City of High Point

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

Meeting Agenda

Monday, November 3, 2014

5:30 PM

Council Chambers

<u>City Council</u>

James C. Davis, Mayor
Foster L. Douglas, Jason P. Ewing,
Jeffrey J. Golden, Judith P. Mendenhall,
Britt W. Moore, Rebecca R. Smothers,
Jay W. Wagner

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair

140327 Upgrade of High Point Police Department Pistols
City Council is requested to authorize the upgrade of the High Point Police Department pistols to the SIG Sauer P320 as outlined in the attached offer from Lawmen's.

140328 Budget Ordinance Amendment - Brownfields Grant
Council is requested to adopt a budget ordinance amending the 2014-2015 Budget Ordinance to appropriate funds for the Environmental Protection Agency Brownfields Grant in the amount of $400,000.00.

140329 Contract - Brownfield Assessment Grant - ECS Carolinas, LLC
Approval of award of contract with ECS Carolinas, LLC for Bid No. 04 for the Brownfield Assessment professional services in an amount not to exceed $387,000.00.

140330 Budget Ordinance Amendment - Internal Auditor Position
Council is requested to adopt a budget ordinance amending the 2014-2015 Budget Ordinance to appropriate funds in the amount of $53,000.00 to add an Internal Auditor position.

140335 Resolution - Endorsing Application - NCDOT Bicycle and Pedestrian Grant Initiative
Council is requested to adopt a Resolution endorsing the application by the City of High Point for the North Carolina Department of Transportation (NCDOT) Bicycle and Pedestrian Grant Initiative plan.

Pending Items

140296 Contract - Washington Street Streetscape Project
Engineering Services recommends that Council approve the base bid with both alternates and award contract ENG2014-003 Washington Street Streetscape Project to Atlantic Contracting at the bid amount of $438,327.50. At the October 2nd City Council meeting this item was referred back to committee to receive further information.)

140297 Budget Ordinance Amendment - Washington Street Streetscape Project
Council is requested to adopt a budget ordinance amending the 2014-2015 Budget Ordinance to appropriate funds for the Washington Street Streetscape Project.

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

140331 Core City Homebuyer Assistance Program
Council is requested to authorize the implementation of the Core City Homebuyer Assistance Program.

140278 Resolution - Regional Assessment of Fair Housing & Analysis of Impediments
Council is requested to approve the City of High Point's Regional Assessment of Fair Housing and Analysis of Impediments as required by the Department of Housing and Urban Development (HUD). At the September 15, 2014 Regular Council Meeting this item was referred to Committee to receive additional information. At the October 28th Community Housing and Neighborhood Development Committee meeting this item was discussed and referred to the November 3rd Regular Council Meeting with a favorable recommendation for adoption.

PUBLIC COMMENT PERIOD - 6:00 P.M.

PUBLIC HEARINGS - 6:15 P.M. - No Public Hearings scheduled for this meeting

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140333 Reappointment - ABC Board - Elizabeth Koonce
Mayor Davis is requesting that Council confirm the reappointment of Elizabeth Koonce to the Board of Alcoholic Control. Appointment to be effective immediately and will expire November 15, 2017.

140304 Boards and Commissions - Vacancy Report
Attached is the current list of vacancies for all Boards and Commissions.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

140334 Minutes to be Approved
Comprehensive Planning Committee: Wednesday, October 15th @ 9:00 a.m.
Finance Committee Meeting: Monday, October 20th @ 4:30 p.m.
Regular Council Committee: Monday, October 20th @ 5:30 p.m.
Comprehensive Planning Committee (N. Main Street Road Diet Study): Tuesday, October 21st @ 4:00 p.m.
Adjourned Session of City Council: Thursday, October 23rd @ 9:00 a.m.

ADJOURNMENT

CITY OF HIGH POINT
AGENDA ITEM

Title: Budget Amendment for Brownfields Grant

From: Eric Olmedo, Budget Manager

Public Hearing: N/A

Attachments: Budget ordinance

Meeting Date: November 3, 2014

Advertising Date: N/A

Advertised By: N/A

PURPOSE:
A budget amendment is needed to recognize the funding for the Brownfields Grant.

BACKGROUND:
The City of High Point applied for a Brownfields grant through the U.S. Environmental Protection Agency on June 24, 2014. The City was awarded the grant on September 30, 2014. The grant amount is $400,000 and the EPA agrees to cost-share 100%.

BUDGET IMPACT:
This is a 100% grant, so no city funds are required.

RECOMMENDATION / ACTION REQUESTED: The Budget Department recommends and asks the Council to approve the budget amendment.

"AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FOR THE ENVIRONMENTAL PROTECTION AGENCY
BROWNFIELDS 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 will receive grant funds from the U.S. Environmental Protection Agency to conduct community-wide assessments at Brownfields sites in the amount of $400,000.

Section 2. The 2014-2015 Budget Ordinance of the City of High Point, should be amended as follows:

(A) That the Special Grants Fund revenues be amended as follows:

Federal Grant Revenue	$ 400,000

(B) That the Special Grants Fund expenditures be amended as follows:

Grant Expenditures	$ 400,000

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 this 3rd day of November, 2013

CITY OF HIGH POINT
AGENDA ITEM

Title: Brownfields Assessment Grant -Contract Award ENG2014-003

From:	Keith Pugh, Engineering Services and Wendy Fuscoe. Core City Administrator	**Meeting Date:**	November 3, 2014
Public Hearing:	N/A	**Advertising Date:** **Advertised By:**	July 28, 2014 Purchasing Division
Attachments:	Formal Bid Recommendation Vicinity Map ECS Carolinas Proposal		

PURPOSE:
High Point's Core City has several vacant and/or underused properties. In an effort to spur economic development and redevelopment of the city's core, we've pursued and have been granted a Brownfields Assessment Grant from the EPA. This grant allows the city to assess several key properties in the Core City for environmental hazards and potential redevelopment. The City has selected a firm to conduct the assessment and seeks Council approval to award the contract.

BACKGROUND:
The High Point Core City Plan identifies several strategies and potential tools for redevelopment and economic vitality. The EPA Brownfields Assessment Grant is one of those tools. This assessment allows the city to identify and quantify environmental risks associated with the adaptive reuse of vacant and underutilized properties and prioritize those properties based on the likelihood/impact of redevelopment.

On July 28, 2014 the City issued a Request for Qualifications (RFQ) for the environmental consultant. On August 22, 2014 the City received thirteen qualification packages from firms interested in this work. The brownfield consultant selection committee (Sandy Dunbeck, Paul Kron, Barry Kitley, Keith Pugh and Wendy Fuscoe) reviewed the proposals and selected the top five for face to face interviews. The selection committee met with the top 5 firms to ask relevant project questions and determine each firm's work history and understanding of our project. On September 30, 2014 the selection committee conducted its final interview and selected the top three firms to follow-up with references. After contacting several references, the committee selected ECS Carolinas, LLC to perform the work.

BUDGET IMPACT:
The contract is 100% funded through an EPA Brownfields Assessment Grant. Funding is available in: 301541-527101--53010

RECOMMENDATION / ACTION REQUESTED:
The Core City Administrator and Engineering Services Director recommends and asks the Council to approve this Brownfields Assessment professional services contract with ECS Carolinas, LLC at the "not to exceed" amount of $387,000.

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: Administration/Engineering Services

COUNCIL AGENDA DATE: November 3, 2014

BID NO.: 04-082214 CONTRACT NO.: DATE OPENED: August 22, 2014

DESCRIPTION:

The EPA awarded the City of High Point a $400,000 community-wide Brownfield Assessment grant to be conducted over a 3 year period. ECS will assist the City of High Point in community outreach, developing a brownfield site inventory, conducting Phase I and II assessments and site remediation plans.

PURPOSE:

The purpose of this work is to identify brownfield properties in the core city area that have the greatest probability of redevelopment and taking steps to returning them to productive use.

COMMENTS:

The contract will be administered by Wendy Fuscoe (Core City) with assistance from Keith Pugh (Engineering Services). This contract is 100% funded through the EPA grant and will be accounted for through the City of High Point Special Grants Fund.

RECOMMEND AWARD TO: ECS Carolinas, LLP AMOUNT: not to exceed $387,000

JUSTIFICATION:

A total of 13 proposals were received. A selection committee used a scoresheet to review, and selected the top 5 applicants to for a face-to-face interview. The committee then selected ECS.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
301541	527101		53010	$387,000
TOTAL BUDGETED AMOUNT				$387,000

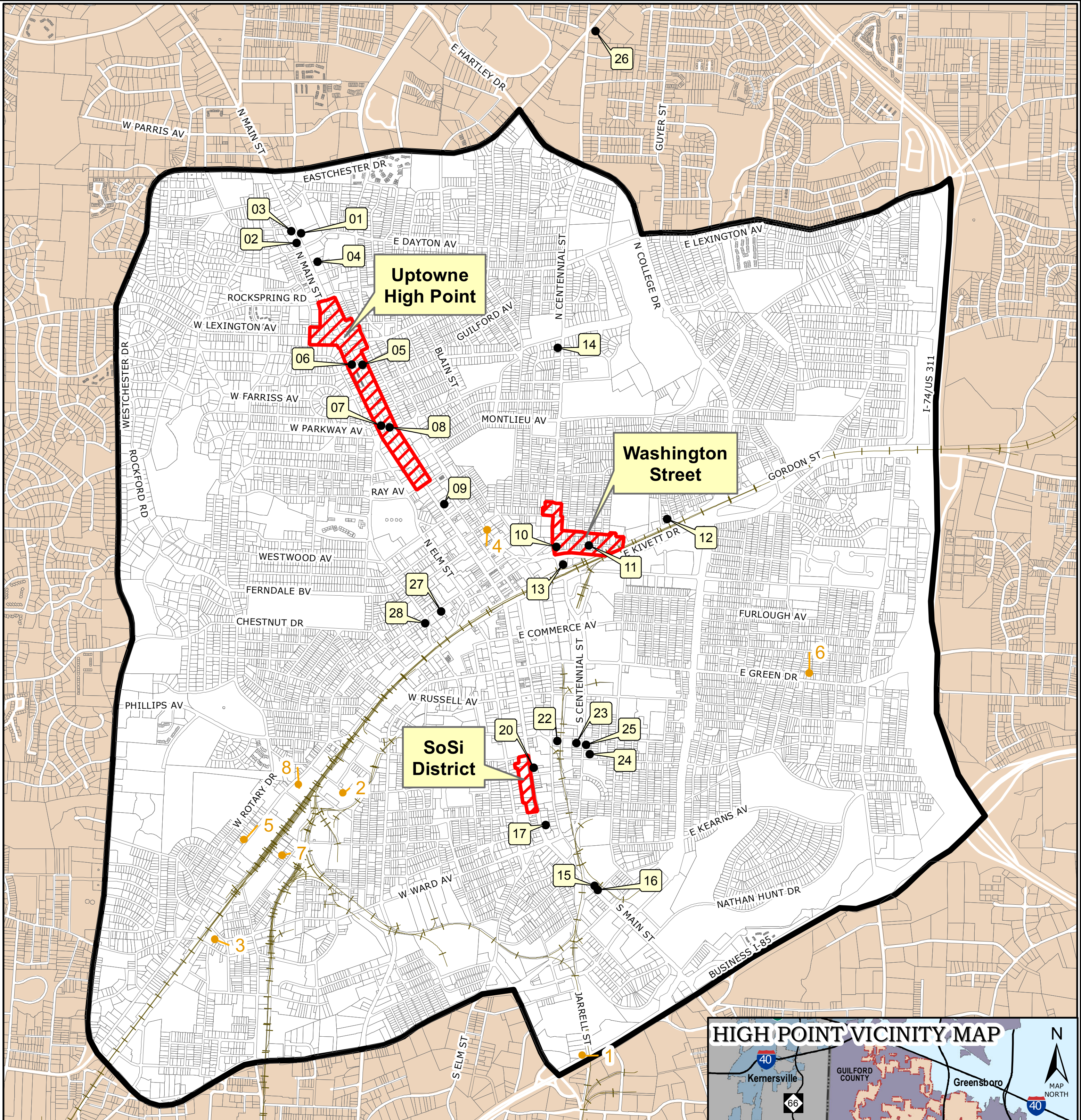
DEPARTMENT HEAD: B.K. Pugh Digitally signed by B.K. Pugh DN: cn=B.K. Pugh, o=City of High Point, ou=Engineering Services, email=keith.pugh@highpointnc.gov, c=US Date: 2014.10.20 15:45:13 -04'00' DATE: Oct 23, 2014

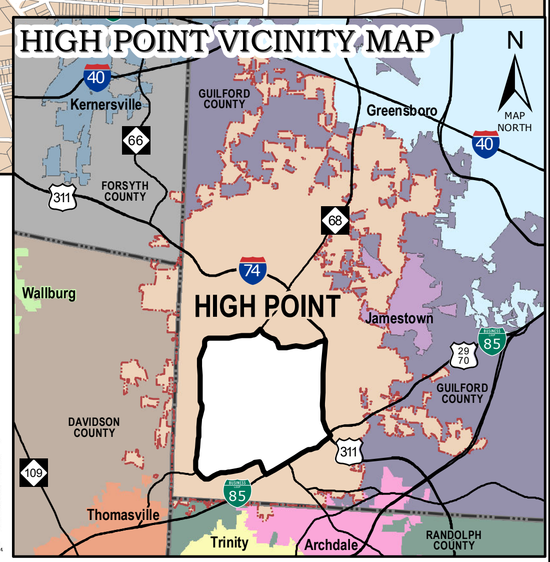
The Purchasing Division concurs with recommendation submitted by the **Engineering Services** **and recommends award to the lowest responsible, responsive bidder** **ECS Carolinas LLP** **in the amount of $** **387,000.00**.

PURCHASING MANAGER: Tarinda Chappell Digitally signed by Tarinda Chappell DN: cn=Tarinda Chappell, o=City of High Point, ou=Purchasing, email=tarinda.chappell@highpoint.gov, c=US Date: 2014.10.24 11:46:48 -04'00' DATE: Oct 24, 2014

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=jeff.moore@highpointnc.gov, c=US Date: 2014.10.27 09:35:52 -04'00' DATE: Oct 26, 2014

CITY MANAGER: Randy E. McCaslin Digitally signed by Randy E. McCaslin DN: cn=Randy E. McCaslin, o, ou, email=randy.mccaslin@highpointnc.gov, c=US Date: 2014.10.27 09:56:05 -04'00' DATE: Oct 27, 2014





CITY OF HIGH POINT

CORE CITY AREA BOUNDARY

Brownfield Sites

Highlighting the
Uptowne, Washington St and the Sosi Districts

N
MAP NORTH

MAP LEGEND

- Brownfield Sites
- Districts
- Core City Area Boundary
- Inactive Hazard Sites

0 0.15 0.3 0.6
Scale = Miles

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY

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October 23, 2014

Ms. Wendy Fuscoe
City of High Point
1634 N. Main Street
High Point, NC 27262

Reference: Proposal for Cost Estimate/Approximate Budget Ranges
City of High Point - Brownfields Assessment Grant
High Point Core City Area
High Point, North Carolina
ECS Proposal No. 22245-PR

Dear Ms. Fuscoe:

ECS Carolinas, LLP (ECS) is pleased to submit this proposal to provide environmental services for the above referenced site. Our experience with similar projects will help us provide efficient, cost-effective environmental services. Included in this proposal is an outline of our understanding of the project information, proposed scope of services, and estimated fees.

