City of High Point

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

Meeting Agenda

Monday, October 21, 2013

4:45 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

REGULAR MEETING ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair
Committee Members Wagner, Davis and Sims

130271 Contract - Bid No. 10 - Relay Control Panels
Approval of award of contract for Bid No. 10 for Relay Control Panels. Purchasing and the Electric Department recommends that contract be awarded to Keystone EMC in the amount of $411,301.00 which is the lowest responsive and responsible bidder meeting specifications.

130272 Contract - Bid No. 12 - Generator Retrofit
Approval of award of contract for Bid No. 12 to retrofit six (6) diesel generators. Purchasing and the Electric Department recommends that contract be awarded to Western Branch Diesel in the amount of $203,244.00 which is the lowest responsive and responsible bidder meeting specifications.

130273 Contract - Bid No. 18 - 115 kV Circuit Breakers
Approval of award of contract for Bid No. 18 for the purchase of four (4) 115 kV Circuit Breakers. Purchasing and the Electric Department recommends that contract be awarded to Hitachi HVB in the amount of $212,649.71 which is the lowest responsible and responsible bidder meeting specifications.

130274 Contract - Bid No. 20- Circuit Breakers
Approval of award of contract for Bid No. 20 for the purchase of six (6) 15 kV Circuit Breakers. Purchasing and the Electric Department recommends that contract be awarded to ABB in the amount of $160,277.00 which is the lowest responsive and responsible bidder meeting specifications.

130275 Contract - Bid No. 17 -Oak Hollow Golf Course Building Improvements
Approval of contract awarding Bid No. 17 for Oak Hollow Golf Course Building Improvements (exterior stair replacement). Purchasing and the Parks and Recreation Department recommends that contract be awarded to Bar Construction Company in the amount of $92,100.00 which is the lowest responsive and responsible bidder meeting specifications.

130277 Resolution - Signing Authority - City Manager - Home Buyer Assistance Program
Council is requested to adopt a Resolution designating the City Manager or his designee to execute documents in connection with the Home Buyer Assistance Program.

130278 Resolution and Bond Orders - General Obligation Refunding Bonds
Council is requested to adopt a resolution authorizing the filing of an

application for general obligation refunding bonds not to exceed $15,000,000 with the Local Government Commission; and, to adopt an order authorizing $15,000,000 General Obligation Refunding Bonds.

130287 Resolution - Authorizing Water and Sewer Improvements
Council is requested to authorize, approve and agree to the financing and construction of the water and sewer improvements estimated to be $5.0 million necessary to open and develop a new 350 plus acre corporate park located on the northeast corner of I-74 and NC 66.

130290 Memorandum of Understanding between High Point University and City of High Point
Consideration of a Memorandum of Understanding (MOU) between High Point University and the City of High Point regarding an encroachment agreement and improvements.

Pending Items

130230 Review of Health Insurance Coverage for City Council Members
At the request of Council Member Mendenhall, Council is being asked to review the current council-established policy regarding health insurance coverage and costs associated with the same.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130279 Resolution of Intent - Annexation Case ANX13-04
Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 18, 2013 at 5:30 p.m. to consider a voluntary non-contiguous annexation of approximately 1.54 acres, of the former Joe Drive right-of-way, lying approximately 1,750 feet north of Sandy Ridge Road.

130280 Resolution of Intent - Street Abandonment Case 13-17
Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 18, 2013 to consider a request by the Technical Review Committee to abandon the southern 245 feet of the Berkley Street right-of-way.

130281 Resolution of Intent - Street Abandonment Case 13-18
Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 18, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon the eastern 280 feet of Ogden Court, a partially improved right-of-way lying approximately 50 feet south of Market Center Drive and east of Ogden Street.

130282 Resolution of Intent - Street Abandonment Case 13-19
Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 18, 2013 at 5:30 p.m. to consider a request by High Point University to abandon all of Willoubar Terrace, an improved right-of-way lying approximately 490 feet east of N. Centennial Street,

between Montlieu Avenue and Barbee Avenue.

130289 Resolution of Intent - Street Abandonment Case 13-21 - High Point University
Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 18, 2013 at 5:30 p.m. to consider a request by High Point University to abandon that portion of W. College Drive, an improved right-of-way, lying between W. Lexington Avenue and Panther Drive (private street).

PUBLIC HEARINGS - 5:30 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130283 City of High Point - Street Abandonment Case 13-14 -City of High Point
A request by the Technical Review Committee to abandon an improved portion of the Davidson Avenue right-of-way, lying approximately 290 feet south of S. College Drive and east of Surrett Drive.

130284 City of High Point - Street Abandonment Case 13-15 - City of High Point
A request by the Technical Review Committee to abandon an unimproved portion of the W. Springfield Road right-of-way lying west of Robbins Street.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130288 Appointment - Boards and Commissions - Housing Authority Board
Council is requested to confirm the appointment of Lisa Huff to the Housing Authority Board to fill the unexpired term of Taronza Berry who resigned. Appointment will be effective immediately and will expire December 22, 2018.

130286 Boards and Commissions - Vacancy Report
Attached is the current list of vacancies for all Boards and Commissions.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130285 Approval of the following Minutes
Special Meeting held Thursday, October 3rd @ 9:00 a.m.
Finance Committee meeting held Monday, October 7th @ 3:30 p.m.
High Point City Council Regular Meeting held October 7th @ 4:45/5:30 p.m.
Comprehensive Planning Committee meeting held Tuesday, October 8th @ 4:00 p.m.

ADJOURNMENT

City of High Point

Strib Boynton
CITY MANAGER

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

Memo To: Mayor Sims and City Council Members

From: Strib Boynton

Date: October 17, 2013

Subject: Water and Sewer Improvements

As you all know, for many years we have been diligently pursuing and trying to create the right opportunity to responsibly develop a major new corporate park on the northeast corner of the I-74 and NC 66 interchange. The area, likely to be called the I-74 Corporate Park, contains at least 350 acres located along our prime I-74 growth corridor in Forsyth County, and within our High Point annexation agreement area.

