point - Street Abandonment Case 15-11
A request by the Technical Review Committee to abandon a portion of
an unimproved right-of-way lying between N. Centennial Street and
Forrest Street, approximately 300 feet north of Charlotte Avenue.
- [150391](#) Resolution - City of High Point - Street Abandonment Case 15-12
A request by the Technical Review Committee to abandon a partially
improved right-of-way lying along the west side of Dillon Road, directly
opposite of Bales Chapel Road (lying between 3321 & 3403 Dillon
Road).

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

- [150392](#) Public Art Policy
Consideration of an amendment to the City's Public Art Policy.

GENERAL BUSINESS AGENDA

- [150393](#) City of High Point Purchasing Policies and Procedures - Revised
City Council is requested to approve the revised City of High Point

Purchasing Policies and Procedures in order to maintain compliance with State statutes and various grantor agencies.

[150394](#) Appointment of Mayor Pro Tem - January 1, 2016 - December 31, 2016
Appointment of Mayor Pro Tem for the period of January 1, 2016 - December 31, 2016.

[150395](#) Change in City Council Meeting Schedule - MLK Holiday
Council is requested to reschedule the Regular City Council Meeting scheduled for Monday, January 18, 2016 to Tuesday, January 19, 2016 at 5:30 p.m. due to the Martin Luther King, Jr. Holiday.

[150396](#) Standing Committee Assignments
Discussion of the Standing Committees of City Council.

[150397](#) Approval of the Minutes of Previous City Council Meetings
Planning & Development Committee; October 20th @ 4:00 p.m.
Finance Committee; October 28th @ 4:00 p.m.
Manager's Briefing Session; November 2nd @ 4:00 p.m.
Prosperity & Livability Committee; November 11th @ 9:00 a.m.
Finance Committee; November 11th @ 4:00 p.m.
Manager's Briefing Session; November 16th @ 3:00 p.m.
High Point City Council Regular Meeting; November 16th @ 5:30 p.m.
High Point City Council Special Meeting; November 20th @ 1:00 p.m.

[150270](#) Boards and Commissions - Vacancy Report
Attached is the current list of vacancies for all Boards and Commissions.

CLOSED SESSION OF CITY COUNCIL

ADJOURNMENT

**SPECIAL USE PERMIT 15-01
CITY OF HIGH POINT, NORTH CAROLINA**

December 7, 2015.
(Adopted)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Communication Tower (exceeding height limits of zoning district)

- a. Type – Monopole
- b. Maximum Height – 140-feet
- c. Co-location (shared use of tower): A minimum of four (4) antenna locations will be made available (see Special Use Permit plan).

CONDITIONS:

1. Special Use Permit Plan:

Development shall be in accordance with the attached Special Use Permit site plan. This Special Use Permit and approved site plan are perpetually binding on this property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

2. Landscaping and Preservation/Buffer Area

Except for land clearing for the installation of the tower and access drive, as depicted on the adopted Special Use Permit Plan, all existing vegetation within fifty (50) feet of the perimeter of the lease area shall be preserved. The property owner shall document that the planting rate in this preservation area, along each side of the tower compound, is equivalent to the Type A Planting Rate. Subject to maintaining the Type A rate with new planting materials, the property owner shall be permitted to remove unhealthy vegetation and vegetation that may pose a danger to occupants of the site or to abutting property owners. Additionally, the property owner shall be permitted to prune existing vegetation within this area in order to maintain the health of the existing vegetation;

OR

A Type B Planting yard, planted at a Type A rate, shall be installed along the northern, eastern and southern perimeter of the tower compound. Landscaping along the western boundary of the tower compound shall be installed as required by the development ordinance.

DESCRIPTION OF PROPERTY:

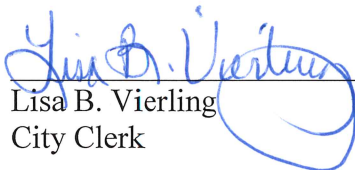
An approximately 3.9-acre parcel lying west of the intersection of Baker Road and Ralph Drive (301 Baker Road).

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed in this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

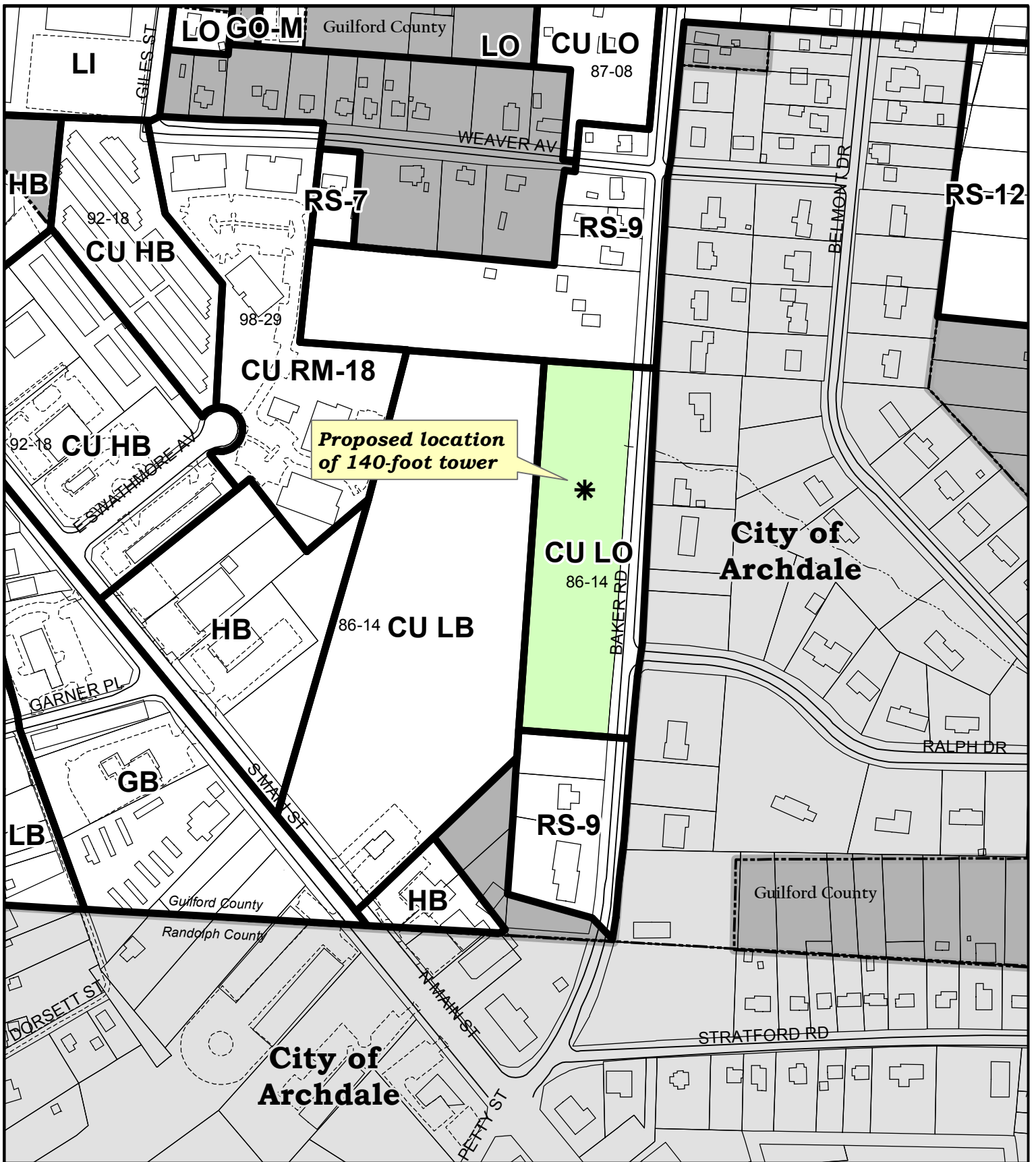
The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 15-01 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 7TH DAY OF DECEMBER, 2015.


Lisa B. Vierling
City Clerk



12-7-2015
Date



SPECIAL USE PERMIT SU15-01

Request: To allow a 140-foot tower in a
Conditional Use Limited Office district.

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

Planning & Development
Department

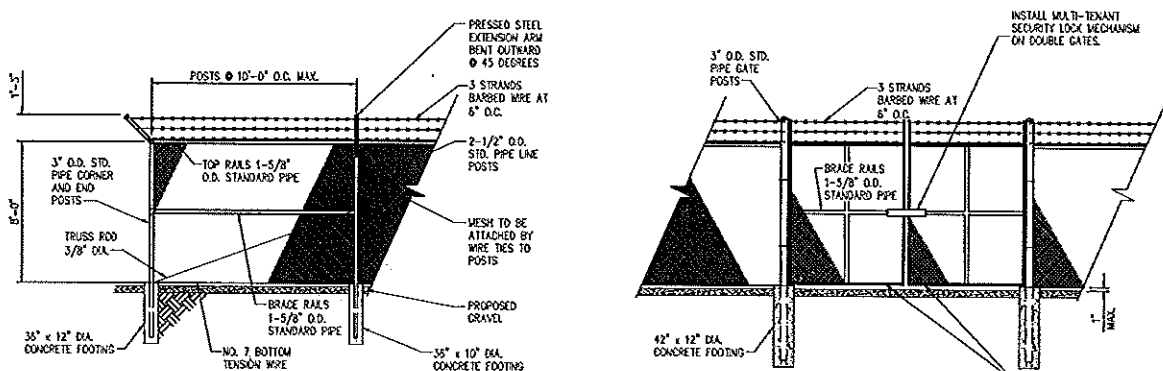
City of High Point

Date: October 27, 2015

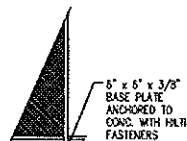


Scale: 1"=300'
G:\Planning\Secure\ba-pz/
2015\pz\sup15-01.mxd





1 FENCE PANEL
SCALE: 1/8\"/>



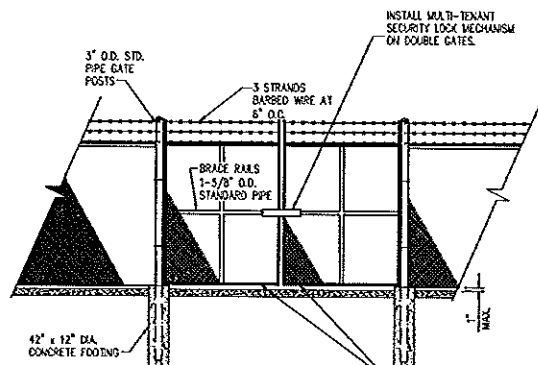
2 ALT. POST ANCHOR DETAIL
FOR FASTENING TO CONCRETE
SCALE: 1/2\"/>



3 GATE KEEPER DETAIL
TO HOLD GATES OPEN
SCALE: 1/2\"/>

NOTES:

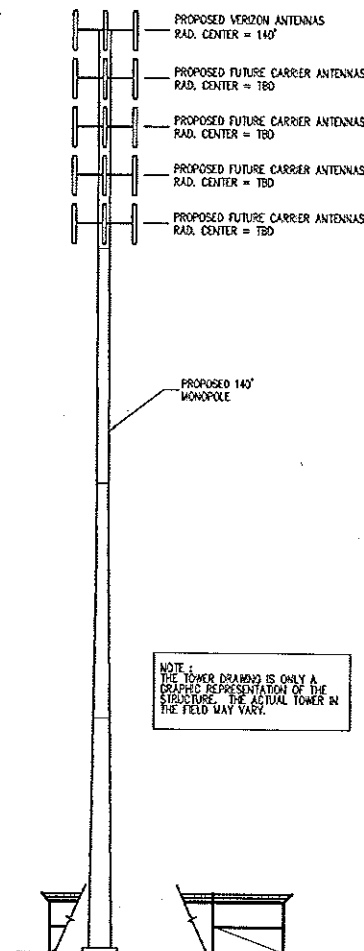
1. ALL MATERIALS AND HARDWARE FOR THE CHAIN LINK FENCE SHALL BE OF A HOT DIP GALVANIZED FINISH.
2. CHAIN LINK FABRIC TO BE 8 FT. HIGH, 9 GA. WIRE, 2 IN. MESH WITH TWISTED SEWAGE TOP AND BOTTOM. (ASTM A302)
3. BARBED WIRE TO CONSIST OF 3 NO. 12-1/2 GA. GALVANIZED STEEL WIRE WITH 4 POINT BARBS OF NO. 14 GA. GALVANIZED STEEL.
4. POST, RAIL, AND GATE FITTINGS TO BE PRESSED STEEL OR MALLEABLE CASTING. (ASTM A153)
5. ALL POSTS SHALL HAVE WEATHER CAPS INSTALLED.
6. POSTS TO SET IN 2000 PSI CONCRETE. BOTTOM OF CONCRETE TO BE 2\"/>



2 VEHICULAR GATES
SCALE: 1/8\"/>

INSTALL MULTI-TENANT SECURITY LOCK MECHANISM ON DOUBLE GATES.

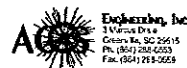
TWO 6\"/>



4 TOWER ELEVATION
SCALE: 1/8\"/>

NOTES:

1. NO LIGHTING TO BE INSTALLED ON TOWER UNLESS REQUIRED BY THE FAA.
2. TOWER COLOR TO BE A GALVANIZED GRAY COLOR.



PRELIMINARY
FOR REVIEW ONLY

These documents are for Design Review and not intended for Construction Bidding or Permit Purposes. They were prepared by, or under supervision of:

BERKLEY M. ALDRICH

Type or Print Name

No. 000230 Date 06/14/15

BERKLEY GROUP, LLC

BASE TRANSCIVER SITE
BAKER ROAD
307 BAKER ROAD
HIGH POINT NC 27263
GUILDFORD COUNTY
NORTH CAROLINA

DATE	07/01/15
REVISION	
ISSUE FOR OWNER REVIEW	
SCALE	

PROJECT NUMBER:
XXXXXX.015

SHEET CONTENTS:
COMPOUND FENCE
DETAILS AND
TOWER ELEVATION

SHEET NUMBER:

Z3



**MANAGER'S BRIEFING SESSION
HIGH POINT MUNICIPAL BUILDING
NOVEMBER 2, 2015 – 4:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

MINUTES

Present:

Mayor Bill Bencini (joined the meeting at 4:12 p.m.); Mayor Pro Tem James Davis (Ward 5); and Council Members Cynthia Davis (At-Large), Jeff Golden (Ward 1); Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4) (joined the meeting at 4:09 p.m.) and Jason Ewing (Ward 6) (joined the meeting at 4:26 p.m.)

Absent:

Council Member Latimer Alexander (At-Large)

Staff Present:

Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; Eric Olmedo, Budget and Performance Manager; Jeron Hollis, Communications & Public Engagement Director; Jeff Moore, Director of Financial Services; Mike McNair, Director of Community Development; Laura Altizer, Budget Analyst; Angela Kirkwood, Director of Human Resources; Maria Smith, Deputy City Clerk, Lisa Vierling, City Clerk

News Media:

Pat Kimbrough, High Point Enterprise

Handouts:

- *FY 2015-2016 First Quarter Financial Report*
- *City of High Point General Fund Financial Summary Report FY 2015-2016 (As of September 30, 2015)*
- *Community Dev. & Housing Department Presentation- Community Progress Leadership Institute; Reclaiming Vacant Properties Conference*

Note: these handouts will be incorporated and attached as a permanent part of these proceedings.

Randy McCaslin, Deputy City Manager, opened the meeting and noted there were two topics on today's agenda for discussion:

- 1) 1st Quarter Financial Report; 2) Briefing on Boston and Detroit Housing Summits

1) 1st Quarter Financial Report

Eric Olmedo, Budget & Performance Manager, shared that staff is now producing two monthly reports that will be placed in Dropbox and summarized quarterly. This came about as a request from City Manager Greg Demko, who would like to break the budget down in a different look, with more details by departments. He noted another new detail in the reports would be the YTD percentage anticipated column, which provides a history on how much is expected this time of year and how much is actually on hand.

He advised for the General Fund, the actual revenue collected is about \$37.4 million; with \$23.7 spent. He reviewed some of the major revenues, which provides an indicator of how these revenues come in. Year-to-Date staff anticipates having about 33.7% and are at 36.5%. Mayor Pro Tem J. Davis inquired about the timing of the sales tax revenues. Staff explained that sales tax is paid on a monthly basis, but is always two months in arrears. Mr. Olmedo pointed out sales tax revenues are a little ahead of the amount anticipated.

Mr. Olmedo then reviewed the expenditures for the General Fund broken out by major departments. He noted we are currently 25% into the budget year with the anticipated percentage of expenditures being 23.1%.

Water & Sewer Fund: The YTD total revenue in this department is about \$12.357 million and expenditures of \$7.2 million. Mr. Olmedo noted these percentages are in line with the anticipated percentages and where staff expects to be.

Electric Fund: the YTD total revenue in this department is about \$38.4 million and expenditures of \$25.6 million. Mr. Olmedo reported YTD, the city has realized 29.5% of the budget and anticipated 29.2% on the revenue side. On the expenditure side, he pointed out the largest expenditure in this area is the Power Supply Expense at \$103 million of the total budget. He explained the city's payment to ElectriCities is always a month in arrears, so this actually represents the first two months of our three-month period. He advised this is somewhat lower than historically and this was due to the rate decrease. Mr. Olmedo reported staff is working on an analysis of this to give to Council to determine how much of the overage the city will maintain in some type of rate stabilization fund. He noted the figures should be around the 25% expected, and the actual YTD is about 19.7%.

Solid Waste Fund: The actual YTD revenue is at \$3.6 million; expenditures at \$3.5 million. Mr. Olmedo noted these percentages are in line with the anticipated percentages and where staff expects to be.

Stormwater Fund: The actual YTD revenues are \$965,000; expenditures \$985,000. Mr. Olmedo noted there is a small deficit, but it would not continue. The expenditure side is at 27% in

operating and the capital outlay is at 31.6%. He explained the debt service in the Stormwater Fund only happens three times a year, so a small payment has already been received.

Mass Transit Fund: *The actual revenues are \$375,887; expenditures \$583,190.*

Council Member C. Davis asked if these figures reflect the monies the city is still waiting to receive. Mr. Olmedo replied that this does not because those monies were received, with a little of the money still outstanding. Jeff Moore, Director of Financial Services, further explained just the operational debt as of the end of June 30th and this has been submitted and reported. He noted the only difference here would be that which is related to the current FY and that will take about 45 days after each quarter in order to meet the FTA guidelines. So there will always be a slight discrepancy revenues/expense throughout the year except right at June 30th when this is accrued back. Mr. Olmedo noted this does not include the pending capital purchase of the buses because it is in their capital project fund, which is separate from these dollars. On the expenditure side, it reflects about 31.6%; and the anticipated YTD expenditures at 34.1%.

2) Briefing on Boston and Detroit Housing Summits

Mike McNair, Director of Community Development & Housing, reported on the Boston and Detroit Housing Summits. Mr. McNair shared that he received an invitation to attend these summits from the Center of Community Progress. The Center for Community Progress is an organization that has been in existence since about 2010, with their focus being on repurposing vacant properties. Only seven cities from three states were invited to participate: St. Louis and Kansas City, Missouri; Brockton, Fitchburg, and Lawrence Massachusetts; Greensboro and High Point, North Carolina. The High Point delegation attending the Community Progress Leadership Institute Summit in Boston were: Council Member Jeff Golden; City Manager Greg Demko; City Attorney Joanne Carlyle; Mike McNair, Director of Community Development & Housing; Bill McNeill; and Dorothy Darr. The whole idea was to teach the participants techniques and tools that could be brought back to their communities on how to start to address the issues with vacant properties.

Some of the topic areas that were covered were: Adaptive Leadership, Strategic Code Enforcement, Land Banking, Data and Markets, and Property Tax Systems. Mr. McNair noted they emphasized and encouraged the use of real data to make decisions as opposed to using anecdotal information. They also identified different tools available to help ascertain when neighborhoods are evolving into a weak state and different things that could be done to address those issues. He shared one of the things that they really stressed was not to go to the most troubled neighborhoods, but into neighborhoods where a difference could be made (constrained neighborhoods that can be pushed into functional neighborhoods), or a functional neighborhood that can be kept from turning into a weak neighborhood). The goal would be to go into these types of neighborhoods and identify spots while leveraging resources.

One of the things that they focused on was using GIS to analyze neighborhoods. Mr. McNair then shared maps containing data (i.e. neighborhood action plans, neighborhood progress maps, market of segmentation analysis results, strategy areas, block groups, market index datasets, risk

factors in moderately strong neighborhoods, market index, etc....) from jurisdictions that were showcased.

The next steps in the process are to:

- *Convene City staff team*
- *Create private/non-profit task force (have not done this yet due to it not being the right time)*
- *Gather and analyze most recent data*
- *Map severity by neighborhood*
- *Attend May 19-21 conference in Detroit ("Beyond Blight-Building a Bold Movement")*

Mr. McNair then reported on the "Reclaiming Vacant Properties Conference" that was held in Detroit, Michigan May 19-21, 2015 that was very well attended, with six attending from High Point. He shared that this Summit was jam-packed with information resulting in over 55 sessions being offered over a 3-day period (i.e. Land Banking; Code Enforcement; Understanding Neighborhoods; Arts and Place Making; Green Infrastructure, Reuse, Urban Ag; Residential Rehab; Equity, Fairness, and Engagement; Non-Residential Rehab; Tax/Mortgage Foreclosure, etc...). He provided a link for most of the presentations made at the conference: <http://www.communityprogress.net/session-topics--descriptions--and-presentations-pages-484.php>

A lot of the different cities that were presenting talked about indicators of the stress, as well as blight in the neighborhoods. An overwhelming majority of these were worse off than High Point. He shared some of the remedies that were discussed such as:

- *Detroit (Web Based Property Listings)*
- *Jackson (Community Garden)*
- *St. Louis (Bistro Box- shipping container restaurant)*
- *New Orleans (Lots of Progress Program)*
- *Trenton (Vacant Property Database)*
- *St. Louis (Urban Agriculture)*
- *Detroit (GIS Mapping)*
- *Youngstown (Neighborhood Preservation)*
- *Detroit (0% Home Repair Loans)*

Mr. McNair shared that all of the different cities presenting at the Summit, talked about using tools, one that is really big is the coordinated interventions. He noted they have Land Banking authorities that drive a lot of this.

He reported some of the next steps they discussed were to:

- *Work with departments to identify key data categories*
- *Apply to Technical Assistance Scholarship Program- Center for Community Progress (staff decided not to pursue this because it was a competitive process, staff was not ready to do this)*
- *Work with the Center for Housing and Community Studies- UNCG (staff reached out to UNCG to conduct a study to help prioritize redevelopment)*

- Make recommendations to City Manager some time in December

Mr. McNair reported the UNCG study is almost complete, which will be presented to Council during a Briefing Session scheduled for November 16th, with a final report by UNCG in December. He shared that as part of the study, UNCG divided the Core City into areas for neighborhoods (weak, strong, stable, based on census data, based on analysis). He shared a copy of a map (City of High Point Market Segmentation Analysis Results).

Council Member Golden asked what constitutes a “constrained” neighborhood identified in yellow on the map. Mr. McNair explained these neighborhoods are not quite functioning and are at a point where they could possibly go back to functioning with code enforcement, rehab, beautification, etc..... He used the Macedonia neighborhood as an example of a neighborhood that was targeted and transformed. The city came in hard when tackling this neighborhood for redevelopment (i.e. a lot of infrastructure put in; a lot of federal dollars used; built 35-40 homes, etc....). He advised that the city could go into some of these areas and find a spot that would work with maybe contiguous properties that would yield themselves to redevelopment, or something that could be repurposed like an old city building. Mayor Pro Tem J. Davis asked if it might be better to take the \$319,000 available in this year's budget and target one of the areas that may be a tipping point, buy a bunch of houses, tear them down, land bank it and clean up some neighborhoods. He pointed out the UNCG study would help answer the questions in determining which neighborhoods would make good target areas and would aid tremendously in prioritizing areas for redevelopment. He reviewed some of the overwhelming factors that make a neighborhood extremely weak: is it housing value, is it crime, is it the age of the residents, is it people on food stamps? He noted there is a combination of factors that contribute to declining neighborhoods.

Council Member C. Davis commented that she hopes the Council Members that were able to go would allow some of the others to go in 2016 so they could all be on the same page.

Mr. McCaslin announced at the next Manager's Briefing Session, there will be two subjects discussed: 1) Fair Housing, and 2) UNCG presenting their study. Mayor Pro Tem J. Davis inquired about Retail Strategies and Mr. McCaslin advised there is nothing scheduled with them between now and the end of the year.

There being no further business to discuss, the meeting adjourned at 5:07 p.m.

Respectfully Submitted,

Maria A. Smith
Deputy City Clerk



**PLANNING AND DEVELOPMENT COMMITTEE
OCTOBER 20, 2015 – 4:00 P.M.
HIGH POINT LIBRARY, MORGAN CONFERENCE ROOM**

MINUTES

Present:

Committee Chair Jay Wagner, Committee Members Cynthia Davis, and Jim Davis

Absent:

Committee Member Jeff Golden

Staff Present:

Randy McCaslin, Deputy City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; Brent Cole, Assistant City Attorney; Wendy Fuscoe, Core City Administrator; Jeron Hollis, Communications and Public Engagement Director; Ryan Ferguson, Marketing Manager; Worley Smith, Communications Specialist; Randy Hemann, Assistant City Manager; Tom Spencer, ERP Manager; Mark Schroeder, Senior Planner; Lee Burnette, Planning & Development Director; Maria Smith, Deputy City Clerk

Others Present:

Victoria Binder, AmeriCorps VISTA Volunteer with HPU; Erin Karpovich, AmeriCorps VISTA Volunteer with HPU; Judy Stalder (TREBIC), Joe Blosser, Executive Team-Greater High Point Food Alliance; and Molly Fletcher, Urban AG Committee

News Media:

Pat Kimbrough, High Point Enterprise

Handouts: 1) *Urban Agriculture Committee Recommendations Animal Keeping Discussion Issues*
 2) *Applicable Code Provisions*

Note: The handouts distributed during this meeting will be attached as a permanent part of these proceedings.

1) Discussion- Urban Agriculture Code and Ordinance Changes

Lee Burnette, Director of Planning and Development, pointed out discussion of this topic originated in the Prosperity & Livability Committee and was then referred to the Planning & Development Committee. He mentioned this came from the Urban Agriculture Committee (UAC) that Wendy Fuscoe, Core City Administrator, was working with. The UAC is encouraging or increasing the opportunities for agriculture use (not just crop production, but also livestock keeping) and they addressed concerns related to several

provisions that are contained in the City Code and Code of Ordinances, as well as the Development Ordinance. Mr. Burnette reported that he met with Wendy Fuscoe and Carl Vierling and they discussed four to five issues that the Urban Ag Committee has expressed concerns about:

Issue #1: The community would like to be able to sell eggs and products from the chickens they raise. Currently the City Code allows for keeping up to 5 chickens per dwelling unit, but it does prohibit the sale of eggs and the slaughter of chickens and their interest is to allow the sale of eggs, as well as the slaughter of chickens. The current City Code prohibits this from occurring.

Issue #2: Allow the keeping of chickens in multi-family structures. The City Code allows for the keeping of chickens in places of residential with the exception of multi-family structures. They are asking that the keeping of chickens be allowed in all residential areas. However, this would require a change to the City Code to keep chickens in multi-family structures. City code currently allows chickens in place of residence.

Issue #3: Allow the keeping of pigs on lots 5-acres in size, subject to an undetermined density standard. Currently, any type of swine, hogs or pigs are prohibited by City Code. This would not only require a change in the City Code, but would likely a change in the Development Ordinance to establish whatever density standard that would be allowed.

Issue #4: There is a minimum lot requirement in the zoning regulations for the keeping of small livestock (sheep, goats or other small animals). They would like to remove the 5-acre minimum and just regulate by density and are recommending a 150 sq. ft. per animal, where the current Code requires 10,000 sq. ft. per animal.

Issue #5: Reduce setback requirements. Depending on the type of animal, it varies from 40-feet from a property line or from adjoining property to 100-feet to possibly 200-feet in terms of principle use. They would like to reduce it down to 25-feet. This would likely require changes to the City Code, as well as the Development Ordinance.

Mr. Burnette suggested that the Committee decide which issues they might be interested in changing (all or part) and then it would be up to staff, legal and planning to review and bring back any information that might be necessary to pursue those desired changes.

Randy McCaslin, Deputy City Manager, introduced Joe Blosser, who is on the Executive Team with the Greater High Point Food Alliance (GHPFA). Mr. Blosser advised that these recommendations came from the UAC of the GHPFA, a non-profit organization that is housed under the United Way. The Urban AG group consists of about 70-75 who are part of an email distribution group and noted about 20 people from this active group have been meeting every couple of weeks. He explained during their first meeting, one of the issues that was brought to the forefront was the ordinances that were preventing people from doing any type of urban agriculture, so a sub-committee was formed that met and created a list of issues. He shared that several people serving on that committee, who have fairly sizeable plots of land, would like to be able to raise chickens, goats, sell their eggs, etc....

AmeriCorp VISTA- HPU students assisted them in some benchmarking data with Greensboro, Winston, Detroit, Raleigh, Charlotte, etc.... The committee felt there were a lot of unused warehouses in the city that could be used for growing mushrooms, lettuces, etc.... and have discussed ways to produce food in a community that's incredibly food insecure and are wondering how to help people produce and take responsibility for their own food. He advised that other ideas may be forthcoming. Committee Member J. Davis pointed out many in the Urban AG group may have large tracts of land, but he expressed concerns because if an ordinance is revised, it would have an effect on the entire city (no matter what size

the zoning lot). He shared that he has talked with many people in the community and has not heard one person who thought this was a good idea.

Response to Issue #1: Committee Member J. Davis found it hard to believe that anyone could start a business by selling eggs because a chicken only lays one egg a day and currently only five chickens are allowed. He expressed concerns about the slaughtering of chickens in residential areas and felt the 10 x 15 pen size would increase the risk of flu disease and odors. Committee Member C. Davis did not necessarily have an issue with the sale of eggs, but does not agree with the slaughtering of chickens in a residential area. She advised that she would not be able to support this. Chairman Wagner pointed out there is a limit of five chickens, so this restriction would not constitute a business. Assistant City Attorney, Brent Cole, advised that the Health Department would more than likely not permit the sale of slaughtered chickens and he felt this issue was more about selling of the eggs. Mr. Burnette elaborated on the slaughtering versus the selling of chickens. Committee Member C. Davis encouraged proper disposal of chickens. Mr. Burnette suggested defining and discussing these issues and noted that staff has had to deal with the public nuisance aspect of it. Mr. Blosser suggested this could be added to their educational material, if it is adopted/revised.

Committee Member C. Davis shared for her, it was about a business endeavor and suggested possibly looking at it as a business endeavor and creating something in that respect, but objected to allow it within residential neighborhoods and multi-family. She also noted that she does not have a problem with the selling of eggs, but expressed concerns regarding the regulation and safe rotation of the eggs that would be sold. Mr. Blosser noted they are not recommending changing the number of chickens, but underprivileged people have expressed an interest in raising chickens and would like to slaughter chickens they raise to feed their family. He pointed out this was not referring to the mass production of chickens and they were not recommending changing the number of chickens, but they would like to sell some of their eggs and possibly slaughter and eat the chickens that they raise.

Chairman Wagner shared that he believes in empowering people to take care of themselves and he does not have a problem with it since there are mechanisms in place in the case that complaints are filed and it would be investigated and taken care of. Committee Member C. Davis stated, again, that she does not have a problem with the sale of eggs, but does have concerns regarding the rotation of the eggs to ensure they are fresh and sold in a timely manner. She did not have a problem with chickens being slaughtered for personal consumption, but did express concerns about mass production/slaughtering of chickens. Chairman Wagner suggested putting a provision in that would allow the slaughtering of chickens for personal consumption. Brent Cole, Assistant City Attorney, pointed out the sale of eggs and slaughtering of chickens are two different issues. Committee Member C. Davis agreed. Mr. Burnette also agreed with Mr. Cole's determination and pointed out there is a provision in the Code that says no commercial sale of chickens or chicken products (including eggs) so there is an interest in removing the eggs from that list and allowing the sale of eggs.

Committee Member C. Davis clarified that she is not against slaughtering chickens for consumption, but felt there was a necessity to address proper disposal of chicken innards, etc... Chairman Wagner felt like the sale of eggs and the slaughter of chickens on property for consumption by the homeowner would be possible, but the sale of the chicken parts would be considered illegal. He commented that the chicken parts could be put in a disposal or in a garbage can. Committee Member C. Davis took offense to the comment because of the difference in cultures and noted that some cultures just don't dispose of things like this in the trash.

A brief discussion followed regarding the proper disposal of chicken parts and the slaughtering of chickens. Mr. Burnette advised that a complaint of this nature would be dealt with from a public nuisance standpoint. He suggested staff could review the provisions in place to see if it could be dealt with more

directly. Mr. Blosser added that if it were allowed, they could create fliers as an educational component to get the word out.

Two of the three committee members present expressed a willingness to look at a proposed ordinance and asked staff to come up with wording for a proposed ordinance to discuss/consider at a future meeting.

Response to Issue #2: Allow the keeping of chickens for multifamily structures. Wendy Fuscoe, Core City Administrator, advised there was a strong interest in the Urban AG group to allow the keeping of chickens, not just within a 5-acre minimum, but on any kind of residential property. Committee Member J. Davis shared that he is an apartment building owner, but would never allow or agree to have his tenants keep any livestock or chickens because it would not be fair to the other tenants in the building. Mr. Blosser explained the concern came about taking a look at the lower income population and the recognition that many immigrant refugees slaughter and eat chickens as part of their cultures, but live in multi-family structures. He suggested possibly allowing it in the City Code, but make it flexible for the landlords that don't want to permit it in their buildings. Ms. Fuscoe felt there were a number of people who would be addressed if this regulation is narrowed somewhere between five acres and multi-tenant families. Committee Member J. Davis pointed out there are very few 5-acre tracts left in High Point anyway.

Committee Member C. Davis expressed concerns about allowing the keeping of chickens in multifamily structures and noted she would not support this. She cited some of the following issues that could be associated with it (unless there is a fence for separation of spaces, children could accidentally release the animals, crime rates could increase as a result of a hostile environment in an area where some could afford to purchase chickens and some may not, etc...). Chairman Wagner also expressed concerns and questioned how it would even work.

Mr. Burnette explained the approval of allowing the keeping of chickens for multifamily structures would require a different set of standards and felt it would be very difficult for landlords to deal with the issue.

There was no consensus from the Committee to move forward with allowing the keeping of chickens in multifamily structures.

Response to Issue #3: Allow the keeping of pigs on lots 5-acres in size, subject to an undetermined density standard. Mr. Burnette noted the first and foremost issue here is the city does not allow swine at all. He explained that the Urban AG Committee did not have a specific density in mind, but recognized and felt there was a need. Mr. Blosser clarified that the Committee's proposal was not for the slaughtering of pigs, but the keeping of pigs.

A brief discussion followed regarding the excessive waste that would be produced from the swine, which would lead to numerous public nuisance complaints due to sanitary reasons. Chairman Wagner stated he would be interested in getting additional information before making a determination on this issue; however, Committee Members J. Davis and C. Davis did not recommend to move forward.

There was no consensus from the Committee to move forward with allowing the keeping of pigs on lots 5-acres in size, subject to an undetermined density standard.

Response to Issue #4: There is a minimum lot requirement in the zoning regulations for the keeping of small livestock (sheep, goats or other small animals). They would like to remove the 5-acre minimum and just regulate by density and are recommending a 150 sq. ft. per animal, where the current Code requires 10,000 sq. ft. per animal.

Mr. Blosser mentioned the minimal number of 5-acre lots left in the city limits and felt the Urban AG group could be flexible on the 150-square feet per animal. Committee Member C. Davis shared that sheep and goats tend to be high maintenance and require a lot of acreage. Committee Member J. Davis agreed these animals are high maintenance and questioned who would regulate it to make sure the required maintenance is done. He pointed out the city's animal control is not set up to enforce this type of thing, so if these animals are going to be allowed in the city, an ordinance would have to be in place to force people to take care of the necessities. It was noted that these animals are currently allowed in the city, but on 5-acres or more.

A brief discussion followed regarding the basis behind requiring the 5 acres. Ms. Fuscoe explained the HPU VISTA student did some research on minimum areas other cities require. Some of the results were: Charlotte requires $\frac{1}{4}$ of an acre; Concord requires at least 20,000 sq. ft.; Atlanta requires 150 sq. ft. per goat, etc.... Chairman Wagner pointed out most were $\frac{1}{4}$ acres or less in size, so potentially $\frac{1}{4}$ of an acre per goat, but not to exceed a certain number of goats could be considered. Committee Member J. Davis advised that $\frac{1}{4}$ of an acre basically would not be allowed in many of the zoning jurisdictions (ie. RS-5, RS-7, RS-9, RS-12). Mr. Blosser pointed out there would also be setbacks associated with it, and there were more plots of land $\frac{1}{4}$ or $\frac{1}{2}$ acres in size versus the 5-acres.

Mr. Burnette clarified that the ordinance currently allows goats with a requirement of a minimum of 5-acres and the request is to remove the 5-acre requirement and regulate it by density. He asked the Committee if there was any interest in removing the minimum 5-acre requirement and regulate it solely by density, pointing out the current regulation by density is one animal per 10,000 sq. ft.

There was no consensus from the Committee to move forward at this time with removing the 5-acre minimum and regulate by density (at 150 sq. ft. per animal) until additional information is received on the reasoning behind the 5-acre minimum.

Response to #5: Reduce setback requirements. Depending on the type of animal, it varies from 40-feet from a property line or from adjoining property to 100-feet to possibly 200-feet in terms of principle use. They would like to reduce it down to 25-feet. This would likely require changes to the City Code, as well as the Development Ordinance.

Mr. Burnette noted the interest was to basically limit the setback requirements to 25 feet in most scenarios in the keeping of animals. He explained that the 40 foot area for chickens could be 40 feet from a property line, but it could be less because the measurement is taken from the adjoining structure. Because of this there may be some cases where the 40 feet may actually be zero rather than 25 feet from the property line. He felt the area of concern was more with the provisions in keeping of goats and sheep, as well as the cows and horses which requires 100 feet in most situations, or 200 feet as a principal use. He suggested the 40 feet be measured from the adjoining structure, to allow it to be closer than 25 feet to the property line, or it could be further away depending on where the structure is actually located. Mr. Burnette advised they have to keep them 40 feet, so in many cases they end up having to put them in the upper part of their backyards. Committee Member C. Davis noted this could be problematic when there is not much of a backyard.

There was no consensus from the Committee to move forward at this time to reduce the setback requirements, but to possibly reconsider it after receipt of the additional information by staff.

2) Update- New Development Code Re-Write and associated future actions

Mr. Burnette reported the consultants were working on the final edits and would have a clean Development Ordinance soon. Once the clean Development Ordinance is received from the consultants, it will be placed on the city's website and distributed to interested parties. The Update Advisory Committee will get the final version with a follow-up meeting to be scheduled with them. Staff plans on having at least two public outreach meetings before the end of the year. Staff will schedule a work session with the Planning & Zoning Commission, as well as the City Council to go into more details regarding the scope of the proposed changes in the ordinance. The conclusion of the outreach will prompt the adoption process, which will require it to go through the Planning & Zoning Commission, and then on to the City Council for adoption.

Mr. Burnette explained that staff will be looking for some direction as to the effective date because of the remapping that will be required based on some of the recommendations. In many cases, a lot of the zoning districts are being consolidated (taking two or three zoning districts and combining them into one). The Public Institutional District is proposed to be split up into two different districts. Also, the Washington Street District currently is an overlay zone on top of a Central Business District, but the new Development Ordinance will make it a base zoning, just one zoning district for the ease of implementation and administration. This will require a rezoning for Washington Street as well. The City Council will need to take action to initiate the mapping changes and there will be additional public outreach to the effected property owners on those map changes, which will have an adoption process and go to the Planning & Zoning Commission, then to the City Council.

Committee Member C. Davis asked when staff would be providing the new Development Ordinance for Council's reading pleasure and review. Mr. Burnette replied it would be sometime in November. He explained staff would be sharing information that summarizes the proposed changes, which will be reviewed in more detail during the work sessions. As part of the public outreach process, staff will also have some handouts that summarize the changes and this would also be shared with Council once prepared. Mr. Burnette mentioned that TREBIC has requested a dual ordinance and staff would be exploring this with legal counsel. He noted it would basically allow some overlapping from the old and new ordinance, which would give property owners the option of being under the old ordinance, as well as the new ordinance.

Staff hopes to have a more detailed schedule by next month and is projecting an effective date somewhere between mid-summer to early fall, with a certain period of time specified for submitting where no additional zoning changes would be taken. Judy Stalder with TREBIC explained they are recommending a dual ordinance for a time because it allows the development community the ability to view both ordinances and they felt it was good public relations and if any glitches are detected in the new ordinance, it does not stop somebody moving forward because there is another ordinance they can use. Ms. Stalder shared that the City of Greensboro had a dual ordinance for a one-year period.

Ms. Stalder commented that she would not be staying for the discussion on Accela, but wanted to encourage everyone to visit the tiny houses that are on display at the corner of Commerce and Main. A brief discussion followed regarding how these tiny houses are classified and inspected

and if they would be inspected as a mobile home or a modular. Mr. Burnette advised most of the ones he has seen have been site built (modular type) and would be inspected under the State Building Code. He further explained that modular structures are inspected by the State Building Code, require certification by an engineer for the design, and are inspected in the factories during the process with any kind of assembly on site being typically done by local inspectors. It was noted that mobile homes are not permanent structures, are meant to be moved, and are inspected according to HUD guidelines. Committee Member J. Davis pointed out the current ordinance currently does not allow a meter base, which might be problematic if someone wants to put one of these in the backyard as an accessory dwelling.

3) Update- Accela Progam

Mr. Burnette explained that Accela went live on August 3rd and reported that the city had really strong participation. The city's goal for a participation rate was 30% after one year; the actual participation rate was 63%. Multiple departments will be using Accela (i.e. Planning, Inspections, Customer Service, Transportation, Public Services, Police, Fire, Engineering, etc...) The Accela Project involves three products: 1) Accela Mobile Office (used by field inspectors); 2) Accela Citizen Access (ACA) (public portal for citizens to use); and 3) Laser Fische, a document management system on the backend that manages electronic documents.

A brief demonstration followed on the new website, www.buildhighpoint.com, which provides basic information to the public/users such as the process, how to register, a guide as to what permit to apply for, new fee schedule, tutorial, etc.... Mr. Burnette noted a portion of the monies received from the HUD grant to do the Development Ordinance Rewrite were used to contract with a company to implement this website, while the content was written by staff.

Mark Schroeder with Planning & Development, shared some of the other products associated with Accela. He explained the temporary landing page for the www.buildhighpoint.com website has the following key links for citizens and professionals to use:

1. Registration to use the system
2. A guide as to what permit to apply for
3. New fee schedule
4. ACA (Accela Citizen Access) tutorial
5. Hello system

He explained the Hello System is still active so contractors can still call in and schedule inspections; however, some of the key strokes have changed. Committee Member J. Davis asked if there was a number could be called that goes directly to a staff person. Mr. Schroeder replied by calling 883-3151, a permit specialist could assist and schedule an inspection, but it could roll over into voice mail, then staff would return the call.

Mr. Schroeder provided a real time demonstration of the website. Mr. Burnette noted that in the case a permit fails, only the person applying for the permit/inspection would be able to see the reason and only the applicant would be able to access and view the plans that are submitted as part of the process. Committee Member C. Davis asked if it might be possible to put an n/a next to the items without having to go in and actually look at them. Mr. Schroeder explained the check marks are hard coded by Accela and the city does not have any control over that.

Mr. Schroeder shared a screen of the sections below the processing status that contain attachments available on the record to include the permit or the approved plans and noted that while the plans are being reviewed, only the applicant has access to download, but once the permit is approved, the plans would then be available. Committee Member

Committee Member J. Davis pointed out with Accela, it might be a day or so before an inspection can be scheduled. Mr. Burnette noted it is typically marked more than a day after acceptance of the plans before the inspections are turned on because the plans still have to be reviewed by a planner. Mr. Burnette explained that the process has not changed; it just goes a little quicker with Accela. Committee Member J. Davis asked if there have been any issues where builders dig footings, then call for an inspection and cannot get an inspection. Mr. Burnette recalled only one, which was a person who came in this past week after 4:00 p.m., and finished up the process about 4:45 p.m., which was past closing time to get a permit. So it did not move to a planner for review until Monday and he tried to call in for an inspection on Monday, but the plans had not yet been reviewed. Committee Member C. Davis suggested it might be helpful to put a disclaimer on the form to remind applicants so they would be aware of it. Mr. Schroeder pointed out in the case that an applicant attempts to schedule an inspection before the plans have been reviewed, they would get a pop-up error telling them they are not able to schedule it because the inspection task has not been activated. Mr. Burnette advised this is where referring people to the www.buildhighpoint.com website proves to be useful because it identifies the procedure and process for filing a permit.

Committee Member J. Davis shared a recent experience he had while calling in to the Inspections Department for a framing inspection, which was approved a day or two before, and then he had to call in a plumbing inspection, but was told something like this permit is ineligible for inspections. He noted although the issue was resolved by staff, it was still a frustrating experience. Mr. Schroeder explained the system was not configured to turn on the option to add additional inspections because there is a process that is required to be followed, but recommended the applicant give Inspections a call or send in an email to add the inspection.

Committee Member C. Davis expressed concerns regarding the public having access to the floor plans that are submitted because someone breaking into a home could get a copy of the plans and have the whole layout of the house. She asked if there would be a way to have a code put in that would restrict access to the floor plans to anyone other than the builder or the applicant. Mr. Burnette agreed this was a valid concern, but they get a lot of requests for public information, which they are required to release and due to the volume of the requests they get in, this makes it more convenient for staff and saves a considerable amount of time. This prompted a discussion regarding whether or not there would be a record of anyone who accesses the plans. It was noted that records would be available if the person accesses the ACA system, but logging in as an anonymous user it would not. Mr. Burnette pointed out it is not uncommon for plans to be accessible on other jurisdictions websites.

Committee Member C. Davis expressed concerns about not being able to use her Apple iPad to access the information in Accela or The Point. Tom Spencer, Systems Project Administrator, explained that currently the iPad is not widely supported on these types of software, but are moving towards this with the newer versions that will allow more browser interfaces.

Mr. Burnette concluded staff's presentation with a comment that the Accela software is highly configurable and enables staff to have the ability to go in and make changes that might be necessary as processes change, etc....

Outdoor Advertising Signs

Chairman Wagner stated he would like staff to bring back a proposal regarding the outdoor advertising signs/billboards before the end of the year. Mr. Burnette noted the intent was for Council to designate areas for possible test site locations and pointed out staff needs direction from Council as to what to they would like to implement. He added there were a lot of issues that had to be looked at in terms of not just the locations, but how to implement because there were a lot of policy issues and changes to the code that would need to be made.

There being nothing further to come before the Committee, the meeting adjourned at 5:55 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Maria A. Smith, Deputy City Clerk

Jay Wagner, Chairman

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 10, 2015 and before the City Council of the City of High Point on December 7, 2015 regarding **Zoning Case 15-17** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on November 1, 2015, for the Planning and Zoning Commission public hearing and on November 25, 2015 and December 2, 2015, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on December 7, 2015.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: A **General Business (GB) District**. The property is approximately 0.67-acres and lying along the east of the W. English Road, directly opposite of the Boyer Street intersection (2401 W. English Road). The property is also known as Guilford County Tax Parcel 0194295.

SECTION 2

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

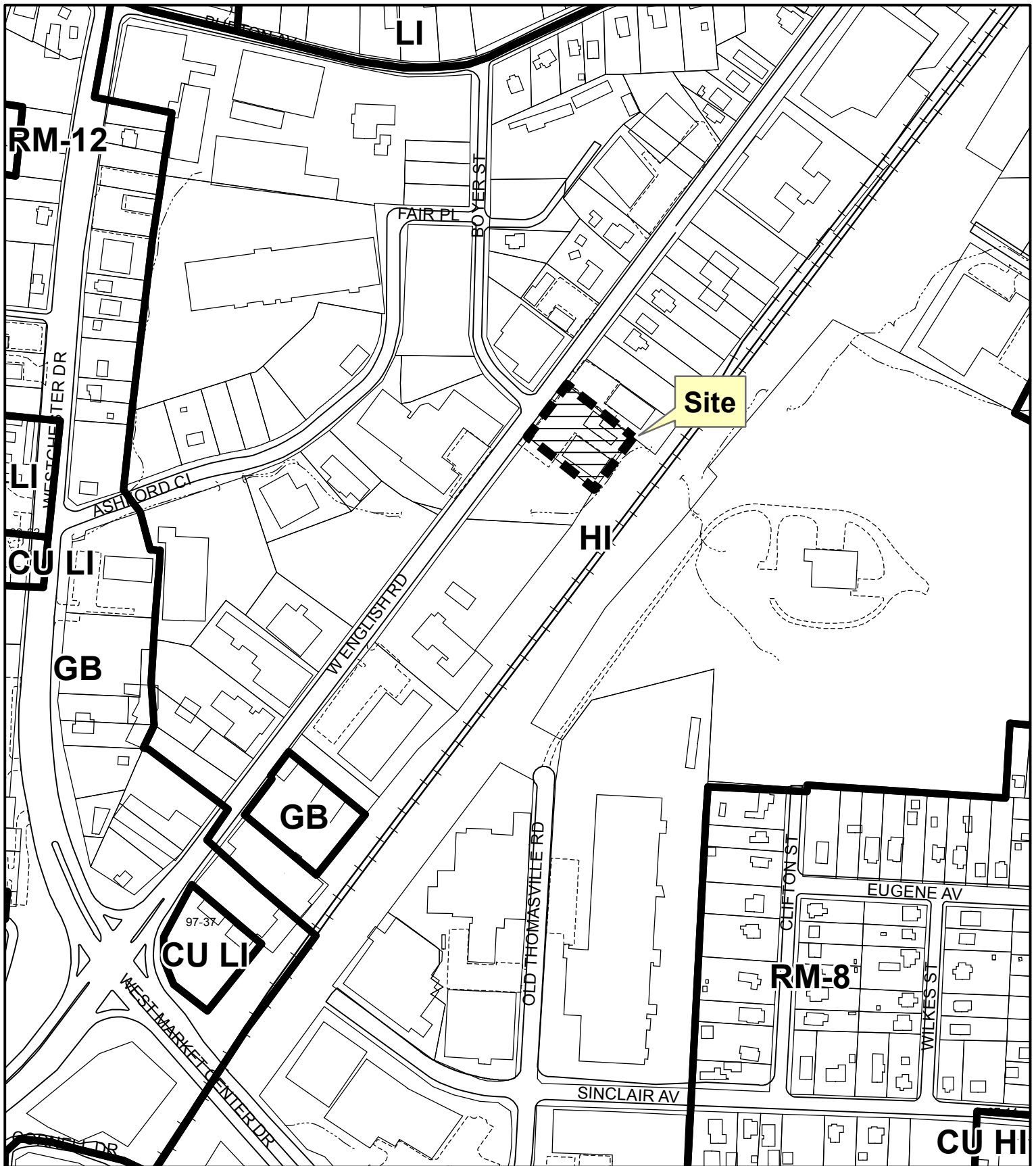
SECTION 3

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon the date of adoption.
7th day of December, 2015.

Lisa B. Vierling, City Clerk



ZONING AMENDMENT ZA15-17

From: Heavy Industrial
To: General Business

Existing Zoning Boundary
Subject Property Boundary

Planning & Development
Department

City of High Point

Date: October 30, 2015



Scale: 1"=300'
G:/Planning/Secure/ba-pz/
2015/pz/za15-17.mxd

CITY OF HIGH POINT

AGENDA ITEM



Title: Private Art Display Policy Revisions

From: Randy McCaslin, Deputy City Manager

Meeting Date: December 7, 2015

Public Hearing: N/A

**Advertising Date /
Advertised By:** N/A

Attachments: Revised Public Art Policy

PURPOSE:

Revise the Private Art Display Policy to expand the program from limited/defined locations to citywide and allow the City to accept donated artworks.

BACKGROUND:

On August 18, 2014 the City adopted a Private Art Display Policy which governed the application, acceptance and display of public art at four city approved locations. A request to install artwork at the Southside Recreation Center led to a review of the policy. Staff recommends two revisions: 1. Redefining the section on locations to read as follows: Private art may be displayed on any public property once the art has been evaluated under this Private Art Display Policy and the location has been approved by the City Manager's Office and adding a section on ownership that reads as follows: Nothing in this policy shall prevent the City from receiving and displaying private art from artists who desire to donate their artwork to the City. Acceptance and display of donated artworks shall be at the discretion of the City Manager.

BUDGET IMPACT: N/A

RECOMMENDATION / ACTION REQUESTED:

Staff recommends adopting the proposed revised Private Art Display Policy as presented.

CITY OF HIGH POINT

PRIVATE ART DISPLAY POLICY

Purpose

The purpose of this policy is to create organized guidelines for the application, acceptance and display of private art and art projects on public grounds. The City will strive to enhance public places with high quality art work and use these displays to promote local artists. All artwork considered under this policy will be for temporary display. It is not the intent of the City that any of the approved artwork be displayed in perpetuity, nor is it the intent that the City would obtain ownership of any artwork that it allows to be displayed.

Application to Display Artwork

The artist or art owner may apply to the City Manager's office if they wish to have their art displayed on public grounds. The application must include a description of the artwork which includes a rendering or picture if available, dimensions, area desired to have the art displayed, artist's name and contact information, and dates when the artist wishes to have the art displayed. If requested by the City, the artist make a time available for a representative of the City to view the completed art project and if necessary photograph the art in order to review the piece for appropriateness. If the piece requires assembly, the artist may choose to assemble the art on site.

The area where the art will be displayed must also be approved by the City. Under no circumstances will the art be placed in an area that would interfere with pedestrian or vehicular traffic. The number of pieces allowed in a particular location will depend on the size of each individual piece and the available locations for similar displays.

Evaluation of the Art Display

After application is made to the City manager's office, the City manager shall forward the application to Theatre Art Galleries, Inc. ("TAG") to determine if the art is appropriate for display in the time, place and manner in which the applicant wishes for it to be displayed. Additionally, TAG will evaluate the artwork and ensure the appropriateness of the art based on the following:

- a) Long term durability and required maintenance of the artwork.
- b) Relationship and appropriateness to the immediate location (architecture, topography and landscape, scale of the art, on site structures or other physical attributes).
- c) Installation costs, site preparation costs, and insurance considerations.
- d) Local community standards and public response.
- e) Quality of the art.
- f) Diversity of artwork already in the area.
- g) Future projects planned for the location.
- h) Priority of display opportunities will be given to local artists.
- i) The art must not be obscene or defamatory; and
- j) The display of the art must not be in violation of any federal, state or local law.

TAG will present their recommendations to the City as to whether the artwork is appropriate and of quality for display. The City shall then arrange for placement of the artwork at the earliest date in which an area for display becomes open. TAG may provide a specific location in which they believe the Work

would add unique aesthetic or cultural value and the City Manager may then decide whether to direct placement of the Work at that location or place the Work at the earliest available location.

Display Location and Duration

The area in which the art may be displayed shall be designated by the City and no other sites for art displays will be considered unless approved by the City Council. Any artist wishing to display their artwork on public grounds must commit to having their art remain there for a period of six (6) months in order to avoid unreasonable disturbances to the area in which the art will be displayed. The area and duration for which the art will be displayed will be set forth in the City's Private Art Display Application which must be signed by each applicant prior to their art being displayed on public grounds.

City Approved Locations

~~The City Council may add additional locations to which public grounds will be used for private art displays at their discretion. The initial location where art will be displayed shall be as follows:~~

- ~~—— Site 1 – The W. Commerce Parking Garage west of the Garage Entrance~~
- ~~—— Site 2 – New traffic circle at S. Elm, W. Lindsay and W. Parkway~~
- ~~—— Site 3 – Traffic island at N. Hamilton and N. Wrenn~~
- ~~—— Site 4 – Traffic island at N. Hamilton, E. Kivett and English~~

Private art may be displayed on any public property once the art has been evaluated under this Private Art Display Policy and the location has been approved by the City Manager's Office.

Liability

The City will not assume responsibility for any loss or damage to art exhibited on public property. All artists will be asked to sign an agreement in which they list all items in their display and release the City from any liability. Additionally, the artist will be responsible for securing insurance on the artwork prior to the art being placed on public property. The artist will also be responsible for any maintenance to the artwork while it is on display and it shall be at the complete discretion of the City when such maintenance is required.

Set Up and Take Down of Displays

The artist shall provide whatever base or pad will be necessary to have their Work displayed on public property. The base must be removable and shall be removed at the time the artwork is removed. At the end of any established time period for the art to be displayed, or at the request of the City, the artist or his/her representative shall have the art removed at cost to the artist. The City may ask that the art be removed for any reason at and at any time once the art has been displayed. Under no circumstance will the City be responsible for storing the art after it has been displayed.

Application and Agreement Terms

All obligations of the artist or art owner and the City shall be set forth in an application to be completed and signed by the artist or art owner wishing to display their work. The City shall have the right to update and amend the application for future artists. No privately owned work of art may be displayed on public property without the artist or art owner having completed the City's application and having agreed to the terms of the application.

Ownership

Nothing in this policy shall prevent the City from receiving and displaying private art from artists who desire to donate their artwork to the City. Acceptance and display of donated artworks shall be at the discretion of the City Manager.

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-11
(City of High Point Technical Review Committee)

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: Yes

Advertising Date: November 20 & 27, 2015 and
December 2 & 6, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Resolution of Abandonment

PURPOSE:

A request by the Technical Review Committee to abandon a portion of an unimproved right-of-way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On November 10, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-11. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-11 by a vote of 7-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-11 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-11

At its November 10, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-11. All members of the Commission were present, except for Mr. Andrew Putnam. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

No one spoke in favor or in opposition of the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-11, as recommended by staff, by a vote of 7-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
STREET ABANDONMENT CASE 15-11
November 10, 2015**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: A request to abandon a portion of an unimproved right-of-way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
N. Centennial Street	Major Thoroughfare	80-foot wide right-of-way; 62-foot wide paving with curb and gutter
Shepard Place	Local Street	45-foot wide right-of-way; Gravel/dirt driveway

Adjacent Property Zoning and Current Land Use		
North	Residential Single Family-7 (RS-7) District	Single family dwelling and undeveloped parcel
East	Conditional Use Residential Multifamily-12 (RM-12) District	N. Centennial Street right-of-way
South	Residential Single Family-7 (RS-7) District	Single family dwelling and undeveloped parcels
West	Residential Single Family-7 (RS-7) District	Shepard Place right-of-way

Analysis

The City of High Point Technical Review Committee has submitted a petition to abandon a portion of an unimproved right-of-way (ROW) lying between N. Centennial Street and Forrest Street. This ROW, currently known as Shepard Place and formally known as Richmond Street, was recorded in 1924, on a map entitled “Property of J.A. Morris and R.T. Holton, High Point, NC – Subdivision for the Horney Brothers Land Company of Asheville, NC.” Since there are no plans to construct an improved public street in this ROW, staff is recommending the eastern 605 feet of this ROW be abandoned. The western 215 feet serves as access for three single-family dwellings and will remain open as a public ROW. There are other improved public streets, to the north (Northwood Avenue) and to the south (Charlotte Avenue & E. Dayton Avenue) that provide east-west access between Forrest Street N. Centennial Street. Based on the location of a perennial stream and 100-year flood zone that crosses this ROW, it is unlikely that it will be economically feasible to justify the construction of a public street between Forrest Street and N. Centennial Street at this location.

Abandonment of the City’s interest in this ROW will not deprive any owner of access to their property. Based on the ownership pattern (see attached map), parcels to the south are generally under the control of property owners with frontage to Charlotte Street and N. Centennial Street,

and parcels to the north are under single ownership with frontage to N. Centennial Street. Early notices to obtain input from abutting property owners were mailed out October 1, 2015. In addition, official mailed notice for the public hearing was sent to abutting property owners, a notice was published in the High Point Enterprise, and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

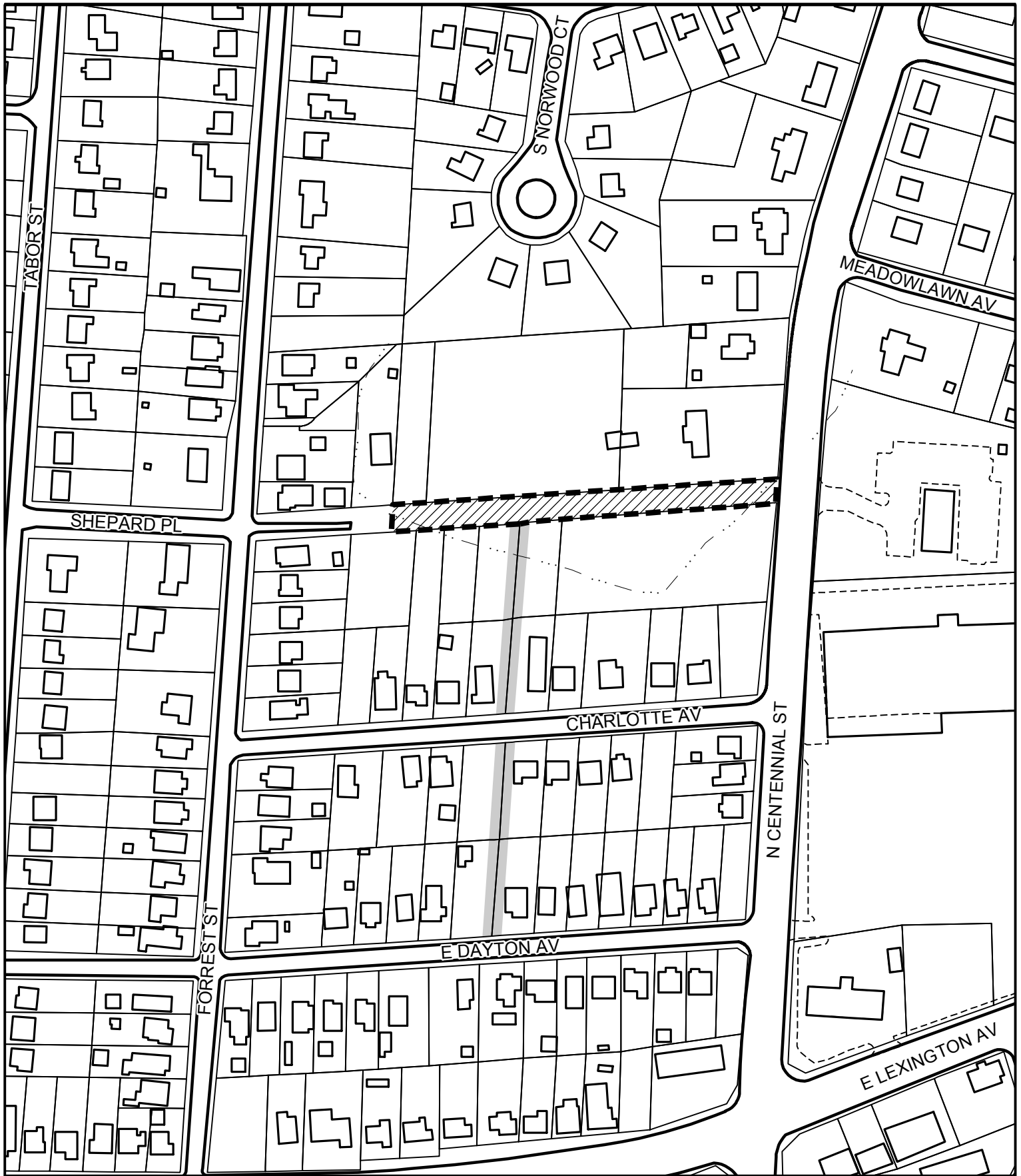
Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request and identified no concerns related to the abandonment of this ROW. The Public Service Department and Engineering Services Department have identified City sanitary sewer lines within this ROW and stated that easements must be retained over these lines.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request with the retention of a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



STREET ABANDONMENT REQUEST SA15-11

Applicant: City of High Point

Area: 0.56 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

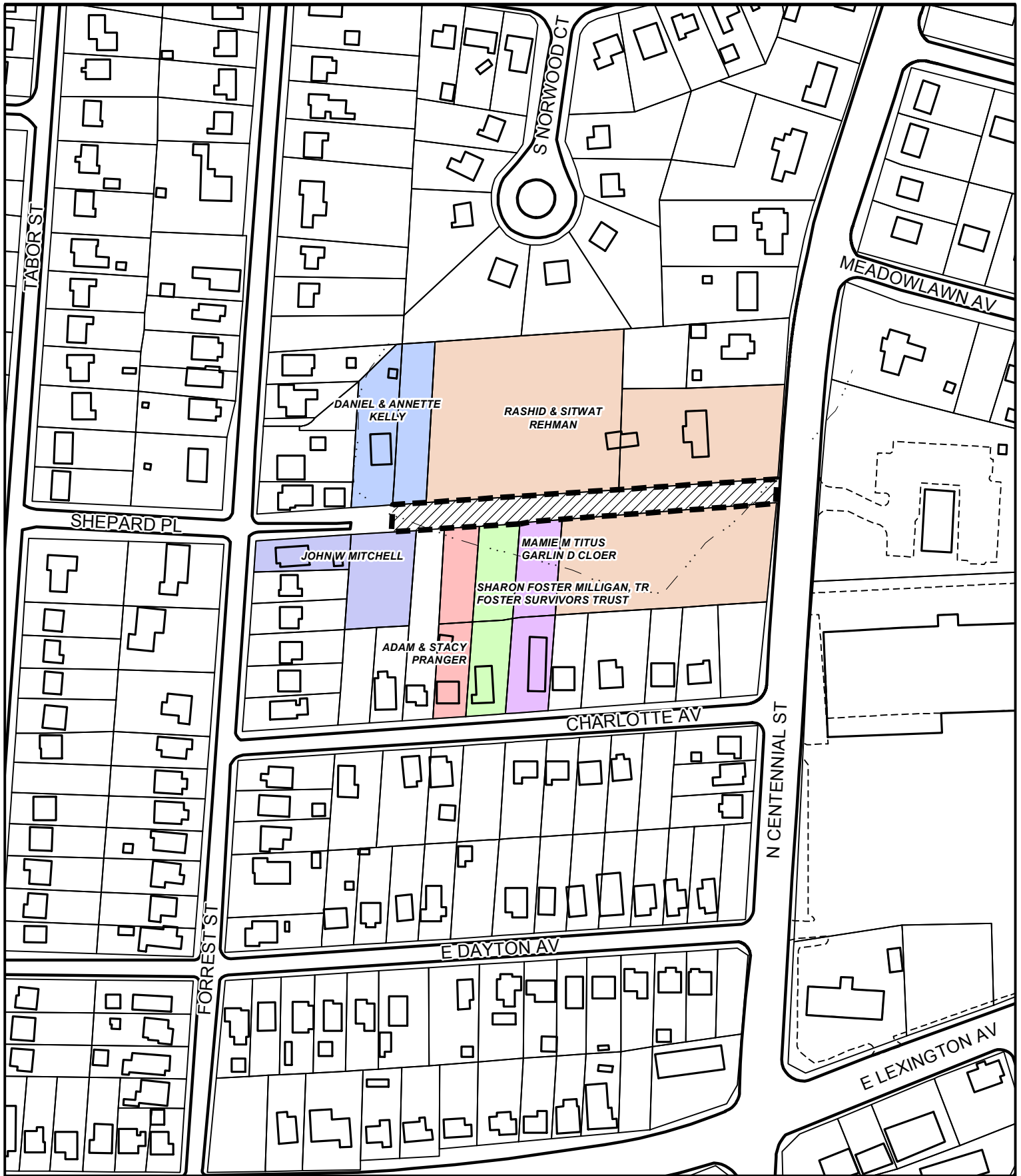
City of High Point

Date: October 30, 2015



Scale: 1"=200'

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2015/pz/sa15-11.mxd



STREET ABANDONMENT REQUEST SA15-11

Applicant: City of High Point

Area: 0.56 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: November 10, 2015



Scale: 1"=200'

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2015/pz/sa15-11ownership.mxd



STREET ABANDONMENT REQUEST SA15-11

Applicant: City of High Point

Area: 0.56 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: November 10, 2015



Scale: 1"=200'

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2015/pz/sa15-11topo.mxd

Attachments: Photographs (October 2015) and Aerial (February, 2014)
Looking west from N. Centennial Street

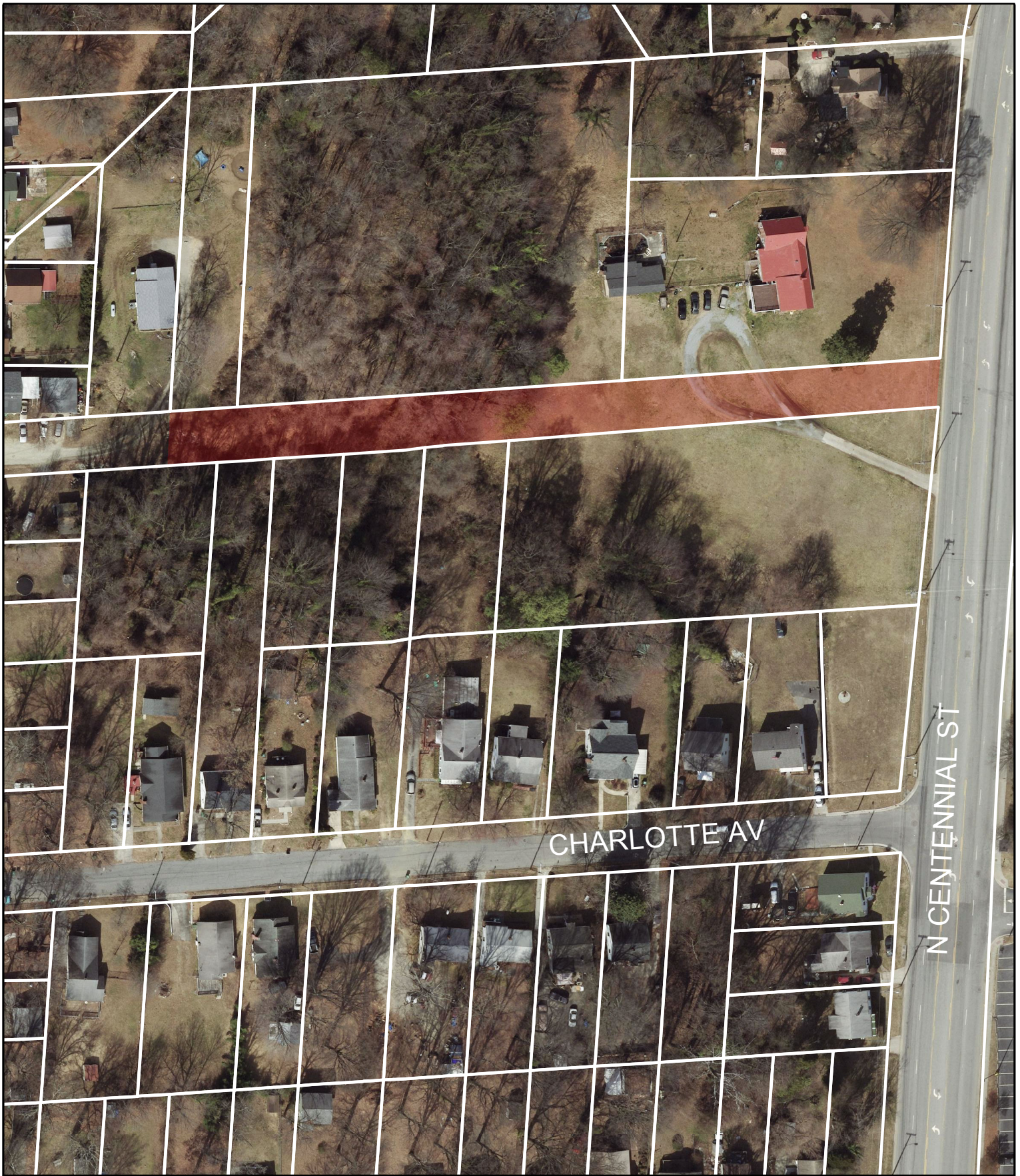


Looking east from Forrest Street



View of stream running through the ROW





STREET ABANDONMENT REQUEST SA15-11

Applicant: City of High Point
Area: 0.56 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: November 10, 2015



Scale: 1"=100'
G:/Planning/Secure/ba-pz/
2015/pz/sa15-11photo.mxd

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 15-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF DECEMBER 2015, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-11

(unimproved portion of Shepard Place, formally known as Richmond Street)

A request by the Technical Review Committee to abandon a portion of an unimproved right-of-way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of an unimproved right-of-way (45 foot wide ROW) lying at the eastern terminus of Shepard Place (Formerly Richmond Street). The right-of way is lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue, which is more specifically described as follows:

Beginning at the existing southwestern property corner of lot 137 as recorded in **(PB 6 PG 29)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence easterly along the southern property lines N 87°45' E for a distance of 600' to the existing southeastern property corner of lot 155, said point also being the western right-of-way line for Centennial Street; thence south 45' along the western right-of-way line for Centennial Street across the unopened portion of

Shepard Place(Richmond Street) to the existing northeastern property corner of lot 108; thence S 87°45' W along the southern right-of-way line of the unopened portion of Shepard Place(Richmond Street)to the northwestern property corner of lot 125; thence northerly across the unopened right-of-way to the point and place of beginning.

The total acreage for the abandonment of the unimproved 45 foot wide right-of-way located at the eastern terminus of Shepard Place (Richmond Street) is +/- 0.56 Acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of November, 2015, at 5:30 p.m. setting the 7th day of December, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning November 20 & 27, 2015 and December 2 & 6, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of a portion of an unimproved right-of-way (45 foot wide ROW) lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That a portion of an unimproved right-of-way (45 foot wide ROW) lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way; and

3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 7th day of December, 2015
Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Municipal Agreement with NCDOT for a Congestion Mitigation Air Quality (CMAQ) Grant

From: Mark McDonald, Transportation Director

Meeting Date: Monday December 7, 2015

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: Municipal Agreement
Map

PURPOSE:

Consideration of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a CMAQ grant.

BACKGROUND:

Congestion Mitigation & Air Quality (CMAQ) is a Federal program that funds transportation projects and programs in air quality nonattainment and maintenance areas to help achieve and maintain national standards for air quality pollutants. In North Carolina, NCDOT serves as the administrator for this program. Funding is apportioned to North Carolina based on the population in non-attainment and maintenance areas of the state and the severity of air quality problem. CMAQ funds are locally-administered and awarded at the MPO level to projects within eligible counties. The local project sponsor is responsible for providing the required match and meeting federal funding requirements. The City of High Point was awarded CMAQ funding allocated to the High Point MPO by the Federal Highway Administration (FHWA) for construction of a greenway trail.

BUDGET IMPACT:

NCDOT will allocate a maximum of \$1,236,000 of CMAQ funds to the City of High Point. The City will provide a 20% local match of \$309,000 which will be funded from Two-Thirds General Obligation Bonds.

RECOMMENDATION / ACTION REQUESTED:

The Department of Transportation recommends approval of this Agreement.

Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of High Point

County: Guilford

TIP: C-5609 A

Project: Deep River Greenway

Scope: a 10' wide asphalt greenway between Deep River Road and Penny Road that will provide access to schools, commercial centers, employment centers parks and recreational activities in High Point.

Eligible Activities:

PE		Design
		Environmental
ROW		ROW Acquisition
		Utility Relocation
CON	43731.3.2	Construction
OTHER		
FEDERAL-AID	CMS-0708(072)	

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Congestion Mitigation and Air Quality	\$1,236,000	80 %	\$309,000	20 %
Total Estimated Cost		\$1,545,000		

Responsibility: The City of High Point shall be responsible for all aspects of the project.

NORTH CAROLINA

**LOCALLY ADMINISTERED PROJECT -
FEDERAL**

GUILFORD COUNTY

DATE: 11/16/2015

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: C-5609 A

AND

WBS Elements: PE _____

ROW _____

CITY OF HIGH POINT

CON 43731.3.2

OTHER FUNDING:

FEDERAL-AID NUMBER: CMS-0708(072)

CFDA #: 20.205

Total Funds [NCDOT Participation] \$1,236,000

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of High Point, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, Section 1113 of the Moving Ahead for Progress in the 21st Century (MAP-21) allows for the allocation of Congestion Mitigation and Air Quality funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Deep River Greenway, hereinafter referred to as the Project, in Guilford County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,236,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a Supplemental Agreement.

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;

- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

COMPLIANCE WITH STATE/FEDERAL POLICY

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department's guidelines and procedures, including the *Local Programs Management Handbook*.

FAILURE TO COMPLY - CONSEQUENCES

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

2. SCOPE OF PROJECT

The Project consists of a 10' wide asphalt greenway between Deep River Road and Penny Road that will provide access to schools, commercial centers, employment centers parks and recreational activities in High Point.

The Department's funding participation in the Project shall be restricted to the following eligible items:

- Construction

as further set forth in this Agreement.