PROJECT INFORMATION

The City of High Point has been awarded a U.S. Environmental Protection Agency (EPA) community-wide Brownfields assessment grant. ECS understands that the focus of the assessment grant area will be the City of High Point, Core City area. ECS understands that the City has identified sites of possible interest within the Core Area, but sites to be evaluated have not been selected at this time. ECS has been requested to assist the City of High Point with Community Involvement, development of a Brownfield Site Inventory, Phase I Environmental Site Assessments (Phase I ESA), preparation of a Quality Assurance Project Plan(s) (QAPP) and a Health and Safety Plan (HASP), Phase II Environmental Site Assessments and preparation of Site Remediation Cost Analysis after completion of the Phase II ESAs. This plan includes a schedule for completing the required work within the three year period. Project information was provided by Ms. Wendy Fuscoe with the City of High Point.

PROPOSED SCOPE OF SERVICES

Based on our understanding of the project information, ECS proposes the following scope of services. Please understand that the order of the tasks below does not necessarily indicate the order in which they are completed.

Task 1 Meetings with Environmental Regulators

ECS will meet with City staff, regulators from the North Carolina Department of Environment and Natural Resources (NCDENR), Division of Waste Management, Brownfields Program and the EPA early on to discuss our approach, development of work plans, QAPPs, etc. We will meet with agencies personnel during the duration of the grant program as needed.

Task 2 Community Involvement and Grant Management

The Consulting team (ECS with support from Greenfield Development Company) will work closely with the City of High Point to meet with both the City of High Point Brownfields Advisory Committee, City leaders, and the community as part of a public outreach program. The number of meetings has not been determined but ECS anticipates several meetings with the City of High Point Brownfields Advisory Committee and multiple meetings with the public and regulatory agencies to discuss involvement/coordination activities. ECS will assist with developing and providing the following marketing materials for the public information workshops and materials to disseminate to the public through the city's website and social media sites:

- Sign-in registration sheets;
- Email blasts to key stakeholders, targeted interest groups and individuals (if email is provided to ECS);
- Directional signs indicating workshop room location;
- Comment forms and comment boxes;
- Project information handout;
- Presentation materials/PowerPoint Displays; and
- Meeting displays for question & answer session/open house (materials not included).

The presentation, handout, and displays may include information on the following:

- Brownfields site assessment and redevelopment process overview;
- Project goals and objectives;
- Project schedule and timeframe;
- Public participation opportunities;
- Description of potential sites and areas of Core City;
- Other pertinent site assessment and redevelopment issues.

ECS anticipates that there will be an initial "kick off" meeting to explain the project to the (BAC) which will include key EPA and NCDENR staff. There may be an initial meeting to explain the goals of the project and time frame for implementation to city council. ECS will assist in determining the proper makeup of the BAC. Once ECS has completed a thorough inventory of sites, and developed site selection criteria, there will be a meeting to inform the BAC and solicit input on site prioritization.

ECS anticipates that there will be follow up meetings with the BAC as the project progresses to share the information on the assessment work plans and results and of the Phase I and Phase II ESAs and plans moving forward. ECS and the City of High Point will involve and educate the community on the technical aspects of the project, including the following:

- Findings of the Phase I and Phase II Environmental Site Assessments, including sample collection methods and results;
- General discussion of magnitude of impacts and extent of constituents of concern, especially as relates to redevelopment;
- Risk assessment results, including a discussion of the risk assessment process, public health concerns, and goals of the assessment or development of cleanup goals;
- Potential reuse and redevelopment potential, and options for future land use (infrastructure reuse, greenspace creation, and other land use).
-

Knowing that the objective of this grant is to put these brownfield properties into productive reuse, ECS will promote property redevelopment to their client base.

ECS will support grant management by assisting city staff in the completion of quarterly reports, compliance and federal requirements and preparation of annual reports and the Final Performance Report.

Task 3 Brownfields Sites Inventory

This task will involve The City of High Point, ECS, the BAC and Greenfield working closely to inventory sites in the Core City area and evaluate sites based on highest and best use with consideration from public outreach goals to support the development of a more detailed inventory of petroleum sites and hazardous sites that meet the profile of a Brownfields site (including potential Petroleum sites in the brownfields inventory booklet described under the Hazardous Sites). As a part of the process we will develop a matrix analysis with several criteria that we will use to rank and score each site. This will allow us to prioritize the sites (based on potential redevelop opportunities and cleanup issues) and help us determine on which sites we should concentrate our investigative efforts and monies.

Following this analysis, ECS and Greenfield will prepare a booklet of the sites of interest that we will present to the BAC, City leaders, and general public.

Task 4 Phase I ESAs

Once sites are evaluated and inventoried in the Core City area (Task 3), ECS will proceed with Phase I ESAs in accordance with the following scope of services:

The Phase I Environmental Site Assessment will be prepared in general accordance with ASTM Standard E1527-13, Standard Practice for Phase I Environmental Site Assessments: Phase I Environmental Site Assessment Process.

Task 5 Phase II ESAs

ECS anticipates that Phase II ESAs may be necessary depending on the findings of a Phase I ESA as described in Task 4. ECS has prepared the following scope of services in anticipation of what services will be needed.

Task 5A – Quality Assurance Project Plan(s) (Generic and Site Specific, as needed)

To ensure the precision, accuracy, and completeness of the data obtained during the risk-assessment, ECS will prepare a written Quality Assurance Project Plan (QAPP). The QAPP will describe in detail the necessary quality assurance (QA) and quality control (QC), and other technical activities that will be implemented to ensure that the results of the work performed will satisfy the scope of work outlined in the work plan. The QAPP will include the following:

- Sampling design;
- Sampling methods;
- Sample handling and chain of custody procedures;
- Analytical methods;
- Quality control;
- Instrument/equipment testing, inspection and maintenance;
- Instrument calibration frequency; and,
- Data management.

Task 5B – Phase II Environmental Site Assessments

A site specific scope of work to investigate recognized environmental concerns at a site will be developed. The scope may include collection of soil, groundwater, and/or soil gas samples. Analysis of the samples will be performed by North Carolina certified laboratories and according to EPA SW-846 Methods. The locations and quantities of samples will be determined based on previous data collected from the site and based on conversations with NCDENR Brownfield program regulators. Soil sampling will be performed utilizing hand augers and Geoprobe® drill rigs. Groundwater sampling will likely involve direct push groundwater sampling and monitoring well installation using a Geoprobe® and/or drill rigs equipped to drill with either hollow-stem augers or air rotary drilling techniques. Soil and groundwater samples will be collected in accordance with the QAPP.

Asbestos and lead-based paint surveys will be conducted on buildings were these materials may be present. The surveys will be conducted in accordance with EPA and State of North

Carolina NESHAPs guidelines for renovation and demolition. The sample will be analyzed by accredited local laboratories.

Task 5C – Reuse, Remediation and Area-Wide Planning

For each site that a Phase II ESA is conducted, ECS will assist the City of High Point with remedial and reuse plans. This planning will involve conducting a feasibility study of remedial options and estimating cleanup costs based on redevelopment scenarios. Greenfield will assist in creating redevelopment options as needed. The majority of this effort will be conducted by the environmental consultant. In addition to these site-specific cleanup and reuse plans, this funding will be used to explicitly tie the City's Core City Plan, High Point's HUD Community Challenge grant work, and this EPA Brownfields grant together by integrating brownfield cleanup and redevelopment strategies into the community's vision for a revitalized Core City. In addition, ECS will notify the city of any additional funding opportunities.

ADDITIONAL PROJECT SERVICES

Assistance with other Grant Funding

ECS and our team will work with the City of High Point to find other sources of Grant funding (such as Community Block grants, remediation grants, etc.) and assist where needed with grant preparation and submittal. ECS has not been requested to conduct these services at this time but can assist the City of High Point as needed.

FEE ESTIMATES

Task 1: Meetings with Environmental Regulators, City of High Point Staff, Property Owners

Cost per meeting: estimate@ $450 to $1,000

Task 2: Community Involvement

Cost per meeting = $3,000 to $5,000 each

Task 3 – Brownfields Sites Inventory

Cost estimate = $20,500 to $23,000

Task 4 – Phase I ESA

Cost estimated = $3,000 to $5,000 per site

Task 5 – Phase II Assessment

Task 5A – Quality Assurance Project Plan

Generic QAPP = $4,500

Site Specific QAPP = $3,000/site

Task 5B – Phase II Environmental Site Assessments

Soil and groundwater - cost estimated = $10,000 to $35,000 per site
Asbestos and lead-based paint survey - cost estimated = $2,000 to $5,000 per site

<u>Note:</u> We will utilize a scale of economy to evaluate sites as cost effective as possible until the scope of work can be determined following the completion of the ESAs.*Task 5C – Reuse, Remediation and Area-Wide Planning*

Cost estimated = $10,000 per site

Assistance with other Grant Funding

Cost estimated = $10,000 to $15,000

The estimated fees were prepared for budgetary purposes. The final scope of work will be determined based the findings of the Site Inventory, the number and types of recognized environmental concerns identified in the Phase I ESAs, and on conversations with US EPA and NCDENR Brownfields regulators.

The work will be invoiced on a time and material basis according to the attached fee schedule.

It is mutually agreed by the terms of this contract that the contract value will not exceed $387,000 unless mutually agreed upon by both parties.

CLOSING

We are pleased to have the opportunity to offer our services and look forward to working with you on this project. If you have any questions or comments concerning the contents of the enclosed documents or other related topics, please feel free to contact us at (336) 856-7150.

Respectfully submitted,

ECS Carolinas, LLP

Brian E. Maas, REM
Senior Environmental Principal

John M. Stewart, P.G., CPG
Branch Manager

CITY OF HIGH POINT
AGENDA ITEM

Title: Budget Amendment for Internal Auditor Position

From: Eric Olmedo, Budget Manager

Public Hearing: N/A

Attachments: Budget Ordinance

Meeting Date: November 3, 2014
Advertising Date: N/A
Advertised By: N/A

PURPOSE:
A budget amendment is needed to fund an Internal Auditor position.

BACKGROUND:
The City of High Point City Council has identified a need to add an Internal Auditor position. The City Council was briefed at its October 20th meeting about the duties and pay grade, and was presented a draft organizational chart indicating the proposed reporting structure of the position.

Included in this amendment is half year funding of the salary and benefits assuming a starting salary equivalent to the mid-range of the proposed pay grade 32, as well as funds to equip the position with office furniture, chair, computer, phone and other necessary supplies to perform the functions of the position.

The proposed budget amendment includes funding for the following:

Six months salary -	$ 34,590
Six months insurance/benefits -	$ 9,410
Furniture/Computer/Supplies -	$ 9,000
Total	$ 53,000

BUDGET IMPACT:
Funding would be appropriated from fund balance.

RECOMMENDATION / ACTION REQUESTED: The Budget Department recommends and asks the Council to approve the budget amendment.

“AN ORDINANCE AMENDING THE 2014-2014 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FOR AN INTERNAL AUDITOR POSITION

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The City of High Point has determined it is in the City’s best interest to add an Internal Auditor position. This additional position will help increase the efficiency and effectiveness of the Internal Audit function in the City.

Section 2. In order to appropriate these funds, the 2014-2015 Budget Ordinance of the City of High Point, should be amended as follows:

(A) That the General Fund Internal Audit expenditures be amended as follows:
Personnel and Benefits $ 53,000

(B) That the General Fund revenues be amended as follows:
Appropriated Fund Balance $ 53,000

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 November 3, 2014

FINANCE COMMITTEE
Chaired by Council Member Moore
OCTOBER 20, 2014 – 4:30 P.M
CITY MANAGER'S CONFERENCE ROOM

MINUTES

PRESENT:
Committee Chair Moore, Interim Mayor Davis, Council Member Wagner

OTHERS PRESENT:
Council Members Douglas, Ewing, Golden, Mendenhall and Smothers

STAFF PRESENT:
Randy McCaslin, Interim City Manager; Bob Morgan, Assistant City Manager, Eric Olmedo, Budget Officer; Jeron Hollis, Public Information; Jeff Moore, Director of Finance; Terry Houk, Director of Public Services; Gary Smith, Fleet Services Director; Robby Stone, Assistant Director of Public Services; Keith Pugh, Director of Engineering; Angela Kirkman, Director of Human Resources; JoAnne Carlyle, City Attorney; Lisa Vierling, City Clerk; Dawn Sparks, Deputy City Clerk

OTHERS PRESENT:
Cindy Davis, Planning & Zoning Commission

AGENDA ITEMS

140308 **Eastside WWTP Repair – Electrical Ductbank**

The Public Services Department is requesting approval of contract with East Coast Construction Services, LLC in the amount of $295,699.00 for replacement of underground electrical power feeds to the main treatment process of the Eastside WWTP.

Terry Houk explained that the electrical system at Eastside is failing. The storm drain failed and when it failed and it wiped out some of the support dirt causing the conduits to fail. Temporary repairs have been made. The upgrade will add a new duct system.

Mr. Houk stated in 2003/2004 when they did the upgrade the storm drain system that ran under the sidewalk there apparently were some problems and when they went in to repair they found some conduit blocking the storm drain.

Council Member Douglas asked if the contractor is liable for this damage. Mr. Houk stated that they were not.

A motion was made by Council Member Moore, seconded by Mayor Davis to forward this matter to Council with a recommendation of approval. Motion passed unanimously. (3-0 Vote)

140309 **Contract – Purchase of Electric Line Truck**

Fleet Services is requesting approval of the purchase of a 2015 Freightliner truck with a Terex body in the amount of $230,886 using the National Joint Powers Alliance (NJPA contract) and disposing of the old electric line truck through the online auction process.

Gary Smith stated that this equipment will replace a 1997 model and is actually one of the few trucks left that has a gas engine so the parts for these are getting harder obtain now. The truck has 8,400 hours and has about $90,000 in repairs.

Council Member Douglas asked how the hours were accrued. Mr. Smith stated that the 8,400 hours are actually the hours of engine operation.

A motion was made by Council Member Moore, seconded by Mayor Davis to forward this matter to Council with a recommendation of approval. Motion passed unanimously. (3-0 Vote)

140310 **Contract – Purchase of Electric Bucket Truck**

Fleet Services is requesting approval of the purchase of a new Altec AA55-E bucket truck in the amount of $121,089 using the National Joint Powers Alliance (NJPA) and disposing of the old electric bucket truck through the online auction process.

Mr. Smith stated the truck they are replacing is a 1997 model and has 11,750 hours on it. The contract is just for the purchase of the body itself. Once council approves the purchase of the body staff will order the truck separately.