The opportunity to create the new 350 plus acre corporate park is now here, and we are ready to move forward in partnership with Carolina Investment Properties. Carolina Investment Properties is financing and developing the first 100 acres with a $50.0 - $70.0 million investment, and will work with landowners on adjacent properties. Our role is agreeing to finance and construct the water and sewer improvements necessary to develop the corporate park.

The estimated cost for the necessary water and sewer improvements is $5.0 million. This amount is included in the $39.2 million list of water and sewer revenue bond projects provided to you on September 27, 2013. The improvements will be paid from water and sewer revenues.

On Monday, I will be asking you "to authorize, approve and agree to the financing and construction of the water and sewer improvements estimated to be $5.0 million necessary to open and develop a 350 plus acre corporate park located on the northeast corner of I-74/311 and NC 66."

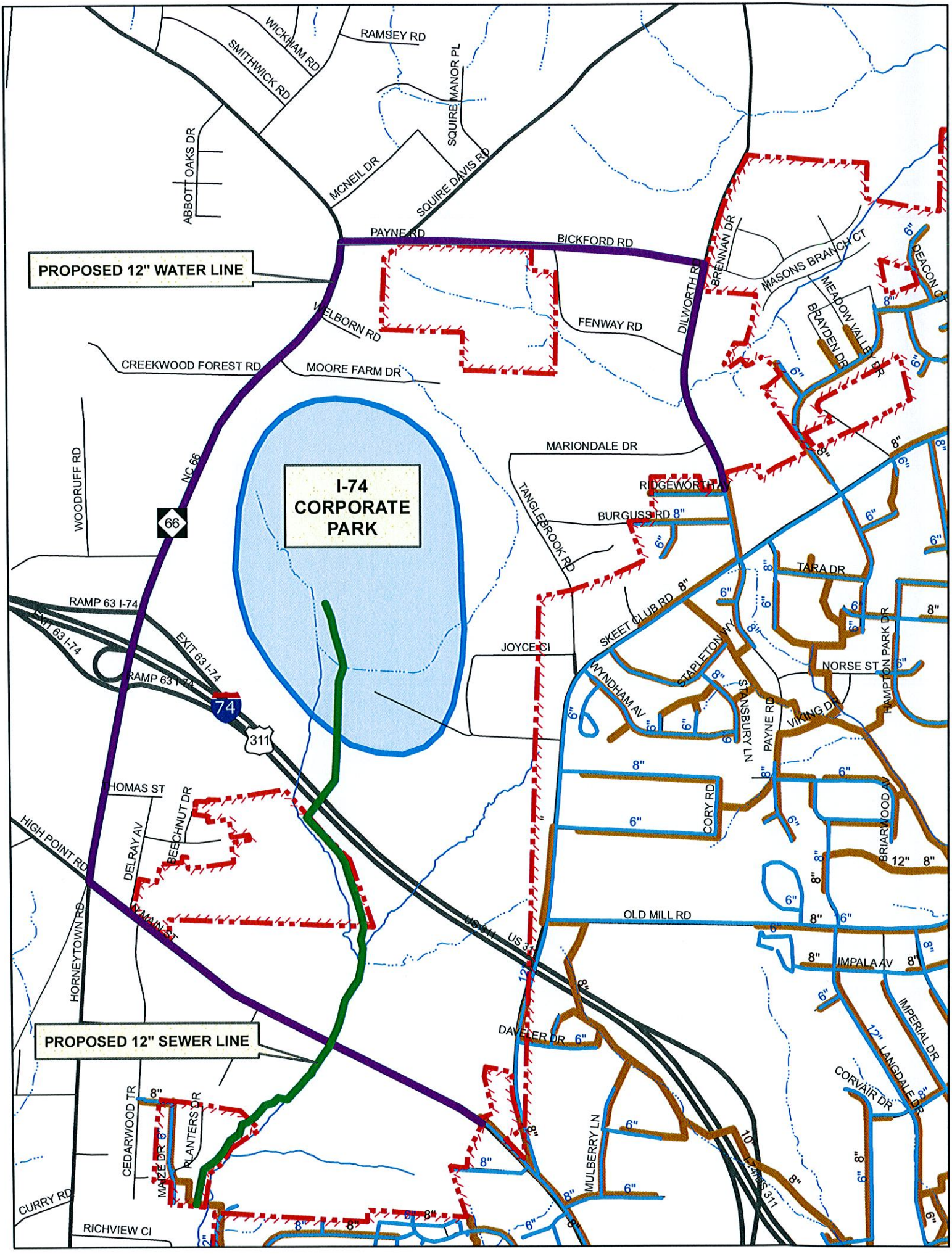
A schematic plan is attached for your review. Detailed plans will come back to you as they are developed and completed. Annexation and rezoning will also soon come to you.

The opportunity to create this new 350 acre corporate park is on a very tight schedule as you know, with completion of the water and sewer improvements necessary by April 2015.

Your approval on Monday is necessary for the opportunity to advance. The design and engineering agreement will be on the agenda for your next Council meeting.

Strib

City of High Point, P.O. Box 230, 211 South Hamilton Street, High Point, NC 27261 USA
Fax: 336.883.3052 Phone: 336.883.8556 TDD: 336.883.8517


PROPOSED 12" WATER LINE
PROPOSED 12" SEWER LINE
I-74 CORPORATE PARK
RAMSEY RD
WICKHAM RD
SMITHWICK RD
SQUIRE MANOR PL
ABBOTT OAKS DR
MCNEIL DR
SQUIRE DAVIS RD
PAYNE RD
BICKFORD RD
BRENNAN DR
MASONS BRANCH CT
DEACON CT
MEADOW VALLEY DR
BRAYDEN DR
DILWORTH RD
WELBORN RD
FENWAY RD
CREEKWOOD FOREST RD
MOORE FARM DR
WOODRUFF RD
NC 66
66
MARIONDALE DR
RIDGEWORTH AV
TANGLEBROOK RD
BURGUSS RD
TARA DR
SKEET CLUB RD
JOYCE CI
STAPLETON WY
NORSE ST
HAMPTON PARK DR
WYNDHAM AV
STANSBURY LN
PAYNE RD
VIKING DR
RAMP 63 I-74
EXIT 63 I-74
74
311
CORY RD
BRIARWOOD AV
THOMAS ST
BEECHNUT DR
DELRAY AV
HIGH POINT RD
MAIN ST
OLD MILL RD
US 311
IMPALA AV
HORNEYTOWN RD
DAVELER DR
IMPERIAL DR
LANGDALE DR
CORVAIR DR
CEDARWOOD TR
MAZE DR
PLANTERS DR
MULBERRY LN
CURRY RD
RICHVIEW CI