3. FUNDING

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse 80% of eligible expenses incurred by the Municipality up to a maximum amount of One Million Two Hundred Thirty Six Thousand Dollars (\$1,236,000), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
Congestion Mitigation and Air Quality	\$1,236,000	80 %	\$309,000	20 %
Total Estimated Cost		\$1,545,000		

PROJECT COSTS

In addition to the required non-federal match, the Municipality shall be responsible for all costs that exceed the **Total Project Funding** (Federal Funds + Non-Federal Match). Both parties understand that the **Total Estimated Cost** is subject to change and therefore, the Municipality's liabilities are subject to change. This Agreement will not be modified if the **Total Estimated Cost** changes and the LGA's additional liability changes.

COST AND FISCAL LIABILITY TABLE

Description	Amount
Project Funding (Federal Funds)	\$1,236,000
Project Funding (Non-Federal Match)	\$ 309,000
Total Project Funding (Federal Funds + Non-Federal Match)	\$1,545,000
Total Estimated Cost of Project	\$3,250,000
Municipality Additional Liability (Total Estimated Cost In Excess of Total Project Funding)	\$ 1,705,000
Municipality Total Liability (Non-Federal Match + Estimated Additional Liability)	\$2,014,000

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or \$123,600, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The Municipality has three (3) years to complete all work outlined in the Agreement from the date of authorization of Federal Construction funds. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.

PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department's *Policies and Procedures for Major Professional or Specialized Services Contracts*. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/legisregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.
- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.
- A pre-negotiation audit will be conducted by the Department's External Audit Branch. The Municipality shall not execute a consultant contract until the Department's review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.

7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.
- The Municipality shall advertise and conduct any required public hearings.
- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The

Municipality shall bear all costs associated with penalties for violations and claims due to delays.

- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statues/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project's plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department's guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.

9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE

The Municipality shall accomplish all ROW activities, including acquisition and relocation, in accordance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp; and the North Carolina Department of Transportation Right of Way Manual.

APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. To the extent allowed by law, the Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and to the extent allowed by law, will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by

contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, shall provide the Department all required documentation (deeds/leases/easement/plans) to secure right of way certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document and utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved.

13. CONTRACT PROPOSAL AND ENGINEER'S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER'S ESTIMATE

The Municipality shall develop an itemized engineer's estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer's estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.
- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference <https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx>.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.
- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legisregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at <http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/>, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department's Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality's contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.

17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Deep River Greenway, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Construction

REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**

Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**

At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**

The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$1,236,000 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

- **CONSTRUCTION ADMINISTRATION**

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

- **CONSTRUCTION CONTRACT UNIT PRICES**

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

- **RIGHT OF WAY**

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

- **FORCE ACCOUNT**

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

- **PROCEDURE**

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.

Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at <https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx>.

- **INTERNAL APPROVALS**

Reimbursement to the Municipality shall be made upon approval of the invoice by the Department's Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement

by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. REPORTING REQUIREMENTS AND RECORDS RETENTION

PROJECT EVALUATION REPORTS

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department's guidelines and procedures that detail the progress achieved to date for the Project.

PROJECT RECORDS

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department's Financial Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

It is the policy of the Department not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Municipality certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

OTHER AGREEMENTS

The Municipality is solely responsible for all agreements, contracts, and work orders entered into or issued by the Municipality for this Project. The Department is not responsible for any expenses or obligations incurred for the Project except those specifically eligible for Congestion Mitigation and Air Quality funds and obligations as approved by the Department under the terms of this Agreement.

AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with OMB Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations" (http://www.whitehouse.gov/omb/circulars_default) and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality's fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

All terms and conditions of this Agreement are dependent upon, and subject to, the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF HIGH POINT

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the City of High Point as attested to by the signature of _____ Clerk of the _____ on _____ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

City of High Point

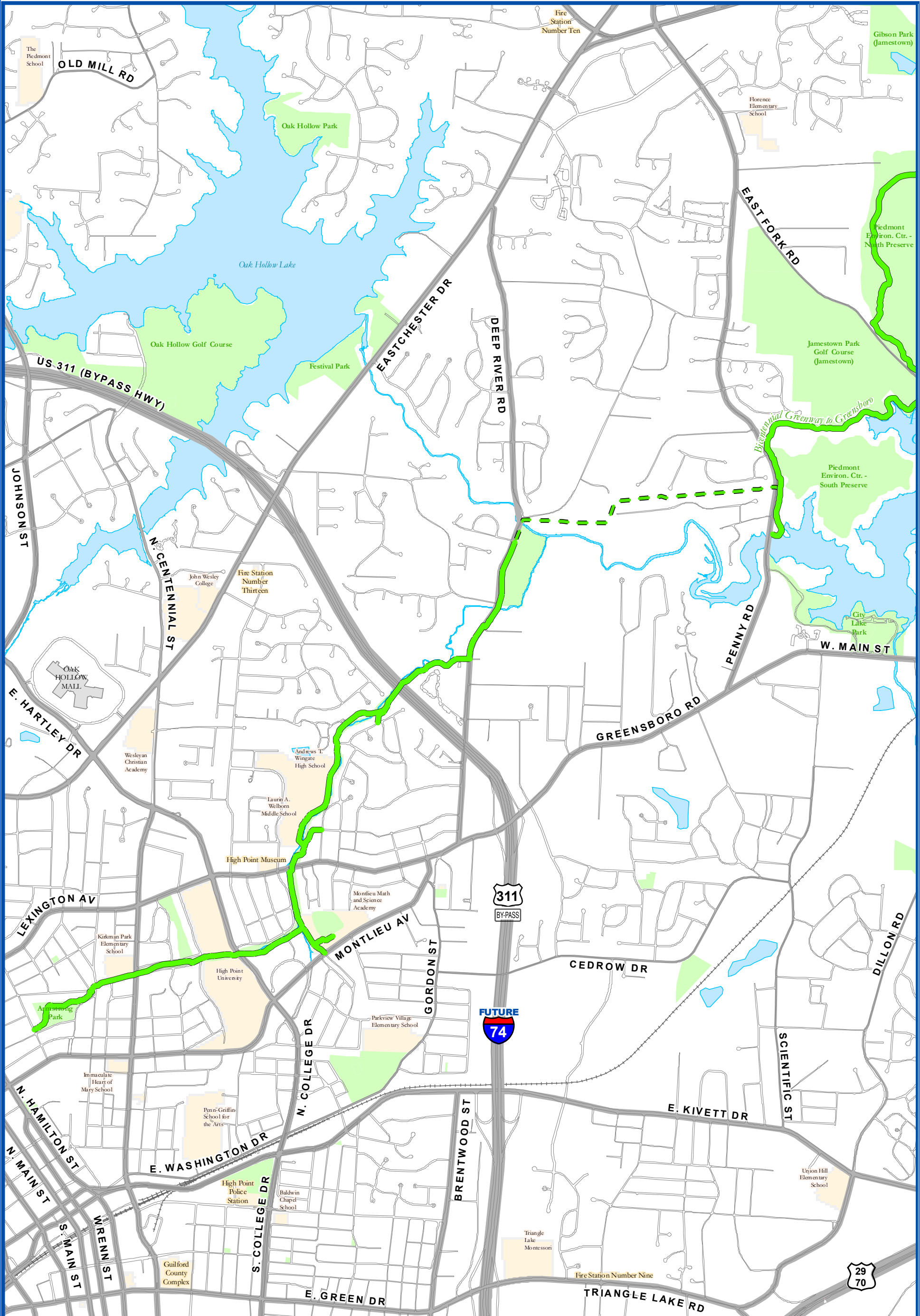
Remittance Address:

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



CITY OF HIGH POINT GREENWAY

Prepared by City of High Point Transportation Department
P.O. Box 230, 211 S. Hamilton Street, High Point, NC 27261

MAJOR ROADS
EXISTING/PROPOSED GREENWAY



0 500 1,000 5,000 20,000
Feet



Prosperity & Livability Committee
Members: Ewing, Alexander, Hill and Wagner
Chaired by Council Member Ewing
3rd Floor Lobby Conference Room
November 11, 2015 – 9:00 A.M.

MEETING MINUTES

Present:

Committee Chair Jason Ewing, and Committee Members Latimer Alexander, Alyce Hill and Jay Wagner

Also Present:

Council Member Cynthia Davis

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; Mark McDonald, Director of Transportation; Scott Dingus, Engineering Services; Keith Pugh, Director of Engineering Services; Terry Kuneff, Engineering Services; Loren Hill, President- High Point Economic Development Corporation; Eric Olmedo, Budget & Performance Manager; Jeron Hollis, Communications & Public Engagement Director; JoAnne Carlyle, City Attorney; Brent Cole, Assistant City Attorney; Wendy Fuscoe, Core City Administrator; Mary Sizemore, Director- High Point Public Library; Justin Westbrook, Planning & Development; Lisa Vierling, City Clerk

Others Present:

Judy Stalder, TREBIC
Mike Ross, Fibertech;

News Media:

Pat Kimbrough, High Point Enterprise

Handouts:

Presentation: Fibertech Pole Right-of-Way Encroachments
James Road Traffic Summary
James Road Maps
High Point Library Plaza Improvement Project
South Main Street StreetScape Program
Property Taxes Generated from Improvements in first 5 years

Note: These handouts will be attached as a permanent part of these proceedings.

1) Fibertech (Dark Fiber) Pole Encroachment Request

Deputy City Manager Randy McCaslin advised this is the first pole encroachment request with the anticipation of many more in the future, and since this is the first one received staff felt it would be good to vet it through the Committee first. However, future requests more than likely may not come through the Committee, but in some cases these encroachment agreements would have to come back to Council for approval.

Justin Westbrook, Senior Planner with Planning & Development advised that Fibertech plans to have a wheel and spoke network in the city for the purpose of bettering and extending their network and because it involves a right-of-way encroachment, it does require City Council approval. This request involves two proposals: 1) Thirteen above ground poles to be located throughout the city; and 2) Five poles to be located in areas deemed ‘underground utility areas’ by TRC. He then shared a map of the Wheel & Spoke Network where the fibers will be rung and hung throughout the city. These poles are about 33-feet in height with small cell antennas on them.

As a matter of clarification, Mr. McCaslin explained that dark fiber can be two different things: just fiber optics that hang on poles that can be leased to private companies to carry their data, or in this case, it is for a communications company that is trying to improve service in a particular area without putting up another large pole.

Committee Member Alexander asked about pole attachment fees and increased work load on High Point’s linemen in the event of damage to a pole. Mr. McCaslin replied the company would pay pole attachment fees and noted there are several workloads with one being a “make-ready” price (\$100,000) to make sure the poles can accept the fiber. Mr. McCaslin explained this is a fee that the company will pay the city to get the poles in shape for the fiber optics. Then in the case of emergencies where poles are damaged, they do have emergency contact information and people that will be in the area that can respond along with the city’s crews. Committee Member Alexander felt this would slow down the city’s ability to restore utility service. Mr. McCaslin noted this was certainly something to take into account, but pointed out the city does not have the ability to say no in these cases. He noted there may even be cases where the city may have to go in and install taller poles, which could be substantial for the “make-ready” work on the city’s end with a lot of this work being contracted out to Pike Electric. He agreed that in the future, this could significant add to the city’s work load and recovery in the case of emergency situations.

Committee Member Wagner asked if staff could possibly elaborate on the five underground poles. Mr. Westbrook shared a map of the proposed poles (blue indicates above ground; red is underground). He noted the above-ground wooden and metal poles and would have a small cell antenna, disconnect boxes, power switches. He explained they made it very clear to Fibertech in order for Council to consider these, it would have to closely mimic the existing light poles with “stealth” dual-purpose poles. All the electrical equipment is encased inside the pole. Mr.

McCaslin pointed out the base of these poles will be slightly larger than the normal metal poles and the antenna would actually go above the street light fixture. Council Member Alexander asked who would actually own the poles after installation and it was noted that Fibertech would. Assistant City Manager Randy Hemann asked who would pay to relocate the poles if streetscape work needs to be done and it was noted that Fibertech would.

Council Member Alexander asked about the duration of this agreement. Mr. McCaslin pointed out it is an encroachment agreement, which gives them permission to locate their poles/equipment on the city's right-of-way. Council Member Alexander in the case of technology changes, who would be responsible for taking the poles down. City Attorney JoAnne Carlyle advised these details should be addressed in the Encroachment Agreement.

Mr. McCaslin noted this would be on the City Council's agenda in December provided the Encroachment Agreement is prepared in time.

Committee Member Alexander questioned the reason Fibertech chose this specific part of the city and asked about future equity issues. Mike Ross with Fibertech explained they identified high density areas without good data/cell phone coverage. Assistant City Attorney Brent Cole explained that he spoke with both Herb Shannon and Bob Robbins with the Planning Department and they recommended we look at our ordinance as it relates specifically to this type of technology. He recommended broader language is needed to encompass the private companies coming in with these requests to put poles up in the city. Mr. Westbrook explained this was designed to enhance the macros because cell phone towers are becoming more difficult to permit. This takes the existing macros and makes their coverage more all-inclusive and increases the bandwidths for more efficient use.

Chairman Ewing asked if this was exclusive to one carrier or if there would be other carriers that could also bounce off it. Mr. Westbrook explained to his knowledge, it is one, however in discussions with Fibertech, it could be co-locations. Mr. McCaslin noted there are other companies interested in putting the fiber cables up and leasing to companies for secure data transmission. Chairman Ewing asked about other carriers attaching and utilizing these poles. Mr. McCaslin explained with city poles, other companies would have the same right and the poles would be utilized by multiple carriers. Mr. Cole advised that he consulted with the Electric Department about this in August and his input was these small cells on the city's poles with all existing cable would be too difficult to manage from a lineman's perspective because it would have to be a certain number of feet away from the existing cable and a specific location on the pole for it to be effective. This is why this was eliminated from the pole attachment agreement and why Fibertech is asking to put the poles up in these locations.

Mr. McCaslin reiterated this is new to staff and from an operational standpoint, staff would be working its way through these questions and legal issues and noted this was probably the first of many requests that would come through. Council Member C. Davis asked if it might be possible to present this information to the Finance Committee when it meets later today. Mr. McCaslin explained it was not really a finance item and it would be presented to the full Council when the matter comes to Council for action. Committee Member C. Davis felt the "make-ready" fee of \$100,000 was the reason it should also be heard by the Finance Committee.

2) James Road Traffic Study Update

Mark McDonald, Director of Transportation, provided a traffic study update for James Road. He shared that this traffic summary was prepared by the High Point Transportation staff in response to citizen concerns by the Oakview Citizens Committee about speeding on James Road, between Hartley Drive and Oakview Road. Existing conditions were identified by staff for this 0.6 mile segment of James Road as follows:

- Varying widths, with parts of this segment being marked only with a double yellow centerline; part is marked as four lanes; part is unmarked
- STOP and YIELD signs control traffic in the area
- Overnight parking (10:00 p.m. – 6:00 a.m.) is restricted along both sides of James Road near the recreation center (from Lakecrest Avenue to James Ct.). Also restricted at all times adjacent to the school, where the road is marked for four lanes
- School zone reduces speed limit on James Rd. and Oakview Rd. to 25 mph during morning intake and afternoon dismissal hours for Oakview Elementary
- Sidewalk exists along west side of entire segment between Harley Dr. and Oakview Rd. No sidewalk north of Oakview Road

Regarding the traffic volumes and speeds, in September staff did some traffic and speed data collection. Staff did observe that there does not seem to be any issues in the morning when parents are dropping off their kids at school, but around 2:30 p.m. – 2:50 p.m. traffic around the school was more noticeable causing traffic to back up. The combination of the queue spillover and parked cars effectively closes the southbound curb lane, causing passing traffic to drive into the “left turn only” lane at Lakecrest just to get around the queue. As a result of this traffic, illegal parking along James Road also seems to be a recurring problem. This causes thru traffic to move over to the inside lane, which is currently marked for left turn only. Mr. McDonald advised that staff did not see this as being a long-term issue, but could change the marking if needed.

He reported on the speeding issue along James Road. The volume and speed counts showed the average daily traffic here to be about 1,500 cars a day; average speed just below or right at the speed limit (34-35 m.p.h. about 60% of all traffic traveling at this speed or less with about 85% of all traffic traveling below 41 m.p.h). Staff did not see these numbers as out of line and reported there has been virtually no accident history in this area. Since 2009, there have only been three minor accidents in five to six years; none were attributable to speed. Committee Member Alexander asked if this a speed table might help or add noise to the area. Mr. McDonald replied that it would certainly add noise, but he would be reluctant to recommend a speed table given what staff has observed. He noted that although there is speeding in this area like most of the streets, but it is not to the degree as on Johnson Street and certainly not the crash problem like on Johnson/Farris. Council Member C. Davis noted that might be true, but pointed out there is not a rec center on the other roads that Mr. McDonald mentioned. She explained the neighborhood would just like to see some slower travel through here and some parking along the rec center in and round where the ball fields and the garden is because it spreads out and there's room for two cars to pass on both sides beyond the school.

Committee Member Wagner pointed out in the area not striped as four lane, south of Lakecrest that parking is allowed on the sides, but it just is not striped as parking spaces. Mr. McDonald advised that staff has reviewed aerials going back the last fifteen years and found no evidence that it used to be striped. Council Member C. Davis asked if there wasn't a white line that came all the way down for parking. Mr. McDonald replied that he did not see this. He explained the street was overlaid in 2012 with only a centerline now, but parking is permitted during the day along the curbs, ball fields and in front of the residences, but prohibited overnight.

Committee Member Wagner suggested possibly striping it for spaces noting it might create a perception of shrinking the road and create some friction that might slow traffic down. Mr. McDonald noted this would be one thing that could be done and there were some other more expensive fixes that might be possible to provide additional on-street parking other than just marking on-street spaces here. When large events or programs occur at Oakview Recreation Center, the rec center parking lots get congested and on-site parking is not always sufficient to meet demand so many patrons park along the curb on James Road resulting in some visibility issues for traffic exiting the rec center if parking occurs too close to the driveways. Committee Member Wagner asked if marking the spaces would also result in a reduction in the number of cars that could park. Mr. McDonald explained with it not being marked, more cars could potentially park, but lose control over how many could park there and they could spread out more and actually lose parking.

Committee Member Wagner then asked if the street was wide enough to do some angle parking at this location. Mr. McDonald advised that one thing that could be done is to move the centerline over to the east side of the road, then put in angle parking beyond and in front of the rec center. Staff has done some preliminary sketches and estimate that this could add an additional 55-60 spaces, but this would require reconstruction of all the curb lines and restripe the street. Staff estimates this cost to be around \$50,000-\$60,000.

Committee Member Alexander felt the real problem with the traffic in this area was not generated by the school, rec center or the residents, but that most of the traffic was coming from the cut-thru traffic going to Walmart and the N. Main Street shopping area. Mr. McDonald felt 1,500 cars a day does not indicate there is a lot of extra traffic in the area and he did not see this as an issue and happening with any frequency where they could put a firm number to it. Committee Member Wagner pointed out there is not a huge problem with speeding and felt the bigger issue was how to provide more parking for the rec center. He asked if the reverse angle parking might work. Mr. McDonald noted his staff has actually talked about this possibly being reverse angle parking which would provide safer movements for vehicles pulling out. The intent is to provide a safer backing movement on exit.

Mr. McDonald advised staff's recommendation at this point is to talk with the Police Department and step up the enforcement in this area, making sure signage is well posted. Chairman Ewing noted one thing that was brought up was making parks and rec areas almost like a school zone for a slow drive area.

Council Member C. Davis asked staff to go over the cost for the improvements again. Mr. McDonald replied that staff estimates it to be around \$50,000, but pointed out this does not

include the resurfacing of the parking lots at the rec center. She then inquired about the estimated cost to stripe a white line down the edge of James Road. Mr. McDonald estimated the cost to do this from end-to-end to be around \$3,000.

Chairman Ewing asked if the results are in for the Raleigh DOT Study. Mr. McDonald reported that the comprehensive study was received last week and staff hopes to present the findings of the study during a “Lunch & Learn” on December 9th, which would also include a complete streets presentation.

In regards to the parking, Council Member C. Davis respectfully asked on behalf of the Oakview citizens that the Committee consider the recommendation of striping a straight white line down the edge of James Road at the estimated cost of \$3,000 until a determination could be made as to whether or not to do the other improvements. Committee Member Alexander suggested taking the \$3,000 to pay for some overtime for the Police Department to write tickets. Council Member C. Davis pointed out this was proposed for Rotary Drive and it was not accepted based on the fact they had to go back to 2009 forward in order to find accidents and the accident record that they provided was mostly from natural causes. She shared there are people that are concerned about kids as well as speeding in a rec center area (which there is not one on Rotary or on Johnson) and Council accommodated the request of those citizens. Mr. Demko felt the physical changes would be more important than enforcement changes. Regarding the additional improvements, staff advised that it would require a budget amendment if the desire is to do it in the spring, or Council could budget for it in the new budget. Committee Member Alexander suggested if it is going to be in next year’s budget, consideration should also be given to paving the rec center parking lots at the same time. Mr. McDonald agreed that it would make more dollar wise sense to do it all together as one package.

Committee Member Wagner moved to direct the transportation department to paint stripes on each side of James Road until a more comprehensive project could be done. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

3) Downtown District Incentive Policy Review

Deputy City Manager Randy McCaslin: What we’re passing out is...we want to make sure that we all start with an understanding about what we’re talking about. With this incentive, we’re not talking about 100% of the taxes going to the property. We’re only talking about the increase that’s generated from the improvements. So, what I’ve handed out here is three examples showing a \$200,000 original building value, and then \$50,000 worth of improvements; \$100,000 worth of improvements; and then \$500,000 worth of improvements. As you can see there, the 100/80/60/40/20 column is what the current policy says. And what we were directed to do from the Council was to come back and look at 50/40/30/20/10. You can see the difference between what that incentive would mean over the 5-year period based on the reduction in the incentive. But I wanted to make sure that everybody understood what we were talking about. It’s not the full property taxes. You would still maintain that. All you’re talking about is....the incentive is

based on the difference, based on the improvements. So I wanted to make sure we all started at the same place there.

Chairman Ewing: I understand Jeff's concerns and this might be good to send to the rest of Council too. But if you look at the amount in each improvement, if somebody puts \$500,000 in to improve a building, that's going to create jobs. That's going to do a lot for our local economy and for us to not collect the improved amount of taxes for the first year, the \$3,200. I don't think that's.....

Committee Member Alexander: We need to let....we need to encourage our folks in our downtown districts to do this and if it becomes a problem, we can take a look at it. But we don't have a problem yet.

Committee Member Hill: Right. And right now, that's zero. Zero is what we're getting on those improvements because they're not there.

Committee Member Alexander: Right. So I think....I appreciate the advisement, but we need to do whatever we can to encourage it. Now if our downtown was a shining city, I'd go maybe we don't need to encourage that, but we're a long way from there and we need to throw out all the....I mean it costs us nothing. I mean we're not giving up anything that we currently have. So I don't see it as a problem yet.

Committee Member Wagner: I think it's as much about perception as anything. For me, I think the original setup shows that we made a commitment to encourage people and it would be a wonderful....like Latimer said, I think it would be a wonderful problem if we had 50 people take advantage of this to improve their building. You know? And to me, the difference between the first one....it's \$500. If you get \$500,000, I don't know how you're going to take a \$200,000 building and do \$500,000 worth of improvements to it unless you gold plate some stuff. But even then, you're only losing \$5,000 roughly. I just think that's a small price to pay to encourage redevelopment in our downtown.

Assistant City Manager Randy Hemann: I would like to add....and I did a great, fantastic drawing that I really wanted to show, but I really don't want to show. It's kind of embarrassing, but it makes a point. If you spend one-half a million dollars on a building, which is possible in a standard building, we're giving you a grant that's equal to 2%. If you followed Winston Salem's guidelines, which calls for an amount equal to the new annual property tax times 12, this same project in Winston Salem would get \$40,000 worth of credits from the city. So, you know, if we look at this in any direction, in my opinion. Over 10 years with the unrenovated building, you're getting around \$11,000 in taxes. Under the new program, even with what you're giving up, you know, you would get roughly \$35,000. So we need to do even more in my opinion to incent these programs. We probably ought to re-evaluate it sometime and look at what they're doing in Winston Salem. There are people doing things that are giving, you know, \$5,000 or \$6,000 to create an upper floor residential. We need to really look at this in the future and consider.

Committee Member Wagner: Is that something that you could put together and bring to us?

Assistant City Manager Hemann: Absolutely.

Committee Member Wagner: I'd like to know what they're doing. I think we certainly don't want to be.....I think we need to at least be doing what our neighbors are doing or at least know what they're doing.

Committee Member Alexander: And, you know, as I said, the only problem that we might have is that people would take advantage of this and create investment in our downtown. I mean it costs us nothing to throw the hooks out.

Committee Member Wagner: I'm not in favor of changing it. **I would just make a motion that we'd like to keep it the way it is.**

Committee Member Ewing: Second?

Committee Member Alexander: **Second.**

Committee Member Ewing: We've got a motion that the recommendation to Council will be no change to the existing policy. All in favor?

Ewing, Alexander, Hill and Wagner: Aye.

[4-0 vote]

4) Library Parking Lot Project Update

Mr. McCaslin noted that staff and some architectural groups have been working on the Library Plaza Project since Council gave staff direction to move forward. Staff anticipates going out to bid for this project in the near future and would be bringing those bids to Council for approval.

Scott Dingus, Engineering Services, prefaced his presentation by stating that staff has been working on this project for quite some time now and would like the Committee's approval of some of the options that they looked at. They incorporated ideas from IGNITE High Point, Library staff, management, architects (Freeman-Kinnett and Moser Mayer Phoenix). Mr. McCaslin noted there is \$2.43 million available for the project (this includes the \$1 million from the state) and pointed out part of this would be used to purchase an additional property.

Mr. Dingus then shared three options that staff is recommending:

1. Baseline Option

- Grassed common area near Main Street
- Smaller southern plaza around the proposed clock tower
- Simple plaza surface
- Estimated Cost: \$1,960,022.17
- Electrical improvements and lighting: \$62,148.06

2. Option Two

- Four total water features symbolic of the Yadkin Pee Dee and Cape Fear River Basin divide
- Metal roofs on market stalls
- Stamped concrete in the plaza areas
- Larger southern plaza
- Stamped and colored concrete
- Estimated cost: \$2,118, 572.17
- Electrical improvements and lighting \$62,148.06

Regarding the water feature that is proposed to go through the clock tower which is 50 feet in height, Mr. Dingus noted some have brought up concerns that it might attract skateboarders. The cost of this water feature is approximately \$70,000. It would be made out of concrete with granite on top and the intent was to use all the native rocks from the area.

3. Option Three:

- Live green roof system on the market stalls = \$42,240 (does not include additional maintenance that is required)
- Streetscape for North Main Street = \$10,000.00
- Plaza arc pattern design for uniformity = \$150,910.00
- Estimated cost: \$2,321,732.17
- Electrical improvements and lighting: \$62,148.06

It was noted the benefits of the live green roof system would be environmentally friendly, drain spouts would go to barrels to catch the rainwater, looks, appearance, aesthetics, etc..... Keith Pugh, Director of Engineering Services, explained it is intended to be a sustainable solution and reduce the carbon footprint and reduce the heat generated in this area. Committee Member Alexander noted one of the problems would be the small space, which would limit what could be grown. Mr. Pugh noted that the plans were to only put green grass on the roof.

Staff does not recommend the live green roof system.

Regarding the arc, staff feels there is another way to do it with a stamped pavement system and put in plain concrete, come back and hire someone to put in a nice thing. He pointed out the cost for doing this would be about \$120 per sq. yard, which would be \$150,000. Or another option would be just to do stamped, colored concrete. Committee Member questioned the reason for the circular design. Terry Kuneff, Engineering Services, explained Freeman Kinnett designed it this way to match the circular appearance of the Library for aesthetic purposes. Mr. Pugh pointed out he also included a “quote walk” as part of this and inside the bands that go across would be various quotes. Committee Member Wagner asked Mary Sizemore, Library Director, if she could share her opinion regarding this. Ms. Sizemore stated that although she thinks it is a beautiful concept, but with the limited funds available she was not sure that this is what she would want to spend the money on.

Mr. Pugh suggested to bid this portion out as an alternate because the pattern could be laid out by Paveway Systems and they could come back and do this any time after the project is complete. Because the Library should be a focal point for the City, Committee Member Wagner expressed concerns about doing something that will look second rate and wanted it to be done once and be done right. Mr. Pugh explained that Paveway Systems put in a crosswalk that has been in place for a couple of years. Committee Member Alexander added that several of the Council Members did meet with the vendor during a recent conference in Nashville and he feels like they do have a good product, but the only problem would be the wear or damage over time.

The estimate for the proposed outdoor children's center is around \$380,000 which is included in the total. Other options proposed are a butterfly garden, seating area, outdoor teaching area, outdoor music area. Mr. McCaslin noted the Library staff worked very closely with the architect on this and were very happy with this particular design.

Mr. Dingus advised a last-minute idea was a color blast image and projection for the southern wall of the Library. He noted this feature would be one of the cheaper options that could help make the library a real focal point (especially at night). It could be used all the time for advertising and promoting citywide events, but staff would need to do some more research. Mr. Pugh pointed out that it would be important to make sure that this would not be in violation of the city's sign ordinance, but felt it would be a cool element to incorporate in the project.

Mr. McCaslin noted that no decisions need to be made today, but staff wanted to share the progress being made and that plans are underway to go out to bid for the project. He explained the bids would be coming back to Council, probably in the form of a base bid with the options. Mr. Kuneff added that staff does need some direction as to the various options. Committee Member Alexander was not keen on the water fountains citing liability, maintenance issues. He also pointed out the clock at the Depot needs to be fixed with the correct time. Committee Member Wagner stated he liked the water feature citing the calming effect of the water and the fact that it tells a story that could be an educational for kids using the Library.

Mr. Dingus mentioned another option considered instead of the Continental Divide fountain would be to take the area and put the city Christmas tree there and have it as a focal point with a water feature.

Mr. Dingus also reported that all the trees would be high canopy trees to allow visibility underneath. He explained they went before the Tree Committee and they would have to submit a landscape plan. The Tree Committee recommended three basic trees and they did not want Crepe Myrtles, Red Maples, and another type of Elm tree that was diseased. Committee Member Alexander noted many cities have gone with Ginkgo trees because of their slow growth and because they do well in carbon monoxide rich environments. Mr. Dingus advised the base trees that would be put in would be a 2.5 inch caliper tree (about 10 feet tall) at a cost of about \$200 per tree, but also looked at the option of going to a \$400 tree because the increase in growth in a matter of a few years. Staff suggested spending the extra \$20,000 to have a bigger tree with a bigger canopy.

5) Main Street (Westwood to Parkway Project Update)

Mr. McCaslin reported per the prior Council's instruction, staff is proceeding with replacing obsolete water and sewer lines and putting the electric utilities underground for the segment on Main Street between Westwood and Parkway. Staff is recommending that one prime contractor do the project due its complexity. Proposed costs for this project were identified as follows:

- Underground utilities \$1.779 million
- 16-inch water line replacement \$479,000
- 8-inch water line replacement \$429,000
- Sewer line replacement \$289,000
- Total project cost \$3.153 million

Staff is suggesting that one prime contractor be used for the project due to its complexity. Mr. McCaslin advised that staff has set aside a sufficient amount of funding from the Two-thirds bonds to complete the project. The preliminary design for the water/sewer line replacement is about 50% complete. Staff anticipates going to bid for the project sometime in the spring. Because Main Street is so critical for the Furniture Market, staff reported that this project would have to be carefully timed and pointed out it would more than likely affect two different markets.

6) South Main Street Streetscape Project

Terry Kuneff, Engineering Services, reported on the South Main Street Streetscape Project and reiterated that it goes from Business I-85 to E. Russell Avenue and it was broken down in four phases. Cost estimates do not include replacing any sidewalk or the purchase of any right-of-way.

ALTERNATE #1- Trees along right-of-way (trees only)

ALTERNATE #2- Median pavement stamping (no trees)

ALTERNATE #3- Welcome sign and walkway

Mr. McCaslin reminded the Committee that staff has tried to make contact with all property owners in the area; some were supportive; some were non-responsive; and most of the car dealerships don't want it to block their cars. Mr. Kuneff reported that overall a majority of the property owners are in favor of the trees being placed on their property, but would like to have some input as to the location of the trees. He suggested if Council decides to go with this alternate, it would be a good idea to get Henry Moon, Right-of-Way Agent, start on obtaining some off-site agreements to better have an idea as to who would be willing to work with the city on the project.

Mr. Kuneff then reviewed the following cost estimates for Alternate #1 as follows:

SOUTH MAIN STREET**ALTERNATE #1****Trees along right-of-way**

	All Phases	Phase III & IV Only
PHASE I		
Business I-85 to S. College Drive	\$22,950	
PHASE II		
S. College Drive to W. Ward Avenue	\$74,500	
PHASE III		
W. Ward Avenue to GTCC Place	\$60,950	\$60,950
PHASE IV		
GTCC Place to E. Russell Avenue	\$60,450	\$60,450
TOTAL	\$218,850	\$121,400

Mr. McCaslin advised this particular option is only trees along the outer edges on both sides of the street with nothing in the median. Committee Member Wagner asked if the trees would be placed in such a manner that they would not have to be removed if a decision is made to go back and bury the electric lines. Mr. McCaslin explained in all likelihood the underground electric lines would probably be put in the lane due to the lack of right-of-way in this area.

Committee Member Alexander shared that he has only heard from two people, both in the car business on South Main Street, who have said they don't want this. He asked if there is a cry from the community for this. Mr. McCaslin explained this started with the prior Council, who directed staff to take part of the two-thirds bond money and set aside \$600,000 specifically for South Main Street and staff has proceeded based on this direction. He believed people were generally receptive and would like to see something done. Committee Member Hill replied that she has heard from people in the community that do want improvements to this area. Wendy Fuscoe, Core City Administrator, confirmed that most of the property owners she talked to did like the idea as long as the trees did not block their signage.

Mr. Kuneff continued and provided cost details on ALTERNATE #2- Median Pavement Stamping.

SOUTH MAIN STREET		
ALTERNATE #2		
Median Pavement Stamping		
	All Phases	Phase III & IV Only
PHASE I		
Business I-85 to S. College Drive	\$231,131	
PHASE II		
S. College Drive to W. Ward Avenue	\$165,738	
PHASE III		
W. Ward Avenue to GTCC Place	\$306,199	\$306,199
PHASE IV		
GTCC Place to E. Russell Avenue	\$251,505	\$251,505
TOTAL	\$956,573	\$557,704

Mr. McCaslin reiterated \$600,000 has been set aside and for \$557,000 would take care of the median with another \$200,000 for the trees and depending on what the costs come in for the Library project, there may be enough to do both the trees and the pavement stamping in the first two phases from downtown. He explained this would make a visible physical difference. Chairman Ewing pointed out one of the reasons this was suggested was to create a nicer gateway into the city when coming off I-85 and from a cost standpoint, he felt breaking it up and doing a couple of phases at a time makes sense, but he suggested leaning towards Phase I and II before III and IV if the reasoning is to improve the gateway into the city.

Council Member Wagner inquired about NCDOT's plans for the bridge. Mr. McDonald, Director of Transportation, noted the bridge is scheduled to be replaced in 2018-2019 and staff has talked to the Division and asked them to consider a design that could be incorporated into a reworking of this interchange. The interchange project is in the request list for the TIP, although it has not ranked out very high in the past few years. He advised staff just wants to ensure that the bridge is wide enough to accommodate anything that the city might want to do with Main Street as it goes underneath the bridge and still work for the interchange.

Committee Member Alexander asked who is responsible for this section of Main Street and in the case the city makes median improvements who would be responsible for preserving the investment. Mr. McDonald affirmed that Main Street is still a state-maintained road and that because of this, the city would have to get permission from NCDOT for any improvements on the street and more than likely the next time it comes up on their repaving cycle, they would probably ask the city to participate in the cost because it goes above and beyond what they would

normally do. Committee Member Alexander felt this becomes significant on-going maintenance issue the city will be obligated for and he was not wild about the idea.

Committee Member Hill shared that she has been asked many times about when the improvements on South Main Street will be done and people have commented to her that Council has been talking about it for two years. She noted it would be cheaper to do Phases 1 and 2 and even including the sign and welcome area would make it slightly cheaper. Mr. McCaslin pointed out the proposed sign would be in Duke Power's easement and they no longer allow any type of permanent structures in their easements. Committee Member Alexander shared that he periodically is in contact with the CEO at Duke and offered to ask her about it.

Mr. McCaslin advised staff needs some direction as to the phases. Committee Member Wagner stated he would rather start with Phases I and II because his biggest concern with South Main Street from Business 85 up to downtown is the appearance of the buildings, not the road and moving north of Market Center, things start looking much rougher. He noted this would at least somewhat improve the appearance and would get people to College Drive traveling to High Point University. Mr. McCaslin advised that the \$600,000 would not do the full length unless it is just for the trees and asked for a motion.

Committee Member Wagner moved to do Phase I and Phase II. Committee Member Hill made a second to the motion.

For further clarification, Mr. McCaslin asked for clarification as to if this includes the median and the trees. Chairman Ewing noted he would like the Welcome sign also provided that Committee Member Alexander can get approval with Duke.

It was suggested that at the very least, full execution of Phase I and Phase II, including the Welcome sign providing permission can be obtained from Duke Power.

Chairman Ewing then called for a vote on the **motion to do at the very least, full execution of Phase I and Phase II, including the Welcome sign providing permission can be obtained from Duke Power. The motion carried unanimously. [4-0 vote]**

7) Washington Street Project Update

Staff reported that the Old Fellows building has been demolished and the safety fencing has also been removed. The site of the First Baptist Church has been grassed. The water and sewer is in and the sidewalk and curb/gutter is probably about 95% complete. Once the sidewalk and curb/gutter is complete, then the street will be paved. It is anticipated that the contractors will finish up after Thanksgiving and once the contractors get back on-site, it will take about two weeks to complete the project. Staff anticipates being able to complete the project within the allotted budget. Mr. McCaslin advised that a Council Member approached him regarding the possibility of changing out the decorative lights and utility poles and has asked that staff take a look at possibly putting the utilities behind the building. Staff is looking into the suggestion to

determine its feasibility. It was also reported that there are other buildings on Washington Street that may have issues.

Other Business

Chairman Ewing advised that he was contacted regarding speeding concerns on Eastchester in the residential areas.

Committee Member Wagner mentioned the proposed Brewery on Main Street that is currently under construction. He noted there would be a lot of outside activity and concerns have been expressed regarding the safety of people crossing the street in this area. He asked if it might be possible for staff to do something to make the crosswalk a little more visible. Mr. McDonald agreed to look at possibly doing this in conjunction with some other on-going projects on Lexington, Main, College and Montlieu.

There being no further discussion, the meeting adjourned at 11:00 a.m. upon motion duly made and seconded.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

Jason P. Ewing, Chairman

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2016001037

GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1598 / 15-69

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF DECEMBER 2015, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-11

(unimproved portion of Shepard Place, formally known as Richmond Street)

A request by the Technical Review Committee to abandon a portion of an unimproved right-of-way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of an unimproved right-of-way (45 foot wide ROW) lying at the eastern terminus of Shepard Place (Formerly Richmond Street). The right-of way is lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue, which is more specifically described as follows:

Beginning at the existing southwestern property corner of lot 137 as recorded in **(PB 6 PG 29)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence easterly along the southern property lines N 87°45' E for a distance of 600' to the existing southeastern property corner of lot 155, said point also being the western right-of-way line for Centennial Street; thence south 45' along the western right-of-way line for Centennial Street across the unopened portion of

Shepard Place(Richmond Street) to the existing northeastern property corner of lot 108; thence S 87°45' W along the southern right-of-way line of the unopened portion of Shepard Place(Richmond Street)to the northwestern property corner of lot 125; thence northerly across the unopened right-of-way to the point and place of beginning.

The total acreage for the abandonment of the unimproved 45 foot wide right-of-way located at the eastern terminus of Shepard Place (Richmond Street) is +/- 0.56 Acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of November, 2015, at 5:30 p.m. setting the 7th day of December, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning November 20 & 27, 2015 and December 2 & 6, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of a portion of an unimproved right-of-way (45 foot wide ROW) lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue; and

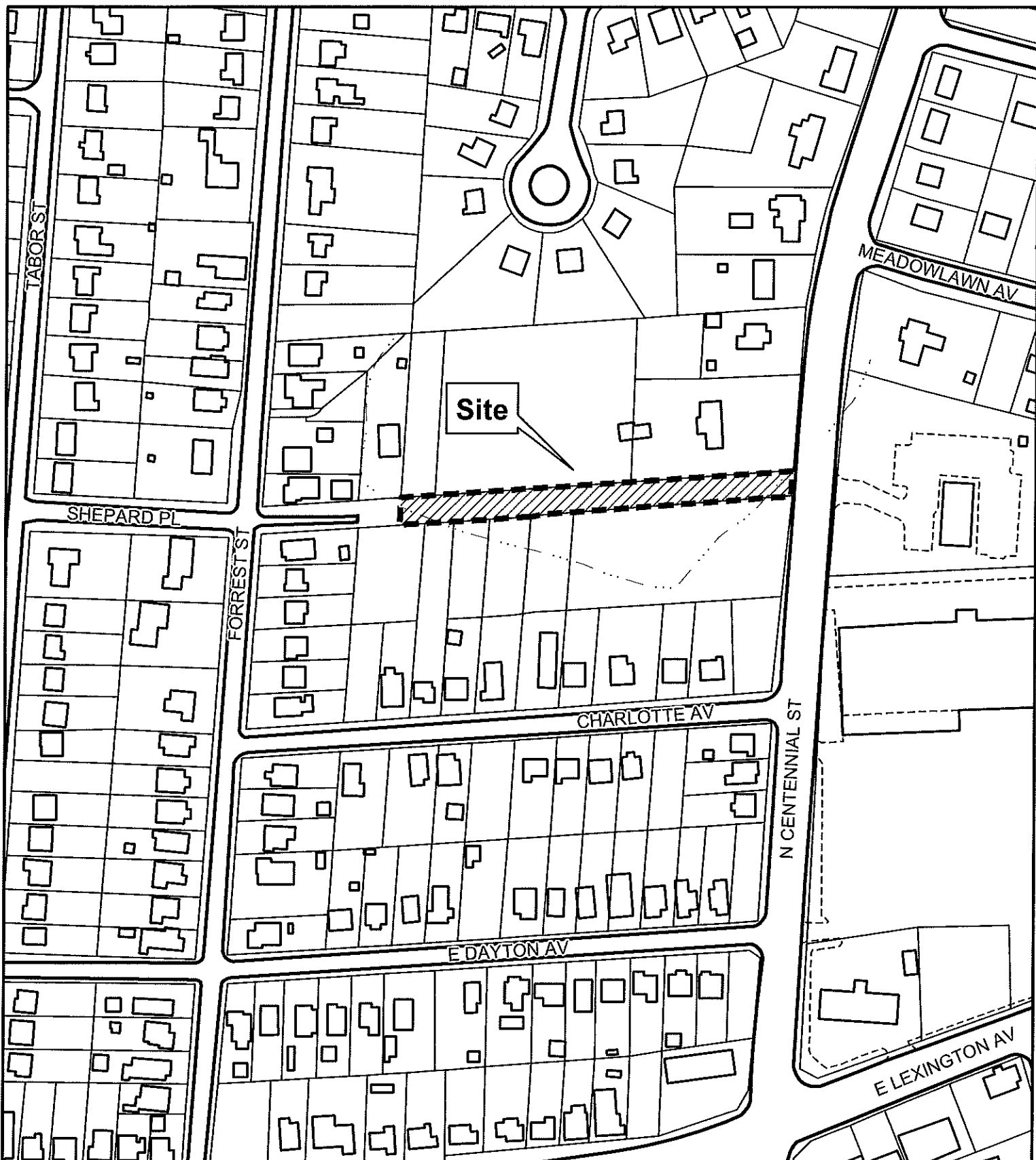
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That a portion of an unimproved right-of-way (45 foot wide ROW) lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way; and

3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 7th day of December, 2015
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA15-11

Applicant: City of High Point
Area: 0.56 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: January 4, 2016



Scale: 1"=200'

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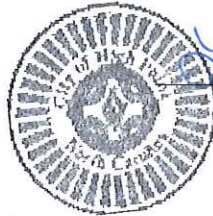


City of High Point
Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on December 7, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this 23rd day of December, 2015.



Lisa B. Vierling
Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 23rd day of December, 2015.

CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC

Cynthia C. Duncan-Smith
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

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BY: JANE SCHULTZ
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2016001038

GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1599 / 15-70

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF DECEMBER 2015, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-12

(a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road)

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a 20 foot wide partially improved right-of-way (Edwards Road) lying along the west side of Dillon Road, directly opposite of Bales Chapel Road. which is more specifically described as follows:

Beginning at the existing northeastern property corner of parcel 0177878 as recorded in **(DB 6101 PG 658)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence N 73°37'40" W 421.14' to a point; thence N 87°31'10" E 129.61' to a point; thence N 87°44'15" E 176.70' to a point; thence S 72°49'41" E 382.56' to the existing southeastern property corner of parcel 0177901; thence 20 feet across the unopened public right-of-way for Edwards Road to the point and place of beginning.

The total acreage for the abandonment of the unopened 20 foot right-of-way is +/- 0.23 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of November, 2015, at 5:30 p.m. setting the 7th day of December, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning November 20 & 27, 2015 and December 2 & 6, 2015; and,

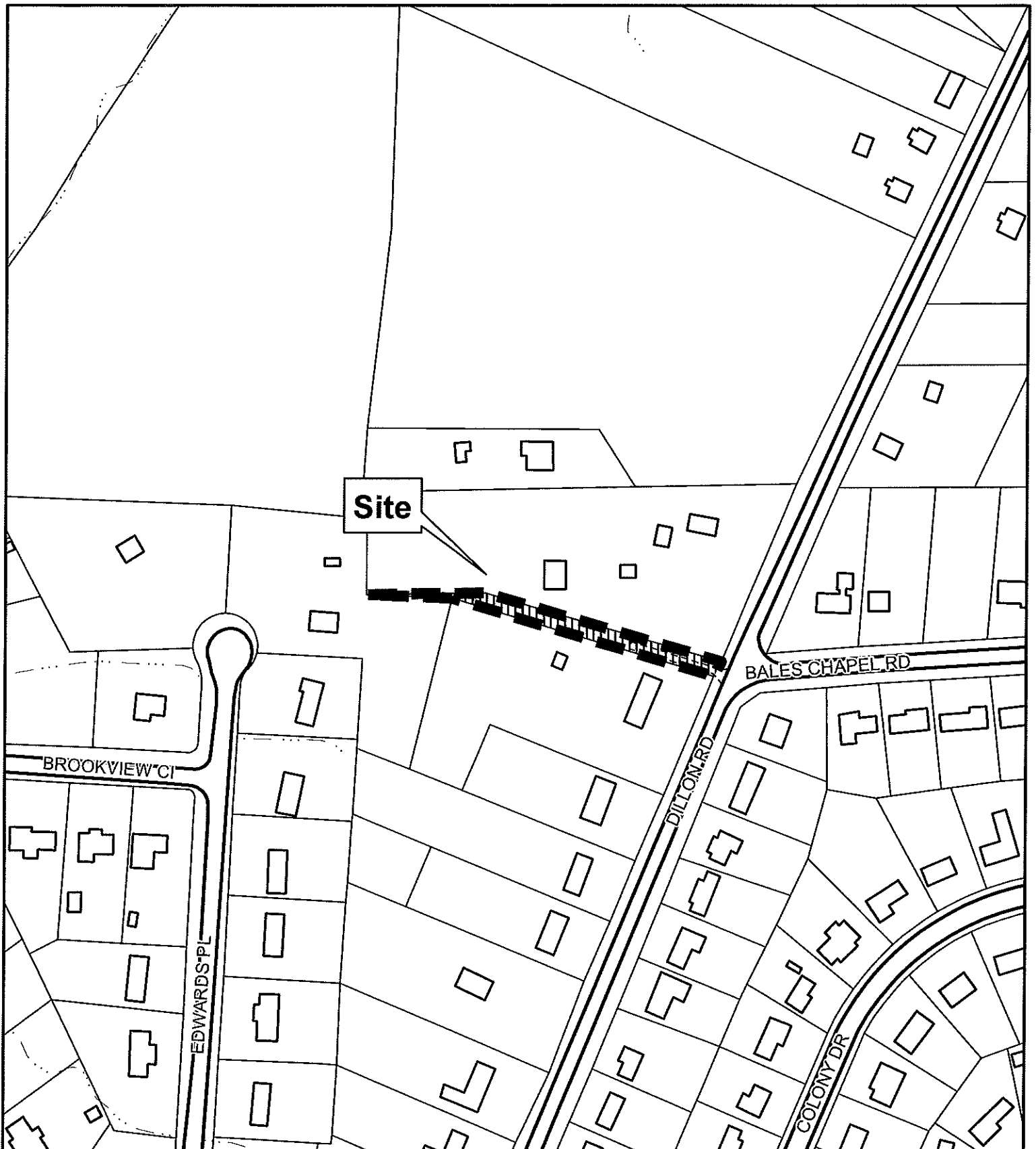
WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 7th day of December, 2015
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA15-12

Applicant: City of High Point
Area: 0.25 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: January 4, 2016



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-12.mxd



City of High Point
Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on December 7, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this 23rd day of December, 2015.



Lisa B. Vierling
Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 23rd day of December, 2015.

CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC

Cynthia C. Duncan-Smith
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
NOVEMBER 16, 2015 – 5:30 P.M.**

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Mayor Bencini called for a moment of silence; the Pledge of Allegiance followed.

Present: Mayor William S. Bencini, Jr., Mayor Pro Tem James C. Davis (Ward 5); and Council Members Cynthia Y. Davis (At-Large), Jeffrey Golden (Ward 1), Christopher Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4), and Jason Ewing (Ward 6).

Absent: Council Member Latimer Alexander (At-Large)

CONSENT AGENDA ITEMS

Chairman J. Davis announced that the Finance Committee met on November 11th and took action to forward these matters to Council with a favorable recommendation.

Action on these matters will be reflected throughout these minutes as being made and seconded by the same persons.

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

Committee Members: J. Davis, C. Davis, Hill, Williams (all were present)

150366 Contract Renewal - Microsoft Enterprise Agreement

Council is requested to approve the renewal of the Microsoft Enterprise Agreement with SHI in the amount of \$430,394.44.

Approved contract renewal of the Microsoft Enterprise agreement with SHI in the amount of \$430,394.44.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent).

150367 Resolution Approving Donation of Surplus Equipment- Fair Grove Fire Department

Council is requested to adopt a Resolution approving the donation of surplus air truck equipment to the Fair Grove Fire Department, Inc.

Adopted Resolution approving the donation of surplus air truck equipment to the Fair Grove Fire Department, Inc.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Williams, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Resolution No. 1594/15-65**Introduced: 11-16-2015: Adopted 11-16-2015****Resolution Book, XIX, page 65****REGULAR AGENDA ITEMS****PENDING ITEM (FINANCE COMMITTEE)****150284 Budget Ordinance Amendment- Little Red Schoolhouse**

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

Note: This matter has been pending since September 8, 2015.

At the October 28th Finance Committee Meeting the Finance Committee directed staff to put together a matching grant proposal for the Little Red Schoolhouse project outlining the phases.

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT**COMMITTEE - Council Member Golden, Chair**

Committee Members: Golden, Alexander, Ewing, & Williams (all present except Alexander)

150368 Ordinance to Demolish - 618 Cable Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 618 Cable Street belonging to Teresa Ann Thomas.

Adopted ordinance ordering the inspector to effectuate the demolition of a structure located at 618 Cable Street.

A motion was made by Council Member Golden, seconded by Council Member Williams, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Ordinance No. 7176/15-59**Introduced 11-16-2015: Adopted 11-16-2015****Ordinance Book Volume XIX, Page 59****150369 Ordinance to Vacate - 606 Stone Place**

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating of a structure located at 606 Stone Place belonging to Joseph G. Brooks.

Adopted an ordinance ordering the inspector to effectuate the vacating of a structure located at 606 Stone Place.

A motion was made by Council Member Golden, seconded by Council Member C. Davis, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Ordinance No. 7177/15-60
Introduced 11-16-2015: Adopted 11-16-2015
Ordinance Book Volume XIX, Page 60

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair
Committee Members: Wagner, C. Davis, J. Davis & Golden (all were present)

150370 Resolution of Intent - Street Abandonment Case 15-11

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 7, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon a portion of an unimproved right of way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

Adopted Resolution of Intent that establishes a public hearing date of Monday, December 7, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon a portion of an unimproved right of way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Resolution No. 1595/15-66
Introduced: 11-16-2015: Adopted 11-16-2015
Resolution Book, XIX, page 66

150371 Resolution of Intent - Street Abandonment Case 15-12

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 7, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon a portion of an unimproved right of way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road (*lying between 3321 & 3403 Dillon Road*).

Adopted Resolution of Intent that establishes a public hearing date of Monday, December 7, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon a portion of an unimproved right of way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road (*lying between 3321 & 3403 Dillon Road*).

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Resolution No. 1596/15-67
Introduced: 11-16-2015: Adopted 11-16-2015
Resolution Book, XIX, page 67

PUBLIC HEARINGS**150372 Ordinance - ANX 15-08 - Keystone Group, Inc.**

A request by the Maxine Wallace Heirs and the Bessie Idol Heirs to consider a voluntary non-contiguous annexation request. The proposed annexation site is approximately 114.79 acres, and lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road. The property is addressed as 8809, 8813 & 8819-R1 Boylston Road, and is also known as Guilford County Tax Parcel 0169014, 0169013 and 0168988.

*The joint public hearing for this matter and related matter **150373 Zoning Case 15-16** was held on Monday, November 16, 2015 at 5:30 p.m.*

Because the accompanying zoning case 15-16 request was forwarded to City Council with an unfavorable recommendation from Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for this request to be approved.

Note: The vote for the accompanying Zoning Case 15-16 was 5-3 and required a 2/3 favorable vote by City Council (6 members) for it to be approved; therefore the vote actually failed. Since Zoning Case 15-16 did not pass, this nulls and voids the action to approve the annexation.

Transcript

Chairman Wagner: *The next item on the agenda is a public hearing for an annexation case and an accompanying zoning case for Keystone Group, Inc. I'm supposing Herb that you're going to take it over from here.*

Herb Shannon: *The next two agenda items, Annexation Case 15-08 and Zoning Case 15-16 both pertain to a 114-acre parcel lying along the south side of Boylston Road, approximately 1,300 feet west of Atkins Road. Staff will do a combined presentation on these two separate cases; however, the Council would have to vote on them separately-the annexation case and then the rezoning case.*

In regards to the annexation case, this is a petition submitted by the property owners, the Wallace and Idol heirs. They have requested a voluntary annexation of this site to facilitate development of a residential development and also to have access to city utilities. As noted on the overhead projection, this is a map of the overall city and the location of the star is the location of the site that's in the northwestern portion of the city's planning area. The annexation petition represents a logical progression of the city's annexation policies based on the following:

First, proximity to the existing High Point corporate limits. Bob, if you can go to the next slide please. This is a blow-up of that area. The city's planning area extends all the way to I-40 to the north and all the way to Twin Creek Road to the west which is just over to the Guilford/Forsyth County line. As you can see, the areas in white are current properties which are already within the High Point corporate limits. Approximately 900 feet to the north a

little over 1,360 feet to the east you have existing parcels that are already within the city limits. You also....a little over 1,300 feet to the southeast of Bame Road, there are parcels within the city's corporate limits in this general area. The city has annexation agreements with abutting municipalities with both Greensboro and Kernersville and as I previously noted, you have I-40 to the north and Twin Creek Road to the west are within the city's planning area and eligible for annexation.

Additionally, there's proximity to city services, both city water and sewer lines are in this area. There's a waterline that runs along the property that frontages on Boylston and a sewer line that runs through the middle of this site. City service vehicles are established to the south along Bame Road. Finally, impact on city services except for budget concerns expressed by the Police Department, they've noted, if annexed, they would need to hire additional officers to serve this area to maintain the level of service. That was the only budget impact that was noted. The Environmental Services Department did note some concerns about garbage pick-up, but those are more ordinance issues. They just noted when you have townhome type developments, those developments should have dumpsters as when you have those compact type developments, it's difficult for the trucks to negotiate through there, especially with people parking in the street. As we noted in our analysis, that's more of an ordinance issue. If this annexation application is approved, the applicant has requested that it be delayed and become effective in 180 days, which will be May, 2016.

As for the Zoning portion, the applicant is requesting rezoning from the Agricultural District in Guilford County to a Planned Unit Development- Residential District. They are proposing to develop a 450-unit Mixed Use Development consisting of single-family dwellings and twinhome or townhome dwellings. Bob, if you can go to the next slide.

This is just a blow-up of the site. This is Boylston Road, Atkins Road. The area that's highlighted and cross-hatched is the site in question. The PUD is termed a floating district. That means it's permitted anywhere within the city limits. The PUD District encourages a more economical, efficient development where developments are closer together. The main advantage is design flexibility is offered. Regular standards of the ordinance are waived and the applicant or development is guided by the conditions that are noted within the Conditional Zoning Ordinance. In this case, the applicant just mirrored most of the city's Development Ordinance for development of their site; however, the scale of setback within the perimeter of the development within 150 feet should be compatible with abutting properties. As we've noted, 450 units, this equates to a density of 3.9 units per acre. The Land Use Plan, along with the Northwest Area Plan supports densities up to five units per acre and that's gross densities upon the site.

They have submitted a PUD Master Plan with this development which is included in your packet. Bob, if you can bring that next slide up. They have proposed that primary access will be....you've got Boylston Road up to the north. They have proposed that primary access will be from a public street that will extend through this site onto the western boundary of the property. And they have divided the site into various tracts. Tract A, which is in this general area. They have noted a maximum of 40 units of single-family dwellings developed to the RS-9 standards. Tract B which is in this general area. A maximum of 120 units to be developed to the RS-7 standards in the Development Ordinance. Tract C, this internal tract...the applicant's Conditional Zoning Ordinance noted that site would develop either as single-family attached dwellings, or as a townhome/twinhome tract. Whichever manner the

tract develops, once they start, the whole tract has to develop in that manner. So they couldn't start single-family and then say I want to change it to townhomes. Once you start developing, the whole tract must develop in that manner. So it's either going to be single-family or townhomes. The same thing for Tract D, which is in this portion of the site, up to 160 units of either single-family or townhome development. Along the western boundary of this site, across the stream is Tract E. You have Tract E-1 to the north and E-2 to the south. The same development proposal, either single-family or townhome/twinhome developments. You do have a significant environmental feature that runs through this site. There is a stream that runs through this site. That will be noted in common area. You have the floodway that's in this lighter shading. The darker shading is the 100, 500-year flood zone. Those tracts will be outside of those areas. Finally, you have Tract F, which is up at the entrance. The applicant has noted three options for that site. It's either going to be their recreational amenity area, or single-family or townhomes.

Included within your packet is the applicant's PUD Ordinance, the Conditional Zoning Ordinance with conditions for development, the Master Plan which is up on the slide and a Traffic Impact Analysis. Within your packet is quite a bit of analysis. You have your standard Conditional Zoning review factors, along with your PUD review factors. A lot of those items overlap. Staff is just going to touch on the key items.

First, consistency with the adopted plans. As we previously noted, the Land Use Plan and the Northwest Area Plan, the Heart of the Triad Plan all support residential densities up to five units per acre in this portion of the city's planning area. The development that the applicant is proposing is 3.9, which is under that maximum. This Master Plan depicts basically the single-family dwellings along the eastern portion of the site where you have smaller lot sizes. It ranges from an acre to an acre and a half on the abutting subdivision to the east. The higher density tract where you have townhomes either toward the interior of this site, or they abut larger lots five acres or higher to the north or south. Thus, the configuration the applicant has proposed will be in harmony with the surrounding uses.

Their Traffic Impact Plan notes that to mitigate traffic impact, the applicant will need to install a left turn lane at the entrance of the site. So they've offered a condition to install a left turn lane on Boylston Road for entrance into the site.

Another thing we looked at was has there been any changes in this area. Key change has been installation of city water and sewer lines in the late 2000s, which opened this area up to development. Staff did have some concerns with compatibility of Tract F. There were no objections as a Club House amenity area goes there with single-family. Staff did note concerns that if townhome units are going to go there, higher setbacks should be provided and some higher development standards as far as limiting the bulk of development should be provided in that area.

In this case, staff suggested the approval of the request is reasonable in the public interest because, first, the request is consistent with the Land Use Plan and the policies of the Northwest Area Plan. It also promotes objectives or Goal #3 of the Land Use Plan which encourages the provision of a wide-range of housing opportunities. Number two, subject to the applicant addressing concerns with compatibility of Tract F, the configuration of the development with the higher density uses towards the interior will be compatible with the surrounding area. I would note with a single-family development a lot of times you typically

have more grading to develop individual lots. By having an option of doing townhomes next to the more environmentally sensitive areas, it offers the opportunity to have less grading or impact on those abutting environmentally sensitive areas. And subject to the applicant addressing concerns noted in the analysis for compatibility of Tract F, staff is recommending approval.

This request was reviewed by the Planning & Zoning Commission at their October 27th public hearing. The Commission recommended denial by a vote of 7-1. Thus, a two-thirds vote of Council is required for approval of the rezoning. Key concerns noted by the Commission was density of the development; they thought the density was too high. Construction traffic should be required to enter from Boylston Road. Uncertainty as to the location of the western stub street and they were concerned that the PUD Master Plan would allow too much flexibility and there was some uncertainty as to the specific manner the individual tracts will develop. The Development Ordinance notes that the applicant can provide amendments to their Conditional Zoning Ordinance as long as they are submitted by the Wednesday prior to the City Council meeting. Council can consider and vote on those this evening. Any new amendments that may be submitted tonight, must be submitted in writing and would have to be delayed until the next meeting.

On Wednesday, November 11th, the applicant did offer some revised conditions. Those are placed on the dais in front of you. Just a quick summary, the applicant has offered to reduce density from 400 units per acre.....I mean from 450 units to 400 units per acre. They have amended their setback standards for townhome development in the townhome tracts to reduce the front setback to 15 feet and that's internal setback from a local street from the front setback, side and corner setbacks. That offers some flexibility for pushing units together closer in while allowing maybe some additional buffer areas along the perimeter.

Mayor Bencini: Excuse me, Herb. You said reduction from the number of units overall, or the reduction of the density?

Herb Shannon: Overall units.

Mayor Bencini: You said from 450 to 400?

Herb Shannon: Yes. Now that will reduce the density from 3.9 units per acres to approximately 3.5. They've offered that reduction in the overall units could be developed. I would note when you look at the table of all units permitted, that does add up to more than 400 units; however, the applicant specifically noted in their Conditional Zoning Ordinance no more than 400 units can be developed total. So I wanted to make sure it's clear that you don't add up all the units from that table and say, hey, that's more than 400 units. They've noted that provides some design flexibility as they work in those individual tracts, but in no case shall the total number of units on the total site exceed 400 units. In Tract E, up at the front entrance, they have noted if it's developed for townhome units, a maximum of four buildings per structure. With townhomes in the other tracts, they noted you could have up to 8 units together. To reduce the bulk of the buildings, they've noted that if Tract F is developed with townhome units, that no more than four units can be within a building. They've offered a condition along the eastern boundary for the southern boundary of Tract F. This is the eastern boundary. This is the southern boundary. If they develop as townhome structures, they will have to be set back a minimum of 50 feet from the eastern or southern boundary of the

tract. And they've also offered that reduction of the street setbacks if they do an internal public street, from a 25-foot setback to a 50-foot setback. That will pull development further in and offer more separation from the boundaries of the property.

Finally, at the Planning & Zoning Commission meeting, there were some questions about this western access stub. The Planning Department is recommending that stub go to the western boundary to open up those lands to the west of the development. The Transportation Department desired that stub to go to the northern boundary. Staff is recommending an amended condition that one public street stub should be provided to either the northern or the western boundary of Tract E. The location of which will be determined and approved by the Technical Review Committee at the time of preliminary plat approval of Tract E. The applicant has noted due to the stream crossing, this is going to be the last portion of this site to develop. At that time, based upon a specific plan that they bring in, the TRC will make a determination at that time as to the best location of that stub street. That way we're looking at very specific design information that the applicant is proposing at the time they develop that portion of the property.

Mayor Bencini: *Can you give me some clarification as to why the Planning Department and Transportation Department have a difference of opinion as to where the stub should go?*

Herb Shannon: *It's a difference in philosophy. The Transportation Department is looking at what is the best way....what is going to be the quickest way to get access to another public street. The Planning Department is looking at what is going to open up the most additional land area for development. Bob, if you can go back to the second slide please. It's not necessarily a knock-down, drag-out disagreement, it's just the Transportation Department has one philosophy. They're focusing on transportation. The Planning Department is looking at it based upon the utility extensions and so forth, what provides the most opportunity to open up additional land for development. Bob, if you can go one more slide up please. The Transportation Department...their goal is it's quicker to get a street access back to Boylston than back over to this street because it's further away. That's what they're looking at. Staff, or Planning staff, is looking at...you have some landlocked parcels to the west. There is a public street that touches the corner of that parcel, but that is not a street that you want a lot of traffic on. But what the Planning staff is looking at is trying to open up this area for additional development and extension of utilities. Wherever that street stub is going to be at, that's where the utilities are going to stub in. So there are just two different philosophies because we're focusing on two different issues.*

The compromise, to get to that point, let's look at the specific proposal and make a determination as it goes through the specific TRC for approval at that time.

Mayor Pro Tem J. Davis: *Does the northern stub cross Rich Fork Creek too, or just the western.*

Herb Shannon: *Just the western. That was the additional concern the Transportation Department had that there would be another stream crossing as you go further west.*

Council Member C. Davis: *Herb, there's another picture in our packet that shows the stream. It looks like it's got like a spider web in the middle of it.*

Herb Shannon: *I believe that's the aerial photo.*

Council Member C. Davis: *Can you pull that one up, Bob? What would cause the spider web over here in A....*

Herb Shannon: *I can further address that. I believe those are tracts from logging trucks when the site was logged a few years ago. The stream is right here. The flood plain is right here. I believe that's from where the site was logged, those tracts are from those vehicles.*

Council Member C. Davis: *All right, what about emergency services? Has anybody addressed that and has there been any conversation about increasing the doughnut holes? I mean the city has said several times that we don't want any more doughnut holes, so isn't this just creating more?*

Herb Shannon: *In regards to emergency services, the Fire Department has noted they are already serving this area. They have a contract with Guilford County and everything south of I-40, they already serve. The Police Department just noted that they are recommending, if approved, over the next few years the number of officers, or six additional officers will need to be hired and trained just to maintain the level of service for this area as it develops. The doughnut holes....until the General Assembly amends or revises annexation law, I don't know if that will ever go away.*

Council Member C. Davis: *Okay, the other comment....I actually drove out there Sunday. There's some really nice houses on that road where they are going to buy that house there on that parcel in order to gain that access and then the stacking or the turn lane there. And I do have some concerns about the property values for some of those houses because some of them are very exquisite looking and the number of homes there, but I was told that there were some very large ditches, gullies, very deep areas on this parcel where those spider veins are and even further down where the water flows towards the stream now. And the photographs that we received today shows that that stream actually has water in it now. So if it's got water in it now and then it begins to rain, that'll just continue to fill up and with the rooftops and pavement and what-not, how is that going to impact that stream?*

Herb Shannon: *Any development upon this site will be subject to the city's environmental regulations. They will have to provide stormwater control ponds for development of this site that will capture the water and release it. But any development would have to meet all the city's stormwater requirements. I believe this is in the Oak Hollow Lake Watershed and there are specific stormwater requirements that they will have to meet. There are also specific environmental regulations that any development would have to meet as far as dealing with those environmentally sensitive areas.*

Council Member C. Davis: *Okay, has anybody inquired with Guilford County Schools? If you look at the 400 houses and you figure that most families have two point whatever children, so you multiply that by the number of houses and that's a whole new school.*

Herb Shannon: *If you look on page 4 of 10 of the rezoning staff report, any time there is a zoning request for residential, staff contacts the local school district to determine the impact. There's a table there that notes specific schools impacted. Their fall 2014 enrollment and fall 2015 enrollment design capacity....all of that is verbatim from the Guilford County School*

Board. We contacted them saying they are proposing 450 units, what schools would be impacted and what are the numbers and that's what they provided to us.

Council Member C. Davis: *Okay, thank you.*

Herb Shannon: *Are there any additional questions on the annexation or the rezoning?*

Mayor Bencini: *I've got a question about the additional public safety. Can somebody give me a cost of what those six officers will be, or a rough idea for it?*

Herb Shannon: *I believe it's in the staff report, the annexation staff report, on page 3 of 4.*

Council Member C. Davis: *Mayor, the dollar amount of \$570,000 for year one, that's six officers. After year one, it comes down to \$300,000.*

Mayor Bencini: *Okay. Well just by doing some quick math with the 400 units times the average value of \$200,000, that's annual tax revenues of \$536,000 once build-out is complete. So from a standpoint of can the city afford it, I think it's pretty obvious that the city can.*

Herb Shannon: *Anytime we have a....consider a satellite annexation or an annexation of any size, the Planning staff as policy always contacts the various utilities providers to ask them are there any impacts and we just make sure that we include that in the staff report so that Council has a complete evaluation of the proposal.*

Mayor Pro Tem J. Davis: *I just want to clarify one thing about the western and the northern stubs. So right now they're not going to develop the property across Rich Fork Creek, so the western stub is not going to be required until at a time that may be developed. But we're requiring a northern stub.*

Herb Shannon: *At the time the developer crosses that stream and requests preliminary plat approval for any portion of that western portion of that site, they're going to have to tell us what type of development and if they're doing the townhomes or doing the single-family. What is your layout? At that time, as it goes through the Technical Review Committee for review, staff will make a determination as to the appropriate location of where that stub will be and whether it should be to the north, or to the west. At that time, we'll have more detailed information.*

Mayor Pro Tem J. Davis: *The purpose of that is in the hopes that the property behind it will be developed at some point.*

Herb Shannon: *Correct. Wherever that stub street is placed, that's where the utilities are going to be extended to. We are required to extend the utilities to the property line.*

Mayor Pro Tem J. Davis: *All right, the other parcels on the other side of this...for future development, that's in our Northwest Land Use?*

Herb Shannon: *That's in the northwest portion of the city's planning area and it is eligible for annexation. Just to note, the planning staff did receive several calls from neighbors concerned about annexation and if this request will require them to be annexed. Staff noted*

this is a voluntary annexation request. This case is only dealing with this 114-acre parcel. It's been Council's history to voluntary annexation requests. Unless you signed the application, you're not part of this annexation request.

Mayor Pro Tem J. Davis: *So the owners are asking for this?*

Herb Shannon: *The property owners are requesting this, yes.*

Chairman Wagner: *Does anyone have any other questions for Mr. Shannon? [none at this time] Thank you, Mr. Shannon. I think it would be wise now to hear from the applicant and then we'll open the floor for the public hearing.*

Scott Wallace: *My name is Scott Wallace. I'm with the Keystone Group. My office is located at 3708 Alliance Drive in Greensboro, 27407. Mr. Wagner and Mr. Bencini, if it's alright may I approach and share some information?*

Chairman Wagner: *Absolutely. Do you want to maybe just hand one of those to the Clerk for her records and maybe the attorney may want....just give her one.*

[distributed copies of Keystone Group presentation]

Council Member C. Davis: *And we'll just pass them down. Thank you.*

Scott Wallace: *Good evening Mayor and City Council. Once again, my name is Scott Wallace. I'm with Keystone Group. We do business as Keystone Homes and with us this evening we have Mr. Chuck Truby, the owner of CPT Engineering, that will be available to answer any environmental questions that you may have and then also we have Mr. John Davenport, the owner of Davenport Transportation & Engineering Services.*

I want to start out...Keystone Homes is a local company. We've conducted business here in the Triad for the last 20+ years. Many of those years, we've built here in the city limits of High Point. Our company was found and is solely owned by Mark Michael and myself. Mark grew up in Gibsonville and has raised his two daughters there and still lives there today. I grew up in northern Davidson County, in a town called Midway. For the past 25 years I've lived in Greensboro with my wife, Laura, and we're currently raising our three children there. We pride ourselves in developing sustainable and attractive and enduring communities using local tradesmen, local suppliers and local businesses as we build our communities. We're very prideful of our Keystone Homes name, our communities and our reputation. On Wednesday, October 21st, we hosted a citizen's information meeting in our Trellises Community here in High Point also. We invited all the residents that were provided to us by the City of High Point Planning Department as far as the nearby neighbors. We had four citizens attend. We presented our Planning Unit Development site map and answered questions in regards to traffic, street access, home types, homeowner associations, property history, etc... This meeting was very information; however it was very professional and cordial.

As you are aware, the request before you this evening is to rezone the subject property-a big piece of property, 114 acres, from County zoning to City of High Point PDR District and to voluntarily annex this property within the City of High Point. This zoning district will allow

us to develop a first-class premier community with a collection of townhomes, twinhomes and single-family homes. Homeowners will have exclusive access to a club house with a pool, an expansive beautiful facility that's located within the community. When you aren't enjoying the comforts of your spacious home, you can unwind at the pool, meet your fitness goals in the fitness room, or gather with friends in the gathering room without stepping foot outside of your community. This community of towns and single-family homes will be constructed with high quality materials, charming exteriors and interior finishes. Now, I would just like to draw your attention to a very short video to depict the high quality homes that we build. I just want to point out, these photos are our real life examples. These aren't drawings. These aren't renderings. This is our work. Several of the photos are from our Trellisses Community. As I said earlier, is just a couple of miles to the east of this and some of our various other communities.

[showed photos on overhead]

Scott Wallace: Over the last several months, we worked diligently with the City of High Point's planning staff, transportation and other staff of the TRC and other professionals in order to design this community and this offering and refine it and further refine it for this premier community. During our Planning & Zoning Commission meeting, several additional conditions were voiced. After this meeting, we went back to the drawing board and revised several of our conditions in order to arrive at a mutually pleasing design that addressed many of the discussed concerns. If you'll turn to Tab 1, you'll find some of the concerns of the citizens and the staff and our corresponding revised conditions. Please forgive me, Herb's already went over all of these already. He does a good job of communicating it. I just wanted to include it here as well.

Traffic was a concern, more traffic's going to be there. The roads that are there weren't designed. We want to make sure that the roads that are there are designed for traffic. Specifically, a lot of the concern was along Sweet Meadow and Quail Meadow, which are state maintained roads. After the P & Z Commission, we went back and we have committed with a condition to provide our construction entrance directly off of Boylston Road and restrict traffic along Quail Meadow....construction traffic.....off of Sweet Meadow and Quail....let me get the names right here, Sweet Meadow Road and Quail Meadow Lane. Secondly, Herb touched on the density. We went from well below the Land Use Plan of 5 units an acre. It was already at 3.9 units per acre. Now we're below 3.5 units per acre. Herb also mentioned within Tract F about the additional perimeter setbacks and limit any townhomes to four homes per building or less, which we agree with. Then the location of the stub street. Herb touched on that. I did also want to offer clarification on that as well. I just want to make sure at the P & Z level, that confusion level got really high when we were talking about the stub street and hindsight is 20/20. We would have liked to have done it a little bit different, but I just want to make it clear that we're not running or stubbing a street across any one's property. We're only trying to designate where, within our property, we would want to stub or dead end on our property that would make it advantageous for our neighboring properties to develop their property in the future. There was some confusion and some thoughts that, we as Keystone were going to put a road over on somebody else's property and I just wanted to make 100% sure that we have no intentions or the rights to do such a thing. We're just trying to find a stub location that the properties be able to develop.

If you'll turn to Tab 2, you'll find several of the city maps. Once again, Herb has already showed these to us, of the entire city and then the zoomed in version. As you can see, this is the immediate focus. This is where the City of High Point's invested for their growth and we look forward to annexing and being a part of that growth. You can see the surrounding city limits to the north and to the east of us and it's....

Within Tab 3, you'll find the Land Use Plan. Just once again, all the yellow has been in the Northwest Area Plan and the Land Use Plan by the City of High Point that the Council adopted and this is the long-term vision and the short-term vision of the future growth of the City of High Point. You can see the Corporate Park and Industrial zoning to the north and to the east and in the lower right hand corner, you can see the current RM-5 zoning classification.

Within Tab 4, once again, this is the PUD Master Plan. Herb did a really good job of outlining it. There are six tracts. We are very aware to the north and to the east is where a lot of our single-family neighbors are and as you can see in the green there, in the kind of highlighted area, where the green area is designated only for single-family. Townhomes won't be there because we knew that we were going to be beside single-family uses as well. So the townhomes are prohibited in those two tracts. Also in Tract F, just in the yellow kind of highlights what Herb was sharing with us earlier about the increased perimeter buffers in that area. Those are increased by 250% up to the 50 feet distance and those buffers are shown in yellow.