A motion was made by Council Member Moore, seconded by Mayor Davis to forward this matter to Council with a recommendation of approval. Motion passed unanimously. (3-0 Vote)

140311 **Rescind Contract – Road Machinery Services**

The Fleet Services Department recommends rescinding the contract with Road Machinery Services for $345,000 and instructing staff to coordinate the repairs through Goodin Equipment Services and other local vendors.

Mr. Smith stated in January staff obtained a quote to refurbish the landfill compactor for $850,000. Goodin Equipment offers a refurbishing deal at $345,000. In September after Council approval staff contacted the manufacturer and advised that they were going through this process, and were told that the original vendor no longer does that type of work. The new vendor stated if the City could provide the parts he could perform the work, which would allow the city to refurbish the compactor for $125,000.

A motion was made by Mayor Davis, seconded by Council Member Moore to forward this matter to Council with a favorable recommendation of adoption. Motion passed unanimously. (3-0 Vote)

140312 **Contract Renewal – Official Payments**

The Customer Service Department is requesting that City Council approve the renewal of contract with Official Payments in the amount of $255,000 for the processing of credit cards and checks for utility and non-utility payments.

Bob Martin advised this is a contract to take electronic payments. With the renewal of the contract the City will be moving to a new platform reducing the charges from $1.75 to $1.50 for credit cards and.38¢ for checks.

A motion was made by Council Member Moore, seconded by Mayor Davis to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (3-0 Vote)

140313 **Resolution – Issuance of Series 2014 General Obligation Refunding Bonds**

City Council is requested to approve the attached "Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with Local Government Commission in Connection with the Proposed Issuance of General Obligation Refunding Bonds by the City of High Point, and City Council is requested to adopt the attached Order Authorizing $14,235,000 General Obligation Refunding Bonds.

Jeff Moore advised that this is the final step in a process that Council began a year ago. This plan was approved by the LGC a year ago. The budget savings are built into the 2014/15 budget and it is advantageous and takes it from a 1.7% interest rate to a 1.36% interest rate.

A motion was made by Council Member Moore, seconded by Council Member Wagner to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (Vote 3-0)

Other Matters

Washington Street Project

Randy McCaslin advised that the City had a base bid with two alternates for the street project. Alternate 1 is the curb and gutter, alternate 2 is for the resurfacing. Council had asked about the need for additional work to take care of the water and sewer lines. Keith Pugh advised they went back and looked at the water line. It was constructed in 1902. Mr. Pugh stated that it is a cast iron line and he could guarantee it has leaded joints along it. Normally anytime they do construction over a line this size and material odds are they will get separation in some of the joints. Mr. Pugh felt in prioritizing improvements on the utilities down Washington he suggested that the waterline would be the most susceptible to damage during construction. The cost for replacing the line is $96,000. Mr. Pugh stated that every time they make a repair there is potential of bursting pipes and they minimize that risk by opening hydrants beyond the line to relieve pressure on the rest of the line.

Mr. Pugh stated that the sewer line was installed in 1902 and is a clay line. It is smaller than the standard sized pipe. Staff's recommendation is to replace this line and upsize it to an 8" line. Costs for replacing these lines are about $970,000.

Randy McCaslin advised that adding the replacement of these lines extends the length of the project to twelve to thirteen months. The addition of the sewer line will require the rebidding of the entire project. Mr. McCaslin stated that it is possible they can begin the project in three weeks, which will allow them time to get out into the neighborhood to explain the project to the residents.

Mayor Davis stated that originally this project was started because of the need for covered bus stops, and asked what the total costs of everything they are talking about. Mr. McCaslin stated that the original recommendation was for the base bid. Budget has looked into this and the budget amendment will cover the base bid and alternate 1 and 2. If Council elects to go beyond that staff will have to bring back another budget amendment depending on what Council decides to do.

Council Member Golden felt they needed to go ahead and replace the lines.

Mayor Davis asked what the additional costs were for extending the lines towards the school. Bob Morgan stated the extension was for 800 feet. Randy McCaslin stated he would have to go back and check his file for that figure.

Council Member Mendenhall asked how much was budgeted for the replacement of old lines. Mr. Olmedo stated the City budgets $1 million a year for each, and they have not contracted any of that current money this year.

First Quarter Budget Report

Eric Olmedo presented a report on the first quarter finances. (A copy of the presentation is attached to and made part of these minutes.)

To date the City has collected $37.5 million compared to $42.2 last year. The total collections are 37% of the budget. Year to date the City has collected $31.2 million in property taxes compared to $33.1 million last year. The decrease of 6.1% is partially due to the drop of the property tax rate by 1.1¢ and the timing of property tax collections is historically off by a month or two.

Sales and tax use revenues have collected $2 million compared to $1.9 from last year. The new electric and natural gas sales tax will occur quarterly 75 days after the first quarter, and those revenues are not expected until later in the year.

Intergovernmental Revenues (Powell Bill, video programing revenue, utility franchises) has collected $1.9 million in revenue. The expected decrease from last year is in utility franchise fees, which will now be collected through the sales tax.

License and Permit revenues are 50% collected due to this being the last year of privilege license fees, which comes in at the beginning of the year. The funds are down a little this year because the state does not allow cities to collect from businesses that are not located within the city ($170,000 decrease from last year).

Charges for services are those fees from Parks & Recreation and to date the City has collected $1.3 million compared to $1.9 million from last year.

The City has expended $22.7 million to date, which is 22% of the budget.

The Water Sewer Fund has collected $11.8 in revenues, which is an increase of 4.4% from last year.

The Electric Fund revenues are slightly increased from last year at $35.6 million. Expenditures are at $26.4 million, which is about 20% of the budget.

The Solid Waste Fund reflects the General Fund Revenue due to the transition plan of $2.6 million from the General Fund to the Solid Waste Fund as a subsidy.

Stormwater Fund revenues are up slightly by 5.7% and they have collected 23% of the budget. The expenditures are also in line with where they should be.

Mayor Davis asked why the pcards were up 50% in purchases in the first quarter. Jeff Moore stated a portion of that increase is for a number of fleet replacement items as well as the capital projects that have come in this year.

Internal Auditor Position

Randy McCaslin handed out information on the Internal Auditor's position that sets out the duties of the position. The position will be under the Budget and Evaluation Department with an informal relationship to the City Manager.

Jeff Moore advised when he first came to the City in 1999 the Internal Audit Department was assigned to him, and over the course of retirements they were not allowed to fill those positiions, and in 2006 the Internal Auditor position was vacated.

Randy McCaslin is recommending one position now and see how it goes and they can expand it if needed.

Council Member Douglas asked if it had to be a staff position or could it be a contract position. Mr. McCaslin stated that Council already has a contract auditor each year.

Council Member Mendenhall stated that it is her understanding that an internal audit position is there to ensure efficiencies and that everything is being done correctly and they are independent of any department in the city, which is the main key, and that they look at all the different departments to see they are functioning properly.

Mayor Davis requested more time to read through the materials before making a decision on the position.

ADJOURNMENT

The meeting adjourned at 5:30 p.m. on a motion duly made and seconded.

Respectfully Submitted,

____
Dawn J. Sparks, CMC
Deputy City Clerk

____
Council Member Moore

CITY OF HIGH POINT
AGENDA ITEM

Title: Authorize Trade of Police Issued Glock Pistols for SIG Sauer P320 Pistols

From: Marty A. Sumner, Chief of Police

Meeting Date: November 3, 2014

Public Hearing: No

Advertising Date / Advertised By: N/A

Attachments: Proposal for Upgrade from Lawmen's,
Sole Source Letter from SIG Sauer Authorizing Lawmen's to Make the Offer

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PURPOSE: The High Point Police Department requests City Council approval of a proposal to upgrade 278 used Glock 22 .40 caliber pistols (currently issued to officers) for 278 new SIG Sauer P320 .40 caliber pistols. This offer also includes new holsters and 17 seats in a Sig Sauer Armor's school.

BACKGROUND: The High Point Police Department currently issues the Glock 22 pistol as its primary sidearm. We began issuing the Glock 22 in 2003, with the majority being issued in 2004. The industry standard service life for a law enforcement sidearm is nine years. Of the 288 Glock 22 pistols we own, 197 are at least nine years old. I directed the training staff to test and evaluate other polymer-framed striker-fired pistols and make a recommendation on which pistol we should purchase to replace our aging inventory.

Criteria for pistols to be tested was; be competitively priced and have the same operation of the Glock so it would require minimal transition training. We selected three pistols that fit these criteria: the FNH model FN-S, the SIG Sauer P320 and the Smith & Wesson M&P. Of those three pistols, the SIG Sauer P320 design stood out by offering unique design features: a safer break-down procedure, a modular design, two frame sizes and three different grip sizes.

Based on our testing and evaluation I selected the SIG Sauer P320 as the next issued pistol for HPPD.

BUDGET IMPACT: SIG Sauer through their North Carolina Authorized dealer Lawmen's is offering to upgrade all our used Glock pistols and holsters at no cost to the City. Therefore, there is NO budget impact. This is a one-time promotional offer. Each new SIG Sauer P320 is valued at $475, plus the duty holster for $85, for a total value of the pistols we will receive of $155,680. The trade in value of the Glock 22 pistols is $275 each, for a total of $76,450. To offer this upgrade SIG Sauer is absorbing the additional cost of $79,230.

RECOMMENDATION / ACTIONS REQUESTED: I respectfully request City Council approval authorizing the upgrade to the SIG Sauer P320 as outlined in the attached offer from Lawmen's dated October 23, 2014.

Lawmen's

Suppliers of Law Enforcement Equipment

October 23, 2014

Chief Sumner
High Point Police Department
1009 Leonard Ave
High Point, NC 27260

Dear Chief Sumner,

Lawmen's Safety Supply,Inc., in conjunction with Sig Sauer, would like to make the following offer for the upgrade of High Point Police Department's handguns and holsters.

Lawmen's will facilitate the transfer of:

- 278- Sig Sauer P320 Pistols with 3 magazines and nightsights
- 278- Safariland 6360 Duty Holsters

City of High Point Police Department will provide Lawmen's Safety Supply:

- 278- Used Glock 22 Pistols with 3 magazines all in working condition
- 278- Used Safariland Duty Holsters

Sig Sauer will supply:

- 6 pistols (3 Carry, 3 Full Size) prior to November 12, 2014 for sizing and familiarization. Pistols to be returned to Sig Sauer at completion of sizing and familiarization.
- Armorer's Training for 17 instructors at no charge.

For the above transaction, the City of High Point Police Department will incur no charges; this will be an even exchange.

Sig Sauer has requested that upon receipt of pistols and holsters that the transition process be concluded within 90 days. Lawmen's can receive partial deliveries of used pistols and holsters during the transition process.

Please be advised that Sig Sauer of Exeter, NH is the sole designer and manufacturer of the Sig Sauer P320 Pistol and has made this specific trade-in offer to the City of High Point Police Department. A condition of this offer is that the entire transaction (delivery of new items and trade-in of used items) be brokered exclusively by Lawmen's Safety Supply, Inc.

If you have any questions or need further clarification please contact me.

Sincerely,

Al Sutton
President

Attachment: Sole Source Letter

3319 Anvil Drive, Raleigh, North Carolina 27603 • (919) 779-6141
Fax (919) 662-1573 • sales@lawmens.com • www.lawmens.com

SIG SAUER
when it counts™

October 22, 2014

Sig Sauer, Inc.
Law Enforcement Sales
18 Industrial Drive
Exeter, NH 03833

To whom it may concern:

This letter is to certify that Sig Sauer is the sole designer and manufacturer of the Sig Sauer pistols and rifles for distribution.

This statement is to certify that Lawmen's Safety Supply Company is our sole Law Enforcement Distributor of Sig Sauer weapons for both, North and South Carolina, with locations as follows:

3319 Anvil Place Raleigh, NC 27603	800 Clanton Road Suite T Charlotte, NC 28217	3315 Broad River Rd. Suite #120 Columbia, SC 29210

and that a Law Enforcement Agency geographically located in the states of North and South Carolina may only purchase Sig Sauer weapons from Lawmen's Safety Supply Company.

Sincerely,

Tom Jankiewicz
Director of Operations
Law Enforcement, Government and Military Sales

SIG SAUER, Inc.
18 Industrial Drive
Exeter, NH 03833

Phone: 603-772-2302
Direct: 603-686-5689
Cell: 302-750-5688
Email: tom.jankiewicz@sigsauer.com

HIGH POINT CITY COUNCIL
ADJOURNED SESSION
OCTOBER 23, 2014 – 9:00 A.M.
COUNCIL CHAMBERS

<u>MINUTES</u>

Present:
Mayor James C. Davis (Ward 5); and Council Members Rebecca R. Smothers (At-Large); Britt Moore (At-Large); Jeff Golden (Ward 1); Judith P. Mendenhall (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6)

Absent:
Council Member Foster Douglas (Ward 2)

Staff Present:
Randy McCaslin, Interim City Manager; Bob Morgan, Interim Assistant City Manager; JoAnne Carlyle, City Attorney; Brent Cole, Assistant City Attorney; Mark McDonald, Director of Transportation; Eric Olmedo, Budget and Evaluation Manager; Jeron Hollis, Communications Officer

Others Present:
Cynthia Davis, David Rosen, Aaron Clinard, Stephanie Ross, Leigh Wagner; Peter Freeman, John Kennett

News Media:
Pat Kimbrough, *High Point Enterprise*

140236 **<u>Resolution- N. Main Street Road Diet- Kimley-Horn Study</u>**
Council is requested to consider a Resolution concerning the N. Main Street Road Diet Study as presented to Council during a Comprehensive Planning Committee Meeting held at 4:00 p.m. on October 21, 2014.