HIGH POINT CITY COUNCIL
SPECIAL MEETING
OCTOBER 3, 2013 – 9:00 A.M.
COUNCIL CHAMBERS
HIGH POINT MUNICIPAL BUILDING

MINUTES

PRESENT:
Mayor Bernita Sims; Mayor Pro Tem Britt Moore (At-Large); and Council Members Becky Smothers (At-Large); Jeff Golden (Ward 1); Foster Douglas (Ward 2); Judy Mendenhall (Ward 3); Jay Wagner (Ward 4); Jim Davis (Ward 5); and Jason Ewing (Ward 6)

Also Present:
Lisa Vierling, City Clerk; Bruce Ashley (Outside Legal Counsel)

[full house]

[Note: The statements made by Mayor Sims and Council Members Davis, Ewing, Mendenhall and Smothers appearing in the High Point Enterprise on September 21, 2013, as well as the statements made by Mayor Pro Tem Moore and Council Members Douglas, Golden and Wagner, and the letters presented at today's meeting will be attached in Legistar as a permanent part of these proceedings]

[Transcript of Special Meeting]

Mayor Sims*: I'm going to call the meeting to order and ask that you please rise for an invocation given by Rev. Dr. LaGrone, followed by the Pledge of Allegiance to the Flag.*

Rev. Dr. LaGrone*: Let us pray. God of Mercy, God of Grace, we come before you today thanking you for the very breath that we have. Dear God we pray your blessings upon this Nation, upon the leaders of this Nation. We pray your wisdom and guidance upon the City of High Point and those elected officials who were democratically elected to represent us. Dear God as we gather today in 2013, have mercy upon us as a Nation—for we are divided along racial lines. We are divided among political parties. We are divided among the Socio-economic gap where the gap between the rich and the poor is greater than it's ever been. God, help us not to vilify each other, but give us a spirit of understanding. Give us a spirit of patience, dear God. Help us to understand that I don't have to expect people to see the world from my perspective, but give me the grace to respect others perspective and give them the grace to respect ours. God, we love you. Now send your peace into this place. Let the Spirit of Solomon and the Spirit of Wisdom come here that we may come to a meeting of the minds and that High Point would shine as the great city it is. It's in the name of our Lord and Savior we pray. Amen.*

[The Pledge of Allegiance to the Flag]

***Mayor Sims**: Good morning everyone. Thank you all for coming to the meeting this morning. Of course we all know the purpose for which we are gathered—a special called meeting requested by two members of Council. But prior to us proceeding with the business that was on the agenda and for which we were notified, Council Member Mendenhall has something that she wants to say.*

***Council Member Mendenhall**: Thank you. Again, I would also like to thank you all for coming. Typically at a meeting like this there is not time allowed for public comment, but we realize that this is an important and sensitive issue. And this Council would like to provide opportunity this morning for some public comment. I would also like to remind you that there are probably people who did not come today because they did not think they would be given an opportunity to speak and there is a short amount of time for public comment at our normal meeting which would be Monday night. Having said that, we have met and I have spoken with Mayor Sims and what we would like to propose is that five people be allowed to speak and you will be timed by Al, our Human Relations Director, for a minute and a half. Five who are in support of the motion that will be acted upon today and five people who are opposed to it. We realize that will not give everybody an opportunity to speak, but we hope with those five people speaking, at least your thoughts and comments will be expressed. It will be the first five who appear.*

Having said that, **I move that this Council will allow public comments from five people who are supporting the motion and five people who are opposed to the motion for a minute and a half each to be timed. I so move.**

Council Member Wagner: **Second.**

***Mayor Sims**: I have a motion and a second to allow a limited public speaking from the floor regarding the issue that we are here to address today. All those in favor, signify by saying Aye. Aye. Any opposed? [none]* **The motion PASSES. [9-0 vote]**

I guess we will start with those individuals who are in support of the motion, so if there are five individuals who would like to approach the podium or signal to Ms. Heggins that they are here opposed to…..in favor of the motion, I'm sorry. Please approach the podium.

***Council Member Smothers**: A point of clarification….are we going to have comment before we have the motion and the statements by Council?*

***Mayor Sims**: Well it would be sort of awkward to make the motion and then in the middle of the motion, well she's already made the motion to do that. So we can wait until the motion is made. It will work. I see what you are saying.*

***Council Member Smothers**: It doesn't matter. Let them go ahead and talk. That's fine.*

***Mayor Sims**: Would you rather do the motion?*

***Council Member Smothers**: Well I was just asking for clarification.*

***Mayor Sims**: Let's proceed with the motion and then we'll ask for discussion.*

***Council Member Smothers:** But Council Members….I know some have comments they want to make that would come after that.*

***Council Member Mendenhall**: Yes. I think, Ms. Smothers, if you would like to go ahead and read the motion. I don't know that we can have two primary motions on the floor at the same time.*

***Mayor Sims**: Well we've already acted on that.*

***Council Member Smothers**: Yeah, we've already acted on the other. It's just some rules of order, I guess, for this meeting.*

***Council Member Mendenhall**: All right, well why don't you go ahead and do that and we'll ask for public comment and then the Council can speak if that's okay with everybody.*

***Council Member Smothers**: That's fine with me. Whatever the Mayor wants to do.*

***Mayor Sims**: Ms. Smothers….*

Council Member Smothers:** **I move that the High Point City Council number one, call for the resignation of Mayor Bernita Sims and number two, include in the minutes of today's meeting the statements submitted to the High Point Enterprise by Mayor Sims, Council Members Davis, Ewing, Mendenhall and Smothers which were published on September 21, 2013 and any written statements that may be offered by Mayor Pro Tem Moore, and Council Members Douglas, Golden and Wagner for inclusion in the record of this special called meeting on October 3, 2013.