Within Tab 5, please find an illustrative site plan, how this possibly could be developed. The dashed line you'll see running diagonally in the right hand corner is the Piedmont Natural Gas easement. You can see it gives a pretty good buffer within itself of the homes that are along Boylston Road. All the homes that are along Boylston are to the north of that easement. Also, please notice four large water quality ponds which we feel are going to be needed-if not more-that are along the environmental areas, the streams and the wetlands. These massive water quality ponds will be a vast improvement over the existing conditions, the trees being cleared several years ago, the bare slopes, etc.... of that property—the veins that we talked about earlier. Currently the site does not have any erosion control protection measures on it. It's currently within Guilford County's jurisdiction, not the City of High Point's. With this annexation, the City of High Point will become the local government jurisdiction for this property. We'll be able to manage the erosion control, stormwater, and other attributes of the property. It should do a lot better job in protecting the water.

Within Tab 6, this is my school project here....within Tab 6 is an aerial photo of this area. I tried to capture the dynamics going on in this area. This Tab 6....says a picture is worth a 1,000 words, and this is a good example of that. You can see the Piedmont Natural Gas line, once again the dashed line at the northwest corner of it. You can see the west fork of the Deep River, the blue going through our property. And you can see to the west of the property, you can see additional stream and additional wetland and buffer area. Then up above us, to the north and to the right, to the east you'll see the 350 South Holdings property. This was previously zoned and annexed into the city limits.

So as you can see, the subject property or the property that we are working with generally is buffered fairly well naturally on the west with the pink area, the stream and to the south by the, once again, the streams. And into the northwest, there's somewhat of a natural delineation with Piedmont Natural Gas line. But that just gives you a good snapshot of what's going on.

It's a great location. It's a tough piece of property to develop. We feel very encouraged with the opportunity.

Then lastly, the last tab, Tab 7, is for transportation. We understand the anxiety regarding additional traffic that will arise as a result of our proposed development. We get that. As I said earlier, John Davenport, studied this area and did a thorough analysis with a TIA and worked with the City of High Point Transportation Department, worked with the North Carolina Department of Transportation to ascertain what's going to go on with the traffic and to better predict what's going to go on with the traffic in the future. Herb did a good job in mentioning the vast road improvements with the turn lane that we're going to have to do, the 100 feet of storage, the appropriate taper which we will construct as part of this development. The good news...the traffic generated from the development will be negligible on the existing road network, as compared to the current traffic patterns. The multiple roadway connections leading to the various highways, I-40, 68, 66 are helpful. As mentioned earlier, Mr. Davenport is with us tonight and will be available to answer questions. Within Tab 7, you'll find the Executive Summary of that thorough Traffic Analysis.

In conclusion, we provide the following findings of this proposed development:

- *Will not materially endanger the public health or the safety;*
- *Will not substantially injure the use or the value or the enjoyment of the surrounding properties;*
- *Will not hinder or prevent the development of surrounding properties in accordance with adopted plans of the City of High Point; and*
- *Will be in conformity with the Land Use Plans and Policies adopted by the High Point City Council.*

It meets the plan goals, the objectives and the policies. It meets the low density residential guideline of less than 3.5 units per acre, where the plan calls for a maximum of 5. It absolutely ensures the development will respect the natural environment and help the natural environment. It provides a wide range of housing opportunities for families of all income levels. Promotes and urban growth pattern that occurs in an orderly fashion and conserves land resources of the city and its planning area that the city has already invested in this area. It protects and preserves environmentally sensitive locations, including designated open space and watershed critical areas from inappropriate development. It maintains an appropriate balance between size, location, and density of new development and availability and depends on public services and facilities required to serve this development.

We have great passion for our work. We invest in the future and at the end of each day, we're proud of what we do and who we are. Our commitment to you and the City of High Point is to provide an attractive, safe and high quality first-class community. A community that will enhance and complement the entire City of High Point in this City of High Point designated area for annexation. We hope that you'll vote favorable upon this request. Thank you for your consideration and I'd love to answer any questions that you may have.

Chairman Wagner: *Does anyone have any questions?*

Mayor Bencini: *Mr. Wallace, in consideration of a reduction in the total number of units from 450 to 400, do you project an adjustment in the selling price per unit?*

Scott Wallace: No Sir, we do not. You used an estimate earlier and we feel very strongly that's a low estimate.

Mayor Bencini: \$200,000?

Scott Wallace: Yes.

Chairman Wagner: Does anyone else have any questions? [none] Thank you.

Scott Wallace: Thank you.

Chairman Wagner: There are quite a few folks who have signed up to speak and I'll just go down the list as I've got them. Katherine Richardson. When you come forward, give us....we've got your address on here, 4798 Ellisboro Road. Is that correct?

Katherine Richardson: Stokesdale, in Rockingham County.

Chairman Wagner: Okay. Thank you. Go ahead.

Katherine Richardson: Bessie Idol was my grandmother and we have a piece of property where people trespass on it and throw trash on it and we felt it was time to sell. The heirs, Bessie's four surviving children—three of whom are here—are in their 80s and 90s. Keystone seemed an enhancement. They seemed a first class purchaser. We feel this is an enhancement to the community. We feel this is a plus for everyone. If it were next to me, I would say develop. If a dump or business site were coming in, I'd be against it. But with respect to all you, the Bessie Idol heirs request that you move forward and please rezone and annex this so that there's something positive and beautiful in the future. Thank you.

Chairman Wagner: Thank you, Ms. Richardson. The next one on the list is Linda Shields.

City Attorney Joanne Carlyle: Council Member Wagner, just for the record, we are presuming that you opened the public hearing.

Chairman Wagner: Okay, sorry I didn't mention that. Yes.

Linda Shields (2909 Bethel Church Road, Kernersville): My name is Linda Shields and I'm also here on the Bessie Idol heirs. The land was purchased by my grandfather in 1919 and 1934. It was actually two tracts of land at that time. And anyone who has been on the property has been trespassing, so we do have No Trespassing signs up everywhere on the property. We had, at one time, one of the neighbors told me there was like 40 four wheelers over there and they went all the way down to the natural pipeline, so the pipeline people had to come and repair that. I can't tell you when exactly this took place. We have also had a lot of deer hunters and I don't think that we gave them permission. I know I did not and my name is on the agenda. The land's been sitting there for 30 years now, so we need to get it settled. It's time. If anybody who wanted it could have purchased it. We did not care. If any of the neighbors wanted it, they could have purchased it. It's been, you know, it's just been there and we have hated to get rid of it. I really hated for the trees to be cut. The trees were cut because of all the hunters and I thought this will put a stop to some of those because some of the hunters that were on the property.....one of the neighbors is my husband's aunt and she

said I'm afraid to go to my clothesline. I go out there on Saturday and there's so many people shooting in all different directions deer hunting that I'm afraid to go out there. So I don't know....that's what she said. I did not hear the shooting. I did not see the four wheelers, I just heard about them. I know that one of my aunts and her son put a gate up, so hopefully that would deter that, but I think they just kindly went around or went through or whatever. I don't know. But in any case, it's time that we sell this land. We're all old. I, myself, am battling cancer. I had a chemotherapy treatment today so if I act a little....I don't know....you'll understand why. Thank you very much.

Chairman Wagner: Thank you, Ms. Shields. Next on the list is Rex Idol. You need to come forward to the microphone please Sir.

Rex Idol (910 S. Bunkerhill Road, Colfax): *My name is Rex Idol. I'm 91 years old. I don't take any medicine. I don't smoke, drink, dip, chew, curse, or beat on women. [laughter] And I'm lucky to be here. I was mighty close to getting killed in the Pacific. I don't want no sympathy. I think we need to sell this land. We've paid tax on it all my life it seemed to me like. That's about the only thing that I can say about it.*

Chairman Wagner: Thank you, Mr. Idol. Next on the list is Scott Wallace. Oh that's you, sorry. See, I'm terrible with names. I already forgot your name. All right, Jim Hedgecock, Boylston Road, Colfax.

Jim Hedgecock (8857 Boylston Road, Colfax): *They say a picture is worth a thousand words. My name is Jim Hedgecock. I live at 8857 Boylston Road. I've been there since 1977. Mine is the property where the DOT wants to run the extension. The other property that goes to the west side is on the Cox land and they're not landlocked. They own approximately 250-300 acres there. The next property over here is Mr. Ballinger's. Max Ballinger is an attorney and he's got access there, public road access. There's no landlocked land. Let's get that clear. I'm just trying to point out some of the things that were said that are really not true, or that their information was not correct. First, let me say I appreciate the Council's time for God and country. I appreciate that. But I am very supportive of the Idols selling their property. I have farmed, walked, cleared, hunted, coyotes on this land. I'm not saying anything tonight that any of the Idols would not be saying if this was in their backyard. I can assure you of that and they would be out in mass because it is something that doesn't fit. It does not fit. Now, some of those lines down that property are gullies that are about 60-feet deep. They're there and what will happen, no matter what is said, is they'll go in and they'll have to clear all this, clear it, clean it, denude it where there's nothing left in order to straighten all those gullies out. Those gullies have been there for years. That's the reason it's not farmed. There are three distinct areas that need to be addressed and changed before you allow this large change to our neighborhood.*

Number one is traffic. Now I know they said it wouldn't be any change in what we've got and Boylston Road is a cut through—there's no question about that. You used to be able to walk Boylston Road fairly safely or ride a bicycle, but you can't now. But can you imagine, most homes have two cars and most....one bread winner or two bread winners. If there's two bread winners, one of them will carry the children to school and they've got to go. If you go up there to Colfax School right now, you can't get in there. Southwest School you can't get in there. So traffic, I mean, it's going to have a big impact on this, but the other area that is just really it's crazy. Traffic 101, which is what they teach all the time, is don't allow one intersection to

be with another busy intersection 300 feet away. They have a crossroads there that comes right now 300 feet below it.

Number two, it's a very serious thing...and that is noise. We have a terrible noise problem out there and it keeps getting worse every year. The Fed Ex new runway, guess where all these planes fly? Right on top of us and these lines right here correspond to noise cone lines. In other words, the green one is a 60. The red is 65. The yellow is what the county uses. One of the things that you'll notice is it's all over the map. Humans drew this and they drew it in what they call the optimum noise pattern. The optimum, not the worst. The optimum. But the 60 and 65 lines are here in this area and it's supposed to be....for sleeping quarters, it's supposed to be 30. At night, it's supposed to be 30. Planes come through there and my house is within 1,400 feet, within 700 feet of where they're not supposed to be at all and it's 1,400 feet from this property where you're not supposed to be. On the backside, they're supposed to have the extra noise prevention and construction and they're also supposed to advise. This is the property. Here at 1,400 feet is no residential construction right there, Zone 2. In Zone 3, you're supposed to advise everybody and do extra soundproofing. So what I would ask you if you allow this development, is to have the developer come across and protect all the people here with a 20-foot high berm with three rows of conifers on top to buffer that noise.

Chairman Wagner: We actually have that on the overhead. Showing the location.

Jim Hedgecock: Well Zone 2 is no residential building. Zone 3 has to do with....extra soundproofing within the home and you have to advise people and it goes right around this piece of property. If you've seen the echoes in the canyon, it just booms. My house shakes and it's a well-built house. It just shakes. The Cardinal....if you've heard about the suit at the Cardinal at the airport and the airport had to buy a bunch of houses because of the noise cone.

So what I would ask Council if it allows this to go forward is to have them construct a 20-foot high berm on the northern side, the noise cone side, and put three rows of conifers on top of it.

Number Three concern is, too, a serious concern. The acreage of the houses abutting the Idol's property. It's 5.65 acres per house, not counting the Cox's farm. Keystone's request for 114 acres, if you take out the flood plain, you know all this green area is flood plain and you can't do anything with it anyway. But it's flood plain. If you take out the flood plain, the road, utility easements, club house, gas line, and that leaves approximately 64 acres. Now I said originally that that was for 400 houses and that's 6,000 sq. ft. per house. If you take a 2,000 sq. foot one-floor house, to just get it in perspective, it leaves you 15 feet around that house. That's all you can have. Now most of his are two stories so that's a little distortion, but if you take 400 units and divide it by 64 acres, that's 6.25 units per acre. Now, they say oh yes we're only going to do whatever....3.9 to 3.5 per acre is not true. You don't build on the pipe lines, you don't build on the flood plains, you don't build on the roads. You build on what's left and that equates to with the 400 units, 6.25 units per acre and it just doesn't fit. It's like taking a size 16 foot and putting it in a size 3 boot. It just don't work.

The character and the composition of the neighborhood is rural, single-family houses. Most of the people that were here have stayed here and they've opted to remodel and be an asset in the community. We really have stickers out there. They've been there for a long time. The single-family houses today require a minimum of 40,000 sq. ft. and you need to increase the

size per square foot to make it anywhere near what we've got out there now. At first blush, it looks likethis may look like a Cinderella story to you with a foot in the boot, but I can assure you that itwith all the stuff that's being taken out of this, it's going to be a tough, tough area. Thank you.

Chairman Wagner: Thank you very much, Mr. Hedgecock.

Council Member C. Davis: Mr. Hedgecock....

Chairman Wagner: Do you want to have your map back Sir?

The next person signed up on the list is Brittney Ney. Do we have your address right? 708 S. Bunker Hill Road, Colfax?

Brittney Ney: Yes. I have two petitions. I don't know if you guys want them, but I do have them.

Chairman J. Wagner: You can hand those to the clerk.

Council Member C. Davis: How many names do you have on there?

Brittney Ney: Probably 60. I just have a few key points. I know that we have a lot of people here from our little town tonight. So I just want to make a few key points. He did put the wrong school system for the elementary school. He said Southwest Elementary. It is Colfax Elementary. Hawthorne Apartments were just built on Macey Grove Road on the other side of I-40, which has 216 units. Say that's half married, half newlyweds, the other half is singles. You still have 150 kids that are going to go to Colfax Elementary, Southwest Middle and High. With Keystone, he's talking about 400 units, that's 1,200 kids. Where are these kids going to go? I know this is High Point City, but this is also Guilford County. There is no room for all these kids unless the county gets involved and they have to build all new schools. I don't think the County of Guilford can afford to build all these schools. You also have Saddlebrook, which is the exact same thing that Keystone is wanting to build that has plenty of open lots left and available. A ton of lots available, that haven't even sold for these single-family homes. Nobody wants that in Colfax. They want the country, rural aspect.

I've lived in the same house for 34 years. I'm the 5th generation to have a house on my property. It means the world to me to know that my son, who is here, can ride his bicycle up and down my driveway without being hit by a car. It's just who we are. What we've done. So with Saddlebrook not even being finished, who's to say that his housing isn't going to foreclose and we're going to have issues later with the amount of homes that he has. I'm a part of the Colfax Community Watch. We have a meeting once a quarter, once every three months if it needs to be sooner because we do have an abundance of activity that happens with construction, with robberies and break-ins with our houses. It takes 15-20 minutes for the Guilford County Sheriff's Department to get to Colfax. District 3 is huge. It is from Jamestown to Colfax to High Point. They cover all that area. There is no way they can have officers to respond to these 400 homes. They've already said that they can't hire officers. They have people in the jail going around in our area serving as our sheriff. How is this going to help this area? It's not. We have to have police coverage and we don't. If High Point

can't afford to hire additional officers to cover this area, what are the people that have been there for 30 years, what are they to do? I mean we've all had alarms built in.

We've had tons of people here that will support this. We're not here to say to stop it, but we want it declined. We don't want 400 homes, 200. Reduce the price of the house. That's what we have. We all have more than three acres. I have seven. I mean that's what it is. It's county and we want to keep it that way. Two hundred homes, no big deal, but 400 that's a lot and that's a lot of kids to go into the schools. That's all I have left to say. Thank you.

Chairman Wagner: Thank you, Brittney. The next person on the list is Sandy Woodard.

Sandy Woodard (906 Quail Meadow, Colfax): *I'm a resident on Quail Meadow, one of the stub roads that will be connected to this community.*

Chairman Wagner: *Is that a Colfax address?*

Sandy Woodard: *At 906 Quail Meadow, yes. I, too, would like to address the density level that was proposed. When they had the developers meeting, they told the people that came to that meeting that there would be 400 units. When we got to the Zoning Commissioners meeting, it had been raised to 450. Now suddenly the count is back down to 400 again. It seems to me that we have some fuzzy math going on on purpose. I agree with Mr. Hedgecock that the fuzzy math was used in computing 3.5 units per acre. When you do the math with the usable land mass, it is slightly over 6 units per acre now. That's very dense. That's not light density. That's medium density. That's city density. It's not county density and we don't need it in the county. We've got townhomes going in where townhomes aren't selling two miles away. There's townhomes sitting empty in Saddlebrook. There's lots sitting empty in Saddlebrook and you're proposing 400 more units. The land can be used for development. We're not denying that development is a good thing. But we want to see prudent development and we want to see it in harmony with the rest of the community. Throwing 400 units into a usable, less than 90 acres, is not in harmony with the community. It's a slap in the face to the community members. We ask that you respect our request and reduce the density even more. He's welcome to develop. We encourage good, prudent development, but that is what we need is prudence in this case. Thank you very much.*

Chairman Wagner: Thank you, Ms. Woodard. The next person on the list is Jimmy Morgan.

Jimmy Morgan: *Jimmy Morgan, 8625 Bull Road, Colfax. Thank you, Mr. Wagner and Council. I know the Idols. They are great people. I went to school with some of them. Rex is a good friend. I support a property owner's right to do what they can do the best with their property; however, the density for this parcel is too great. It's in a critical watershed area. As speakers told you before, there's going to be a lot of grading going on. There's a lot of deep gullies there. That, in the interim between the time the property is prepared and you have all that loose soil around, you may have to regrade it again because those gullies will come back. That loose soil will not stay there by itself without some ground cover. Many years ago, during some Planning meetings that I attended, some of them with the Heart of the Triad and the Northwest Area Plan, at one time, that site was proposed to be a High Point City Park. I don't know if any of you remember that or not, and the reason it was proposed to be that was because of the environmental features because.....and I think it's the west fork of the*

Deep River that runs through there, if not it's the Rich Fork Creek. But there is a lot of water that goes through there. That water flows from Kernersville. The west fork of the Deep River runs all the way to Kernersville. That is why you have the water line, the sewer line to serve the Fed Ex ground hub facility in Kernersville.

I think that you're going to find that if you put that many houses, and as Mr. Hedgecock said when you eliminate all the environmentally sensitive areas, you're going to have to have more retention ponds than the plans call for. I think you're also the....the developer noted that the city would be responsible for the erosion control and stormwater control. I think you guys have got your work cut out for you if you develop it as densely as requested. The.....as someone who farms and has to follow watershed rules and conservation rules, I can tell you that the focus on it to the agricultural folks is we are having to take more and more land out of production because the farm land is used often to soak up and control the pollutants that are generated from development. The Jordan Lake rule is a perfect example. I live in the Jordan Lake Basin. Jordan Lake rules have been implemented for farmers and agricultural interest. I've attended classes, mandatory classes. If you are a farmer, a certified pesticide applicator, you had to go. We were taught how to spread fertilizer again. But it will come to the municipalities sooner or later. There are people within the Department of Agriculture that believe the Jordan Lake Rules, which are currently exempted....municipalities are exempted until next year. They believe that that will eventually become the rule of the state, so I would ask you to maybe begin to set a positive agenda and implement environmental stewardship before the law requires you too and I suggest you lower the density. Thank you very much.

Chairman Wagner: *Thank you, Mr. Morgan. There's no one else who signed up to speak. Is there anyone else who would like to?*

Todd Smith: *I did sign up.*

City Clerk Vierling: *I picked it up when the meeting started.*

Chairman Wagner: *You're welcome to come forward and give us your name and address.*

Todd Smith: *Good evening. My name is Todd Smith. I live at 8839 Boylston Road, Colfax, NC and in just a moment I'll ask whoever is controlling the computer to bring up the aerial photograph and I'll show you exactly where that property is. But before I get to that, I want to thank the City Council for letting me address you and everybody else that has addressed the Council. I have a lot to say and I'll try to get through it as quickly as I can. I want to make sure that you guys are not too tired. I know that you've been sitting for a while, so if you want to get up and stretch, you're more than welcome to. I thank the City Council and I also want to give a special thanks to Cynthia Davis because I heard her say earlier that she actually went out and looked at the area on Sunday. I really wish that others on the City Council had done that. I really truly feel that if you saw what we have out here and what's going to,...the change that's going to take place if this annexation and this project is allowed to go through as planned, it's going to be very disruptive. And I really think that if you were to see what we have, you would have a definite opinion about it. So Cynthia, thank you very much for taking the time to go out there and actually look.*

Council Member C. Davis: *You're welcome.*

Todd Smith: *On this aerial photograph, 8839 is right here. That triangle shaped property and that's on Boylston Road. This piece of property here is owned by Steve Brackett, my neighbor. I'm going to talk about that in a few minutes, about the impact there, but I want to go ahead and leave that picture up for a few minutes if you would. So I've got several things on my list that are not necessarily in a meaningful order, but I can go ahead and work through them as quickly as possible.*

First thing, the traffic impact. I want to point out that the traffic study is insufficient. It's dated 2013. It actually says on it that the impact is expected to be 1,000 additional vehicles. As somebody that works with data and statistics all day, I can tell you that number, 1,000, is a made up number. That is a number that somebody guesstimated. It is not accurate. I can tell you that we already have a traffic problem out there. The Federal Express ground that opened up in Kernersville has already made a big impact. We're already seeing a lot of abuse from commercial traffic coming out of that hub going on using Boylston Road as a shortcut. That 1,000 vehicle number is not accurate and, again, that study is dated 2013. That's right in the package. So I object strongly to the Council making a decision on this based on an outdated traffic study that obviously is not accurate. So I would ask that the Council address that before making a decision on this project.

The issue with the Police Department, we've already established that the High Point City Police have said that they cannot, they do not have the manpower to police this area. That is an issue and I feel like the High Point City taxpayers, if they were aware for the most part that this is being considered, I feel like most of those taxpayers would tell the City Council, you know, there are other things that the city needs to do other than spend money to add additional police to police an area that does not necessarily need to be annexed at this time.

I want to point out that I object very strongly....I must have heard 25 times, I was actually counting and then I lost count, of the number of times that waterway is referred to as a stream. That is not a stream. That is the west fork of Deep River. It feeds into Oak Hollow, which as I understand it is the watershed for the City of High Point. If this development goes through, you've already heard, there are deep, deep ravines in this property. The only way that they can build the number of homes that they're talking about, even if they cut that number in half, they're going to have to go in there with heavy earth-moving equipment and literally just level that. When they do, it's going to create some serious erosion problems and the amount of silt that you're going to have going into Oak Hollow Lake is going to be something that is going to be a problem. But furthermore, downstream you're going to have major.....Mayor, should I wait until you're done?

Mayor Bencini: *No, please go ahead.*

Todd Smith: *There's going to be major issues with the erosion that's going to cause downstream. I have some photographs I'm going to display in a few minutes that's going to give you an idea of what I'm talking about. I'm really very surprised that the High Point City Council is not considering what that impact is going to be to that waterway and what it's going to do to your Oak Hollow Lake, which is your watershed. I really am very surprised at that.*

Mayor Bencini: *I assure you we are considering that, thank you.*

Todd Smith: Well, Mayor, I was actually at the Planning & Zoning Commission and I actually asked the question and from what I was told, no studies have been done.

Mayor Bencini: We have very, very stringent requirements that start at NCDENR come all the way through our Planning Department. I assure you we will take all care to protect our water and our watershed, thank you.

Todd Smith: How can I get copies of that? I'd like to see that.

Mayor Bencini: See what?

Todd Smith: You said that the NC Department

Mayor Bencini: The consideration of our Planning staff in doing any project this size will have to be controlled by NCDENR's watershed requirements. If staff....if you want to correct me on that, please go right ahead.

Herb Shannon: You are correct.

Mayor Bencini: Okay, thank you. Please proceed.

Todd Smith: I'm glad to hear you say that. I've got some photographs that I'll display in just a couple of minutes that I think will be very interesting. I think it's very important to note that the Planning & Zoning Commission voted against the project. I understand that the City Council does not necessarily have to take that into consideration, but I would hope that you would. I mean obviously, the Planning & Zoning Commission is there for a purpose and obviously if they didn't have serious concerns, they would not have voted to recommend against it.

I also want to point out that you heard earlier from Mr. Wallace that they had an open meeting and that four citizens attended that meeting. That might give you the impression that folks out here don't care about the project that only four people attended that meeting. The reason that only four people attended that meeting is because very, very few people were invited. I was not invited. Most of the folks out here that are being affected were not invited and it came up at the Planning & Zoning Commission meeting that invitations were only sent to folks whose property adjoined the property here that's in consideration. So I don't think that's really a fair thing for Mr. Wallace to point out that only four people attended because, again, that kind of gives a false impression that folks out here don't care and we do.

You heard earlier that the number of homes per acre would not fit into that 3.9 and I agree with that. When you do the math, the math speaks for itself. I actually have a little bit more generous numbers than some of my neighbors in the way I've looked at it and the way that I've computed it. At the most, they could build on about 84 acres. A lot of this is flood plain. A lot of that next to the tributary of the Deep River is a flood plain that by Mr. Wallace's own admission you can't build upon. Is that correct?

Scott Wallace: Yes.

Todd Smith: *And you've also said you have to designate a certain amount of acreage to common areas. I think 11 acres you said at the Planning & Zoning Commission meeting. Okay, then you've got a club house, a pool, and roadways and when you take all that into consideration and you're not building on 114 acres, again I compute about 84 acres that you can build on. That works out to 4.7 homes per acre, which is outside of the guidelines for the area.*

Mayor Bencini: Which guidelines? Which guidelines are you talking about?

Todd Smith: *Earlier during the proceedings tonight, there were references to guidelines that the City of High Point apparently has in place that calls for a certain number of homes per acre. The density.*

Mayor Bencini: Is this outside the guidelines?

Herb Shannon: No Sir.

Mayor Bencini: Okay, thank you.

Council Member C. Davis: I think what you may be referring to is the 3.5 to 3.9. Mr. Wallace is that correct?

Chuck Truby: *Generally planning practices throughout the city, density is always calculated on gross acreage and it's less than 3.5 homes per acre.*

Council Member C. Davis: Okay, thank you.

Todd Smith: *We heard earlier that, you know, the stubbing....I think, Mr. Wallace, you actually said that you're not planning to stub across anyone's property, but yet earlier this evening when this very picture was on display, the city's representative actually took a laser pointer and actually said that they'd like to have a roadway here to Boylston Road. I don't remember his exact words, but I definitely saw it. I definitely heard it. That has me deeply concerned because that would go right across my property or Mr. Hedgecock's property, one of us. And obviously I don't want that to happen, so that's a deep concern that I have. I would really appreciate it if the City of High Point could give some explanation as to why the city's representative made that comment earlier this evening if Mr. Wallace, as he said, that there are no plans to go across anybody's property.*

Chairman Wagner: They can only build a road on the land they own.

Todd Smith: *I understand that, but there's also a mechanism within the state laws for condemning and eminent domain and what-not, so that's what has me concerned.*

Mayor Bencini: I don't think it would be subject to eminent domain, would it Ms. Attorney?

City Attorney JoAnne Carlyle: No.

Mayor Bencini: Thank you.

Todd Smith: I have some photographs that I brought in on a USB stick and I would appreciate it if they could be displayed please. You can bring up any of those. No, no you don't need to bring the PDF up. These are photographs that I took yesterday on my property. This is the west fork of Deep River and I took the photographs from my side of the property. The other side of the property is actually owned by Jim Hedgecock, who you heard from earlier. If y'all would just cycle through....well, let me talk about this one first. This is not really the one that I want you to see the most, but this area here....there's already been a great deal of erosion. It's probably difficult for you to tell because you're not used to the property like I am, but you can see here fresh dirt. In the past 60 days, the west fork of Deep River has actually come out of its banks twice.

Mayor Bencini: Is that the upstream of the subject property or the downstream?

Todd Smith: Are you directing that question towards me? This is slightly upstream of the property.

Mayor Bencini: So the subject development would have no impact on the erosion at that spot.

Todd Smith: No, but my point is this. And that's a valid point that you just made and I understand where you're going with it. There have been two developments upstream of me in the last year. We bought this property three years ago and in the three years that we've owned the property, I've actually seen erosion in some places of as much as 2-3 feet where the bank has been eaten away and I've actually got some evidence of that and I'll show you in just a minute. But the reason for that, in my opinion, is because of the construction upstream. The construction projects upstream, one of which is the 200 some odd unit apartment complex that Brittney Ney told you about when they did all that paving and I understand that there are rules that you have to have stormwater run-off and what-not, but I'm here to tell you that that doesn't always work the way that it's intended. There is definitely additional run-off, additional water going into the west fork of Deep River that has occurred in the last two years.

If you advance....go ahead and advance through a couple of slides. Keep going. Keep going. Keep going please. Keep going. That tree. I'm not going to dwell on it because obviously I know that it's hard for me to ask you to believe this, but that tree there, up until about six months ago I could actually walk around that tree. The banks been eroded away to where you can't do that anymore, but if you'll advance it just a little bit more. Okay, right there. That fence. What you're looking at there is fence that used to be in the ground. That's actually Jim Hedgecock's fence and I'm not sure if even Jim is aware that this has happened. This has happened in the last year. That fence used to be in the ground. The bank of the west fork of Deep River has actually eroded away to the point where those fence posts are just literally in the air and it's the wire that's holding it up, the fence wire. That has happened since I purchased the property and that was three years ago. It's hard to tell from the photo, but actually you can't really tell from the photograph that well, but if you look you can see there is kind of a lagoon there and that's because the water as it rushes forward actually has carved that out and it spins back around this tree. You can see those roots that are exposed. That tree used to be all bank there as well. So the point that I'm trying to make is that even though I'm slightly upstream, thank God, from this proposed project, downstream you're going to have the same issue downstream in this project all the way to Oak Hollow Lake. I'm afraid that the City of High Point is going to have to deal with that at some point because if that type of erosion, and again, when this project is built, I think that....you've

already got additional water coming upstream from this point and this is right next to the project. So when you add the additional run-off coming from the project downstream from that it's going to be a real mess. You know, again, my point really is that I'm really surprised that High Point City Council has not taken more steps to look into that and involve the State. Again, I asked at the Planning and Zoning Commission meeting if the State had been involved in that, the Department of Natural Resources and.....

Mayor Bencini: *We do have to adhere to the State standards when we do any development of this size. Again, I'll ask staff to correct me if I'm wrong.*

Herb Shannon: *The City of High Point has specific stormwater regulations that at the time the applicant submits their stormwater plans. They will be reviewed by Engineering Services Department and they will have to adhere to not only the State regulations, but also City stormwater requirements.*

Todd Smith: *I guess the only thing I can say to that is, so does the City of Kernersville, but that didn't change the fact that there's additional run-off coming from that apartment complex upstream of me. So I'll go ahead and finish up. And, again, I appreciate the City Council letting me address Council. You know, I'm not against progress. I'm not so foolish to think that there's not going to be development, but I purchased the property that year in Colfax because I wanted to move to a rural, country setting. We have just under eight acres and I moved from a neighborhood that just happens to be about 500 homes and I still own a home there and that's Riverhills Planation, which is next to the Cardinal. I know what type of environment that is and when you have that many homes, that close together, it is not anything remotely close to the same type of quality of life that we have. I just don't want to see that destroyed.*

Again, I'm not so foolish to think that progress is not going to happen, but I would ask that the City Council, number one, restrict the number of homes that go into that parcel. Again, I believe that parcel is too small to support that number of homes. As Jim Hedgecock pointed out, I would ask that there be a condition made that the 20-foot berm be put around the development. I would ask that an environmental study be done in conjunction with the State Department of Natural Resources to determine the impact on the west fork of Deep River and I would also ask that the traffic be done. Again, the paperwork there shows that the traffic study is from 2013 and 1,000 vehicles....I just don't believe that that number can possibly be accurate. I know that it's not. And I would also ask that there be a restriction put on this project if it is approved that there be no townhouses. I'll be happy to answer questions.

Chairman Wagner: *Does anybody have any questions for Mr. Smith? [none] Okay, thank you Mr. Smith.*

Todd Smith: *Thank you.*

Chairman Wagner: *The next person on the list is Linda Smith. Is there a Linda Smith here to speak? Okay, then the next person is Carmen Chellen.*

Carmen Chellen: *Good evening. Thank you for your time this evening. I agree with my neighbors. I live on Quail Meadow, which is one of the streets that will be heavily affected by this development. The first point that I would like to make is the streets themselves. They*

were....they are one step above a dirt road when you're talking about Quail Meadow and Sweet Meadow. Increasing the traffic, pretty much at all on those roads is going to cause a lot of wear. I took pictures today if I can show you these, of Grays Land Road. Their road is the same composition as Sweet Meadow and Quail Meadow are and after the construction of those apartments, that's what their road looks like. That's what we would be driving up and down every day to and from work, where we're used to having a dead-end street. You know it's safe to walk, it's safe for your kids to ride their bikes, if your dog gets out in the street you're not so concerned that they're going to get run over right away. That increase in activity in the area is going to have an impact on what we have already invested in. I've been living in my house for 34 years and I love it in Colfax. My children, who are teenagers, they grow up and they want to get out of the small town and want to move to the big city and make something. My kids want to stay here because they enjoy the quiet. They enjoy that they can see the stars at night. They enjoy that, they know the neighbors. They feel personally safe. They feel like they have freedom where we live and I feel like, especially the density of this neighborhood is a really big issue because that infringes on what we've already established, like I said, we all invested in many years ago. Our area since 1990 has seen a 189% growth in population. 87% of that has been since 2000. Our community was never designed to sustain that level of growth at that rate. We've always been very rural, a very close knit community. I agree with all of my neighbors and I agree with the argument towards lower density for this particular community. I would like to request that it be decided before this is approved whether single-family homes or townhomes are going to go on some of these other tracts. I don't think that that's something that should be left up in the air before this is approved or denied. I mean if that's something.....I think that's a pivotal issue.

The environmental impact, of course, we have a lot of species that are becoming....I know, what was it? The running cedar, we had a lot of that on these particular parts of the area and I've seen almost all of it disappear. There are a lot of different plants that we're seeing disappear. A lot of wildlife has taken refuge in this particular tract because a lot of the development that has been going on and we'll probably sustain more. We're going to have this wildlife coming through into our neighborhoods and causing another issue. I really don't have a whole lot else to say. I just agree with the reduction in density wholeheartedly. It does not match what the Northwest Area Plan states as being in harmony with what is already there. It does not reflect what the community looks like at this moment. Thank you.

Chairman Wagner: Thank you, Ms. Chellen. The next person on the list is Jonathan Johnson.

Jonathan Johnson: Hello, my name is Jonathan Johnson. I live at 4328 Stokesdale Avenue in Winston Salem. I own the piece of property on the southeast corner. I just retired from the military. I wasn't at the prior zoning meeting. A lot of my questions have been answered tonight, but my main concern is the water run-off and how it will negatively affect my property. I bought this property about ten years ago with the plans to build a house on it and as it stands right now, north of my property it looks like a war zone. I'm in favor of the Idols to do with what they will. Something needs to be done because it doesn't look too good right now, but I would like Keystone Group to make some type of arrangements before proceeding to make sure that water is contained coming on my property because, you know, I'm just not going to be able to financially....if this was to happen to go south in the future, if there is court issues or anything, I'm just not financially able to do that so I would like someone to contact me to resolve any questions I may have. That's really all I have. Thank you.

Mayor Bencini: What branch of the service?

Jonathan Johnson: US Air Force. Twenty-one years.

Mayor Bencini: We appreciate your service. [applause]

Chairman Wagner: Okay, unless there's a page 3 out there I'm missing, that's the end of the folks signed up. Is there anyone else, though, that would like to come forward and speak?

Scott Wallace: Is there a rebuttal?

Chairman Wagner: I'm sure we'll probably have some questions and maybe asking you questions about those things. Please come forward. What I would ask if you're just going to reiterate what everybody else has already said, I mean you have a right to speak, but times ticking on.

Tim Carter: Tim Carter, 746 Quail Meadow Lane. I own Carter Brothers Barbecue and I know most of y'all. Traffic is the biggest concern. The roads are terrible up there. There are potholes everywhere. Run-off, so that's the biggest thing. You've got to remember you also had D.H. Griffith come in and bought a lot of land. I don't know what's going to go there. Grover Shugart, Saddlebrook, has not done all that well. So let's just be smart before we go forward. I am pro-High Point. I've lived here all my life. I love High Point and plan on dying in High Point. So just be smart about this. Thank you.

Chairman Wagner: Thank you. Anyone else want to come forward? Okay, come forward and give your name and address please.

Eric Garland: Interesting meeting. Eric Garland. I'm a new resident at 4367 Cedar Trail Court in High Point. I don't see a lot of people in here like me and by that I mean I'm 32 years old. We've got a 17-month-old. We moved here for the school system about four months ago. We know that the taxes in High Point are a little bit higher and speaking about police force and whether or not there's going to be a deficit with that, you know taxpayers are going to have to, you know, account for that. I already know that taxes are a little bit higher and if taxes continue to go up though and knowing that the school system may be affected, which is why we moved here. We're out of here. I say that because like I said, I'm 32 years old. A lot of folks in the general area that I live in right across from Southwest, they're kind of like me. They've got the kids. The kids are going to Southwest. I think that's probably where you guys get a good deal of your tax revenue. If those folks also migrate out, you know, if the cost of houses and the values go down, I mean that's something to really think about. That's all I have to say.

Mayor Pro Tem J. Davis: What would you say if we lowered your taxes next year?

Eric Garland: [Laughing] We've got about five years, she's 17 months old, but that's why we moved to High Point is you guys have got a pretty good school system. If it goes in though, what's my daughter going to do? I mean we're headed back to Greensboro.

Mayor Pro Tem J. Davis: *We all laugh, but you're scheduled to get a tax rate decrease next year.*

Eric Garland: *I'll be looking for it.*

Chairman Wagner: *Okay, Sir, I think you said that you wanted to speak. If you'll come forward and give us your name and address.*

Peter Rhenquist: *Good evening. Peter Rhenquist. 807 Westborn Grove Court. My concern, like the others, is traffic, but a little different. There's two kinds of traffic. There's construction traffic which will be transient and then there's commuter traffic. And what we have here is a classic queuing theory issue. And there are computer programs today that can model this with some degree of accuracy. If you give them the right information, the programs will produce fairly accurate reports. I mean what the people like to know, among other things, is would they have to get up 20 minutes earlier every day to get to work? Will cars be backed up 20 deep at a stop sign and the aggregate numbers on traffic that we've seen don't answer to any of that. I mean that don't design toll booths for one car for every five minutes. They design it for the peak traffic. The ebb and flow. They take that into consideration. And I don't see how we can go forward with a decision on density of housing unless we know what the impact's going to be and what's in play here is the character of that community. And if people that bought into that community because they like the rural life now have to get up earlier to get to work or get home later because of this, it's an issue. Now there are a number of things you can do. You can change the roadway infrastructure. You can reduce the density. You could change the type of construction. For example, a retirement community would not add appreciably to the number of people commuting back and forth to work. I mean, there are many possibilities here, but we don't have any numbers to work with. And we can get those numbers. There are engineering firms that have the sophisticated programs and if we give them some information on traffic, they'll model it and tell us how many cars will be backed up at 8:30 in the morning.*

Chairman Wagner: *They did a traffic study.*

Peter Rhenquist: *Yeah, but they came up with some round number.*

Chairman Wagner: *We'll ask them about the traffic study. I'll ask them about the traffic study. For you, I'll ask them about the traffic study.*

Peter Rhenquist: *All right. Thank you.*

Chairman Wagner: *Okay, is there anyone else who would like to come forward? Okay.*

Mike Brown: *My name is Michael Brown. I live at 8704 Sweet Meadow Road. It's one lot over from the dotted white line below Tract F. I'll be short. If you're from the Boylston, Sweet Meadows or surrounding areas and all you're asking for is just a reduction in density, can you stand up? All those people are asking for....is lower the density to maintain the kind of quality of life that we're used to. The house that I purchased, the family has been in it 40 years prior to me. I plan on living there 40 years, if not longer. I have three children. Three and under and I'd like to stay there as long as I can. If there's....if my street becomes a major thoroughfare, I'm going to have to take my children somewhere else. Thank you.*

Chairman Wagner: Thank you, Mr. Brown. Does anyone else have anything that hasn't been said to be added to the discussion? Okay seeing none, I'm going to close....

Larry Woodard: I'm not on the list, but can I say something?

Chairman Wagner: Yeah, if you'd like to come forward and say one thing. Then we're going to close it up because we're getting repetitive.

Larry Woodard: Larry Woodard, Quail Meadow Lane. There's not been a lot said about the pipeline. About the pipeline itself. If you ready the right-of-way of a pipeline, you can't really...we can't even put a fence across the pipeline. Okay, he's building a road and I'm sure he got permission to do it, but water from the northeast corner all runs across that pipeline towards that creek. When you start trying to smooth out all them low spots, then water can't get to the creek like it did before. You can't cover up....if a pipe is three feet deep, you can't put ten foot of dirt on it because they can't repair the pipeline. And the spring and the summer of this year, people came through and worked on the pipeline. They did right-of-ways and stuff like that. I had talked to them and they said to keep in mind that this pipeline is over 40 years old. There will be work done to the pipeline at some point in the future. I'm not real close to it, but I imagine if I just bought a \$200,000 home that's 25 feet off the pipeline and all of a sudden you've got bulldozers and backhoes coming in behind your house. You wouldn't be a very happy person. I don't think that would be real good or fair to them.

Chairman Wagner: Okay, at this point....you have something new that hasn't been said? All right, I will give you one minute. How about that?

Sherry Adams: Hi, I'm Sherry Adams and I live in the Westbourne Grove neighborhood. One of the things that I continue to hear everyone say is, you know, we've spoken to High Point City. We've looked at this, that and the other. You know, keep in mind we are here for Colfax and one of the things as I sit here and look at each and every single one of you, I see so many of you engaged. I see so many of you laughing. I see so many of you writing notes. These are our homes. This is what we fight for. You know. What's in your back yard? What did you want out of your home? Did you want to see deer come up? Or do you want a bunch of kids playing? Where you decided to choose your home was your decision. I mean everybody in here got to choose their home. Unless somebody's in prison, they didn't get to choose their home. But, then again, I guess they could have. So that really upsets me. Some of the attitudes that I've seen in here. It really does upset me, specifically because I grew up in High Point. My father had a business here. My last name was Buie and I am proud to be a Buie and I'm even prouder to be an Adams. But what I'll say is, we chose where we live. We have that right. High Point is coming in and you're kind of taking our right away because we're Colfax. We're not being considered for the annex, but our backyards are going to have townhomes. I think your homes are beautiful. I mean I really think they are. I looked at the Trellises, but I also see that you've got many that are still for sale and many that are still going up. So you're oversaturated in that area. Are you going to oversaturate in my backyard?

We have Albino deer come up in my backyard. My husband feeds them corn. This may not be important to you and you're not my mayor, but what I am saying to you, is it's my property value. My husband started his own business over fifteen years ago. He supports High Point. He had a restaurant in High Point. He paid those taxes. Thomas Built Buses, I think you'll

have to say Freightliner, that's a big bulk of High Point. When you almost lost it to South Carolina, did that not upset you? We're about to lose the reason why we moved to Colfax. We're concerned about our property values. We have parents that live in Emerywood. We have friends that live in Emerywood. A lot of people decided to stay in the Emerywood area. We love Emerywood, but a lot of people have decided to go north, which is exactly where we are. A lot of people could have gone into neighborhoods that there's no....they're all cookie cutter homes. Not yours. We decided that we wanted to be able to take our clothes off and not necessarily have the blinds closed. Not that my husband and I run around naked or anything, but the point of my whole...what I'm saying to you is what's important to us is buffer, density, privacy. My husband and I came back from the beach today and I said the worst fear that I have is that we're not going to have the deer in our backyard anymore. I don't know if you've ever had deer come up in your backyard or eat off your terrace, but if you haven't I'll give you the directions to our neighborhood if you have never been there. Again, our property value is important to us and everybody out in Colfax, the area that we're talking about, has a minimum acreage of three acres. That's one home. We're a minimum of three acres. He's talking about a lot more density per acre. I thank you and I really hope that you consider this. Don't laugh it off. Even though it's 7:30 and you have a lot to talk about still, this is really important to us. I hope you take that into consideration because it's not a laughing matter. Thank you.

Chairman Wagner: *Thank you, Ms. Adams. I'm going to declare the public hearing closed.*

Unidentified person in audience: *I just want to say one thing. Two minutes.*

Chairman Wagner: *No, I've declared the public hearing closed. I'm sorry.*

Mayor Bencini: *It's up to the Committee Chair.*

Unidentified person in audience: *I want to say something different.*

Chairman Wagner: *I've declared the public hearing closed. I'm sorry. All right, at this point, Mr. Mayor I believe one of our folks on the Council has asked for a recess.*

Mayor Bencini: *I think that's a good idea. We'll take about a five-minute break. [The Council returned from a ten-minute recess and proceeded with the public hearing regarding this matter.]*

Can y'all please sit down so we can get started again? Thank you. Mr. Wagner, I'm going to let you continue on with whatever course you feel like we need to take at this point.

Chairman Wagner: *Okay. We're going to go ahead now. The public hearing has been closed, so the floor is open to the Council for questions, but I'd like to start us out with a question about the traffic study because I promised that gentleman that I would ask the question for him. So, Mr. Davenport, maybe it'll give you an opportunity to come forward and talk about the traffic study, but also Mr. McDonald about the date of 2012 on the traffic study, is that something that is a problem for you or our transportation staff?*

Mark McDonald [Director of Transportation]: The traffic study is dated August, 2015. John can tell you all about that....regarding when certain counts are used and how adjustments are made to reflect that.

Chairman Wagner: All right, then Mr. Davenport, can you speak to that then to add some clarity to it?

John Davenport: I'll try to answer any questions I can and then sit down because you guys have been on this case for a while. Again, my name is John Davenport with John Davenport Engineering, 305 W. Fourth Street, Winston Salem, North Carolina. Our firm conducted this Traffic Impact Analysis for Keystone Homes. And just to give you a little bit of background and just to help you understand the Traffic Impact Study process. When a study is required by your ordinance, we sit down and we meet with city staff and we agree on the parameters of the study. In this case, we also because of the scope of the size of this project met with NCDOT. So both the city and the state have a say in how this process is done. We don't get to do it the way we want to do it, we have to do it in coordination with the city. I know there were some questions about the traffic counts. There's two different counts that go into a traffic study. When we do these studies, the city and state are concerned about the intersections that they feel will be impacted by the traffic and as the result of those, generally we go about and provide traffic counts at those intersections unless there's traffic counts already available. Now in this particular analysis and Mark you can correct me if I'm wrong, but these were all done in August of this year. So we did all the counts that were in this Analysis in August of this year, 2015. I think the count the gentleman is talking about at the previous meeting, which I wasn't at, the NCDOT also does road tube counts. In fact it's probably road tube season and if you're driving around now, you'll see some tubes on the road in this area. They put tubes out to count traffic volumes throughout the region so they can keep up with their model. So in the last count that was done on Boylston was done in 2013 and that's the 1,000 vehicles that he's talking about. So that's not a study that we did. That is information the North Carolina Department of Transportation has on their website. What I was doing when he was talking is I went to the website and actually looked at it. I'll be glad to show it to you if I can put my iPhone on the screen. But the count was done by NCDOT in 2013. We go and we look at those counts just to basically reconcile our work with other counts so that we're not just saying well here's what we think, here's what we have, here's what NCDOT has.

Mayor Bencini: So the baseline is the most current NCDOT?

John Davenport: Yes Sir.

Mayor Bencini: Okay, and you adjust it based on that.

John Davenport: Right. If that came out and it was 5,000 cars and we had 1,000, there's something wrong somewhere and we've got to go back and get that fixed before we turn in the study. So that's part of why we do that as part of our due diligence. Having said that, we looked at eight intersections. The majority of the intersections around this development are in subdivisions. When you come into an area where people are not used to heavier development, you're always going to have concerns with more traffic. If you live on the end of a dead-end street, of course if that road is connected and whether this development is built at 400 units or 200 units, you're going to see more people on that street. So that just goes without saying. The streets are stubbed out and the only way to prevent that is not do any development that

connects it at all. So I'm not saying that one way or the other as far as approval of this project, but just to point out that if you make this connection, there will be more traffic. Primarily the impacts for this development are in the areas that we already know about along Sandy Ridge Road where the DOT has got projects and the city's looking at doing projects up at the interchange of I-40. We actually studied that far out. I know some people talked about the scope of the study. We were actually asked to look all the way out towards I-40 to make sure that the impacts of this project were mitigated. What we've come to agree upon is the entrance into....Boylston, like we talked about, or like they talked about was recommended. We had discussions about turn lanes a long time ago, about whether we should do them or not and in this case, we are recommending these turn lanes be built. So that's the summary of the study. We don't usually get into crash analysis unless there's specific accident problems that the city asked us to figure out. Generally, we're looking at traffic, a.m. and p.m. peak 7:00-9:00 in the morning and 4:00-6:00 in the evening. So that's the summary of what traffic studies are. In this case, we looked at five years into the future, so 2020 is what we look at. So we don't look at just the counts today. We do those counts. We project them out five years and then we add this traffic to it.

Chairman Wagner: *Is that based upon sort of estimated build-out?*

John Davenport: *Yes. And that's also a requirement. We look at plus five. So whether he said three years or two years, it's going to be plus five in this case. We also look at any other developments that were approved and put those into the traffic model as well. And there were two others, if you can read through the document, there were two other developments that we included in the traffic counts and included them in the analysis. So I'll be glad to answer any specific questions that you have.*

Chairman Wagner: *Does anyone have any other questions for Mr. Davenport? [none at this time] Thank you, John. Is there anything that you'd like to add to that Mark from the Transportation staff?*

Mark McDonald: *No.*

Mayor Pro Tem J. Davis: *Mr. Chairman, may I ask Mr. Davenport one question? Someone earlier tonight disputed the 1,000 vehicle count, and said that number was just an arbitrary number. But that number came from DOT to put....what did you call it.....across the road?*

John Davenport: *Traffic tubes. Yes Sir.*

Mayor Pro Tem J. Davis: *So that was probably an accurate count of traffic?*

John Davenport: *I would say so.*

Mayor Pro Tem J. Davis: *Would they have just rounded that number up to the even thousand?*

John Davenport: *More than likely they probably rounded it. If it were 896 or something, they more than likely rounded it up.*

Mayor Pro Tem J. Davis: *All right, so that's where that figure came from is DOT?*

John Davenport: *Yes. Like I said, they count all of their roads and it's on a two-year rotation or something like that. So, you know, when they get around....they'll probably count this year. So when they publish the number next year, you'll see it on the website.*

Mayor Pro Tem J. Davis: *How do those tubes work? Do they do it for a certain timeframe and just take an average, or how does that work?*

John Davenport: *What they do with a road tube is there's a piece of equipment on the side of the road, so the tube all it does when the vehicles hit it, it has a burst of air that goes and hits some electronic devices and it counts. So there's a piece of software in there that actually looks at that. The tubes usually stay down for several days because what they're looking for is an average 24-hour count. So they wouldn't do it just on a Saturday. It's usually done during a weekday.*

Mayor Pro Tem J. Davis: *Just an average of say maybe a week or two weeks, whatever the timeframe is.*

John Davenport: *I don't know if they leave it that long, but however long it's down, they get the average 24-hour count and that's what that number is....a 24-hour count. Again, we look at peak hours for our analysis because that's the worst time of the day. They count all day.*

Chairman Wagner: *I think some of the other items that were brought up by folks...one of them was regarding the potential watershed issues and maybe I think you wanted to speak to that?*

Chuck Truby: *My name is Chuck Truby with CPT Engineering and Surveying, Inc. here in High Point, 4400 Tynning Street here in High Point. First of all, you know, the site was cleared and left in kind of disrepair. In the condition that it is in right now, I mean if we were developing it, we would be in all kinds of violations of both state and High Point regulations regarding erosion control. So the first thing, if this is rezoned and approved, the first thing we're going to have to do is draw construction drawings that, you know, provide for erosion control, which is temporary measures and then we'll have permanent controls in place, what detention ponds and so forth. And those ponds are all designed to not only store the run-off and release it at a pre-development rate; they're also designed to clean the water before it goes into the stream and those regulations are very detailed. The reviews are very thorough. Trust me, High Point is very thorough in their reviews. So what we end up with is basically a site that all the stormwater is clean. We also have regulations and how long the soil can remain bare when we're in construction. So if we have a slope that's finished, it has to be seeded within seven days after it's been finished. So what's going to happen as this site develops is you're going to get grass growing on it. You're going to get it stabilized and you're going to solve the problems that exist out there right now. It will actually, in my opinion, from an environmental standpoint will probably make the site better than it currently stands today. And I think that's all I have.*

I would like to talk about the, one thing about the layout. Can I do that, or am I overstretching my....could you bring up the concept plan? When we lay out a project like this, the first thing we look at are what's around us, okay. So when I was laying this one out, I knew that we had single-family to the north and I knew we had single-family to the east and I said....I told Scott,

Mr. Wallace, I told him that we really need to lay it out with our single-family adjacent to the single-family. And then as far as the road connections are concerned and I know you all are aware of this, but once you exceed 150 units you have to have three points of connection. Well what I tried to do when we connected to what's that....Sweet.....Quail Meadow and Sweet Meadow...what I tried to do is I didn't want to bring a street directly into that and encourage traffic to go down those roads. So if you can...I don't have the pointer, but if you see the way it's been laid out, Sweet Meadow will come into another local residential street and then that street will connect to the spine road so that people that live in the community, they're going to use the spine road. They're not going to use Sweet Meadow and that other road. I think those roads are being used more for emergency access and things like that, but the layout has been laid out to prevent people in our subdivision from using those roads. That's all I wanted to add.

Mayor Bencini: *Mr. Wagner, can I ask staff a question?*

Chairman Wagner: *Sure.*

Mayor Bencini: *A couple of comments were made about asking for a berm with conifer trees. What impact would that have in mitigating overhead airplane noise?*

Chuck Truby: *I'm not a noise expert, but my opinion is a berm will have no impact on the noise at all. And this site.....I know there were a lot of public hearings on the airport stuff. When they developed Zone 1, Zone 2, Zone 3, Zone 4, there had to have been a dozen public hearings on that and all kinds of airport specialists and noise levels and everything else. Those folks determined that this was an area Zone 4. So that's another thing. And then, one other thing on the density....and I know this is always the tough part of developing in somewhat undeveloped areas where you have city water and sewer. The problem is....the bottom line is you can't develop acre lots or even 1/2 acre lots on city water and sewer. You just can't....the infrastructure cost gets so high. It's a balancing act between what you can physically do and afford to do and that's where we are. We thought we came up with a plan that kind of balances those issues to the best that we could. That's how we came up with the numbers that we've come up with. But it's really a factor of the water and sewer.*

Chairman Wagner: *Herb, do you want to address his question?*

Herb Shannon: *In regards to the Airport Overlay, as noted in the staff report this site is in Airport Overlay Zone 4. Single-family dwellings are permitted. Any sale of the property or future resell, they would have to notify future property owners that they are in the airport area and there may be a noise impact. In regards to the suggestion of putting berms around the edge of the property, that came up at the Planning & Zoning Commission and it was noted that may cause unintended consequences of stormwater flow. Currently stormwater flows from Boylston Road down towards the stream. Berms may have an unintended impact of backing up water on those abutting properties.*

Chairman Wagner: *The floor's open to Council. Any additional questions or debate or motions or whatever?*

Council Member Golden: *I don't know if it was covered from everybody that spoke, but one gentleman said that it did not come from Planning & Zoning with a favorable*

recommendation. I just want to know what were the concerns that they had. Can somebody enlighten me?

Herb Shannon: I believe those are outlined in your staff report. The Commission had concerns as to the density. The applicant has....they did not give the applicant a specific number, they just said they felt the density was too high. The Commission had concerns as to construction access. Will they come from those side streets, Sweet Meadow and Quail Meadow? The applicant attempted to address that by adding a condition as to that all construction traffic will come from Boylston Road. There was also some questions or concerns as to where the stub would be to the western boundary of the site. The applicant has addressed.....or staff attempted to address this by noting that would be...the condition was amended that it was either going to be to the north or to the west at the time that tract comes in for preliminary tract approval. And then, finally, there were some concerns as to how the individual tracts would be laid out. The applicant has provided you with an illustrative drawing of a potential concept. But those were the primary concerns addressed by the Planning & Zoning Commission.

Council Member Golden: Thank you.

Council Member C. Davis: Well, I can say that I'm looking at the Land Use Plan goals and objectives and it says Goal #1: To ensure that the development respects the natural environment. I'm not so sure that it will with this number of homes. Objective #2: Protect and preserve environmentally sensitive locations including designating open space, watershed critical areas from inappropriate development. For me, I just....I see the need for the homes and I see the desire for the developer to want to do what he wants to do, but I do think that the density is way too high. And I agree with many of those individuals that spoke that are concerned about their way of life. This is a quality of life for them and they did choose to live where they're living and progress does happen, but I believe that they have a right to come to us to say please don't disturb the way that I'm living my life for tax base revenue and putting taxpayers on the line to hire six additional officers to patrol the area. I don't think they're against development. I think that their concerns are very valid. That's basically where I stand. I think that the density if it were less, considerably less, that it kept with the nature of what's out there. I don't think we'd be having the conversation.

Mayor Bencini: The Land Use Plan as it currently stands, adopted by the City of High Point, allows for five units per acre. The initial submission by Keystone Group was for 3.9. Now they've further conditioned it down to 3.5. I think they've done a good job in trying to maximize to the degree that they can the development of a particularly challenged piece of land and I'm confident, as always, that the City of High Point Technical Review will make sure that all rules and regulations regarding the environment will be met.

Council Member C. Davis: Well, with that I would just like to add, Mayor, that just because a person can do a thing doesn't mean that a person should do a thing.

Chairman Wagner: I think.....I understand the concerns about the development that's there and I think the position that we're in as Council and Council Members is that, you know, we have to balance those concerns also against the right of the property owner to do what they'd like to do with their property. There's kind of rights on both sides there that I think we kind of have to come to a balance on. And also, not only their right to choose what to do with the

property they own but also whether in doing so that property meets the guidelines and the standards that we've established. And, to me, I think that this one does meet the guidelines under our Land Use Plan and under our Zoning Code. I understand the concerns about living in the country and having development come to you. I understand that. It's, you know, this area is in the Heart of the Triad though and it's in the middle of everything. And it's hard to deny that. So generally I'm in support of the request.

Council Member C. Davis: You know we have the flooding concern over on Kensington Drive that started out as a small stream and now is a gully and we see the spider veins and we've had people talk to us about the depth of some of those trenches and ditches and what-not. That's not going to go away and the rain's still going to come and the impervious surface is definitely going to increase the flow of the water in that river. I called it a stream and someone corrected it and said it's not a stream, it's actually a river. So, you know, when you start taking away ground that the water can go in and then all it has is the roof tops and the pavements to drain into that river, we already know what that looks like over on Kensington. And with other additional development that's going to occur, that's going to create even more.

Chairman Wagner: I think Kensington is not really a fair comparison because it was built at a time before stormwater regulations required any sort of retention ponds. I grew up in that neighborhood and there's not one retention pond anywhere over there to catch any of that water. Our standards are much different and much higher now than they were in the 1970s, late 60s, early 70s when that was constructed. I don't think that was a fair comparison really. Also, you know, I mean it rained for two weeks. I think we had an extraordinary amount of rain and I'll tell you having grown up over there, I never remember that sort of flooding ever happening over there as a kid. But, again, I think if that neighborhood had stormwater control, I don't think you would have seen that kind of flooding.

Council Member C. Davis: I think the problem over there that I'm trying to tie to this is the development that occurred after that neighborhood developed. So additional development added to the problem that they have, which is the concern that I have for this particular development and future development that would impact. That's where I was trying to make the tie and not so much that the retention pond wasn't there and this property will, in fact, have retention ponds. I think it's being proactive to think further down the road about what we already knows coming with 350 South and the impact thereof.

Chairman Wagner: Herb, our stormwater regulations basically are whatever is generated on the site has to be caught on the site, right?

Herb Shannon: Correct.

Chairman Wagner: So any future developments also have to abide by that standard and when 350 South develops, it will have to catch the water on their site and every other site has to catch the water on their site, right?

Herb Shannon: Right.

Chairman Wagner: And that's to mitigate what she's speaking about, isn't it? To make sure that if it's caught on site and slowed down and treated on site, then theoretically you shouldn't have as big of an impact on a stream as you otherwise would.

Herb Shannon: *That's correct.*

Council Member C. Davis: *I guess what I would say to that Mr. Wagner would be the fact that you can't tell God where to drop the water. He's not going to drop it in the pond and it not run off the sides of the road or the top of the building and flow wherever it needs to flow. If all water went where it was supposed to go, we wouldn't have flooding issues that we have throughout this city.*

Chairman Wagner: *I don't proclaim to tell God what to do with His water, but I know it all flows downhill.*

Council Member Williams: *I only have one main concern. When we talk about the density and number of families going in the area and the impact of that on the local schools. That was always my concern, especially when we just had a meeting with Guilford County, Say Yes to Education, and it was described that they were operating on a lean budget and they're saying that these children....and please correct me if I'm wrong....that they'll be going to Southwest. They'll be going to those schools in that area and this could be a negative impact, or increase in size of family. I was thinking of a low number, maybe let's just say 500 kids. But even then, for those schools....that was my main concern.*

Mayor Bencini: *Chris, one of the things that's interesting about arguing against development because of impact on schools and you see it a lot. You hear that argument all the time. The reality is there's going to be 400 new homes that will be paying Guilford County taxes into the school system that are not paying. Those are tax revenues that won't support education now because they're not being paid. It will be close to \$600,000 if you use the average of \$200,000 per unit times 400 times the current 67 cents per \$100 evaluation. So there's going to be a lot of additional tax revenues that go directly to the school because Guilford County takes about 2/3 of every tax dollar that's paid. So it's not as if those homeowners will not be paying into the Guilford County School System to provide adequate school facilities for the children of that neighborhood. That happens whenever new development happens.*

Council Member C. Davis: *Chris, to your concern, Alyce can attest to this, the state of High Point Central within our school system now, taxes are being paid into Guilford County and the school system is in fact getting dollars, but some of the schools that are existing now aren't being maintained property to the degree that they should be. You know, I don't think the amount of taxes that these homes are going to generate is going to be enough in the next, what five years if you start out with zero kids, to generate a new building.*

Mayor Bencini: *That would be a political problem rather than a revenue problem. An allocation problem.*

Mayor Pro Tem J. Davis: *What I'd like to say is tonight we've heard a lot of different opinions and comments. I sympathize with everyone because it is a quality of life issue. But my job is to hear all the facts and make a decision based on the facts. And what I have heard tonight, we have spent many hours adopting Land Use Plans and this developer has brought us a plan that meets our Land Use. We have property owners who have asked for a voluntary*

annexation and based on the facts, I can't find anything that I can say that I can really deny this development because he meets all the conditions. So right now I'm in support of this.

Chairman Wagner: *Is there any further debate among the Council?*

Mayor Bencini: *Is there a motion?*

Chairman Wagner: *Yeah, I'll make a motion, but we've got to go one-by-one. So under the annexation case, I would make a motion to approve Annexation Case 15-08 subject to approval of the accompanying zoning case.*

Herb Shannon: *Does that include the 180 days?*

Chairman Wagner: *As proposed in the ordinance. Yes.*

Council Member Ewing: *Second.*

Mayor Bencini: *I have a motion and a second. Any further discussion? [none] All in favor, say Aye.*

Mayor Bencini, Mayor Pro Tem J. Davis, and Council Members Hill, Wagner, and Ewing: *Aye.*

Mayor Bencini: *Opposed?*

Council Members C. Davis, Golden and Williams: *No.*

Mayor Bencini: *How many Noes? Three Noes. That motion fails.*

Chairman Wagner: *Okay. This was for the annexation, so that motion actually PASSES.*

Okay, I will then make a motion for approval of Zoning Case.

Unidentified person in audience: *Can I speak to one thing?*

Chairman Wagner: *....what? Excuse me. About what?*

Unidentified person in audience: *Townhomes and children. If I could speak about that.*

Chairman Wagner: *I'm sorry.*

Council Member C. Davis: *Call the question.*

Chairman Wagner: *Oh no, we're done with that. I would make a motion for approval of Zoning Case 15-16 and state that it is in accordance with adopted plans and the.... what's the other words I've got to use? Hold on.....*

Council Member C. Davis: *You can reference the staff report.*

Chairman Wagner: That it's considered to be reasonable in the public interest and is consistent with the city's adopted plans as stated in the staff report.

Mayor Bencini: We have a motion, is there a second?

Mayor Pro Tem J. Davis: Second.

Mayor Bencini: Any further discussion? [none] All in favor, say Aye.

Mayor Bencini, Mayor Pro Tem J. Davis, and Council Members Hill, Wagner, and Ewing: Aye.

Mayor Bencini: Opposed?

Council Members C. Davis, Golden and Williams: No.

Mayor Bencini: Noes, raise your hand. Three Noes. It required six to overturn the action taken by the Planning & Zoning Commission. So that motion **FAILED**. I would presume that at this point, the annexation would be withdrawn.

Chairman Wagner: My motion was subject to the approval of the zoning case.

Mayor Bencini: So that would null and void that previous annexation.

Chairman Wagner: Mr. Wagner, that's all for the Planning & Development Committee.

Council Member C. Davis: For those of you in the audience that didn't understand what just happened, the development was denied. [applause]

[End of transcript.]

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that this Resolution be adopted to Annex this property, subject to approval of the accompanying rezoning with an effect date of May 13, 2016. The motion carried by the following 5-3 vote:

Aye (5): Council Member Hill, Mayor Pro Tem Davis, Council Member Ewing, Council Member Wagner, and Mayor Bencini
Nay (3): Council Member Williams, Council Member Golden, and Council Member Davis
Absent (1): Council Member Alexander

150373 Ordinance - Zoning Case 15-16 - Keystone Group, Inc.

A request by Keystone Group, Inc. to rezone approximately 114.18 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, to the Planned Unit Development - Residential (PDR) District. The site is lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road (8809, 8813 & 8819-R1 Boylston Road).

Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matter **150372 ANX 15-08** was held on Monday, November 16, 2015 at 5:30 p.m.

Note: Please refer to **150372 ANX 15-08** above for specific comments made at the public hearing regarding this matter.

Because the accompanying zoning case 15-16 request was forwarded to City Council with an unfavorable recommendation from Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for this request to be approved.

Denied Zoning Case 15-16 as requested by Keystone Group, Inc.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem Davis, that this matter be adopted. The motion failed due to the following 5-3 vote:

- Aye (5): Council Member Hill, Mayor Pro Tem Davis, Council Member Ewing, Council Member Wagner, and Mayor Bencini
Nay (3): Council Member Williams, Council Member Golden, and Council Member Davis
Absent (1): Council Member Alexander

Note: The vote failed for the accompanying zoning case 15-16; therefore, this nulls and voids the previous action to approve the annexation.

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair
Committee Members: Ewing, Alexander, Hill & Wagner (all present except Alexander)

150376 Proposed Amendment - Downtown Incentives Program

Consideration of an amendment to the Downtown District Incentives Program. (At the November 2, 2015 City Council meeting this item was returned to committee for review.) At the November 11, 2015 Prosperity and Livability Committee meeting, the Committee voted unanimously to make no changes to the Downtown District Incentives Program.

At the City Council meeting held on Monday, November 2, 2015 Council Member Golden requested this matter be referred back to the Prosperity and Livability Committee to discuss the percentages for the downtown incentives grant program. The Prosperity and Livability

Committee did discuss this matter on November 11, 2015 but recommended no change to the existing policy.

GENERAL BUSINESS AGENDA

150374 Reappointment - Boards & Commissions - Housing Authority

Council is requested to confirm the reappointment of James LeGrande to the High Point Housing Authority Board. Appointment will be effective December 22, 2015 and will expire December 22, 2020.

Approved reappointment of James LeGrande to the High Point Housing Authority Board. Appointment will be effective December 22, 2015 and will expire December 22, 2020.

A motion was made by Council Member Golden, seconded by Council Member Ewing, that this reappointment Item be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150375 Approval of the Minutes of Previous City Council Meetings

- Planning & Development Committee; October 20th @ 4:00 p.m.
- Finance Committee; October 28th @ 4:00 p.m.
- Manager's Briefing Session; November 2nd @ 4:00 p.m.
- High Point City Council Regular Meeting; November 2nd @ 5:30 p.m.
- Finance Committee; November 11th @ 4:00 p.m.

Council Member C. Davis asked that approval of the proceeding minutes be deferred until the next meeting because she was not able to access the minutes. Council Member C. Davis advised that the City Clerk informed her that the Housing Authority requires a certified copy of the November 2, 2015 High Point City Council meeting minutes. Deputy City Manager, Randy McCaslin confirmed that the Housing Authority does need those minutes for submittal to the LGC.

A motion was made by Council Member C. Davis, seconded by Council Member Ewing, that the November 2, 2015 High Point City Council Regular Meeting Minutes be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150270 Boards and Commissions - Vacancy Report

Attached is the current list of vacancies for all Boards and Commissions.

Note: This information is included for informational purposes only.

REMARKS FROM CITY COUNCIL

YMCA Thanksgiving 5K Run

Council Member Wagner announced that the YMCA would be sponsoring a 5K Run on Thanksgiving morning and encouraged everyone to participate. He also shared that they would be taking food donations for to help feed Lisa's Kids.

High Point's Holiday Festival Parade

Mayor Pro Tem J. Davis shared that he would be representing the City Employees in this Sunday's Holiday Festival Parade. As a side note, he announced that he would be riding in the garbage truck.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:25 p.m. upon motion by Council Member Wagner and seconded by Council Member Hill.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Special Use Permit Case 15-01
(Berkley Group, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: Yes

Advertising Date: November 25, 2015 and
December 2, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Special Use Permit

PURPOSE:

A request by the Berkley Group, LLC to allow a Telecommunication Tower exceeding the height limits of the Conditional Use Limited Office (CU-LO) District. The site is lying along the west side of Baker Road approximately 1,100 feet north of S. Main Street (*301 Baker Road*).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On October 27, 2015 and November 10, 2015 public hearings were held before the Planning and Zoning Commission regarding Special Use Permit Case 15-01. Staff recommended ***approval*** of this request as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Special Use Permit Case 15-01 by a vote of 7-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Berkley Group

Special Use Permit Case 15-01

At its October 27, 2015 and November 10, 2015 public hearings, the Planning and Zoning Commission reviewed this requests. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of Special Use Permit Case 15-01 was the applicant's attorney, Beth Koonce, 300 N. Main St., High Point, N.C. Ms. Koonce noted that the tower site will be surrounded by chain link fence and a screen of vegetation. She added that the tower would be built with the capability of withstanding 115 mph sustained winds. For safety, she also said it is designed to collapse in on itself.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Special Use Permit Case 15-01, as recommended by staff, by a vote of 7-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
SPECIAL USE PERMIT 15-01
November 23, 2015
(Revised)**

Request	
Applicant: Berkley Group LLC	Owner: Denland Investors
Proposal:	A Special Use Permit request to allow a Telecommunication Tower exceeding the height limits of the Conditional Use Limited Office (CU-LO) District.

Site Information	
Location:	Lying along the west side of Baker Road approximately 1,100 feet north of S. Main Street (<i>301 Baker Road</i>)
Tax Parcel Numbers:	Guilford County Tax Parcel 0202564
Site Acreage:	Approximately 3.9 acres
Current Land Use:	Undeveloped
Physical Characteristics:	The site is heavily wooded with a moderately sloping terrain. A perennial stream runs in a west to east direction through the northern portion of the site. A 100-year floodplain runs parallel to this stream and the steeper terrain of the site lies along this stream corridor.
Water & Sewer Proximity:	An 8-inch City sewer line lies adjacent to the site along Baker Road and runs through the northern portion of the site along the stream corridor.
General Drainage and Watershed:	The site drains in a general northeastern direction toward the perennial stream. Development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Engineered stormwater measures are required for non-residential development with an impervious surface area that exceeds 6% or more of the site.
Overlay Districts	Randleman Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	RS-9	Residential Single Family-9 District	Single family dwelling
South:	RS-9	Residential Single Family-9 District	Undeveloped
East:	RS-10	Residential - 10 District (<i>City of Archdale</i>)	Single family dwellings
West:	CU-LB	Conditional Use Limited Business District	Undeveloped

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	This request is not in conflict with the Community Growth Vision Statement.

Land Use Plan Map Classification:	The site has an Office land use map classification. This classification is intended to accommodate professional, personal and business service uses.
Land Use Plan Goals, Objectives & Policies:	This request is neither in conflict with the Land Use Plan's goals and objectives, nor does it promote those goals and objectives.
Relevant Area Plan:	Not Applicable
Community Growth Vision Statement:	This request is not in conflict with the Community Growth Vision Statement.
Zoning History:	The subject site received its current CU-LO District zoning in 1986. Except for commercial and multifamily zoning approvals granted at the intersection of S. Main Street and E. Swathmore Avenue in 1992 and 1998, respectively, there has been no recent zoning activity in this area.

Transportation Information			
Adjacent Streets:	Name		Classification
	Baker Road		Local Street
			Approx. Frontage
			857 ft.
Vehicular Access:	Baker Road (public street)		
Traffic Counts: (Average Daily Trips)	Baker Road		3,000 ADT (2013, NCDOT Traffic Counts)
Estimated Trip Generation:	No information		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	Not applicable		

School District Information
Not applicable to this zoning case.

Details of Proposal

The Development Ordinance permits telecommunication towers by right in all residential, office and commercial zoning districts, subject to meeting the height limits of that district. This site has a Conditional Use Limited Office (CU-LO) District zoning designation, which permits structures up to 50 feet in height. In order to allow a telecommunication tower that exceeds the height limits of a zoning district, a Special Use Permit is required.

The Berkley Group LLC has submitted this application to allow a 140-foot tall telecommunication tower on this property, which is currently undeveloped. Included with this application is a site plan. Summary of this proposal is as follows:

1. Location: The telecommunication tower is proposed to be installed on the northern portion of the site, just south of the stream.
2. Tower Type and Maximum Height: A 140-foot tall monopole style communication tower is proposed to be installed.
3. Co-location (shared use of tower): A minimum of four (4) antenna locations will be made available.

4. Access: Access for use and maintenance of the communication tower will be from Baker Road.

Findings

A special use is an additional use to those permitted by right in a zoning district. Such a use requires analysis for its potential impact on the proposed site and its impact on surrounding properties. The purpose of the Special Use Permit process is to allow the Planning and Zoning Commission and City Council an opportunity to perform this analysis.