Mayor Davis*: Good morning. This meeting is a continuation of our Monday, October 20, 2014 Council Meeting.* **I need a motion to suspend the rules to add N. Main Street Road Diet Study to our agenda.**

Council Member Smothers*:* **So moved.**

Council Member Wagner*: I'd like to speak to that motion please.*

Council Member Ewing*:* **Second.**

Mayor Davis*: We have a motion and a second. Any discussion?*

Council Member Wagner: *Yes. This will make the fourth time since May 19th that this Council has suspended the rules to consider something regarding either City Project or the IGNITE High Point Master Plan. The first time it happened, I got quite a bit irritated about it and the last two times; I sat quietly and took it. But, it is my feeling that the citizens of our city deserve to know what this Council is doing in advance. What you're doing is not against the rules, but it's not right. Things that are very important to the city, to other people on Council, and the people in our city deserve to know what business we're doing and they deserve to know in advance. These last three actions and this one you're about to take—these are important things to our citizens. They deserve to know. After the meeting yesterday, or on Tuesday, I spoke with two other immediate members of Council and they had no idea why the Monday meeting was continued until today. So there are some on this Council who are not only communicating with the public, they're not communicating with other people on Council about what's going on. And it's not right. If you want to do something that's important to the public, put it on the agenda so that everybody knows it's coming, so that everybody has time to contact their members of Council, so that everybody knows what's going on. To come in at the last minute and amend the agenda to do important things and make big decisions, is not right. It's just not right. Y'all ought to be ashamed of yourself for doing business this way. It's not the right way to do business.*

Mayor Davis*: Jay, I take exception to your comments and I'll tell you why. When we discussed that additional $47,000 and this Council did not approve spending any additional money or time for this road diet study, we asked that this study be presented by the 21st and we would discuss it on the 23rd. Monday when I asked to continue this meeting, there was no objection by any member of this Council to do that and you had every opportunity to do it.*

Council Member Wagner*: Well, I'm doing it now.*

Mayor Davis*: You did not. Well, this is an official meeting of Council.*

Council Member Wagner*: There was no statement at that time saying we're going to continue the meeting to Thursday so that we can vote to kill the road diet.*

Mayor Davis*: Nobody said we were voting to kill the road diet.*

Council Member Wagner*: Well that's what you're going to do. Just go on and get it over with. Go ahead and get your wrecking ball out. Go on and do it. I mean you guys could have done it in May. You could have done it on Monday night. You knew what you were going to do Monday night before you set this meeting. You knew what you were going to do.*

Mayor Davis: *I'm going to call the question.*

Council Member Golden*: Let me say something. Regardless of what my stance is on this particular issue, I tend to agree with Mr. Wagner. You know, we need to be transparent in the things that we do and I struggled with this thing last night. I believe when the meeting was left open that we knew that this was going to be on the agenda. I didn't know personally, but there were those that knew this would be on the agenda. I think that was not only unfair to the citizens* *of High Point, but it was unfair to us sitting on the dais that we weren't able to prepare and get ourselves together. I do take exception to that part of it. I just wanted to say that for the record.*

Mayor Davis*: We have a motion and a second to suspend the rules. All in favor say Aye.*

Davis, Smothers, Mendenhall, Ewing*: Aye.*

Mayor Davis*: Any opposed? So, let me do that over by a show of hands. All in favor, raise your hand. One, two, three, four. [Davis, Smothers, Mendenhall, Ewing]*

All opposed? One, two, three. [Wagner, Golden, and Moore]. ***Motion carries. [4-3 vote]***

Council Member Smothers*: Mr. Mayor, I'd like to present this resolution for consideration by the Council. Would you like for it to be read?*

Mayor Davis*: Yes, Please.*

[Start]

RESOLUTION

WHEREAS: At the request of the City Project leadership, the City Council awarded a contract to Kimley-Horn and Associates for $113,000 to determine the feasibility of road dieting for a portion of North Main Street from Parkway to Lexington Avenue;

WHEREAS: The consultant made a presentation to the City Council in July prior to conducting focus groups for interested and/or potentially affected residents, which resulted in 50 citizens participating;

WHEREAS: The City Council declined to amend the contract for $47,000 to cover issues raised during the study process because the Council had been told such issues as: traffic diversion impacts to adjacent streets and neighborhoods and High Point Market traffic volumes would be included in the original scope;

WHEREAS: The City Council received an overview of the results of the study on October 21, 2014;

AND, WHEREAS: Having received the results of North Main Road Diet Study, heard the concerns of property owners, listened to the City Project/Ignite High Point proponents of road dieting North Main and considered the comments of countless citizens in opposition, either by direct communication or petition, the City Council identifies its findings:

- The North Main Street Road Diet Study does not contain sufficient analysis to determine the impacts on adjacent streets and neighborhoods, nor does it contain Market data;
- No solutions and/or improvements were identified to ameliorate or address impacts of diverted traffic but concluded that further studies would be required to address such issues;
- If road dieting is considered in the future, the City Council recommends a different portion of Main Street or even a different street;

- The investment potential of the study area does not suggest that there would be a sufficient return to make the project economically viable when minimum improvements are estimated to cost $1.0 million nor would $5.0 million for the total project improvements yield significant economic benefits to justify the expenditure of public tax dollars;
- Good level of service (traffic movement) exists now and would not be improved by road dieting;
- While the passion and commitment of the City Project/Ignite High Point volunteers is acknowledged, this particular portion of North Main Street does not have a sufficient parallel road network to accommodate diverted traffic without significant impact to businesses along Main Street and adjacent residential streets.
- The Council encourages examination by staff of the Main Street corridor to address streetscape design and amenities, lower speed limit and such safety improvements to assist UpTowne High Point Incorporated in its goal to promote pedestrian traffic.

NOW THERFORE BE IT RESOLVED: That the City Council rejects the dieting of North Main from Parkway to Lexington Avenue.

Adopted by the High Point City Council
this 23rd day of October, 2014

[end]

***Council Member Smothers**:* **I so move.**

***David Rosen** (At-Large Candidate): Mayor, I'd like to comment.*

***Mayor Davis**: No, you are out of order.*

***Council Member Mendenhall**: You are out of order!*

***Mayor Davis:** This is not for public comment.*

***David Rosen**: You're not representing the citizens of this city.*

***Mayor Davis**: You are out of order.*

***Council Member Smothers**: I think you need a second, Mr. Mayor.*

***Council Member Mendenhall**:* **I'll second the motion.**

I would like say, Mr. Wagner, if it would make you feel better if we handled this on the first meeting in November, that would be fine with me. I have no problem. I pretty much don't think that this is the proper place to do road dieting and I think the majority of the citizens in this community agree with that. I was a little…..maybe a month or so ago….in Hendersonville and they have about a two-block area that has parking and has restaurants and some small shops. But it is not a major thoroughfare through their community. You have to drive to it. It is not adjacent to residential areas, it's in the downtown—a portion of the downtown. You drive to it. You park and you get out and you walk. I think the idea of a section of a road in High Point that *would be similar is a great idea. But I do not believe that this particular part of Main Street is the location that we should choose. What I hear from all kinds of citizens, from everywhere I go, is I hope you all are not going to do that because it makes no sense what-so-ever. I think it does make sense, but not here. I don't know whether it would be….whether the rest of Council wants to wait and make that decision. I think we voted to consider it right now. But my vote will not be changed if we wait two weeks or one week or however long we wait. I don't think the study gave us any green light to go ahead and diet those particular three blocks of N. Main. It just doesn't make sense to me.*

***Council Member Smothers**: I don't need the 700 people who signed the petition in opposition to show up and say again that they are against it. I don't need that. We have listened to various presentations by City Project and IGNITE High Point. I understand the passion, it's in here. I understand it, but I think it's the wrong place.*

***Mayor Davis**: I looked at the study and took the time to review it again after the presentation. You know they say that traffic is not an issue and is not going to be because you're reducing the number of cars 20%. You're just increasing the amount of drive time. But what they also said was what we have now works the best. What bothers me is that there was no member of Council that sat on the committee with Kimley-Horn that selected the engineering firm, nor defined the scope of the study. That was board members from City Project and the staff that did that. To not study the impact of the traffic on the side streets, nor the market….we did not get a true traffic study. That's what bothers me about this whole process. How can you make a decision without having everything you need to know to make the decision.*

***Council Member Moore**: Well, I guess I better chime in here. I was the one at the meeting that brought up your point, which I concur with. I was disappointed in the study and I'm frankly surprised that what they gave us would pass the muster of the State on a state road. It's been no secret, as I've shared face-to-face with several members of the City Project, that I had concerns about the location. Actually I'm in print in an insert stating that. So while it's no secret that I feel the location's troublesome, I think that some of the things, some of the things that came out of the Duany study could hold some merit. As much as I would like to go back to some things that we've had in the past that we no longer have, that's not going to happen in short order. I do, however, feel that….and I found myself, it must be my personality….on issues that I end up in the middle quite a bit. But the resolution as it's written. It makes sense to me. The procedures that we have used to get here don't. The procedures that we were faced with on the Enterprise situation we just voted on, I think that could have been handled much better. So I think it casts a controversial, if not negative, light on a very good Council and that's unfortunate.*

***Council Member Golden**: I just want to say this one last thing because I want to be perfectly clear so that nobody does not misunderstand. I, along with Britt, I don't have a problem with the resolution, but I just have a major problem with how we got here and I don't know that we got adequate feedback from the citizens to arrive at this point. But dealing with what I have in front of me and what we've had over the last four weeks, I will probably support the resolution.*

***Council Member Smothers**: I think one of the defining things that the consultants did tell us on Tuesday had to do with economic viability. That is a very important part of making the public* *investment and focusing the private dollars. They could not conclude that that particular area would generate that type of economic return and when you couple that with….*

Council Member Wagner*: It was a traffic study, not an economic study. It's not their job to tell us what the economic benefit would be.*

Council Member Smothers*: Well did you object to him saying that?*

Council Member Wagner*: I asked him about it specifically. I asked for his confirmation. I said I wanted to confirm….you know why I asked it? Because I knew you would say what you're saying right now. I wanted confirmation from him saying….*

Council Member Smothers*: Then I won't bore you further.*

Council Member Wagner*: Good. Okay, well I want to speak.*

Council Member Smothers*: I thought you had.*

Council Member Wagner*: No, not on this. I spoke on the last motion. Now, first of all, the traffic study is not even done yet. All we got was the presentation. The traffic study hasn't even been finalized and given to Mark yet, so we're voting before we've actually even received the study and the public has not had the opportunity—those 700 or so people may change their mind when they see that an actual professional traffic study has occurred that says that traffic is not going to be an issue. And the lies out there that it was going to cost $15 million and you're misquoting the traffic study. They said that….initially, they said that 20% would come off, but they added back in roughly the same amount for future development. So basically what they were saying was that traffic as far as numbers would be a wash—that it would handle the same amount of traffic in the future as it does today. We have a traffic study that says you can do it for a million dollars and we have an economic study that says you're going to get a $2.5 million economic benefit to the City of High Point in terms of new tax dollars. Now that's an economic benefit of 2.5 to 1—a return on the investment to this city of 2.5 to 1. Now if I could make an investment and I'm going to more than double my money—that's a pretty darn good investment if you ask me.*

Council Member Mendenhall*: Well, I asked specifically, Mr. Wagner, if the $1 million was the total project and the response I got was no. The total project was $5 million. I asked that specifically on Tuesday afternoon.*

Council Member Wagner*: They said if you do all the burying of the lines.*

Council Member Mendenhall*: He didn't go into all that, he simply said….because I said does that include streetscaping, does that include the total project and he said no.*

Council Member Wagner*: No, that's right.*

***Mayor Davis**: That doesn't include the side streets….any of the impact on that and the improvements that would need to be made there, and the signalization and the intersection improvements. That's not included in there either.*

***Council Member Wagner**: The side streets are not a big deal. I'm telling you. Okay. The point of all this is we're having this discussion and it's been less than 48 hours since we got it. The public hasn't had time to digest it and comment on it or anything. You guys just want to ram this through. I mean what else do you all want to take the wrecking ball to before Becky's term's up? What else do y'all want to destroy? Because people say this Council has been dysfunctional, but it's been very functional. Y'all have been functional about destroying things for months.*

***Council Member Mendenhall**: Mr. Wagner, I think your remarks are totally out of line.*

***Mayor Davis**: I do too.*

***Council Member Wagner**: I don't think so at all.*

***Mayor Davis**: I think they are too.*

***Council Member Wagner**: You've got 700 signatures, but you're ignoring the fact that back in the spring, I brought you guys a stack of petitions this high signed by nearly 700 people, individually and every business group in this city supporting the Duany plan and supporting the IGNITE High Point issues. Y'all are ignoring all that. Just go on and do what you're going to do. This is pre-determined. This ain't nothing but an old-fashion abuse of power. Okay. You guys, you got this thing on Tuesday and y'all had already decided on Monday you were going to kill it. Go on and kill it. Just go on and do it and the citizens of this city…..Pat, the citizens of this city need to know about this abuse of power. Okay. They come in here and this is the fourth time they've come in here and amended the agenda to do something that the citizens don't know about that they've had no advance notice about that the Council's going to vote on and they're going to ram this thing through today and it's nothing but a straight up abuse of power.*

***Council Member Smothers**: How many years have we been talking about this?*

***Mayor Davis**: I call the question.*

***Council Member Wagner**: Go on and do it.*

***Council Member Moore**: Can I ask the attorney a question or not?*

***Council Member Wagner**: I've got places to be.*

***Council Member Smothers**: Jay's got better things to do than sit here.*

***Council Member Moore**: I agree. Mark or Joanne, regardless of where this goes, there was a study commissioned—is there a finalization still coming to you Mark?*

***Mark McDonald**: Yes.*

***Council Member Mendenhall**: Will it contain data that was not in the summary that we were given to any great extent?*

***Mark McDonald**: No.*

***Council Member Mendenhall**: Thank you.*

***Mayor Davis:** Okay, the question has been called. We have a motion and a second.*

***Council Member Ewing**: If I can make a quick comment squeezed in between the heat of everything else. I didn't support the study originally because we didn't have a willingness on Council I believe to do a diet in the first place. So I didn't see it fit to spend $113,000 to study something that we weren't willing to do. So now we have information before us and I'm going to support the resolution for a couple of reasons. One, we've had an overwhelming amount of people contact us saying that they're opposed to the diet. That the petitions via different on-line sources, phone calls, running into people. Second, I spoke with another local traffic engineer a few weeks ago and he said in plain terms that it's crazy to diet that section of Main Street. And in comparison to Oakridge….how many people have been stuck in traffic on Highway 68 in Oakridge, a two-lane road. Their traffic count is 17,000 in that section, whereas ours is 21,000-23,000 in that section. Safety is certainly an issue. I think we can address that. Besides narrowing a road and restraining traffic flow. Councilman Wagner brought up abuse of power. I had a conversation with Andres Duany when he was here last time and we talked about the road diet study. He said that whatever core group originally talked to him, he recommended other areas and he was told that this is the area where a road diet should be and will be looked at. So we can say a lot of things back and forth, but this is where we're at. I'm going to support the resolution.*

***Mayor Davis**: We have a motion and a second to adopt the resolution rejecting the dieting of N. Main from Parkway to Lexington Avenue. All in favor, say Aye.*

Davis, Smothers, Golden, Moore, Mendenhall, and Ewing: **Aye. [6]**

Mayor Davis: Any opposed?

Wagner: No. [1]

Mayor Davis: Motion carries. [6-1 vote]

[end of transcript]

Adopted Resolution rejecting the dieting of N. Main Street from Parkway to Lexington Avenue.

Resolution No. 1415/14-55
Introduced 10/23/2014; Adopted 10/23/2014
Resolution Book, Volume XVIII, Page 137

Adjournment

There being no further business to come before Council, the meeting adjourned at 9:30 a.m. upon motion duly made by Council Member Wagner and seconded by Council Member Smothers.

Respectfully Submitted,

____
James C. Davis, Mayor

Attest:

____
Lisa B. Vierling, MMC
City Clerk

HIGH POINT CITY COUNCIL
October 20, 2014 – 5:30 P.M.
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING

MINUTES

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Council Member Mendenhall offered the invocation; the Pledge of Allegiance followed.

Present: Mayor James C. Davis (Ward 5), Council Member Rebecca R. Smothers (At-Large), Council Member Britt Moore (At-Large); Council Member Jeffrey Golden (Ward 1), Council Member Foster Douglas (Ward 2); Council Member Judith P. Mendenhall (Ward 3); and Council Member Jay Wagner (Ward 4); and Council Member Jason Ewing (Ward 6)

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair

140308 **Contract - Eastside WWTP Repair - Electrical Ductbank**

The Public Services Department is requesting approval of contract with East Coast Construction Services, LLC in the amount of $295,699.00 for replacement of underground electrical power feeds to the main treatment process of the Eastside WWTP.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation.