***Mayor Sims**: Is there a second?*

Council Member Ewing**: **Second.

***Mayor Sims**: Are there copies of that motion available to the rest of Council?*

***Council Member Smothers:** I think it was sent out to everybody, but we can get it. The Clerk will end up having to read it again I'm sure.*

***Mayor Sims**: Okay, is there any discussion regarding that motion?*

***Council Member Mendenhall**: Are we going to go ahead now and have the public comment and then have the Council Members comments?*

***Mayor Sims**: We can proceed. If there are individuals here who are in support of the motion, please approach the dais or signal to Ms. Heggins and you will be allowed to speak for a minute*

and a half. Those in the audience that are in support of the motion as it has been presented by Council Member Smothers and seconded by Council Member Ewing.

Are there individuals here to speak in opposition to the motion?

Al Heggins: *Please be sure to state your name and address please Sir.*

Paul Morse: *My name is Paul Morse. I live at 209 Edgedale Drive, High Point, NC. Good morning. I want to thank you, members of Council, first for your service. I know you're not doing it for the pay. Also I want to thank you for the opportunity to speak. There are several unusual things going on this morning and this is just one example of it. But thank you for this. I wanted to say that a week ago, you folks met with the purpose of evaluating the performance of the City Clerk and the City Manager as I understand. And that's within your responsibilities and I commend you for that. This morning, it appears that you're in a meeting to evaluate the performance of some of your own and I'm not sure that that's within your responsibility and I just wanted to bring that to your attention. Hiring and firing of the City Manager and City Clerk is within your responsibility I think. I'm not sure that dismissing your own is within your responsibility. I think that falls under the purview of a duly constituted scheduled election.*

Al Heggins*: Thank you, Sir. I'm sorry your time is up.*

Please state your name and your address.

Martin Fitzgerald Harper, Sr*.: Martin Fitzgerald Harper, Sr., 2511 Suffolk in High Point. Good morning, esteemed members of Council. I'm Rev. Martin Fitzgerald Harper, Sr. and I've been a resident of the city since I was two years old when my father was discharged from the Air Force and became a proud High Point police officer. You must understand that we, as Black people, are really quite frankly skittish about the rights of poor and minorities to vote. First, because of wounds of our fathers and mothers who shed blood to secure this precious right, are still healing and are fresh relative to the age of our country and our Bill of Rights. Secondly, the Supreme Court delivered a hit to the Voting Rights Act, which our State House gleefully and derisively seized upon and began shredding many of the opportunities and protections which have been helpful toward the smooth, fair election process that resulted in record registration and turnout from the disenfranchised segments of our population. Many of us have watched with great chagrin as it seems that two speaks backwards for every three steps forward is once again the order of the day. With these threats to one of our most precious civil liberties, the last thing we need is another hit to our voting rights. I make no attempts at melodrama, nor do I wish to depend on hyperbole to make my point. But you, as elected officials, must understand the equilateral right of the existence of another elected official to hold office. Whether convenient towards ambitions are not, Democracy by its very nature shall not always be convenient, but by law should always be expedient. There is no reason for you all to lose a battle that you haven't been called upon to fight. But what you have been called upon to do is govern this city—not the personal affairs of our highest elected official. We feel that you have but one choice now. We demand that you exercise the right choice, right now. Park this absurd attempt to discredit the election and by extension of the 12,000 plus voices that voted for her….*

***Al Heggins**: Time is up, Sir. I apologize.*

***Martin Fitzgerald Harper, Sr**.: ……statewide to spend your time [inaudible] [applause]*

***Al Heggins:** Please state your name and your address.*

***Dan Reynolds:** My name is Dan Reynolds and I live at 3353 Tadmore Court in Jamestown, an annexed area of High Point. I bring you greetings from the Black Leadership Round Table. This is the second time in about a month that I have come before Council. Thank you for a job well done. For some time, the Black Leadership Round Table has been trying to revive itself and get back to addressing the issues that still plague our community. And then, booya….. y'all decide to pick on our Mayor and thanks be to God that you called this meeting and woke up the sleeping giant in our community. We could not have planned this better. As a Christian, a citizen of High Point, and a member of the Black Leadership Round Table, I urge you to withdraw your motion or motions and let our community handle our business at the ballot box. I would also like to remind those trying to get elected, reelected, or running for a higher office that the ballot box works both ways. Again, thank you for awakening our community and I truly believe that God has a strange sense of humor. [laughter and applause]*

***Al Heggins**: Please state your name and address.*

***Rev. Maurice Bolden**: My name is Rev. Maurice Bolden and my address is 2292 Rockwood Acre Road. I ask permission to read this letter. This is not a part of my comment. I do have a comment, but I have a letter on behalf of the constituents who support the honorable Mayor Bernita Sims.*

"For the record, we live in a wonderful city. However, I believe we have a lot of work to do to see High Point realize its full potential. That is why it is profoundly disappointing and unacceptable to find our City Council focusing so much of its time and its energy on the Mayor's personal matters. These issues do not involve public business and have no place in the Council's discourse.

Consequently, as a concerned citizen, I must insist that you prioritize your efforts and focus your attention the pressing issues of our community. Unemployment, affordable and suitable housing, business and economic development, and public safety are just some of the areas I feel would be better served if more time was spent on them. I implore you, as our elected officials, to devote your time and energy on creating ways to make sure that the opportunities afforded in this great land extend to all citizens of our city."