Section 9-3-14 of the Development Ordinance requires that certain findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

That the use will not materially endanger the public health or safety if located where proposed; staff finds

Compliance	The Development Ordinance states that any user or carrier shall submit documentation that the tower will meet Federal Aviation Administration (FAA) regulations; and comply with all other applicable federal, state, and local regulations. The applicant has submitted an Aeronautical Study from Walter Wulff & Associates (Aviation Consultants) noting that the proposed 140-foot structure does not exceed Federal Aviation Regulations standards or adversely affects instrument or visual flight operations and procedures. Additionally, their consultant has noted that marking and lighting equipment is not required for a tower at or below 200 feet. Official letter from the FAA will be provided prior to permit request. Based on the supporting documentation provided by the applicant, staff has found no evidence that the placement of the proposed telecommunication tower at this location will be a public safety hazard.
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That the use meets all required standards, conditions and specifications of the Development Ordinance, and any additional restrictions imposed pursuant to Section 9-3-14(d) *Greater Restrictions*; staff finds

Compliance	Staff has reviewed the Special Use Permit site plan and has determined the request meets or exceeds the standards of the Development Ordinance.
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That the use will not substantially injure the value of adjoining or abutting property, or that it is a public necessity; staff finds

Compliance	❖ The site is currently undeveloped; however, it has a CU-LO District zoning, which permits nonresidential uses such as medical, professional and administrative office uses. Staff has found no evidence that the allowance of a telecommunication tower on the site will substantially injure the value of adjoining or abutting property. ❖ To ensure ground equipment and accessory equipment are screened from view of adjacent residential property owners, the applicant has offered conditions in their Special Use Permit to either 1) preserve
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	existing vegetation within 50 feet of the perimeter of the tower lease area, or 2) install a 30-foot wide Type A planting yard around the northern, eastern and southern sides of the tower's fenced compound area. The Type A planting rate is the most stringent required by the Development Ordinance as it requires the installation of 4 canopy trees, 10 understory trees and 33 shrubs every 100 linear feet.
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That the location and character of the use shall be in harmony with the area in which it is located and in general conformity with the plan of development of the city and its environs; staff finds

Compliance	The cumulative impacts of the issues outlined below assist in ensuring that the proposed telecommunication tower on this site will be in conformance with the adopted plans of the City for this area and generally in harmony with surrounding uses: ➤ The adopted Land Use Map supports office uses on those parcels along the west side of Baker Road and commercial uses to the west of the site. The parcels to the south and west are currently undeveloped thus; this request will have no impact on these abutting property owners. ➤ Due to the location of the perennial stream, stream buffer standards and a 100-year flood zone along this stream corridor, the proposed tower will be approximately 280 feet from its northern property line. The removal of existing vegetation in this portion of the site will be limited due to these environmental constraints. ➤ The residential parcels to the east (across Baker Road) are separated from the site by the 68-foot wide Baker Road right-of-way, with the tower being approximately 16 feet from the front property line of these parcels. In addition, landscaping conditions offered by the applicant will assist in filtering the view of the tower's ground equipment.
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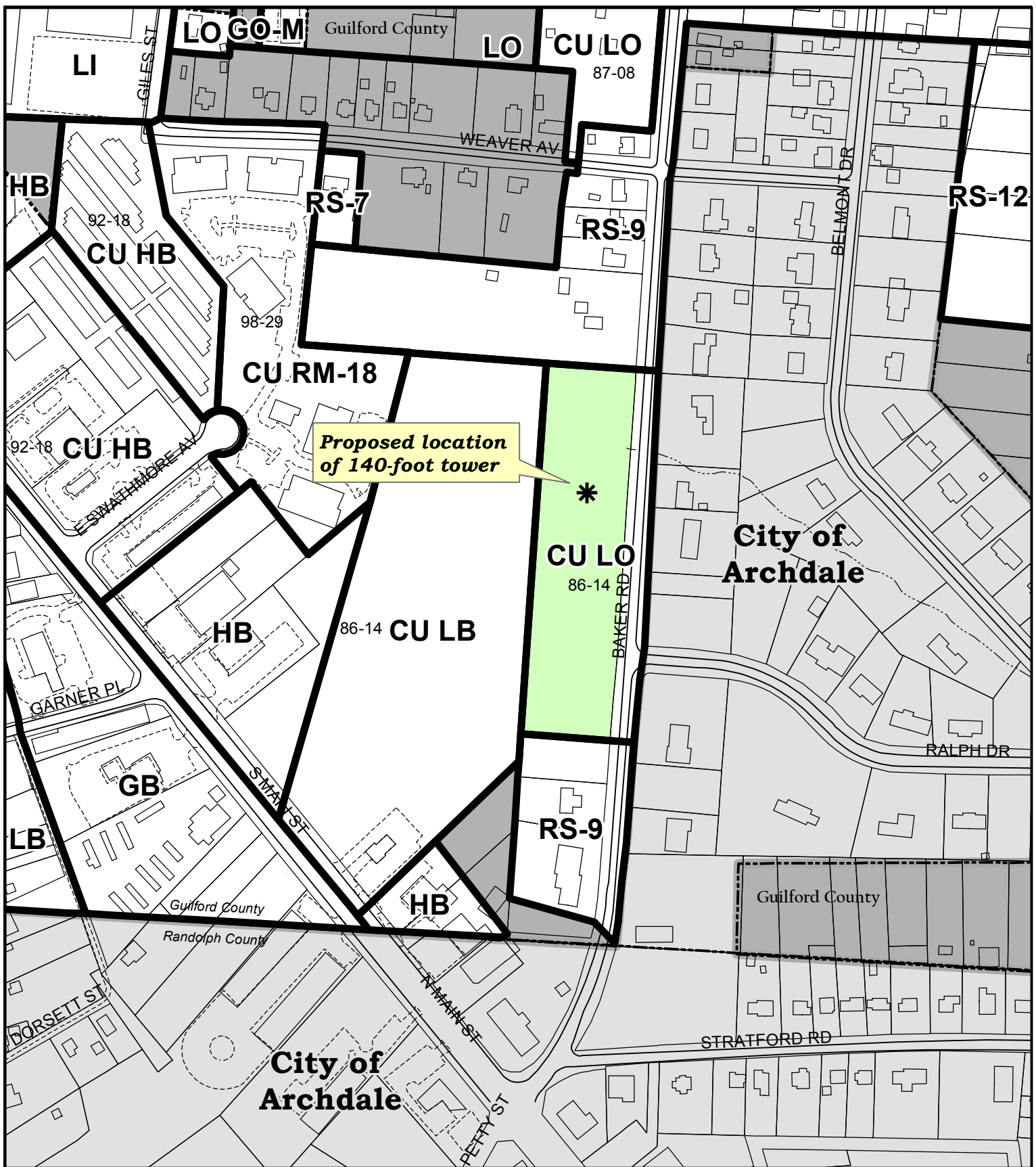
Recommendation

Staff recommends approval

Based upon the conditions in the attached Special Use Permit application and the preliminary findings of fact, staff finds that the request will be compatible with the surrounding zoning and in harmony with adjacent development in this area. The Planning and Development Department recommends approval of the request to allow a 140-foot tall telecommunication tower in the Conditional Use Limited Office (CU-LO) District and the accompanying Special Use Permit.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



SPECIAL USE PERMIT SU15-01

Request: To allow a 140-foot tower in a
Conditional Use Limited Office district.

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

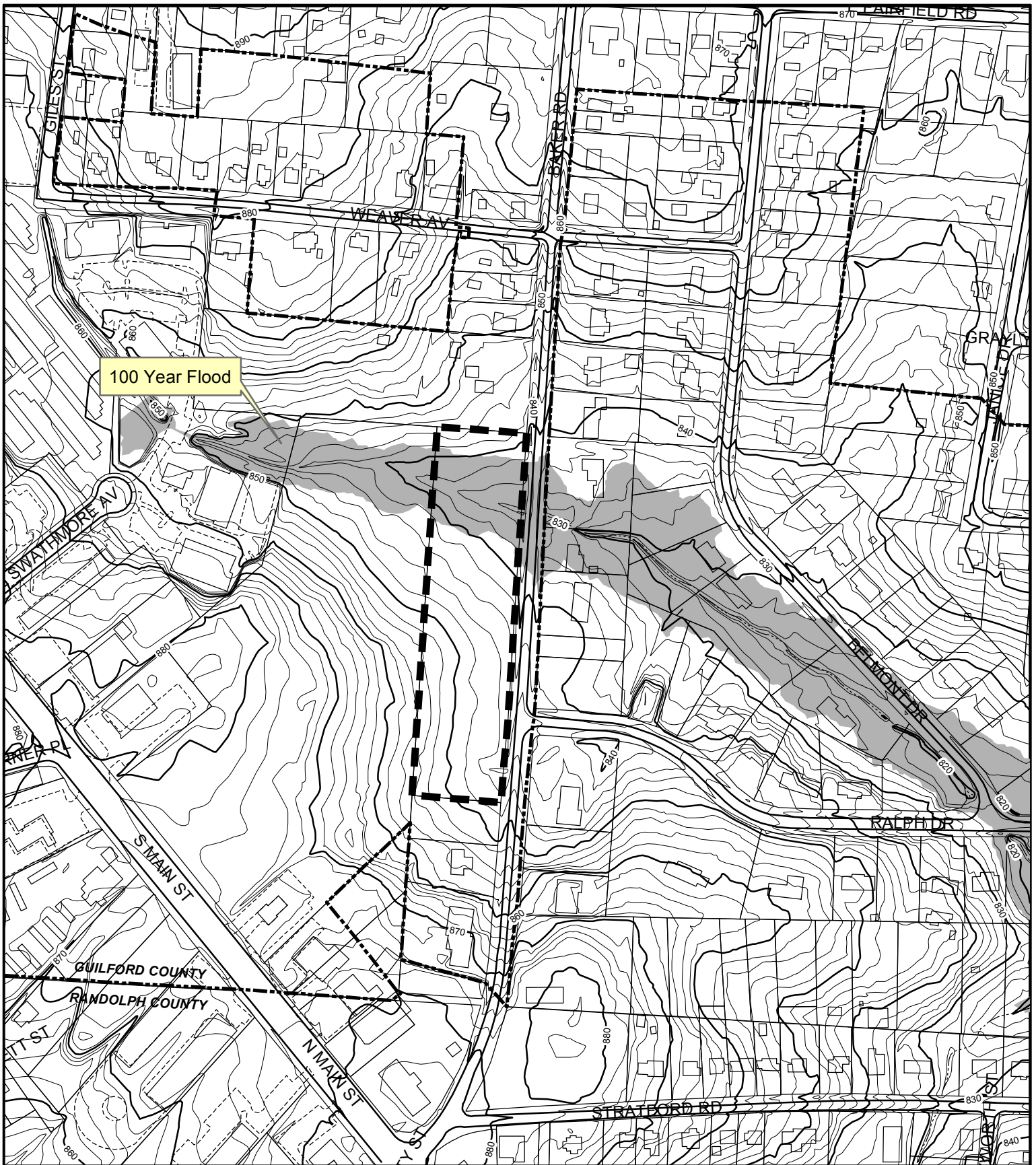
Planning & Development
Department

City of High Point

Date: October 27, 2015



Scale: 1"=300'
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2015\pz\sup15-01.mxd



SPECIAL USE PERMIT SU15-01

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: October 27, 2015



Scale: 1"=300'

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2015\pz\sup15-01topo.mxd

SPECIAL USE PERMIT SU15-01

*Proposed location
of 140-foot tower*



**SPECIAL USE PERMIT 15-01
CITY OF HIGH POINT, NORTH CAROLINA**

October 27, 2015.
(Submitted)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Communication Tower (exceeding height limits of zoning district)

- a. Type – Monopole
- b. Maximum Height – 140-feet
- c. Co-location (shared use of tower): A minimum of four (4) antenna locations will be made available (see Special Use Permit plan).

CONDITIONS:

1. Special Use Permit Plan:

Development shall be in accordance with the attached Special Use Permit site plan. This Special Use Permit and approved site plan are perpetually binding on this property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

2. Landscaping and Preservation/Buffer Area

Except for land clearing for the installation of the tower and access drive, as depicted on the adopted Special Use Permit Plan, all existing vegetation within fifty (50) feet of the perimeter of the lease area shall be preserved. The property owner shall document that the planting rate in this preservation area, along each side of the tower compound, is equivalent to the Type A Planting Rate. Subject to maintaining the Type A rate with new planting materials, the property owner shall be permitted to remove unhealthy vegetation and vegetation that may pose a danger to occupants of the site or to abutting property owners. Additionally, the property owner shall be permitted to prune existing vegetation within this area in order to maintain the health of the existing vegetation;

OR

A Type B Planting yard, planted at a Type A rate, shall be installed along the northern, eastern and southern perimeter of the tower compound. Landscaping along the western boundary of the tower compound shall be installed as required by the development ordinance.

DESCRIPTION OF PROPERTY:

An approximately 3.9-acre parcel lying west of the intersection of Baker Road and Ralph Drive (301 Baker Road).

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed in this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 15-01 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE ~~XX~~TH DAY OF NOVEMBER, 2015.

Lisa B. Vierling

Date

City Clerk

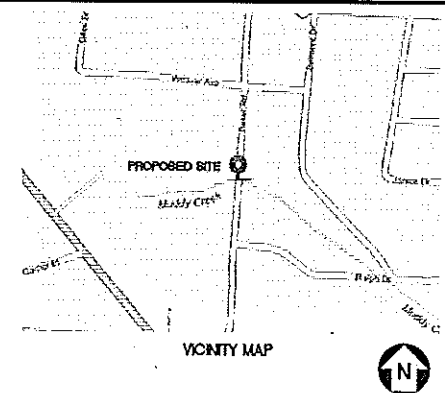
A ISSUE FOR OWNERS REVIEW

09/14/15

A PROJECT FOR:
BERKLEY GROUP LLC

**BASE TRANSCIVER SITE
BAKER ROAD
301 BAKER ROAD
HIGH POINT NC, 27263
GUILDFORD COUNTY
NORTH CAROLINA**

DIRECTIONS:
FROM CHARLOTTE, NC. MERGE ONTO I-77
N/US-21 N. VIA EXIT 5A TOWARD I-85
N/STATESVILLE. CONTINUE FOR APPROX
1.7 MILES. MERGE ONTO I-85 N. VIA EXIT
13A TOWARD GREENSBORO. CONTINUE
FOR APPROX. 72.7 MILES. TAKE S. MAIN ST.,
EXIT 111, TOWARD ARCHDALE/HIGH POINT
DOWNTOWN. CONTINUE FOR APPROX. 0.2
MILES. KEEP LEFT TO TAKE THE RAMP
TOWARD ARCHDALE/HIGH POINT/HIGH
POINT UNIVERSITY. CONTINUE FOR
APPROX. 0.03 MILES. TURN LEFT ONTO S.
MAIN ST. CONTINUE FOR APPROX. 1.6
MILES. TURN RIGHT ONTO BAKER RD.
CONTINUE FOR APPROX. 0.3 MILES. END AT
301 BAKER RD., HIGH POINT NC.



PROPERTY OWNER:
DENLAND INVESTORS
P.O. BOX 2756
HIGH POINT NC, 27261

PARCEL ID#:
0202564

SITE INFORMATION:

TOWER OWNER:
BERKLEY GROUP, LLC
10612-D PROVIDENCE ROAD, PMB 742
CHARLOTTE, NC 28277
BONNIE NEWELL-PROJECT MANAGER
TEL: (704) 907-7104

TOWER INFORMATION:
PROPOSED 140' MONOPOLE

ZONING INFORMATION:
JURISDICTION: CITY OF HIGH POINT
CLASSIFICATION: CU-LO
OCCUPANCY: WOODS

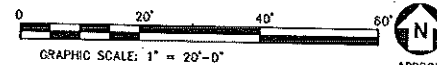
PLANNING DEPARTMENT:
CITY OF HIGH POINT PLANNING & DEVELOPMENT
211 SOUTH HAMILTON STREET
HIGH POINT NC 27261
TEL: (336) 883-3328

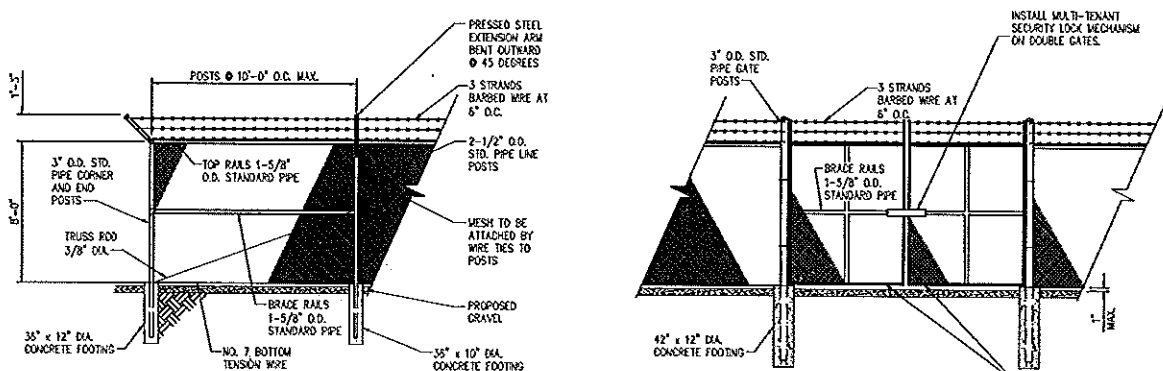
DRAWING INDEX

ZONING

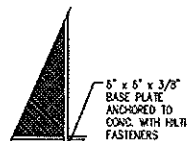
Z1	OVERALL SITE PLAN
Z2	SITE LAYOUT
Z3	COMPOUND FENCE DETAILS AND TOWER ELEVATION

ACCS **ENGINEERING, Inc.**
3 Marcus Drive
Greenville, SC 29616
Ph. (864) 288-0553
Fax. (864) 288-0559





1 FENCE PANEL
SCALE: 1/8\"/>



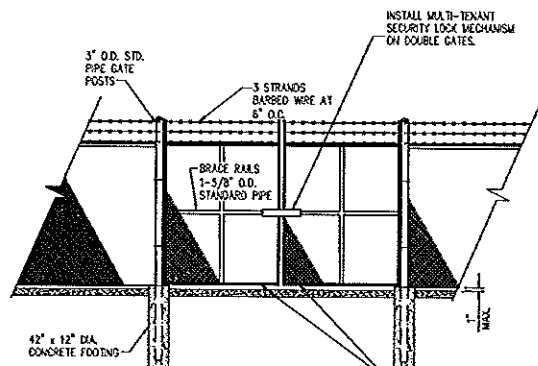
2 ALT. POST ANCHOR DETAIL
FOR FASTENING TO CONCRETE
SCALE: 1/2\"/>



3 GATE KEEPER DETAIL
TO HOLD GATES OPEN
SCALE: 1/2\"/>

NOTES:

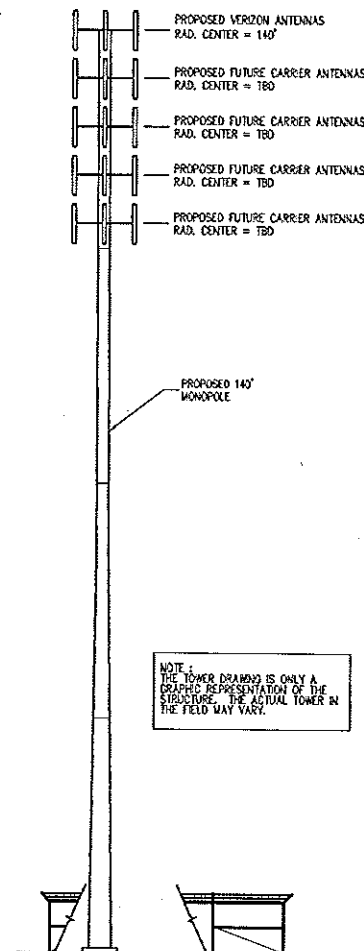
1. ALL MATERIALS AND HARDWARE FOR THE CHAIN LINK FENCE SHALL BE OF A HOT DIP GALVANIZED FINISH.
2. CHAIN LINK FABRIC TO BE 8 FT. HIGH, 9 GA. WIRE, 2 IN. MESH WITH TWISTED SEWAGE TOP AND BOTTOM. (ASTM A302)
3. BARBED WIRE TO CONSIST OF 3 NO. 12-1/2 GA. GALVANIZED STEEL WIRE WITH 4 POINT BARBS OF NO. 14 GA. GALVANIZED STEEL. POST, RAIL, AND GATE FITTINGS TO BE PRESSED STEEL OR MALLEABLE CASTING. (ASTM A153)
4. ALL POSTS SHALL HAVE WEATHER CAPS INSTALLED.
5. POSTS TO SET IN 2000 PSI CONCRETE. BOTTOM OF CONCRETE TO BE 2\"/>



2 VEHICULAR GATES
SCALE: 1/8\"/>

INSTALL MULTI-TENANT SECURITY LOCK MECHANISM ON DOUBLE GATES.

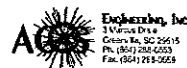
TWO 6\"/>



4 TOWER ELEVATION
SCALE: 1/8\"/>

NOTES:

1. NO LIGHTING TO BE INSTALLED ON TOWER UNLESS REQUIRED BY THE FAA.
2. TOWER COLOR TO BE A GALVANIZED GRAY COLOR.



PRELIMINARY FOR REVIEW ONLY

These documents are for Design Review and not intended for Construction Bidding or Permit Purposes. They were prepared by, or under supervision of:

BERKLEY M. ALDRICH

Type or Print Name

No. 000230 Date 06/14/15

BERKLEY GROUP LLC

BASE TRANSCIVER SITE
BAKER ROAD
307 BAKER ROAD
HIGH POINT NC 27263
GUILDFORD COUNTY
NORTH CAROLINA

DATE	07/01/15
REVISION	
ISSUE FOR OWNER REVIEW	
SCALE	

PROJECT NUMBER:
XXXXXX.015

SHEET CONTENTS:
COMPOUND FENCE
DETAILS AND
TOWER ELEVATION

SHEET NUMBER:

Z3



October 27, 2015

Mr. Herbert K. Shannon Jr., AICP Senior Planner
High Point Planning and Development Services Division
211 South Hamilton Street
High Point, NC 27260

RE: Berkley Group Project - 301 Baker Street
Case # SU-15-01 Parcel ID 7719117237

Dear Mr. Shannon:

On behalf of Berkley Group LLC and Verizon Wireless, please accept this letter and enclosed attachments as the documents supporting our above referenced application. As you know, we are requesting a 140' Monopole multi-tenant communication tower that will immediately serve Verizon Wireless but is capable and built for all other service providers in the area. The included documents are:

- Site Engineered Drawings
- Aeronautical Study (FAA notice happens at final survey and will be provided prior to permit request)
- Verizon Wireless Propagation and Tower Analysis
- Wireless Area Structure Map
- Photographs of Area
- Statement of use and justification (included in letter)

Introduction and Overview

Berkley Group LLC was founded in 1999 and specializes in niche communication tower sites. We are experienced and knowledgeable in this growing industry and have worked with all of the major providers in the Southeast since the inception of the PCS technology. We sincerely care about our community and work to find the best, most sensitive location for this necessary technology. Partnering with Verizon Wireless on this project does achieve the above and allows your citizens to get access to wireless infrastructure coverage.

Site Need and Justification

In the attached propagation maps, it shows very clearly the technical need for wireless signal in the area of Baker Road. This area of town lacks any existing communication towers or other tall structures of sufficient height and specific location necessary to meet these coverage demands and provide connectivity to surrounding sites. We have attached two photographs of the only two structures that are above three stories and/or have significance for consideration. In both cases collocation would not work. The first location is the utility lines that run parallel to Fairfield Road -- these are small in diameter and height. They physically couldn't withstand the loading requirements and the lack of land around the tower presents insurmountable issues. The second location is the Archdale United Methodist Church Steeple. Similar issues make this location unusable -- the height is too low to make the connection to the neighboring sites. There are existing wireless communication towers located well outside the Baker Road search area but are too far away and are almost all currently being



used by Verizon Wireless to provide the needed coverages for this area. The neighboring towers where Verizon is currently located on:

Green Drive 1914 S Elm Street High Point NC 27263
170' Tower -- Verizon RCL 163'
2.18 miles NW of Baker Road Site

Springfield (ATC) 622 Francis Street High Point, NC 27263
250' Self Support -- Verizon RCL 215'
1.22 miles N of Baker Road Site

Kersey Valley (ATC) 1655 Kersey Valley Road High Point, NC 27263
355' Guyed -- Verizon RCL 176'
2.10 miles E of Baker Road Site

Trinity 406 Trinity School Road Trinity, NC 27370
Verizon RCL 220'
1.81 miles S of Baker Road Site

Special care was taken to ensure the proposed tower off Baker Road and its location would have minimal visual impact to surrounding residential areas in the immediate vicinity. The tower is a low tower in industry standards. It is surrounded by established woods and is set back with lack of illumination which helps the reduced visual impact. Existing vegetation on the subject parcel will remain to the best of its ability and we will be protected by an agreed vegetation buffer.

Site Compliance

The proposed site complies with the requirements of the City of High Point Unified Development Ordinance and specific regulations for Wireless Communication Towers proposed to be Freestanding (Chapter 5, Section 9-5-2) as follows:

- Location is in CU-LI zoning
- Setbacks are met and are exceeded
- Applicant's statement of no towers available for collocation meets requirements
- Tower Design for multi carrier
- Buffers -- we exceed buffer requirements

Conclusion

Verizon has an immediate need in this area of the City of High Point for contiguous coverage and to provide effective and efficient wireless signal to your community. Berkley Group and Verizon believe that the proposed facility has been sensitively designed and placed to meet these technical and infrastructure needs

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698



while protecting the spirit of High Point's Unified Development Ordinance. No relief from any of the City's requirements is requested.

We respectfully submit these documents in hope of your support of our proposed project.

Sincerely,

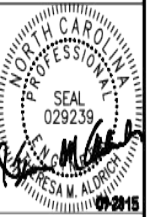
Berkley Group , LLC
Bonnie Newell
Managing Partner



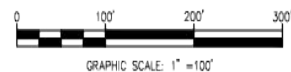
NOTES:

1. THE INFORMATION SHOWN ON THIS DRAWING WAS TAKEN FROM GUILDFORD COUNTY GEOGRAPHIC INFORMATION SYSTEM (GIS) AND IS ACCURATE TO THAT LIMIT AND DETAIL. THIS DRAWING IS TO BE USED FOR PLANNING AND EVALUATION PURPOSES ONLY.
2. UPON COMPLETION OF A FIELD SURVEY, SITE LOCATION MAY BE ADJUSTED BASED ON ACTUAL EXISTING CONDITIONS.

ACCS Engineering, Inc.
Greenville, SC 29615
PH: (864) 258-0353
Fax: (864) 258-0358



BERKLEY GROUP, LLC
BASE TRANSCIEVER SITE
301 BAKER ROAD
HIGH POINT, NC 27853
GUILDFORD COUNTY
NORTH CAROLINA

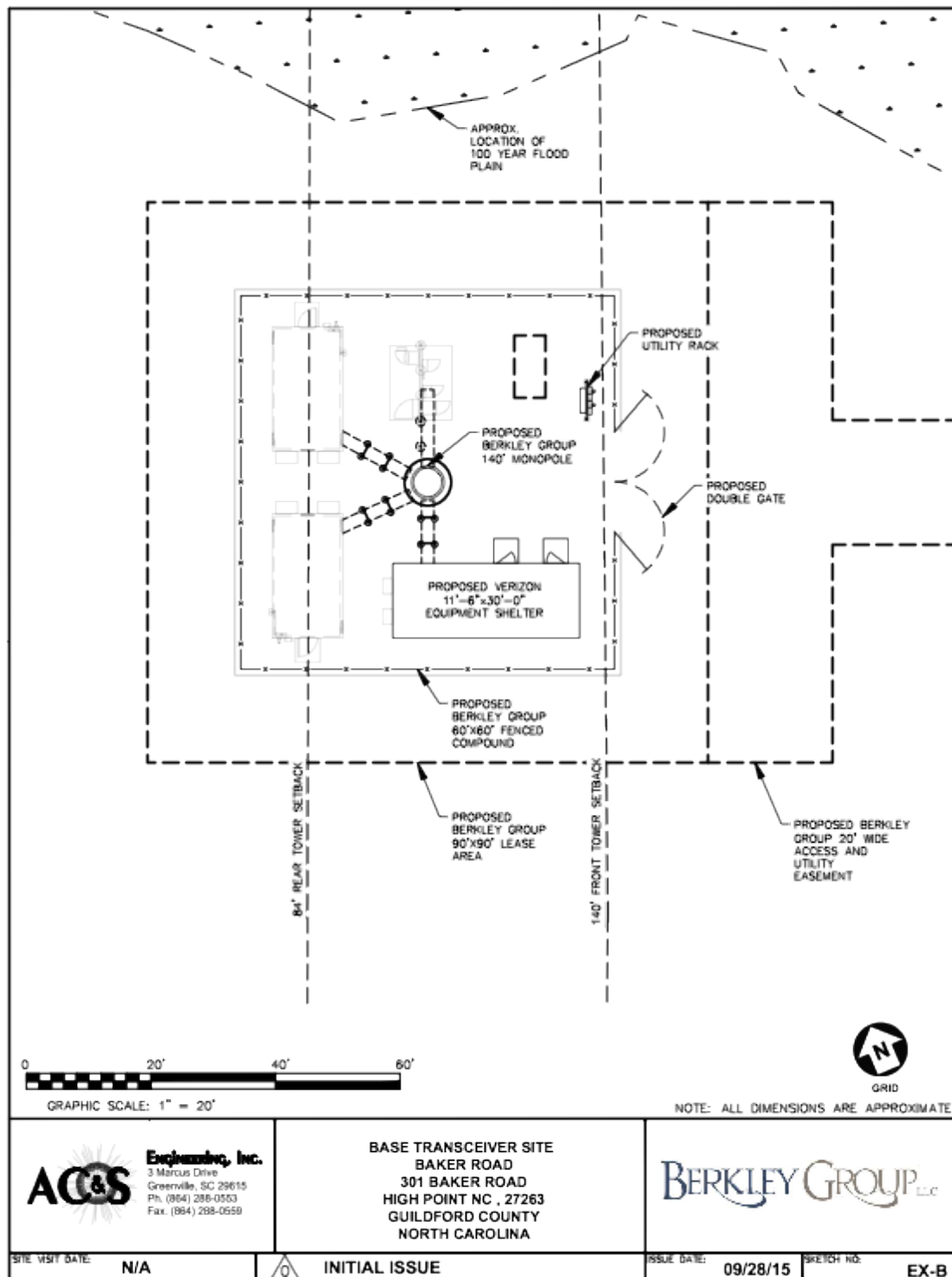


PROJECT NUMBER:
15549.093
SHEET CONTENTS:
**OVERALL
SITE PLAN**

SHEET NUMBER:
EX-A

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698





WALTER WULFF & ASSOCIATES

Aviation Consultants

P.O. Box 914
Point Clear, AL 36564
(251) 990-2502
Fax (251) 990-2503

October 2, 2015

Bonnie Newell
Berkley Group, LLC
10612-D Providence Road
Charlotte, NC 28277

Ref. Case No: 15-023

AERONAUTICAL STUDY REPORT

This is a report of an aeronautical study for the proposed 140' AGL, 984' AMSL structure on the Baker Road site.

COORDINATES: 35°55'13.51" N., 79°58'24.63" W.

ESTIMATED SITE ELEVATION: 844' AMSL

NEAREST PUBLIC USE/MILITARY LANDING AREA:

Site is 8.4 nautical miles northeast of the Hiatt Airport, Thomasville, NC

AERONAUTICAL STUDY RESULTS:

1. The FAA requests that you file notice.
2. The proposed 140' AGL structure does not exceed Federal Aviation Regulations (FAR) Part 77 obstruction standards or adversely affect instrument or visual flight operations and procedures. Allow at least 45 days for the FAA to complete the aeronautical study.
3. It is my opinion the maximum height the FAA would approve on the site is 499' AGL.
4. The installation of obstruction marking and lighting equipment is not required for a structure at or below 200' AGL.

Walter H. Wulff

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

A photograph of a church with a tall steeple, viewed from a street corner. A car is visible in the foreground, and traffic lights hang from wires above the street.



BAKER RD Propagation Maps

Bill Callahan— RF Design Engineer

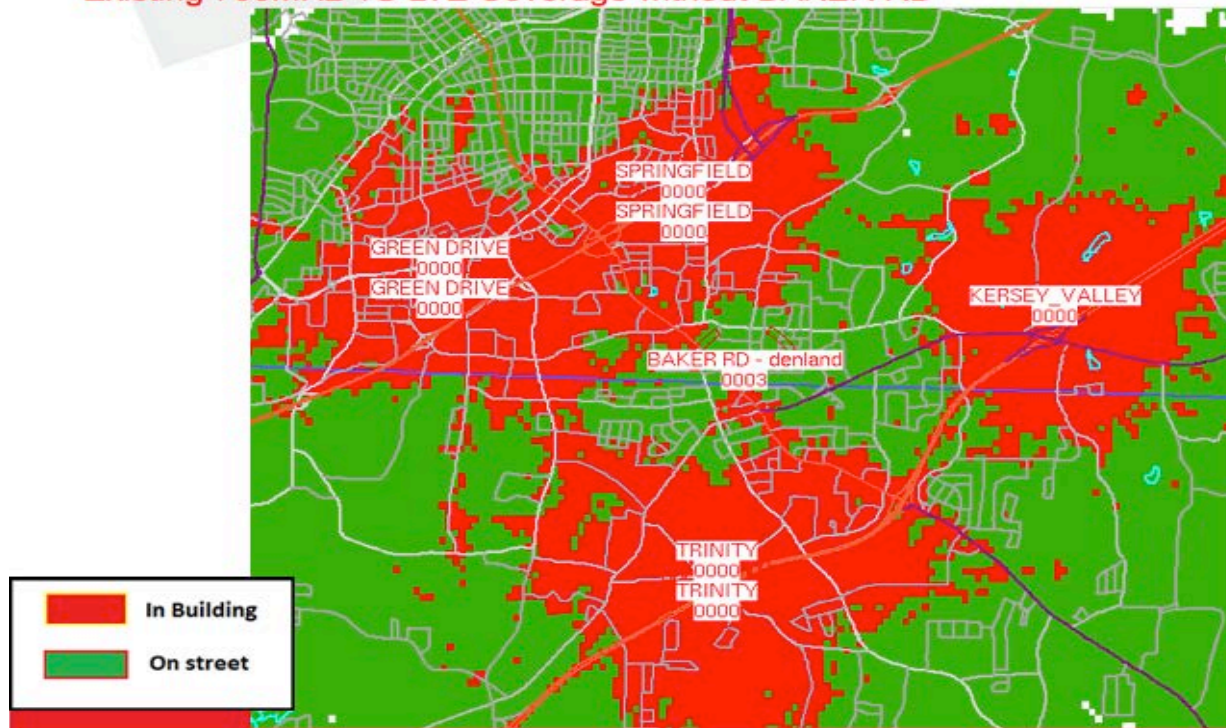
Confidential and proprietary material for authorized Verizon Wireless personnel only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



Site Objective

- Design Objective of new site Baker RDd is to provide new LTE coverage along Hwy 311 and Baker Rd.
- High data usage due to increased "smart" phones
- Cell sites do not have unlimited capacity and will eventually reach a point where they are overloaded.

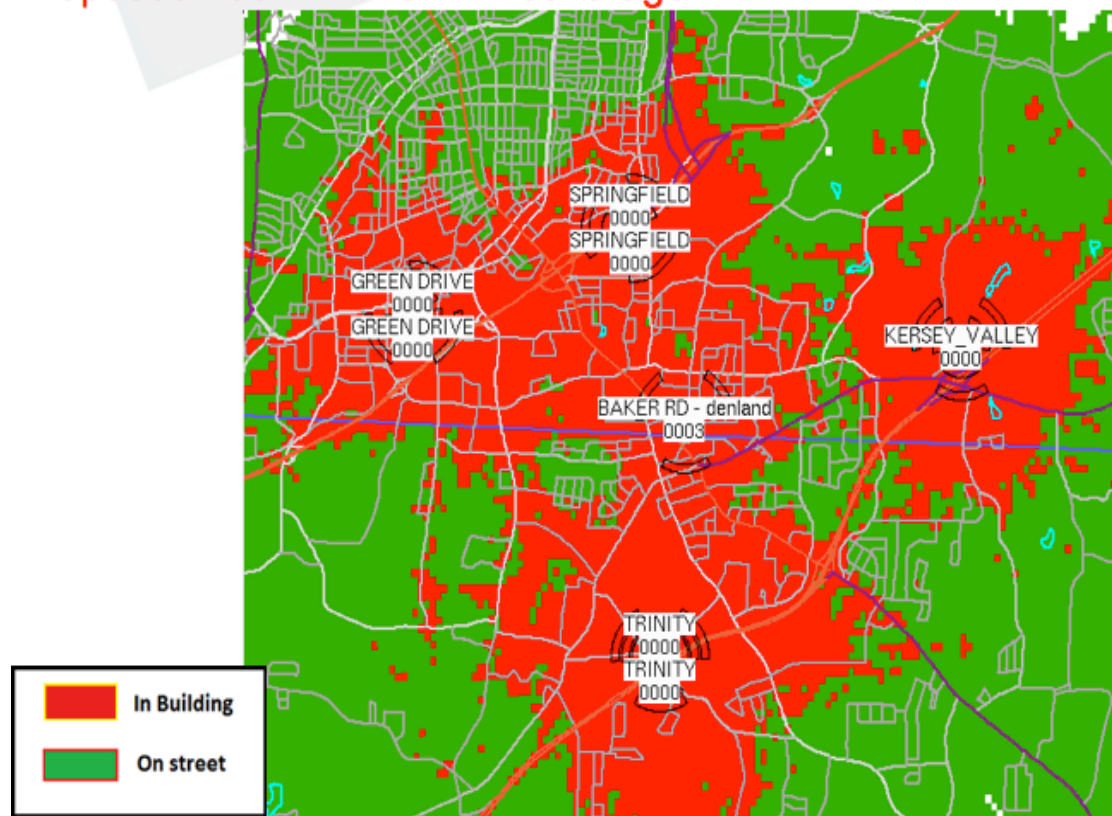
Existing 700MHz 4G LTE Coverage without BAKER RD



Confidential and proprietary material for authorized Verizon Wireless personnel only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

3

Proposed 700MHz 4G LTE coverage with BAKER RD



Confidential and proprietary material for authorized Verizon Wireless personnel only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

4



Verizon Wireless is committed to having and maintaining the best wireless infrastructure in Guilford County. As we seek to develop wireless communication sites with demand for coverage and capacity, we pay exceptional attention to the location of our current towers as well as existing structures that we could utilize to support our necessary infrastructure -- collaborate.

In the case of this new site "Baker Road" there are no towers or structures within 3000' that meet the criteria for the height, strength and signal propagation to utilize. See the attached map supporting such. In addition our propagation maps show the following sites of ours where we are currently propagating signal.

Surrounding Sites from Requested Baker Road Site

Green Drive

Our RCL 163' (170')
1914 S Elm Street
High Point, NC 27263
2.18 miles NW of Baker Road Site

Springfield (ATC site)

Our RCL is 215' (250' self support)
622 Francis St
High Point, NC 27263
1.22 miles N of Baker Road Site

Kersey Valley (ATC site)

Our RCL is 175' (355' guyed)
1655 Kersey Valley Rd
High Point, NC 27263
2.10 miles W of Baker Road Site

Trinity

Our RCL is 220'
406 School Road
Trinity, NC 27370
1.81 S of Baker Road Site

We appreciate doing business in High Point, North Carolina and Guilford County. Your assistance and guidance is valuable.

Mike Haven

Verizon

A handwritten signature in black ink that reads "Mike Haven".

PHOTOGRAPHS - Top: Looking towards site Bottom: Looking South toward Main Street





Looking towards site



Looking North site left

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

CITY OF HIGH POINT

AGENDA ITEM



Title: High Point Train Depot Improvements, Supplemental Agreement No. 8

From: Mark McDonald, Transportation Director

Meeting Date: Monday December 7, 2015

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: Exhibit A: Supplemental Agreement No. 8, State TIP Project No. P-2912 A

PURPOSE:

Consideration of a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for funding of repairs to the passenger platform roof.

BACKGROUND:

In 1993 the City entered into a Municipal Agreement with NCDOT to restore the historic High Point Train Depot. Since then, approximately \$7.6 million has been allocated from Federal, State, and local sources to improve and maintain this property, which has become one of the City's most identifiable landmarks.

In 2014, water damage was discovered in the roof covering the track level passenger platform. This damage was caused by an inadequate gutter system and a failed roof sealing membrane that was installed during the original restoration. Repairs have been estimated at \$300,000.

City Council approved a supplemental agreement in May 2015 to accept Federal Enhancement funds for the necessary repairs. NCDOT has since advised that the Federal funds have been withdrawn, but have proposed that State Rail funds be used as a replacement source of funding for the roof repairs.

BUDGET IMPACT:

This updated agreement amends Supplemental Agreement No. 7 to reflect a change in the primary funding source from "Federal" to "State". The primary amount (\$320,000) and the City match amount (\$80,000) are not affected by this revision.

RECOMMENDATION / ACTION REQUESTED:

Council is requested to Approve NCDOT Supplemental Agreement No. 8 and authorize the appropriate staff member to execute all necessary documents.

NORTH CAROLINA
GUILFORD COUNTY

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

November 24, 2015

AND

SUPPLEMENTAL AGREEMENT NO. 8

CITY OF HIGH POINT

TIP NO: P-2912 A
WBS: 49999.1.STR14
WBS: 49999.3.STR14, CONST
WBS: 34299.2.1, CONST
WBS: 37676
CFDA: 20.319

THIS SUPPLEMENTAL MUNICIPAL AGREEMENT NO. 8 is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department," and the City of High Point, a local government entity, hereinafter referred to as the "Municipality" and each individually hereinafter referred to as a "Party," and collectively, as the "Parties."

WITNESSETH:

WHEREAS, on June 14, 1993, the Department and the Municipality entered into a Reimbursement Agreement for the development and restoration to the former Southern Railway Station located in High Point programmed under P-2912 A; which was supplemented on April 22, 1996, March 12, 2001, October 29, 2001, August 5, 2003, September 2, 2005, April 18, 2012 and May 29, 2015; and,

WHEREAS, the Departments funding source, for certain additional work to be performed by the Municipality, needs to be modified as set forth in Supplemental Agreement No. 7 executed on May 29, 2015, and will require that certain provisions be revised; and,

WHEREAS, the Department and the Municipality wish to amend the aforementioned Agreements whereby the following provisions are added, revised, and/or deleted.

NOW, THEREFORE, this Supplemental Agreement No. 8 states the promises and undertakings of each Party as herein provided, and the Parties do hereby covenant and agree, each with the other, as follows.

The following provisions are amended in Supplemental Agreement No. 7 executed on May 29, 2015:

WHEREAS, the Department has appropriated and programmed State Rail funds to provide for needed maintenance items to include, but not be limited to, the replacement of the platform canopy roofing system and other station improvements at the High Point Station located at approximately Milepost 299.4 on the North Carolina Railroad Company/Norfolk

Southern Railway Company/North Carolina Railroad Piedmont Division under TIP No. P-2912 A, WBS 37676; hereinafter referred to as the “**Municipal Project**”; and,

26. MUNICIPAL PROJECT

The Municipality, subject to approval by the Department, shall be responsible for the design and construction of a replacement platform canopy roofing system for the station and further defined as the “Municipal Project”. All work shall be performed in accordance with State standards, specifications, policies, and procedures, including the North Carolina Building Code and the Secretary of Interior Standards. Said specifications and estimates shall be submitted to the Department for review and approval prior to any work being performed. It is understood by all Parties that all improvements shall be contained within the existing right of way of the station. The Municipality will be responsible for the relocation and adjustment of all utilities in conflict with the “Municipal Project”.

(b) Advertising for Bids

The Municipality shall follow applicable State procedures pertaining to the advertisement of the work, bid opening, and award of the contract, according to NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference.

27. FUNDING

The Total Project Cost for the station improvements is amended from \$7,667,775 to \$8,067,775. The maximum amount to be paid to the Municipality from State and Federal funds for the Total Project Cost is amended from \$6,900,998 to \$7,220,998.

The Department’s participation in the cost of the “**Municipal Project**” is shown below.

Subject to compliance by the Municipality with the provisions set forth in this Supplemental Agreement No. 8 and the availability of State Rail funds, the Department shall participate up to a maximum amount of **Three Hundred Twenty Thousand Dollars (\$320,000)**, toward the cost of the “Municipal Project”, as detailed below. The Municipality shall provide a local match and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	State Funds Amount	Reimbursement Rate	Non-State Match \$	Non-State Match Rate
State Rail Funds WBS 37676	\$320,000	80 %	\$80,000	20%
Total Estimated Cost		\$400,000		

Funding participation by Department for the “Municipal Project” only shall be 80% of actual allowable project costs. The Municipality shall participate in twenty percent (20%) of the “Municipal Project” and bear all costs of any item for which it is unable to substantiate actual costs or any costs which have been deemed unallowable by the Department.

28. REIMBURSEMENT

The Department shall reimburse the Municipality to the extent of eighty percent (80%) of the approved eligible costs covered under this Agreement up to the maximum amount of THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000). The total estimated cost of the "Municipal Project" is FOUR HUNDRED THOUSAND DOLLARS (\$400,000). The Municipality shall be responsible for twenty percent (20%) of the "Municipal Project" in the amount of EIGHTY THOUSAND DOLLARS (\$80,000).

Except as hereinabove provided, the Municipal Agreement heretofore executed by the Department and the Municipality on June 14, 1993, and supplemented on April 22, 1996, March 12, 2001, October 29, 2001, August 5, 2003, September 2, 2005, April 18, 2012 and May 29, 2015, are ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Supplemental Municipal Agreement No.8, has been executed, in duplicate originals, the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

WITNESS

CITY OF HIGH POINT

BY: _____

BY: _____

NAME: _____

NAME: William Bencini

TITLE: _____

TITLE: Mayor

DATE: _____

DATE: _____

Approved by the City Council of the City of High Point as attested to by the signature of

(MUNICIPAL SEAL)

Clerk of the City Council Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

FEDERAL IDENTIFICATION NUMBER

City of High Point

MAILING ADDRESS

City of High Point

Post Office Box 230

High Point, North Carolina 27260

ATTN: Mr. William Bencini, Mayor

IN WITNESS WHEREOF, this Supplemental Municipal Agreement No. 8 has been executed, in duplicate originals, the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

ATTEST

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

BY: _____

BY: _____

NAME: Tereca Batts _____

NAME: Keith H. Weatherly _____

TITLE: Secretary to Board of
Transportation _____

TITLE: Deputy Secretary for Transit

DATE: _____

DATE: _____

MAILING ADDRESS

North Carolina Department of Transportation

Operations and Facilities Branch

1553 Mail Service Center

Raleigh, North Carolina 27699-1553

ATTN: Craig M. Newton, PE

Facilities Engineer

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____
(Date)

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment Case 15-12
(City of High Point Technical Review Committee)

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: Yes

Advertising Date: November 20 & 27, 2015 and
December 2 & 6, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Resolution of Abandonment

PURPOSE:

A request by the Technical Review Committee to abandon a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road (*lying between 3321 & 3403 Dillon Road*).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On November 10, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-12. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-12 by a vote of 7-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-12 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Street Abandonment Case 15-12

At its November 10, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-12. All members of the Commission were present, except for Mr. Andrew Putnam. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request was Mr. Terrefe Bekele, 3009 Renaissance Parkway, Jamestown. His church owns the property lying to the north of the right-of-way in question and would be directly impacted by the request. He said that he is in favor of the street abandonment as presented. Mr. Bekele also noted that he and his neighbor are interested in a land swap.

Mr. Brent Cole, assistant city attorney, stated that the land swap would be a private matter that would need to be worked out between the two property owners, at a later date, if the request was approved.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-12, as recommended by staff, by a vote of 7-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
STREET ABANDONMENT CASE 15-12
November 10, 2015**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road (lying between 3321 & 3403 Dillon Road)

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Dillon Road	Minor Thoroughfare	20-foot wide ribbon paving with side drainage swales
Bales Chapel Road	Minor Thoroughfare	20-foot wide ribbon paving with side drainage swales

Adjacent Property Zoning and Current Land Use		
North	Residential Single Family-15 (RS-15) District	Single family dwelling
East	Residential Single Family-15 (RS-15) District Residential Single Family-12 (RS-12) District	Dillon Road right-of-way
South	Residential Single Family-15 (RS-15) District	Single family dwelling
West	Residential Single Family-15 (RS-15) District	Single family dwelling

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon a public right-of-way (ROW) lying west of the intersection of Dillon Road and Bales Chapel Road, which was recorded on maps in 1959 and 1960, entitled Section No. One and Section No. Two Meadowview Acres. This right of way is 20 feet wide and approximately 550 feet long; it's partially improved with a 140-foot long driveway off Dillon Road that serves a single family home to the south (3321 Dillon Road).

The three parcels abutting this ROW all have frontage and driveway access to improved public streets. Thus, abandonment of the public's interest in this right-of-way will not deprive any owner of reasonable access to their property. Early notices to obtain input from abutting property owners were mailed out August 11, 2015 and October 6, 2015. Parcels primarily impacted by this request are 3321 Dillon Road, as their driveway is within this ROW, and 3403 Dillon Road, which is lying north of this ROW. If approved a portion of this existing driveway will be on the abutting property to the north, however, the property owner to the south would still have the right to continue to use it for access. These two owners have been in discussion as to a land swap after this ROW is abandoned so that the entire driveway serving 3321 Dillon Road is on property under their ownership.

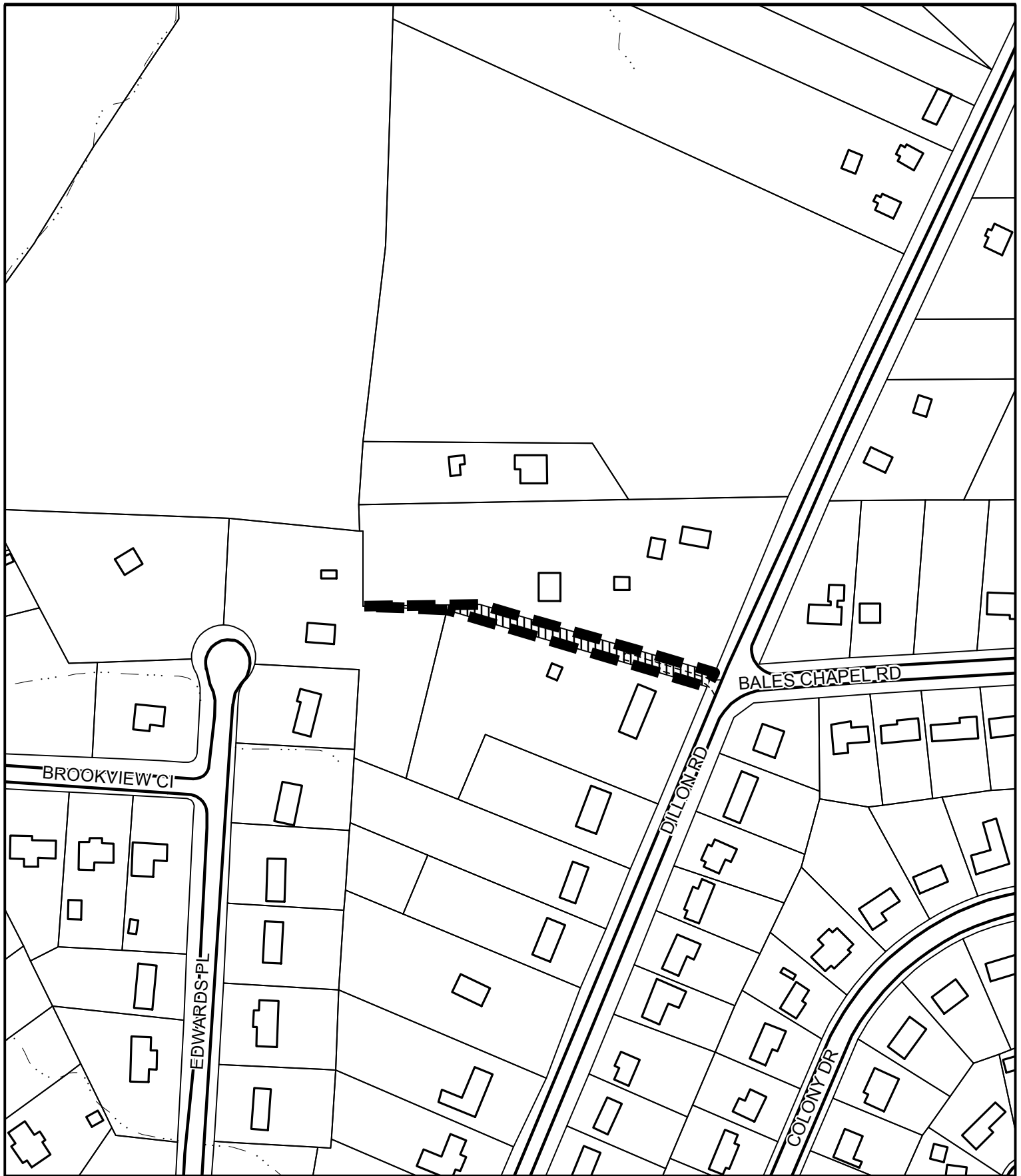
Official mailed notice for the public hearing was sent to abutting property owners, a notice was published in the High Point Enterprise, and signs were posted per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

The TRC reviewed this request and identified no issues related to the abandonment of this ROW. This abandonment of the public's interest and conveyance of the ROW to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



STREET ABANDONMENT REQUEST SA15-12

Applicant: City of High Point

Area: 0.25 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

City of High Point

Date: October 30, 2015



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-12.mxd

Attachments: Photographs (October 2015) and Aerial (February, 2014)
From east side of Dillon Road - Looking westward toward the ROW to be abandoned.



From west side of Dillon Road - Looking westward toward the ROW to be abandoned.





STREET ABANDONMENT REQUEST SA15-12

Applicant: City of High Point
Area: 0.25 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: November 10, 2015



Scale: 1"=100'
G:/Planning/Secure/ba-pz/
2015/pz/sa15-12photo.mxd

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 15-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF DECEMBER 2015, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-12

(a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road)

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a 20 foot wide partially improved right-of-way (Edwards Road) lying along the west side of Dillon Road, directly opposite of Bales Chapel Road. which is more specifically described as follows:

Beginning at the existing northeastern property corner of parcel 0177878 as recorded in **(DB 6101 PG 658)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence N 73°37'40" W 421.14' to a point; thence N 87°31'10" E 129.61' to a point; thence N 87°44'15" E 176.70' to a point; thence S 72°49'41" E 382.56' to the existing southeastern property corner of parcel 0177901; thence 20 feet across the unopened public right-of-way for Edwards Road to the point and place of beginning.

The total acreage for the abandonment of the unopened 20 foot right-of-way is +/- 0.23 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of November, 2015, at 5:30 p.m. setting the 7th day of December, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning November 20 & 27, 2015 and December 2 & 6, 2015; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 7th day of December, 2015
Lisa B. Vierling, City Clerk

City of High Point
High Point, North Carolina



Purchasing Policies & Procedures Manual
December 2015

FORWARD

This purchasing policy and procedures manual is intended for use as a guide to the City of High Point's purchasing methods and practices. When used properly and with common sense, the policies and procedures established herein will enable the City to obtain needed materials, equipment, supplies and services efficiently and economically.

The understanding and cooperation of all employees is essential if the City is to obtain the maximum value for each tax and utility dollar spent. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound centralized purchasing system.

The goals of the City's purchasing program are to:

- Insure compliance with the legal and ethical requirements of public purchasing and procurement.
- Assure vendors that impartial and equitable treatment is afforded to all who wish to do business with the City.
- Stimulate competitive bidding in order to obtain materials and services at the lowest possible cost and to provide all interested vendors with the opportunity to offer their products to the City.
- Receive maximum value for each dollar spent by awarding purchase orders to the lowest responsible bidder, taking into consideration quality, performance, technical support, delivery schedule, past performance and other relevant factors.
- Provide City departments the required goods, equipment, and services at the time and place needed and in the proper quantity and quality.
- Professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers, negotiations, commitment, follow-up, and adjustments.
- Promote good and effective vendor relations, cultivated by informed and fair buying practices and strict maintenance of ethical standards.
- Institute maximum feasible standardization of products used within and among departments in order to minimize stock levels and obtain better prices.

By following the procedures and guidelines established in this manual, each department can efficiently manage, control and plan its available resources to meet present and future departmental needs and help the City to meet these goals. Should you have any questions about this manual or its procedures, contact the Purchasing Division at 336-883-3219.

This manual is effective immediately upon issuance and receipt and supersedes all previous purchasing instructions or directives.

City of High Point Purchasing Policies & Procedures Manual

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AUTHORITY FOR CITY PURCHASING

The securing of goods and services necessary for the operation of city government is a major administrative responsibility. Under the supervision of the Financial Services Director, this function of city government is the primary responsibility of the Purchasing Division.

The procedures involved in city contracting and purchasing must comply with relevant laws, namely, those of the City of High Point, the State of North Carolina, and where applicable, the Federal Government.

Authorization for the expenditure of funds in the purchasing of equipment, goods, supplies, and services, as well as the making of contracts, is granted, and certain restrictive policies prescribed, by various statutes and regulations enacted by these governmental bodies.

General corporate powers are ceded to the City of High Point and other North Carolina local governments by General Statute 153A-11. Vested with this authority, the City of High Point is empowered to enter into the purchasing of materials and the contracting of services. The conduct of competitive bidding is largely governed by G.S. 143-128 and G.S. 143-129.

Prior to entering into any agreement or contract, or making any purchase, the City must first have funds properly appropriated to meet its financial obligations. This verification of available and appropriated funds is accomplished through the preaudit certification as required by G.S. 159-28.

No contract or agreement requiring either the payment of moneys, or any requisition or purchase order for supplies or materials may be made unless an appropriation is in the budget and a sufficient unencumbered balance remains therein to pay the amounts to fall due thereunder during the fiscal year.

Unless otherwise excepted specifically by reference below or statute, all City of High Point officers, employees, and programs will follow these published and adopted procurement policies.

- **City of High Point Transit System** - Purchasing requirements for the City of High Point Transit System will be completed using the City of High Point's general Purchasing Policies and Procedures and will further, where such is more restrictive, follow the Federal Transit Administration guidelines and requirements in accordance with *Appendix B* contained herein, and as may be changed from time to time as codified in CFR.

SCOPE OF RESPONSIBILITY

The responsibilities of the City of High Point Purchasing Manager are to:

- Establish and administer purchasing procedures in accordance with established purchasing laws and local policy; and
- Operate a consolidated purchasing function for the City.

The Purchasing Manager is charged with obtaining vendor quotations, terms, delivery codes, initiating contracts, initiating and completing all formal and informal bid proceedings, issuing purchase orders, maintaining an accurate inventory of central supply and disposing of surplus property in accordance with resolutions of the City Council.

The Purchasing Manager has the responsibility to question the suitability, quality or quantity of equipment, materials, or supplies requisitioned when experience or budgeting limitations indicates it to be advisable, and can refer such requests to the Financial Services Director for approval. Discrepancies will be worked out in consultation with the requesting department and changes, if necessary, made with the requesting department's approval.

When the Purchasing Manager deems it advisable, it is his/her duty to inspect or to request the inspection of the quality or quantity of the merchandise received in order that the best interest of the City is served.

The Purchasing staff is charged with processing requisitions, negotiating vendor quotations, terms, delivery data, etc., and the issuing of purchase orders as directed by the Purchasing Manager.

Departments initiating participation in the purchasing process should notify Purchasing of the planned activity so that Purchasing may give assistance as needed. All purchases must be approved by the Purchasing Division.

No employee should indicate to any vendor or make commitment that their company product or service will be purchased until bids are taken, tabulated, and awarded by the proper authority.

Prices acquired for goods or services must be forwarded to the Purchasing Division. Bid/quoted prices should be considered privileged until the award is made. Vendors requesting pricing information should contact the Purchasing Division. Prices are not to be given to the public except through the Purchasing Division. Bid tabulations and records of awards are publicized on the City's website.

The City of High Point has adopted these regulatory policies as supportive to the high code of ethics necessary in public purchasing, for the protection of the integrity of the City and to insure equitable and fair treatment of all bidders and vendors doing business with the City.

DEPARTMENTAL RELATIONS

As a service agency for the City of High Point, the Purchasing Division desires to establish and maintain a close working relationship with each department.

It is essential that an attitude of cooperation and understanding exist between each department and Purchasing. The following guidelines will help to promote a successful and mutual partnership.

The Department should:

- ❖ Submit complete and detailed specifications to the Purchasing Division for equipment or special orders requiring written specifications.
- ❖ Maintain a close check on supplies of stock items.
- ❖ Forecast future requirements and requisition well in advance of needs.
- ❖ Whenever possible, eliminate emergency or rush purchases by planning ahead.
- ❖ Review outstanding purchase orders periodically and alert Purchasing if there is a concern about any order.
- ❖ Examine merchandise received to assure quality and quantity complies with specifications, and report promptly to the Purchasing Division any deviation in goods/services received.
- ❖ Submit to the Purchasing Division by written email or memorandum any complaint(s) against a vendor.

The Purchasing Division should:

- ❖ Check with user department on needs when placing consolidated orders.
- ❖ Inform Departments of all annual agreements that might be utilized, both City wide and departmental.
- ❖ Consult with originating department when technical equipment, special order specifications, plans, or designs are involved.
- ❖ Advise department of predicted shortages, price changes, or other pertinent market or vendor data.
- ❖ Endeavor to expedite emergency purchases on same day as requested, so that normal operations of a department are not disrupted.
- ❖ Work with user department and supplier on partial deliveries, cancellations, returns of merchandise, and complaints.
- ❖ Inform the ordering department director and/or his/her delegate of formal or informal prebid conferences and bid openings.
- ❖ Review bids and quotes received with department director or delegate and receive the department's recommendation before making contract award or issuing a purchase order.

Other Considerations:

Conflict of Interest-City

“No member of the City Council, officer or employee of the City of High Point shall have any direct or indirect economic stake in any entity participating in the programs of the City, and the City shall not employ any individual who has a stake in such entity. It is the policy of the City that no member of the City Council, officer or employee of the City shall receive any personal or private benefit resulting from the activities of the City or from the receipt by the City of funds from the State of North Carolina or from any other source, apart from reasonable compensation for services rendered and reimbursement for reasonable expenses incurred in the conduct of the business of the City. The City Council shall have the power to make such rules and regulations concerning conflicts of interest as it deems appropriate from time to time.”

Adopted by the City Council on the 18th day of March, 1999.

Conflict of Interest-Public Officials and Employees

(Excerpt from the City of High Point Personnel Resolution) The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public officials or employees shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.

Standard of Conduct-Public Officials and Employees-Gifts and Favors

(Excerpt from the City of High Point Personnel Resolution) The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where such public official or employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee. No public officials or employees shall seek personal or financial advantage by means of their public office, appointment or employment.

Local Buying Preference

It is the desire of the City to purchase from vendors located within the City of High Point and the State of North Carolina whenever possible. This objective is best accomplished by insuring that local vendors who have goods or services available and are needed by the City are included in the competitive purchasing process. The City has a responsibility to its taxpayers and ratepayers to insure that maximum value is obtained for each public dollar spent. **The City cannot and will not make purchasing decisions solely on the basis of vendor residence.** Rather, the City will endeavor to encourage city, county and state vendors and suppliers to register and compete for all City business.

Exchange of Information

It is the objective of the Purchasing Division to stay informed and current of new products, market trends, and new sources for materials and supplies.

Department directors and their personnel will acquire useful information through technical exhibits, seminars, and contacts with colleagues and vendors from other areas. Learning then becomes a two-way flow when such knowledge is shared with Purchasing and other interested departments.

This may be accomplished either by e-mail, sharing of web-site information and exchange of descriptive literature, inter-office memorandum, or verbal communication.

From the initiation of a requisition to delivery of order, the Purchasing Division team members should coordinate all action toward accomplishing the desired objective: A consistently efficient procurement performance for the using departments.

Only through a harmonious working association (as may be obtained in observing the suggested guidelines) can Purchasing effectively function in its role as a service/support agency for all City departments as expected.

The Purchasing System

THE PURCHASING PROCESS

The purchasing process is designed to provide a proper system of internal control over purchasing, to ensure that the proper authorizations are obtained before items are purchased, and to ensure that statutory requirements for purchasing are followed. A number of forms are generated as part of the purchasing process to document the validity of the purchases. This process and the documents used by the City of High Point are described in this section.

Purchase-Order System

The basic document in the purchasing system is the purchase order. No Purchase Order can be processed until the Purchasing Division receives an “Authorized” electronic requisition from the ordering department. No invoice may be honored for commodities unless it is supported by a properly signed purchase order. The purchase order is pre-numbered for control purposes and should include complete specifications or reference to specifications, as well as shipping and invoicing instructions. Copies of the approved purchase orders should be transmitted to and filed by various divisions within the City for future use/reference.

- Preparation of the requisition is the first step in the purchase order process. A requisition (request for a purchase order) should be prepared by the department director or approved personnel requiring purchased commodities and then forwarded to the Purchasing Division via the ERP Financial System. The requisition should show the quantity and type of commodities needed, the purpose for which they are to be used, and the date required.
- On receipt of the requisition from the department, the Purchasing Manager/Buyer reviews the requisition for the commodities needed. Based on proposed spending amount (bid thresholds) he/she then reviews or solicits quotes from various vendors, following the price quote, informal written quotes or formal bidding procedures as necessary.
- If the commodity is financed with special funds through federal and/or State grantor, the required federal clauses and/or regulatory provisions must be attached to the purchase order/contract. As applicable, the user is directed to see the appropriate grantor appendices to the Policies Manual.
- The Purchasing Manager may not certify any requisition unless sufficient unencumbered funds are available to pay the purchase order obligation when it is due. The ERP financial software evaluates the funds available during the obligation and approval process.
- Once the purchase order is approved, a minimum two copies of the purchase order should be generated. The original purchase order is sent to the vendor, preferably by email. One copy is emailed to the requisitioning department.

Open-Ended (Blanket) Purchase Orders

Open-ended purchase orders may be used for many repetitive, usually low dollar value, purchases from one vendor. Rather than issuing a purchase order for each purchase, one purchase order with a total dollar limit is issued for a specified period. Not requiring a purchase order for each item reduces internal control; however, with the low cost items purchased under this system, the costs of the additional controls outweigh the benefits. For open-ended purchase orders, the purchasing manager should provide to the appropriate department directors a list of vendors and items to be purchased from those vendors, along with a purchase order number for the current period, e.g. one month, and the total amount encumbered. To maintain adequate controls, purchase transactions over a specified maximum amount should be allowed only after contacting the Financial Services

Director. This transaction maximum would vary depending on the type of items and prior purchasing history. The total maximum dollar-limit amount of the authorizing purchase order will still be encumbered. One problem with open-ended purchase orders is the vendor ultimately determines when an agency's employees can charge purchases to the order. Procurement cards can eliminate this problem.

Procurement Cards

Procurement cards (also known as purchasing cards) enable a unit to make small purchases more quickly and efficiently by minimizing paperwork and processing time. Similar to VISA and MasterCard formats, procurement cards can be processed by vendors just like personal charge cards. Rather than making multiple small payments to many vendors, the organization makes one disbursement to the card provider. Vendors receive payment within a few days of the transaction without extra paperwork. Posting information and transaction detail can be reviewed and authorized by the cardholder throughout the month and reconciled to the monthly statements prior to payment, thereby significantly reducing data entry tasks in accounts payable. Inventories can be reduced or eliminated, since items are now purchased when needed. As with any type of purchasing procedure, adequate controls must be established to ensure that public funds are expended properly. These include built-in transactional limits for any one card, cardholder education, pre-audit certification, and supervisory review procedures. Purchases can be limited by amount per transaction, total per time period, number of purchases per time period, Merchant Category Codes, etc. Each card can be encoded with specific controls unique to the cardholder's job responsibilities. These controls also can be enacted on individual, divisional, or departmental lines.

The City has established a Procurement Card System Manual to govern the system. Cardholder education includes informing card users of all procedures, regulations, etc. and the consequences of improper use. As a condition to have a procurement card, cardholders sign acknowledgements that they have been trained, read, and understand these rules prior to receipt of a card. Cardholders are also trained to verify and code monthly statements to facilitate uploading of information into the accounting system. Sales tax for refund purposes can also be coded at this point. The purchases made via procurement cards are subject to the pre-audit certification requirements. Open purchase orders can be prepared to cover estimated procurement card expenditures over a specific period of time. Typically, a set amount will be encumbered to cover purchases through procurement cards during the period. After cardholders have verified and coded their monthly statements, supervisors should review the transactions and cost receipts. After departmental approval, procurement card details can be uploaded into the accounting system and the payment can be processed. Transaction data can be analyzed to determine trends and exceptions, and used for expenditure and budgeting projections.

Records

The purchasing records show materials/services that have been ordered but not delivered or paid for (open purchase orders). They also furnish supporting information for the payment of claims. Purchasing records are invaluable in making future purchases because they show prices, quantities, and vendor performance on previous orders. Also, they aid in budgeting because they contain a record of quantities of each kind of purchase required during the preceding year. The accounting records, in turn, show amounts encumbered and amounts expended, by accounting period, for purchased items.

Receiving

The receiving report, receiving copy of the purchase order, the delivery ticket, or some other written verification, should be sent to Accounts Payable for processing. For construction projects, the Architect, Professional Engineer, or Construction Management Consultant overseeing the project will issue a report certifying that construction has been completed and approved. The Department Director or authorized position should ensure that sufficient data are provided to ascertain the date, quantity, description, and condition of items

received. The department should not approve interim billings without monitoring the progress of construction projects. Also, with regards to services, the department should verify that the services are being performed before approving interim invoices.

Payment of Vendor's Invoices

The Department Directors and Division Managers should provide to the Treasury Services Division, on a timely basis (taking full advantage of vendor discounts), those documents and data needed to consider/approve vendors' invoices. These documents/data include a copy of the purchase order with expected unit prices, returns/allowances data, and notification of any exceptions/discrepancies between goods ordered and those received.

CONTRACTS
SERVICES AGREEMENTS
MAINTENANCE AGREEMENTS

CONTRACTS & AGREEMENTS

The City of High Point enters into a variety of contracts each year, including those for the purchase of apparatus, supplies, materials and equipment; services of all types; and construction. Most contracts are let after the receipt of bids and contract award as described in the Bid Laws and Specifications section. Most service contracts are not subject to North Carolina Bid Laws, however, the City usually elects to follow bid procedures for these type contracts, especially when there is a high interest from the vendor community to supply needed services.

Annual equipment maintenance agreements, multi-year or renewable service agreements, equipment rental or lease agreements, and professional services agreements all require the department to engage and communicate with the Purchasing Division. Temporary services/personnel services require the engagement of the department with the Human Resources Department.

All maintenance agreements, service agreements, and professional service agreements must be processed using the City of High Point Agreement for Services Process. The first step thereto is for the department to contact the Purchasing Manager when the need has first been identified. The Purchasing Division will advise the department as to whether or not the Agreement for Services is appropriate and whether the service can or should be bid.

The department will provide the needed and required information, including the vendor's legal name and address, the scope of work needed (will become Exhibit A to Agreement for Services), the schedule for timeliness of performance, and the vendor's qualifying certificate of insurance.

All service contracts, for which a contractor will perform work while on City property, must be accompanied by the City's standard contract form or agreement for services. The contract document must follow all signature procedures and contain all necessary insurance, license and payment options. The completed and signed contract must be forwarded to the Purchasing Division prior to the release of a purchase order.

Professional Services:

Normal competitive procedures cannot be utilized in securing professional services such as attorneys, planners, and other professional people who, in keeping with the standards of their discipline, will not enter into a competitive bidding process. Most contracts of this type are let through a Request for Qualifications and Negotiation process similar to the one used for Professional Architectural and Engineering Services. When an agreement between a professional service company and the City is established, a purchase order with a "not to exceed" amount shall be issued to satisfy accounting and statutory requirements.

Architectural & Engineering Services

There are special rules and regulations for acquiring the services of professional engineers, architects, and surveyors. These rules are covered in the Bid Laws and Specifications Section.

Contract Options

Options may be included in contracts. An option is a unilateral right in a contract by which, for a specified time, the City may elect to purchase additional equipment, supplies, or services called for by the contract, or may elect to extend the term of the contract. If the choice is made to include options, the following requirements apply:

Evaluation of Options – option quantities or periods contained in the contractor's bid or offer must be evaluated in order to determine contract award. When options have not been evaluated as part of the award, the exercise of such options will be considered a sole source procurement.

Exercise of Options – the City must ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract awarded. An option may not be exercised unless it is determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

Process for Approvals

Purchasing will forward the final Agreement for Services or Standard Contract, along with a Notification of Award letter to the vendor, preferably by email. The vendor must return a minimum of six (6) properly executed originals thereof (unless the department/architect or engineer/vendor desires more copies) and include the E-Verify Forms and Certificate of Insurance to the Purchasing Division. Purchasing will route the contracts/agreements for authorizing signatures as below and will distribute completed and authorized documents appropriately upon return.

Authorized Signatures for Contracts:

There are only three authorities within City government that are authorized to sign formal contracts committing City funds for any purpose. The authority is given to:

The Mayor of the City of High Point or the City Manager, when they are authorized to do so by the High Point City Council in a public meeting for contracts including construction, services or purchase contracts in the amount of \$90,000 or more.

The City Manager of the City of High Point, as authorized by Resolution of the High Point City Council which formally delegated contractual authority for construction, service or purchase contracts in amounts less than \$90,000. The Assistant City Managers may sign in the City Manager's absence or per his delegation.

The Financial Services Director and Purchasing Manager are authorized to sign purchase orders when a formal contract is not required.

Legal Approval of Contracts:

The City Attorney's Office must review and sign off on the legal form and sufficiency of a contract before the contract is valid.

The Local Government Budget and Fiscal Control Act requires the Financial Services Director or authorized deputy finance officer to sign all contracts calling for the expenditure of City funds; certifying that sufficient funds are available (the preaudit certificate) and encumbered to cover the contract as required by G.S. 159-28.

The Contract must be signed by one of the authorized persons outlined above under the heading of Authorized Signatures for Contracts.

The City Clerk will attest the signature and attach the City Seal on contracts signed by the Mayor and/or City Manager or Assistant City Managers as necessary.

Contracts are distributed to:

Purchasing Division (2 Copies)
City Clerk (1 Copy)
Department (2 Copies)
Vendor (1 Copy)

Contracts or agreements will not be submitted for approval and execution without a signed recommendation from the using department director that such contract or agreement fully covers the materials or services required. Recommendation forms are available on the Purchasing Intranet site.

SPECIFICATIONS

SPECIFICATIONS

The main objective of specification writing is to clearly define project or product needs resulting in getting a project done or product delivered on time, as specified, at the lowest possible cost; and without the necessity of change orders that could increase costs.

Local government entities are directed by North Carolina General Statutes, local policy and other specific guidelines on when specifications are required and who must prepare them.

The Purchasing Division's responsibility is to see that specifications are developed for the procurement of all goods, services and construction or repair work covered by General Statutes and City policy.

Specifications are an accurate written description of the products or services needed. All specifications should do at least four things:

- Identify minimum requirements
- Encourage competitive bids
- Be capable of objective review and evaluation
- Provide for an equitable award at the lowest possible cost

Methods of structuring specifications might include:

- Qualified products on acceptable vendor list
- Specification by blueprint or dimension sheet
- Specification by chemical analysis or physical properties
- Specification by performance, purpose or use
- Specification by identification with industry standards
- Specification by samples

Specifications should:

- ❖ Clearly define the product or service to ensure that a supplier or contractor can accurately produce the needed product or service.
- ❖ Be clearly defined and simple to ensure all vendors are treated fairly and equally, and to prevent one bidder from having an advantage over competitors.
- ❖ Encourage competition by assuring that no one vendors' product is specified to the exclusion of others.
- ❖ Define product and service needed, while at the same time remembering this is an expenditure of public funds. Specifications should describe the quality and service level

required, while not specifying products or services that exceed the requirements for which the materials or services are intended. Quality is defined by need; that is, the item or service is both economical and best suited for the particular use to which it will be put.

- ❖ Use brand names only when absolutely necessary. Brand Name specifications must include the term “or approved equal” to avoid eliminating competition. Brand name should be used only when no other of its kind would be equally satisfactory, or when there is no reasonably adequate way to sufficiently describe the requested product.

Specifications are generally prepared by:

The requesting department, in consultation with Purchasing, plays an active role in preparing specifications for the materials or services required.

Outside Architects or Engineers, in consultation with the requesting department and Purchasing.

The Purchasing Division maintains a complete up-to-date file of previously prepared specifications as well as other resources that are available for the preparation of new specifications.

Important notes about specifications:

They are the core of a future contract, which is subject to a stringent set of concepts and rules.

The contract will be presumed complete at the time of contract award

It is costly to the City when it becomes necessary to add items or services by supplementary agreement or change order because they were inadvertently left out of the specifications.

Properly written specifications are the department’s greatest asset and will provide the tools necessary to evaluate bids received and make an informed recommendation for award to the lowest responsive, responsible bidder meeting specifications.

NORTH CAROLINA
BID LAWS

NORTH CAROLINA BID LAWS:

The main competitive bidding requirements for local government are contained in Article 8 of Chapter 143 of the North Carolina General Statutes [hereinafter G.S.]. Most formal bidding requirements are set forth in G.S. 143-129, and informal requirements are found in G.S. 143-131.

These statutes apply to the “expenditure of public money” within established dollar limits and on certain types of contracts. All funds appropriated in the City’s annual and/or capital and grant budgets, regardless of funding source, are subject to the statutes.

Statutory bidding requirements generally apply to the following categories of contracts:

- Contracts for the purchase of apparatus, supplies, materials, or equipment

 - All types of personal property

 - Apparatus, supplies, materials or equipment

- Contracts for construction or repair work

 - Horizontal construction (roads, utilities and other infrastructure)

 - Vertical Construction (buildings and other structures)

 - Special rules apply to building construction projects

 - Contracts with architects, engineers, surveyors and construction managers at risk

Statutory bidding requirements generally do not apply to the following categories of contracts:

- Service contracts (note that the City of High Point normally follows normal bid procedures for service contracts even though not required by statutory guidelines)

- Purchase of real property

- Lease of personal property (note that a lease-purchase or lease contracts with the option to purchase are subject to the bid laws)

City of High Point
Quick Reference Matrix
Purchasing Thresholds & Procedures

Apparatus, Supplies, Materials, or Equipment AND Construction or Repair Projects				
Threshold	Approvals Required	Procedure	Form of Contract	Contract Signature Authority
Less than \$5,000	Department Director	Department expected to seek best value/competition or use available state contract or cooperative purchasing entity No quotes required Department purchases with P-Card (up to p-card limit) Backup documentation scanned to "F" Drive as necessary Department enters Requisition if p-card is not or cannot be used	Procurement Card Purchase Order	N/A
\$5,000 to \$29,999	Department Director Purchasing Manager	Department gets minimum 3 quotes on vendor letterhead or use available state contract or cooperative purchasing entity Quotes/Award decision/Backup documentation scanned to "F" Drive Department enters requisition and submits written specifications to the Purchasing Division Department recommendation received from Department Head Purchasing Manager awards bid	Purchase Order	N/A

\$30,000 to \$89,999 (Allow 2-3 Weeks Lead Time)	Department Director Purchasing Manager Financial Services Director	Department completes department bid information form, submits written specifications and one quote from vendor to the Purchasing Division for processing Purchasing Division required to obtain a minimum of 3 INFORMAL BIDS Department Recommendation Form received from Department Head Financial Services Director awards bid	Purchase Order and/or City Standard Contract; or Vendor's Contract with City Attorney Approval	City Manager, Deputy City Manager or Assistant City Mgr.
\$90,000 and over (Allow 4-6 Weeks Lead Time)	Department Director Purchasing Manager Financial Services Director City Council	Department submits written specifications to the Purchasing Division for processing Purchasing Division required to obtain a minimum of 3 FORMAL BIDS Department submits Council Recommendation Form to Purchasing Purchasing submits Council Recommendation Form to Financial Services Director Financial Services Director submits Council Recommendation form to City Manager or Assistant City Manager for presentation to City Council City Council awards bid Purchase Requisition entered by Financial Services Dept when Construction, Repair or for Professional Services Purchase Requisition entered by Department when Purchase of Apparatus, Supplies, Materials, or Equipment	Purchase Order and/or City Standard Contract; or Vendor's Contract with City Attorney Approval	Mayor or City Manager (if authorized)

METHODS OF PROCUREMENT

The procurement method to use will be determined by the estimated cost of the product/service being procured. The following funding threshold levels are based on State and local laws and regulations.