Approved contract with East Coast Construction Services, LLC in the amount of $295,699.00 for replacement of underground electrical power fees to the main treatment process of the Eastside WWTP.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140309 **Contract - Purchase of Electric Line Truck**

Fleet Services is requesting approval of the purchase of a 2015 Freightliner truck with a Terex body in the amount of $230,886 using the National Joint Powers Alliance (NJPA contract) and disposing of the old electric line truck through the online auction process.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation.

Approved contract with National Joint Powers Alliance (NJPA) in the amount of $230,886.00 for the purchase of a 2015 Freightliner truck with a Terex body.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140310 **Contract - Purchase of Electric Bucket Truck**

Fleet Services is requesting approval of the purchase of a new Altec AA55-E bucket truck in the amount of $121,089 using the National Joint Powers Alliance (NJPA) and disposing of the old electric bucket truck through the online auction process.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation.

Approved contract with National Joint Powers Alliance (NJPA) in the amount of $121,089 for the purchase of a new Altec AA55-E bucket truck.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140311 **Rescind Contract - Road Machinery Services**

The Fleet Services Department recommends rescinding the contract with Road Machinery Services for $345,000 and instructing staff to coordinate the repairs through Goodin Equipment Services and other local vendors.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation to rescind the contract with Road Machinery Services.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, to approve the rescission of the contract with Road Machinery Services in the amount of $345,000.00 and instructed staff to coordinate the repairs for the equipment through Goodin Equipment Services and other local vendors. The motion PASSED by an 8-0 unanimous vote.

140312 **Contract Renewal - Official Payments**

The Customer Service Department is requesting that City Council approve the renewal of contract with Official Payments in the amount of $255,000 for the processing of credit cards and checks for utility and non-utility payments.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation for approval of the contract renewal with Official Payments in the amount of $255,000.00 for the processing of credit cards and checks for utility and non-utility payments.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140313 **Resolution - Issuance of Series 2014 General Obligation Refunding Bonds**

City Council is requested to approve the attached "Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Issuance of General Obligation Refunding Bonds by the City of High Point."; and, City Council is requested to adopt the attached "Order Authorizing $14,235,000 General Obligation Refunding Bonds."

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended this matter be forwarded to Council with a favorable recommendation.

Adopted the "Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Issuance of General Obligation Refunding Bonds by the City of High Point; and adopted the "Order Authorizing $14,235,000.00 General Obligation Refunding Bonds.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.

Resolution No. 1411/14-51
Introduced 10/20/2014; Adopted 10/20/2014
Resolution Book, Volume XVIII, Page 133

Pending Items

140296 **Contract - Washington Street Streetscape Project**

Engineering Services recommends that Council approve the base bid with both alternates and award contract ENG2014-003 Washington Street Streetscape Project to Atlantic Contracting at the bid amount of $438,327.50. At the October 2nd City Council meeting this item was referred back to committee to receive further information.)

Note: This matter was initially heard by Council on 10/6/2014, at which time the matter was postponed to allow for additional information to be received and for further review/study.

This matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee heard a report from staff that additional water/sewer line work was needed due to the deteriorated condition of the lines due to the age of the lines (lines were installed around 1902). This will increase the cost of the project considerably and would require the city to accept additional bids for the water/sewer line replacement. It was the consensus of the Committee to leave this matter in pending and to accept bids for water/sewer line replacement.

140297 **Budget Ordinance Amendment - Washington Street Streetscape Project**

Council is requested to adopt a budget ordinance amending the 2014-2015 Budget Ordinance to appropriate funds for the Washington Street Streetscape Project.

Note: This matter was initially heard by Council on 10/6/2014, at which time the matter was postponed to allow for additional information to be received and for further review/study.

This matter was further discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee heard a report from staff that additional water/sewer line work was needed due to the deteriorated condition of the lines due to the age of the lines (lines were installed around 1902-1903). This will increase the cost of the project considerably and would require the city to accept additional bids for the water/sewer line replacement. It was the consensus of the Committee to leave this matter in pending and to accept bids for water/sewer line replacement.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140314 **College Drive Speed Limit - NCDOT - Letter of Concurrence**

Council is requested to authorize the issuance of a letter of concurrence from the City of High Point to the North Carolina Department of Transportation (NCDOT) regarding ordinance updates for the speed limit along S. College Drive between Kivett Drive and Kearns Avenue.

Adopted Ordinance concurring with the speed limit change along S. College Drive between Kivett Drive and Kearns Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Moore, that this Miscellaneous Item be approved. The motion PASSED by an 8-0 unanimous vote.

Ordinance No. 1801/14-80 (College Dr) Pg. 133
Ordinance No. 1802/14-81 (Kearns Ave.) Pg. 134
Introduced 10/20/2014; Adopted 10/20/2014
Ordinance Book, Volume XVIII

140315 W. Kivett Drive On-Street Parking Proposal

Consideration of a request to restripe two blocks of W. Kivett Drive to accommodate additional on-street parking.

Chairwoman Smothers explained that this matter was addressed in a Comprehensive Planning Committee meeting held on October 7, 2014 at the request of a business owner on W. Kivett Drive. The Committee forwarded the request to Council with a favorable recommendation. It was noted that the plan would need to be forwarded to the North Carolina Department of Transportation (NCDOT) for consideration since it involves a state-maintained thoroughfare. The plan proposes an additional eleven on-street parallel parking spaces.

Approved the endorsement of the plan for submittal to the NCDOT for consideration.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to endorse the W. Kivett Drive on-Street parking proposal and submit it to NCDOT for consideration. The motion PASSED by an 8-0 unanimous vote.

140316 Resolution of Intent - Street Abandonment 14-11 - CHP

Approval of Resolution of Intent that establishes a public hearing date of Monday, November 17, 2014, at 6:15 p.m. to consider a request to abandon a 40-foot wide unimproved right-of-way (known as Blair Avenue) lying along the west and east side of S. Centennial Street, between Lake Avenue and E. Kerns Avenue.

Adopted Resolution of Intent establishing a public hearing date of Monday, November 17, 2014 at 6:15 p.m. to consider a request to abandon a 40-foot wide unimproved right-of-way (known as Blair Avenue) lying along the west and east side of S. Centennial Street, between Lake Avenue and E. Kearns Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Ewing, to adopt this Resolution of Intent. The motion PASSED by an 8-0 unanimous vote.

Resolution No. 1412/14-52
introduced 10/20/2014; Adopted 10/20/2014
Resolution Book, Volume XVIII, Page 134

Pending Items

140299 Ordinance - Text Amendment 14-05 - CRP High Point, LLC

A request by CRP High Point, LLC to amend Table 4-5-1 and Section 9-5-2(r) of the Development Ordinance to allow Automobile Rental or Leasing in Sub-Area B of the Main Street (MS) District.

Chairwoman Smothers*:* *The next item is a pending item that was heard in committee last week and it was directed to staff to place it on the agenda for this evening. It's a text amendment that received considerable discussion, both at the public hearing and then again last week in committee. You all have heard it several times and I think the questions that were raised at the meeting last week indicated there was a fairly decent understanding of the issues involved. Is there any other comment?*

Council Member Ewing*:* **I'd like to move that we approve the text amendment. I think it's consistent with the purpose of the comprehensive plan that was completed years ago and certainly in line with what the plan intended which was prudent development of our core city area. This amendment, I believe is reasonable and in the best interest of the public.**

Chairwoman Smothers*:* *You've heard the motion.* **I'll second it.**

Mayor Davis*:* *Alright, we have a motion and a second for 140299 Ordinance for Text Amendment 14-05.*

Chairwoman Smothers*:* *In support of the motion, the primary concern that was identified as a critical nature in the staff report was that this would set some type of precedent that then would open the door for other automotive types of service uses, sales, new vehicles and used car sales. When, in fact, in examining the uses that are identified in the SIC codes, rental and leasing is not classified in the same manner as those other types of automotive uses. Consequently, it does give the staff the basis for denial of automotive types of uses that the previous committee had found to be not in keeping with their desire to see a build-out of that street. So this is a service industry that has vehicles that are there for short periods of time. It is leasing and not an automotive service center as the others are classified.*

Mayor Davis*:* *Any additional comments?*

Council Member Wagner*:* *Yes. I'd like to speak in opposition to this. I think that this is not the right place for this type of business. I think we have a plan in place for the redevelopment and revitalization of that area and in order for that to be a success, we have to have a sustained commitment to the plans that we have. I think this shows a shift in policy that does not support that prior plan. It does not support any of the established plans we have in that area. I think, also, it shows lack of support of this council for our staff who has recommended against the change. I think it shows a lack of support for the planning and zoning board, who unanimously recommended against the change. I think it also shows a lack of respect and support by this council for the businesses in that area who came out to oppose the change, and to the volunteers who worked in that area and who have been working for a number of years to help recruit new businesses to that area. I disagree with Ms. Smothers as to the precedent that we're also setting. I think that classifications are classifications, but the fact is auto sales is a very small jump from auto leasing. One of the primary goals that we had for the Main Street District and for that area was for the elimination of used car lots. I don't really see how someone who's going to want to come in and put a used car lot….I don't think we could have any real reasonable justification for turning that down after we do this. I also think that this is a bit of overkill. We have to do it as a text amendment, which means it applies to the entirety of Area B, when there could be* *ways to do this that would be less intrusive, less destructive to the zoning in that area. I think this particular way of doing it is not the right way to do it. I'm opposed to doing it any way you want to do it, but there are less….there's a less destructive to do it than the way we're doing it right now.*

***Council Member Mendenhall**: What would that be, Mr. Wagner?*

***Council Member Wagner**: I think the proposal to shift the line south, although I'm opposed to that, would be a better way of doing it. Because then, this change would not apply to the entirety of Area B; it would only be shifting a line and essentially changing the zoning and what's the available uses by shifting the line. This is going to apply not just to this site; it's going to apply to the entire area. Now, that's not to say that we're going to have a rush of auto leasing places coming in there; but, again I disagree. We're a quarter inch from sales and I don't see how we can keep them out. There were so many car lots in there that for the use of the property, if you've got a paved piece of parking lot, it's very easy to have a used car lot on it. It's kind of the lowest, common denominator for a use. It's just really against what we're trying to do there. It's against the vision for that area and it's against the policies that we've put in place. The better way to do it if you're going to do it….and I'm opposed to both. But the better way to do it if you're going to do it is to move the line and not change the text.*

***Chairwoman Smothers**: I don't think that moving the line addresses the issue, but I certainly respect the difference of opinion and think that plans are reviewed periodically as the need exists and that's what this body was elected to do in terms of setting policy. I fail to see how the elimination of one very specific use is going to generate destruction of what the vision was. Yet, in fact, you are taking a business that's been in town for 22 years that's wanting to expand, and will actually be bringing full-time employees who hopefully will be part of that walkable area down there and use it as well as increasing business. So I think it's appropriate. It's certainly consistent with codes used by the federal government in terms of classification of different types of automobile uses and if the staff can't use that, then lines don't serve a real purpose. I do think that there is a need to go back and look at those areas that are up and down Main Street to see if there are other kinds of uses that perhaps need to be addressed. But more importantly, I think we need a streetscape plan for the main corridor that nobody ever picked up after we put these areas in place. That is a very definite omission.*

***Council Member Moore**: Well, I agree with that and I think what we're seeing here is what happens when you have an issue where this Council has certainly done its job and its homework and there's good discussion on both sides. But I think that, you know, our charge I believe as elected officials is to take into consideration the intended consequences and even harder to detect unintended consequences. I have spoken to several folks including the Enterprise folks and put in a lot of hours trying to gather the appropriate information as much as I can. They're a fine organization. A great corporate citizen of the town, with a great relationship with HPU. I think they actually keep some cars over there if I understand it correctly. So from that standpoint, I understand the context I believe on both sides. This is a tough issue-a tough decision. I did notice Friday night as I cut through there headed to a class reunion that about 20-30 college students were crossing Lexington headed down towards Tom's or beyond and about 20-30 others were coming up the street headed to Blue*

Bourban Jacks or wherever else they may have been going. My point in saying that is that there's no secret where I stand on what has happened to the city and the change of the economy and the fact that we're struggling to re-identify ourselves, but we've also heard a lot lately about the phenomenal growth of HPU and how do we best leverage from that and create unison with that. Personally, after reviewing all of this, I think that our Planning & Zoning Commission got this one right. So I'm not going to be able to support this amendment.

***Council Member Ewing**: A quick question for staff….if someone were to come in and apply, some of the concern is a used car lot having the ability to open in this area. If someone wanted to open a used car lot, they would have to come in and apply for a text amendment, correct, because this only addresses leasing. So then it would ultimately have to come back to Council again. Okay. Thank you.*

***Council Member Mendenhall**: I also think, Mr. Wagner, I do take some umbrage with what you said about our not respecting staff. I think staff is bound by plans that are in place. They don't have the prerogative of changing plans. That is something that's given to this body to do and one of the things that we talked about when we were meeting as a committee was the fact that anybody who knows anything about planning knows that plans are not in place ad-infinitum, but they are always open for discussion and for potential change. I do think Mr. Ewing's point that he just made is very well taken because if this business is allowed to come in to do what it does, it does not necessarily mean that future councils would allow other non-acceptable uses that relate to automobiles, sales, used car lots-whatever. And I think we have made it clear, we have no disrespect for citizens who volunteered their time, nor for intents. And I agree with you, I think we do need to look at the whole corridor. We probably need to revisit the line, but we also need, I think, to look at streetscaping. One of the questions that those of us who are running for office dealt with at the Chamber candidates forum was streetscaping and gateways into the city. And we have a couple that have been updated and are really beautiful and we're working now on South Main…a portion of South Main. We have a lot of areas, parts of Main Street that are main gateways into our city that need a lot of work. We need to address things like that as well.*

***Chairwoman Smothers**: Mr. Mayor, unless there's further discussion, I call the question.*

***Council Member Wagner**: I'd like to just respond to what Judy said if I can. I think that…..I understand what y'all have said and I appreciate what Britt said especially. Again, I think there's a better way to do this. This is a use that I believe is already allowed in Area A. Is that right Lee?*

***Lee Burnette**: Nodded affirmatively.*

***Council Member Wagner**: Okay, if you move the line, you're basically putting this into an area where it's already allowed. Where as opposed to changing the text of what is allowed over the entirety of Area B. So I think that's the better way to accomplish what you're trying to accomplish. Again, even though I'm against it. And I respect what you said Judy about taking another look at things, but to be flat and blunt with you, it's 180 degrees contrary to what you said two weeks ago. You sat here and you said you were not going to support this specifically because you felt we needed to respect the actions of prior councils. So, you* *know, I would call on you tonight to stand by what you said two weeks ago and not flop over on this and change your vote and respect what prior councils have done in creating this plan.*

Chairwoman Smothers*: I'm not trying to defend Ms. Mendenhall, but I think this Council not too long ago changed the sign ordinance within a given area to permit a different type of signage at the Chamber of Commerce for the Convention & Visitors Bureau who was asking for it and Mr. Mabe is here tonight. So to say that you can't ever change something…you don't need an elected body if all you're going to do is go by policies that you have and never reexamine.*

Council Member Moore*: But you do need to look at them especially in this change of economy that we're in. I think it would be wise for this Council any any Councils going forward to look at them on a more regular basis.*

Chairwoman Smothers*: And they will set their own agenda and do that, as we have.*

Council Member Moore*: I was just making a suggestion. That's all I was doing.*

Council Member Mendenhall*: I also feel that if….*

Council Member Wagner*: What good is a comprehensive plan if you don't stick with it.*

Chairwoman Smothers*: You're not going to have success with comprehensive plans if you never take into consideration what changes might be necessary.*

Council Member Mendenhall*: Well, as an individual human being, I believe that if I looked at additional data that gives me a second thought about something, I have the right to change my mind and change my vote. If I don't, then we don't need to meet once we make a statement. We'll just know that it'll be in the record. I had additional information. I had time to think about it and I changed my mind. Maybe it's just my prerogative because I'm a woman, but I think anybody can change their mind.*

Mayor Davis: *The question is being called. We have a motion and a second to approve Text Amendment 14-05, a request by CRP High Point, LLC to amend Table 4-5-1 and Section 9-5-2 (r) of the Development Ordinance to allow Automobile Rental; or Leasing in Sub-Area B of the Main Street (MS) District. I would like for everyone to show the hands on this vote.* **All in favor, raise their hand. Six…..**

[Davis, Smothers, Golden, Douglas, Mendenhall, and Ewing]

Mayor Davis: All opposed? Two.