***Al Heggins**: I'm sorry, Sir. Your time is up. [applause]*

***Rev. Maurice Bolden**: I asked for permission to read the letter.*

***Unidentified individual in audience**: Your time is up.*

***Rev. Maurice Bolden**: All right.*

***Council Member Smothers**: Perhaps Madam Mayor, we can ask the Reverend if he would provide the letter to the clerk so that it can all be included in the record. [clerk received copies of the letter read by Rev. Maurice Bolden containing containing 234 signatures. All of which will be attached in Legistar as a permanent part of these proceedings]*

***Rev. Maurice Bolden:** One copy or all of them?*

***Council Member Mendenhall**: Once copy of the letter you read.*

***Rev. Maurice Bolden**: It's the same letter signed by individuals sitting here. These are signed.*

***Mayor Sims**: We can enter them all in the record. Take them all Lisa.*

***Council Member Mendenhall**: They are being entered.*

***Rev. Maurice Bolden**: Thank you. [applause]*

***Rev. Frank Thomas**: My name is Rev. Frank Thomas. I'm the President of the Minister's Conference here in High Point and also the Pastor at Mt. Zion Baptist Church, 753 E. Washington. I invite all the ministers and members of the Minister's Conference to stand if you are in attendance. [applause] As you well know, our Federal Government is shut down because of demigods in Congress who would rather see people go hungry than to agree with a budget that includes the Affordable Health Care Act. Many see this reprehensible behavior as a personal attack on our President and his policies that they too often disagree with. It's been said, it's fine to disagree, just don't be disagreeable. Whether you agree or not with the Mayor's approach to leadership or with her decisions on how to govern or even if you don't like her as a person, her personal issues should also be private issues. Unless there is some evidence of illegal activity, we ask that you concentrate your time on more pressing issues that affect our community. One item in particular comes to mind that the Council could spend more time and energy. With our current unemployment rate in the city being 9.7, more time could easily be spent on creating jobs and seeking community development opportunities [applause] that would assist in providing for the health and welfare for all citizens. I also would remind you of the story of the woman who was caught in the act of adultery and Jesus asked, "He who is without sin, cast the first stone." [applause and shouting].*

***Council Member Mendenhall**: That is five speakers.*

***Larry Diggs**: I do understand that. Could I…..I have one little…..*

***Council Member Mendenhall**: No, please come Monday night, Mr. Diggs. Thank you.*

***Unidentified individual in audience**: Could I speak in support?*

***Council Member Mendenhall**: The time for speaking in support has already passed, but again there will [applause] be opportunities on Monday night. Thank you all.*

***Unidentified individual in audience**: Is it too late to speak to Council directly?*

***Council Member Mendenhall**: Yes. At this meeting we allowed public comment for five in favor and five who opposed it. That was the motion.*

***Unidentified individual in audience**: It's concerning the members up there.*

***Council Member Mendenhall**: Monday night, please Ma'am. I'm sorry, we have to abide by the decisions that were made.*

***Mayor Sims**: Let me say this. When this meeting notice was first put out, at that point there was not going to be an opportunity to speak from the floor at all. So we did speak with members of Council and they agreed that we would take public comment. I would suggest to anybody in this room that wants their voice to be heard….we do public speaking the first meeting of every month. And I would ask that all of you who have something that you feel that you just have to say….that there's this burning desire to speak, come back on Monday. You will get three minutes to speak. So any other time that you feel that you need to come and speak, we do this the first Monday of every month. So at this point, I do, again, appreciate Council allowing the opportunity to speak because I think it would have been a great disservice to this community to have the number of people who are present and who are here, come and not be able to voice their concerns and voice their opinions around what is happening today in this room. This is the people's house. This is your Council Chambers. We all work for you. We were elected by individuals who are sitting in this room. Some of us….all of you voted for or against, but you were part of the political process. So I would ask that at this point, you all would allow us to proceed with the comments coming from each member of Council that has been outlined in the motion and after we are done with that...I'm not sure….we will adjourn the meeting, but we can still sit here and have a conversation if that's what you'd like to do. And I'm sure the media would love to be able to hear from everybody here sitting in this room. [applause] I'm sure they would love to. So I would ask at this point, if you all will allow us to continue with the process of what we're doing with this meeting so that we can move forward with doing the business of this Council and the reason why the meeting was called.*

***Unidentified citizen in audience:** I'm sort of hard of hearing. Did you say…*

***Mayor Sims**: I'm saying that after this meeting is over, if you all would like to stay in these chambers and have a conversation around what is happening in our community and even to address your Council Members who choose to stay and be addressed…..*

***Unidentified citizen in audience**: I got out of my bed to come back and want to say two words and I don't see why I can't say it.*

***Mayor Sims**: I would say, Sir, that at the end of this meeting you are free to stay and for those Council Members who want to hear what you have to say that can stay, they will be here to hear it. If not, Monday night and they all will be here.*

Unidentified citizen in audience: *Is everybody going to be here or are they going to go to Greensboro because the Mayor in Greensboro has got financial problems too? [laughter and applause]*

Mayor Sims: *I can't answer that for you, Sir, but I know that our Council will be present on Monday night.*

Bruce Ashley*: Your Honor….if I may, the purpose of the meeting is the motion that's on the floor and in light of that, several of the comments are starting to leak out.*

Mayor Sims*: We're done. There is a motion on the floor, seconded by Council Member Ewing. There was an opportunity for several other Council Members to read into the record their statements. So we'll start with Council Member Golden.*