< \$5,000 (*Micro-Purchases*)

- May be made without obtaining price quotes
- Local procurement guidelines must be followed
- Equitable distribution among qualified suppliers
- No splitting of procurements to avoid competition
- Purchases must be approved by the Department Director or Assistant Department Director.
- Minimum documentation required:
 - How price was determined to be fair and reasonable (comparison of catalog/online prices, etc.) and which vendor was selected

INFORMAL BIDS (GS143-131)

Informal bids are required for:

- Construction or repair work with an estimated expenditure of \$30,000 – \$499,000
- The purchase of apparatus, supplies, materials and equipment with an estimated expenditure of \$30,000 – \$89,999

Note that City of High Point Policy requires Informal Bids for expenditures greater than \$5,000.

\$5,000 - \$29,999 (*Departmental Price Quotes*)

City of High Point department staff will follow the City of High Point's informal bidding procedures. Departments will document their compliance with procedures through the Purchasing Division.

- Solicit at least 3 bidders (must receive three quotes on vendor letterhead)
- Purchases must be recommended by the Department Director or Assistant Department Director and approved by the Purchasing Manager. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.

- Minimum documentation required:
 - Document quotes received (a minimum of 3 quotes on vendor letterhead must be received)
 - Minority firms should be solicited and documented
 - Document which vendor was selected--if vendor with lowest price is not selected, include basis/reason for selection (delivery date; better warranty/service; etc.)
 - Document approval by authorized person before purchase

\$30,000 - \$89,999 (Informal Bids)

The City of High Point Purchasing Division will conduct informal bidding procedures.

- Solicit written quotes from at least 3 bidders or suppliers. Three bids are required for construction or repair projects
- Purchases must be approved by Financial Services Director. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.

FORMAL BIDS (G.S.143-129)

Formal Bids are required for:

Construction or repair work with an estimated expenditure of \$500,000 and above

The purchase of apparatus, supplies, materials and equipment with an estimated expenditure of \$90,000 and above

Other Requirements for Formal Bids:

Advertisement:

- Bidding opportunities must be advertised in a newspaper having general circulation in the City.
- The advertisement must appear one time and at least a full seven days must lapse between the date on which the advertisement appears and the date of the opening of bids.
- The advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the items may be obtained.
- The advertisement shall state the date, time and place for the opening of proposals.
- The advertisement shall reserve to the City Council the right to reject any or all proposals.

Bid Deposit:

No bid for formal construction or repair work shall be considered or accepted unless at the time of its filing it is accompanied by a deposit equal to not less than five percent (5%) of the bid amount. The bid deposit may be in any of the following forms:

- Cash
- Cashier' Check
- Certified Check on a bank or trust company insured by the Federal Deposit Insurance Corporation
- In lieu of the above, the deposit may be in the form of a bid bond executed by a corporate surety licensed under the laws of North Carolina.

The bid deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required by law.

Bid deposits are not required for purchase contracts, but may be required if the local government determines it is in its best interest to do so.

As a matter of policy, the City of High Point has waived the requirement of such bond in the purchase of motor vehicles.

Performance and Payment Bonds:

When the total of a construction or repair project exceeds \$300,000, the successful bidder must provide performance and payment bonds for the full amount of the contract. In the case of multi-prime contracts bonds must be provided for each contract exceeding \$50,000.

The contractor may provide cash, certified checks, or government securities in lieu of bonds.

Minority and Historically Underutilized Business Participation Goals

A verifiable goal for participation is required for local projects. The State goal of 10 percent is to be used for projects of \$100,000 or more involving State-appropriated or grant funds, unless a preexisting local goal is justified.

A verifiable goal for participation is required for all projects of \$300,000 or more when local funding is used.

Good faith efforts to encourage participation by minority and/or historically underutilized businesses must be made by the public agency and by the bidders. Failure of a bidder to comply with the requirements is grounds for rejection of the bid.

Minority and historically underutilized business is defined by statute and includes businesses owned by ethnic minorities, women, and socially and economically disadvantaged individuals.

Agencies must comply with reporting requirements established by the State Department of Administration and must document good faith efforts made and participation obtained for each project.

Dispute resolution and rules:

Dispute resolution procedures must be provided for all building construction projects, regardless of the dollar value (but the procedures may establish a minimum amount in controversy of \$15,000). Local governments may adopt procedures established by the State Building Commission or may establish their own. Procedures must provide the option of using mediation and must be available for all parties involved in the project, including the architect, the contractors, and subcontractors at all levels. The City of High Point has adopted Dispute Resolution Procedures which are included in a subsequent section.

Receipt and opening of bids:

All proposals must be opened in public. Bids shall be sealed and not opened until the date and time stated in the proposal.

Three bids are required. If three bids are not received, a second advertisement must be made, after which a contract may be awarded even if fewer than three bids are received.

Public records law states that bids are subject to public inspection once opened.

Withdrawal of bid because of error:

A bidder submitting a bid for construction or repair work, or for the purchase of apparatus, supplies, materials or equipment may be allowed to withdraw his bid from consideration after the bid opening without forfeiture of bid the security providing that:

The request is made in writing within 72 hours after the opening of bids, including nights and weekends

The bid was submitted in good faith

The bid was based upon a mistake which constituted a substantial error

The bidder submits credible evidence (original work papers, documents drawings, etc.) that the mistake was clerical in nature as opposed to judgment error, and was due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, apparatus, supplies, materials, equipment or services made directly in the compilation of the bid.

After receipt of a request for bid withdrawal is received the City shall:

Promptly schedule a hearing on the request and notify the bidder of the time and place of the hearing

The bidder may appear at the hearing to present additional facts and arguments in support of his request

The City shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing

If the City denies the request, the bidder has twenty days to contest the denial in any court of competent jurisdiction in the State of North Carolina

If the City allows the request, the bidder may not:

Supply any material or labor to, or perform any subcontract or work agreement for any company which receives a contract or subcontract for work on the project for which the bid was withdrawn

May not, under any circumstance, rebid the project for which the bid was withdrawn

Standards of Award:

Award shall be made to the “lowest responsible, responsive bidder or bidders taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

The term “responsible” has been interpreted to imply “skill, judgment and integrity necessary to the faithful performance of the contract, as well as sufficient financial resources and ability.”

The term “responsive” has been interpreted to imply “that the bid conforms substantially to the specifications”.

Bid responsiveness involves the question of whether the bid, as submitted, represents an unequivocal offer to do exactly what the City has specified, so that acceptance of the bid will bind the contractor to meet the City's requirements in all material aspects. Any and all bids judged to be non-responsive must be rejected. Examples of bids typically considered non-responsive include:

- The bid fails to conform to material requirements;
- The bid does not conform to applicable specifications (unless the invitation allowed alternates);
- The bid fails to conform to delivery schedule or permissible alternates;
- The bid imposes conditions that would modify the requirements of the invitation or limit the bidder's liability to the entity;
- There is a condition of the bid which affects the substance of the bid (i.e., affects price, quantity, quality, or delivery of the items offered) or works an injustice on other bidders;
- The bid contains prices for line items that are materially unbalanced, i.e., figures in the bid conflict with the total bid price;
- date;
- The bidder fails to furnish a bid guaranty in accordance with the requirements of the invitation; or
- When there are lower bids than the bid being accepted for award, the award decision document must give the reasons for rejecting the lower bids. When there are equal low bids, the documentation must describe how the tie was broken.

Contracts for construction or repair work in the formal bid range must be awarded by the City Council.

The City Council may delegate to the City Manager or Purchasing Manager, or both, the authority to award purchase contracts in the formal range. The City Council of the City of High Point has not designated formal contract award authority to any appointed staff.

Contract execution:

All contracts resulting from this section shall be executed in writing. Contracts will be prepared and distributed as described in the Contracts and Agreements Section. It shall be required that the person to whom contract award is made shall furnish with the contract:

100% Performance and Payment Bonds on a surety company authorized to do business in the State of North Carolina, or require a deposit of money, certified check or government security for the full amount of the contract for the faithful performance of the contract. Such surety bond as required shall be held in purchasing and filed with the contract.

Certificate of Insurance proving insurance coverage for the types of coverage and amounts prescribed in the bid specifications.

Current State of North Carolina Business Registration with Secretary of State.

No such contract shall be altered except by written agreement of the contractor, the sureties on his bond, and the governing body.

Contracts must be signed by the President of the company or an authorized designee.

Formal bids are not required for the following:

State of Emergency – In case of special emergencies involving the health and safety of the people or of their property, the City Council may authorize the awarding of contracts without going through the bid procedure.

If the contract is with: the United States of America or any of its agencies, or any other governmental unit or agency for the purchase, lease or other acquisition or any apparatus, supplies, material or equipment.

For construction or repair projects where the total cost of the project does not exceed \$125,000 or the total cost of labor does not exceed \$50,000 and the work is to be done by the employees of the government unit. (N.C. General Statute 143-145).

NEGOTIATION OF PRICE:

The formal bidding statute allows the unit to negotiate with bidders only when all bids exceed the funds available for the project or purchase. The statute authorizes the local government to negotiate with the lowest responsible bidder and make “reasonable changes” in the plans and specifications as necessary to bring the contract price within funds available.

Contracts Exempt from Formal Competitive Bid Procedures:

Purchase of apparatus, supplies, materials and equipment from any federal agency or any other governmental unit within the United States.

Emergency purchases for “cases of special emergency involving the health and safety of the people or their property”. The emergency must be present, immediate, and existing. It may not be a condition this is anticipated and may never actually occur. Reference subsequent section for *Emergency Purchasing Procedures*.

Group purchasing programs that are formally organized and offer competitively obtained purchasing services to two or more public agencies.

Change orders for construction or repair work undertaken “during the progress” of a project that was initially bid.

Gas, fuel and oil are not subject to formal bidding procedures, but are subject to informal bidding procedures.

Sole-source purchases. The sole source exception provides that formal bidding requirements do not apply when:

- Performance or price competition for a product is not available
- A needed product is available from only one source of supply
- Standardization or compatibility is the overriding consideration

Information and technology goods and services may be purchased through contracts awarded by the state Office of Information Technology Services; or may be purchased using a Request for Proposals procedure.

Guaranteed energy savings contracts have separate statutory bidding procedures and are exempted from otherwise applicable bidding requirements.

NC State Contract purchases that are competitively bid and awarded by the North Carolina Division of Purchase and Contract.

Purchase of used apparatus, supplies, materials or equipment. This exception “does not apply to remanufactured, refabricated or demo items”.

Construction manager at risk contracts

Piggybacking a formal contract that has been competitively bid and awarded by another unit of government within the past twelve months.

Use of own forces

Lease of goods or equipment when there is no intent to neither buy nor option to purchase at the end of the lease.

**CITY OF HIGH POINT
PURCHASING PROCEDURES**

CITY PURCHASING PROCEDURES

Request for Bids:

The process of purchasing by formal and informal competitive bids is initiated by the Purchasing Division. The Purchasing Division will:

- Send a notice to bidders for formal bids which will be published in the legal notices of the "official" newspaper of the City.
- Post all bid opportunities, both formal and informal, in the Purchasing Division section of the City's website at www.highpointnc.gov/purchasing . Post all addenda to the website.
- Distribute notification of bid opportunities to all prospective vendors on file in the Purchasing Division who may be able to provide the required items or services. The Purchasing Division maintains a current vendor list based on commodity and class of service.
- Maintain accurate records of all vendors who have requested or have been sent notification to assure that they will be informed of any necessary changes or addendum.
- Provide only explanatory information concerning the proposals verbally. Information or changes regarding bids and proposals shall be by addendum in writing and furnished to all vendors who have requested or have been sent notification.
- Ensure that all minority or small business enterprises pursuant to any invitation to bid, advertisement or solicitation, are given full opportunity to submit bids and/or proposals and will not be discriminated against on the basis of race, color, sex, physical handicap, or national origin in consideration of an award.

Receipt and Opening of Bids:

Formal Bids (over \$90,000 requiring City Council approval):

- Whenever possible, bid openings will take place on Wednesdays at 2:00 pm at City Hall in the 3rd Floor Conference Room.
- Bids received prior to the bid opening date and time will remain in the Purchasing Division from time of receipt until bid opening. Bids should be date and time stamped upon receipt.
- All bids submitted shall be accepted until the deadline for submissions. Bids submitted after the set deadline shall not be accepted.
- Any bid may be withdrawn by written request and resubmitted, if so desired, up to and until the set deadline for bid opening.
- Bids for certain construction/repair projects may not be withdrawn after bid opening without loss of bid deposit (see withdrawal of Bid).

- At the time and date specified, the sealed bids will be opened and recorded. The proposals and specification will be checked for accuracy and, where applicable, samples will be requested for testing. Tabulations will be prepared and made available for review on the Purchasing Division's website and in the Purchasing Division office.
- The Purchasing Manager, along with the Director of the requesting department, will review the bids and prepare a recommendation to be submitted to the High Point City Council through the City Manager. The vendor to be awarded will be the contract based on the lowest and best (defined as responsive and responsible) bid meeting specifications.

Number of Bids Required:

Three bids are required. If three bids are not received, a second advertisement must be made, after which a contract may be awarded even if fewer than three bids are received.

NOTE: The City of High Point has special legislation(Session Law 1979-501 as amended by Session Law 1989-334) that allows it to open and award bids even if only one bid is received. It should be noted, however, that even though the City has the authority to open bids and make award with only one bid; it is generally in the best interest of the City to not open the bid and re-advertise in an effort to produce a competitive bidding environment.

Public records law states that bids are subject to public inspection once opened.

Informal Bids (\$30,000 – \$89,999):

Informal bids will be received in the Purchasing Division as scheduled with Department usually by 4:00 p.m. of the bid due date.

All bids submitted shall be accepted until the deadline for submissions. Bids submitted after the set deadline shall not be accepted.

Bids shall be opened by the responsible buyer who will distribute bid tabulations and any necessary backup information to the requesting department for review.

Department shall submit a recommendation form to purchasing.

Bid award authority is as follows:

Financial Services Director

\$30,000 – \$89,999

Informal Bids (\$5,000 – \$29,999):

The department/division will be responsible for the determination of need, specifications, etc. and the maintenance of the related procurement history records. The Purchasing Division is available for consultation and advice to the informal bid process.

Informal quotes shall be obtained by departmental personnel

Quotes must be on vendor letterhead and may be sent by email, fax machine, or physical delivery method

All bids submitted shall be accepted by the department/division until the deadline for submissions. Bids submitted after the set deadline shall not be accepted.

The responsible department staff will distribute bid tabulations and any necessary backup information to the requesting department director for review.

Department shall enter requisition and scan backup to “F” Drive

Department shall submit a recommendation form to Purchasing.

Bid award authority is as follows:

Purchasing Manager	\$5,000 - \$29,999
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Micro Purchasing

Micro Purchasing (<\$5,000)

Department staff expected to seek best value/competition

No quotes required. If desired, informal quotes may be obtained by departmental personnel

Department shall enter requisition and scan backup documentation/support to “F” Drive if Purchase Order needed

Micro Purchasing with P-Card

Department staff expected to seek best value/competition for needed materials

No quotes required.

Department personnel orders or picks up needed materials and pays using P-card

Procurement by Noncompetitive Proposal (Sole Source):

The noncompetitive proposal method is defined in the City of High Point Purchasing Policies and Procedures as:

- Solicitation of a proposal from only one source; or
- After solicitation of a number of sources, competition is determined to be inadequate; or
- A contract change outside the scope of original contract is also considered a sole source procurement.

Procurement by noncompetitive proposal may be used under the following circumstances:

- Solicitation provides only one bid;
- Performance or price competition for a product are not available;
- Needed product or item is only available from a single source;
- Standardization or compatibility is the overriding consideration;
- Parts/equipment are required from this source to permit standardization;
- Item is an associated capital maintenance item and is purchased directly from original manufacturer:
 - The manufacturer or supplier is the only source for item
 - The price is no higher than usual price paid.

Sole source requires written documentation and justification for the procurement process. At a minimum, the procurement file will contain the Sole Source Justification Form. The City Council designates authority to award sole source procurement for contracts valued less than \$30,000 to the Financial Services Director. Sole source contracts valued \$30,000 or greater require City Council approval.

Bid Award:

AWARD CRITERIA: As provided by Statute, award will be based on the lowest and best (defined as responsive and responsible) bid(s) most advantageous to the City of High Point as determined by consideration of the following:

- Price
- Quality of products offered
- General reputation & performance capabilities of bidder
- Proven performance of equipment or goods offered
- Conformity with intent of specifications herein
- Bidder's previous performance in contract with the City
- Conformity with the terms and conditions of the Invitation for Bid
- Adequate availability of service and parts
- Delivery

Bid Award Recommendation Forms:

Bid award recommendation forms are available on the Purchasing Intranet site. Bid forms should be completed as follows:

Formal Bids - Complete City Council Recommendation Form

Informal Bids – Complete Department Recommendation Form

Recommendation forms should be signed electronically and e-mailed to the Purchasing Division

After Bid Award:

Purchasing shall obtain/prepare a contract as appropriate and issue purchase order

Contracts will be distributed to appropriate authorities for signature

Signed copies of contracts will be distributed as follows:

Purchasing Division (2 Copies)
City Clerk (1 Copy)
Department (2 Copies)
Vendor (1 Copy)

Purchase orders will be distributed as follows:

Vendor – Original will be e-mailed to the vendor

Department – A copy will be e-mailed to the using department

Withdrawal of Bids

Bids received on construction projects may be withdrawn after the bid opening without forfeit of the bid security if the following conditions are met:

- The bid was submitted in good faith
- The bid was based upon a mistake which constitutes a substantial error
- The bidder submits evidence (original work papers, document, etc.) showing the mistake was clerical in nature as opposed to judgment error, and was due to an unintentional omission of a substantial quantity of work, labor, material, or service.
- Contract has not been signed by vendor

A request to withdraw must be made in writing before the contract is awarded, but no later than 72 hours after opening of the bid. When a request to withdraw is received, the City shall promptly hold a hearing on the request and shall notify the bidder of the time and place of the hearing. The bidder or counsel may appear and present any evidence to support his request to withdraw. For the purpose of this requirement, the City Manager shall conduct the hearing.

Upon completion of the hearing, the City shall issue a ruling either approving or denying the request to withdraw. If the City denies the request, the bidder has 20 days to contest the denial in any court of competent jurisdiction in the state of North Carolina.

No bidder who is permitted to withdraw a bid may supply any material, labor, perform, and subcontract or work agreement for any company which receives a contract or subcontract for work on the project for which the bid was withdrawn.

If the project is to be rebid, the bidder requesting to withdraw may not, under any circumstance, rebid the project.

Negotiation of Price

In the event bids received are in excess of the funds available for the purchase, the governing body is authorized to enter in negotiations with the lowest responsible bidder by making changes in the plans and specification in an effort to bring the contract price within the amount of funds available.

Vouchering

The purchase of apparatus, supplies, materials, equipment and services costing greater than \$5,000 must be handled in accordance with the policies and procedures covered in this manual.

The purchase of these items shall be handled by the Purchasing Division. Departments shall follow the procedures outlined in the Purchasing Procedures Section of this manual for the purchase of all apparatus, supplies, materials, equipment and services with a cost greater than \$5,000.

Purchases less than \$5,000 may be made using a P-card where p-card limits and authorization permit. If the vendor does not accept a P-card a purchase order request should be made.

Vouchers should not be used for the payment of any of the type items/services listed above.

Testing and Evaluation of Equipment

The testing and evaluation of equipment or supplies is sometimes necessary prior to bid award. Bid requests for materials, apparatus, supplies or equipment which might require a demonstration contain the following language:

Bidder must be capable of demonstrating proposed equipment within seven (7) consecutive calendar days after notification at no additional cost to the City. If required, this will be a comprehensive demonstration at a site designated by the City with hands-on participation by agency operator(s) if necessary. Bids that fail to comply with this requirement may be subject to rejection.

The Purchasing Division should be notified when departments require a demonstration before making award recommendation. Purchasing will either contact the vendors involved or give department personnel contact information so they may arrange for the equipment testing and evaluation.

Evaluators should:

- Outline criteria and methods to be used in testing and evaluation
- Keep accurate records of each vendor's performance based on established criteria
- Record the name of the vendor, equipment description, and make and model for each product evaluated
- Give an opportunity to each vendor having products which should be considered

Submit evaluation criteria for each vendor with bid award recommendation form.

Freight Definitions

All formal and informal bids received by the Purchasing Division are quoted Freight on Board Destination (F.O.B.) with all freight and transportation charges included in the bid price.

F.O.B. Destination:

The supplier includes in its price the cost of transportation via:

- Its own trucks
- Common carrier
- Contract Carrier

Under these shipping terms, the seller retains title and control of goods, and the invoice does not become payable until they are delivered and the contract of coverage has been completed. Seller selects the carrier and is responsible for the risk of transportation, including the filing for loss and damage. Unless F.O.B. clause states otherwise, seller assumes transportation charges by either payment or allowance. The buyer may not assign, direct, or re-consign the shipment.

To this amount is added reimbursement for advancing monetary fund's to prepay freight cost for filing loss and damage claims, for expediting urgent shipments, and for other delays in transportation that delay payment for goods.

F.O.B. Point of Origin

The purchaser assumes title the moment the carrier signs the bill of lading. The buyer therefore assumes risk of transportation and is entitled to route the shipment, but also must undertake the responsibility for getting the goods to destination, and for filing claims for loss and damage, regardless of who bears the freight charges. Unless qualified, F.O.B. point of origin term places the responsibility for freight charges on the buyer, but terms may be worded in such a way as to provide for absorption of freight charges or a portion of them through allowance or prepayment.

F.O.B. Freight Allowed

Shipments will move collect and unless qualified, that an amount equivalent to the charges the buyer pays to the carrier will be deducted from the total cost of the goods when paying seller's invoice.

F.O.B. Freight Prepaid

Seller will pay transportation charges to the carrier and that the buyer will remit the full amount of the invoice without deducting freight. In either case, if the seller is unwilling to absorb charges for premium transportation, and clause may be worded to provide this protection.

PROTEST AND DISPUTE
RESOLUTION PROCEDURES

**DISPUTE RESOLUTION AND RULES
IMPLEMENTING MEDIATED SETTLEMENT CONFERENCES IN
THE CITY OF HIGH POINT CONSTRUCTION PROJECTS**

Table of Rules

Rule

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RULE 1. INITIATING MEDIATED SETTLEMENT CONFERENCES

- A. Purpose of Mandatory Settlement Conferences.** These Rules are promulgated to implement a mediated settlement program designed to focus the parties' attention on settlement rather than on claim preparation and to provide an opportunity for orderly settlement negotiations to take place. Nothing herein is intended to limit or prevent the parties from engaging in settlement procedures voluntarily at any time prior to or during commencement of the dispute resolution process.
- B. Initiating the Dispute Resolution Process**
- 1) Any party to a City of High Point ("City") public construction contract (referred to herein generally as the "Contract") governed by Article 8. Ch. 143 of the General Statutes and identified in G.S. § 143-128(f1) and who is a party to a dispute arising out of the Contract and the construction process in which the amount in controversy is at least \$15,000 may submit a written request to the City for mediation of the dispute.
 - 2) Prior to submission of a written request for mediation to the City, the parties should give notice of any and all claims in accordance with their respective contracts, obtain decisions on the claims as required or allowed by their respective contracts, and attempt to resolve the dispute according to the terms and conditions in their respective contracts. The Mediator may adjourn any mediated settlement conference if the Mediator believes, in his or her sole discretion, that the parties have not satisfied all of the terms and conditions of their respective contracts and that doing so will enhance the prospects for a negotiated settlement.
- C. Condition Precedent to Litigation.** Before any party to a Contract may commence a civil action against the City seeking remedies for breach or non-performance of the Contract by the City, said party must first initiate the dispute resolution process under these rules and attend the mediated settlement conference.

RULE 2. SELECTION OF MEDIATOR

- A. Mediator Listing.** A list of Mediators acceptable to the City is attached to and incorporated by reference into these Rules. The party requesting mediation shall select a Mediator from the designated list. If the City fails to provide a list of acceptable mediators, the list of Mediators shall be deemed to be the list of mediators certified by the North Carolina Dispute Resolution Commission to conduct mediated settlement conferences in the North Carolina Superior Courts.
- B. Selection of a Mediator.** The party requesting mediation shall select a Mediator from the City's list of Mediators and shall file, with the City, a Notice of Selection of Mediator within 21 days of the request for mediation. Such notice shall state the name, address, and phone number of the Mediator selected. If the Mediator selected is not available or declines to participate for any reason, the requesting party shall select another person from the City's list of Mediators. If the party requesting mediation does not select and designate a mediator within 21 days of the request for mediation, the City shall have the right in its absolute discretion to appoint a mediator from its list of Mediators.
- C. Disqualification of Mediator.** Any party may request replacement of the Mediator for good cause. Nothing in this provision shall preclude Mediators from disqualifying themselves.

RULE 3. THE MEDIATED SETTLEMENT CONFERENCE

- A. Where Conference is to be Held.** Unless all parties and the Mediator otherwise agree, the mediated settlement conference shall be held in Guilford County. The Mediator shall be responsible for reserving a place, making arrangements for the conference, and giving timely notice of the time and location of the conference to all attorneys, unrepresented parties and other persons or entities required to attend.
- B. When Conference is to be Held.** The mediation shall be completed within 90 days after selection of the Mediator.
- C. Request to Accelerate or Extend Deadline for Completion.** Any party or the Mediator may request the City to accelerate or extend the deadline for completion of the conference. Such request shall state the reasons the extension is sought and shall be served by the moving party upon the other parties and the Mediator. Objections to the request must be promptly communicated to the City and to the Mediator.

The City, with the concurrence of the designated Mediator, may grant the request by adjusting the time for completion of the conference.

- D. Recesses.** The Mediator may recess the mediation conference at any time and may set times for reconvening. If the Mediator determines the time and place where the conference is to reconvene before the conference is recessed, no further notice is required to persons present at the conference.
- E. Project Delay.** The mediated settlement conference that results from a construction contract dispute shall not be cause for the delay of the construction project.

RULE 4. DUTIES OF PARTIES AND OTHER PARTICIPANTS IN FORMAL DISPUTE RESOLUTION PROCESS

- A. Attendance.**
 - 1. All parties to the dispute must designate an official representative to attend the mediation. .
 - 2. “Attendance” means physical attendance, not by telephone or other electronic means. Any attendee representing a party must have authority from that party to bind it to any agreement reached as a result of the mediation.
 - 3. Attorneys representing parties may attend the mediation, but are not required to do so.
 - 4. Sureties and insurance company representatives are required to physically attend the mediation unless the Mediator and all of the other parties to the mediation excuse their attendance or consent to their attendance by telephone or other electronic means.
 - 5. The parties who attend a duly scheduled mediation conference shall have the right to recover their share of the Mediator’s compensation from any party or parties who fail to attend the

conference without good cause.

- B. Finalizing Agreement.** If an agreement is reached in the mediation conference, the terms of the agreement shall be confirmed in writing and signed by all parties.
- C. Mediation Fees** charged by the Mediator shall be paid in accordance with G.S. § 143-128(f1).
- D. Failure to compensate Mediator.** Any party's failure to compensate the Mediators in accordance with G.S. § 143-128(f1) shall subject that party to a withholding of said amount of money from the party's monthly payment by the City.

Should the City fail to compensate the Mediator, it shall hereby be subject to a civil cause of action from the Mediator for the 1/3 portion of the Mediator's total fee as required by G.S. § 143-128(f1).

RULE 5. AUTHORITY AND DUTIES OF MEDIATORS

A. Authority of Mediator.

1. Control of Conference. The Mediator shall at all times be in control of the conference and the procedures to be followed.
2. Private Consultation. The Mediator may communicate privately with any participant or counsel prior to and during the conference. The fact that private communications have occurred with a participant shall be disclosed to all other participants at the beginning of the conference.
3. Scheduling the Conference. The Mediator shall make a good faith effort to schedule the conference at a time that is convenient with the participants, attorneys and Mediator. In the absence of agreement, the Mediator shall select the date for the conference.
4. Determining good cause for a party's failure to appear at a scheduled mediation conference.

B. Duties of Mediator.

1. The Mediator shall define and describe the following at the beginning of the conference:
 - a. The process of mediation.
 - b. The difference between mediation and other forms of conflict resolution.
 - c. The costs of the mediated settlement conference.
 - d. That the mediated settlement conference is not a trial, the Mediator is not a judge, and the parties retain their legal rights if they do not reach settlement; however, the Mediator will advise all parties that failure to appear at mediation without good cause may result in imposition of sanctions and may be asserted as a bar to lawsuits by claimants who have failed to exhaust this administrative remedy.
 - e. The circumstances under which the Mediator may meet and communicate privately with any of the parties or with any other person.
 - f. Whether and under what conditions communications with the Mediator will be held in confidence during the conference.
 - g. The inadmissibility of conduct and statements as provided by G.S. §7A-38.1(1).

- h. The duties and responsibilities of the Mediator and the participants.
 - i. That any agreement reached will be reached by mutual consent.
- 2. Disclosure: The Mediator has a duty to be impartial and to advise all participants of any possible bias, prejudice or partiality.
- 3. Declaring Impasse: The Mediator may determine at any time during the mediation conference that an impasse exists and that the conference should end.
- 4. Reporting Results of Conference. The Mediator shall submit a written report to the City and the other parties within 10 days of the conference stating whether or not the parties reached an agreement. The Mediator's report shall indicate the absence of any party from the mediated settlement conference without permission or good cause.
- 5. Scheduling and Holding the Conference. It is the duty of the Mediator to schedule the conference and conduct it prior to the deadline of completion set by the rules. The Mediator shall strictly observe deadlines for completion of the conference unless said time limit is changed by agreement of the parties.

RULE 6. COMPENSATION OF THE MEDIATOR

- A. The parties shall compensate the Mediator for mediation services at the rate proposed by the Mediator and agreed to by the parties at the time the Mediator is selected. .

RULE 7. RULE MAKING

- A. These Rules may be amended by the City at any time. Amendments will not affect mediations where claims and/or requests for mediation have been filed at the time the amendment takes effect

RULE 8. DEFINITIONS

- A. "City" shall mean the City of High Point, North Carolina
- B. "Project Designer" is that person or firm stipulated as project designer in the Contract Documents for the project.
- C. "Claim" is a demand or assertion by a party seeking adjustment or interpretation of Contract terms, payment of money, extension of time or other relief with respect to the terms of the Contract. The term "Claim" also includes other disputes and matters in question between the parties to a Contract involved in the City's building construction renovation and repair projects arising out of or relating to the Contract or the construction process. Claims must be initiated by a written notice. The responsibility to substantiate Claims shall rest with the party making the Claim.
- D. "Good Cause" generally includes any circumstance beyond the control of a party, which prevents that party from meeting obligations. When good cause is asserted as an excuse for a party's failure to appear at a mediation conference or to otherwise comply with the requirements of these Rules, the Mediator, in his or her sole discretion, will determine whether good cause exists to

excuse the party's failure to appear or otherwise comply with these rules.

RULE 9. TIME LIMITS

- A.** Any time limit provided for by these Rules may be waived or extended at the sole discretion of the City, if no Mediator has been selected, and at the discretion of the City with concurrence of the Mediator if a Mediator has been selected.

EMERGENCY PURCHASES

EMERGENCY PURCHASES

Statutory Authority

The laws governing formal bids may be suspended in the case of a qualified emergency. The Purchasing Division may buy from any vendor without going through the formal bid/specification procedure if an emergency is declared. In accordance with G.S. 129 (e)(2), the following provisions must be met to declare an emergency:

Emergency purchases are specifically for “cases of special emergency involving the health and safety of the people or their property”.

The emergency must be present, immediate, and existing.

It may not be a condition that is anticipated and may never actually occur.

The governing board cannot declare an emergency where none exists to defeat the provision of the law.

City Policy

Emergency purchasing may be defined as an immediate need which would seriously hamper the operations of a department. When emergencies arise within a line department, the following procedures are to be followed:

During work hours:

Employee reports problem to the department director or the next responsible officer.

The Department Director or an authorized employee should contact the Purchasing Division by phone or e-mail with the following information:

Explanation of the emergency

Location, job, equipment number, or other specific description

Materials or service needed

The department’s Purchasing Requestor will enter a purchase requisition for materials/services needed and notify department director when it is ready to be approved in Lawson Process Flow. Emergency should be described in the Comments to Print on PO as a Trailer: “Emergency Purchase Order per (Employee Name) for repair of (briefly describe project)”

Notify Purchasing Division that requisition has been approved

Purchasing will process the order and distribute it to the vendor and the department

NOTE: If the Purchasing Requestor and/or Department Director is not available for normal Lawson Processing, then the Purchasing Division will direct process the purchase order for the department.

Outside of Normal Work Hours

Employee reports problem to the department director or the next responsible officer.

Department Director or officer authorizes employee to secure the needed materials or services.

On first working day following the emergency the department should:

E-mail the Purchasing Division with an explanation of the emergency, location, job, equipment number, or other specific description

Purchasing administrator will enter a purchase requisition for materials/services purchased. Enter in Comments to Print on PO as a Trailer "Confirmation of Emergency Purchase Order per (Employee Name) for repair of (briefly describe project)"

Emergency purchasing is costly! Emergency purchasing due to failure to anticipate needs or from unnecessary delay in submitting a requisition are "Preventable" emergencies and are avoidable. Purchasing will question any emergency order of stock items.

Such an emergency must be subsequently declared by the High Point City Council.

FIXED ASSET CONTROL
AND
SURPLUS PROPERTY

Fixed Asset Control

Fixed Assets:

The City of High Point operates a Fixed Asset control system to keep track of fixed asset purchases and disposals.

A purchase requisition is the starting point for the entire asset control process, and as such requisitions must provide accurate and complete descriptions of the items to be purchased. The descriptions provided on requisitions are used for entry to the Fixed Asset System; therefore they must be complete in order for the property control system records to be of value.

The department is responsible for notifying the Fixed Asset Accountant when items are received.

The department is responsible for notifying the Fixed Asset Accountant and the Purchasing Division with the asset number, descriptions, etc of any equipment being disposed of.

Capital assets of the City must meet the following qualifications:

- An estimated useful life of three (3) years or more
- An initial cost of \$5,000 or more (for all assets excluding infrastructure and land)
- Land or right of way (always capitalized, no matter the cost)
- Infrastructure (cost of \$10,000 or more)
- Donated capital assets that meet the above qualifications (the value of a donated asset is the fair market value at the time of donation)

Other guidelines to be aware of:

- Easements are not capitalized. All easements should be coded to 529215.
- The cost of an asset includes all costs incurred to get the asset into working condition (i.e., shipping, installation, etc.).
- Software is generally not capitalized (even if \$5k or more). Most software is relatively inexpensive and does not have an extensive useful life. If you are unsure if software you are purchasing should be capitalized, please contact Fixed Asset Accountant for a determination.
- The costs of normal maintenance and repairs that do not materially add to the value or useful life of the original asset are not capitalized (i.e., new roof, painting, new carpet, etc.).
- Notify the Fixed Asset Accountant when a donation is received that meets the qualifications of a capital asset.

- Notify the Fixed Asset Accountant when a capital asset is taken out of service or disposed of.
- Capital asset expenditures should be coded to the accounts beginning with 53.
- Operational expenditures should be coded to the accounts beginning with 52.

Requisitions for Capital Assets: RQ10 Requisition Entry Screen

Requisitions for Capital Assets are those for items costing \$5,000 or more and entered to a 53 account number. It is required that an asset template be chosen for these items.

Lawson Portal - Requisition (RQ10.1) - Windows Internet Explorer

http://lawsonsvr.highpointnc.gov/lawson/portal/

File Edit View Favorites Tools Help

GovDelivery Admin > Login PURCHASING WEBPAGE PURCHASE & CONTRACT

Lawson Portal - Requisition (RQ10.1)

Welcome Patty Sykes to COHP91 [logout]

rq10

Home

My Shortcuts

- BIDS
- REQUISITION (RQ10)
- PURCHASE ORDER (PO20)
- PURCHASE ORDER WORK SHEET
- DOCUMENT EXPRESS
- INTERNET HOME PAGE
- PROCESS FLOW ADMINISTRATION
- SMART NOTES
- Smart Notes Validation
- VENDOR PAYMENTS
- HIGH POINT WEB SITE
- PURCHASING WEBSITE
- F DRIVE-BACKUP
- Y DRIVE-PURCHASING
- Vendor Search
- New shortcut item
- PO Inquiry - po64

Inbasket ProcessFlow Integrator

- Task Level Work
- Formal Bids
- Informal Bids
- Department Head*
- IT Approval
- Purchasing Mgr*
- Special Approval*
- Supervisor
- User Level Work
- Patty Sykes

Requisition (RQ10.1)

Requester []

Requisition Number [] Total []

Header Miscellaneous Lines Template Drop Ship PO Bill To User Fields

FC	Line	Item	Quantity	UOM	Unit Cost	Curr
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]	[]

Line Detail Purchasing Classes/Code Miscellaneous Line User Fields Currency

Item Description []

Vendor Item []

Account [] [] [] Dist Co []

Activity [] [] Bill Cat []

Asset Template [] [] Item Entry Code []

Requested Delivery Date [] [] Priority [] Create PO []

Item Type [] Cost Opt [] Use Entered Cost [] Alternate Item []

Service Code []

Enter Asset Template here. Click on drop down arrow to see available templates. Choose item from list that most appropriately describes the asset to be purchased.

Surplus Property Control

The sale of all personal property belonging to the City shall be made by the Financial Services Director or his/her designee under the direction of the City Manager where the value of the property is less than the amount established by North Carolina General Statute Section 160A-266 as amended from time to time and pursuant to law under the direction of the City Council where the value of the personal property exceeds that amount. The Financial Services Director or his/her designee shall have the authority to declare such property surplus, set its fair market value, and convey title.

The City is authorized to utilize electronic advertisement in providing public notice of city surplus personal property sales under authority of North Carolina General Statute Section 160A-270 as amended from time to time.

The disposal of surplus personal property shall be conducted in accordance with North Carolina General Statute Section 160A-270 as amended from time to time. The Purchasing Manager is assigned the responsibility for the disposal of surplus property.

Surplus property disposition has been delegated as follows:

- Financial Services Director/Purchasing Manager \$29,999 or less
- City Council Approval Required \$30,000 or more

Sale of Personal Property

The Financial Services Director has authorized the Purchasing Manager to sell via electronic auction or other means all surplus property where the value of the property is less than the amount established by North Carolina General Statute Section 160A-266 as amended from time to time. Most surplus property is now sold by Electronic Auction.

- Department reports to the Purchasing Division that it has surplus property available for sale
- A Disposal of Surplus Property Form (available on the Purchasing Intranet Site) shall be submitted electronically to the Purchasing Division along with a picture or pictures of the property to be sold
- Department may deliver surplus property to the City Warehouse for storage
- Purchasing will send information to the Fleet Services Director who will sell the property following the procedures outlined in the Sale of Surplus Fleet Vehicles section

Sale of Surplus Fleet Vehicles

The Financial Services Director has authorized the Fleet Services Director to sell via electronic auction all surplus fleet automobiles, heavy equipment and other rolling stock where the value of the property is less than the amount established by North Carolina General Statute Section 160A-266 as amended from time to time.

- Property is listed for sale on a publicly available electronic auctioning site
- Public places bid on the property for an established length of time (no less than ten days)
- Property is sold to the highest bidder
- Bidder is invoiced by and pays the electronic auctioning site
- Electronic auctioning site notifies the Fleet Services Director that property has been paid for
- Electronic auctioning site pays the city for sold property
- Bidder brings receipt and picks up property

Reporting:

Reports of real and personal property sold under the above procedures shall be submitted to City Council on an annual basis.

Sale of real property owned by the City:

The sale of real property owned by the city shall be made by the Right of Way Agent or Financial Services Director or his/her designee as directed by the City Council, subject to the approval of the City Manager.

Sale of Surplus Property greater than amount authorized by GS160A-266

All sales greater than the amount established by GS160A-266 must be authorized by City Council

- A report of the property to be disposed of shall be taken to City Council
- City Council shall declare the property to be surplus and authorize its sell
- The Purchasing Manager shall dispose of the property in accordance with rules established by North Carolina General Statute Section 160A-270 as amended from time to time
- A report of the outcome of the disposition shall be submitted to City Council

Appendix A

City of High Point Procurement Forms

DEPARTMENT RECOMMENDATION
Informal Bid(s)

DEPARTMENT:

BID #: DATE OPENED:

DESCRIPTION:

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO: AMOUNT:

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: DATE:

PURCHASING MANAGER: DATE:
(\$5,000 - \$30,000)

FINANCIAL SERVICES DIRECTOR: DATE:
(\$30,000 - \$90,000)



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT:

COUNCIL AGENDA DATE:

BID NO.: CONTRACT NO.: DATE OPENED:

DESCRIPTION:

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO: AMOUNT:

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: DATE:

The Purchasing Division concurs with recommendation submitted by the and recommends award to the lowest responsible, responsive bidder in the amount of \$.

PURCHASING MANAGER: DATE:

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: DATE:

CITY MANAGER: DATE:



Requisition #

CITY OF HIGH POINT
SOLE SOURCE JUSTIFICATION
FORM (For Items Costing \$500.00 or More)
Statutory Reference N.C.G.S. 143-129(e)6

Vendor:

Item(s):

Justification:

Estimated expenditure for the above item(s):

CHECK ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE.
ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.

1. Performance or price competition for a product are not available.
2. A needed product is available from only one source of supply.
3. Standardization or compatibility is the overriding consideration.
4. The parts/equipment are required from this source to permit standardization.
5. None of the above applies. A detailed explanation and justification for this sole source request is contained in attached memo and support documentation.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the material or service described in this sole source justification be authorized as a sole source for the material or service.

Department Head/Authorized Personnel

Department/Division

Date

Approval Process

Under \$5,000 (Purchasing Manager)

\$5,000-\$30,000 (Financial Services Director)

\$30,000 – Up (City Council)

Appendix B

City of High Point Transit System

Supplemental Purchasing Policies & Procedures For Federal Transit Administration Funded Programs and Assistance

INTRODUCTION

This supplement to the purchasing and contracting policies for the City of High Point Transit System are not based upon a single statutory reference but rather are adopted to form compliance with a variety of statutory and policy provisions found in Federal and State laws and regulations and standing Orders and Resolutions as adopted or approved by the City Council of the City of High Point. This Supplement has been created to conform to the requirements in 49 *CFR 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*; OMB A-102, *Grants and Cooperative Agreements with State and Local Governments*; OMB A-87, *Cost Principles for State, Local, and Indian Tribal Governments*; *Federal Transit Administration (FTA) Circular 4220.1F, Third Party Contracting Requirements*; and *North Carolina General Statutes which include N.C.G.S. 143-129*.

The policies contained herein are intended to establish a baseline for compliance with Federal law and regulations in addition to City of High Point Local Government policy. It is the responsibility of the Transit Manager and City of High Point Management to determine the disposition of any issue not specifically addressed herein or otherwise prescribed in law or regulation.

The City of High Point and the City of High Point Transit System is committed to maintaining high standards of performance based upon fair, ethical and professional business practices and welcomes recommendations for improvements to conformance, quality, and efficiency standards. Any such recommendations should be submitted in writing to the Purchasing Manager for the City of High Point and to the Transit Manager for the High Point Transit System.

FTA Guidance Documents and Links

FTA Triennial Review Workbook

http://www.fta.dot.gov/documents/FY_2014_Triennial_Review_Workshop_Workbook_Rev_2.pdf

FTA SMR Workbook <http://www.fta.dot.gov/grants/12898.html>

FTA Grant Management Circular

http://www.fta.dot.gov/images/content_images/C_5010_1D_Grant_Management_Requirements_2012_Page_Changes_8-27-2012.pdf

Third Party Procurement Circular http://www.fta.dot.gov/legislation_law/12349_8641.html

Best Practices Procurement Manual http://www.fta.dot.gov/grants/13054_6037.html

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Responsibility and Authority

The Mayor has the authority for the City of High Point/City of High Point Transit System, hereafter referred to as the “Agency,” to enter into grant agreements with the North Carolina Department of Transportation (NCDOT) and Federal Transit Administration (FTA) and to purchase property and services and to enter into third-party contracts on behalf ***City of High Point Transit System***. Grant applications submitted to NCDOT or FTA should include an authorizing resolution adopted by City Council and identify the position title of the authorized official. The authorized official may not delegate his/her authority to sign grant applications/agreements but may delegate other authorities, as he/she deems necessary. Any authorities delegated by the authorized official in regards to approval of grant reimbursement requests, grant budget revision/amendment requests, or grant project period of performance extension requests must be submitted in writing to NCDOT. Responsibility for the preparation of internal policies and procedures consistent with the provision of this manual remains with the City of High Point.

Fundamental Policy

Written Procurement Procedures.

Written procurement procedures are a requirement of 49 CFR 18 and FTA C 4220.1F. This Supplement is to be used with and considered part of City of High Point Purchasing Policies and Procedures to reflect applicable Federal, State and local laws and regulations and the requirements and standards identified in FTA C 4220.1F. NCDOT requires its grantees to use FTA procurement standards for purchases funded with Federal and/or State funds. When using Federal and State funds, the more restrictive requirements will be used, whether they are Federal, State, or local. When using State funds only, the Federal certifications and mandatory Federal contract clauses are not required. After adoption by City Council, these procedures will be reviewed annually by the Purchasing Manager and Transit Manager and updated as required.

Responsibility for Settlement of Contract Issues/Disputes.

The Agency will be responsible in accordance with good administrative practice and sound business judgment for the settlement of all contractual and administrative issues arising out of its procurements. These issues include, but are not limited to, source evaluation, protests of awards, disputes, and claims or other matters of a contractual nature. The Federal/State government will not substitute its judgment for that of this local government, unless the matter is primarily a Federal/State concern. Violations of the law will be referred to the local, State, or Federal authority having proper jurisdiction.

Written Protest Procedures.

The City of High Point Transit System follows the written protest and dispute resolution procedures as specified in the City of High Point Purchasing Policies and Procedures Manual to handle and resolve disputes relating to its procurements and shall in all instances disclose information regarding protests to the appropriate grantor agency (i.e., FTA/NCDOT) and keep said grantor agency informed about the status of the protest. All protest decisions must be in writing. A protester must exhaust all administrative remedies with the Agency before pursuing a protest with the FTA and/or the State government.

Reviews of protests by the State-funding agency/FTA will be limited to:

- (1) The Agency's failure to have or follow its protest procedures, or its failure to review a complaint or protest;
- (2) Violations of Federal/State law or regulation.

An appeal to the State must be received by the State-funding agency within three (3) working days of the date the protester learned or should have learned of an adverse decision by the grantee or other basis of appeal to the State. An appeal to FTA must be received by the cognizant FTA regional or Headquarters Office within five (5) working days of the date the protester learned or should have learned of an adverse decision by the grantee or other basis of appeal to FTA. FTA (as provided in the Common Grant Rule for governmental recipients; see FTA Circular 4220.1F, chapter VII) will limit its review of third party contract protests as follows:

- (a) The Recipient's Procedural Failures. FTA will consider a protest if the recipient:
 - 1 Does not have protests procedures, or
 - 2 Has not complied with its protest procedures, or
 - 3 Has not reviewed the protest when presented an opportunity to do so.
- (b) Violations of Federal law or Regulations. FTA will not consider every appeal filed by a protestor of an FTA recipient's protest decision merely because a Federal law or regulation may be involved. Instead, FTA will exercise discretionary jurisdiction over those appeals involving issues important to FTA's overall public transportation program. FTA will refer violations of Federal law for which it does not have primary jurisdiction to the Federal authority having proper jurisdiction.
- (c) Violations of State or Local Law or Regulations. FTA will refer violations of State or local law to the State or local authority having proper jurisdiction.

Violations of Federal law or regulation will be handled by the complaint process stated within that law or regulation. Violations of State or local law or regulations will be under the jurisdiction of State or local authorities. The Agency will abide by the Protest and Dispute Resolution Procedures provided in the City of High Point Purchasing Policies and Procedures Manual, inclusive of the following:

Authority. City of High Point has final authority to resolve protests, disputes, and complaints arising from the solicitation, award, or performance of a contract. In all instances where a legal representative of the bidder, vendor, or contractor has initiated correspondence or formal action, the City Manager shall contact State-awarding agency (i.e., NCDOT or other agency, as applicable) prior to taking any action. Solicitation documents must contain provisions for the resolution of protests and disputes.

Protest of Requirements Prior to Award. The solicitation document shall provide potential bidders with the opportunity to take exception to specifications and/or requirements. Protests of requirements

received after the time identified in the solicitation document shall be considered untimely and shall be rejected.

Protest of Award. If, prior to award of contract, a protest is received in writing and filed on the grounds that the award is not in conformance with the provisions of the solicitation document, the contract or award shall not be awarded until the protest has been withdrawn or a decision has been reached by the Agency. Complaints lodged by a bidder prior to award may be resolved informally. However, in the event that the matter is not resolved, bidders shall be advised of the timeframe for submitting a full and complete formal statement of the grounds for the protest within the timeframes specified in the solicitation document.

Decisions. The City Manager shall review the merits and timeliness of the protest and ensure that a decision in writing is submitted within a reasonable period of time following receipt of the protest. The Agency shall issue a decision in writing or otherwise furnish to the bidder the decision in such a manner as to ensure receipt. The decision of the City Manager is final.

Disputes Subsequent to Award. Disputes subsequent to award may include, but not be limited to, contention over terms, pricing, payment, scope and/or deliverables. A dispute resolution and escalation clause, describing resolution procedures and the appropriate parties to which the matter may be escalated, shall be included in solicitation documents and contracts, as applicable. The following are sample clauses for inclusion in solicitation documents and contracts:

- Disputes. Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the City Manager. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the authorized representative of the Agency. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the authorized representative of the Agency shall be binding upon the Contractor and the Contractor shall abide by the decision.
- Performance During Dispute. Unless otherwise directed by the Agency, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

Standards of Conduct.

The City of High Point Transit System shall utilize the City of High Point's written code of standards of conduct (or conflict of interest policy) governing the performance of their employees engaged in the award and administration of contracts. All City of High Point Transit System employees, officers, and governing board members will review this policy annually and the agency will document the review thereof. These standards will be relayed to all members in writing and the City of High Point Transit System will obtain each member's signature to acknowledge his/her review, understanding, and acceptance of the policy.

Competition.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

Unreasonable requirements will not be placed on firms in order for them to qualify to do business.

The Agency will be alert to organizational conflicts of interest. An organizational conflict of interest means that because of other activities, relationships, or contracts, a contractor is unable or potentially unable, to render impartial assistance or advice to the grantee; a contractor's objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage.

The Agency will be alert to noncompetitive practices, such as noncompetitive pricing practices, among contractors that may restrict or eliminate competition.

Unnecessary experience and excessive bonding requirements will not be placed on firms.

Contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals or those on retainer contracts will be excluded from competing for such procurements.

Except in cases where a product of a specified brand name is the only product that can properly meet the needs of a requester, the drafting or application of specifications or bid requirements that directly or indirectly limit the bidding to a single brand is prohibited. A *“brand name or equal”* is a competitive process that allows bidders to propose equivalent items. The Agency will not specify only a “brand name” product instead of allowing “an equal” product to be offered without listing its salient characteristics. Refer to FTA’s “Best Practices Procurement Manual,” (BPPM) contains additional information on preparation of specifications including examples with specific language.

The agency shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application presents an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

All lists of pre-qualified persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum full and open competition. Also, the Agency will not preclude potential bidders from qualifying during the solicitation period, which is from the issuance of the solicitation to its closing date. Additionally, to the maximum extent possible, every effort shall be made to use Disadvantaged Business Enterprises and Minority-/Women-Owned Businesses in acquiring goods and services.

Revenue contracts (as applicable) will be awarded utilizing competitive selection procedures and principles. Revenue contracts are those third party contracts whose primary purpose is to either generate revenues in connection with a transit related activity, or to create business opportunities utilizing an asset funded with public transportation funds. The Agency will be responsible for

determining what level of competition is appropriate for a particular contract. A competitive selection process would normally only be needed where there are several potential competitors for a limited opportunity—a competitive process would be required to allow all interested parties an equal chance.

For all architectural, engineering, design, or related services the Agency must use qualifications-based competitive proposal [Request for Qualifications (RFQ) in accordance with the Brooks Act] procedures. If the estimated fee is less than \$30,000, the state's mini-Brooks Act may be used. Qualifications-based competitive proposal procedures can only be used for procurement of program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services.

(1) The Agency must follow applicable statutes, N.C.G.S. 143-64.31-34 and FTA requirements set forth in 4220.1F, to retain a qualified registered architect or professional engineer.

- Geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- Good faith effort to use minority-owned and historically underutilized businesses.
- Selection shall be based on qualifications and competence.
- Price is excluded as an evaluation factor; price negotiation will only be conducted once the most qualified offeror has been determined.
- NCDOT Public Transportation Division (PTD) must review and approve selection (projects funded with NCDOT public transportation funds).

(2) Exemption from request for qualifications (RFQ) and formal procedures for securing A&E Services, N.C.G.S. 143-64.32(a).

- If design fee is estimated less than \$30,000, procedures listed at item (1) above may be waived.
- The exemption must be in writing and granted by the Agency's governing board.
- A&E firms may be contacted directly.
 - Two or more may be evaluated for qualifications
 - Negotiated contract
 - NCDOT Public Transportation Division (PTD) involvement in selection and negotiation required (projects funded with NCDOT public transportation funds).

The Agency will ensure that:

A review of proposed procurements is accomplished in order to avoid the purchase of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. However, procurements will not be divided in an effort to evade competition.

Available state and local intergovernmental agreements for procurement or use of common goods and services are utilized whenever possible, as applicable. When obtaining goods or services in this manner, the City of High Point Transit System will review the documents in advance using the attached Contract Clause Matrix for inclusion of all federal requirements, required clauses, and certifications [with emphasis on **Buy America** provisions especially for steel and manufactured products (see 49 CFR 661) and rolling stock (see 49 CFR 663)] that must be properly followed and included, whether in the master intergovernmental contract or in the grantee's purchase document. Noncompliance with regards to the section can result in a determination of "non-participation" by FTA in the Agency's procurements. The vehicle contracts awarded by PTD for the purchase of transit vehicles already include all federal requirements.

Efforts are made to jointly procure goods and services with other grantees, whenever feasible and practical. When obtaining goods or services in this manner, the City of High Point Transit System will review the documents in advance for inclusion of all federal requirements, required clauses, and certifications (especially Buy America provisions) that must be properly followed and included in the resulting joint solicitation and contract documents.

Piggybacking is the post-award use of a contractual document/process that allows a unit of government who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process. **At this time, the piggybacking option is only available when state funds are used to purchase the item. The FTA piggybacking option is currently under review by PTD and FTA.**

In lieu of purchasing new equipment and property, the utilization of Federal/State excess and surplus property will be considered, whenever such use is feasible and reduces project costs.

Value engineering clauses are included in contracts for construction projects, as appropriate.

Analysis is made of lease versus purchase alternatives and/or any other appropriate analysis to determine the most economical and practical procurement.

The type of procurement instruments used (e.g. fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be appropriate for the particular procurement.

Prior to utilizing any electronic (E-Commerce) methods for soliciting offers, ordering products, or transferring funds, the Agency must have written procedures and must ensure the requirements for full and open competition are met. E-Commerce activity is best defined as the processing of business transactions over the Web. This includes use of an electronic procurement system (such as the state uses) and a broad range of other options such as ordering supplies over the Internet, using the Internet to publicize requests for bids and accept bids online, and using electronic banking.

Contracts are made only with responsible contractors who possess potential ability to perform successfully under terms and conditions of the contract. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Contracts will not be awarded to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities in accordance with the Federal debarment and suspension rule, 49 CFR 29. This now applies to procurements over \$25,000. Grantees are required to comply, and assure the compliance of each third party contractor and sub-recipient at any tier, with the debarment and suspension rule. FTA and NCDOT recommend that grantees use a certification form for projects over \$25,000, which are funded in part with Federal funds. Grantees can obtain a sample certification form from PTD. Grantees must also check a potential contractor's debarment/suspension status at the following Web site: <http://www.sam.gov>.

Some form of cost or price analysis is made and documented in the procurement files in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the Agency must make *independent estimates* before receiving bids or proposals.

- (1) Cost Analysis. A cost analysis must be performed when the offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of the estimated cost, (e.g., under professional, consulting, and architectural and engineering services contracts, etc.).

A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.

- (2) Price Analysis. A price analysis may be used in all other instances to determine the reasonableness of the proposed contract price.
- (3) Profit. The Agency will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (4) Federal Cost Principles. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles. This applies to State-funded projects as well.
- (5) Cost Plus Percentage of Cost Prohibited. The cost plus a percentage of cost and percentage of construction cost methods of contracting will not be used.

The City of High Point Transit System will maintain records that detail the history of each procurement. At a minimum, these records must include:

- The rationale for the method of procurement;
- Selection of contract type;
- Reasons for contractor selection or rejection; and
- The basis for the contract price.

The section on Methods of Procurement includes the documentation requirements for each threshold funding level.

Procurement documents and records are retained for at least three (3) years after project completion and are available to Federal and State awarding agencies, on request.

A system for contract administration is maintained to ensure contractor conformance with the terms, conditions and specifications of contracts or purchase orders and to ensure adequate and timely follow-up of all purchases. Consideration will be given to the type of contract and the specific requirements of each. As a general guide, the following will be monitored and documented:

- (1) Contractor conformance with the contract price.
- (2) Contractor conformance with the delivery and/or completion dates.
- (3) Compliance with the specifications of product or construction requirements.
- (4) Payment of any required security or performance deposits by the contractor.
- (5) Compliance with rules and regulations for contracts of the funding source.
- (6) Document whether contractors have met the terms, conditions and specifications of the contract.

Solicitations for goods and services provide for all of the following:

- (1) Clear and accurate description of the technical requirements of the item/service being procured.
 - Description must not contain features that unduly restrict competition.
 - Description, whenever practicable, will be in the form of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - Detailed product specifications should be avoided if at all possible.
 - A “brand name or approved equal” description may be used as a means to define the performance or other salient characteristics of a procurement.

- Statement affirming that there will be no arbitrary action in the procurement process, but all actions will be taken based on necessity, reason, or principle.
- (2) Requirements that bidders must fulfill and all other factors to be used in evaluating bids or proposals.
 - (3) Acceptance of products and services dimensioned in the metric system of measurement, to the extent practicable and economically feasible.
 - (4) Preference for products and services that conserve natural resources, protect the environment, and are energy efficient, to the extent practicable and economically feasible.
 - (5) Positive efforts are made to utilize Minority-owned Businesses.
 - When only state funds are used, the solicitation must include Minority Business Enterprise (MBE) firms and/or Women Business Enterprise (WBE) firms.
 - MBE and WBE project specific goals may be set for some procurements.
 - If the project is funded in part with federal funds, Disadvantaged Business Enterprise (DBE) firms must be solicited.
 - Ensure DBEs are used to the fullest extent practicable.
 - Make information on forthcoming opportunities available to encourage and facilitate participation by DBEs
 - Consider in contract process whether firms competing for larger contracts intend to subcontract with DBEs.
 - Encourage contracting with consortiums of DBEs when contract is too large for individual DBE.
 - Use services/assistance of such organizations as Small Business Administration, local chamber of commerce, etc., in solicitation and utilization of DBEs.
 - Document efforts and actions taken to utilize DBEs.

Time and material type contracts are used only:

- (1) After a determination that no other type of contract is suitable; and
- (2) If the contract specifies a ceiling price that the contractor shall not exceed except at its own risk.

Methods of Procurement

The procurement method to use will be determined by the estimated cost of the product/service being procured. The following funding threshold levels are based on Federal, State, and local laws and regulations and consistent with the City of High Point Purchasing Policies and Procedures Manual.

< \$5,000 (Micro-Purchases)

- May be made without obtaining price quotes
- Local procurement guidelines must be followed
- Equitable distribution among qualified suppliers
- No splitting of procurements to avoid competition
- Davis-Bacon Act applies to construction $\geq$ \$2,000 **(if funded in part with federal funds)**
- Purchases must be approved by the Transit Division Manager. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.
- Minimum documentation required:
 - How price was determined to be fair and reasonable (comparison of catalog/online prices, etc.) and which vendor was selected
 - Procurement History Form may be used to document
 - Independent Cost Estimate (for purchases $>$ \$2,999.99)
 - Vendor does not have to comply with Federal requirements for purchases $<$ \$3,000, except if Federal funds are used for construction. The Davis-Bacon Act applies to costs of \$2,000 or more and requirement must be included with solicitation.
 - Document approval by authorized person before purchase

INFORMAL BIDS

\$5,000 - \$29,999 (Price Quotes)

The City of High Point Transit System will follow the City of High Point's informal bidding procedures which are coordinated through the Purchasing Division.

- Solicit at least 3 bidders
- If Federal funds are used, applicable Federal requirements must be included in the solicitation
- Purchases must be recommended by the Transit Manager and Transportation Director and approved by the Purchasing Manager. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.
- Minimum documentation required:
 - Document quotes received (a minimum of 3 quotes must be received)
 - Minority firms must be solicited and documented
 - Document which vendor was selected--if vendor with lowest price is not selected, include basis/reason for selection (delivery date; better warranty/service; etc.)
 - Document approval by authorized person before purchase
 - Procurement History Form may be used to document

\$30,000 - \$89,999 (*Informal Bids*)

The City of High Point Transit System will follow the City of High Point's informal bidding procedures which are coordinated through and by the Purchasing Division.

- Solicit written quotes from at least 3 bidders or suppliers.
- Applicable Federal requirements and certifications must be included with solicitation (if funded in part with Federal funds)
- Purchases must be recommended by the Transit Manager and Transportation Director and approved by the Purchasing Manager and the Financial Services Director. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.
- Minimum documentation required:
 - Minority-owned Business good faith efforts must be documented. Project specific goals may set for certain projects.
 - Document quotes solicited and quotes received (minimum of 2 quotes must be received)
 - Document which vendor was selected--if vendor with lowest price is not selected, include basis/reason for selection -- (delivery date; better warranty/service; etc.) and justification
 - Procurement History Form may be used to document/track but must maintain written documentation to support that each requirement was met
 - Document approval by authorized person before purchase/award

Formal (Sealed) Bids

The City of High Point Transit System will follow the City of High Point's formal bidding procedures which are conducted within the Purchasing Division.

The formal (sealed) bidding process must be used when:

Funding source is:	& Procurement is for:	Projected & Cost is:
State/Local Funds <u>ONLY</u> :	Equipment, Supplies, or Services	≥ \$ 90,000
	Construction	≥ \$500,000
Federal <u>AND</u> State/Local Funds:	Equipment, Supplies, or Services	≥ \$ 90,000
	Construction	≥ \$100,000

- Contracts for rolling stock procurements greater than \$100,000, other than obtained through PTD, (with City of High Point Transit System acting as a direct recipient of and utilizing 5307 Urban Formula Funds), will include provisions for compliance with applicable requirements of 49 U.S.C. Section 5323(m) and those provisions of FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR Part 663, that do not conflict with 49 U.S.C. Section 5323(m).
- Publish advertisement (electronic ad may be used) for the bid, at least once, 7 days prior to opening
- All bids must be sealed and opened at stated time & place
- At least 3 suppliers/contractors must be solicited (in addition to general advertisement, at least 3 must be notified)
- Applicable Federal requirements and certifications must be included with solicitation (if funded in part with Federal funds)

- Additional requirements for construction procurements:
 - Minimum of 3 sealed bids must be received. If less than 3 bids are received, agency must advertise for bids again; and if as a result of such second advertisement, less than 3 competitive bids are received from reputable and qualified contractors, the agency may let contract to the lowest responsible bidder. (If only one bid is received, the procurement must be treated as 'sole source', requiring adherence to all the requirements thereof).
 - Bid guarantee bond (5% of bid price)
 - Performance and payment bonds (100% of contract price)
 - MBE/WBE/DBE participation (project specific goal assigned if necessary).
 - Required steps must be taken to satisfy MBE requirements in accordance with (G.S. 143-128.2(f)) if local and/or state funds are used
 - Required steps must be taken to satisfy DBE requirements in accordance with 49 CFR Part 26 and the City of High Point's Disadvantaged Business Enterprise Program if federal funds are used
 - Veterans' Employment preference certification
- Document advertisement for bids and document the number of bids solicited and number of bids received by completing Procurement History Form and Procurement Checklist for Formal Bids.
- Purchases must be approved by City Council. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.
- Any or all bids may be rejected if there is a sound documented business reason
- Contract award will be made in writing to the lowest responsive and responsible bidder
 - If a grantee announces contract awards with respect to any procurement for goods and services (including construction services) having an aggregate value of \$500,000 or more (**in federal funds**), the grantee shall::
 - Specify the amount of Federal funds that will be used to finance the acquisition; and
 - Express the said amount as a percentage of the total costs of the planned acquisition.
- Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price factors alone. Pre-bid conferences with prospective bidders may be useful before bids have been received.
- Bid responsiveness involves the question of whether the bid, as submitted, represents an unequivocal offer to do exactly what the Agency has specified, so that acceptance of the bid will bind the contractor to meet the Agency's requirements in all material aspects. Any and all bids judged to be non-responsive must be rejected. Examples of bids typically considered non-responsive include:
 - The bid fails to conform to material requirements;
 - The bid does not conform to applicable specifications (unless the invitation allowed alternates);
 - The bid fails to conform to delivery schedule or permissible alternates;
 - The bid imposes conditions that would modify the requirements of the invitation or limit the bidder's liability to the entity;
 - There is a condition of the bid which affects the substance of the bid (i.e., affects price,

- quantity, quality, or delivery of the items offered) or works an injustice on other bidders;
 - The bid contains prices for line items that are materially unbalanced, i.e., figures in the bid conflict with the total bid price;
 - The bidder fails to furnish a bid guaranty in accordance with the requirements of the invitation; or
 - Failure to submit Buy America Certification (if required) or Transit Vehicle Manufacturer Certification with all rolling stock procurements.
 - When there are lower bids than the bid being accepted for award, the award decision document must give the reasons for rejecting the lower bids. When there are equal low bids, the documentation must describe how the tie was broken.
- When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest
 - Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken
 - Minimum documentation required:
 - Written documentation to support that each requirement was met
 - Minority-owned Business good faith efforts must be recorded
 - Solicit minority participation in contracts for the erection, construction, alteration or repair of any building
 - A project specific goal for minority-owned businesses may be assigned or justification why no goal was assigned
 - Documented efforts must be reported to State Construction
 - Document approval by authorized person before purchase/award

Competitive Proposal/Request for Proposal (RFP)

The competitive proposal/request for proposal method of procurement is normally conducted with more than one source submitting an offer, i.e., proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. Note that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed in sections 3.5.1 and 3.5.2 below.

A request for proposals (RFP) typically includes all of the elements of an invitation for bids (IFB). The required feature that principally distinguishes the RFP from an IFB is the listing of evaluation factors. These evaluation factors typically include:

- Responsibility factors such as financial, human, and physical capacity to perform; and
- Technical factors such as the degree to which the proposer is expected (based on information submitted and available) to achieve the performance objectives, to provide the quality expected, and on the relative qualifications of the proposer's personnel.

Many RFPs go beyond listing these factors in order of importance, and also describe the evaluation process in detail—listing weights for each factor, illustrating the scoring method, and specifying the procedure for weighing price into the selection.

The purposes for disclosing of the evaluation process are so that:

- Offerors can more accurately respond to your needs rather than solely rely on the technical specifications alone;
- Proposers will be able to clearly present the information you need to conduct your evaluation; and
- The appearance of favoritism or unethical practice in offeror selection will be diminished.

The competitive proposal process involves a subjective evaluation process and discussions that are typically confidential. RFPs are typically publicized in newspapers and/or trade journals, and are issued to qualified mailing lists maintained in a manner similar to IFB lists.

Competitive Proposal/Request for Proposal (RFP) Method **may not** be used in lieu of an IFB for:

- Construction/repair work; or
- Purchase of apparatus, supplies, materials or equipment. (See 3.5.2 regarding information technology goods as services)

Competitive Proposal/Request for Proposal (RFP) Method of solicitation may be used (in addition to or instead of any other procedure available under North Carolina law) for the procurement of **information technology goods and services** [as defined in N.C.G.S. 147-33.81(2)]. This applies to electronic data processing goods and services, telecommunications goods and services, security goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes. The following minimum requirements [G.S. 143-129.8] apply:

- Notice of the request for proposals shall be given in accordance with G.S. 143-129 (b).
- Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals.
- The awarding authority may use procurement methods set forth in G.S. 143-135.9 in developing and evaluating requests for proposals.
- The awarding authority may negotiate with any proposer in order to obtain a final contract that best meets the needs of the awarding authority.

- Any negotiations shall not alter the contract beyond the scope of the original request for proposals in a manner that:
 - Deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and
 - Would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.
- Proposals submitted shall not be subject to public inspection until a contract is awarded.
- The award must be approved by City Council. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.

Competitive Proposal/Request for Proposal (RFP) Method, in accordance with FTA C 4220.1F, under the guidelines of *FTA Best Practices Procurement Manual*, should be used for procurements of **professional services**, such as consultants for planning activities and for transit system operations/management. **Note that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed in sections 3.5.1 and 3.5.2. For all architectural, engineering, design, or related services, the qualifications-based competitive proposal process must be used—see 3.6 below.**

When the RFP method is used for procurement of **professional services**, the following minimum requirements apply:

- Normally conducted with more than one source submitting an offer (proposal);
- Either fixed price or cost reimbursement type contract will be used;
- Generally used when conditions are not appropriate for use of sealed bids;
- Requests for proposals will be publicized;
- All evaluation factors will be identified along with their relative importance;
- Proposals will be solicited from an adequate number (3 is recommended) of qualified sources;
- A standard method must be in place for conducting technical evaluations of the proposals received and for selecting awardees;
- Awards will be made to the responsible firm whose proposal is most advantageous to the grantee's program with price and other factors considered;
- In determining which proposal is most advantageous, grantees may award to the proposer whose proposal offers the greatest business value (best value) to the agency. “Best value” is based on determination of which proposal offers the best tradeoff between price and performance, where quality is considered an integral performance factor;

- Awards must be approved by City Council. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.

Procurement of Architectural and Engineering Services (A&E)

For all architectural, engineering, design, or related services the Agency must use qualifications-based competitive proposal [Request for Qualifications (RFQ) in accordance with the Brooks Act] procedures unless the fee is expected to be less than \$30,000.

The Agency shall follow applicable statutes, N.C.G.S. 143-64.31-34 and FTA requirements set forth in 4220.1F, to retain a qualified, registered architect or professional engineer.

Qualifications-based competitive proposal procedures require that:

- An offeror's qualifications be evaluated;
- Good faith effort to use minority-owned businesses;
- Price be excluded as an evaluation factor;
- Negotiations be conducted with only the most qualified offeror; and
- Failing agreement on price, negotiations with the next most qualified offeror be conducted until a contract award can be made to the most qualified offeror whose price is fair and reasonable to the grantee.
- Geographic location may be a selection criterion in procurements for A&E services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- Qualifications-based competitive proposal procedures can only be used for procurement of the following services:
 - Program management
 - Construction management
 - Feasibility studies
 - Preliminary engineering, design, architectural, engineering, surveying, mapping, and related services
- If Federal funds are used, applicable Federal requirements and certifications must be included in the solicitation
- Awards must be approved by City Council. The approval authority (see Section 1) must ensure required procurement procedures were followed, funds are available, and that the procurement history file has been properly documented.
- Written documentation must be maintained to support each step of the procurement process

Exemption from RFQ and formal procedures for securing A & E Services, N.C.G.S. 143-64.32.

- If design fee is estimated to be less than \$30,000, the procedures listed above may be waived.
- Exemption must be granted by the Agency's governing board.
- A & E firms may be contacted directly.
 - One or more may be evaluated for qualifications
 - Negotiated contract
- Written documentation must be maintained to support each step of the selection process.

Procurement by Noncompetitive Proposal (Sole Source)

The noncompetitive proposal method is defined in the City of High Point Purchasing Policies and Procedures as:

- Solicitation of a proposal from only one source; or
- After solicitation of a number of sources, competition is determined to be inadequate; or
- A contract change outside the scope of original contract is also considered a sole source procurement.

Procurement by noncompetitive proposal may be used under the following circumstances:

- If the award of a contract is infeasible under competitive procedures;
- Item is only available from a single source;
- Emergency situation will not permit a delay in the purchase of item;
- Solicitation provides only one bid, and competition is determined to be inadequate;
- Item is an associated capital maintenance item and is purchased directly from original manufacturer:
 - The manufacture or supplier is the only source for item
 - The price is no higher than usual price paid
- A cost analysis is required
- Establish a fair and reasonable profit margin
- If federal funds are used, applicable Federal requirements and certifications must be submitted to the vendor

- Sole source requires local governing board approval
- Written documentation must be maintained to support each step of the procurement process

Contract Provisions

All contracts shall include provisions to define a sound and complete agreement. The City of High Point Transit System will utilize the City of High Point Standard Form of Agreement and Contract as approved for use by the City Attorney and in practice at the time of award and fixation of executing signatures.

In addition, contracts and subcontracts shall contain contractual provisions or conditions that allow for the following:

Administrative, contractual, or legal remedies

In instances where contractors violate or breach contract terms, including sanctions and penalties as may be appropriate. (All contracts in excess of \$2,500.)

Termination for cause and for convenience

By the grantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000.)

Statutory and Regulatory Requirements.

A current but not all-inclusive and comprehensive list of statutory and regulatory requirements applicable to grantee procurements (such as Davis-Bacon Act, Disadvantaged Business Enterprise, Clean Air, and Buy America) is contained in the FTA Master Agreement (available on the FTA Web site). The Agency is responsible for evaluating these requirements for relevance and applicability to each procurement. For example, procurements involving the purchase of iron, steel and manufactured goods will be subject to the “Buy America” requirements in 49 C.F.R. Part 661, which involve the purchase of more than \$100,000 of iron, steel, manufactured goods, or rolling stock to be delivered to the recipient to be used in an FTA assisted project.. Further guidance concerning these requirements and suggested wording for contract clauses may be found in *FTA's Best Practices Procurement Manual*, http://www.fta.dot.gov/13057_6037.html. Matrices of Federal clauses required in all contracts funded in part with FTA funds can be found in Exhibit 7.13 of this document.

Applicability of third-party contract clauses based on type of procurement can be located at http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6039.html.

Required certifications, reports, and forms can be located at http://www.fta.dot.gov/12831_6195.html.

PTD maintains and updates the Federal requirements and clauses on an annual basis for various types of procurements, which are available upon request.

Payment Provisions in Third-Party Contracts.

Advance Payments.

FTA does not authorize and will not participate in funding payments to a contractor prior to the incurrence of costs by the contractor unless prior written concurrence is obtained from FTA. There is no prohibition on a grant recipient's use of local match funds for advance payments. However, advance payments made with local funds before a grant has been awarded, or before the issuance of a letter of no prejudice or other pre-award authority, are ineligible for reimbursement.

Progress Payments.

Grantees may use progress payments provided the following requirements are followed:

- (1) Progress payments are only made to the contractor for costs incurred in the performance of the contract.
- (2) The grantee must obtain adequate security for progress payments. Adequate security may include taking title, letter of credit or equivalent means to protect the grantee's interest in the progress payment.

Liquidated Damages Provisions.

A grantee may use liquidated damages if it may reasonably expect to suffer damages and the extent or amount of such damages would be difficult or impossible to determine.

The assessment for damages shall be at a specific rate per day for each day of overrun in contract time; and the rate must be specified in the third party contract. Any liquidated damages recovered shall be credited to the project account involved unless the FTA permits otherwise.

Contract Term Limitation.

Recipients of Federal and State public transportation funds are not allowed to enter into any contract for rolling stock or replacement parts with a period of performance exceeding five (5) years inclusive of options. All other types of contracts (supply, service, leases of real property, revenue and construction, etc.) should be based on sound business judgment. The establishment of contract terms and the extension of contract terms will be based on the minimum time necessary to accomplish the purpose of the contract. Additional factors to be considered include competition, pricing, fairness and public perception. Once a contract has been awarded, an extension of the contract term length that amounts to an out of scope change will require a sole source justification.

Tag-ons.

"Tag-ons" is a term describing the adding on to the contracted quantities (base and option) as originally advertised, competed, and awarded, whether for the use of the buyer or for others and then treating the add-on portion as though it met the requirements of competition. Tag-ons are **not permitted**.