[Moore and Wagner]

Mayor Davis: Motion carries 6-2. [Moore and Wagner dissenting]

[end of transcript]

Adopted Ordinance approving Text Amendment 14-05 amending Table 4-5-1 and Section 9-5-2(r) of the Development Ordinance to allow Automobile Rental or Leasing in Sub-Area B of the Main Street (MS) District based on consistency with the purpose of the Comprehensive Plan that was completed years ago and that it is in line with intentions of the plan which was to provide for prudent development of the Core City area and that it is reasonable and in the best interest of the public.

A motion was made by Council Member Ewing, seconded by Council Member Smothers, that the Ordinance approving Text Amendment 14-05 be adopted. The motion carried by the following 6-2 vote:

Aye (6): **Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Mayor Davis**

Nay (2): **Council Member Wagner, and Council Member Moore**

Ordinance No. 1799/14-78
Introduced 10/20/2014; Adopted 10/20/2014
Ordinance Book, Volume XVIII, Page 131

PUBLIC HEARINGS - 6:15 P.M.

140317 **Resolution - Street Abandonment 14-07 - High Point University**

A request by high Point University to abandon the eastern portion of the Barbee Avenue right of way lying between Willow place and Montlieu Avenue (private drive sections).

The public hearing for this matter was held on Monday, October 20, 2014 at 6:15 p.m.

Herb Shannon of Planning and Development, provided an overview of the staff report. He reported that this request has been reviewed by the Technical Review Committee; no objections were stated, but it was noted that the utility easements would need to be retained. Approval of the abandonment would not deny any property owner reasonable access and the request is consistent with right-of-way abandonment and would not be contrary to public interest. The Planning and Zoning Commission heard the request at their meeting held on September 23, 2014 and also recommended approval, as well as staff.

Following the conclusion of the staff report, Chairwoman Smothers opened the public hearing and asked if there were any comments in support of or in opposition to the request.

Chris Dudley, 1365 Trafalgar Drive, Vice President and Chief of Staff at High Point University, spoke in favor of the request. He acknowledged the presence of Dan Pritchett with Jamestown Engineering, who could address any questions regarding this request. Mr. Dudley pointed out this is the site of the new School of Health Sciences and Pharmacy and Undergraduate Science Building, with anticipated construction beginning in the first quarter of 2015 with a complete date of 2017. He noted this is a logical step in making traffic more accessible to residents in the area and explained that during the time of the Montlieu Avenue discussions, they had already acquired a majority of this property and talking to staff, once *the additional properties were acquired, it would make sense for the traffic to turn right onto Willow, rather than going down to the end of Barbee at a closed Montlieu Avenue--it would prevent easier flow of traffic for service and emergency vehicles.*

Chairwoman Smothers asked if there were any additional comments. There being none, the public hearing was closed.

Adopted Resolution authorizing the abandonment of the eastern portion of the Barbee Avenue right-of-way lying between Willow Place and Montlieu Avenue (private drive sections) with the retention of the following easements:

- 20-foot wide stormwater easement centered over all existing stormwater lines within and crossing the right-of-way
- 20-foot wide sanitary sewer easement centered over all existing sewer lines
- within and crossing the right-of-way
- 20-foot wide water easement centered over all existing water lines within and crossing the right-of-way
- 20-foot wide gas line easement centered over all existing Piedmont Natural Gas lines within and crossing the right-of-way
- 30-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some North State Communication lines, centered over all existing electric lines within and crossing the right-of-way
- 15-foot wide North State Communications easement shall be retained for North State Communication utility lines that are separate from City electric lines. This easement shall be centered over these separate North State Communication utility lines within and crossing the right-of-way.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.

Resolution No. 1413/14-53
Introduced 10/20/2014; Adopted 10/20/2014
Resolution Book,Volume XVIII, Page 135

140318 **<u>Resolution - Land Use Plan Amendment - High Point University</u>**

A request by High Point University to change the Land Use Map Classification for approximately 2.8 acres from Low Density Residential to an Institutional classification. The site is lying along the south & east side of Barbee Avenue, between Willow Place and Montlieu Avenue (private drive section).

The joint public hearing for this matter and related matter **140319 Ordinance- Amendment to Zoning Case 14-09- High Point University** was held on Monday, October 20, 2014 at 6:15 p.m.

Heidi Galanti of Planning and Development provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings. The applicant is *requesting that the Land Use Map designation for this 2.8 acre area be amended from Low Density Residential to an Institutional classification. There are several relevant land use policies to consider in evaluating this request: Community Growth Vision Statement; University Area Plan; Core City Plan. Ms. Galanti noted that while this request for expansion is outside the growth area outlined in the plan, City Council previously approved similar requests allowing the expansion of the campus in the three blocks immediately to the west of the site. As a matter of policy, this establishes Barbee Avenue as the new limits of the campus. Ms. Galanti shared that according to a presentation made by HPU in July; this would be the last expansion in the area because they do not intend to acquire any additional land to the south of Barbee Avenue. This matter was heard by the Planning and Zoning Commission on September 23, 2014 and they recommended approval by a vote of 6-0; likewise, staff is also recommending approval.*

Chairwoman Smothers opened the public hearing and asked if there were any comments. Chris Dudley, 1365 Trafalgar Drive, Vice President and Chief of Staff at High Point University, spoke in favor of the request and offered to address any questions. There being no further comments, the public hearing was closed.

Adopted Resolution approving Land Use Plan Amendment 14-04 changing the Land Use Map classification for approximately 2.8 acres from Low Density Residential to an Institutional classification. The site is lying along the south and east side of Barbee Avenue, between Willow Place and Montlieu Avenue (private drive section).

A motion was made by Council Member Smothers, seconded by Council Member Ewing, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.

Resolution No. 1414/14-54
Introduced 10/20/2014; Adopted 10/20/2014
Resolution Book, Volume XVIII, Page 136

140319 **Ordinance - Amendment to Zoning Case 14-09 - High Point University**

A request by High Point University to amend Conditional Zoning Case 14-09 to:

a. Add approximately 4.1 acres to Conditional Zoning Ordinance 14-09.
b. To rezone approximately 4.1 acres from a Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site is lying along the south & east side of Barbee Avenue, between Willow Place and Montlieu Avenue (private drive section).

*The joint public hearing for this matter and related matter **140318 Resolution- Land Use Plan Amendment- High Point University** was held on Monday, October 20, 2014 at 6:15 p.m.*

Herb Shannon of Planning and Development presented the staff report, which is hereby attached in Legistar as a permanent part of these proceedings. He noted that none of the conditions previously adopted are being changed; all previous standards will remain in effect. Mr. Shannon explained the applicant has also submitted an amendment to add additional property to Conditional Zoning Case 14-09 for the CZ-PI District. Mr. Shannon noted there is a perennial stream running along the rear of the lots and with that stream, there are flood zone areas associated with it and the Development Ordinance has specific *stream buffer and environmental regulations that would have to be met. This would act as a separation point to separate any development or use in this area from adjacent residential uses along Underhill. Conditional Use Zoning Case 14-09 already has several standards for development along the perimeter (i.e. fencing, lighting, loading dock placement). The stream buffer and environmental regulations will also provide buffers. To ensure that this request is compatible with adjacent property owners along Willow Place, the applicant has offered a new condition that the lot that is adjacent to the single family dwellings be reserved as an open space and buffer area. No development, building, or parking can go in this area--just landscaping and possibly signature fencing. This will assist in mitigating any impacts to adjacent property owners along Willow Place. The Planning and Zoning Commission reviewed this request at their September 23, 2014 Meeting and recommended approval by a vote of 6-0. Staff is also recommending approval of Conditional Zoning Case 14-09.*

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there were any comments.

Chris Dudley, 1365 Trafalgar Drive, Vice President and Chief of Staff at High Point University, spoke in favor of the request and offered to address any questions. There being no further comments, the public hearing was closed.

Adopted Ordinance amending Conditional Zoning Case 14-09 to add: A) approximately 4.1 acres to Conditional Zoning Ordinance 14-09; B) to rezone approximately 4.1 acres from a Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District based upon consistency with the City's adopted plans, and finds this action to be reasonable and in the public interest and does hereby adopt the statements as outlined in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to adopt the Ordinance approving Amendment to Zoning Case 14-09. The motion PASSED by an 8-0 unanimous vote.

Ordinance No. 1800/14-79
Introduced 10/20/2014; Adopted 10/20/2014
Ordinance Book, Volume XVIII, Page 132

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140320 Appointments - High Point Housing Authority

Mayor James C. Davis is recommending the appointment of the following individuals to the High Point Housing Authority.

Appointment of Mr. *Roosevelt Swinnie* to serve as the Resident Council Member. Mr. Swinnie will fill the unexpired term of Lisa Huff, who has resigned. Mr. Swinnie's term will be effective immediately and will expire 12/22/2018.

<u>Appointment of Mr. *Jim Grdich* to serve as the private developer/community housing developer representative</u>. Mr. Grdich will fill the unexpired term of Dan Reynolds, who has resigned. Mr. Gridch's appointment will be effective immediately and will expire 12/22/2016.

<u>Appointment of Mr. *James LeGrande* to serve as the community volunteer and activist/business owner representative</u>. Mr. LeGrande will fill the unexpired term of James Szafran, who has resigned. Mr. LeGrande's term will be effective immediately and will expire on 12/22/2015.

Approved the preceding appointments to the High Point Housing Authority as recommended by Mayor Davis.

A motion was made by Mayor Davis, seconded by Council Member Douglas, that the preceding appointments be approved. The motion PASSED by an 8-0 unanimous vote.

140325 <u>Appointment to Theatre Advisory Board</u>

As liaison to the Theatre Advisory Board, Council Member Moore is asking for consideration of the appointment of Amanda Foster Anderson to the Theatre Advisory Board. Ms. Anderson will be filling an unexpired term. Appointment to be effective immediately and will expire on 6/1/2015.

Motion by Council Member Moore, second by Council Member Mendenhall to suspend the rules so this matter could be added to tonight's agenda for consideration. The motion carried unanimously.

Approved the appointment of Amanda Foster Anderson to the Theatre Advisory Board.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this appointment be approved. The motion PASSED by an 8-0 unanimous vote.

140321 <u>Boards and Commissions - Vacancy Report</u>

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: Vacancy Report

This information is attached for informational purposes only. No action is required on this item.

<u>APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS</u>

140322 <u>Minutes to be approved</u>

- Special Called Meeting - Closed Session (Personnel): October 2nd @ 4:00 p.m.
- Special Called Meeting - Closed Session (City Clerk Evaluation): Monday, October 6th @ 3:30 p.m.
- Finance Committee Meeting: Monday, October 6th @ 4:30 p.m.
- Regular Council Meeting: Monday, October 6th @ 5:30 p.m.

- Comprehensive Planning Committee Meeting: Tuesday, October 7th @ 4:00 p.m.
- Special Called Meeting - EDC Incentives: Thursday, October 16th @ 8:30 a.m.
- Special Called Meeting -Closed Session (Personnel): Thursday, October 16th @ 9:00 a.m.

The minutes of the preceding meeting were unanimously approved as submitted upon motion by Council Member Mendenhall and second by Council Member Moore.

A motion was made by Council Member Mendenhall, seconded by Council Member Moore, that this Miscellaneous Item be approved. The motion PASSED by an 8-0 unanimous vote.

For Information Only:

Rick Josey, a member of Scout Troop 55 from First United Methodist Church, was recognized for working on the Citizens in the Community and Communications Merit badges. Also in attendance was his father, Franklin Josey, and Sid Adams, Merit Badge Counselor.

ADJOURNMENT

There being no further business to come before Council, this meeting was adjourned until Thursday, October 23, 2014 at 9:00 a.m.

Respectfully Submitted,

____
James C. Davis, Mayor

Attest:

____
Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Title: Resolution Endorsing Application for Bicycle and Pedestrian Planning Grant

From: Transportation Department

Public Hearing: No

Attachments: Resolution

Meeting Date: 11/3/2014

Advertising Date / Advertised By: N/A

PURPOSE: Adoption of a Resolution endorsing the application by the City of High Point for the NCDOT Bicycle and Pedestrian Planning Grant initiative for preparation of a comprehensive pedestrian plan.

BACKGROUND:

BUDGET IMPACT: This will require a 50/50 match between the City of High Point and NCDOT for any funding received.

RECOMMENDATION / ACTION REQUESTED: City Council is requested to adoption the Resolution supporting this grant application.

RESOLUTION ENDORSING THE APPLICATION BY THE CITY OF HIGH POINT FOR THE NCDOT BICYCLE AND PEDESTRIAN GRANT INITIATIVE FOR PREPARATION OF A COMPREHENSIVE PEDESTRIAN PLAN.

WHEREAS, the High Point City Council is the duly recognized decision making body for the City of High Point; and,

WHEREAS, the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation and the Transportation Planning Branch created an annual matching grant program – the Bicycle and Pedestrian Grant Initiative to encourage municipalities to develop comprehensive bicycle plans and pedestrian plans; and,

WHEREAS, the High Point City Council believes pedestrian planning will enhance local and regional planning goals; and,

WHEREAS, a resolution of support from the City Council must be submitted with the grant application to demonstrate the governing body's commitment to pedestrian planning; and,

WHEREAS, the City Council acknowledges the City will be obligated to provide a local match to any funds received through this grant.

NOW THEREFORE, BE IT RESOLVED that the High Point City Council hereby endorses and supports the Bicycle and Pedestrian Grant Initiative application from the City of High Point.