Council Member Golden*: Good afternoon, I mean good morning everybody. I'm going to be reading this because I didn't want to be all over the place with my speaking because I have been wrestling with this for a long time. But after considering everything that's been said and written, the reason why I am against a vote to remove the Mayor from office….I am against a vote to remove the Mayor from office. I am opposing this vote for several reasons. First and foremost, it would not remove the Mayor from office, it could only serve to divide this Council and this community. I'm opposed to voting on issues for the sake of public record. I prefer to vote when there is an action to be taken and I understand that everyone on this Council has received pressure from their constituents to address the private affairs of the Mayor. Every one of us has had the chance to make private and public statements and most of us have taken the opportunity to do so. This makes it perfectly clear for the citizens where we stand. It is my opinion that this vote will only fuel the media frenzy and bring into question this Council's ability to handle affairs in which we were elected. I'm against any procedure that would remove an elected official without direct input from the public and the people who elected them to office. I recently read a quote from one of my co-Council that said "the decision to call for a motion to remove the Mayor was in response to a statement made by the Mayor in closed session." Am I to believe that this motion is driven by the citizens of High Point or because someone felt insulted? If we can gather support to vote and have elected officials removed from office, every time we're insulted then we have created another set of problems. It is not our position to use mock votes to change and sway public opinion. These issues should be settled at the polls during the election period. We, as Council, need not to attempt to change who the citizens want to serve on their behalf. I am by no means saying that is what happened, but I do believe that some may perceive it that way. I also believe that this opens doors for Council to use public meetings to address private issues and plants seeds for removal of elected officials. This is a practice that we should and cannot afford at all cost. Council Member Smothers, who made the motion, stated previously that public statements have already been made and the vote would serve no purpose and I agree…..the vote would serve no purpose. I am by no means condoning the way that the Mayor handles her personal affairs. I feel that she could have been more forthcoming with information. I think the mayor could have been more transparent even though there was nothing in place to require her to do so. This may have lessened this media frenzy and allowed Council to focus on issues that we were elected to address. This is why I am against a vote that will not*

produce any positive and has the potential to create more problems. I cannot and will not support a motion to remove the Mayor from office.

***Mayor Sims**: Council Member Moore.*

***Council Member Moore**: Thank you Madam Mayor. Dear fellow citizens, our city and this Council find ourselves in an unfortunate and difficult position. I take no joy in actions we are having to take. Over the past weeks and months, there has been a lot of coverage concerning some personal issues involving two members of this Council. And these issues are personal, which I believe we all understand. I also believe that those who are following these circumstances closely understand there are legal limits to the actions that this Council can undertake. It is difficult for me to go anywhere without our Mayor's circumstances and her handling of them being a topic of conversation and I fully understand that. It has become a distraction and a disruption to the constructive governing that we need to face the issues running our city. People are concerned and frustrated. I have received large amounts of emails and phone calls and have had numerous face-to-face discussions with citizens from all over our city. Overwhelmingly, they have expressed their displeasure. It is very clear to me that their grievance is not personal, partisan or racial… [mumbling in the audience]. It is principle. Many of the good people of High Point feel that the highest office has been compromised. We live in a time when there's little faith and trust in our Federal Government. Although there is a sentiment that there is very little that we, as individuals, can do about that. I think that we want to believe that on a local level, it can be different. Inasmuch, there is now a lack of credibility and trust in this Council and many are asking for a resolution and a change. My take on being an elected official may differ from some. I think we, on Council, agree that we vote and make decisions concerning our city. We do it individually, but we also know that we do it representing those that put us here. We also realize that our decisions have a collective consequence to all citizens. There are expectations that come with being in this position. Now here's where I may differ. I believe that it's fair and reasonable for citizens to judge my actions, both professionally and yes, personally. And they certainly reserve the right to express their feelings whether I agree with them or not. It is that judgment that is a basic tenant for a civil society. Over the past weeks, there have been several occasions where unfounded accusations have been made against the majority of this Council. To date, there has been no proof, further discussion or reconciliation to these allegations. This hangs heavy when we are together and undermines the integrity, respect and confidence of the Council as a whole. Today a motion is being presented asking for the resignation of our Mayor and by far, it is the toughest decision I have had to make as a member of this Council. But based on all that has transpired and the fact that much is left to be resolved, I believe it is my responsibility to the citizens of the City of High Point and those who have reached out to me to support this motion. It will put this Council on record in accordance with what I believe most citizens want and bring some closure as far as the Council is concerned. After it is done, hopefully we can move forward together in these very serious and challenging times and do the business we were elected to do in a fashion with which the majority of the citizens of High Point will be pleased. And I intend to do just that.*

Respectfully, Britt W. Moore, City Council At-Large [applause]

***Mayor Sims**: Mr. Wagner:*

***Council Member Wagner**: Thank you. It's with great concern and apprehension that I address my remarks to not just the Mayor, but all of my colleagues on City Council today. It is regrettable that events have placed us in the position of sitting in judgment of another member of this body. However, it is the responsibility of leadership that requires us to do so. Some may question the necessity of Council's action today or even its usefulness. It has been said that it is "much ado about nothing" and that the events that brought us to this point are purely personal and should be ignored. In assessing these statements and their effect on our need for action today, I think it would be wise to note that we are not mere employees hired to do a job. We are public servants who were chosen by our fellow citizens and placed in a position of leadership. We act as their proxy. We sought these positions and being held up as an example to our citizens is both our reward and our burden. Our job performance is not only judged by our public actions and our ability to make decisions affecting the public, but also by the example we set as we carry out our duties and responsibilities as citizens. Not being able to make ends meet, which is a difficulty familiar to many of our citizens, is a purely personal problem, but particularly when that difficulty involves an elected official and is manifested through alleged illegality, not paying utility bills to the city in a timely manner, and not paying taxes, it is no longer purely personal. To accomplish this mission, its mission, our city government relies on our citizens to pay their taxes and utility bills on time. The Mayor's failure to do so over an extended period of time violates the public's trust, shows a failure to lead by example, and creates an impression among many citizens that a double standard exists. This situation now overshadows nearly all of the work we do as a Council, as well as our ability to effectively act as representatives of the city. It is literally the first thing I get asked about everywhere I go in our city. The citizens of my ward from all walks of life take this matter very seriously. The overwhelming majority of those that I've had contact with are embarrassed by it and are worried about its effect on the public perception of our city. Nearly all of them have told me that they think the Mayor should resign. For all of these reasons, I must support the resolution asking for the Mayor's resignation. However I do not relish the opportunity because I know that this issue has the potential to divide our community and therefore, it's a sad day for High Point. Lastly, I would like to speak briefly about how we move forward as a Council after this vote. I understand, Madam Mayor, that it's your intention to continue as Mayor despite this resolution and that's your decision to make. I'm already receiving calls from people seeing to use this controversy to fan the flames of racial unrest and class envy. That sort of talk has no place in our city, in my opinion, [outbursts from audience] and does not reflect the sensibilities and belief of the vast majority of our citizens. Civility is a trait all too lacking in the political discourse of our time. One needs only to look to Raleigh or Washington for endless examples of hyperbole and the politics of personal destruction. Moving forward, we have an opportunity and an obligation to be an example to our citizens of civility in our dealings with one another. We can disagree without being disagreeable, and deal with each other as individuals.*