Piggybacking.

Piggybacking is defined as an assignment of existing contract rights to purchase supplies and equipment. Any contract for the procurement of multiple units, in which the number of units might vary per the contract, there must be a minimum number of units (more than a nominal quantity) to be ordered, as well as a maximum number of units listed within the contract. The quantities in the contract must be justifiable, and must represent reasonably foreseeable needs. However, in the event there is an inadvertently acquired

contract in excess of needs, the purchase rights may be assigned to other recipients if the original contract contains an assignability provision that permits the assignment under the terms originally advertised, competed, evaluated and awarded. The recipient using assigned contract rights is responsible for ensuring compliance with FTA regulations. As an alternative to assigned contract rights, it is encouraged to consider, instead, joint procurements or intergovernmental procurements.

Note: At this time, piggybacking is only available when state/local funds are used to purchase the item. The FTA piggybacking option is currently under review by PTD and FTA.

NCDOT Public Transportation Division Oversight Policy

As the State's designated agency for administering and disbursing Federal and State public transportation funds, PTD must ensure that its grantees comply with Federal and State procurement requirements. PTD notifies its grantees of Federal and State regulatory and statutory requirements, standards, policies, and procedures. Grant agreements between NCDOT and its grantees outline these basic requirements. Additionally, PTD provides technical assistance, written guidance and other resources to assist grantees in developing local procedures to comply with these requirements.

Grantee Self-Certification.

Direct recipients of FTA funding assistance must "self-certify" their compliance with Federal procurement requirements as part of the Annual Certification/Assurance Process. FTA monitors compliance with FTA C 4220.1F as part of its routine oversight responsibilities.

Community Transportation Program (Federal Section 5311) applicants (sub-recipients of FTA funds), in the annual certification and assurances, must certify that their procurements and procurement systems will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA C 4220.1F, and other implementing requirements FTA may issue.

PTD Oversight.

Although FTA monitors compliance of direct recipients of FTA funding assistance, PTD has oversight responsibilities for Federal Section 5311 sub-recipients, regardless of whether the sub-recipient is also a direct recipient of FTA funding. Additionally, PTD must monitor grantees' compliance for all projects funded with State funds only. The requirements for PTD review and pre-award approval identified throughout this publication apply to all Federal Section 5311 projects and to all projects funded with State funds only, regardless of whether the grantee is also a direct recipient of FTA funding.

Review of Third-Party Contracts

In accordance with the grant agreement with NCDOT, unless otherwise authorized in writing by the Department, the grantee is prohibited from obligating itself in any manner with any third party with respect to its rights and responsibilities under the grant agreement without prior written concurrence of the Department. The grantee may not assign any portion of the work to be performed under the grant agreement without prior written concurrence of the Department. PTD requires its grantees to obtain approval from PTD prior to entering into contracts with third party contractors for the operation, administration, or management of a local public transportation program funded by PTD and prior to entering into lease agreements for the

lease of public transportation funded assets. PTD will review other third party contracts at the request of the grantee and the grantee must make their procurement documents available for FTA and/or NCDOT review and require the same of their third-party contractors.

Review and Pre-award Approval¹

As part of its oversight responsibilities, PTD has established the following requirements:

- (1) PTD must review new/adapted specifications prior to solicitation of equipment, supplies, apparatuses or new-type rolling stock. This requirement does not apply to the following:
 - Equipment, supplies, or apparatuses < \$30,000
 - Minivans
 - Conversion and Lift Vans
 - Center Aisle Vans and Standard Vans
 - Light Transit Vehicles (Cutaway-type Bus)
- (2) PTD must review drawings, designs, and/or description of work required prior to solicitation of construction, renovation, facility improvement projects, or bus shelters.
- (3) PTD requires pre-award approval of the following:
 - All new-type rolling stock (see exceptions above).
 - All construction projects $\geq$ \$. \$30,000
 - Any “brand name” product or sole source purchase $\geq$ \$ \$2,500.
 - Any contract to other than apparent lowest bidder $\geq$ \$ \$2,500.
 - Any procurement $\geq$ \$90,000 (formal bids).
 - Any contract modification that would change the scope of a contract or increase the contract amount up to or over the formal (sealed) bid threshold of \$90,000.

Procurement System Reviews

PTD will review grantees’ compliance with Federal and State requirements during its triennial financial management review process and may recommend “best practices” in order to assist grantees in improving their procurement practices. Deficiencies will be documented, corrective actions will be monitored, and technical assistance will be provided to assist grantees in becoming compliant with all Federal and State requirements. Additionally, PTD provides procurement training and technical assistance at public transportation conferences, workshops, and during site visits.

Remedies for Noncompliance

Failure to comply with Federal/State procurement requirements, whether stated in a Federal/State statute or regulation, an assurance, in a State plan, or elsewhere, may result in PTD (or other State-funding agency) taking one or more of the following actions:

- Temporarily withhold payments pending correction of the deficiency;
- Disallow all or part of the cost of the activity not in compliance;
- Wholly or partly suspend or terminate the current award;

¹ This applies to all Section 5311 projects and **all** State funded projects.

- Withhold further awards for the program; or
- Take other remedies that may be legally available.

Exhibits and Transit System Specific Forms

Exhibit 6.1



INDEPENDENT COST ESTIMATE FORM

☐ NEW CONTRACT/PROCUREMENT

EXPIRING CONTRACT TO BE MODIFIED	Contract #
	PO#

CONTRACT MODIFICATION	Contract #
	PO#

DATE : _____

REQUESTOR : _____

ESTIMATE \$ _____ (include shipping and handling)

Please substantiate the estimate by providing a complete estimate using the information below.

Estimate Type	Items to Include	Where to find supporting information
Goods/Equipment	1. Product needed 2. Quantity 3. Unit price 4. Markups – overheads – profit 5. Delivery Schedule desired 6. Warranty	1. Vendor survey/Market survey 2. Current or past contracts for the same or similar product 3. Procurement and Contract Administration staff can assist you in obtaining historical price and costs data
Services (Other than A&E)	1. The tasks you want done 2. The types of people needed (i.e., supervisor, admin assistant other) 3. The positions required (i.e., Project Manager, Deputy PM, Senior Engineer/Planner, other) 4. The estimated hours by position 5. The salary/billing rates applied 6. Prevailing wage rate category applied 7. The profit/applied fee 8. Direct expenses 9. Completion schedule	1. Current or past contracts for similar services 2. Other properties/departments doing similar work 3. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and cost data

Architect, Engineers, Designers	1. The tasks you want done 2. The types of people needed (I.e., engineers, admin assistant, other) 3. The positions: Project Manager, Deputy PM, Senior Engineer/Planner, Other 4. The estimated hours by position 5. The salary/billing rates applied 6. The profit/applied fee 7. Overhead rate % 8. Direct expenses 9. Completion schedule	1. Current or past contracts for similar services 2. Other properties/departments doing similar work 3. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and costs data
Construction	1. Product needed 2. Labor (at a minimum use Davis Bacon) 3. Materials 4. Bonds 5. Insurance 6. Mobilization 7. Equipment 8. Mark ups; fringes, overheads, profit 9. Completion schedule	1. "Means Book" 2. "Blue Book" 3. Davis Bacon Wage Rates www.gpo.gov/davisbacon 4. Current or past contracts for the same project 5. Project Control/Engineering or Contract Administration staff can assist you in obtaining historical price and cost data

Goods/Equipment Cost Estimate Documentation

Project No.:		Item Name: Radiator Re-core Contract			Approved in Budget:					
Indicate below how cost estimate was determined or developed:										
☐ Compared to catalog or online price sold to the general public										
☐ Compared to competitive price (quotes) of same or similar item within past year										
☒ Compared to the pricing history of the same item from previous purchases										
Name of Employee										
Conducting Procurement:										
Employee's Job Title:					Vendor #1		Vendor #2		Vendor #3	
Date:5/21/2015										
Qty	Unit	Description (and/or attach specifications)	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension		
	set			\$0.00	\$0.00	\$0.00		\$0.00		
	ea			\$0.00		\$0.00		\$0.00		
	ea			\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
				\$0.00		\$0.00		\$0.00		
Total Amount of Quotation:				\$ 0.00		\$ 0.00		\$ 0.00		
Payment Terms: (Net 30; Net 20; Net 10):										
Delivery Terms: (Vendor Pays Freight/Agency Pays Freight):										
Delivery Date:										

6.3 Responsibility Determination Form

Bid/RFP No: _____

Supplier: _____

Date: _____

For each of the areas described below, check that the appropriate research has been accomplished and provide a short description of the research and the results.

	Acceptable	Comment
1. Appropriate financial, equipment, facility, and personnel	☐ Yes ☐ No	_____ _____ _____ _____
2. Ability to meet the delivery schedule	☐ Yes ☐ No	_____ _____ _____ _____
3. Satisfactory period of performance	☐ Yes ☐ No	_____ _____ _____ _____
4. Satisfactory record of integrity, not on debarred or suspended listings	☐ Yes ☐ No	_____ _____ _____ _____
5. Receipt of all necessary data from supplier	☐ Yes ☐ No	_____ _____ _____ _____

6.4 Fair and Reasonable Price Determination

FAIR AND REASONABLE PRICE DETERMINATION

I hereby determine the price to be fair and reasonable based on at least one of the following:

Check one or more:

- ☐ Found reasonable on recent purchase.
- ☐ Obtained from current price list.
- ☐ Obtained from current catalog.
- ☐ Commercial market sales price from advertisements.
- ☐ Similar in related industry.
- ☐ Personal knowledge of item procured.
- ☐ Regulated rate (utility).
- ☐ Other.

Comments:

☐ Copy of purchase order, quotes, catalog page, price list, etc. is attached.

Purchasing Manager

Date

6.5 SOW Template

Statement of Work Title: [Type text]
1.0 Project Background
▪ Describe the need for the goods or services, the current environment, and the Transit Agency's key objective(s) as it relates to this requirement. Provide a brief description/summary of the goods or services sought. ▪ Short statement of the problem to be resolved ▪ Expected project duration ▪ Transit Agency organizational units and/or key individuals involved in managing the project ▪ Alternative solutions or implementation strategies evaluated
a) Transit Agency requires these products and/or services due to: b) Transit Agency is attempting to complete a project on _____ and requires supplier/contractor assistance in the: c) The completion of this work will help Transit Agency:
2.1 Results
Indicate the key end results that the project will achieve when successfully executed. Measurable performance indicators for anticipated benefits may also be listed here.
2.2 Anticipated Benefits
Describe what the organization will gain through completion of this project.
2.3 Business Processes Impacted

Review major changes in the way work will be conducted once the project is complete (if any).
2.4 Customers / End Users Impacted
Identify the specific individuals or groups whose work will be most affected during and after the project's execution.
3.0 Applicable Documents
List legal, regulatory, policy, security, and similar relevant documents. Include publication number, title, version, date and where the document can be obtained. If only certain portions of documents apply, state this. Indicate the definition of terms, if needed.
List any publications, manuals, and regulations that the supplier / contractor must abide by: a) [Type text] b) [Type text] c) [Type text] Definitions and Acronyms:
4.0 Summary of Requirements
These are the key tasks expected of the supplier / contractor according to the Schedule and the Statement of Work. List the key technical and functional requirements for the project. Highlight up to 20 requirements that you consider to be essential to the ultimate success of the project. Include the expected outputs / outcomes and performance standards.

Write tasks to be performed in a logical and sequential arrangement of work to the extent possible. Describe the tasks in terms of outcomes expected, such as response time, cleanliness level, equipment up-time and functionality. Use “work” words, such as:

1) Review...

2) Analyze...

3) Repair...

4) Install...

5) Construct...

All tasks should have quantifiable or observable results.

5.0 Schedule and Deliverables

List all outputs / outcomes and submittals with specific due dates or time frames. Include type, quantity and delivery point (s). Include the acceptance criteria for each.

Milestone or Major Project Deliverable	Planned Completion Date

6.0 Quality Assurance Plan

Explain what the Transit Agency’s quality expectations are, how (and how often) deliverables or services will be monitored and evaluated, and the process to follow when the outputs / outcomes are below performance standards.

The following levels of quality are to be judged acceptable under this contract:

a) All milestones or services will be achieved and all reports will be submitted on time in accordance with Section 5.0 of this SOW.

a) All milestones, services, products or reports will meet the outcomes noted in Section 4.0 of this document.

c) Supplier / Contractor work will be monitored by Transit Agency project and Contract Management Staff.

d) Specific quality requirements for this contract are as follows:

1) On time delivery= [Type text]

2) Acceptable quality = [Type text]

3) Responsiveness = [Type text]

4) Service Level = [Type text]

Cost Analysis Template

For Federally Funded Contracts

VENDOR/CONTRACTOR NAME

PROJECT / BID

DATE

CONTACT NAME & PHONE #

Components of Pricing to be Evaluated:

LABOR

	# Hours	X	Hourly Rate	=	Total Labor Cost	COMMENTS / DETAIL
Manual		X		=	\$0.00	
Clerical		X		=	\$0.00	
Technical		X		=	\$0.00	
Administrative		X		=	\$0.00	
Professional		X		=	\$0.00	
Licensed/Certified		X		=	\$0.00	
Other (Specify)		X		=	\$0.00	
Total Labor					\$0.00	

MATERIALS

	# Units	X	Price/Unit	=	Total Cost	COMMENTS / DETAIL
Raw Materials		X		=	\$0.00	
Raw Materials					\$0.00	
Purchased Product		X		=	\$0.00	
Purchased Product					\$0.00	
Contracted Services		X		=	\$0.00	
Contracted Services					\$0.00	
Other		X		=	\$0.00	
Other					\$0.00	
Total Materials					\$0.00	

OVERHEAD

	DESCRIPTION	Total Cost	COMMENTS / DETAIL
Insurance Work Comp		\$0.00	
Insurance Project Specific		\$0.00	
Insurance Prop. & Casualty		\$0.00	
Supervision		\$0.00	
Sales		\$0.00	
Facilities		\$0.00	
Delivery		\$0.00	
Travel		\$0.00	
Other		\$0.00	
Total Overhead		\$0.00	

PROFIT

		Total Cost	COMMENTS / DETAIL
Profit	<i>Please comment on factors such as</i>	\$0.00	
Profit	<i>risk, performance, investment and</i>	\$0.00	
Profit	<i>any other area that influences the</i>	\$0.00	
Total Profit	<i>profit associated with the bid.</i>	\$0.00	

TOTAL COST

\$0.00

ADDITIONAL COMMENTS:

PRICE ANALYSIS

PO / Contract: [Click here to enter text.](#)

The evidence compiled by a price analysis includes:

- Developing and examining data from multiple sources whenever possible that prove or strongly suggest the proposed price is fair.
- Determining when multiple data consistently indicate that a given price represents a good value for the money.
- Documenting data sufficiently to convince a third party that the analyst's conclusions are valid.

DATE: [Click here to enter a date.](#)

PREPARED BY: [Click here to enter text.](#)

The pricing quoted on the attached sheet(s) is deemed to be fair and reasonable based on the following type of analysis:

- ☐ Comparison with competing suppliers' prices or catalog pricing for the same item. (Complete comparison matrix and attach supporting quotes or catalog pages.)
- ☐ Comparison of proposed pricing with in-house estimate for the same item. (Attach signed in-house estimate and explain factors influencing any differences found. Complete summary matrix.)
- ☐ Comparison of proposed pricing with historical pricing from previous purchases of the same item, coupled with market data such as Producer Price Index or Inflation Rate over the corresponding time period. (Attach data and historical price record).
- ☐ Analysis of price components against current published standards, such as labor rates, dollars per pound etc. to justify the price reasonableness of the whole. (Attach analysis to support conclusions drawn.)

SUMMARY MATRIX

Item	Proposed Pricing	Average Market Price	Competitor A	Competitor B	In-House Estimate	Previous Pricing
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Comments: [Click here to enter text.](#)

PROCUREMENT HISTORY FORM										
Project No.:		Project Period of Perform. ends:		Budget Object Code:		Item Name: Light Bulbs		Approved in Budget:		
If cost <\$500 indicate below how price was determined to be fair and reasonable: ☐ Compared to catalog or online price sold to the general public ☐ Compared to competitive price (quotes) of same or similar item within past year ☐ Compared to the pricing history of the same item from previous purchases					If cost ≥ \$500 & < \$5,000 solicit at least 3 quotes (phone quotes acceptable) & document below: Number of Quotes Solicited: 5 Number of Quotes Received: 4 Note: If cost ≥ \$5,000 written quotes and other requirements apply—See Informal Bid Process If cost ≥ \$90,000 sealed bids and other requirements apply—See Formal (Sealed) Bid Process					
Name of Employee Conducting Procurement: Angela Wynes					Vendor #1 BulbDan.com		Vendor #2 Real Components		Vendor #3	
Employee's Job Title: Transit Manager					Quoted By: web site		Quoted By: Daryl Reinhold		Quoted By:	
Date:										
Qty	Unit	Description (and/or attach specifications)			Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
0	ea	MH400/HBU/ED18			\$0.00	\$ 0.00	\$0.00	\$ 0.00		\$ 0.00
12	ea	M250/U/ET18			\$0.00	\$ 0.00	\$39.98	\$ 479.76		\$ 0.00
1	lt	SHIPPING			\$8.99	\$ 8.99	\$0.00	\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
	ea					\$ 0.00		\$ 0.00		\$ 0.00
Total Amount of Quotation:						\$ 8.99		\$ 479.76		\$ 0.00
Payment Terms: (Net 30; Net 20; Net 10):										
Delivery Terms: (Vendor Pays Freight/Agency Pays Freight):										
Delivery Date:										
Awarded to: (note purchase order number, if applicable, under awarded vendor)					NO QUOTE ☐		☐		☐	
☐ Check here if selection <u>not</u> based on lowest price and indicate other basis/reason for selection: ☐ Delivery Charges ☐ Delivery Date ☐ Quality ☐ Warranty/Service ☐ Other (explain):										
Note: The RFQ (request for quotes) should state the selection criteria, i.e.: Qualified quotes will be evaluated & acceptance may be made of the lowest and best quote most advantageous to [Agency Name] as determined upon consideration of such factors as: prices offered; quality of items offered; general reputation & performance capabilities of offerors; substantial conformity with specifications/ other conditions set forth in quote; suitability of articles for the intended use; related services needed; date of delivery & performance; and such other factors deemed by [Agency Name] to be pertinent.										
Other Comments: Originally ordered bulbs from BulbDan.com; Received bulbs and were wrong ones. BulbDan.com unable to provide correct bulb as supplier has discontinued product.										
Attach specifications, written vendor quotes/brochures, purchase requisition/order, as applicable, and forward to approval official prior to purchase. If required, submit to NCDOT/PTD along with completed Procurement Checklist for pre-award approval. After purchase is complete, retain this form and all documentation for file.										
Approval	Approval Official (printed name and position title): Angela W Wynes Transit Manager									
	I hereby certify that this procurement was conducted following all applicable state, federal and local procedures and requirements. Documentation regarding this procurement is on file and will be retained up to five (5) years from the date of project closeout. Funds are available for this purchase and I am authorized to certify at this procurement level.						Signature:		Date Signed:	
	Date submitted to NCDOT/PTD for approval (if required):					Date approved by NCDOT/PTD (if required):				
Receipt	Date Goods/Services Received:		Accepted By:				Satisfactory Condition/Quality: Yes ☐ No ☐			
	Contractor failed to meet contract terms (explain):									
	Would you use/recommend this contractor again? Yes ☐ No ☐		Check here if additional contract administration documentation is attached: ☒							

6.9 Procurement Decision Matrix

Micro-purchase

Amount ≤ \$5,000

Multiple Sources

Competitive Procurement

Amount > \$5,000

Multiple Sources

Not an Emergency

Small Purchase

Amount < \$100,000

Complete and Adequate Specification or Description

Two or more quotes available

Sealed Bid (IFBs)

Complete and Adequate Specification or Description

Two or more responsible bidders willing to compete

Selection can be made on the basis of price alone

Firm Fixed Price Contract

No discussion with bidders required after receipt of bids

Competitive Proposals (RFPs)

Complete Specifications Not Feasible

Bidder Input Needed

Two or more responsible bidders willing to compete

Discussion needed with bidders after proposals

Fixed price can be set after discussions

Sole Source

Approved by FTA

OEM, Custom Item **OR**

Only One Source **OR**

Competition Inadequate after Solicitation **OR**

Emergency/Public Exigency

Type of Contract

Fixed price

Firm fixed unit prices

Cost plus fixed fee

Time and materials

Blanket purchase order

Indefinite Delivery Indefinite Quantity (IDIQ)

6.10 Change Order Review Checklist

Date				
Contract Number				
Contractor				
Contract Title				
Reviewer				
New Contract Total				
Change Order Number				
Dollar Value Increase				
Length of Time Extension Granted				
New Performance Period End Date				
Change Order Checklist	Category			Comment
	ND	D	N/A	
1. In-House Estimate Prepared				
2. Project Manager Approval				
3. AWO Scope Meeting Held				
3a. Scope of Change Adequate for Bidding				
4. Contractor Proposal Includes Impact Costs, Price				
5. Cost Analysis Conducted				
5a. If Price > 10% of ICE, Evidence of MTA President Approval				
6. Negotiation Memorandum				
7. Written Record of Change				
7a. Signed Change Order in File				
8. Evidence of Board Approval Prior Initiation of Changed Work				
9. Notice to Proceed in file				
10. Work Authorized within Contract Scope				
11. No Evidence of Arbitrary Action				
Other Comment				

6.11 Piggybacking Checklist

Definition: *Piggybacking is the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process.* ("FTA Dear Colleague" letter, October 1, 1998).

In order to assist in the performance of your review, to determine if a situation exists where you may be able to participate in the piggybacking (assignment) of an existing agreement, the following considerations are provided. Ensure that your final file includes documentation substantiating your determination.

WORKSHEET	YES	NO
1. Have you obtained a copy of the contract and the solicitation document, including the specifications and any Buy America Pre-award or Post- Delivery audits?		
2. Does the solicitation and contract contain an express "assignability" clause that provides for the assignment of all or part of the specified deliverables?		
3. Did the Contractor submit the "certifications" required by Federal regulations? See BPPM Section 4.3.3.2.		
4. Does the contract contain the clauses required by Federal regulations? See BPPM Appendix A1.		
5. Were the piggybacking quantities included in the original solicitation; i.e., were they in the original bid and were they evaluated as part of the contract award decision?		
6. If this is an indefinite quantity contract, did the original solicitation and resultant contract contain both a minimum and maximum quantity, and did these represent the reasonably foreseeable needs of the parties to the contract?		
7. If this piggybacking action represents the exercise of an option in the contract, is the option provision still valid or has it expired?		
8. Does your State law allow for the procedures used by the original contracting agency: e.g., negotiations vs. sealed bids?		
9. Was a cost or price analysis performed by the original contracting agency documenting the reasonableness of the price? Obtain a copy for your files. Have you performed a market analysis of the prices to be paid and have you determined the price to be fair and reasonable and in the best interests of the Agency?		
10. If the contract is for rolling stock or replacement parts, does the contract term comply with the five-year term limit established by FTA? See FTA Circular 4220.1F, Chapter IV, 2 (14) (i).		
11. Was there a proper evaluation of the bids or proposals? Include a copy of the analysis in your files.		
12. If you will require changes to the vehicles (deliverables), are they "within the scope" of the contract or are they "cardinal changes"? See BPPM Section 9.2.1.		

Note: This worksheet is based upon the policies and guidance expressed in (a) the FTA Administrator's "Dear Colleague" letter of October 1, 1998, (b) the *Best Practices Procurement Manual*, Section 6.3.3—*Joint Procurements of Rolling Stock and "Piggybacking,"*

6.12 Contract Clause Matrix

APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchases	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.	>\$10,000 if 49 CFR Part 18 applies.
Civil Rights (Title VI, EEO, ADA)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$100,000	>\$100,000	>\$100,000
Resolution of Disputes, Breaches, or Other Litigation	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			For property transported by ocean vessel.	For property transported by ocean vessel.	For property transported by ocean vessel.
Fly America	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.	For foreign air transport or travel.

PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchases	Construction	Materials & Supplies
Davis-Bacon Act				>\$2,000 (including ferry vessels)	
Contract Work Hours and Safety Standards Act		>\$100,000 (except transportation services)	>\$100,000	>\$100,000 (including ferry vessels)	
Copeland Anti-Kickback Act Section 1 Section 2				All All exceeding \$2,000 (including ferry vessels)	
Bonding				\$100,000	
Seismic Safety	A&E for New Buildings & Additions			New Buildings	
Transit Employee Protective Arrangements		Transit Operations			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit Operations			
Alcohol Misuse and Testing		Transit Operations			
Patent Rights	Research & Development				
Rights in Data and Copyright Requirements	Research & Development				
Energy Conservation	All	All	All	All	All
Recycled Products		Contracts for items designated by EPA, when procuring \$10,000 or more per year		Contracts for items designated by EPA, when procuring \$10,000 or more per year	Contracts for items designated by EPA, when procuring \$10,000 or more per year
Conformance with ITS National Architecture	ITS Projects	ITS Projects	ITS Projects	ITS Projects	ITS Projects
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States	Limited to States	Limited to States	Limited to States	Limited to States

CITY OF HIGH POINT

AGENDA ITEM

**Title: Budget Amendment for CMAQ Grant****From:** Eric Olmedo, Budget Manager**Public Hearing:** N/A**Attachments:** Budget ordinance**Meeting Date:** December 7, 2015**Advertising Date:** N/A**Advertised By:** N/A

PURPOSE:

A budget amendment is needed to recognize revenue and expenditures related to the North Carolina Department of Transportation (NCDOT) Congestion Mitigation Air Quality (CMAQ) Grant.

BACKGROUND:

Congestion Mitigation and Air Quality (CMAQ) is a Federal program that funds transportation projects and programs in air quality nonattainment and maintenance areas to help achieve and maintain national standards for air quality pollutants. In North Carolina, NCDOT serves as the administrator for this program. The City of High Point was awarded CMAQ funding allocated to the High Point MPO by the Federal Highway Administration (FHWA) for construction of a greenway trail.

BUDGET IMPACT:

NCDOT will allocate a maximum of \$1,236,000 of CMAQ funds to the City of High Point. The City will provide a 20% local match of \$309,000 which will be funded from Two-Thirds General Obligation Bonds.

RECOMMENDATION / ACTION REQUESTED:

The Budget Department recommends and asks the Council to approve the budget amendment.

“AN ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
FOR THE NCDOT CMAQ GRANT

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The City of High Point Transportation Department has been awarded an NCDOT CMAQ Grant.

Section 2. In order to recognize these funds, the 2015-2016 Budget Ordinance of the City of High Point, should be amended as follows:

- (A) That the Captial Projects Fund revenues be amended as follows:

Federal Grant revenue	\$1,236,000
-----------------------	-------------
- (B) That the Captial Projects Fund expenditures be amended as follows:

Greenway project	\$ 1,236,000
------------------	--------------

Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted December 7, 2015

CITY OF HIGH POINT

AGENDA ITEM



Title: Right-Of-Way Encroachment Permits: RE-15-0001, RE-15-0002, RE-15-0007, RE-15-0008, RE-15-0009, RE-15-0010, RE-15-0011, RE-15-0016, RE-15-0017, RE-15-0018 & RE-15-0020
(Lighttower Fiber Networks / Fibertech Networks)

From: Lee Burnette, Planning & Development Director

Meeting Date: December 7, 2015

Public Hearing: No

Advertising Date: Not Applicable

Advertised By: Not Applicable

Attachments: A. Staff Memo
B. Location Map
C. Sample Renderings

PURPOSE:

A request by Fibertech Networks to install multiple small cell antenna poles within various right-of-way locations in the City.

BACKGROUND:

Staff memo and the Technical Review Committee's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

On October 28, 2015 the Technical Review Committee recommended **approval** of the requested Right-Of-Way Encroachment permits (RE-15-0001, RE-15-0002, RE-15-0007, RE-15-0008, RE-15-0009, RE-15-0010, RE-15-0011, RE-15-0016, RE-15-0017, RE-15-0018 & RE-15-0020), contingent upon the applicant addressing the individual pole site plan comments and upon the City's acceptance of the proposed pole design. No permits for erection of the poles should be issued prior to design approval.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**RIGHT-OF-WAY ENCROACHMENT CASES
RE-15-0001, RE-15-0002, RE-15-0008, RE-15-0016 & RE-15-0020
December 7, 2015**

Request	
Applicant: Lighttower Fiber Networks / Fibertech Networks	Proposal: To allow 11 utility poles to be located in the public right-of-way in various locations throughout the City of High Point.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
Various – see attached map	various – see attached map	various – see attached map

Analysis

The applicant is requesting permission to allow 11 utility poles to be erected within the right-of-way in various areas of the City. The poles encroach in to the right-of-way at differing amounts dependent upon location.

The encroachments consist of 30.5-foot tall poles, with small cell antennas mounted on the top of each pole, and various other related equipment attached to the poles themselves. The poles were originally proposed to be constructed of either metal or wood, depending on their location within the City. The applicant has stated that the need for this equipment in the right-of-way is to assist in constructing a fiber optic network within the City. These right-of-way encroachments are in accordance with a Pole Attachment agreement between the applicant and the City of High Point, signed August 20, 2015.

The Technical Review Committee reviewed these eleven requests on October 28, 2015, and determined that the proposed encroachments would not affect public safety or interfere with maintenance needs. TRC noted that each of the applicant's proposed pole locations are subject to varying comments related to the individual locations. These comments generally are instructional for the applicant, or requests to show additional information on the site plans, and can be easily accommodated by the applicant. In addition, however, the TRC noted with concern that this group of eleven proposed pole locations are in areas where the City has placed existing utility lines underground.

On November 5, 2015, staff from several City departments met with the applicant. At this meeting it was discussed that if these eleven locations were to be approved, the applicant would need the pole design to resemble as closely as possible the existing light poles used by the City in the area. Although one possible stealth rendering was sent to staff, a comparison of that pole design to the street light standards has not been made, and so it is unclear whether the design is acceptable.

The stealth rendering is attached, as well as a site plan generally depicting the location for each of the eleven proposed poles.

Recommendation

Although the proposed locations of the eleven poles would not affect public safety or interfere with street or utility maintenance, TRC was concerned about the locations of these poles due to the City's effort to place utilities underground in these areas. Allowing the poles would be contrary to the vision and direction of the City in regards to streetscape and beautification efforts. These comments were reiterated by staff at the November 5th meeting with the applicant. Therefore, it is recommended that approval of these eleven requested right-of-way encroachments should be contingent upon the applicant addressing the individual pole site plan comments and upon the City's acceptance of the proposed pole design. No permits for erection of the poles should be issued prior to design approval.

Report Preparation

This report was prepared by Planning and Development Department staff member Justin S. Westbrook, and was reviewed by Bob Robbins, AICP and Lee Burnette, AICP.

FiberTech

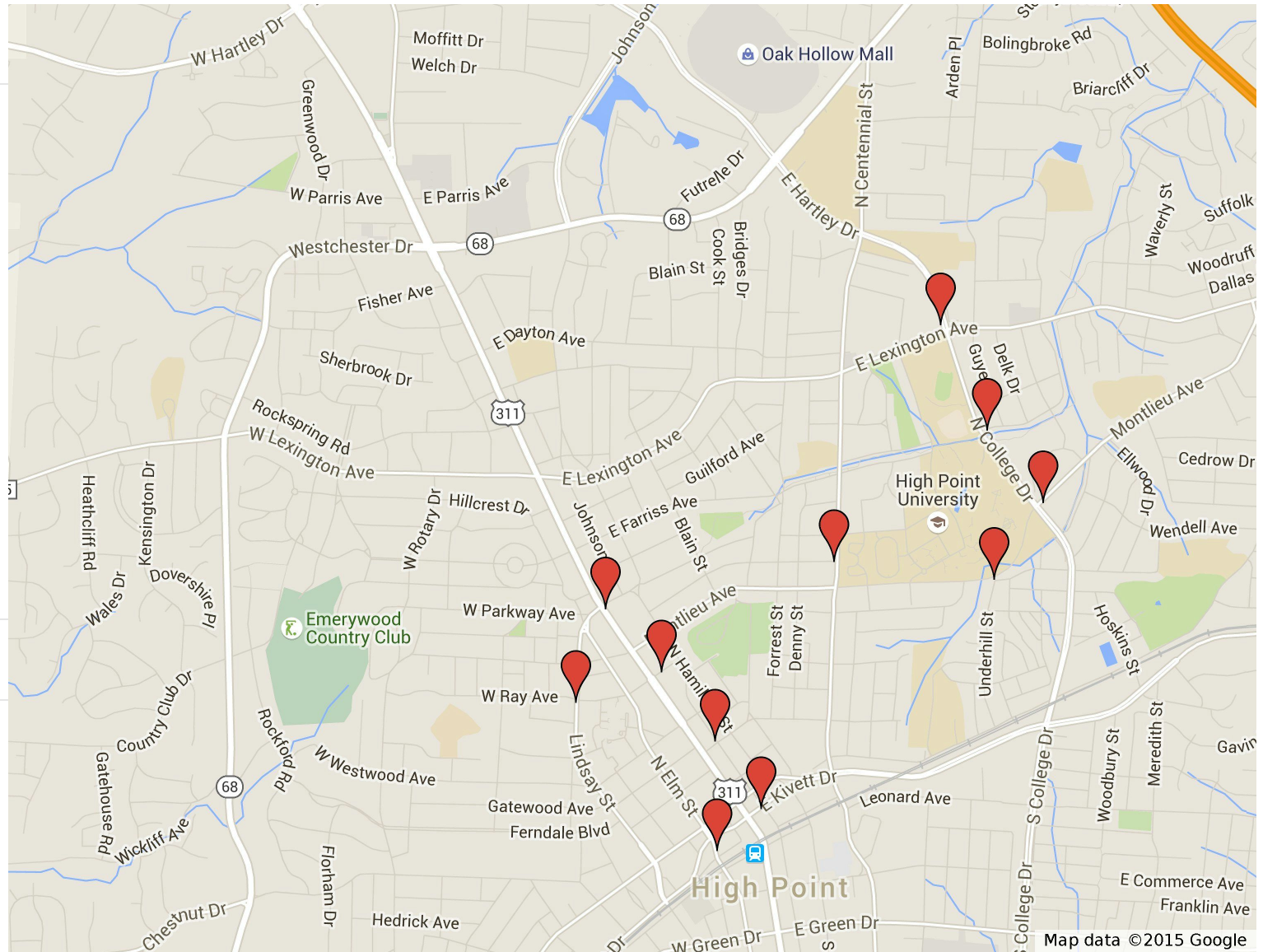
Proposed Poles

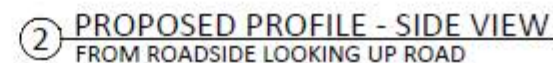
Underground Utility Areas

- RE-15-0001
- RE-15-0002
- RE-15-0007
- RE-15-0008
- RE-15-0009
- RE-15-0010
- RE-15-0011
- RE-15-0016
- RE-15-0017
- RE-15-0018
- RE-15-0020

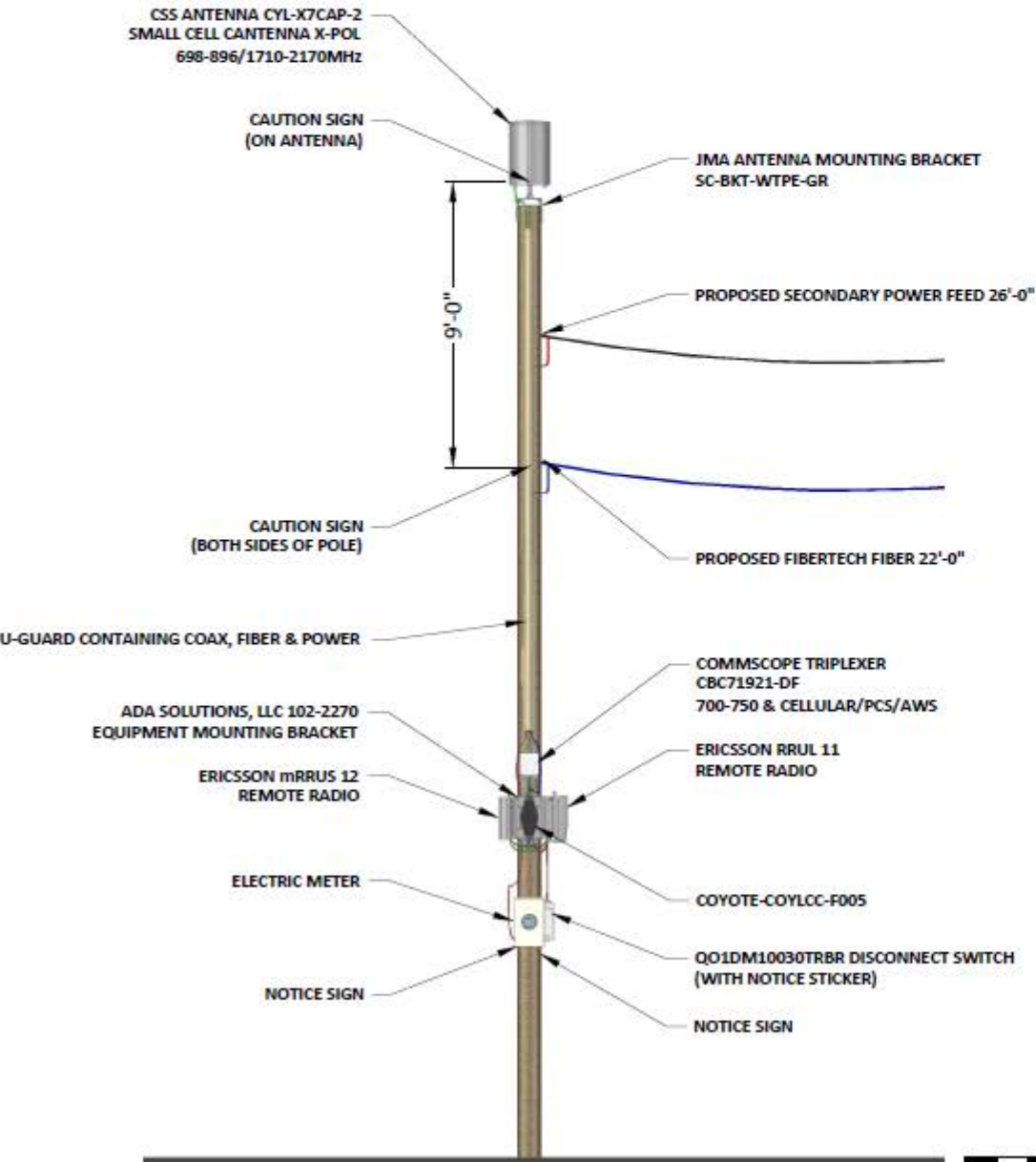
'Wheel & Spoke' Network

proposed pole locations

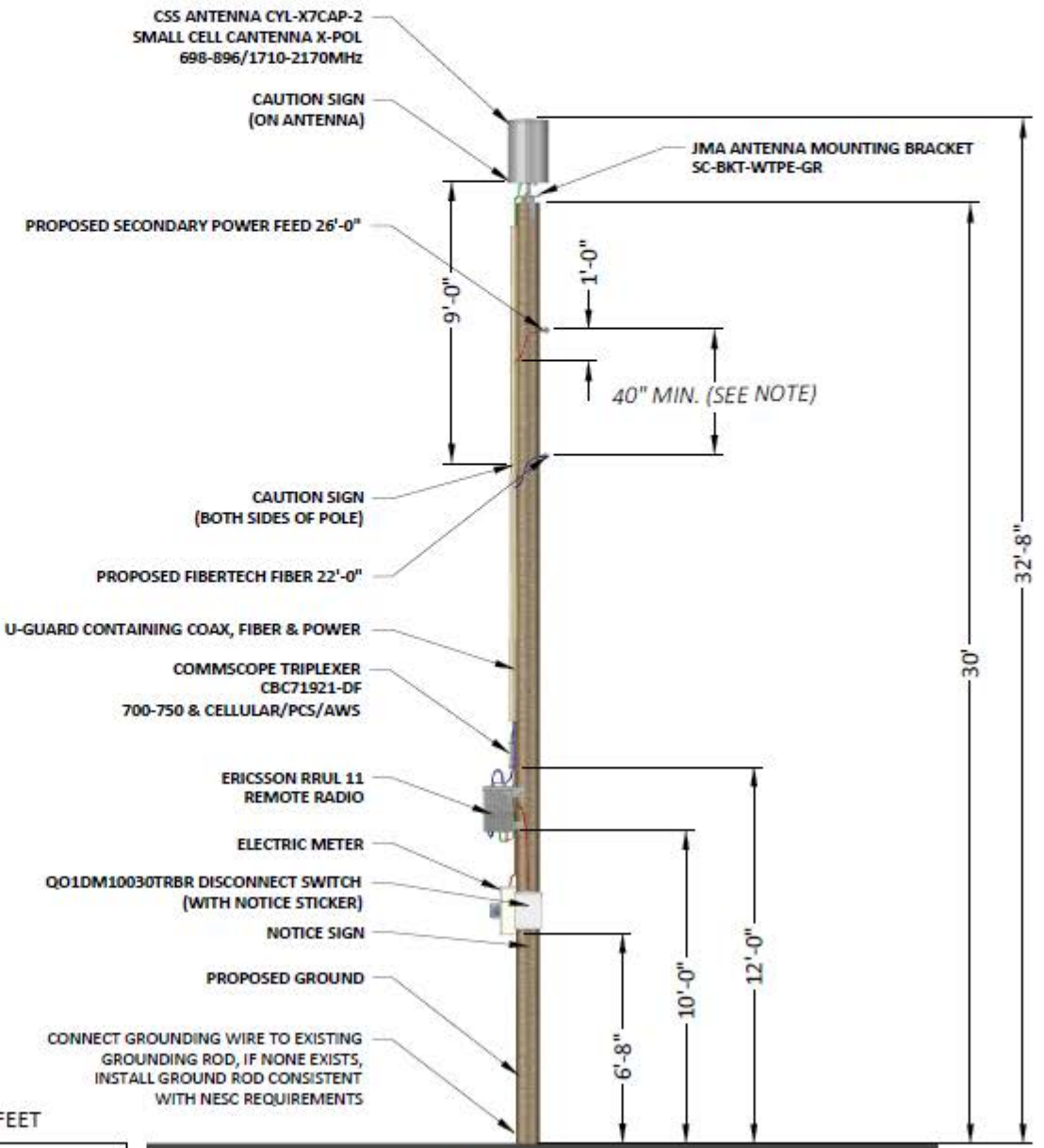




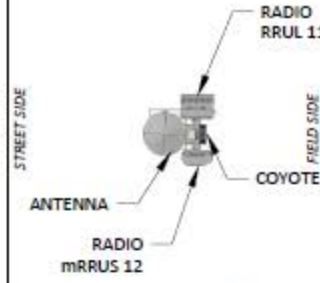
NOTE:
40" MIN. WORKER SAFETY ZONE
BETWEEN LOWEST ENERGIZED POWER
& HIGHEST COMMUNICATIONS CABLE
IN ACCORDANCE WITH NESC REGULATIONS



1 PROPOSED PROFILE - REAR VIEW
FROM FIELD LOOKING TOWARDS ROAD



2 PROPOSED PROFILE - SIDE VIEW
FROM ROADSIDE LOOKING UP ROAD



PROPOSED TOP VIEW

NOTE:
CABLES & EXISTING POLE EQUIPMENT
NOT SHOWN FOR CLARITY

LOCATION: VARIOUS LOCATIONS

NOTES:

PREPARED FOR:



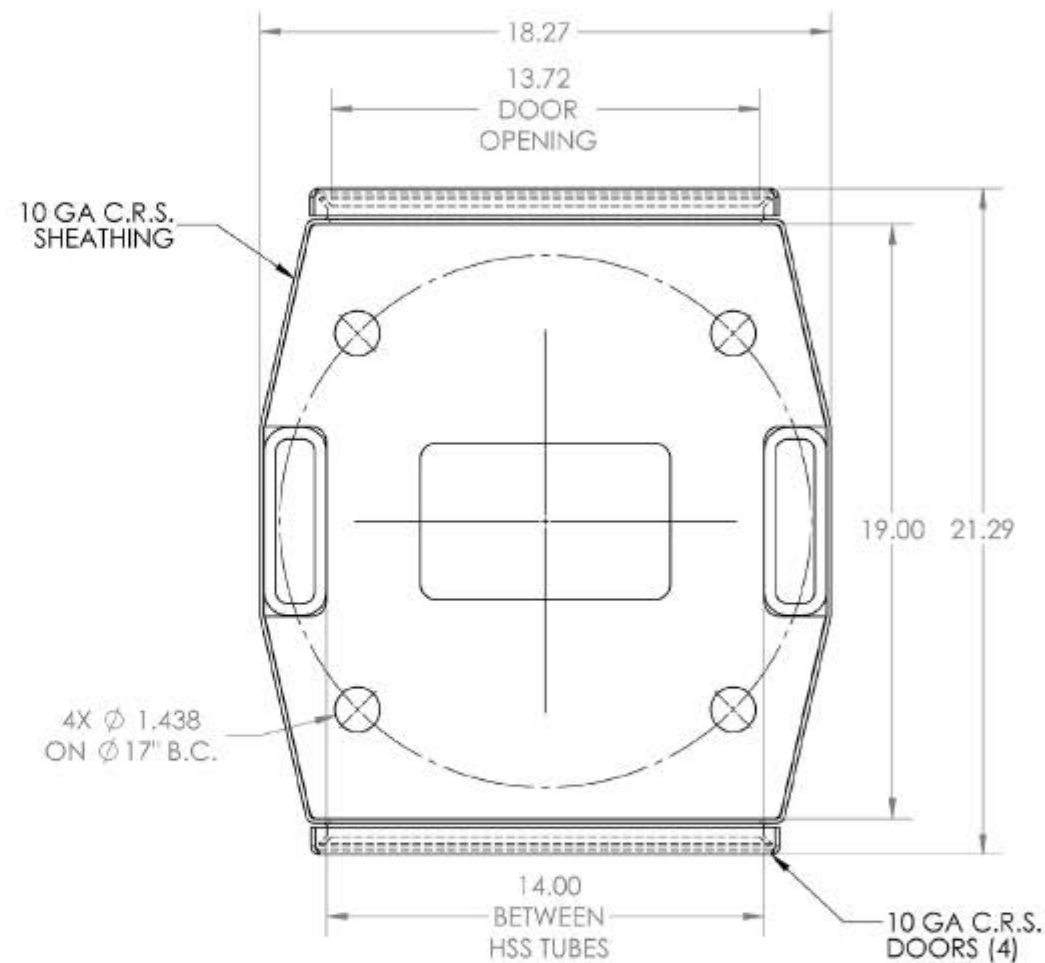
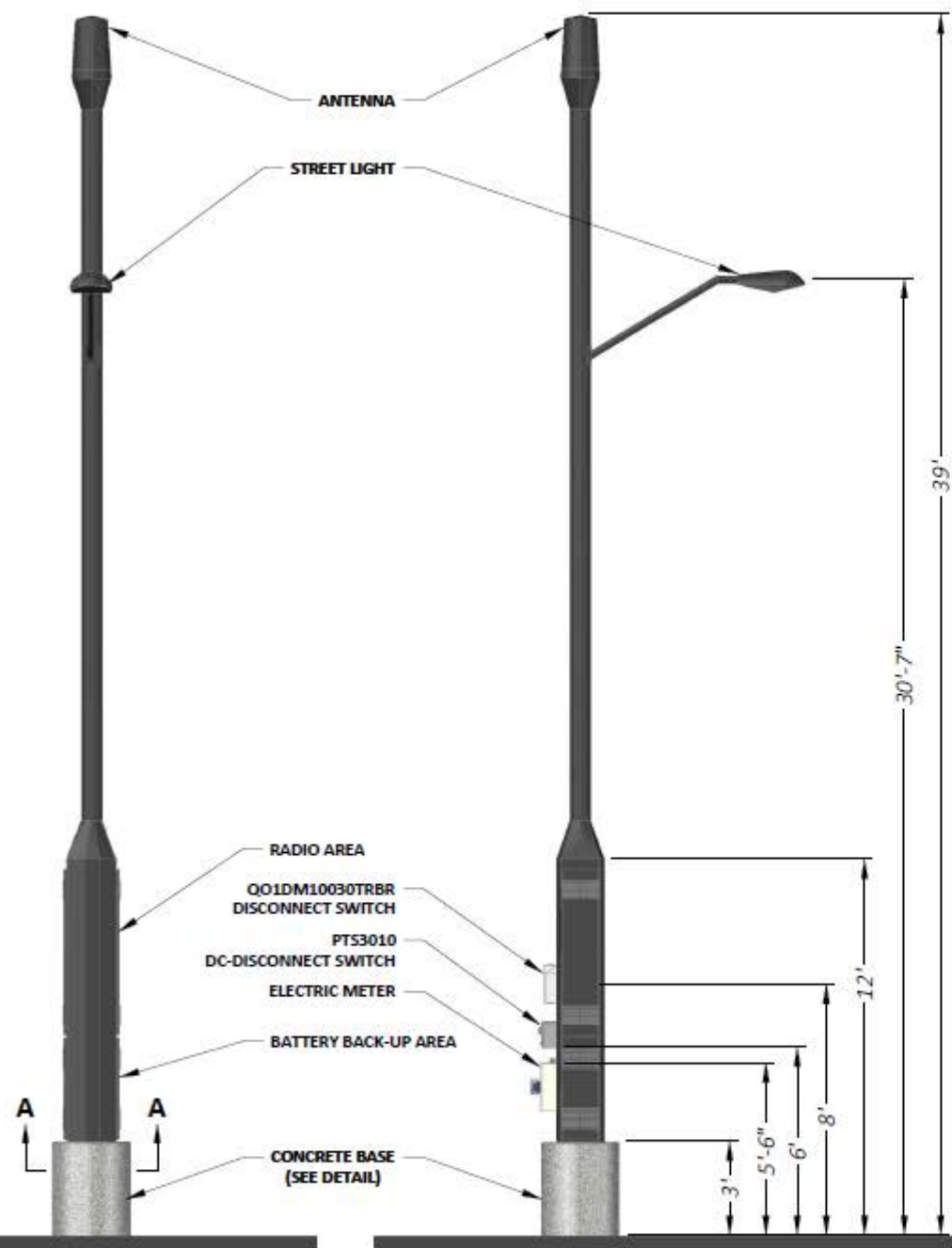
PREPARED BY:



FIBERTECH SMALL CELL
PROPOSED AERIAL PROFILE

REVISIONS		
REV	DESCRIPTION	DATE

DRAWN BY: DTR	2
SCALE: 1" = 1'	
ISSUE DATE: 09/05/2023	
ISSUE NAME: GENERAL WORK-UP	
SHEET NO. 2 OF 12	



SECTION A - A
CABINET DETAIL

LOCATION: CINCINNATI, OH
39.108170°, -84.513000°

NOTES:

PREPARED FOR:



PREPARED BY:



FIBERTECH SMALL CELL
PROPOSED POLE ASSEMBLY

REVISIONS		
REV	DESCRIPTION	DATE

DRAWN: AMV
SCALE: 3"=5'
ISSUE DATE: 12/22/14
INDEX NAME: SC-CH-02/0
SHEET #: 2 OF 5

48
BK: R 7775
PG: 600-603
RECORDED:
01-08-2016
01:25:38 PM
BY: JANE SCHULTZ
DEPUTY-HP



2016001038
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1599 / 15-70

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 7th DAY OF DECEMBER 2015, AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-12

(a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road)

WHEREAS, The City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a 20 foot wide partially improved right-of-way (Edwards Road) lying along the west side of Dillon Road, directly opposite of Bales Chapel Road. which is more specifically described as follows:

Beginning at the existing northeastern property corner of parcel 0177878 as recorded in **(DB 6101 PG 658)** in the Office of the Register of Deeds of Guilford County, North Carolina; thence N 73°37'40" W 421.14' to a point; thence N 87°31'10" E 129.61' to a point; thence N 87°44'15" E 176.70' to a point; thence S 72°49'41" E 382.56' to the existing southeastern property corner of parcel 0177901; thence 20 feet across the unopened public right-of-way for Edwards Road to the point and place of beginning.

The total acreage for the abandonment of the unopened 20 foot right-of-way is +/- 0.23 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of November, 2015, at 5:30 p.m. setting the 7th day of December, 2015 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning November 20 & 27, 2015 and December 2 & 6, 2015; and,

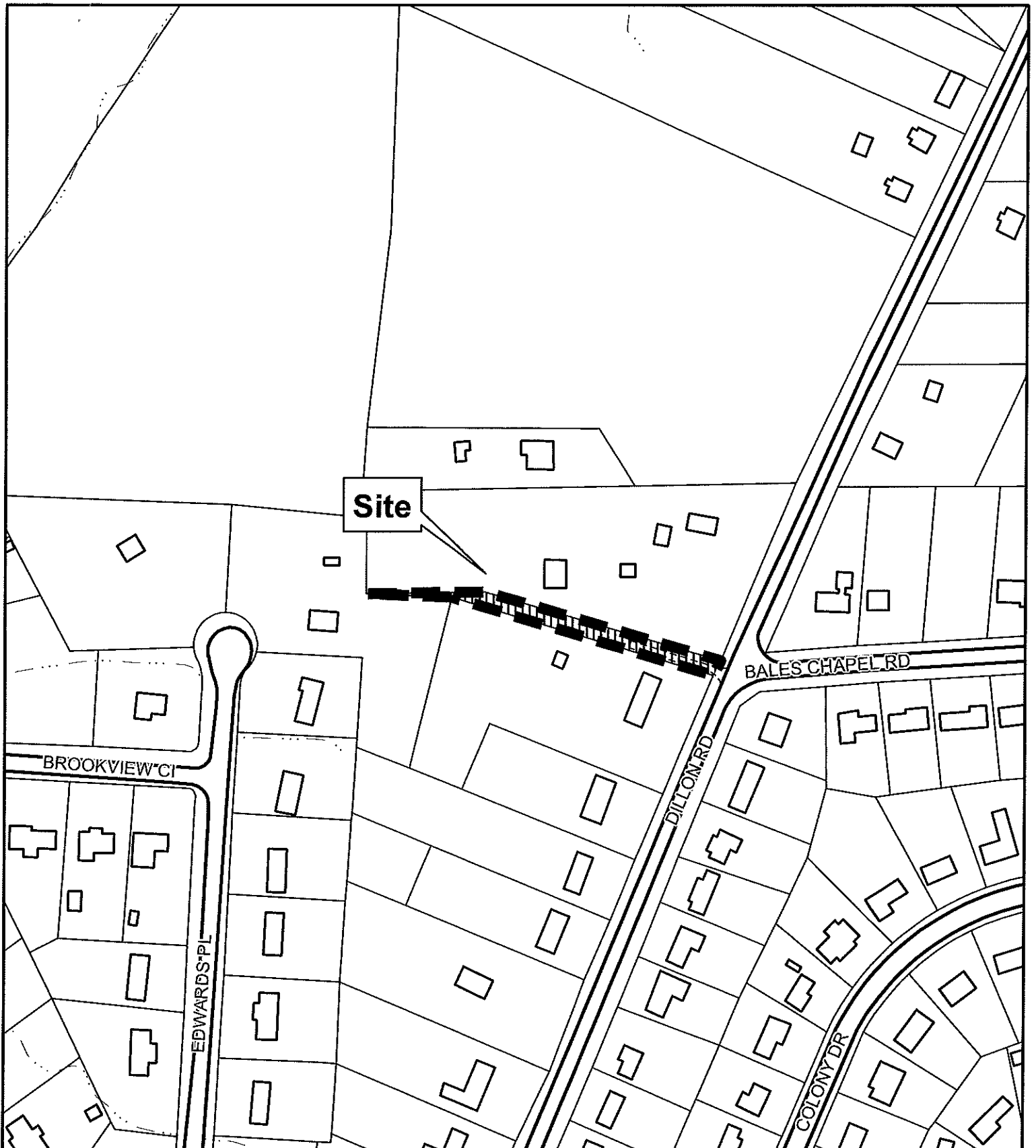
WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road, lying between 3321 & 3403 Dillon Road, as described above, be closed pursuant to North Carolina G.S. 160A-299; and
2. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 7th day of December, 2015
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA15-12

Applicant: City of High Point
Area: 0.25 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: January 4, 2016



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-12.mxd



City of High Point
Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on December 7, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, this 23rd day of December, 2015.



Lisa B. Vierling
Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 23rd day of December, 2015.

CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC

Cynthia C. Duncan-Smith
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

CITY OF HIGH POINT

AGENDA ITEM



Title: Bid No. 44-111815

2-Substation Transformers (30 MVA)

From: Garey S. Edwards, Electric Utilities Director

Meeting Date: November 19, 2015

Public Hearing: N/A

Advertising Date /

Advertised By: N/A

Attachments: Southeastern Consulting Engineers recommendation letter and bid tabulation
City formal bid recommendation form

PURPOSE:

To provide one new substation transformer for the new North College Drive Substation and a second one to be used at Russell Substation for a voltage upgrade.

BACKGROUND:

Loads have increased at High Point University requiring us to add a substation to reduce the overloading at two existing substations. The second transformer will replace an old existing 69 kV unit so that we can upgrade to a 100 kV unit.



BUDGET IMPACT:

Funds are included in the 2015-16 budget to cover this expense.

RECOMMENDATION / ACTION REQUESTED:

Council is requested to award contract to SPX – Waukesha for \$1,237,126.00, and authorize the appropriate City official to execute all necessary documents.



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Electric Department**

COUNCIL AGENDA DATE: **Dec 7, 2015**

BID NO.: **44-111815** CONTRACT NO.: DATE OPENED: **Nov 18, 2015**

DESCRIPTION:

Two Power Transformers

PURPOSE:

To provide one new substation transformer for the new North College Drive Substation and a second one to be used at Russell Substation for a voltage upgrade.

COMMENTS:

RECOMMEND AWARD TO: **SPX-Waukesha** AMOUNT: **\$1,237,126.00**

JUSTIFICATION:

Award contract to SPX – Waukesha for \$1,237,126.00, lowest responsive bidder

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631161022505	40201	\$618,563.00
631799	533701	631131021705	40201	\$618,563.00
TOTAL BUDGETED AMOUNT				1,237,126.00

DEPARTMENT HEAD: **Garey S Edwards** Digitally signed by Garey S Edwards
DN: cn=Garey S Edwards, o=City of High Point, ou=Electric,
email=garey.edwards@highpointnc.gov, c=US
Date: 2015.11.19 13:25:36 -0500 DATE: **Nov 19, 2015**

The Purchasing Division concurs with recommendation submitted by the **Electric Dept. and recommends award to the lowest responsible, responsive bidder **SPX-Waukesha** in the amount of \$ **1,237,126.00**.**

PURCHASING MANAGER: **Tarinda Chappell** Digitally signed by Tarinda Chappell
DN: cn=Tarinda Chappell, o=City of High Point, ou=Purchasing,
email=tarinda.chappell@highpointnc.gov, c=US
Date: 2015.11.19 16:17:47 -0500 DATE: **Nov 19, 2015**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR:  Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC,
ou=Financial Services Director,
email=jffmoore@highpointnc.gov, c=US
Date: 2015.11.23 09:34:01 -0500 DATE: **Nov 23, 2015**

CITY MANAGER: **Greg Demko** Digitally signed by Greg Demko
DN: cn=Greg Demko, o, ou, email=greg.demko@highpointnc.gov,
c=US
Date: 2015.11.23 09:02:27 -0500 DATE: **Nov 23, 2015**



Southeastern Consulting Engineers, Inc.

November 19, 2015

Mr. Garey Edwards, PE
City of High Point
P.O. Box 230
High Point, North Carolina 27261

Ref.: Two Power Transformers Recommendation
Bid Number: 44-111815

Dear Garey:

The City received sealed proposals on November 18, 2015 from eight suppliers for providing two power transformers for the City's upcoming substation projects. A tabulation of the bids received is attached.

Each bid was reviewed for compliance with the specifications, purchase price, evaluated cost, quality and delivery. The following bids were deemed to be non-responsive for the following reasons:

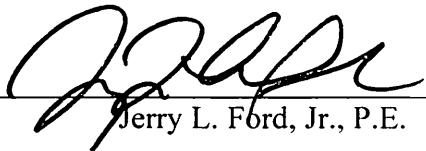
- 1.) WEG Electric Corporation – Non Responsive
 - Specification Requirement: *The manufacturing plant shall be located within the Continental USA*
 - WEG is located in Mexico
 - WEG did not provide complete load loss information and therefore could not be fully evaluated.
- 2.) Virginia Transformer(VTC) – Non Responsive
 - Specification Requirement: *...maximum allowable dimensions are 268" width x 167" depth x 215" height.*
 - VTC proposed transformer exceeds the maximum allowable dimensions
 - VTC is not an approved manufacturer for the City of High Point based on past experience.
- 3.) Shihlin Electric – Non Responsive
 - Specification Requirement: *The manufacturing plant shall be located within the Continental USA*
 - Shihlin is located in Taiwan

The remaining bids were evaluated based on losses to determine the cost of operating the transformers over time. As shown on the attached bid tabulation SPX-Waukesha of Goldsboro, NC evaluated cost is \$10,662 less than Pennsylvania Transformer. Therefore SPX-Waukesha submitted the lowest responsive and compliant bid in the amount of \$1,237,126.00.

Based on the above information we recommend that the City accept SPX-Waukesha's proposal and issue a purchase order in the amount of \$1,237,126.00. If you have any questions, please do not hesitate to contact us.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By  _____
Jerry L. Ford, Jr., P.E.

JLF/lc

Bid Tabulation

Bid Date: November 18, 2015
2:00 p.m.

Purchase of Two Medium Power Transformers

Bid Number 44-111815

Bidder:	SPX - Waukesha	Pennsylvania Transformer Technology	Delta - Star	Hyundai	Pacific Crest	WEG Electric Corp	Virginia Transformer	Shihlin Electric
(2) Transformers	\$ 1,135,758.00	\$ 1,112,558.00	\$ 1,274,774.00	\$ 1,472,592.00		\$ 998,000.00	\$ 1,045,178.00	\$ 1,054,000.00
Offloading	42,308.00	30,000.00	20,500.00	28,322.00		23,800.00	36,000.00	10,000.00
Assembly	59,060.00	91,980.00	50,470.00	101,150.00		40,000.00	48,600.00	120,000.00
Total Bid	\$ 1,237,126.00	\$ 1,234,538.00	\$ 1,345,744.00	\$ 1,602,064.00	\$ 2,034,014.00	\$ 1,061,800.00	\$ 1,129,778.00	\$ 1,184,000.00
Delivery	34-38 weeks	34-38 Weeks	44-50 weeks	35 weeks	24-26 weeks	40 Weeks	22-24 Weeks	30 Weeks
Evaluated Cost @ Rated Capacity								
22.4 MVA	\$ 1,382,876.00	\$ 1,393,538.00	\$ 1,482,344.00	\$ 1,722,064.00	\$ 2,257,558.00	\$ 1,189,550.00	\$ 1,275,028.00	\$ 1,315,750.00
29.8 MVA	\$ 1,452,276.00	\$ 1,455,638.00	\$ 1,537,944.00	\$ 1,767,064.00	\$ 2,349,815.00	Not Supplied	\$ 1,335,828.00	\$ 1,369,750.00
Plant Location	Goldsboro, NC	Raeford, NC	Lynchburg, VA	Montgomery, AL	Medford, OR	Mexico	Roanoke, VA	Taiwan
Meets Specified Dimensions	Yes	Yes	Yes	No	No	Yes	No	Yes



**FINANCE COMMITTEE
NOVEMBER 11, 2015 – 4:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

MINUTES

Present:

Committee Chair Jim Davis, Committee Members Cynthia Davis, Alyce Hill, and Chris Williams

Staff Present:

Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Jeron Hollis, Communication Officer & Public Engagement Director; Tommy Reid, Fire Chief; Eric Olmedo, Budget & Performance Manager; Jeff Moore, Director of Financial Services; Steve Lingerfelt, Director of Information Technology Services; Fred Reynolds, IS Service Manager; Maria Smith, Deputy City Clerk, Lisa Vierling, City Clerk

Contract – Microsoft Enterprise – Office 365 Component

Council is requested to approve the renewal of the Microsoft Enterprise Agreement with SHI in the amount of \$430,394.44 for the Office 365 Component.

Mr. Steve Lingerfelt reported on the Microsoft Enterprise agreement and is recommending renewal of the three-year Microsoft Enterprise Agreement adding the Office 365 Component. He explained this contract includes the software advantage feature which allows for product upgrades as they are released by Microsoft without any additional cost.

Chairman J. Davis then moved to forward this matter to Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

Resolution Approving Donation of Surplus Equipment- Fair Grove Fire Department

Council is requested to adopt a Resolution approving the donation of surplus air truck equipment to the Fair Grove Fire Department, Inc.

Tommy Reid, Fire Chief, pointed out this 25 year old air truck that has been declared surplus. He is recommending this truck to be donated to Fair Grove Fire Department, which is located in Davidson County. Chairman J. Davis questioned why the city is using a 25-year-old truck. Chief Reid explained the city now uses a rotation plan to replace vehicles and added that the age

of this vehicle proved to be too labor intensive for maintenance. Staff is recommending the truck be donated to Fair Grove Fire Department in Davidson County.

Chairman J. Davis moved that this matter be forwarded to Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

Pending Items:

Budget Ordinance Amendment- Little Red Schoolhouse

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and Stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

Committee Chair J. Davis called the meeting adjourned at 4:03 p.m.

Respectfully Submitted,

Maria A. Smith
Deputy City Clerk

Jim Davis, Chairman

**High Point City Council Special Meeting
Joint Meeting
Between the
High Point City Council, Greensboro City Council and the
Guilford County Commissioners
Friday, November 20, 2015 – 1:00 p.m.
Guilford County BB&T Building, 201 W. Market Street, Greensboro**

Present:

High Point City Council:

Mayor William S. Bencini, Jr., Mayor Pro Tem Jim Davis (Ward 5); and Council Members Cynthia Davis (At-Large), Jeff Golden (Ward 1), Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4) and Jason Ewing (Ward 6)

Absent:

Council Member Latimer Alexander (At-Large)

Greensboro City Council:

Mayor Nancy Vaughan; and Council Members Marikay Abuzuaiter (At-Large), Mike Barber (At-Large), Sharon Hightower (District 1), Jamal Fox (District 2), Justin Outling (District 3), Nancy Hoffmann (District 4), and Tony Wilkins (District 5)

Absent:

Mayor Pro Tem Yvonne Johnson

Guilford County Board of Commissioners:

Chairman Hank Henning (District 6); Vice Chairman Jeff Phillips (District 5); and Commissioners Carlvena Foster (District 1), Alan Perdue (District 2), Justin Conrad (District 3), Alan Branson (District 4), Carolyn Coleman (District 7), and Ray Trapp (District 8)

Absent:

Commissioner Kay Cashion (At-Large)

Also Present in the audience:

Loren Hill, President-High Point Economic Development Corporation
Sandy Dunbeck, Vice President- High Point Economic Development Corporation
John Geib, Duke Energy
Jed McMillan, PTP
Chuck Bino
Charlie Melvin, Attorney- Greensboro Partnership
Brent Christensen, Greensboro Partnership
David Ramsey, Greensboro Partnership
Cyndi Darcy, Greensboro Partnership
Deborah Hooper Greensboro Partnership

Kathy Dubel, City of Greensboro
Penny Whiteheart, PTP
Zack Matheny, DGI
Lee Lloyd, Greensboro Partnership
Marlene Sanford, TREBIC
Clarence Grier, Deputy Guilford County Manager
Jeron Hollis, Director of Communications and Public Engagement (High Point)
JoAnne Carlyle, High Point City Attorney
Mark Payne, Guilford County Attorney
Tom Carruthers, Greensboro City Attorney
Robin Keller, Guilford County Clerk to the Board
Angela Lord, Deputy City Clerk (Greensboro)
Maria Smith, Deputy City Clerk (High Point)
Lisa Vierling, City Clerk (High Point)

News Media Present:

Pat Kimbrough, High Point Enterprise
Jordan Green, Triad City Beat
Kristin Zachary, Triad Business Journal
Dick Barron, News & Record
Scott Yost, Rhino Times
unknown WGHP videographer

1. Welcome and Call to Order

Chairman Hank Henning: *I'm going to go ahead and call this special joint meeting to order and welcome everybody. This is truly a historic day. Someone said at an EDC meeting the other day that we've been talking about doing this for a hundred years so we might as well go ahead and do it. It's a pleasure to be here on this day as everyone knows. We were kind of debating amongst ourselves about when this process really started. It was over a year ago, maybe a year and a half ago that we really started talking honestly about how can we work more collaboratively from an economic development standpoint in respect to Greensboro, High Point, and the County and be one voice. At the end of the day when people do want to come to our community, they want to come here and see one community. They're not concerned about where the jurisdictional lines lay and quite frankly when a business comes here, they want to settle on what's best for themselves and the customer. They want to hear one voice. One set of statistics. They want to hear one set of demographics of our area. What our whole community offers.*

For me, it's just an honor to be here and present with you all to witness this day moving forward. I'll say from a personal standpoint, I think one of the best incidental things that has come out of this for me is the relationship I've garnered with both mayors on my right and left and all of you on each Council. I don't think we've ever had this kind of communication. I just want to say what a pleasure it is. I'll turn it over to Mayor Vaughan from Greensboro to give some introductory remarks and then we'll hear from Mayor Bencini. Then I'll speak a little bit about the way the rest of the meeting will flow.

2. Introductory Remarks

Mayor Nancy Vaughan: Thank you. First of all, I would like to welcome my friends from High Point for coming to Greensboro. We appreciate you making the trip over here and I promise the next time we have a trip we would love to come to High Point. So I do appreciate your coming over here.

It has been a long time that we've been having these discussions. I know that former City Councilman Zack Matheny and I spent many times with the Greensboro Partnership speaking with Lee Loyd and Chuck Burns about issues that we had with economic development and improvements that we would like to see. And I would like to thank the Partnership and Lee and Chuck for the time that they gave us and for really taking these issues to heart and making substantial serious changes. And for that, we just want to say thank you.

I can't tell you how pleased I am that we have come to a point where we actually have a resolution that we can vote on. I think the fact that we are going to market ourselves regionally is so terribly important. I, too, have enjoyed meeting people in High Point. Getting to know the County Commissioners better even though we're just across the Plaza. You know, they talk about the relationship between Greensboro and High Point and that we've been dysfunctional for so long, but nobody can really point to why. But at least now, they'll be able to point to when it ended and the fact that we are going to have a good relationship moving forward. And for that, I'm very grateful and I just want to say thank you.

Mayor Bill Bencini: Thank you, first of all to Mayor Vaughan and Chairman Henning. This has been a long, circuitous route and at times it was really frustrating. Not the relationship part of it. One of the real dividends of the process was that it took long enough and we learned how to develop trust between the three jurisdictions and that's been very, very helpful. Getting to the point where we were trying to develop a model that we could use to institutionalize cooperation between all three jurisdictions. It's been a pleasure to get to know those folks in Greensboro and Guilford County as we move this model forward. I also want to thank a couple of people. First of all, I want to thank County Manager Marty Lawing. He really....I believe if there's one individual that got the ball rolling on this process, it was Marty. As the new kid in town, he came here to be the county manager. He realized just how difficult economic development for the county as a whole had become and how challenged we were. It was through his suggestion that these series of meetings started between the three jurisdictions and then later on towards the end of the process, Loren Hill from High Point EDC, Brent Christiansen from the Greensboro Partnership, locked into the process of trying to develop the final model, which is in consideration today. It took a lot of people, a lot of hours, a lot of discussion, a lot of time and I'm just thrilled that we got to this point.

Chairman Hank Henning: Just to go over how this meeting's going to flow. We're going to hear from Manage Lawing here in a second to go through the resolution and after that we'll open it up to remarks and discussion from the board starting with the Greensboro City Council. We'll hear from Ms. Hightower and we'll make our way around the table to try to make this as simple as possible. Then if we could maybe get all the discussion/questions out of the way then, then we're going to deviate a little bit from the typical Robert's Rules of Order and following

that we'll move right into the motions to approve starting with the Greensboro City Council, High Point City Council and the County Commission. After that, we'll adjourn and members can individually speak to the press if they so choose. So we'll move right into it. Marty, if you want to go through the resolution.

3. Request Board and Councils to discuss and consider adoption of a joint resolution authorizing the establishment of the Guilford County Economic Development Alliance (GCEDA) between Guilford County, the City of High Point, the City of Greensboro, the Greensboro Partnership and the High Point Economic Development Corporation

County Manager Marty Lawing: *This is a great day and I think when we first started this process, I know I was thinking that hopefully we would be able to pull this together, the collaboration efforts between the local governments here and Guilford County and go beyond the economic development. So we are looking forward to what the future might hold. So I've been asked to kind of summarize and go through the key points of this resolution. I know most of you have had a chance to read it, so I won't read it to you, but I'll try to hit some of the highlights here.*

It is a resolution supporting the establishment of the Guilford County Economic Development Alliance. The Guilford County Economic Development Alliance will be a coalition between the cities of High Point and Greensboro, Guilford County, Greensboro Partnership and High Point Economic Development Corporation.

Of course our primary goal here is to improve economic development in Guilford County. Every city and county and state in this country probably has economic development as one of their top priorities. There's a good reason for that. It drives everything we do as far as tax base, jobs, etc... So it's very important and it's also very competitive—extremely competitive. It's kind of like public speaking. It's something you can't be too good at. You want to be as good as you can and we think to be successful you have to put your best foot forward. You have to bring your aid in. And for those on the outside looking in at potential investments in a county, they like to see a united front where people are all on the same page.

So, the proposed structure that we have is a little different from where we started out. This structure allows the Greensboro Partnership and the High Point EDC to retain their autonomy, which is important. But it also requires them to work extremely close together so that it may appear to some that they're actually one organization. The key component....one of the key components that I see in this structure is the leadership group. There's a leadership group that's made up of the mayors, chairmen, managers, chairs of the Partnership and the EDC and the presidents of both of those organizations serve as ex-officio. This leadership group is accountable for ensuring that the High Point EDC and the Greensboro Partnership continue a close working relationship. It's their job to make sure that continues and grows even stronger. There's also another group called the Business Advisory Council and the Business Advisory Council is twelve members and they advise the Leadership Group. That board is made up of five appointees by the Greensboro Partnership Board Chair; five appointees by the High Point Economic Development Corporation Board Chair; the Workforce Development Board Director; and the President of GTCC.

Another component is interesting as well. We think it will work out really well, is that all economic development marketing will be done jointly and all marketing material will be approved by the Leadership group. It also states that the GCEDA will create an economic development strategic plan that would target industries that have expansion plans possibly in the next one to three years. They will also be proactive in working with site location consultants and make site strategic visits to corporations.

The other thing that is interesting is already started. It's my understanding that the Partnership, Greensboro Partnership and High Point EDC would share all client and prospect information with each other. The presidents of the Greensboro Partnership and High Point EDC would meet every other week on a regular basis and their staffs would meet at least every other month. I think some of those meetings have already started to occur as well.

As you've seen in the proposal and in the resolution, the budget for the GCEDA would be \$300,000 annually. The source of revenue to fund that budget would be \$100,000 from each local government annually. The funds in that budget would be used for joint marketing and to fund one staff person to conduct research. Part of the requirements of this proposal is that the presidents of the High Point Economic Development Corporation and the Greensboro Partnership would share information on clients and prospects with the Leadership group and with senior staff and local government elected officials. Very important. As you probably already know the Greensboro Partnership Board and the High Point EDC Board have approved this proposal to establish the Guilford County Economic Development Alliance. If this resolution is approved by the governing boards today, then an agreement—a more formalized detailed agreement—would be drafted and would be signed by the five parties, the three local governments, the High Point EDC and the Greensboro Partnership.

That concludes the summary of the resolution that you have before you today.

Chairman Hank Henning: *Thanks, Marty. Now we'll move on to the discussion portion of the meeting. Ms. Hightower.*

4. Discussion

Council Member Sharon Hightower: *Good afternoon and thanks for everyone being here. It certainly is, I think, a banner day for Greensboro and the fact that we're all sitting in this room together says a lot for what our focus needs to be. We talk about economic development, but at the end of day we are putting roots on the ground to make sure that economic development is where we are going. As one who represents southeast and east Greensboro that we've been talking about for quite a while, this marketing piece is also going to be instrumental in making sure that we are included in getting things done over in our areas. So we join together with the forces of everybody. So I'm excited about the fact that we are here. Thank you all for joining. We've been working together a little bit with the county. We may not have had High Point, but starting as far back as last year, we worked with the County Heritage House and they jumped in and helped us, so we've been doing some county stuff, which is really a pre-cursor to how you have to work together. We no longer work in a silo. So I'm excited about being here and proud*

to be part of this effort and I look forward to what it's going to do. The marketing, to me, is the biggest piece of how you recruit business in the area and when I first got on Council that was one of the questions I wanted to know. Why weren't we marketing very well. I think we're going to do now, a much better job because together we're better than we are apart. So thank you for allowing us to do this and I'm glad to be here.

Chairman Hank Henning: Thank you. That was a beautiful summary of the marketing aspect. Councilman Abuzuaiter.