Adopted by the High Point City Council
This the 3rd day of November, 2014

____
Lisa Vierling, City Clerk

RESOLUTION ENDORSING THE APPLICATION BY THE CITY OF HIGH POINT FOR THE NCDOT BICYCLE AND PEDESTRIAN GRANT INITIATIVE FOR PREPARATION OF A COMPREHENSIVE PEDESTRIAN PLAN.

WHEREAS, the High Point City Council is the duly recognized decision making body for the City of High Point; and,

WHEREAS, the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation and the Transportation Planning Branch created an annual matching grant program – the Bicycle and Pedestrian Grant Initiative to encourage municipalities to develop comprehensive bicycle plans and pedestrian plans; and,

WHEREAS, the High Point City Council believes pedestrian planning will enhance local and regional planning goals; and,

WHEREAS, a resolution of support from the City Council must be submitted with the grant application to demonstrate the governing body's commitment to pedestrian planning; and,

WHEREAS, the City Council acknowledges the City will be obligated to provide a local match to any funds received through this grant.

NOW THEREFORE, BE IT RESOLVED that the High Point City Council hereby endorses and supports the Bicycle and Pedestrian Grant Initiative application from the City of High Point.

Adopted by the High Point City Council
This the 3rd day of November, 2014

Lisa Vierling

Lisa Vierling, City Clerk

City of High Point North Carolina

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval of Core City Homebuyer Assistance Program

From: Michael E. McNair, Director of Community Development and Housing

Meeting Date: November 3, 2014

Public Hearing: No

Advertising Date Advertised By: N/A

Attachments: Map of Core City Down-payment Assistance Zones

PURPOSE:

In an effort to help diversify incomes in the Core-City, CD&H proposes to expand the Homebuyer Assistance program to middle income homebuyers interested in buying homes in the specified areas of the Core City. City Council needs to approve the plan for implementation

BACKGROUND:

The City currently utilizes federal funds to help income eligible homebuyers purchase a home. The Core City Homebuyer Assistance program will extend those opportunities to middle income families. Staff proposes to utilize $100,000 general funds resources allocated in the 2014-15 annual Action Plan to implement the program. The Community Housing & Neighborhood Development Committee reviewed the program and is recommending it for Council approval.

BUDGET IMPACT:

Funds are available in 2014-15 Annual Action Plan.

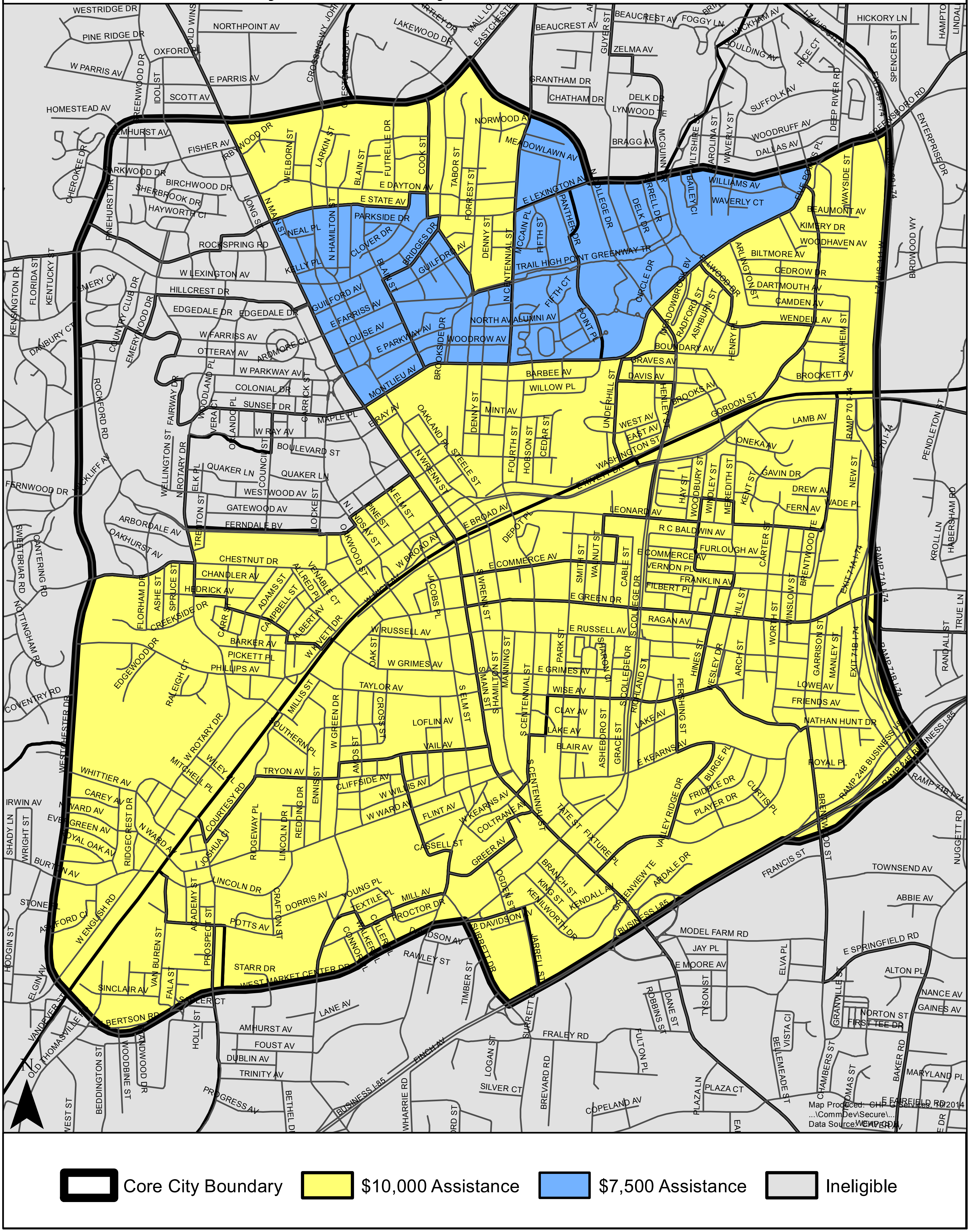
RECOMMENDATION / ACTION REQUESTED:

Community Development and Housing seeks Council favorable consideration in authorizing the implementation of the Core City Homebuyer Assistance Program.

Core City Homebuyer Assistance Program

- Pilot program to provide down payment assistance to encourage middle income homebuyers to buy homes in the defined areas of the Core City.
- The program provides down payment and closing cost assistance to reduce out of pocket costs.
  - Loans are deferred for 3 years;
  - Interest = 3% with a 5 year term;
  - Assistance is up to $10,000 depending upon the location and needs of the borrower; and
  - Must be owner occupied.
- Based on existing homebuyer assistance program. Basic program requirements include:
  - Completion of an 8-hour Homebuyer Education class;
  - Obtaining a loan to purchase the house from a participating lender;
  - Purchasing a home within eligible areas of the Core City of High Point;
  - Post-purchase counseling consisting of two 2-hour individual counseling sessions within the first 12 months of ownership; and
  - A minimum cash investment of $500 toward the home purchase.
- Total proposed budget = $120k:
  - $100k for down payment assistance;
  - $20k for homebuyer education classes;
  - Funds are currently available in CD&H 2014-15 Action Plan; and
  - Funding sufficient to assist 10-20 households depending upon size of loans
- Program to expire June 30, 2015.

Core-City Down Payment Assistance Zones



COMPREHENSIVE PLANNING COMMITTEE
Chaired by Council Member Smothers
October 15, 2014 – 9:00 A.M.
3rd FLOOR LOBBY CONFERENCE ROOM (FISH BOWL)
HIGH POINT MUNICIPAL BUILDING

MINUTES

Present:
Chairwoman Rebecca R. Smothers (At-Large); Mayor James C. Davis (Ward 5); and Council Members Jeff Golden (Ward 1); Judith P. Mendenhall (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6)

Absent:
Council Member Foster Douglas (Ward 2)

Staff Present:
Randy McCaslin, Interim City Manager; Bob Morgan, Interim Assistant City Manager; JoAnne Carlyle, City Attorney; Lee Burnette, Director of Planning & Development; Loren Hill, President-High Point Economic Development Corporation; Eric Olmedo, Budget and Evaluation Manager; Jeron Hollis, Communications Officer; Lisa Vierling, City Clerk

Others Present:
Cynthia Davis (At-Large Candidate, Community Volunteer and Planning & Zoning Commission member); Judy Stalder, TREBIC; Paul Fitzpatrick; John Valas, Regional Vice President, Western North Carolina- Enterprise Holdings

140299 **Ordinance- Text Amendment 14-05 – CRP High Point, LLC (Pending)**
A request by CRP High Point, LLC to amend Table 4-5-1 and Section 9-5-2 (r) of the Development Ordinance to allow Automobile Rental or Leasing in Sub-Area B of the Main Street (MS) District.

Attachments:
- *Map submitted by Planning & Development identifying proposed boundary changes to Sub-Area A and Sub-Area B*
- *List of Businesses*

Chairwoman Smothers explained she was contacted by some of the Enterprise reps and suggested that they express some points with the Committee that they shared with her regarding the district being created seven years ago with a generic automotive classification, noting that there was a real interest to minimize used car lots when this area was being studied. Council Member Wagner explained the Committee went through the entire list of uses available under

General Business at the time and tried to eliminate the ones that were not conducive to a walkable, pedestrian-friendly environment. Chairwoman Smothers pointed out there have been a number things that have changed since this was adopted. She felt Paul Fitzpatrick made a compelling argument that what Enterprise does is not in the same category as other automotive uses because they are not handling parts, maintaining vehicles, but a leasing operation that leases a product as does other businesses in the area.

John Valas, Regional Vice President for Western North Carolina for Enterprise, pointed out Enterprise has had a presence in High Point for the past 22 years. He offered assurances that they would not be changing oil or repairing vehicles. He shared that there should be no visible appearance of them even washing/cleaning/vacuuming vehicles because it would be done behind the facility and maintenance of their vehicles would be done at other local businesses. He noted there would not be a lot of cars sitting in the parking lot and their business model is to provide ultimate transportation to people who have been in accidents, business trips, people going on vacation, etc… He shared that if they have 100 cars in their fleet, they run about 92% on average for occupancy, so there would not be a lot of vehicles on the lot. He pointed out they want to be a good neighbor and tenant and mentioned that they would be more than happy to work with the city as far as landscaping, etc…. to make this a pedestrian-friendly area. They will be spending about $250,000.00 to renovate this facility. He reported that they will be bringing at least 10,000 – 12,000 people to the area (this includes an estimated 20% increase in business by moving to this location). Council Member Moore asked what would drive the increase that was mentioned. Mr. Valas explained better visibility and the fact that they have outgrown their present location. He mentioned that they have looked at other locations throughout the city; this is an ideal location and the other locations were just not adequate in size.

Chairwoman Smothers asked staff about a streetscape plan that was done several years ago. Mr. Burnette explained there was one done for the downtown area in 1995-96, but it has only been followed on a voluntary basis for property owners. Council Member Ewing asked about a typical inventory of vehicles expected to be on the lot on any given day. Mr. Valas estimated 7-10 vehicles for employees and possibly15-20 rentals. Chairwoman Smothers explained her only objection as to the appearance in terms of inventory is that they sometimes leave the trunks up on the vehicles and she did not feel this was attractive. Mr. Valas explained that this is what they typically do at the airport so the customers can put in their luggage and go, but they would have no problems with closing the trunks at this location.

Chairwoman Smothers did not feel this was an obnoxious use for the area and could see how some of the other uses in the automotive category could be. She pointed out the question seemed to revolve around the fact that it was in a specific sub-area that had been recommended and approved by Council in 2007. She admitted there has been some turnover in businesses in this area, but it has not been the result hoped for. Council Member Wagner disagreed. She agreed that there is certainly room for some redevelopment and suggested that Council at least think about asking the Planning & Zoning Commission to look at the area and uses that have been identified in the overlay to see if there needs to be any changes in uses, or if the line needs to be shifted. She pointed out the corner of Lexington/Main intersection is the anchor for this area and this has been a visual problem for a while. Council Member Mendenhall agreed and mentioned that she has been contacted by residents that did not feel this particular use was objectionable for this area. She also agreed that Council does need to reconsider this whole area and the line and allowable/prohibited uses and felt what Enterprise proposes to do would enhance, rather than detract from the area.

A discussion followed regarding non-conforming uses in the area. Mr. Burnette noted the cessation period for non-conforming uses is 30 days and explained if a business closes and ceases to operate for more than 30 days, they would not be allowed to continue with the non-conforming use.

Council Member Wagner asked staff to explain how the desired uses relate to walkability. Mr. Burnette explained the uses were identified by the committee that was appointed. Individuals serving on that committee were: Jay Wagner, Bill Bencini (City Council), John Anderson (architect), Jim Graybar (architect), Cam Cridlebaugh (property owner/real estate manager), Abigaile Pittman (planning consultant), Paula Slonaker (TREBIC), Howard Johnson (property manager), Tim Grimes (homeowner's association). The committee discussed parking, design, landscaping alternatives, etc…. and included discussion for all four sub-areas in addition to the Washington Street area. Before the changes were made in 2007, it was generally one General Business District that allowed automobile related activities.

Council Member Wagner further explained City Project had a marketing committee that met and helped develop marketing materials for Uptowne, which they distributed to realtors in the area and at the time, the Small Business Loan Pool was part of it, and to sell realtors and developers on the vision for the area. He noted over the years there have been several national chains who have looked at the site, but decided not to locate there for all sorts of reasons (no drive thrus, no adequate parking, chose other locations such as N. High Point, etc….). Chairwoman Smothers pointed out the Enterprise auto rental is an office operation. Council Member Wagner asked staff to elaborate on what the objection was in relationship to the walkability. Mr. Burnette explained the intent was not to have automobile-related uses and this is why the design standards either include parking on the side or to the rear of buildings and not in the front so those types of businesses displaying automobiles would not fit within the characterization of that district. Council Member Wagner shared that studies show that folks walking would continue to walk as long as they find something interesting to look at, walking along the street, looking in windows of storefronts , etc… He further explained that dead zones such as blank walls and parking lots full of cars are not interesting and become a deterrence. He pointed out revitalization takes time and asked Council to give it time to work instead of throwing in the towel. He then shared some photographs of non-conforming uses in the area that have developed into conforming uses. He felt a revitalization plan was adopted for this area and Council should adhere to it and if this area is to redevelop, it should do so according to the plan in place and anything else would impede it.

He felt there was no rationale to allow Enterprise to operate in this area and not allow a car lot to do so. Mr. Burnette agreed with Council Member Wagner and explained that typically automotive uses include accessory uses such as maintenance, service, etc…. and it would prove to be a hard argument from staff to advise otherwise. Mayor Davis pointed out things have changed in this area since the policy was done seven years ago. He felt Enterprise was similar to an office operation and also felt the boundaries need to be pushed further south. Council Member Ewing noted appearance-wise, there was really no difference in the Enterprise use and a telemarketing office with 35 employees that might go into that location because there would still be a parking lot full of cars all day long.