***Mayor Sims**: Mr. Douglas.*

***Council Member Douglas**: First of all, I would like to say good morning to everyone that's here. I'm glad you could make it out today. Madam Mayor, I would like to ask that the signed petitions by the public be placed in the minutes.*

***Mayor Sims**: She has them.*

***Council Member Douglas**: Okay. Also, I would like to say that I'm opposed to removing the Mayor from the position she was elected by the citizens—not by our colleagues. This is a democratic society and we had a plurality of the vote and that's what was taken. We chose some time ago to go away from the primary process to the plurality of the vote. That purpose was intended to get more people involved into the voting process. I think….but over the course of time over the past couple of years or so, I think that some of my colleagues have been trying to get back to the primary portion of the vote where we have a primary to eliminate some of the people out of the field [outbursts from audience and applause]. I think that the process that we have now is working. We have more participants in the voting process. I think we would set a precedent in our city by asking our Mayor to resign or even trying to go through with the motion. I do not support this by no means. It would appear with the number of phone calls claimed to have been made to my colleagues, yet you have very few from the floor in support of your motion. [outbursts from audience]. I find that very ironic with your motion to ask the Mayor to resign. I do not believe any elected officials personal lives is that of any business of their colleagues or anyone else. [outbursts from audience]. I also believe this is another failed attempt to change the outcome of an election you didn't agree with. [outbursts from audience and applause]. And in my opinion, the focus should not be on the personal or private information that was somehow released to begin with. I think some of my colleagues have been chasing rabbits during deer season [laughter]. I also think that the focus should be on where the information was released from and what was the purpose of the release of the information to start with. [outbursts from audience and applause]. Is this a form of electioneering trying to disgrace a community.*

***Unidentified gentleman in the audience**: That's what it is. It's a lynch mobbing. [applause]*

***Mayor Sims**: Sir, sir.*

***Council Member Douglas**: I would ask that question because to me, I don't think you have any basis for what is going on here today. There has been no crimes committed. None of these council members handled any money of the city. That's what we have the city manager for. Our job is to create policies that would be fair to everyone throughout the city. Sometimes we make it to that and sometimes we don't. Some fall short. I will not be supporting asking my Mayor to resign. Again, I say, this resolution is not even worth the paper it was written on and does not serve any purpose. Madam Mayor, I'm finished. Thank you. [applause]*

***Council Member Mendenhall**: Madam Mayor, since we have in the record now, statements from all nine of us,* **I move the previous question.**

Council Member Smothers: ***Second.***

***Mayor Sims**: The question has been called based on the motion that was submitted by Council Member Smothers and seconded by Mr. Ewing. All those in favor of the motion that has submitted, please….could we have a voice vote please and a roll call?*

*City Clerk Lisa Vierling**:***
DAVIS: YES
MENDENHALL: YES
GOLDEN: NO
MOORE: YES
SIMS: NO
DOUGLAS: NO
SMOTHERS: YES
WAGNER: YES
EWING: YES

***Council Member Mendenhall**: Madam Mayor, I move we adjourn the meeting.*

***Mayor Sims**: Well first let me say before you do that, that the motion PASSES because I want to make sure that's in the record. The motion PASSES. [6-3 vote]*

***Unidentified citizen in audience**: Vote was along racial lines.*

***Mayor Sims**: Now do you want to…..*

***Council Member Mendenhall**: Yes, I move we adjourn.*

***Council Member Smothers: Second**.*

***Mayor Sims**: There is a motion to adjourn the meeting. All those in favor?*

***All**: Aye.*

***Mayor Sims**: Any opposed: [none]*

***Mayor Sims**: The meeting is adjourned.*

[end of transcript]

Note: Upon adjournment of the meeting, Mayor Sims invited those in the audience to stay and address those Council Members that would stay to hear comments from those that did not get to speak. She also reminded everyone that the City Council would be meeting on Monday, October 7th and would have a Public Comment Period on the Agenda at 5:15 p.m. allowing them another opportunity to speak.

Respectfully Submitted,

_____
Bernita Sims, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk

City Attorney

JoAnne L. Carlyle

MEMORANDUM

TO: Mayor and City Council Members

FROM: JoAnne L. Carlyle, City Attorney

RE: Signing Authority City Manager
October 7, 2013 Agenda Item

DATE: October 16, 2013

The attached resolution would designate the City Manager or his designee to execute the proper Certificates of Satisfaction in connection with housing assistance programs. It is recommended that City Manager or his designee be authorized to sign on behalf of the City when a loan has been satisfied.

c: Randy McCaslin, Assistant City Manager
Mike McNair
Cindy Smith

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Phone: 336.883-3301 Fax: 336.883.2179
E-mail: joanne.carlyle@highpointnc.gov

A RESOLUTION DESIGNATING THE MANAGER AS AUTHORIZED SIGNATORY FOR THE PURPOSE OF EXECUTING CERTIFICATES OF SATISFACTION

WHEREAS, the Community Development Department provides income eligible citizens of High Point with housing assistance through various programs such as Home Buyer Assistance and Home Repair and Lead Remediation Programs; and

WHEREAS, N.C.G.S. §47-46.2 requires that a Certificate of Satisfaction be filed with the Guilford County Register of Deeds when the debt, secured by a deed of trust, has been satisfied and that such Certificate of Satisfaction be signed and acknowledged by the secured party; and

WHEREAS, the City of High Point has determined that the City Manager or his designee should be an authorized representative with the authority to execute all appropriate documents for the purpose of issuing a Certificate of Satisfaction for deeds of trust relating to housing assistance programs on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the High Point City Council that the City Manager or his designee is hereby authorized to sign and otherwise fulfill the requirements of filing Certificates of Satisfaction relating to the housing assistance programs on behalf of the City of High Point.