Council Member Marikay Abuzuaiter: Yes, it was. Thank you, Sharon. I do want to thank everyone for being here today and I do think that it is historic that we are all sitting in the same room and we are moving forward with something that will help all of us. We all need the economic development which creates jobs and we all need to be working together instead of working apart. Another collaboration was the Family Justice Center that we did with Guilford County and the County Commissioners and look forward to many more of those collaborations with High Point. I do hope we will have more meetings like this. Not just when we have a historic occasion, but I think it's great to get everybody in the same room and we can discuss things and we can talk about what is before us at hand. You know, even a meeting sometime where we discuss issues and concerns. This is a great step in the right direction to bring everything that we need for all of our citizens, all of our residents. And I'm just very honored to be part of this day.

Chairman Hank Henning: Mr. Wilkins.

Council Member Tony Wilkins: I'd like to thank you guys for this final product. You've worked really hard, whether it was six months or a year or whatever it was. The product that we've got in front of us today is the best I've seen. Your hard work, Mr. Lawing, and leaders shows in today's final product. So I want to thank you for that. I keep hearing about how historic today is. So if you don't mind just smile because if it's so historical, we need... [used cellphone to do a selfie of the group] [laughter].

Council Member Justin Outling: The Greensboro Partnership has for years used an expression for years and I think that expression perfectly encapsulates and summarizes what is happening today. Each municipality, we've all had our successes as well as our struggles. But the reality is together we thrive. We'd be more successful together than alone. So, again, very excited on behalf of District 3 in Greensboro to be working together.

Council Member Mike Barber: Good leadership creates opportunities like this. My thanks to Nancy and Hank and Bill. I'd also want to say that great staffs create opportunities like this, too. Over the past 10-15 years, there's been turnover and new, talented people who have come in and I think High Point, Greensboro and the County from a staff perspective have never been stronger. We set policy, but the real talent implements it. So please know that we all appreciate where we are from that standpoint. I also think that smiling, collaborative elected officials inspire staff to collaborate and be very effective. As I look around this table, there are a lot of smiles and a lot of talent around this very large table. So, anyway, I'm really pleased to be here and pleased to be a part of this.

Council Member Jamal Fox: *Thank you, Mr. Chairman. I just want to say that it's an honor and a privilege to be here and you know when I look at economic development, it's crucial not only for our respective cities, but as a region in our county. Today what it shows is when you dare to be different, true things can happen. There's great things coming to Guilford County because of today. Today is just a start. It's not a finish. It's the beginning of a great partnership. So I just want to say on behalf of the residents that I represent in northeast Greensboro, thank you to our Mayor, Mayor Bencini in High Point, High Point City Council, County Commissioners, Mr. Chairman. I also want to thank, you now, Greg, the city manager in High Point and Marty the county manager, Jim Westmoreland, his staff and also President Parker at GTCC and Lillian Plummer of our Workforce Development Board to actually seeing the vision and being a part of this. This is, you know, awesome, and it's great to be a part of it. Thank you.*

Chairman Hank Henning: Ms. Hoffman

Council Member Nancy Hoffman: *Thank you very much. This is a good day for our county and for its two major cities and I'm very pleased to be here. We live in a global economy today. We cannot build fences around jurisdictions. When we act together, when we act jointly we are always stronger. So it's a pleasure to be here to participate in the resolution.*

Chairman Hank Henning: Mr. Conrad.

Commissioner Justin Conrad: *Thank you Mr. Chairman. I want to take a second to thank members of the High Point City Council and Greensboro City Council. Half of the people that I represent, I live in the City of Greensboro and I represent a good portion of Greensboro, but I also represent municipalities outside of Greensboro. I think it goes without saying that when the two largest municipalities get together and work on things like economic development, everybody benefits. So the Towns of Stokesdale, Summerfield, Oak Ridge—they're going to benefit from the actions we're taking today and I want to thank you for that. I do like incentives from the very beginning and there's some more things that we can do to being to work with. So thank you all.*

Chairman Hank Henning: Ms. Coleman.

Commissioner Carolyn Coleman: *Yes. I want to, first of all, welcome each of you to sit with us today. The Guilford County Board of Commissioners with their home in economic development. I think we finally found our mission and that is working jointly. This is a time where your dollars are getting short and we need to maximize its use. So I certainly hope that this will be the beginning of our conserving dollars in more ways than one. It is said that the longest journey begins with the first step and I think this is the first step toward a long journey. Hopefully bringing additional business to Guilford County, making our citizens more prosperous as a result of the opportunity to work. We certainly look forward to working with you and the team. I would say to you also that I'm the longest serving board member on the County Board of Commissioners and this is the first time I've ever seen all three....the two cities and Guilford County come together. So this is an exciting time for me. Thank you so much.*

Chairman Hank Henning: Mr. Branson.

Commissioner Alan Branson: Thank you Mr. Chairman. It is a great day for Guilford County and the City of High Point and the City of Greensboro, Guilford County, to come together for economic development. I think coming out of 2007-2008 and some of the strongest, worst economic downturn that I've ever seen in my lifetime. It's great to see all of the folks who are in this room together today, staff, elected officials, working to build a better Guilford County for our citizens. To bring jobs to this area; the tobacco industry and the textile industry have struggled as of late and we're looking and striving towards the future and seeing what the future holds for the new generations. The jobs, and keeping young folks in the community. So, again, I think it's crucial that we all strive to work together whether the company lands in High Point, the company lands in the City of Greensboro, whether the company lands in rural Guilford County. Because the group together as a whole, we need to bring those opportunities to the table. I'd like to thank the managers and the mayors and the chairman for putting this together and making it happen. Thank you.

Chairman Hank Henning: Mr. Phillips.

Vice Chairman Jeff Phillips: I'm just pumped about this opportunity for our county and frankly for our region. I don't know if that word really encapsulates the moment well enough. But I think you get the point. It's just been, for me, truly an honor to be a small part in the process. I've heard words and I concur entirely like historic, regional, forward thinking. Those are exactly the kind of words—not only words—but really true-to-life purpose behind what we are stepping into together in a very collaborative, collective way. There's nowhere but up to go from here and we've had some successes. We all know about them, but I think this really sets a new foundation, a new base to grow exponentially from here. I look forward to working together with all of you and as expecting really as I hope you are to be a shining example of economic development success across the country. That folks everywhere look to us. You know we're looking to other regions. Now they'll look to this region, Guilford County and surround area, and say hey we want to pattern what we do in the future after what they've done. So anyway, I thank you all. There are too many people to thank individually, but I want to thank all the municipalities in both Greensboro, High Point and, of course, our board as well and the chairman for his leadership in the process and the mayors of both cities. Thank you Mr. Chairman.

Chairman Hank Henning: Mr. Trapp.

Commissioner Ray Trapp: Thank you Mr. Chairman. I want to say I agree with it being historic and all those great things. It is historic and it is a great day and the reason that it is is because for once, we've not let politics get in the way of common sense. What we're doing today is common sense. It's what we should have been doing all along and we got to this point together. You know one of the things that I've seen as a county commissioner is that my district, I mean, City Councilwoman Hightower's district, with Fox's district. They're all the same and on the High Point's side, it's the same for Commissioner Foster. You know we mirror. The problems that I have in my district are the same problems that you have in your district.

Economic development works hand-in-hand. So as a county commissioner, you kind of see how it all comes together and that we don't live alone. You know Guilford County's not an island, Greensboro's not an island, High Point's not an island. We all have to work together. So I want to thank everybody for these three boards coming together for once to have common sense and not let politics not get in the way of common sense. Thank you Mr. Chairman

Chairman Hank Henning: Ms. Foster.

Commissioner Carlvena Foster: *Thank you Mr. Chairman. Well I get a lot of grief from my commissioners because I live in High Point, but as a commissioner living in High Point and representing High Point, I take a lot of pride in the High Point Economic Development Corporation and the success that it has had in the areas of economic development. And I want to thank Loren Hill, the Economic Development Board and the High Point City Council for their leadership and their work in the area of economic development and of course the success that they have experienced there. Just as Councilwoman Hightower and Commissioner Trapp has stated, I represent a different population of people where economic development means something a little different to them, but I'm very hopeful and very appreciative of this collaboration. It gives me good hope that the combined efforts of these city governments and the county government will benefit all the citizens in Guilford County. So I thank each of you for all of your efforts and am looking forward to the extended success from High Point to extend to the Greensboro Council and this Alliance so that the entire county will benefit from it. Thank you. High Point strong.*

Chairman Hank Henning: Alan.

Commissioner Alan Perdue: *Thank you Mr. Chairman. I, too, think it's an honor to be here today. Having spent, I guess I'm on my 36th year in county government in a little different role, but having worked for an organization that served bumper-to-bumper Guilford County, the lines didn't matter it was about getting the job done. Getting the task accomplished. What I see here today is vision. You know, when you think about where we are today it's a vision of a lot of leaders to bring this to where we are today to be able to vote on such a significant issue. You know I have a unique district. I live in the county, but I have Greensboro representation and I have High Point representation, so I tell people that I have the 12th Congressional district in Guilford County. So it's very difficult when you have so many different ways of doing things and you represent that diverse group. So this is going to be a significant step going forward to help us grow this community to where it needs to be, tear those fences down and take a step in the right direction. So thank you.*

Chairman Hank Henning: *Before we start with the Council Members, I do want to....I don't want to be remiss and overlook the fact that Councilman Davis was Mayor at the time and was really instrumental in starting this whole process going. So the three of us got some recognition up here, but I didn't want that to be overlooked as well.*

Mr. Williams.

Council Member Chris Williams: *Thank you Mr. Chairman. If you really wanted to start with him you could. I want to thank everybody for all the efforts in putting this in place. I am, you know, I'm new. Relatively new and for me to sit here is just beyond my expectations of the job. I represent the hardest hit...one of the hardest hit areas in the State in the City of High Point hit heavily with blight and joblessness. So this is exciting for me and I'm very grateful that we had everybody in mind in how this could help turn this around. I just want to say that the way I see this is, you know, all of us during our respective races promised jobs, promised economic development. I see this as keeping the promise. So I just want to thank you.*

Chairman Hank Henning: *Mr. Ewing.*

Council Member Jason Ewing: *Thank you Mr. Chairman. This is certainly a historic day having all three governing bodies here prepared to adopt what will hopefully put Guilford County and all the municipalities within on a different playing field with economic development moving forward. This truly is a great step in setting us up for a more regional outlook on how we can compete. Even good plans and initiatives can fail if they have the wrong leadership and the one thing that I am certain this will be successful is the leadership of Brent and Loren and their staff, the integrity that they bring to this. I feel that this is a great move for the entire county and all the cities within and look forward to see the next phase.*

Chairman Hank Henning: *Mr. Golden.*

Council Member Jeff Golden: *I look at this as an opportunity that me, for one, have been waiting for a long time. You know you go into this thing and make promises of economic development and then nothing happens. At least now we've got something that we can look back and say on that particular day, we started a movement. What we've got to do is take this energy and this enthusiasm and we've got to actually put it to work. Because it's easy to go into battle with people you know, but when you go into battle with people you don't know and a lot of you guys sitting at this table I don't know, but we've got a common vision and we've got a certain amount of energy in this room. If we could just capitalize on that and move forward, this will be one of the best things that this area has seen. So I'm real excited about the future.*

Chairman Hank Henning: *Councilwoman Davis.*

Council Member Cynthia Davis: *Thank you. Thank you Greensboro for having us. Thank you County Commissioners for being here and colleagues of High Point, thank you also. I'm in support of everything that everybody has said around the room, but I'm not without question, thoughts or concerns. So my constituents expect me to keep the promise of being prudent, to be responsible with their dollars, and to be their voice. So if you'll indulge me, I'm going to go over some questions that I haven't completely been settled with and haven't had conversations. Even though I sent these concerns to all of you around the room, I wanted to make sure that those that haven't heard or don't understand my position hear those questions.*

On the thoughts and concerns of the proposal....

1. Have the other cities/towns within Guilford County been a part of the discussion?

1b. How do they feel about the proposal?

1c. Will they be able to contribute to the endeavor, monetarily or otherwise?

1d. Why are they not being asked to serve on the Leadership Council or the Business Advisory Council?

1e. Will they be asked to serve on the Rapid Response Team, as public officials?

2. Regarding the Rapid Response Team, how will the public officials be selected and will it include Elected Officials, other than the Mayors, who already play a role?

3. There is no detailed explanation of how the funds will be allocated, such as:

- * Salary
- * Sick
- * Vacation
- * Health Insurance
- * Cellular Allowance
- * Car Allowance
- * etc..

And I know those are details that some say we can work out later, but I can guarantee you that if this thing passes, you'll be asked by your constituents what are we paying the staff person when you leave here. Your answer will be, I don't know. To me that's not good enough.

4. Has there been homework done by staff as to the projected COSTS for:

* Engaging National and Local Public Relations and Marketing firms to conduct studies, etc.? No, we don't have that figure.

* Creation of Economic Development Strategic Plan for all of Guilford County, which will include strengths, weaknesses, opportunities, and threats Assessments? No, we don't have that figure either.

* Executing Branding and Marketing Recommendations? No, we don't have a cost estimate as to what that may be.

* Regular Travel Expenses to various site locations in other cities and stated in the proposal, as well as lodging, etc.? No, we don't have that figure.

* Creation and Production of "State of the Art" response materials? We don't have that figure—not even an estimate.

* Development of Project Tracking System Software? We know that there's a desire for the software, but we don't know the cost of that.

I would ask my colleagues to show me the same respect that I showed you when you spoke.

Concerns of additional monetary impacts or requests, due to a lack of costs estimate research prior to the proposal for a clear picture of expected costs regarding the proposal.

4b. There is no clear timetable or outline with projection dates for desired projects, which we desire to create and the money we intend to spend.

5. Marketing concerns on the limitations of High Point being able to create its own Marketing material for everyday Marketing. I'm sure that those details will be worked out once we determine what that will look like. So I'm a little more comfortable with that after having a conversation with Brent in the back of the room on Wednesday.

There are other concerns that you have received. I'm going to jump down to

6. How is the information from the Economic Development Partnership of North Carolina being disbursed now? Can we all not access that information and share information one with another?

Again, I would ask my colleagues to please show me the same respect that I will show you.

7. Has Randolph, Forsyth and Davidson Counties been notified on the High Points side of the efforts...been notified of High Point's efforts which may bear an impact, mostly positive, to their Counties? Basically, are we being good neighbors to inform them of this proposal, seeing how High Point lies in the counties due to annexations over the years.

7b. How will it impact future annexations on projects and endeavors moving forward?

8. If this proposal is approved today, updates throughout this process should be done every 2 months, until this venture is running smoothly and everything is in pace; then, phased down to every 4 months to ensure Elected Officials are accountable to their constituents.

Again, my biggest concern here today is not what we're trying to do. It's the lack of clarity in the figures, the numbers and the estimates that we should be able to give to our constituents when we leave this room. We know that we're going to put \$300,000 into a pot, but we have no line item detailed proposal as to how those dollars are going to be allocated and/or spent. That's where my concern is. In regards to the collaboration, we're working well together now. We have great leaders like Loren Hill in the back. Brent Christensen who has come on board and they began to work with each other and cover each other task by task. When we had a colleague out at the City of High Point, the Greensboro Partnership stepped in and covered those things. I think that we're working well now. A piece of paper says that we can't do it without paper. I say that we can do it because we're grown-ups. We're adults. We're men and women who are professional and we have set the bar high. We're doing it now. You can't force people to work together and a piece of paper doesn't ensure that. But what it does ensure is that we are professionals in this room who are capable of working together because we're doing it now. But those are just some of the thoughts and concerns that I wanted to share with you today and I hope that you will respect my position.

Chairman Hank Henning: Thank you Ms. Davis. Councilwoman Hill.

Council Member Alyce Hill: *I think this is a great day. I believe this Alliance represents a chance to take our economic development to an entirely new level. The type of pro-active, coordinated effort that we have been talking about has fantastic potential for all of our jurisdictions and I'm excited to see it move forward.*

Chairman Hank Henning: *Mr. Wagner.*

Council Member Jay Wagner: *There's not much I can say really that hasn't already been said by the rest of the group. I'm just kind of a cheerleader at this point. But I am happy to be a part of history in Guilford County. It is important that we're all here in this room. It is important that we're doing this today and that we are formalizing it in an agreement. And as to that, as a lawyer, I would say thank you to Loren and Brent because no lawyer could have got this on two sheets of paper. [laughter] If you trusted my profession, we'd still be reading. It took so many people all thinking together with the same vision to get us where we are today and there's so much thanks to go around the room. So on behalf of my portion of High Point, I want to say thank you and I'm very excited about the opportunity that we all have to work together to make our region better and stronger.*

Chairman Hank Henning: *Thank you. Councilman Davis.*

Mayor Pro Tem Jim Davis: *If we had this meeting in High Point, we would have provided you lunch. [laughter]*

Commissioner Carlvena Foster: *Exactly. That's right, Jim, more hospitable.*

Mayor Pro Tem Jim Davis: *I say that because that's kind of been the attitude that we've always had towards each other. But when I was Mayor, I had the opportunity to sit down with Mayor Vaughan and Chairman Bencini in these discussions in its infancy and I recognized early on how important that we needed to compete regionally and across the country by our neighboring cities and municipalities. So today I believe in this and I will be casting a vote of yes to support this resolution.*

Chairman Hank Henning: *Thank you. We'll move right into motions to approve the resolution. I'll turn it over to Mayor Vaughan, City of Greensboro.*

5. Motions to Approve the Resolution Establishing the Guilford County Economic Development Alliance

Mayor Nancy Vaughan: *I would like to do the honor of moving the resolution and I would ask for a second.*

Council Member Mike Barber: *Second.*

Mayor Nancy Vaughan: *Mrs. Johnson is out of town today and she does send her support. I know we can't vote for her in absentia, but she is in support of this proposal.*

Greensboro City Council, everybody in favor, please say Aye.

Mayor Nancy Vaughan; and Council Members Marikay Abuzuaite (At-Large), Mike Barber (At-Large), Sharon Hightower (District 1), Jamal Fox (District 2), Justin Outling (District 3), Nancy Hoffmann (District 4), and Tony Wilkins (District 5): Aye.

Mayor Nancy Vaughan: *Opposed? [none] That passes unanimously. [8-0 vote] [Mayor Pro Tem Yvonne Johnson was absent]*

Chairman Hank Henning: *Mayor Bencini.*

Mayor Bill Bencini: *Thank you Mr. Chairman. Before we get started, I would like to comment about Jim Davis when he was Mayor for High Point when we got started. There were some tough conversations early on and Jim and I, quite honestly, had a lot of serious concerns about where this was going. But Jim stuck with it as did other members of our Council. I would ask former Mayor, Councilman Davis, if he would do the honors of making the motion.*

Mayor Pro Tem Jim Davis: *I'd like to, Mayor. I would move that the High Point City Council support the Resolution Supporting the Establishment of the Guilford County Economic Development Alliance.*

Mayor Bill Bencini: *And Mr. Ewing, as our liaison to High Point Economic Development.*

Council Member Jason Ewing: *Second.*

Mayor Bill Bencini: *We have a motion and a second. All those in favor say Aye.*

Mayor William S. Bencini, Jr., Mayor Pro Tem Jim Davis (Ward 5); and Council Members Jeff Golden (Ward 1), Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4) and Jason Ewing (Ward 6): Aye.

Mayor Bill Bencini: *Opposed?*

Cynthia Davis (At-Large): *No.*

Mayor Bill Bencini: *That motion carries. [7-1 vote] [Council Member C. Davis dissenting] [Council Member Alexander was absent]*

**Resolution No. 1597/15-68
Introduced 11/20/2015; Adopted 11/20/2015
Resolution Book, Volume XIX, Page 68**

Chairman Hank Henning: *Thank you very much and for the Board of Commissioners, Mr. Phillips was integral from the beginning as well whenever you want to move forward with the motion.*

Commissioner Jeff Phillips: Thank you Mr. Chairman. I move that the Guilford County Board of Commissioners support the establishment of the Guilford County Economic Development Alliance as has been discussed today.

Commissioner Ray Trapp: Second.

Chairman Hank Henning: Second by Mr. Trapp. All in favor, say Aye.

Chairman Hank Henning (District 6); Vice Chairman Jeff Phillips (District 5); and Commissioners Carlvena Foster (District 1), Alan Perdue (District 2), Justin Conrad (District 3), Alan Branson (District 4), Carolyn Coleman (District 7), and Ray Trapp (District 8): Aye.

Chairman Hank Henning: Opposed? [none] **That motion carries.** [8-0 unanimous vote][Commissioner Kay Cashion was absent]

[applause]

Chairman Hank Henning: Thank you everybody.

Mayor Nancy Vaughan: We should say that City Manager Jim Westmoreland was out today, but his contribution to this can't be understated and we appreciate it and will certainly email him momentarily.

Mayor Bill Bencini: Mr. Chairman, along those lines we also have one Council Member absent, Latimer Alexander, who was a part of this process as well. But he had a choice to make whether to be present today or be on his anniversary cruise and I think he made the right choice.

Chairman Hank Henning: Commissioner Cashion was not able to join us today, but she wanted to express her sentiments of support as well.

With that, I'll entertain a motion to adjourn and everyone can get on with their media interviews.

6. Adjourn

The meeting adjourned at 2:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

DRAFT



FINANCE COMMITTEE

Committee Members: J. Davis, C. Davis, Hill and Williams

Chaired by Mayor Pro Tem J. Davis

October 28, 2015 – 4:00 p.m.

3rd Floor Lobby Conference Room

MINUTES

Present:

Committee Chair Jim Davis, Committee Members Cynthia Davis, Alyce Hill, and Chris Williams

Staff Present:

Randy McCaslin, Deputy City Manager; Brent Cole, Assistant City Attorney; Wendy Fuscoe, Core City Administrator; Jeron Hollis, Communication Officer & Public Engagement Director; Randy Hemann, Assistant City Manager; Angela Wynes, Transit Manager; Sherri Toney, Human Resources Benefit Analyst; Lee Tillery, Parks & Recreation Director; Tommy Reid, Fire Chief; Brian Evans, Assistant Fire Chief; Mark McDonald, Director of Transportation; Gary Smith, Director of Fleet Services; Garey Edwards, Director of Electric Utilities; Eric Olmedo, Budget & Performance Manager; Edith Brady, Director- High Point Museum; Carol McDowell, Assistant Public Services Director; Terry Houk, Director of Public Services; Robby Stone, Assistant Public Services Director; Jeff Moore, Director of Financial Services; Maria Smith, Deputy City Clerk, Lisa Vierling, City Clerk

Others Present:

Bill Moser, Architect- Moser Mayer Phoenix Associates; Chuck Bino

News Media:

Pat Kimbrough, High Point Enterprise

Chairman J. Davis called the meeting to order at 4:00 p.m.

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair**150336 Contract - Yates Construction Company - Highway 66 Sewer System Improvements**

Council is requested to approve final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Sewer System Improvements.

Terry Houk, Director of Public Services, explained staff is asking for Council's approval of the deduct change order in the amount of \$317,311.05. This is part of the Highway 66/311 water/sewer project in conjunction with the construction of the Ralph Lauren Facility. This will be a credit coming back to the city for the contract.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

150337 Construction Maintenance Agreement - Daveler Drive

Approval of a North Carolina Department of Transportation (NCDOT) Construction Maintenance Agreement for the resurfacing of Daveler Drive in the amount of \$4,212.83.

Mr. Houk reported that the City of High Point did some street resurfacing of Daveler Drive with a small 105-foot segment of the street being located outside the city limits and maintained by the NC Department of Transportation. He explained the Construction Maintenance Agreement would allow the city to invoice NCDOT for the actual cost for paving that short segment, which is estimated at \$2,500.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

150338 Disaster Related Debris Recovery Agreement- NCDOT

Council is requested to approve a Special Agreement with the NC Department of Transportation (NCDOT) for Disaster Related Debris Recovery Agreement.

Mr. Houk reported this is another agreement Public Services is asking Council to approve. The agreement basically states that the state will work with the city on debris removal and recovery with the city's contractor. He noted there is no money obligated at this point; this just allows the city to clean up the state streets after storm events. Committee Member C. Davis asked if it would be easier for the city to obtain the agreement versus the vendor obtaining the agreement from NCDOT and asked if it would increase the city's liability. Robby Stone, Assistant Director of Public Services, explained these agreements are fairly new throughout the State and noted a few months ago the Council approved an agreement for staff to retain a contractor to come in in the case of another storm even, so this contractor would be the one to make any repairs or

damages done to these right-of-ways. He further explained this agreement allows staff to collect vegetative storm debris from all the state roads within the municipal boundaries and the contractor would be responsible for making those repairs to the right-of-ways.

Committee Member Williams moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

150339 Transit Bus Replacement Order

Council is requested to award contract to New Flyer Industries for the purchase of fourteen (14) busses in the amount of \$6,862,109.73 to replace the current fleet that have met their useful life.

Angela Wynes, Transit Manager, reported this is a request to award a contract to New Flyer Industries for the purchase of 14 of the 15 buses that are scheduled for replacement in the amount \$6,862,109.73. She clarified that this amount also covers the spare parts, engines, transmissions, as well as special tools that will be needed to work on the buses. She explained this was a competitive procurement where PART was the lead agency with High Point, Greensboro, Concord, and Elon all participating. There were two bidders, with New Flyer being the lowest, responsive responsible bidder meeting the specifications.

Chairman J. Davis questioned the purchase of the 35-foot buses instead of the 40-foot buses. Ms. Wynes explained the city currently has one 40-foot bus being used on a particular route, but would not use 40-foot buses on any other routes. She explained the 35-foot buses would actually provide 38 seats for use. She noted these buses run on clean diesel fuel and are about the same as far as efficiency, and these buses are still rated as a 12-year bus. Committee Member C. Davis asked about what would happen to the old buses. Ms. Wynes advised these buses would be sold through Govdeals, an on-line auction service. She noted that federal funds would be available for 80% of the cost; with the city being responsible for 10%; and hopes that NCDOT will pick up the additional 10%, but they will not commit. Chairman J. Davis asked if the city would have enough funding available should the state not follow through with their 10% commitment. Eric Olmedo, Budget and Performance Manager, replied additional funds were available.

Committee Member C. Davis asked how much of the revenue received from the sale of the buses would come back. Ms. Wynes clarified that it depends on how much the buses sell for and explained if any bus sells for more than \$5,000, then 80% of those proceeds actually would have to go back to the Federal Transit Authority (FTA). The city would only be allowed to keep 20%.

Committee Member Williams moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

150340 Purchase of Police Patrol Vehicles

Council is requested to approve the purchase of ten (10) new 2016 Dodge Charger marked patrol cars from Ilderton Dodge Chrysler in the amount of \$275,750.00. These new vehicles will be purchased using federally forfeited equitable sharing funds.

Gary Smith, Director of Fleet Services, explained that Ilderton has extended the prices for the 2016 vehicles at \$27,575 (the price for the 2015 models) until the new contract comes out, which is to be awarded sometime in December. He advised that the Police Chief is using the federal forfeiture funds for this purchase. Committee Member C. Davis asked about the life of one vehicle. Mr. Smith explained officers are assigned vehicles for their use only and by doing this, they average somewhere between 10,000-15,000 miles a year; the life of the patrol cars was noted to be generally 8-10 years.

Chairman J. Davis asked about the rules for the police officers who take their cars home and shared that he observed a High Point Police vehicle in Climax recently.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150341 Purchase of Electric Department Aerial Bucket Truck

Council is requested to approve the purchase of a 125' Aerial bucket truck from Scott Powerline & Utility Equipment in the amount of \$540,000.

Garey Edwards, Director of Electric Utilities, explained this will be the replacement of a 15-year old truck. He explained Code requirements will make the linemen use higher poles and the age of the truck is resulting in maintenance problems, which has caused them to rely more on rental units that are costing anywhere from \$21,000-\$30,000 a month. Committee Member C. Davis questioned why this truck was not included as part of the budget. Mr. Edwards explained that he pushed for it this year because of the amount of transmission work coming up and a lot of the rental fees were a result of the existing truck breaking down.

Committee Member C. Davis stated she did not have a problem with replacing the truck because of the age, but expressed disappointment that it was not included in the budget which has resulted in the need for a budget amendment for an item that the city has spent tens of thousands of dollars for maintenance over the past few years. She noted she would have liked to have seen it replaced sooner.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150342 Budget Ordinance Amendment - Electrical Aerial Truck

Council is requested to adopt an ordinance amending the 2015-2016 Budget Ordinance to appropriate funds in the amount of \$540,000 to appropriate funds for an electric aerial truck replacement.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150343 Private Sale of Personal Vehicle - VIP for VIP

Council is requested to adopt a resolution authorizing staff to proceed with the transfer of ownership of a 2001 Dodge truck and a 2008 Pace trailer to VIP for VIP (Vehicle Injury Prevention for a Very Important Person), a non-profit organization that teaches High School students the importance of being responsible drivers.

Chief Reid explained the trailer was originally purchased by Old Dominion Freightliner and given to the VIP (program where they target high schoolers about driving and texting, etc....with the program being done all over the Piedmont). The VIP Program is now part of the Governor's Highway Safety Program. He noted VIP did not have a means to house the vehicle and trailer and could not insure it, so the City of High Point held the title and provided maintenance and insurance on it. He advised that now that VIP has grown in size, there have been quite a bit of donations coming in, so they are wanting to transfer the ownership to VIP and in doing so, the city will realize some savings in insurance costs and maintenance.

Brent Cole, Assistant City Attorney, explained although the word "donate" is used, it will actually be a sale to a non-profit under N.C. General Statute 160A-279. Committee Member C. Davis asked if the city should not try to sell the vehicle to try to recoup some of the insurance/maintenance costs the city has provided over the years. Chief Reid explained that VIP may not be in the position to buy the vehicles and this may jeopardize the VIP program. He felt this is a great PR tool for the community, much like the pink fire truck, and for what little bit of money has been spent over the years has been well served to the citizens of High Point.

Committee Member C. Davis suggested it might be necessary to change the title from transfer of ownership to something else since it was not truly a transfer. It was noted that the Resolution says "Approving Private Sale." Committee member C. Davis pointed out the memo itself probably needs to be changed because it says "transfer of ownership" and for the record, they need to match.

Chairman J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval and that staff change the wording in the staff memo to reflect the same thing as the Resolution (Approving Private Sale). Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150344 Interlocal Agreements with the NC Wildlife Commission

Council is requested to authorize staff to execute interlocal agreements with the NC Wildlife Commission for the purpose of construction, upkeep and routine maintenance of fishing piers located at the Arnold J. Koonce, Jr. City Lake and the Oak Hollow Lake.

Lee Tillery, Director of Parks & Recreation, explained these were two agreements for the construction of two fishing piers, with the NC Wildlife Commission assuming all costs for construction. The piers will become the property of the city once constructed. There will be no budgetary impact except for the routine maintenance responsibility. He clarified he received these agreements late and that the pier at Oak Hollow has already been constructed, but staff held off on the construction of the one at the City Lake until Council approved the agreement. This was approved by the Parks & Recreation Commission in October. Staff anticipates a very minimal maintenance cost involved.

Committee Member J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

150345 Cigna Healthcare Contract Renewal

Council is requested to authorize the City Manager to execute a twelve (12) month contract with Cigna Healthcare for healthcare coverage for city employees. Contract will be effective January 1, 2016 - December 31, 2016.

Sherri Toney, Human Resources Benefits Analyst, advised that Angela Kirkwood, Director of Human Resources, provided an update regarding this at the September 21st Briefing Session. She reported that this was presented to Council as a 4.9% increase in premiums for the 2016 plan year. Staff is asking Council to authorize the city manager to execute that contract and any related documents for the 2016 plan. Chairman J. Davis pointed out the Council had agreed to absorb 3% of the increase and would pass along the remaining 1.9% to the employees.

Committee Member J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150346 Budget Ordinance Amendment - Insurance Reserve Fund

Council is requested to adopt an ordinance amending the 2015-2016 Budget Ordinance for the Insurance Reserve Fund.

Eric Olmedo, Budget & Performance Manager, explained when staff set up the new Insurance Reserve Fund at the beginning of this fiscal year, the employee contribution revenue was not captured. He noted this would increase the total budget for the Insurance Reserve Fund to the \$14.56 million, which includes the \$13.8 million in the CIGNA contract and life insurance, employee wellness and other associated insurance items. Committee Member C. Davis asked if any portion of this would move the city towards the Self-Insured pool of money. Mr. Olmedo

explained the purpose of this is to start building the reserve fund to have some reserve if a decision is made to go self-insured.

Committee Member J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

150347 FY 2015-2016 Furniture Market Funding Agreement

Council is requested to authorize the City Manager or his designee to execute all necessary agreements with the North Carolina Department of Transportation (NCDOT) for the Demonstration Grant for the International Home Furnishings Market.

Mark McDonald, Director of Transportation, advised this is an annual agreement with NCDOT for funding transportation services during the spring and fall Furniture Markets. He noted this is a pass through item and has a neutral impact on the city's budget.

Committee Member J. Davis moved to forward this matter to the City Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

150348 Facade Grant Incentives Guidelines

Council is requested confirm the Facade Grant Incentives Guidelines.

Assistant City Manager Randy Hemann: *In essence, you approved four BID districts and this revises the guidelines to reflect those four BID districts, the districts where those are eligible. The only other change to this was some minor clarification on page 2, number 3, where we clarified it a little bit to cut out some confusion that the zoning overlay districts do apply as well. Just those guidelines will be part of the Façade Grant Review. So that's the only change made to this.*

Chairman J. Davis: *I thought that we were not including the overlay districts for Washington Street, that this was supposed to go to the four MSD districts. That was my understanding. So now you're saying that we are including it.*

Core City Administrator Wendy Fuscoe: *The Façade Grants are for three districts: Washington Street District; the Uptowne District; and the South Main District.*

Chairman J. Davis: *I know, but I think once we did an MSD district, it was Council's decision to do away with that and apply it to the MSD districts.*

Core City Administrator Wendy Fuscoe: *Same thing.*

Chairman J. Davis: *Well I had a conversation with JoAnne today and she didn't seem to think that this language needed to be removed. Brent, what's your take on it?*

Assistant City Attorney Brent Cole: *We did discuss that and I sent Randy an email earlier this morning. The overlay districts are still intact, but based off of the names and potential that some of the MSDs might not fall in the overlay districts and the fact that we didn't mention overlay zoning in the other two incentive grants, the Development Grant and Demo Grant, that we would recommend removing that language or adding it to the other MSD programs that requires it to be brought back to Council. So I didn't know....Randy and I had not talked, so I'm not sure if he had a chance to see it or not.*

Chairman J. Davis: *That's what my discussion was with JoAnne. So based on that, then I would say we either remove this language or we table this so that you can change the language in other MSD districts if Council agrees. The only other question I had was about architect and design fees. The way it was worded earlier, you could get additional funds for that.*

Assistant City Attorney Brent Cole: *That was changed as well.*

Assistant City Manager Randy Hemann: *I actually forgot to say that. That was changed as well to reflect some clarification on number 6 on page 3 it says design fees shall be included in and part of calculations for maximum participation.*

Chairman J. Davis: *So that's been changed?*

Assistant City Manager Randy Hemann: *Yes Sir.*

Chairman J. Davis: *Okay. Well you know my feelings on this. So what's the will of this Committee? We can either remove that language and send it down for a recommendation or we can....*

Committee Member C. Davis: *Well I have a whole slew of concerns. If we're going to change any of the verbiage at all, we're changing the document or what Council previously approved, so I think that outside of the finance aspect of it, it needs to come back to Council for any changes in wording anyway. But looking at the fact that there's no cap and the Grant Committee shows five members, which should be seven members.*

Assistant City Attorney Brent Cole: *This incentive program is different than the other two. So you haven't actually seen this one yet.*

Committee Member C. Davis: *Well good. Then I can do all of it, which is fabulous.*

Chairman J. Davis: *We also have a moratorium on this right now.*

Assistant City Attorney Brent Cole: *No new ones....*

Chairman J. Davis: *We can't approve any grants until we settle this.*

Committee Member C. Davis: *Because I have a problem with thein the attachments....*

Chairman J. Davis: *At the last Manager's Briefing, we discussed putting a moratorium on it.*

Deputy City Manager Randy McCaslin: *On façade grants?*

Chairman J. Davis: *Yeah, that money was supposed to be....*

Assistant City Attorney Brent Cole: *Outside of the four that had already been received?*

Chairman J. Davis: *Yeah, there were four that had already applied. Any additional was not supposed to be considered.*

Committee Member C. Davis: *On page 1 where it says the grant committee, it shows the number of members. It's five and should be seven. The grant committee members are appointed by the city manager. They should not be appointed by the city manager, but by Council.*

Deputy City Manager Randy McCaslin: *Are these your suggestions, or are you saying these are mistakes?*

Committee Member C. Davis: *Well these are the things that.... Jimmy says it's a new document, so we're discussing the item.*

Chairman J. Davis: *Are you talking about on the Council when we decided that we would expand the five to seven?*

Assistant City Manager Randy Hemann: *If you'll go to the very last page, there's a synopsis of all three grant programs. My understanding was the Building and Revitalization Demolition Grant and the Development and Incentive Grant had that committee, but this was one that had previously been appointed by the City Project folks and then transitioned so that the manager did it. I mean we're obviously happy to revise it anyway, but this was my understanding about who was doing approval. If you'll read that third column.*

Chairman J. Davis: *I think last year Council did that because I nominated somebody.*

Assistant City Manager Randy Hemann: *That was for the other two.*

Committee Member C. Davis: *Well then I'll continue with the conversation in regards to those members. If this is a new document and something that we haven't looked at, we might as well address them while we're here unless someone has an objection to doing that.*

Deputy City Manager Randy McCaslin: *I don't think we're ready.....*

Committee Member C. Davis: *We can go over the money aspect then, seeing how that's what we're focused on. The.....number one where it says a maximum of \$5,000 for façade, I'm fine with that because it does give a maximum. But then it says an additional \$50 per lineal foot. I don't have a big issue there. No heartburn. Any project receiving a grant exceeding a total of*

\$10,000 or more shall require approval of both the grant committee and the city manager. I really think that's something that should come back to Council.

Chairman J. Davis: *Let's go back to that. I thought....and correct me if I'm wrong....that you could qualify for a maximum of \$5,000. So if you spent \$10,000, you could get \$5,000 back. Is that the way that has worked in the past?*

Core City Administrator Wendy Fuscoe: *It is. What Councilwoman Davis is saying in the guidelines, it makes an allowance. If you have a very long building, then you can get additional monies up to \$10,000.*

Chairman J. Davis: *Just for an average building, \$5,000 is the max.*

Committee Member C. Davis: *Then it goes down to a.....let's see.....the grant administrator inspects the complete process and a check for half of the actual project cost up to the grant amount, whichever is less. But when I was talking with JoAnne today and she and I also had a conversation, I expressed a concern in regards to there not being a cap limit specified and she said, you know, that we could either table and continue to work on it and those sorts of things or what-not. But I'm not a big fan of paying somebody to take care of their property, so the details will be worked out between those that favor this item versus myself. But those are some of the things that I wanted to bring to the forefront. Then there's other considerations that I have that go beyond the Finance Committee. So unless we want to talk about those.*

Chairman J. Davis: *I think.....number 9 is what you're talking about. I think that's the way we've always done it, but don't they turn in receipts?*

Core City Administrator Wendy Fuscoe: *It's a reimbursable grant, so we don't pay out any money until I see that the work has been done and that they've already paid it out. So it's reimbursed.*

Committee Member C. Davis: *Wendy, what's the dollar amount that any one person would be receiving at any given time?*

Core City Administrator Wendy Fuscoe: *Normally what Councilman Davis said, \$5,000, but if they have a very long building, they could get up to \$10,000. The most that we've ever done....and right now I'm looking at one that we could pay out \$8,000.*

Committee Member C. Davis: *What about the design fees because it says the design and technical assistance are eligible for a 50/50 match.*

Chairman J. Davis: *We just changed that.*

Core City Administrator Wendy Fuscoe: *Nobody's ever.....*

Chairman J. Davis: *That's included into the \$5,000. What's the definition of a long building?*

Core City Administrator Wendy Fuscoe: *Time Square is a good one. There is a definition though.*

Chairman J. Davis: *Is it like a linear footage and it had to be so long to qualify for a long building?*

Core City Administrator Wendy Fuscoe: *Well if you're over.....*

Committee Member Hill: *If it exceeds 50 lineal feet.*

Core City Administrator Wendy Fuscoe: *If you build a façade exceeding 50 lineal feet, you may request an additional \$50 per lineal foot, up to \$10,000. We don't have many of those. Time Square is one and then I've got a building on S. Main.*

Committee Member C. Davis: *It comes back to the one that you just said was resolved, but I just wanted to make sure I'm clear when it says design fees shall be included in and part of the calculations for maximum participation. So even if they got one of the others, I just want to be clear so it's not going to turn out to be \$10,000, then 50% of the other.*

Core City Administrator Wendy Fuscoe: *No, it has to be.....you cannot exceed \$10,000. So if they wanted to get design fees, it's all part of the same....*

Chairman J. Davis: *Well I'm good with everything except for that little bit of language in there.*

Committee Member C. Davis: *I have other language that I'm concerned about. Is that something that you want to discuss now, or would you rather I hold it?*

Chairman J. Davis: *Well, it sounds like this is something that maybe....it's not a Finance item, it's a Council decision. Do you agree?*

Committee Member Williams, Hill: *I do.*

Chairman J. Davis: *In my conversation with Joanne today, she said that she could make these changes and have it available for Monday's agenda—depending on what we decide to do here. I don't know if I want to continue holding up the façade grants for that language change. So if everybody's agreeable to have JoAnne and Brent work on that language, then I would be agreeable to put it on Monday's agenda. If not, we'll just table it and put it on maybe the Planning & Development Committee.*

Deputy City Manager Randy McCaslin: *But JoAnne said she could have the wording available on Monday, so if it's okay with y'all then we'll just go ahead and move forward.*

Chairman J. Davis: *Well we'll just pull this item and we won't put it on the consent agenda. We'll just have it as a separate item.*

Committee Member Hill: *So the other two....since you're talking about the committee where it increased to seven, it still has five in this chart. So just for informational purposes.*

Assistant City Attorney Brent Cole: *Well is that something that you would like to see? Because we really were looking at those two as separate and this one based on the function.....*

Committee Member C. Davis: *It was all. Jeff's motion included all the committees pertaining to the MSDs. The six wards and the mayors appointment and the Council makes those appointments, not the manager. And everything is supposed to come back to Council.*

Assistant City Attorney Brent Cole: *That will change the structure of the way this is set up with the manager having the approval and what not and the way the facades are set up, so we're just going to mirror the other two incentives and make that....if that's what you want to see out of this one.*

Assistant City Manager Randy Hemann: *These have been handled differently in the past, I think, so we could have people with architectural and preservation experience on the committee.*

Chairman J. Davis: *We can still use that as criteria.*

Committee Member C. Davis: *The recommendations can still come to Council and they can still consider those recommendations, whoever those individuals are. But the appointments would come from Council and not from staff.*

Core City Administrator Wendy Fuscoe: *If I could just say, for the façade grant we're looking at a little bit of a different expertise than we are for the other two. We are looking at, like Randy said, historical preservation. The other two are really more developers, property owners, so I think there is a sound reason to keep the two committees somewhat different because you want different expertise.*

Committee Member C. Davis: *Well it's already been voted on by this Council. The recommendation was made by Jeff and seconded by Councilman Davis that we would have seven on all of them and those appointments would come from this body. So it just needs to mirror that.*

Deputy City Manager Randy McCaslin: *Was that done at last meeting?*

Chairman J. Davis: *No, it's been a couple of meetings ago.*

City Clerk Lisa Vierling: *It was the September 17th meeting.*

Assistant City Attorney Brent Cole: *My understanding of that motion was that it dealt purely with the Downtown Districts.....the two development committees dealing with that district. So if that motion was made to include any committee dealing with any improvement, incentive program then we'd have to go back and make sure that was what was made. That was not my recollection of it.*

Committee Member C. Davis: *Well that's okay because what we're talking about is recollection. The motion that Jeff made at that September meeting was for members and everything to go up to seven and not to five. We never really actually voted on the revitalization demolition grant or the development incentive grant because the conversation was around members. We never, ever really actually passes these because the conversation that was heated and ongoing was about membership. So through the sidebar conversation between Mr. Ewing and myself and Jeff and Mr. Alexander and Jim and Bill and all that going on, the motion was for membership. There was no conversation and Jeff is going to look at the minutes because he said that he would not support the 100/80/60/40/20, but he would support something less along the lines of 50/40/30/20/10. But, you know that's a conversation for another time.*

Chairman J. Davis: *That's beyond the scope for this committee.*

Committee Member C. Davis: *Well it needed to come out in this conversation.*

Chairman J. Davis: *We can work those details out Monday.*

Committee Member C. Davis: *Because those two items could be added back to the agenda to ensure that they're passed.*

Chairman J. Davis: *Alright, so.....*

Committee Member C. Davis: *Do you need a motion?*

Chairman J. Davis: *Then the motion will be that staff and legal will get together and change the language for the Façade Grant Program to be on Monday's agenda for Council's review and/or approval.*

Committee Member Hill: *Second.*

Chairman J. Davis: *I have a motion and a second. All in favor, say Aye.*

J. Davis, Hill and Williams: *Aye.*

Chairman J. Davis: *Any opposed?*

Committee Member C. Davis: *No.*

[3-1 vote]

For clarification, Mr. McCaslin asked if the façade grants that were just awarded would be moving forward to Council. Chairman J. Davis agreed that the four already awarded would be honored, but no additional ones would be considered.

Pending Items**150284 Budget Ordinance Amendment- Little Red Schoolhouse**

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

Deputy City Manager Randy McCaslin: *You have some representatives here on the Little Red School House. I didn't know if you wanted to bring it up out of pending or not.*

Chairman Jim Davis: *It's not an agenda item. What's the will of this committee? Do you want to talk about it? I'm okay with talking about it.*

Committee Member Hill: *well I'd hate for them to come up here and sit and us not discuss it.*

Chairman J. Davis: *what's your feeling Cynthia?*

Committee Member C. Davis: *That's fine.*

Chairman J. Davis: *I'm going to open the door then. I will tell you that we've had several conversations and I received an email from Bill in support with 15 signatures and Randy #2 sent an email suggesting a grant program. I have...I'm going to be honest, I have received several emails from the public and especially last night and today. I have received four which I forwarded to the manager, that are not in support of the Little Red School House and I thought there might be an article in today's paper, but there was not. So we had a flurry of emails today. So with that being said, give me what you've got.*

Edith Brady: *I think we're still....as Director of the Museum, the Little Red School House falls under my responsibility and because it is a historic county landmark, I'm supposed to be making sure that it is maintained to historic preservation levels. So I have to figure out some way to make that happen. We had a request to put it on the two-thirds bond issue and that didn't work, so I've gone to the Historical Society and tried to get them to support it and they have agreed to raise half of the funding for it. So I'm not sure I have anything else to add to what has already been added. I'm just trying to fulfill my duty with this, but we do have the architect here, Bill Moser, who put together the plans that we took to the Guilford County Historic Preservation Commission to get the Certificate of Appropriateness from them. He is much more qualified than me to answer technical details so I did want you all to have the opportunity to speak with him and ask any questions in case you have technical questions that I'm not as indepth to answering.*

Bill Moser: *Having been to the Historic Preservation Commission, they have reviewed the proposed work, which essentially is to relocate it from its present site to the grounds and to place it adjacent to the other historic structures at the Museum. We have received a number of cost estimates from contractors and we've put together our opinion of costs. We initially thought that perhaps we wanted to take it apart. It's a relatively small structure and then reassemble it,*

rather than lifting it and moving it as with a house mover. The Historic Preservation Commission did not like that idea at all and they tabled our proposal. So we went back and obtained additional costs to move it intact. The building is not functional at this point. The air conditioning condensing unit was stolen so the facility is not habitable. It continues to deteriorate and I think from what I understand as having helped so far is that the Museum would like to take it over, would like to be responsible for it. It is currently owned by the City of High Point as I understand it. They are willing to become the stewards of the property, but can't afford to do it all themselves. So that's where we are.

We've prepared the plans. The City Engineering Department helped us with the survey information. We have sort of detailed schematics for the relocation and they've raised some funds. They feel good about taking on this project, but they want to do it through a partnership with the City.

Edith Brady: The Historical Society right now is just shy of \$25,000 at this point that they've raised. And they have had other people....the question that we keep getting and I brought this up before, is there have been people who have also indicated that they may be willing to support it, but they are waiting to see what the City is going to do. So I don't know anything to tell them. So I'm kind of stuck right now where I can't really do much else.

Bill Moser: It's really a chicken and egg situation.

Committee Member Williams: I've got a question. When we're talking about transporting it, you've got to shore it up first and then transport it. Is it an all or nothing we're talking about, or can you do that part, then work on getting it.....

Edith Brady: Yes, and that's basically how we looked at it and Bill kind of broke that out for us in Phase 1 and Phase 2. Phase 1 would be just getting it moved over and stabilized basically so it's not going to get any worse than it is right now. It will be on our campus and we can watch it every day and then the second phase will be going back and doing the full restoration of the building.

Committee Member C. Davis: The first phase was what? About \$98,000?

Bill Moser: Phase 1 was \$95,000 and change and Phase 2 was \$93,000. It's about 50/50 in terms of cost.

Chairman J. Davis: Someone sent me an email a couple of weeks ago. They gave me the history and I may be wrong, but I think the Preservation Society was the ones that originally moved the building and paid for all that and donated it to the City? Is that correct?

Edith Brady: They did move it and I actually think....I've not been able to get this figured out, but I think actually the City has always owned the building because the building was built by the City schools and by the time the County school system took over the City schools, they weren't using the building anymore. So I'm not sure it ever left the City's ownership and I have not done extensive research to figure that out. But I've never seen a reference to anybody else owning it.

So I think it actually was always owned by the City, but the Preservation Society were the ones that initiated and paid for the move out to Lexington over where it is now. And they are completely separate from the Historical Society. It's a totally different organization.

Committee Member C. Davis: *Mr. Moser, if the building were took apart, and just for the record for those who may be inquisitive in the room, how much less of a cost would it be to move it one board at a time?*

Bill Moser: *Well, in looking at the total of \$190,000, what we were trying to avoid was the disruption, the power line relocations, the house mover having to pick it up, the stabilization of it before you move it....and to answer your question, you'd probably save \$10,000 by taking it apart and moving it. The problem that the Historic Preservation Commission had with that is was they felt there would be collateral damage by taking it apart and there would have to be considerable more reconstruction done. Of course their purview is, of course, to try to preserve rather than to replace and replicate. So that's why they said it would be better. They wouldn't give us approval.*

Chairman J. Davis: *Outside of staff, we have Pat and Chuck here in the room. Would either one of you like to contribute your thoughts on the Little Red School House for public opinion?*

Pat Kimbrough: *No.*

Committee Member C. Davis: *Do you have any additional information on Little Red?*

Pat Kimbrough: *No. [laughter]*

Chairman J. Davis: *Can we quote you on that?*

Pat Kimbrough: *Yes.*

Chuck Bino: *My name is Chuck Bino. I've been following this sort of closely. I have a couple of questions for the architect. Do you agree with that groups assessment that board by board it's not advisable to move that?*

Bill Moser: *Well, it's not whether I agree with them or not. They're sort of the 300 pound gorilla. We suggested, our structural engineer and with our recommendations, we went before them and said no larger than this facility is, it's going to be much more convenient (translation, less expensive) to take it apart in as large of pieces as possible, set it on a flat boy truck, move it 200-300 yards and then put it back together because it's a relatively small structure. They didn't like that, so they wouldn't give us approval.*

Chuck Bino: *Well I share a concern with them that if it's that fragile why in heaven's name do you need to move it?*

Edith Brady: *Well if it stays where it is, it's going to fall apart. I mean that's our biggest concern is that we've not been able to maintain it and keep an eye on it because there is no staff*

there by the building where it is now. Whereas if we move it to the Museum campus, then it's right there on our campus where we will see it and use it every day. And where it is now, it is just far enough away from the Museum where we aren't really able to have visitors go in it. The public can't really use this space. So in order to be able to better maintain it and to better care for it and make it more accessible to the public, we're going to have to move it. That's the reason.

Chuck Bino: *I noticed that up to maybe \$200,000 was estimated without lifting a nail or a board. You and I....we all know that it's probably going to exceed that. So my final question is if it's of such an emotional, historical, significant value to the alumni who attended it, where are the donations?*

Edith Brady: *Many of them have donated. And we have...like I said the Historical Society has raised just shy of \$25,000 at this point. They have also received a small donation from the family of the architect. The family of the architect, I feel, from the conversations we've had is willing to do more, but they don't want....they're waiting to see what the City does first. The feeling that we get is because the building is owned by the City, people are nervous about putting up that money without the City having made any formal commitment to the building—not to the building, but to this project. To the move and restoration.*

Chuck Bino: *Well it makes sense to some of us that if that's what they want, then why not a matching amount? Every time they come up with another \$10,000, the City commits to another \$10,000.*

Edith Brady: *Right, and that is basically where we are. That's what we're trying to get to.*

Chairman J. Davis: *I think that's what they're proposing.*

Edith Brady: *Yeah.*

Committee Member C. Davis: *Well, I'll be honest, the people that have talked to me about the Little Red for conversation sake, they don't want us to spend any money on it because if you take the \$100,000, roughly rounding up, and it got up to \$200,000, that could be five new police cars. That could be \$100,000 that we use someplace else, some way else and if it was the desire of previous Councils to restore this building, it would have been done by now. So obviously it's been passed from Council to Council up to this point. The people that have spoken to me just don't see the need to do that and I sort of echo Mr. Bino's sentiment in regards to those who have attended and those who desire to see the structure intact to come forth with their dollars to take care of it, you know, because citizens have other concerns besides the restoration of a building that's been left unattended and unmaintained for so long.*

Committee Member Hill: *And I hear what you're saying and I agree with that, but I also think that the match...*

Committee Member C. Davis: *Not my thoughts.*

Committee Member Hill: Right, right. The match kind of takes both of those aspects into consideration and that's why I think it's a good proposal. Because, yes those who want to see it happen do need to do their share. But, yes we own it and if it's in disrepair it's because we haven't taken care of it. So, you know, we talk about property owner's obligations.

Committee Member Williams: I would consider the first phase as a match as far as the shoring up and moving it for that same reason. I kind of mulled back and forth over it because she actually makes an excellent point. I hear the same things and we definitely have other problems other than that. I think when we had the conversation in the Manager's Briefing when they were talking about the extra funds that happened to be there, that if we were to do anything I think I could see us following up with a match for the first phase.

Chairman J. Davis: Why don't we do this? Why don't we direct staff to put the proposal together, as a matching grant and how it will work and then put it on our next Finance agenda. Can we do that?

Assistant City Manager Randy Hemann: That's for the move only? Or is that for both phases?

Chairman J. Davis: Well, the whole thing. I think we need to have something in place for the whole thing.

Committee Member C. Davis: Do you want to see it broke down into two or three options?

Committee Member Hill: Maybe break it up by cost, the move portion and the other. Then we can do the whole or....

Committee Member C. Davis: Because we know the move is \$95,000.

Chairman J. Davis: Well if you move it, you've got to do the site prep and the foundation and you've got to shore it up.

Committee Member C. Davis: That was all included in the \$95,000.

Bill Moser: You would not be able to occupy it because of all the other work that is required, which is in Phase 2.

Chairman J. Davis: So should we put a time frame on it? I mean, like you know, because you've got \$23,500 in that and if the City commits and you say that people will start stepping up to the plate and six months or nine months later you've not raised \$4,000-\$5,000 extra do we pull the plug and say this is not working, or do we just leave it out there.

Edith Brady: I think as long as it's a reasonable time line, I don't think it's a problem.

Committee Member C. Davis: We can make the time line July 1, or even June 1st which would be when we start looking at the budget items again.

Edith Brady: *I think that's fine. I think that would be reasonable.*

There being no further discussion, the meeting adjourned at 5:07 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Maria A. Smith
Deputy City Clerk

Jim Davis, Chairman

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance to Demolish – 303 Kennedy Avenue

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: No

Advertising Date:

Advertised By:

Attachments: A. Staff report
B. Ordinance to Demolish
C. Map
D. Photos

PURPOSE:

A request by Planning and Development – Inspection Services to adopt an ordinance authorizing the demolition of a single family dwelling located at 303 Kennedy Avenue.

BACKGROUND:

After a Notice of Violation was issued and a hearing held, an Order to Repair or Demolish was issued on August 19, 2014. No action occurred by the compliance date of November 19, 2014. The necessary repairs to the dwelling exceed its current tax value and demolition is warranted.

BUDGET IMPACT:

Funds are available in the Department budget for the demolition and asbestos testing of the structures(s), and for the asbestos removal if present.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the adoption of the requested ordinance to demolish this single family dwelling based upon the enclosed staff report

PENDING ACTION:

The ordinance becomes effective 30 days from the adoption date. If there has been no action by the property owner by the effective date of the ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, then the City places a lien on the property.

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES DIVISION
HOUSING ENFORCEMENT**

ORDINANCE

REQUEST: Ordinance to Demolish

PROPERTY

ADDRESS: 303 Kennedy Avenue

OWNER: Steven L and Jeannie Shamka

**FIRST
INSPECTION:**
8-5-2014

Summary of Major violations:

- Rotten roof system; rafters and roof covering
- Rotten, damaged floor system
- Unsafe electrical; missing wiring
- Missing and damaged plumbing fixtures
- Inoperable, damaged heating system
- Rotten interior walls and wall supports

**HEARING
RESULTS:**

8-19-2014

The owner did not appear for the hearing to discuss violations. During the hearing, the following findings of fact were established. There are numerous violations of the Minimum Housing Code. There are structural violations creating an unsafe dwelling. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value of the structure. The Guilford County Tax value of the dwelling is \$23,100.00. The repair estimate is \$46,050.00

**ORDER(S)
ISSUED:**

8-19-2015

Order to Repair or Demolish
Compliance Date: 11-19-2014

APPEALS:

No appeals to date.

**OWNER
ACTIONS:**

There have been no permits issued and repairs have not started.

EXTENSIONS:

None requested

**CURRENT
STATUS:**

Conditions remain the same.

AN ORDINANCE REQUIRING THE INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with Code of Ordinances and Article 19 of Chapter 160A of the General Statutes of North Carolina.

PROPERTY LOCATION

303 Kennedy Avenue
High Point, NC

OWNER (S)

Steven L and Jeannie Shamka
205 Rivermeade Drive
High Point, NC 27265

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 7th day of December 7, 2015
Lisa B. Vierling, City Clerk



303 Kennedy Avenue



303 Kennedy Avenue



303 Kennedy Avenue



**MANAGER'S BRIEFING SESSION
HIGH POINT MUNICIPAL BUILDING
NOVEMBER 16, 2015 – 3:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

MINUTES

Present:

Mayor Bill Bencini; Mayor Pro Tem J. Davis (Ward 5) (joined the meeting at 4:00 p.m.) and Council Members Cynthia Davis (At-Large); Jeff Golden (Ward 1); Chris Williams (Ward 2); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6) (joined the meeting at 3:14 p.m.)

Absent:

Council Member Latimer Alexander (At-Large)

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Eric Olmedo, Budget and Performance Manager; Jeron Hollis, Communications & Public Engagement Director; Mike McNair, Director of Community Development; Loren Hill, Economic Development Director; Thanena Wilson, Community Development Administrator; William McNeil, McNeil Planning Solution; JoAnne Carlyle, City Attorney (joined at 4:00 p.m.); Tom Tricot, GIS Manager; Maria Smith, Deputy City Clerk, Lisa Vierling, City Clerk

Others Present:

Glenn Chavis, Ed Terry, HPRAR; Dr. Stephen Sills, UNCG; Martin Lanser, UNCG, CHCS Project Manager; and Lynn Cochran, UNCG, CHCS Project Assistant

News Media:

Pat Kimbrough, High Point Enterprise

Handouts:

- *Market Segmentation Study- UNCG*
- *Analysis of Impediments to Fair Housing Choice*
- *Fair Housing and Human Relations*

Note: These handouts will be incorporated and attached as a permanent part of these proceedings.

Greg Demko, City Manager, opened the meeting with a brief background about staff's trips to Boston and Detroit to learn about housing issues. Mike McNair, Director of Community Development continued with the agenda.

1. Report from UNCG/Housing Study

Mike McNair, Director of Community Development, introduced Dr. Stephen Sills, Associate Professor of Sociology Director, Center for Housing and Community Studies, Office of Research and Economic Development, from The University of North Carolina at Greensboro (UNCG).

Prior to Dr. Stephen Sills making his presentation, he introduced his colleagues: Martin Lanser, CHCS Project Manager and Lynn Cochran, CHCS Project Assistant. Dr. Sills continued with first and second briefing. He stated that UNCG's focus is on housing and the community. The goal was to create a data driven neighbor market index. He then shared the timeline for the project that has been on-going for the past six months. A delivery date of December is anticipated for the final report and presentation of findings. Dr. Sills shared three themes they discovered from past High Point planning reports.

<u>First theme:</u>	<u>Funding issue</u> and (how should limited resources best be used)?
<u>Second theme:</u>	<u>Vacant and substandard housing.</u> Since the 1960s there have been vacant and abandoned buildings, substandard buildings that need some kind of systemic repair.
<u>Third theme:</u>	Revisions to the code, and how do we enforcing the code and targeting the code enforcement?

Dr. Sills noted that there are 70+ variables including social, demographic, market, and community variables at the block group level. Some of the factors that affect this are: crime, transience, zoning, percent, single-family vs. multi-family, supermarket access, social vulnerability, school proficiency, poverty, labor market engagement, job accessibility, health hazards exposure, and transit access. Then there are 20+ parcel level indicators (housing market characteristics vacancy and abandonment, delinquent taxes, code violations, housing stock condition, property records, tax delinquency records, crime data, water and electrical shut off by address, code enforcement by address).

Data was compiled to create a neighborhood profile for all 32 block groups. For each variable maps were created at the City Core level and the neighborhood level. Descriptive analysis explains overall patterns seen for each indicator at City Core and neighborhood levels. Dr. Sills shared results for block group 143.02. Some of the outliers in data were as follows:

- 99 percent rental
- 90 percent poverty rate
- \$9k Median Household income
- 51 percent population under 18
- High rate of violent crime (9.5 calls per 1000)
- Median rent has doubled in the last 10 years

Nine Census tracts were studied containing 8,817 acres, 13.78 square miles, 15,339 properties with 9,577 different owners. Much of this data was gathered by Remote Visual Assessment with

consideration of things such as They considered things such as whether or not a structure was on the parcel, uses, types of residential structure, signs of deterioration or damage, fire damage, if the structure is open to trespass, and signs that the structure is occupied.

Vacant lots are lost opportunities for tax revenue on improvements to lot or use as community spaces (e.g. urban gardens, parks, or re-development). Around 29 percent of all structures had damage that could be seen from the streets and 176 with fire damage. Overall, 31 properties were flagged as requiring demolition, 643 were rated as poor condition, and 2,674 needed some kind of minor repairs. An example provided was property located at 414 Ennis Street. Demolition and rehab results and opportunities for increased neighborhood values. Damaged properties are opportunities through targeted code enforcement, rehabilitation and use, or demolition and redevelopment. Properties in this category had a taxable value of \$201,950,500. which included 907.45 acres.

This data can be used to: identify individual opportunities, and look for “low hanging fruit,” develop property scoring matrix to prioritize investments, inform and target code enforcement. Dr. Sills then shared some examples of these using census tracts. Infill opportunities for higher density in neighborhoods and revisions to the code can enhance value.

Dr. Sills then reviewed the market segmentation analysis data. Market segmentation strategy which involves dividing a broad target market into subsets of consumers. He aggregates the data from the census down to the city level and brings the parcel data level up to the neighborhood level and looks at it all together. He states market segmentation is the buyers, the kinds of buyers, and how we market to them? Dr. Sills mentioned the Geospatial market segmentation. He also noted that UNCG is following Alan Mallach's concept for Market Segmentation with the Center of Community Progress. Dr. Sills worked on a 17 variables program: green was a positive effect on the home while red was a negative effect for median value. Stable market use was the tactical code enforcement/Functioning markets, neighborhood action plans/Constrained markets, assess based micro plans/Weak market tracts, property acquisition/Extremely weak, blight elimination plans, wholesale redevelopment.

Dr. Sills recommended within a given redevelopment area there is a need to focus on “constrained markets” over “weak” ones. There is little need for code enforcement in stable markets. Functioning markets appropriate targets for stabilization efforts to maintain values. In constrained markets, detonation may occur due to speculation and other constraints appropriate targets for stabilization efforts. In weak market tracts, some clusters appropriate targets for stabilization. Extremely weak tracts are inappropriate targets for stabilization. While residents need adequate public services, wholesale redevelopment/rehab would be needed.

Moving forward, Dr. Sills suggested molding the proposed High Point dashboard after the Quality of Life Explorer that Charlotte/Mecklenburg has. Dr. Sills built this website and provided it for Council and staff to view: <http://mcmap.org/qol/> They wanted to take a live stream of data shared between departments and allow a second tier of access that the City would have. The City would be able to access the raw data. The public view, community groups, realtors, developers, and public officials can create queries.

Dr. Sills shared the following five items moving forward:

- 1) Studying (Continue to develop additional instruments and tools to visualize neighborhood-level data for informed and targeted decision making (QoL Explorer).
- 2) Listening (Plan for charrettes with community: residents, landlords, community/neighborhood leaders, developers, investors, realtors, and housing/planning professionals.)
- 3) Reclaiming (Strategic demolition of vacant parcels, and consolidation of multi-parcel packages for redevelopment "land-banking".)
- 4) Budgeting (Resources are required for targeted stabilization and code enforcement in weak and constrained markets while exploring long-term funding/financing for extremely weak markets, e.g. grant-writer.)
- 5) Partnering (Explore public private partnerships with private investors, as well as habitat and other non-profits to leverage limited resources.)

City Manager Demko shared that part of this that came about as a result of the Boston summit. Staff will be talking about tools to advance these programs and is doing an inventory on all the authorities the City has. There will be many conversations over the next several months regarding what options can be used to target the areas. Mr. Demko asked Dr. Sills to come back and review the data in more detail for Council.

(Mayor Pro Tem J. Davis and City Attorney JoAnne Carlyle joined the meeting at this time.)

2. Review of the Analysis of Impediments

William McNeil, Senior Advisor, McNeil Planning Solutions, began his presentation on "Analysis of Impediments to Fair Housing Choice." He noted this was adopted by Council in December 2014 and is year one of a five-year effort. The Federal Fair Housing Act of 1968 makes fair housing the law of the land and all sorts of activity involving housing is covered nationally under this ACT. (i.e. Housing transactions, renting, selling, brokering, etc...) HUD has changed its rules about how fair housing should be conducted.

The Fair Housing Act of 1968:

- Prohibits discrimination based on:
 - Race
 - Color
 - Religion
 - National origin
 - Disability
 - Family status
 - Gender
- Disparate treatment, disparate impact
- HUD delegates enforcement of Fair Housing to only five governmental jurisdictions: Charlotte, Durham, Greensboro, Winton-Salem, and Orange County. All other complaints are funneled through the NC Human Relations commission for mitigation.

Mr. McNeil reported on a Federal Supreme Court decision in June of this year where the Supreme Court found in favor of some complainants in Texas who alleged that the State of Texas Housing and Finance Agency had over a period of years been administering this program so that most assisted housing ended up in the same poor areas. He explained it is both disparate

treatment at the individual level and it also prohibits disparate activities that lead to the location at any racial or other minorities resulting in unfair treatment.

HUD is responsible for carrying out Fair Housing and has enforcement authority on its own. HUD has delegated enforcement authority to five jurisdictions in North Carolina: Charlotte, Durham, Greensboro, Winston-Salem, and Orange County. All other jurisdictions turn to the North Carolina Human Relations Commission with Fair Housing complaints.

High Point receives approximately \$800,000. in CDBG funding and \$400,000. in HOME funds. By receiving these Federal Funds, the City must meet obligations and requirements in Federal Law and in rules to follow and affirmatively further Fair Housing. This involves preparing an analysis of impediments, carrying out activities identified in the annual action plan to affirmatively further Fair Housing. Staff is also required to file a CAPER (consolidated annual performance evaluation report).

Mr. McNeil reported that High Point joined a regional effort last year to hire a consultant to come up with a plan. He noted HUD's updated data tools also encouraged a regional approach. HUD provided a lot of data tools that focused on looking at areas with high poverty and high degrees of racial and concentrations. These are referred to as Racially Concentrated Areas of Poverty (RCAPS). These data tools are helpful in many areas of opportunity (i.e. quality of schools, engagement of the labor market, presence or absence of environmental problems, access to community services, etc...). It also calls for local strategies to address local issues, as well as an accountability mechanism that must be reported.

The major issues that were pointed out were that High Point population is growing and becoming more diverse. Patterns of segregation and poverty persist in the City. The RCAP identified that people in protected classes have inferior access, poor access to higher opportunities such as good schools, good jobs, shopping, services, and members of the protected classes are more likely to be concentrated in low opportunity areas. There is very little affordable housing in the higher opportunity areas and over 60 percent of the HUD assisted housing is located in the low opportunity areas so it is obvious that they are facing severe housing challenges.

Mayor Pro Tem J. Davis pointed out most of this is due to it being market driven and questioned how the market could be changed? Mr. McNeil replied that the City does control a small segment by deploying Federal HUD Funding through CDBG and HOME monies. The City has the ability to influence where assisted housing is placed and there are incentives that can be used to mix the income.

Mr. McNeil stressed the importance of the identifying those high concentrations of segregation and poverty areas. According to the map, red areas in the seven Census tracts have over 40 percent poverty and 50 percent racial minority; the orange areas in two of the Census tracts are close behind. The RCAP analysis recommends keeping a watch on the yellow (moderate opportunity) and the orange areas (low opportunity) while paying attention to the red areas. The yellow areas indicate moderate opportunities; green areas indicate highest opportunity areas and the red indicates lowest opportunity.

Mr. McNeil followed-up with the following three big priorities in this analysis:

- 1) Better access using the Hi-Tran public transportation to get people to jobs.
- 2) Stimulate more affordable and accessible housing, both for rental and for sales in higher opportunity areas.
- 3) Generate more employment opportunities near RCAP areas.

Mr. McNeil then highlighted and reviewed the following Goals and Strategies:

- 1) Better access to high-opportunity areas for lower income households, especially protected classes.

- 2) Expand affordable housing in higher opportunity areas

Mr. McNeil elaborated on the following strategies:

Strategy #3 Incorporate the Site and Neighborhood Standards criteria of the HOME program into the local site selection process. Strategy #4 Partner with High Point Housing Authority to strategically select parcels for the affordable rental housing development in higher opportunity areas. Strategy #6 Provide market-based density bonuses and other incentives to encourage mixed income residential development. Strategy #7 Explore establishing a local affordable housing trust fund.

- 3) Increase awareness of fair housing.

Strategy #1 Continue City initiatives to provide fair housing education, outreach and training to five groups; i) CDBG staff, ii) city boards and commissions, iii) city department heads and elected officials, iv) private landlords, v) the general public. Strategy #2 Seek out immigrant populations with limited English proficiency for fair housing education. Strategy #4 Devise ways and seek resources to detect discrimination in the rental housing market, including conducting paired testing.

- 4) Improve the physical environment in RCAPs

He specifically mentioned Strategy #4 Study the feasibility of establishing a land bank in the City as a means of redeveloping parcels for residential and non-residential land use where existing infrastructure is available. Strategy #6 Develop an urban re-settlement initiative for younger age cohorts (25-34) with homebuyer incentives in older neighborhoods with lower cost housing stock. Mr. McNeil advised there are probably some good target areas where using a little bit of incentives such as the down payment assistance program to go along with other community development programs could be deployed to encourage a mix of incomes in these neighborhoods.

Mr. McNeil also suggested using CDBG funds to make improvements in strategic way in those RCAP neighborhoods. He complimented Council on the fact that they are progressing on a number of these strategies already.

Concluding his presentation, Mr. McNeil noted the next steps in moving forward are:

- Use Analysis and recommendations to inform the City's consolidated Plan for 2015-2019
- Include fair housing in Annual Action Plans
- City departments refine, implement strategies
- Keep on task, track activities throughout the year
- Report progress in annual CAPER

He then entertained questions.

Council Member C. Davis noted that Mr. McNeil mentioned land banking, which has prompted discussions by Council and at the same time he talked about dealing with the constrained properties and dealing with the higher performing ones. She expressed that her bigger concern is the red areas that have been around since the 1960s and suggested more attention be given to these areas so they do not have to use the transit system to leave their neighborhood and go elsewhere to work and to go to the grocery stores, etc.... She suggested the city could go in and buy cheaper land in these neighborhoods because of the obvious needs. She questioned how much longer the red areas would have to stay red and noted it was nothing but neglect.

Dr. Sills noted the proposals he has been looking at have two strategies and reiterated that it is not an "or" proposition, but an "and." He explained the constrained areas represent an immediate possibility to both stabilize the neighborhood and increase residents and in essence would put money in the bank that can be used for the long term development plans for the red areas. He pointed out a number of positive strategies are already happening in some of these areas such as the Southwest Renewal efforts and a lot of planning has gone into the areas that are moving towards red to turn it around into a green area. Some of the positive strategies mentioned were having a greenway, having shops come in, reclaiming the vacant industrial areas, strategic investment, young people, arts community, urban farming, but reminded Council that these strategies do take time.

He explained working towards this, the City has already deployed a Code, already has Code Enforcement available to assist in cleaning up blighted properties in the yellow and light green areas, turn those areas into higher tax revenue areas, reclaim some money and strategically reinvest it into the neighborhoods with the worst problems. He stated that one of the key things with fair housing is that with the recent Supreme Court shift, it could expose the City for litigation if some of the attention/resources are not moved to high opportunity areas in an effort to balance out what is partly a segregated City.

Mr. McNair explained that the key element at the core is the City has to pick and choose the areas to focus on. He mentioned the successful redevelopment efforts in the Macedonia area and noted that more than \$50,000,000 has been poured into this neighborhood to turn it around. Council Member C. Davis suggesting drawing a circle where there is an overlap in these areas so there is a "little bit of a little bit" and making an impact for a "little bit of everybody instead of just a little bit of somebody." Mr. McNair shared the data and analysis that is gathered would certainly help identify the areas that would be better targets for redevelopment and it would be better to look at the longer term impacts and putting the money in areas where it would make a difference. He noted that staff anticipates having regular briefings with Council to share updates.

Mr. McNeil noted many cities around the state and country are looking at redevelopment, sharpening their tools and applying them in a more precise way. He pointed out this is the reason for the move to use data to drive those redevelopment decisions.

City Manager Demko reiterated that these issues have been on-going since the 1960s and pointed out it will require a long-term fix, a 10-25 year plan to really address it. He noted this is something that staff will be looking at in next year's budget, but the other part of this would be getting started and having the necessary tools to do it systematically. He explained it would take a huge effort on staff's part to keep this data current and the data is an important part in measuring the progress. Mr. Demko advised that keeping the data current would come with a cost, with a goal for it to be real time updates. He hopes to have this ready for this year's budget process.

3. Fair Housing Intake

Jeron Hollis, Director of Communications and Public Engagement Director, provided a brief history on Fair Housing and Human Relations. He advised there are only four cities and one county in North Carolina that have HUD fair housing enforcement authority (i.e. Charlotte, Greensboro, Durham, Winston Salem and Orange County). The research conducted by Mr. Hollis also included a review of some other North Carolina "entitlement" cities similar to High Point with populations over 50,000, who receive more than \$500,000 in CDBG funding, and do not have HUD fair housing enforcement authority. Some of the other cities reviewed were: Raleigh, Fayetteville, Wilmington, Asheville, Concord, Gastonia, Rocky Mount and Burlington.

Some of these other cities did make some efforts to receive complaints/concerns, and dealt with them at the local level first. The research also indicated that these cities contracted with outside entities to conduct mediation and conciliation. Asheville, Burlington, Fayetteville and Wilmington have partnerships with a county or city-county Human Relations Commission (Asheville contracts out to receive, review and refer fair housing complaints; Fayetteville and Raleigh both have Fair Housing Review Boards that review complaints that the department has not been able to conciliate. Gastonia has a separate Fair Housing Office and a Fair Housing Officer to receive and respond to complaints.

As a short-term solution, Mr. Hollis noted that the Communications and Public Engagement Department will receive calls from residents regarding fair housing issues. This information will be captured in a database and forwarded to the Community Development and Housing Department, who will then determine whether or not the concerns are actually fair housing issues. The Communications and Public Engagement staff will then send the fair housing issues to the NC Human Relations Commission.

Mr. Hollis shared the goal is to have a respectful environment for both landlords and tenants in an effort to continue the City of High Point's commitment to customer service and resolving community concerns. He noted as Council addresses the changes to the Fair Housing Ordinance, direction is also needed as to how and if Council wants the Human Relations Commission and the Fair Housing Ordinance to interact.

Mayor Pro Tem J. Davis asked about the number of fair housing cases the City had last year. Mr. Hollis asked Mike McNair, Director of Community Development & Housing, to provide a ballpark figure based on the document they submit to HUD. Mr. McNair shared that it was reported to his department that 25 fair housing complaints were investigated. Mayor Pro Tem J.