City Attorney JoAnne Carlyle advised it is more about the approach and process and from what she has heard, there seems to be an intent to look at modifying the boundary line for Sub-Area B. She felt the reasoning behind a decision to do this would be a good legal defense. Council Member Wagner pointed out the boundary line modification is not what is on the table. Chairwoman Smothers advised that she opened up the meeting with saying that Council should ask the Planning & Zoning Commission and staff to take a look at the boundary line. Council Member Wagner noted the issue is whether or not Council wants to allow auto leasing in Sub-Area B and the boundary line modification would be a new issue to be considered at a later time. Chairwoman Smothers agreed and noted that she does plan to make a motion that the existing Text Amendment 14-05 be approved and that this area be referred to P & Z for further study of uses within that district. Council Member Mendenhall agreed and pointed out plans periodically have to be evaluated to see if there is a need for any changes.

Council Member Moore shared that he understands both sides of this complicated issue and that he in no way wants to inhibit business anywhere in the city, but asked for a two-week delay to allow him an opportunity to talk with the Enterprise folks and share with them some comments he has heard from a couple of folks. He felt there may be a way to accomplish a closer compromise, and still accomplish some of Enterprise's goals and still allow Council to have the Planning and Zoning Commission to review the boundary line. Chairwoman Smothers noted if Council chooses to move forward with modifying the boundaries for Sub-area B, it would go to the Planning and Zoning Commission on November 11th.

Mr. Burnette explained he came to the meeting to discuss a boundary change because he was told that Council wanted to consider as a text amendment, and Council would need to specify where they want to move the line, which would be a case similar to this one that would go to P & Z and then to the City Council. At this time, Mr. Burnette shared a map of the proposed area moving the line south of the property and provided a list of businesses that would be affected going from Sub-Area B to Sub-Area A. Council Member Moore asked if Enterprise would be purchasing the property or leasing; Mr. Valas replied they would be entering into a 15-year lease for the property. Mr. Burnette noted the list contains businesses currently in Sub-Area B and explained if Council adopts a text amendment changing the boundary, they would be shifted into Sub-Area A. He further explained that some of the differences between Sub-Area A and B were: different setbacks for new buildings; parking differences; a few design changes, as well as allowable uses.

Ms. Carlyle advised that when Council votes on this motion, they would have to adopt a statement that references or reflects whether it is consistent with the Comprehensive Plan and additionally, whether or not it is reasonable and in the public interest. Council Member Mendenhall reiterated there are two different issues being discussed: one, Text Amendment 14-05 (the Enterprise request); and the issue about whether to modify the boundary lines and relook at the uses. Mr. Burnette clarified that if Council desires to consider a text amendment, they should not be referring it to P & Z, but Council would be the applicant for the text amendment and would be initiating it. Once Council initiates it, it will go to P & Z for their recommendation and would come back to Council at the second meeting in November for a decision.

Mayor Davis noted his only concern with delaying a decision on the Enterprise text amendment would be that it would push it back to the end of the year, then the newly-elected Council would make the decision. Council Member Mendenhall reiterated these are two separate issues and felt there was no reason why this Council should not be able to make a decision on it.

At this time, **Council Member Ewing moved to keep Text Amendment 14-05 (Enterprise) in committee for further discussion at the October 20, 2014 City Council meeting.** Mr. McCaslin explained the matter is already on the pending list, so a motion to this effect was not necessary. A brief discussion followed regarding whether or not to delay a decision for two weeks.

Council Member Ewing then made a motion to bring Text Amendment 14-05 out of committee and place it on the October 20, 2014 Agenda for a vote. Mayor Davis made a second to the motion. The motion carried by a 5-2 vote with Council Members Moore and Wagner dissenting.

Council Member Ewing then moved to instruct staff to initiate the process of another text amendment to move the boundary lines for Sub-Area A and Sub-Area B and to look at the uses. Council Member Mendenhall made a second.

Mr. Burnette asked for clarification on the uses. Council Member Ewing noted it was a matter of verifying the conforming uses.

Chairwoman Smothers pointed out the motion did not have a time-sensitive date. Council Member Ewing agreed to rephrase his motion. Mr. McCaslin pointed out the motion would still need to be made again at Monday's meeting on October 20th so official action could be taken, so a motion could be made at that time.

<u>Report of the Ad Hoc Permitting and Plan Review Committee</u>

- *Attachments:*
- *Report of the Ad Hoc Permitting and Plan Review Committee, dated October 7, 2014*
- *Planning & Development Department Status Report, submitted by Lee Burnette, dated October 3, 2014*
- *Planning & Development Department Organizational Plan*

Council Member Wagner distributed a copy of the committee's report, as well as the Planning & Development Department Status Report, and the Planning & Development Department Organizational Plan. He reviewed the findings contained in the report submitted by the Ad Hoc Permitting and Plan Review Committee.

Council Member Wagner explained the committee met and tried to come up with a list of concerns and problems dealing with permits, discussed possible solutions and the things that Permitting and Inspections does well. He then reviewed the list of problems: legal problems; problems associated with process; educational problems; and cultural issues. The legal problems are based upon the existing state law (local or state) and can only be addressed through changes in the law. Items requiring amendments to the State Building Code will require State legislative action. He noted some of these issues involve interpretation of Codes, underground fiber approval problems and whether to permit townhomes the same as the general contractor single-family process.

Chairwoman Smothers asked for clarification regarding townhome development. Council Member Wagner explained it involves whether or not townhomes could be permitted the same as the current residential process in place and not require planning review for townhomes. Mr. Burnette further explained they have to issue the permit on the spot because the single-family lot has already gone through subdivision approval, but typically townhomes have not, so it is not possible to walk in with a set of construction plans and automatically get a permit because TRC must approve the townhome plans.

Council Member Mendenhall asked if the City of High Point has any add-ons or addendums that increase the basic requirements in the State Building Code and if High Point does and other communities do not, if this is the reason why High Point's permitting process takes longer than Winston or Greensboro where permits can be obtained in two hours, but yet in High Point it takes two weeks. Council Member Wagner felt this was not the root of the problem. Judy Stalder with TREBIC explained there is not supposed to be anything in addition to the State Building Code, but sometimes there might be an interpretation by a particular jurisdiction may seem like it's more than the State Building Code. She felt the root of the problem was a combination of interpretation and culture of the department, specifically the Inspections Department. Council Member Moore asked how much Accela would help in the process once it comes on-line. Mr. McCaslin asked Council to keep in mind that right now paper plans are being passed along from department to department for review and this takes a minimum of five or six days and once Accela is implemented, as soon as it is received, it will go out to the departments for review electronically and provide their comments. Council Member Ewing agreed that Accela would definitely help out in the process, but pointed out it would not "tweak" the interpretation of the Code in the field.

Council Member Mendenhall mentioned a very frustrating experience she had several years ago involving a handicap ramp at West End Ministries that was built according to approved plans, then had to be redone because the inspector would not pass it. Mr. Burnette admitted that the problem in this situation was that the planning and review did not catch it. Mayor Davis explained that the inspector was doing his job and pointed out the liability would fall back on the contractor. Council Member Wagner noted the consensus among the committee was that the field inspectors are very good at their jobs and do good work. Mr. Burnette explained that in Accela, all comments can be viewed by staff and there are plans to institute review coordinators in both the TRC site plan process, as well as the construction process, whose job is to try to identify any conflicts.

Mr. McCaslin inquired about the fiber optic issues. Mr. Burnette explained this is for anybody that wants to install fiber optic and noted the new code would have a provision to allow anything underground-related to be approved by TRC and anything above ground would be approved by City Council. Mr. McCaslin shared the issues that staff continues to have with inspections of low voltage wiring and noted that the State Building Code requires issuance of a separate permit and to inspect these now have to be inspected the same as regular wiring.

Council Member Moore asked Interim Assistant City Manager Bob Morgan if he could shed any light on some of the differences between High Point and Greensboro and what impediments, uniqueness or pressures does the International Home Furnishings Market have on the city's process. Mr. Morgan explained that in his experience, every jurisdiction he has worked in had these types of issues and he felt High Point is unique in the issues that come up with the Furniture Market. He felt staff does a great job in reviewing and inspecting the influx of permits that come in right before the Furniture Market.

Council Member Wagner shared some of the education problems and noted most of the problems that arise involve process. He referred Council to a report compiled by the Planning & Development Department and noted many of these issues can be fixed. Council Member Wagner called Council's attention to #10 in the report:

10. "*The department has tried to categorize commercial submittals so they may have different review processes and time frames. The obstacle has been with the ability to track the submittals. If changes cannot be established prior to the implementation of Accela, they will occur when Accela is implemented*."

Mr. Burnette explained staff has looked at this several times to try to define that and the biggest obstacle right now is for staff's ability to track it, but Accela would definitely help with this. Council Member Wagner agreed that the process issues have more of a potential of being addressed once Accela is in place.

He then reviewed the cultural problems identified in the report (reputation, over-protected mentality, etc…) in the plan review process. He shared the consensus was that it does not matter whether the city has Accela, or how easy it is for things to go through, because it depends if the person making the interpretations/decisions wants to be tougher or easier. He pointed out the plan review process lacks a "customer service attitude" of how to make it work and there seems to be a lack of comment sense from the application to the interpretation. Council Member Mendenhall reiterated her concerns about why High Point is so different than Winston-Salem, Greensboro, etc…. and asked what High Point does to make it seem that High Point seems to be so unreasonable. Mr. Burnette replied the real difference comes down to three areas: process (in terms of efficiency and ability to review); resources; and customer service. He explained staff issues these permits over the counter, but the problem is keying in the information. Staff is hopeful that a lot of people will apply on-line when everything is in place.

Council Member Mendenhall informed staff that there seems to be a major issue with the automated permit line because she was told by someone that attempted to call, but it would just ring get into a voice mail prompt system without getting anywhere. She asked if there might be another number that a person could call to get a person instead of a recording. Mr. Burnette explained that the permit number listed in the telephone directory is incorrect, and would be corrected in the new directory. He advised Council that staff is working with Northstate Communications and felt like it would help resolve some of the telephone issues. Mayor Davis shared a negative experience he had when he made a phone call yesterday to the permit/inspections line and never could get anyone to answer after several minutes, so he got his question answered by calling the inspectors in his contact list. He pointed out this is a point of extreme frustration for the builders/contractors. Council Member Wagner felt the cultural issues seem to be the biggest problems and would be the hardest to fix. He stated he personally knows of several architects and contractors who will not do business in High Point because of all the bad experiences and noted there was no way to quantify how much business the city is actually losing as a result of this.

Mr. McCaslin pointed out that the city now has three full-time plan reviewers; two of which came from the City of Greensboro and they have said that High Point is doing the same thing as Greensboro. He agreed that High Point does have a bad reputation, but has to get beyond it. Judy Stalder shared her recent experience in Greensboro and compared it to High Point. She explained a couple of years ago, she was approached by numerous contractors who shared they were having issues in High Point, so she called Planning and Inspections and met with them and the city manager and it eventually elevated to the City Council. Three weeks ago, she had a meeting with the Greensboro builders, who had a list of problems they were having in Greensboro and Guilford County and she called Michael Lewis in the Inspections Department and met with him to share with him the issues identified on the list. She shared that two days later, she had a letter from him that addressed every one of the problems. She noted there was more of a sense of urgency with Greensboro and they were willing to do what they could to make it work. Ms. Stalder noted that some of the issues they have had with High Point have been resolved (i.e. residential plan review changes), but problems still exist on the commercial side. She further explained that now the issues tend to be minor, but because there is such a general distaste in dealing with some of the people in inspections, these minor things suddenly escalate.

Council Member Wagner felt it has reached the point where either the culture must change or the city is going to be faced with looking at personnel changes. He recommended that Council continues to monitor on a very regular basis (i.e. monthly report back to Council by staff) because ultimately it will be staff that would have to make a vast majority of these changes and also recommended that the city get lobbyists like Fred Baggett and state legislators involved to look at changes in legislation to simplify the process. Council Member Ewing shared that the consensus among the committee was that most of this was behavioral issues on staff's part and there was nothing really that Council could do from a policy standpoint that would fix anything. He suggested that Council allow staff to do what needs to be done to fix it and hold the city manager accountable for making the positive changes to make the process smoother, cleaner and more acceptable to the customers. He suggested possibly having a service questionnaire for a developer to fill out after completing a job or after the permit review would be beneficial to help Council gage the issues.

Mayor Davis brought up the subject of an expedited plan review and asked Mr. Burnette if this would be something staff could work towards. Mr. Burnette felt staff could look into this after implementation of Accela because otherwise, it would be pushing Accela further in the forefront and staff could certainly improve communication with the customers and tracking the projects would be more efficient through Accela. After implementation, staff could then look at how to possibly tweak things for a more positive experience. Council Member Ewing asked staff if there is anything Council could do to help the department get Accela implemented faster. Mr. Burnette suggested the best thing would be for Council to keep this as a priority and explained that every other project that staff has to do, slows down the implementation. He felt it was really important to address a host of these issues, but pointed out staff has limited resources to be able to implement Accela on time, do the big projects, and do the day-to-day work. Council Member Ewing asked staff to remind Council as they come up with different ideas and things they want to do, that it will affect implementation of Accela.

Council Member Ewing suggested possibly suspending the work being done on the Development Ordinance Rewrite until Accela is up and running. Mr. McCaslin reminded Council that most of this work is being done by a grant and there is a timeframe and deadline associated with the grant to get it done. It was noted that the target date to have Accela implemented is June, 2015.

Council Member Wagner pointed out there has been a fear of retribution among people that the next time they submit plans, staff is going to give them a harder time. He suggested that it would be good to create an environment in a culture where people, if they have a problem, that they're able to go to Mr. Burnette with it. Council Member Mendenhall felt this Council has not had a way to truly work hand-in-glove with the manager and department heads on issues because of the current lack of committee structure over the last two years. She explained that in the past members of Council sat on three or four small committees and met with the manager and department heads to talk about issues, projects in general and this gave Council more of an ability to monitor things more closely.

For tracking purposes, Chairwoman Smothers suggested that Council acknowledge receipt of the report. Council Member Wagner felt if Council is going to take any kind of action, it should be to request staff report back to Council on a regular basis on the progress regarding fixing these issues. Judy Stalder expressed concerns that the complaints are not being handled and resolved on the level that it should be resolved; they felt they should be able to solve the problem at the source.

Council Member Wagner then moved to ask the city manager to report back to Council in one month on the steps that are being taken that are listed in the report in an effort to address the various issues and problems associated with permitting and plan review. Council Member Moore made a second to the motion.

For further discussion, Council Member Ewing suggested this could be done at the second Comprehensive Planning Committee meeting of the month. Chairwoman Smothers suggested this be left up to the city manager.

Chairwoman Smothers then called for a vote on the motion. **The motion carried unanimously**.

There being nothing further to come before the Committee, the meeting adjourned at 11:30 a.m. upon motion duly made and seconded.

Respectfully Submitted,

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Rebecca R. Smothers, Chairwoman

Attest:

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Lisa B. Vierling, MMC
City Clerk