Davis then shared some data from research that he had conducted on the number of homes that were actually rented out last year and it was between 25,000-30,000. He questioned the need for the city to spend a lot on resources since 25 cases was a very minute percentage compared to the 25,000-30,000 homes that were actually rented out in a year's time. City Attorney JoAnne Carlyle advised that there is uncertainty as to whether or not all of the 25 cases reported were actually fair housing cases.

Mr. Hollis clarified that the 25 cases that Mr. McNair mentioned actually came in through the City of High Point and they found out there was a lack of dialogue between the City and the State Human Relations Department. He noted that any resident could call the NC Human Relations Commission and that information was not coming back to High Point and vice-versa and this makes the information difficult to find.

Mayor Pro Tem J. Davis noted he asked some of the area real estate professionals about the number of fair housing cases that they had last year, of which they all said none. He then asked Ed Terry, representing the HPRAR, to share his experience regarding the number of fair housing cases. Mr. Terry replied there were not any that he was aware of and noted the problem they have encountered is that often the fair housing issues are actually minimum housing issues and this causes a huge problem because it takes the state up to a year to address fair housing issues. Deputy City Manager Randy McCaslin mentioned there were 300+ contacts and due to the lack of information, staff assumed the vast majority of these were minimum housing situations that were sent to inspections versus the 25 fair housing issues that ended up being reported to the state.

Mayor Pro Tem J. Davis advised that he has no problem with the fair housing issues being vetted through the Community Housing & Neighborhood Development Department for determination as to whether it was a fair housing or a minimum housing code issue, nor would he be opposed if staff contacting the state and filing it with them because it would be providing a community service, but he could not support the city providing a staff person to mediate, investigate.

Mayor Bencini asked how many fair housing complaints have been sent over to the Community Development & Housing Department since implementation of the short-term solution. Mr. Hollis replied that the short-term solution has only been in place for about a week now and since that time one of the complaints required additional review. He pointed out when staff gets the calls and get the information, the goal is staff can get these resolve so that it results in good customer service. He reiterated that the city is and will be an environment where the landlords as well as the tenants can feel like the issues are being thoroughly vetted and treated with the respect and professionalism that is expected. Mayor Bencini asked how long it would take to make a determination by staff as to if it is fair housing or minimum housing and Mr. McNair replied that it would not take long. He stressed the importance of not losing sight that the absence or presence of fair housing complaints tends to be a very small part of fair housing.

Mayor Pro Tem J. Davis suggested the city needs to change or abolish its Fair Housing Ordinance and take that ability away from the Human Relations Commission. City Attorney Carlyle agreed that this would be necessary if this is what Council decides because this is what is in the ordinance now. City Manager Demko reiterated that staff is currently taking the complaints and making the determination as to if it is a fair housing or a minimum housing issue

and if it is a fair housing issue, then pass it on to the NC Human Relations Commission. He noted if Council would like to continue this practice, then it would require a change in the current ordinance because the current ordinance does leave those powers with a different entity. Mayor Bencini felt this would certainly expedite the process and move it along as it needs to as opposed to not dealing with the complainant.

Council Member Golden questioned how long it takes Raleigh to address these complaints. Mr. Hollis explained it can take some time, depending on the backlog of their cases because the state is taking in complaints from every jurisdiction in North Carolina with the exception of Charlotte, Greensboro, Durham, Winston Salem and Orange County. Mr. Demko added that it really does depend on their work load and backlog and records do not show that the city has had a big number of these types of fair housing issues. Council Member Williams suggested someone call the NC Human Relations Commission and ask them directly as to the number of cases that they have received from the City of High Point. Mr. Hollis reminded Council that in the past, Human Relations staff was doing mediation and conciliation and terming it an investigation, but it was not an investigation with HUD enforcement authority. He noted the city's issue was more of how the complaints were being handled.

Mayor Pro Tem J. Davis thinks the mediation and conciliation should be a public service that the city offers and did not feel an ordinance is necessary for doing what is currently being done. Mr. McNair noted the objective is to put the complainant in touch with the necessary resources for a solution. Mr. Demko asked Council what additional information they would like before moving forward with the desired structure in the ordinance for dealing with fair housing complaints.

Mayor Bencini suggested staff develop a couple of alternatives for review, discussion and consideration.

CMAQ GRANT

Deputy City Manager Randy McCaslin reported that the city has been notified of receipt of a \$1.236 million from the state in CMAQ (transportation) dollars to be used for greenway funding. He noted this coupled with the \$2 million already set aside from the 2014 two-thirds bonds, it should be enough funding to complete the greenway so it is connected to Guilford County's greenway. He noted that engineering is in the process of finishing up everything to go out to bid hopefully in late winter, with the bid results in by early spring.

There being no further discussion, the meeting adjourned at 5:15 p.m. upon motion duly made and seconded.

Maria A. Smith
Deputy City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Approve Updated and Revised Purchasing Policies & Procedures for the City of High Point

From: Jeffrey A Moore, Financial Services Director **Meeting Date:** December 7, 2015

Public Hearing: No

Advertising Date / N/A

Advertised By:

Attachments: City of High Point Purchasing Policies & Procedures Manual

PURPOSE:

The City of High Point must periodically review and approve its Purchasing Policies and Procedures in order to maintain compliance with State statutes and various grantor agencies.

BACKGROUND:

The last revision and update to the City of High Point's Purchasing Policies and Procedures Manual was done so through the City Manager's administrative approval concurrent with the implementation of the Lawson ERP Software Project in 2006. The Triennial Review conducted by the Federal Transit Administration in Winter 2014 remanded the Transit System and the City of High Point for not having a more up-to-date written policy and procedures document. In addition, the recently adopted "Uniform Grants Guidance" (49 CFR 18 – *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*) now requires periodic review and approval of the City's procurement policies by the City Council.

The City was notified late last month that the FTA was returning for a compliance monitoring visit in December 2015, necessitating Council's approval at the meeting of December 7, 2015.

BUDGET IMPACT:

No additional impact.

RECOMMENDATION / ACTIONS REQUESTED:

City Council is requested to approve the attached Procurement Policies and Procedures Manual.

Financial Services

Jeffrey A. Moore, CPA

DIRECTOR



MEMORANDUM

December 1, 2015

MEMO TO: Greg Demko, City Manager
Randy McCaslin, Deputy City Manager

FROM: Jeffrey A. Moore, Financial Services Director

SUBJECT: Summary of Changes for Recommended Purchasing Policies and Procedures Manual

City staff is pleased to present the updated City of High Point Purchasing Policies and Procedures Manual. The previous version was last updated and approved by the City Manager's Office in 2006 as the City was implementing the Lawson ERP financial system. In the 10 years since, we have made occasional selective policy and practice changes to reflect the changing nature of procurement laws and City needs, but staff has not undertaken a comprehensive rewrite of the policies and procedures document. The Purchasing Division had just begun their review and evaluation in Winter 2013 when the Federal Transit Administration auditors visited the Transit System for a Triennial Program Review. Subsequently and in response to their Triennial Review Report and Findings, the Purchasing division team, Angela Wynes, Mark McDonald, and myself completed a comprehensive update and reorganization of the purchasing policies manual. We wish to express our appreciation to the numerous individuals who assisted us in this effort. The Manual has been reorganized to make the document more readable, explanatory, and a better reference tool for purchasers in the City's departments and divisions.

In preference to a page-by-page walkthrough of the new Purchasing Policies and Procedures Manual, the following table highlights changes and modifications made to the previous document and/or policies.

- Sec I Authority:** *section expanded to provide organizational detail; clarifies current practice of authority based on most restrictive regulation or law; provides statutory references for authority of City to bid, purchase and contract for materials and services*
- Sec II Departmental Relations:** *new section delineates expectations of the Purchasing division and of City departments/divisions for successful partnership and achievement to needs*
- Sec III Other Considerations:** *new section puts in one place the various excerpts of policy statements regarding conflicts of interest; standards of conduct for public officials; and statement of local buying preference practice*
- Sec IV.A Purchase Order System:** *updated for current electronic process approval workflows. Highlights requirements for federal and state grantor contract clauses and provisions*
- Sec IV.B Open Ended (Blanket) Purchase Orders:** *expanded definition and recommended procedures for use*
- Sec IV.C Procurement Cards:** *updated references to current practices and guidelines; eliminated duplication/restatement of Procurement Card System Policy Manual and replaced with specific inclusion reference of separate Procurement Card System Policy Manual*

Accounting
336.883.3240

Internal Audit
336.883.3122

Purchasing
336.883.3219

Treasury Services
336.883.3230

Sec V Contracts, Services Agreements, and Maintenance Agreements: *section completely revised and updated for various improvements made to practices and procedures implemented over last 4 years in coordination with the City Attorney's Office; Affirms current contracts approval authorities and legal approval process*

Sec VI Specifications: *new section devoted to providing guidance to departments/divisions for many questions received about development of bid specifications*

Sec VII NC Bid Laws: *new section focused on providing authorizing statutes and different procedures required by law for types of purchase/contract. Includes new Quick Reference Matrix with more detailed supportive explanations following; delegates departmental purchasing authority and changes Purchasing's engagement levels for informal bid process management*

Sec VIII City of High Point Procedures: *updated for changes in procedures based on changes in thresholds and delegated departmental purchasing authority; includes new section defining testing and evaluation of equipment as well as freight delivery terms*

Sec IX Protest & Dispute Resolution Procedures: *updated for current policy and procedures provided by City Attorney's Office as approved by City Council*

Sec XI Fixed Asset Control and Surplus Property: *updated for recently implemented Lawson Fixed Assets module procedures and electronic templates*

Appendix A- *provides fillable forms currently in use*

Appendix B- *new supplemental procedures and policies required to fulfill procurement compliance requirements of the Federal Transit Administration and NCDOT for the Transit System*

As a matter of policy and required by the City's federal and state grantors, this Policies and Procedures Manual will require annual review and approval by the City Council in the future.

NORTH CAROLINA
GUILFORD COUNTY

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

November 24, 2015

AND

SUPPLEMENTAL AGREEMENT NO. 8

CITY OF HIGH POINT

TIP NO: P-2912 A
WBS: 49999.1.STR14
WBS: 49999.3.STR14, CONST
WBS: 34299.2.1, CONST
WBS: 37676
CFDA: 20.319

THIS SUPPLEMENTAL MUNICIPAL AGREEMENT NO. 8 is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department," and the City of High Point, a local government entity, hereinafter referred to as the "Municipality" and each individually hereinafter referred to as a "Party," and collectively, as the "Parties."

WITNESSETH:

WHEREAS, on June 14, 1993, the Department and the Municipality entered into a Reimbursement Agreement for the development and restoration to the former Southern Railway Station located in High Point programmed under P-2912 A; which was supplemented on April 22, 1996, March 12, 2001, October 29, 2001, August 5, 2003, September 2, 2005, April 18, 2012 and May 29, 2015; and,

WHEREAS, the Departments funding source, for certain additional work to be performed by the Municipality, needs to be modified as set forth in Supplemental Agreement No. 7 executed on May 29, 2015, and will require that certain provisions be revised; and,

WHEREAS, the Department and the Municipality wish to amend the aforementioned Agreements whereby the following provisions are added, revised, and/or deleted.

NOW, THEREFORE, this Supplemental Agreement No. 8 states the promises and undertakings of each Party as herein provided, and the Parties do hereby covenant and agree, each with the other, as follows.

The following provisions are amended in Supplemental Agreement No. 7 executed on May 29, 2015:

WHEREAS, the Department has appropriated and programmed State Rail funds to provide for needed maintenance items to include, but not be limited to, the replacement of the platform canopy roofing system and other station improvements at the High Point Station located at approximately Milepost 299.4 on the North Carolina Railroad Company/Norfolk

Southern Railway Company/North Carolina Railroad Piedmont Division under TIP No. P-2912 A, WBS 37676; hereinafter referred to as the "**Municipal Project**"; and,

26. MUNICIPAL PROJECT

The Municipality, subject to approval by the Department, shall be responsible for the design and construction of a replacement platform canopy roofing system for the station and further defined as the "Municipal Project". All work shall be performed in accordance with State standards, specifications, policies, and procedures, including the North Carolina Building Code and the Secretary of Interior Standards. Said specifications and estimates shall be submitted to the Department for review and approval prior to any work being performed. It is understood by all Parties that all improvements shall be contained within the existing right of way of the station. The Municipality will be responsible for the relocation and adjustment of all utilities in conflict with the "Municipal Project".

(b) Advertising for Bids

The Municipality shall follow applicable State procedures pertaining to the advertisement of the work, bid opening, and award of the contract, according to NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference.

27. FUNDING

The Total Project Cost for the station improvements is amended from \$7,667,775 to \$8,067,775. The maximum amount to be paid to the Municipality from State and Federal funds for the Total Project Cost is amended from \$6,900,998 to \$7,220,998.

The Department's participation in the cost of the "**Municipal Project**" is shown below.

Subject to compliance by the Municipality with the provisions set forth in this Supplemental Agreement No. 8 and the availability of State Rail funds, the Department shall participate up to a maximum amount of **Three Hundred Twenty Thousand Dollars (\$320,000)**, toward the cost of the "Municipal Project", as detailed below. The Municipality shall provide a local match and all costs that exceed the total estimated cost.

FUNDING TABLE

Fund Source	State Funds Amount	Reimbursement Rate	Non-State Match \$	Non-State Match Rate
State Rail Funds WBS 37676	\$320,000	80 %	\$80,000	20%
Total Estimated Cost		\$400,000		

Funding participation by Department for the "Municipal Project" only shall be 80% of actual allowable project costs. The Municipality shall participate in twenty percent (20%) of the "Municipal Project" and bear all costs of any item for which it is unable to substantiate actual costs or any costs which have been deemed unallowable by the Department.

28. REIMBURSEMENT

The Department shall reimburse the Municipality to the extent of eighty percent (80%) of the approved eligible costs covered under this Agreement up to the maximum amount of THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000). The total estimated cost of the "Municipal Project" is FOUR HUNDRED THOUSAND DOLLARS (\$400,000). The Municipality shall be responsible for twenty percent (20%) of the "Municipal Project" in the amount of EIGHTY THOUSAND DOLLARS (\$80,000).

Except as hereinabove provided, the Municipal Agreement heretofore executed by the Department and the Municipality on June 14, 1993, and supplemented on April 22, 1996, March 12, 2001, October 29, 2001, August 5, 2003, September 2, 2005, April 18, 2012 and May 29, 2015, are ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Supplemental Municipal Agreement No.8, has been executed, in duplicate originals, the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

WITNESS

CITY OF HIGH POINT

BY:

Lisa B. Vierling

BY:

William Bencini

NAME: Lisa B. Vierling

NAME: William Bencini

TITLE: City Clerk

TITLE: Mayor

DATE: 12/7/2015

DATE: 12/7/2015

(MUNICIPAL SEAL)



Approved by the City Council of the City of High Point as attested to by the signature of

Lisa B. Vierling
Clerk of the City Council

12/7/2015

Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]
Finance Officer

FEDERAL IDENTIFICATION NUMBER

56-6000231

City of High Point

MAILING ADDRESS

City of High Point

Post Office Box 230

High Point, North Carolina 27260

ATTN: Mr. William Bencini, Mayor

IN WITNESS WHEREOF, this Supplemental Municipal Agreement No. 8 has been executed, in duplicate originals, the last day and year set out below, on the part of the Department and the Municipality by authority duly given.

ATTEST

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

BY: Tereca W Batts

BY: Keith H. Weatherly

NAME: Tereca Batts

NAME: Keith H. Weatherly

TITLE: Secretary to Board of
Transportation

TITLE: Deputy Secretary for Transit

DATE: 1-11-2016

DATE: 1-11-2016

MAILING ADDRESS

North Carolina Department of Transportation
Operations and Facilities Branch

1553 Mail Service Center

Raleigh, North Carolina 27699-1553

ATTN: Craig M. Newton, PE
Facilities Engineer

APPROVED BY BOARD OF TRANSPORTATION ITEM O: 1-7-2016
(Date)

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-17 (Kotis Properties, Inc.)

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: Yes

Advertising Date: November 25, 2015 and
December 2, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

A request by Kotis Properties, Inc. to rezone a 0.67-acre parcel from a Heavy Industrial (HI) District to a General Business (GB) District. The site is lying along the east of the W. English Road, directly opposite of Boyer Street (2401 W. English Road).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On November 10, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-17. The Planning & Zoning Commission recommended approval of Zoning Case 15-17 by a vote of 7-0.
- B. Staff recommends **approval** of Zoning Case 15-17 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Kotis Properties, Inc.

Zoning Amendment

Case 15-17

At its November 10, 2015 public hearing, the Planning and Zoning Commission reviewed this request. All members of the Commission were present, except for Mr. Andrew Putnam. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request was Mr. Jeff Nimmer, 1410 Mill Street, Ste. 102, Greensboro, representing Kotis Properties, Inc. Mr. Nimmer gave a brief overview of some of the past uses of the property which have included a drug store, grocery store and a bar. He stated they have been contacted by several potential tenants who desire to lease the property for a variety of retail uses which are not allowed under the current HI District.

Also speaking in favor were Mr. Harold Johnson, 1207 Yorkshire Drive, High Point and Mr. Bill Milliken, 1406 Overland Drive, High Point. Mr. Johnson's Real Estate Company represents several property owners in this area. He encouraged the Commission to approve the rezoning so that the applicant may have the opportunity to bring in a worthwhile tenant that can be successful at this location. Mr. Milliken operates a business near this site and noted that the site has been vacant for several years. He supports rezoning if it would promote the opportunity to have a stable tenant at this location.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-17, as recommended by staff, by a vote of 7-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING CASE 15-17
November 10, 2015**

Request	
Applicant: Kotis Properties, Inc.	Owner: WAW Properties LLC
Zoning Proposal: To rezone a 0.67-acre parcel	From: HI Heavy Industrial District
	To: GB General Business District

Site Information	
Location:	Lying along the east of the W. English Road, directly opposite of the Boyer Street intersection (2401 W. English Road)
Tax Parcel Numbers:	Guilford County Tax Parcel 0194295
Site Acreage:	Approximately 0.67 acres
Current Land Use:	Two vacant buildings
Physical Characteristics:	The site is developed with two structures and a paved parking lot. There are no noteworthy environmental features on the property. Directly east of the site is a perennial stream that is lying in the Southern Railroad ROW.
Water and Sewer Proximity:	A 6-inch & 16-inch City water line, and two 8-inch sewer lines are lying adjacent to the site along W. English Road. Additionally, a 12-inch sewer line runs along the southern property of the site and crosses under the railroad tracts.
General Drainage and Watershed:	The site drains in an easterly direction and is within the Yadkin Pee-Dee (non-water supply) watershed.
Overlay District:	None

Adjacent Property Zoning and Current Land Use			
North:	HI	Heavy Industrial District	Auto upholstery shop
South:	HI	Heavy Industrial District	Undeveloped parcel
East:	HI	Heavy Industrial District	Southern Railroad ROW (200-foot wide ROW)
West:	HI	Heavy Industrial District	Furniture outlet and furniture upholstery wholesale uses (across W. English Rd)

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	The site has a Heavy Industrial land use designation. This classification includes the whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale, open land uses like wastewater treatment plants, landfills and quarries.

Land Use Plan Goals, Objectives & Policies:	This request is neither in conflict with the goals and objectives of the Land Use Plan, nor does it support those goals and objectives.
Relevant Area Plan:	<u>Core City Plan:</u> The site is within the plan's designated Rail Oriented Industrial District. The plan recommends strengthening the industrial corridor to improve the industrial sector of High Point's economy so as to enhance the other areas that are adjacent to it. Suggested ways to accomplish this are through marketing, land assembly, and to recreate the area similar to the city's higher-end industrial parks.
Community Growth Vision Statement	This request is neither in conflict with the Community Growth Vision Statement goals and objectives, nor does it support those goals and objectives.
Zoning History:	There have been no recent zoning activities in this area since the late 1990s. In 1997, the property at the southeastern corner of W. English Road and West Market Center Drive (2437 W. English Road) was rezoned from GB to a CU-LI District. In addition, in 1999, the property at 2729 W. English Road, near the intersection of West Market Center Drive, was rezoned from LI to a GB District.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	W. English Drive		Major Thoroughfare	150 ft.
Vehicular Access:	W English Road (public street)			
Traffic Counts: (Average Daily Trips)	W English Road		6,400 ADT (2013, NCDOT)	
Estimated Trip Generation:	No information.			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X		
Pedestrian Access:	Not applicable			

School District Comment
Not applicable to this zoning case.

Details of Proposal

The applicant has requested to rezone this 0.67-acre parcel to a GB District in order to allow retail uses within the two existing buildings on the site. The current HI District permits limited retail activities. The applicant does not have a specific use in mind but desires the GB District zoning to allow the full scope of retail activities as they market the site to potential retail tenants.

This portion of the W. English Drive corridor is designated on the Land Use Map as Heavy Industrial, which is intended to include the whole range of assembling, fabricating, and heavy manufacturing uses. Except for two parcels, approximately 900 feet to the south, near the

intersection of W. English Road and West Market Center Drive, all of the parcels abutting the railroad tracks from W. Kivett Drive to West Market Center Drive are zoned HI District.

Based on the small size of the parcel and that it is located within a larger Heavy Industrial District, this zoning request must be thoroughly analyzed under case law standards for spot zoning. Spot zoning is when a zoning amendment reclassifies a relatively small parcel of land that is surrounded by a much larger area that is uniformly zoned and the zoning amendment either imposes greater restrictions upon the small parcel than is imposed upon the larger area, or it relieves the small parcel from restrictions to which the larger area is subjected. Spot zoning can be considered illegal unless the City can establish a reasonable public policy basis to approve the amendment. Case law does not allow just listing the benefits of such a zoning change; the City must demonstrate that the zoning change is reasonable.

Among the factors that must be considered are the size of the tract; compatibility with the City's comprehensive plan; the benefits and detriments resulting from the zoning action for the owner and the neighbors; and the relationship of uses envisioned under the new zoning and uses currently present on adjacent and nearby parcels.

- Size of tract & land use pattern

When initially developed, between the 1940s -1950s, this portion of the W. English Road corridor consisted of single family dwellings with some commercial and industrial uses clustered at major intersections. In the 1960s - 1970s many of these residential dwellings were redeveloped with a combination of industrial and retail uses. Prior to 1985 many of the City's zoning districts were cumulative, meaning that less intensive uses, such as retail uses, were also permitted in the industrial districts. Today we have many of the lingering results of this historic development pattern with smaller former residential lots, older non-industrial structures on these smaller lots and a land use pattern consisting of a mixture of multiple uses.

The site also has physical constraints. The location of the W. English Road ROW and railroad ROW restricts the lot depth. In addition, the location of a sewer line and a stream directly south of the site, along with stream buffers, limit the development potential on the undeveloped parcel to the south. These surrounding physical features restrict the ability to assemble additional land area to create a larger viable industrial tract.

- Balance benefits and detriments

The smaller lot size and limitation on being able to assemble a larger industrial parcel has and will continue to limit the site to less intensive non-industrial uses. Recent uses on this site over the past five years consist of a courier service, convenience store, travel agency and retail furniture upholstery. These previous uses are allowed in the requested GB District, thus rezoning to a GB District is not anticipated to change the character of the site from its historic use patterns. Surrounding uses in the immediate area consist of a mixture of industrial uses, retail & wholesale upholstery uses, furniture outlet, restaurant, beauty salon, convenience store with gas pumps, a bar/night club, limousine rental, non-conforming single family dwellings and vacant non-residential structures. The limited lot size severely restricts the ability to do any significant industrial use on the site, which will mostly likely continue to foster retail or business/professional uses that have been the historic use pattern on the smaller parcels in this area. Thus the requested GB District does not provide any significant

benefit or detriments as it will not negatively impact adjacent property owners and will allow uses currently established on smaller lots in this area.

- Relationship of uses

In this case, the GB District and HI District each have different purpose and intent statements; however, they are both intended for non-residential uses and allow some of the same uses. The HI District does allow some retail uses and the GB District allows by right some wholesale trade, transportation & warehousing uses along with some limited manufacturing and industrial uses that are typically only permitted in the LI and HI Districts. Additionally, both the GB and HI Districts allow some overlapping business professional & personal service uses. Thus, the approval of a GB District amidst HI zoned properties does not establish all new uses that are not currently permitted in this area

- Compatibility with the plan

Objective 8 of the Land Use Plan speaks to stimulate more efficient use of the City's land resources by encouraging in-fill and mixed-use development at appropriate locations. Physical and environmental features along this corridor, especially the limited lot depth, restrict the ability to assemble parcels in a manner to create a large industrial parcel. The requested GB District would encourage non-residential infill uses that would be in harmony with surrounding uses. The Core City Plan also speaks to evaluating industrial areas to enhance and repackage them in the model of an industrial park. This will be a long-term project. The proposed new development ordinance, which is in draft form, begins this process by seeking to allow some mixture of uses in industrial areas (i.e. employment centers) to support workers in those areas.

As to consistency with the adopted Land Use Plan, the statutes require that the statement approved by the Council describe how the action is or is not consistent with the plan and "briefly" explain why the Council considers the action to be reasonable and in the public interest. For example, does the property have different physical characteristics that make it especially suitable for the proposed zoning, would the proposed range of newly permissible uses be in harmony with the development expectations of the neighbors, and what implications would this have for future development on surrounding parcels.

Staff offers the following for the Planning & Zoning Commission's and the City Council's consideration as they deliberate on this request:

Consistency with Adopted Plans:

The proposed Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans

Staff Comments:

The goals and objectives of the Land Use Plan and the Community Growth Statement are neither in conflict with nor support the rezoning request. The Core City Plan recognizes this area as a rail-oriented industrial district that is in need of revitalization. Recommendations include marketing, land assemblage and recreating a higher-end industrial park atmosphere. This is a small site with abutting physical constraints that limits its expansion opportunities. Without the assemblage of surrounding properties it is not viable as an industrial site.

Reasonableness/Public Interest:

An approval of the proposed Zoning District is considered reasonable and in the public interest.

Staff Comments:

In this case, staff suggests that the approval of this request may be considered to be reasonable and in the public interest because:

- 1) This site is within the designated Core City Area, specifically within the rail-oriented portion of this area. As outlined above in the Consistency with Adopted Plan Statement, without the assemblage of surrounding properties this parcel is not viable as an industrial site.
- 2) Surrounding uses in the immediate area consist of a mixture of industrial, wholesale and retail uses. Based on current uses established in this area the allowance of GB District uses is not expected to negatively impact adjacent property owners, will not change the character of the area and will be similar to uses currently established in the area.
- 3) The GB and HI Districts allow some of the same uses, thus, a completely new use category is not being established. In addition, precedent for GB District has been established with the 1999 approval of a GB District zoning on a parcel approximately 900 feet to the south this current request.
- 4) This portion of the Core City Area is economically distressed. Based on a windshield survey, staff estimates approximately 25% of the structures along this corridor from Burton Road to West Market Center Drive are vacant. The addition of retail uses allowed by the GB zoning, if successful, would be in the public interest and may help revitalize this portion of the Core City Area.
- 5) The requested rezoning does not constitute the conversion of a large former industrial facility, but the reuse of a 5,400 and 2,400-square foot buildings on a small parcel. Recent uses in these buildings over the past five years consist of a courier service, convenience store, travel agency and retail furniture upholstery. Rezoning to a GB District will not change the character of the site from its historic use patterns.

Recommendation

This request is not consistent with the adopted Land Use Map. However, the Land Use Map is only a portion of the overall Land Use Plan that includes the plan's goals, objectives & policies; the Core City Plan and Community Growth Vision Statement. In addition, actions from a previous City Council (1999 zoning approval for GB District along this corridor) is also a factor in setting land use policy in this area.

Based on the information previously outlined in this report, staff has determined that the requested GB District will not be illegal spot zoning and would not significantly change the historic development patterns that have been established in this area. If the Planning & Zoning Commission and the City Council desire to rezone this site to the requested GB District, then the above noted Consistency with Adopted Plan and Reasonableness/Public Interest statements may be used, or expanded upon, to justify this request.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its

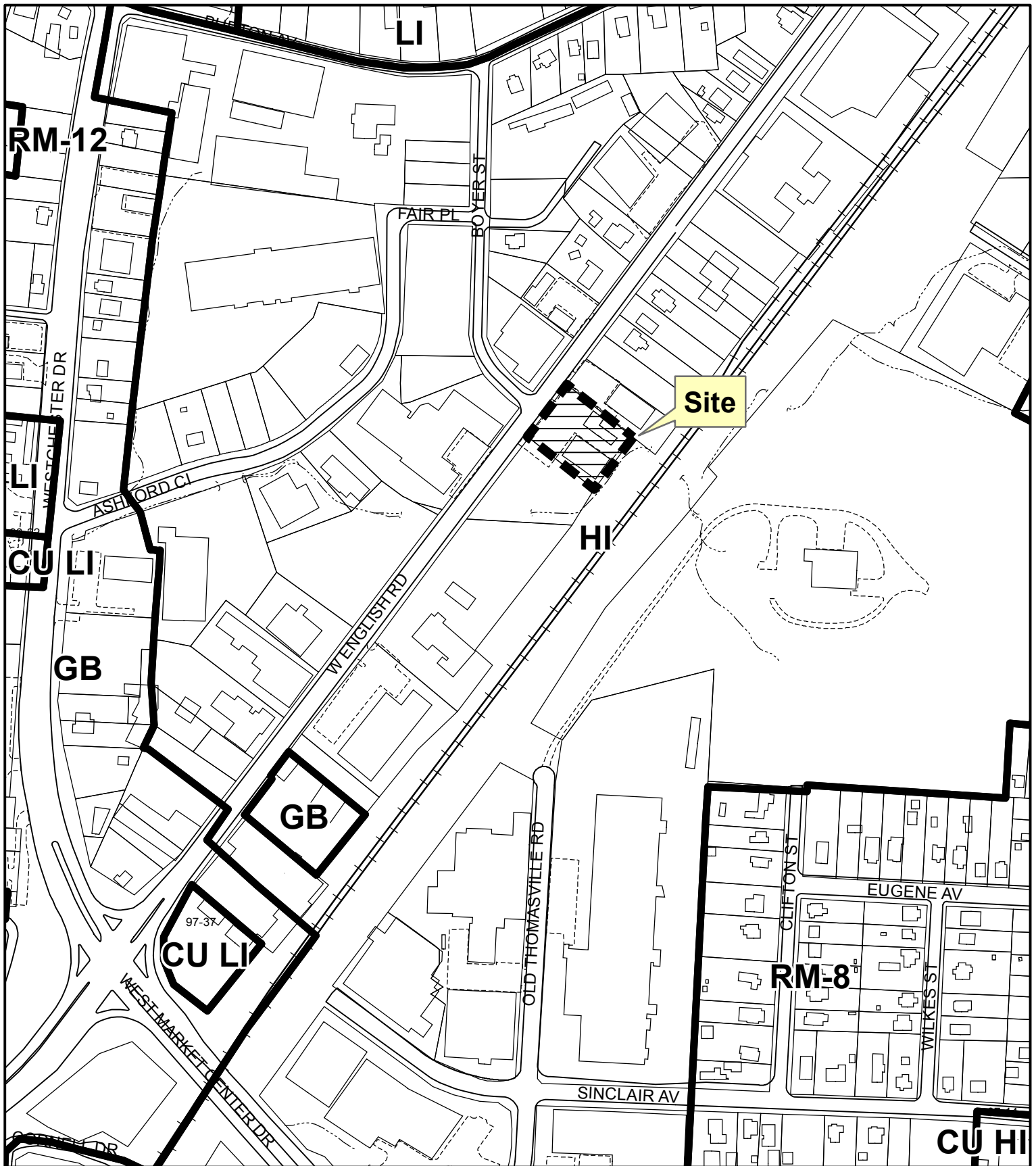
recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



ZONING AMENDMENT ZA15-17

**From: Heavy Industrial
To: General Business**

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

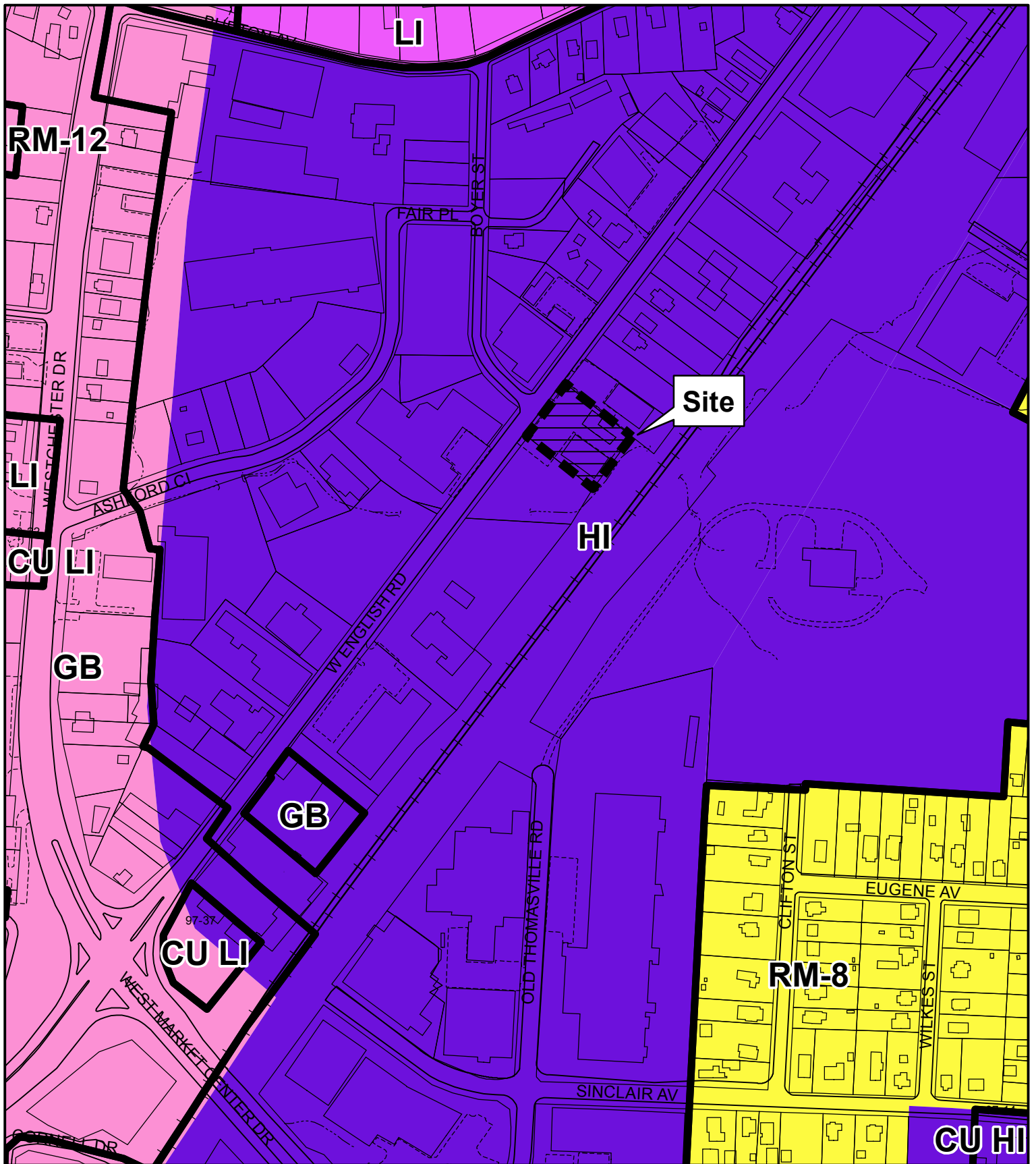
**Planning & Development
Department**

City of High Point

Date: October 30, 2015



Scale: 1"=300'
G:/Planning/Secure/ba-pz/
2015/pz/za15-17.mxd



ZONING AMENDMENT ZA15-17

Land Use Plan

- | | |
|---|--|
|  Low-Density Residential |  Light Industrial |
|  Local/Convenience Commercial |  Heavy Industrial |

Planning & Development
Department

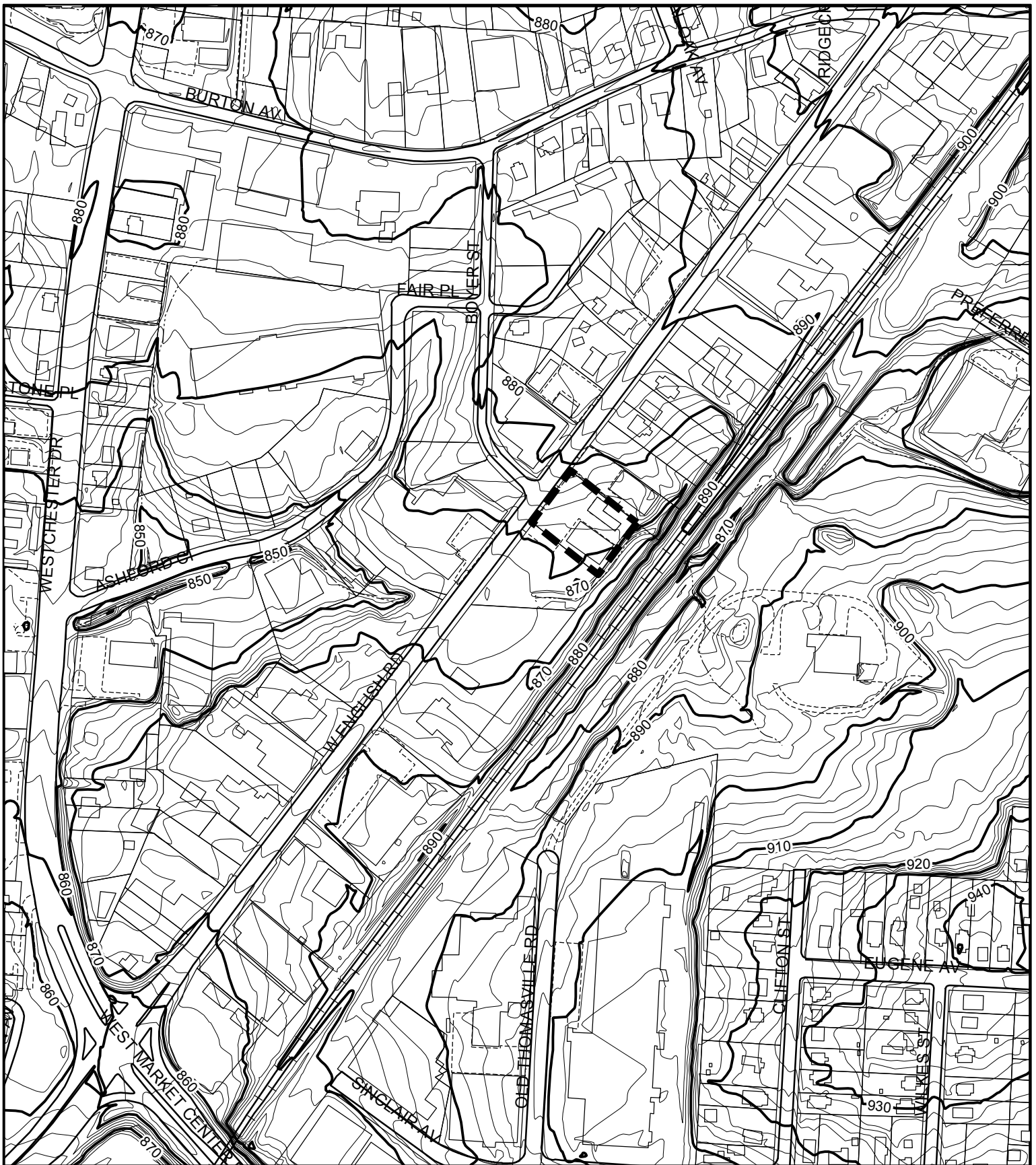
City of High Point

Date: November 10, 2015



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2015\pz\za15-17clu.mxd



ZONING AMENDMENT ZA15-17

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: November 10, 2015



Scale: 1"=300'

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2015/pz/za15-17\topo.mxd

ZONING AMENDMENT ZA15-17



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 10, 2015 and before the City Council of the City of High Point on December 7, 2015 regarding **Zoning Case 15-17** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on November 1, 2015, for the Planning and Zoning Commission public hearing and on November 25, 2015 and December 2, 2015, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on December 7, 2015.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: A **General Business (GB) District**. The property is approximately 0.67-acres and lying along the east of the W. English Road, directly opposite of the Boyer Street intersection (2401 W. English Road). The property is also known as Guilford County Tax Parcel 0194295.

SECTION 2

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon the date of adoption.
7th day of December, 2015.

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Prime Site Tower Upgrade

From: Steve Lingerfelt, Director of Information Technology Services

Meeting Date: December 7, 2015

Public Hearing: No

**Advertising Date /
Advertised By:**

Attachments: Formal Bid Recommendation

PURPOSE:

The City needs to perform a structural upgrade to the City of High Point's Commerce Street prime site tower and foundation system.

BACKGROUND:

Information Technology Services is recommending the City of High Point complete the modification of the tower site to satisfy the structural strength requirements of ANSI/TIA-222-G-2005, Structural Standard for Antenna Supporting Structures and Antennas (industry standard) and the 2012 North Carolina Building Code. This modification is required to complete the upgrade of the radio system to P25 standards.

It is recommended that the contract be awarded to Branat Construction Company who was the lowest responsible bidder with a cost of \$228,700.

BUDGET IMPACT:

The City of High Point will use existing funds in the FY 2015-16 budget to purchase the prime site tower upgrade. The total cost of the upgrade is \$228,700.

RECOMMENDATION / ACTION REQUESTED:

The Department of Information Technology Services recommends approval of the contract and that the appropriate City official be authorized to execute all necessary documents.



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: ITS- Radio Shop

COUNCIL AGENDA DATE: December 7, 2015

BID NO.: 42-110415

CONTRACT NO.:

DATE OPENED: Oct 12, 2015

DESCRIPTION:

Perform structural upgrade of the City of High Point's Commerce Street Prime Site tower and foundation system.

PURPOSE:

Modification must be accomplished to satisfy the structural strength requirements of ANSI/TIA-222-G-2005, Structural Standard for Antenna Supporting Structures and Antennas (industry standard) and the 2012 North Carolina Building Code.

COMMENTS:

RECOMMEND AWARD TO: Branat Construction Inc.

AMOUNT: \$228,700

JUSTIFICATION:

Lowest Bid to meet requirements.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
501243	533101			\$228,700.00
TOTAL BUDGETED AMOUNT				\$228,700

DEPARTMENT HEAD:

Steve Lingerfelt

Digitally signed by Steve Lingerfelt
DN: cn=Steve Lingerfelt, o=City of High Point, ou=Information Technology, email=steve.lingerfelt@highpointnc.gov, c=US
Date: 2015.11.09 13:31:46 -0500

DATE: November 9, 2015

The Purchasing Division concurs with recommendation submitted by the IT Department and recommends award to the lowest responsible, responsive bidder **Branat Construction Inc.** in the amount of \$ **228,700.00**.

PURCHASING MANAGER:

Tarinda Chappell

Digitally signed by Tarinda Chappell
DN: cn=Tarinda Chappell, o=City of High Point, ou=Purchasing, email=tarinda.chappell@highpointnc.gov, c=US
Date: 2015.11.17 08:52:14 -0500

DATE: Nov 17, 2015

Approved for Submission to Council

FINANCIAL SERVICES DIRECTOR:

Jeffrey A. Moore

Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial Services Director, email=jfmoore@highpointnc.gov, c=US
Date: 2015.11.19 15:55:19 -0500

DATE: Nov 19, 2015

CITY MANAGER: **Greg Demko**

Digitally signed by Greg Demko
DN: cn=Greg Demko, o=, ou, email=greg.demko@highpointnc.gov, c=US
Date: 2015.11.19 16:24:51 -0500

DATE: Nov 19, 2015

BID TABULATION

BID #42-110415

Tower Structural Upgrades - IT

VENDOR		Branat Construction, Inc.	Elite Tower Contractors	K-Co Enterprises	Sink Tower Erection Co, Inc.
DESCRIPTION	QTY	LT	LT	LT	LT
Tower Structural Upgrades	1	\$228,700	361,160.00	\$299,900.00	\$302,225.00

CITY OF HIGH POINT

AGENDA ITEM



Title: Right-Of-Way Encroachment Permits: RE-15-0003 through -0006,
RE-15-0012, RE-15-0015 & RE-15-0023
(Lighttower Fiber Networks / Fibertech Networks)

From: Lee Burnette, Planning & Development
Director

Meeting Date: December 7, 2015

Public Hearing: No

Advertising Date: Not Applicable

Advertised By: Not Applicable

Attachments: A. Staff Memo
B. Location Map
C. Sample Renderings

PURPOSE:

A request by Fibertech Networks to install multiple small cell antenna poles within various right-of-way locations in the City.

BACKGROUND:

Staff memo and the Technical Review Committee's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

On October 28, 2015 the Technical Review Committee recommended **approval** of Right-Of-Way Encroachment permits (RE-15-0003 through -0007, RE-15-0009 through -0012, RE-15-0015, RE-15-0017, RE-15-0018 & RE-15-0023), contingent upon the applicant addressing the individual pole site plan comments prior to permits being issued.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**RIGHT-OF-WAY ENCROACHMENT CASES
RE-15-0003 through -0007, RE-15-0009 through -0012,
RE-15-0015, RE-15-0017, RE-15-0018 & RE-15-0023
December 7, 2015**

Request	
Applicant: Lighttower Fiber Networks / Fibertech Networks	Proposal: To allow 7 utility poles to encroach into the right-of-way in various locations throughout the City of High Point.

Adjacent Streets		
Name: various – see attached map	Classification: various – see attached map	R/W and Pavement Width: various – see attached map

Analysis

The applicant is requesting permission to allow 7 utility poles to be erected within the right-of-way in various locations throughout the City. The poles encroach in to the right-of-way at differing amounts dependent upon location.

The encroachments would consist of 30.5-foot tall poles, with small cell antennas mounted on the top of each pole, as well as various other related equipment attached to the poles themselves. The poles would be either constructed of metal or wood, depending on their location within the City. The applicant has stated that the need for this equipment in the right-of-way is to assist in constructing a fiber optic network within the City. These right-of-way encroachments are in accordance with a Pole Attachment agreement between the applicant and the City of High Point, signed August 20, 2015.

The Technical Review Committee reviewed these requests on October 28, 2015, and determined that the proposed encroachments would not affect public safety or interfere with maintenance needs. TRC noted that the applicant's proposed pole locations were subject to varying comments as they pertained to individual locations. These comments are generally instructional, or requests to show additional information, which should be easily addressed by the applicant.

Renderings of the proposed poles are attached, as well as a site plan showing the general location of each individual pole.

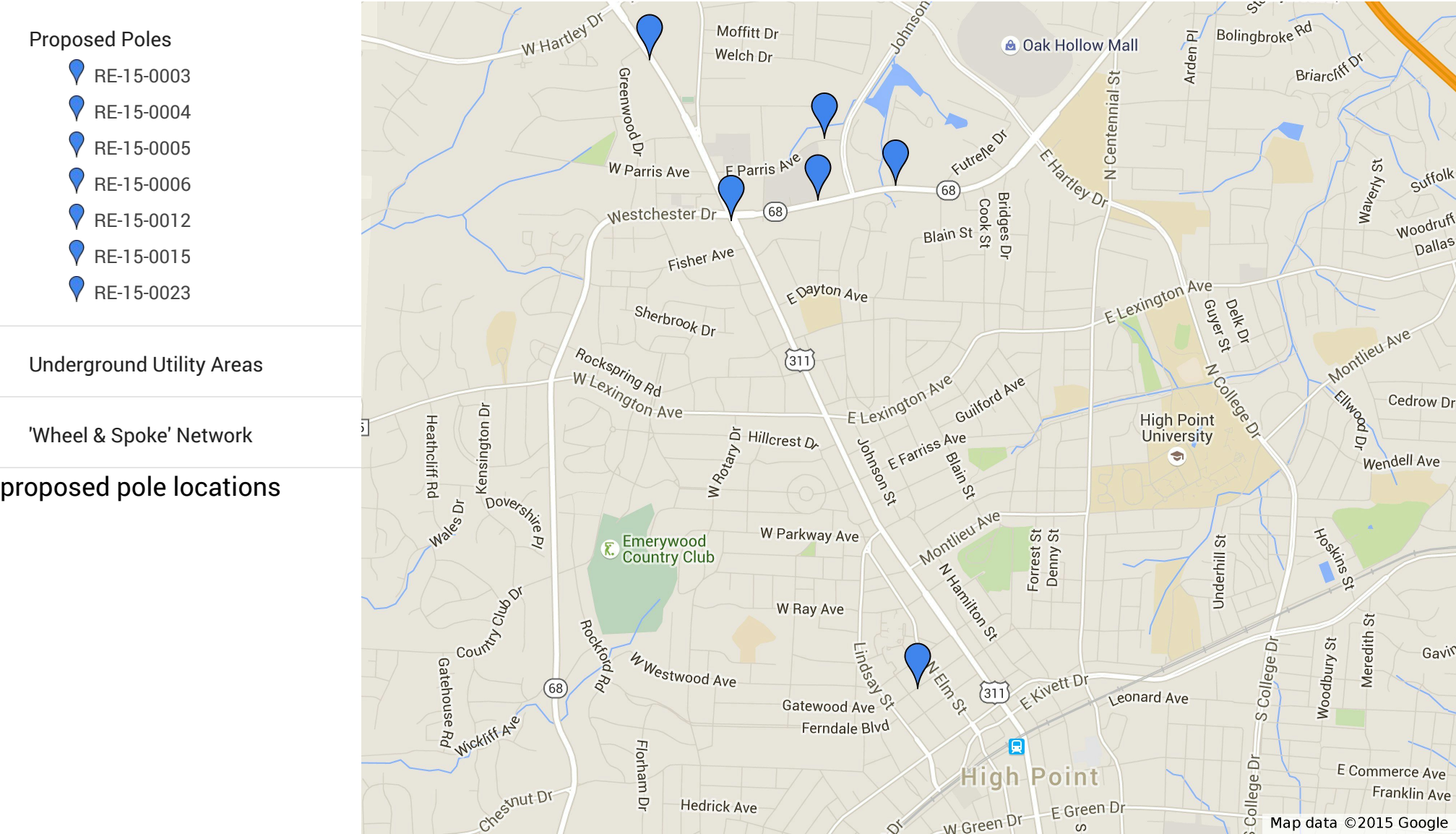
Recommendation

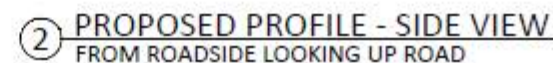
TRC recommends approval of the requested right-of-way encroachments contingent upon the applicant addressing any site specific comments regarding the individual pole site plans prior to permits being issued.

Report Preparation

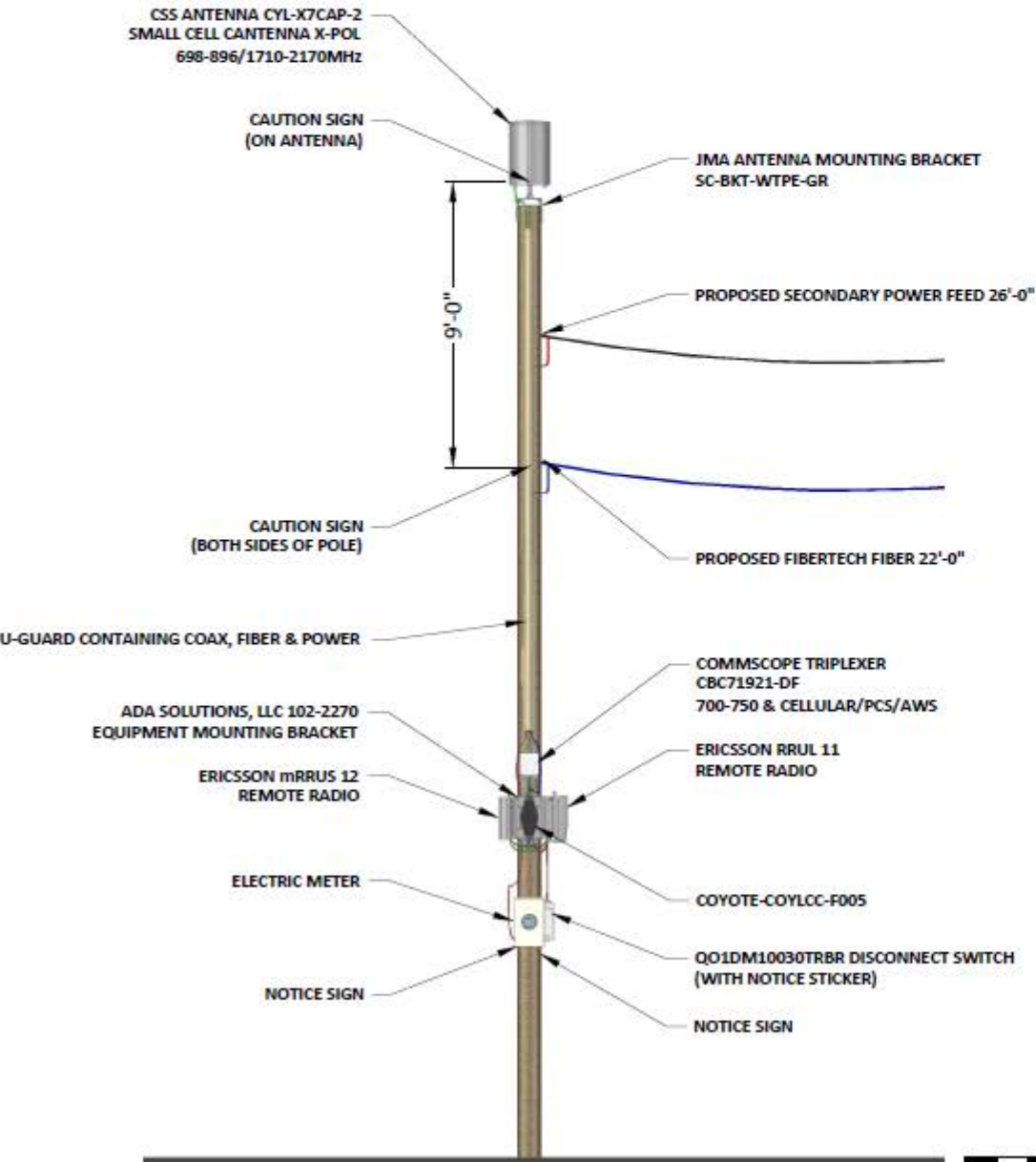
This report was prepared by Planning and Development Department staff member Justin S. Westbrook, and was reviewed by Bob Robbins, AICP and Lee Burnette, AICP.

FiberTech

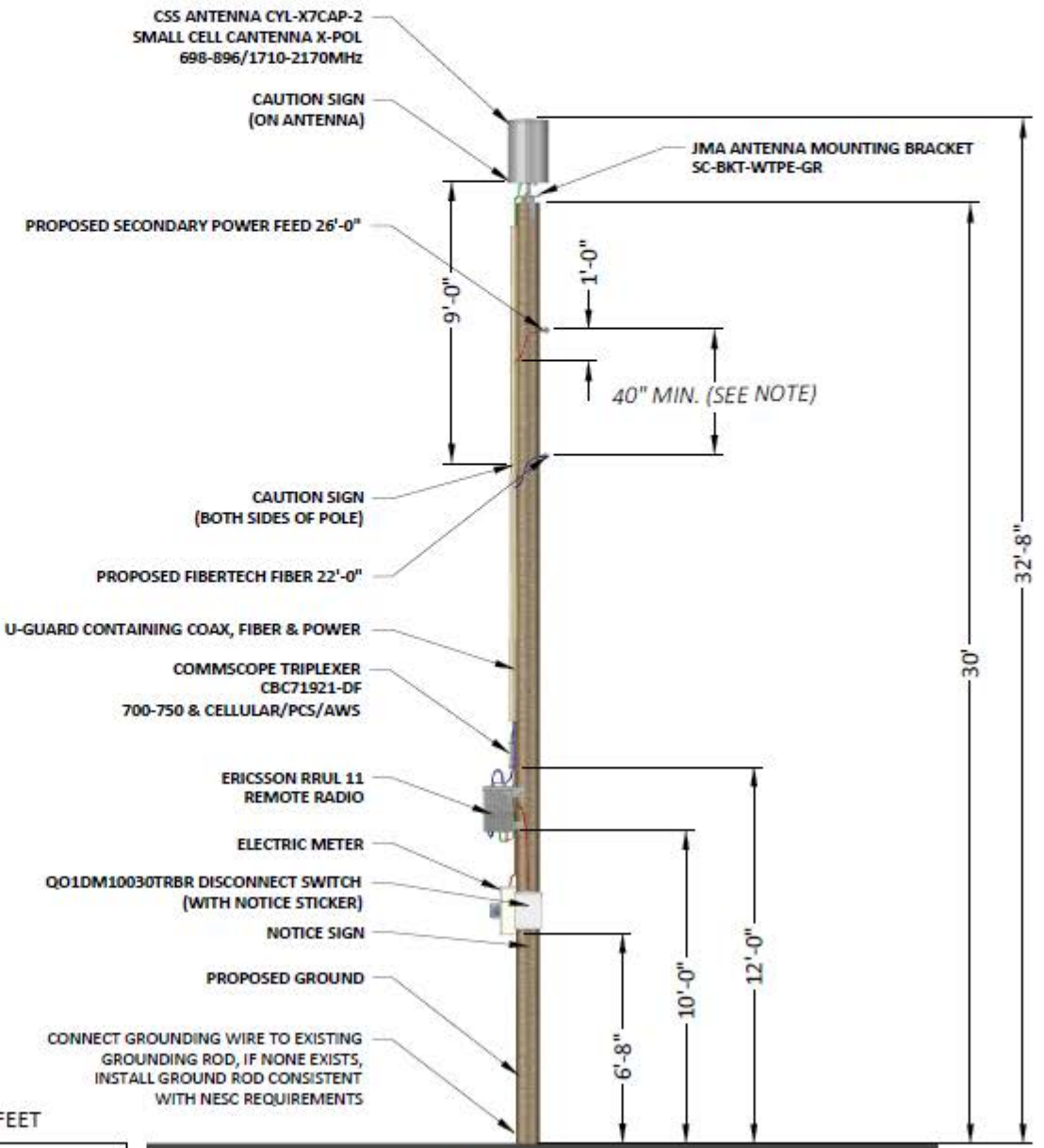




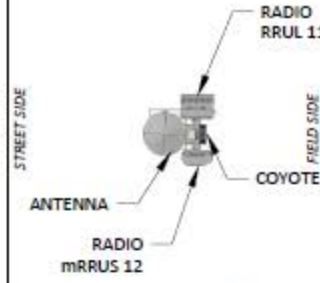
NOTE:
40" MIN. WORKER SAFETY ZONE
BETWEEN LOWEST ENERGIZED POWER
& HIGHEST COMMUNICATIONS CABLE
IN ACCORDANCE WITH NESC REGULATIONS



1 PROPOSED PROFILE - REAR VIEW
FROM FIELD LOOKING TOWARDS ROAD



2 PROPOSED PROFILE - SIDE VIEW
FROM ROADSIDE LOOKING UP ROAD



PROPOSED TOP VIEW

NOTE:
CABLES & EXISTING POLE EQUIPMENT
NOT SHOWN FOR CLARITY

LOCATION: VARIOUS LOCATIONS

NOTES:

PREPARED FOR:



PREPARED BY:



FIBERTECH SMALL CELL
PROPOSED AERIAL PROFILE

REVISIONS		
REV	DESCRIPTION	DATE

DRAWN BY: DTR	2
SCALE: 1" = 1'	
ISSUE DATE: 09/05/2015	
ISSUE NAME: GENERIC MOUNT-UP	
SHEET NO. 2 OF 12	

Donald E. Francisco Educator of the Year Award

John Hodges, Wastewater Plants manager, is the 2015 recipient of the Donald E. Francisco Educator of the year Award presented by the North Carolina American Waterworks Association and Water Environment Association. This award established in 2003 is given annually by the Association to a member who demonstrates outstanding service to the Association and the industry through education and training of water and wastewater professionals. Through teaching and communication, the recipient conveys the skills, knowledge, art and science of the water and wastewater industry. The recipient shall be actively involved in teaching and instructing environmental professionals.

John has worked with the City of High Point since 2004 as Maintenance Superintendent of the Wastewater Plants, Water Plant and Lift Stations and Wastewater Plants Manger. He has worked in the field of wastewater and water treatment operations since 1972 as a Wastewater and Water Treatment Plant Superintendent, Wastewater Plant ORC, Laboratory Chemist, Environmental Engineer doing permitting and projects related to treatment plant processes and Design Engineer, designing treatment processes.

John has been a member of the Water Environment Federation and the American Waterworks Association since 1974, the NC AWWA/WEA since 1991, Grade IV Wastewater Treatment Plant Operator since 1975, and Grade A Surface Water Treatment Facility Operator since 1977. John received the Safe Water Maintenance Technologist of the Year Excellence Award in 2011.

John has served as an active member of the Plant Operations and Maintenance Committee and a member of the Curriculum Subcommittee and the Awards Subcommittee since 2009. He helped establish the Maintenance Technologist School by recruiting instructors, serving as school coordinator and classroom monitor. He has taught numerous wastewater treatment plant operators and water treatment plant operators in math and treatment processes with a goal of passing the operator certification tests. He has conducted numerous tours and instructed high school students and college students studying environmental science. John helped train wastewater laboratory technicians in how to run wastewater analyses and served as instructor in the Drawings I Class at the Maintenance Technologist School. He has presented papers on "Solids Dewatering" at the Water and Wastewater Equipment Manufacturers Association and "Biosolids Land Application" and "Developing Plant O & M Manuals" at NC AWWA/WEA conferences.

John, after a long career in the water and wastewater field, has decided to accept the retirement package offered by the City and retire December 2015.

CITY OF HIGH POINT

AGENDA ITEM



Title: Water/Sewer Connection Request 15-03 Wendover Hills Wesleyan Church

From: Lee Burnette, Planning & Development Director

Meeting Date: December 7, 2015

Public Hearing: No

Advertising Date

Advertised By:

Attachments: Location Map
Water & Sewer Utility Extension Policy

PURPOSE:

Request for exception to Water and Sewer Extension Policy for 2206 Joy Drive. The site is located on the south side of W. Wendover Drive, approximately ½ mile west of Piedmont Parkway, along the west of Joy Drive.

BACKGROUND:

Wendover Hills Wesleyan Church is proposing to construct a new church facility on a 7.69 acre parcel and wants to connect to the City's water and sewer lines in this area. Since the site is within an unincorporated portion of Guilford County, that is surrounded by the City's corporate limits, representatives of the church met with the Planning & Development Department to submit an annexation application. It was determined that the property is a part of a recorded subdivision (Sections 1 & 2 of the W.H. Ingram & E. N. McKinney subdivision) and is not physically contiguous to the primary corporate limits. In accordance with North Carolina General Statutes, properties that are not abutting the primary corporate limits and within a subdivision cannot be annexed unless all of the lots within the subdivision are annexed at the same time.

Thus, Wendover Hills Wesleyan Church has requested to connect to City utilities without annexation under the provision of the City's Water and Sewer Extension Policy. Typically such request are reviewed and approved by the Technical Review Committee (TRC) and submitted to City Council for informational purposes only. However, since this site is over three acres, the Water and Sewer Extension Policy requires City Council to review and approve such requests. If the City Council determines that the request is not in conflict with city interests, the request may be approved.

The TRC reviewed this request and had no objections based on the following:

1. This site is surrounded by the City's corporate limits and City services and service vehicles area already present in this area. When eligible, the annexation of this and other parcel along Joy Drive, would represents a logical progression of the City's annexation policy in this portion of the City's Planning Area.
2. As part of the development of this site, the church will be extending both water and sewer lines in to the subdivision along portions of Joy Drive. The extension of these utility lines in this subdivision will assist in opening this area for future voluntary annexation by property owners that abut the City limits, who desire to connect to city utilities.
3. Wendover Hills Wesleyan Church will sign an annexation agreement, noting their intent to annex the property when eligible under North Carolina General Statutes. This agreement will be recorded at the Guilford County Register of Deeds Office.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends approval of an exception to the City's Water and Sewer Extension Policy for Wendover Hills Wesleyan Church to connect to City water and sewer lines along the west side of Joy Drive.



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: G. Lee Burnette, AICP
Planning & Development Director

SUBJECT: Request for exception to Water and Sewer Extension Policy for 2206 Joy Drive. The site is located on the south side of W. Wendover Drive, approximately ½ mile west of Piedmont Parkway, along the west of Joy Drive.

DATE: November 23, 2015

Wendover Hills Wesleyan Church is proposing to construct a new church facility on a 7.69 acre parcel and wants to connect to the City's water and sewer lines in this area. Since the site is within an unincorporated portion of Guilford County, that is surrounded by the City's corporate limits, representatives of the church met with the Planning & Development Department to submit an annexation application. It was determined that the property is a part of a recorded subdivision (Sections 1 & 2 of the W.H. Ingram & E. N. McKinney subdivision) and is not physically contiguous to the primary corporate limits. In accordance with North Carolina General Statutes, properties that are not abutting the primary corporate limits and within a subdivision cannot be annexed unless all of the lots within the subdivision are annexed at the same time.

Thus, Wendover Hills Wesleyan Church has requested to connect to City utilities without annexation under the provision of the City's Water and Sewer Extension Policy. Typically such request are reviewed and approved by the Technical Review Committee (TRC) and submitted to City Council for informational purposes only. However, since this site is over three acres, the Water and Sewer Extension Policy requires City Council to review and approve such requests. If the City Council determines that the request is not in conflict with city interests, the request may be approved.

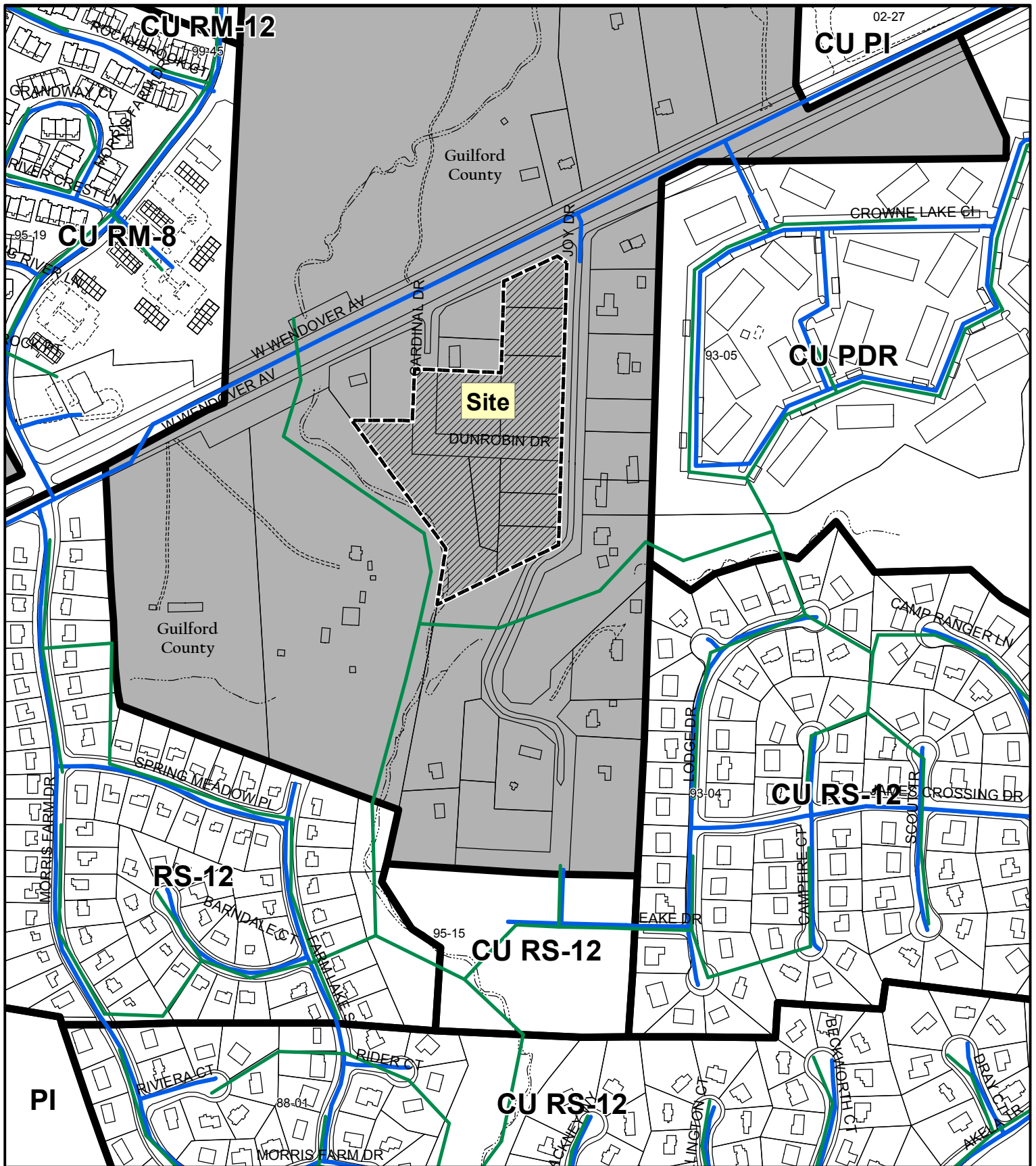
The TRC reviewed this request and had no objections based on the following:

1. This site is surrounded by the City's corporate limits and City services and service vehicles area already present in this area. When eligible, the annexation of this and other parcel along Joy Drive, would represents a logical progression of the City's annexation policy in this portion of the City's Planning Area.
2. As part of the development of this site, the church will be extending both water and sewer lines in to the subdivision along portions of Joy Drive. The extension of these utility lines in this subdivision will assist in opening this area for future voluntary annexation by property owners that about the City limits, who desire to connect to city utilities.

3. Wendover Hills Wesleyan Church will sign an annexation agreement, noting their intent to annex the property when eligible under North Carolina General Statutes. This agreement will be recorded at the Guilford County Register of Deeds Office.

Attachments:

- Location Map of proposed water service
- Water and Sewer Utility Extension Policy



WATER CONNECTION REQUEST WC15-03

Applicant: Wendover Hills Wesleyan Church
Address: 2206 Joy Drive

— Water Lines — Sewer Lines
 Existing Zoning Boundary
 Subject Property Boundary

**Planning & Development
 Department**

City of High Point

Date: November 5, 2015



Scale: 1"=300'

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City of High Point

Water and Sewer Utility Extension Policy

I. Authority

Sections 8-2-26 and 8-2-69 of the High Point City Code authorize the provision of water and sewer utility services outside the corporate limits of the city under specified circumstances and with the approval of the City Council. This policy establishes the process by which such provision may be approved.

II. Purpose

This water and sewer utility extension policy is established to ensure a utility infrastructure that is efficient and operates in the best interests of the city and its residents.

III. General Policy

It is the general policy of the City of High Point to provide water and sewer utility services only to properties within the corporate limits of the city and to allow the extension of such lines to serve properties only within the corporate limits. No water or sewer service shall be provided to any property outside the corporate limits of the City of High Point unless the owner of that property petitions for voluntary annexation, and the City Council approves that annexation prior to the receipt of water and sewer services, or the owner applies for and the property meets an exception to this general policy. Those exceptions are provided for in Section IV, Exceptions to the General Policy, which follow.

IV. Exceptions to the General Policy

An owner of a property that is located outside the corporate limits may be permitted to connect onto existing City of High Point water and sewer lines when the owner applies for an exception to the general policy and the following requirements are met.

- A. The city's Technical Review Committee determines that the property meets one of the following conditions:
 - 1. Annexation of the property is prohibited due to statutory or legal constraints;
 - 2. The city is unable to effectively deliver all services to the property; or
 - 3. The location of the property, relative to the location of the primary corporate limits and city services, makes the delivery of city services to the property impractical due to costs or physical constraints.
- B. All the following requirements shall be met:
 - 1. All plumbing fixtures and facilities shall be in compliance with the appropriate building codes and/or County Health Department regulations.

2. The use of the property is limited to one dwelling unit or nonresidential establishment located on a property three acres or less in size. However, the City Council, upon a formal written request by the property owner, may approve service to a larger property or for more than one dwelling unit on a property if the City Council determines that such actions are not in conflict with city interests.
 3. The owner executes a written agreement with the city, committing to submit a voluntary annexation petition upon request by the city, in accordance with Section IV D., Agreement, of this policy.
- C. Connections to city water or sewer lines shall not be authorized until the City Council has received notice of the Technical Review Committee's decision and such decision shall not be effective until the day after the next regular meeting of the City Council.
- D. Written Agreement

Prior to a property receiving water and/or sewer services as an approved exception to this policy, all owner(s) of such property must execute a written agreement with the city. In such agreement and in return for water and/or sewer service, the property owners shall declare and agree that as long as the property remains outside the corporate limits of the City of High Point:

1. That the property shall be subject to the city's outside rate schedule for water and/or sewer service;
2. That the property shall not be further divided or subdivided to create more lots or principal building sites;
3. That the property owner, or their successors or assigns, upon sufficient notice by the city, shall execute any and all documents required to accomplish voluntary annexation;
4. That if following notice, the owner fails to execute action to accomplish voluntary annexation, then the city shall terminate the water and/or sewer service to the property;
5. And, that the owner shall not oppose or support opposition to an annexation initiated by the City of High Point that includes any or all the property to which water and sewer service was provided by the City of High Point pursuant to this policy.

V. City-County Agreement

Under the terms of the "City-County Consolidated Water & Sewer Line Extension Agreement," the City Council may approve the extension of High Point utility lines into unincorporated areas of Guilford County. However, to receive water and/or sewer services, the property must be annexed into the corporate limits of High Point or be approved as an exception in accordance with this policy. A request for service under the City-County Agreement will not be approved if it conflicts with Section III, General Policy, Section IV, Exceptions to the General Policy, or with Section V, Randleman Lake Water Supply Watershed.

VI. Randleman Lake Water Supply Watershed

High density or intensive development is prohibited in most of the Randleman Lake Watershed Critical Area through the adoption of the "Deep River I Watershed Assessment and Stormwater Plan" and the NC Environmental Management Commission's approval of the city's alternative high density option regulations, which is part of the city's water supply watershed protection regulations. Consistent with that approved plan, the City of High Point will not allow the extension of water and/or sewer lines for new development in the Randleman Lake Watershed Critical Area except in portions of the Richland Creek and Business 85/Riverdale Road subbasins, as described in Section 9-7-4 of the High Point Development Ordinance. And, where such utility lines are present in the Randleman Lake Watershed Critical Area, service for new development will not be allowed. However, a connection to the city's water and/or sewer lines for an existing dwelling or business may be approved in accordance with Section III, General Policy or Section IV, Exceptions to the General Policy.

VII. Water and Sewer to Other Jurisdictions

Nothing in this policy shall preclude the City Council from approving the provision of water and sewer utility services to serve other jurisdictions or government entities.

Approved this 4th day of October 2001.
High Point City Council

Amended December 19, 2002

Third Place Award – Best Tasting Water 2015

Water is one of the most important of all natural resources. It is vital for all living organisms and major ecosystems, as well as human health, food production and economic development. Impossible to substitute, water is essential to life. It is a precious resource that should not be taken for granted.

The 95th North Carolina American Water Works Association and Water Environment Association (NC AWWA-WEA) annual conference was held Tuesday, November 15th through 18th in Raleigh. One of the many conference highlights is the Best Tasting Water Contest. Water samples were submitted from twenty-five participating water systems from across the state. Individual conference judges ranked the samples and results were combined to establish an overall ranking.

The City High Point Public Utilities Department received a Third place award in the “Best Tasting Water” contest. This is the second year in a row that the City of High Point has received a Third Place award in “Best Tasting Water” contest held annual at the conference.

High Point has received first place honors in 1990, 2007 and 2011. The recent honors show Public Services and the City’s continued dedication to providing our customer with a quality product.

Office of the Mayor
City of High Point
North Carolina

PROCLAMATION...

WHEREAS, Freemasonry has been a part of the City of High Point since its very beginnings. The first Masonic Lodge, High Point Lodge No. 199, AFM, was chartered on December 7, 1858, and

WHEREAS, the Fraternity has faithfully and fraternally served the Community of High Point for the last 140 years, Numa F. Reid Lodge No. 344 AF & AM being chartered on December 7, 1875, and

WHEREAS, most of the Fraternity's members live in or around the City of High Point, and take great pride in their community, and

WHEREAS, the Fraternity provides scholarships for the children of Masons attending High Point University, and

WHEREAS, many of our local Police, Fire Fighters, and other notable public servants have been and are currently members of the Masonic Fraternity, and

WHEREAS, Masons have served honorably throughout the scope of American history, our first President, George Washington, being a distinguished Mason, who along with other notable Masons helped establish this great country.

NOW, THEREFORE, I, William S. Bencini, Jr., Mayor of the City of High Point, on behalf of the High Point City Council, in honor of Freemasonry's 140th year in the City of High Point, do hereby proclaim the 14th Day of December, 2015 as

"Freemasonry Day"

in the City of High Point.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of High Point, North Carolina this 7th day of December, 2015.


William S. Bencini, Jr., Mayor