This the 21st day of October, 2013.

_____

Lisa Vierling, MMC
High Point City Clerk

BK: R 7565
PG: 813-816
RECORDED:
01-09-2014
03:43:16 PM
BY: MARY MORGAN
DEPUTY-HP

2014001178
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE $26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1345 / 13-68

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21st DAY OF OCTOBER, 2013 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet.

Street Abandonment Case 13-14

Abandonment of all of the Davidson Avenue right-of-way, lying 350 feet east of Surrett Drive. The area to be abandoned has a width that varies from approximately 30 to 60 feet and an approximately length of 350 feet (0.45 acre or 27,800± square feet). This portion of the Davidson Avenue right-of-way was established on two subdivision maps entitled "Lots of High Point Real Estate & Trust Co. – High Point, NC" recorded in 1906 (Plat Book 5 at Page 105) and "Redivision of parts of Subdivisions No 1 & 3 Blair Estate – High Point, NC" recorded in 1946 (Plat Book 14 at Page 46). The area is more specifically described as follows: Starting at the northwestern corner of Guilford County Tax Parcel 0175827; thence westward 50 feet along the northern property line of Guilford County Tax Parcel 0175826 to **A POINT OF BEGINNING,** from this point of beginning all of the Davidson Avenue lying north of Guilford County Tax Parcel 0175825 (portion) and 0177654 and south of Guilford County Tax Parcels 0175826 (portion) and 0173747 shall be abandoned.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of Spetember, 2013, at 4:45 p.m. setting the 21th day of October, 2013 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said

Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning September 27 and October 4, 11 & 18, 2013; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of 350 feet.

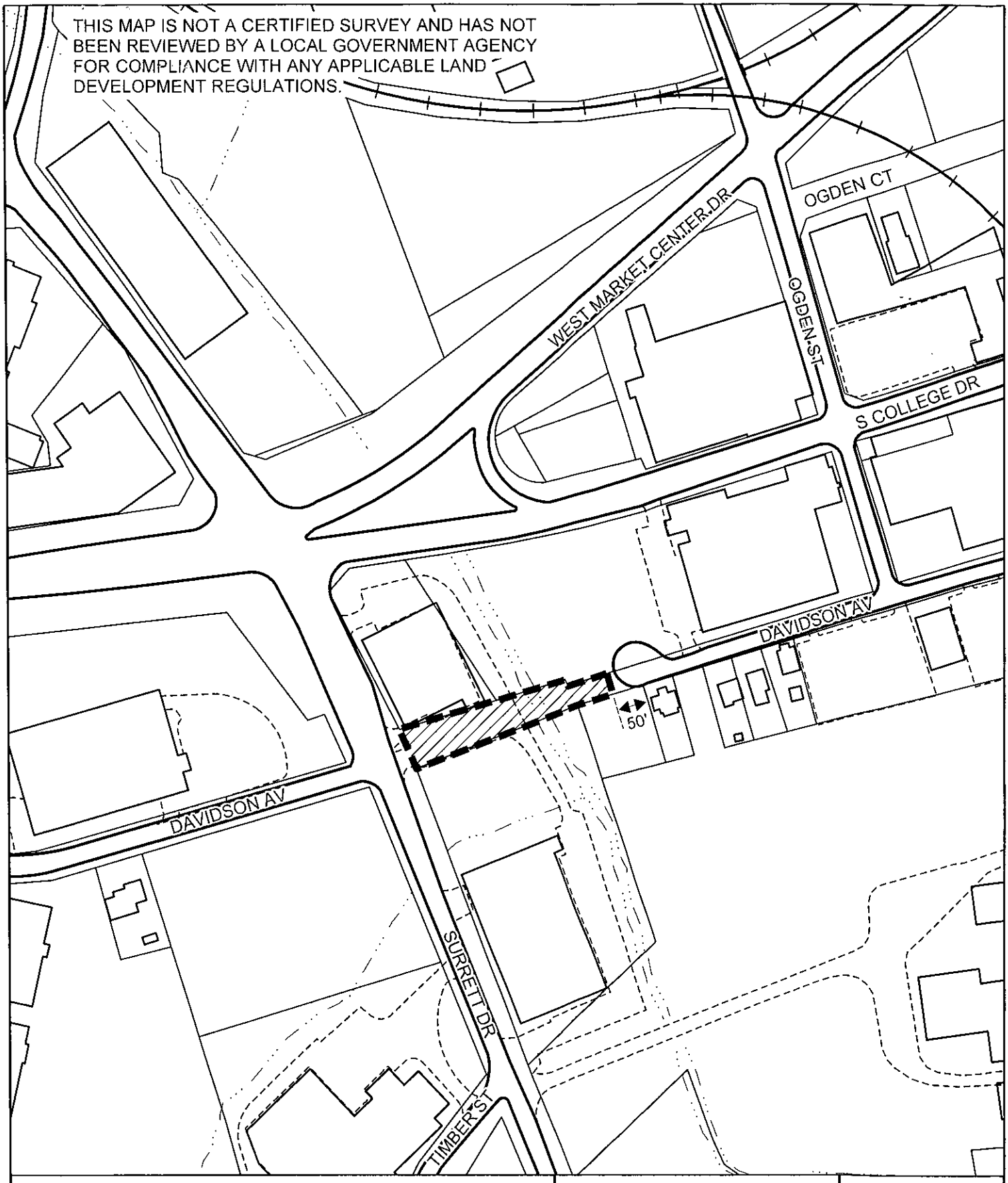
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other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

NOW THEREFORE BE IT RESOLVED:

1. That all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet, be closed pursuant to North Carolina G.S. 160A-299; with the retention of a utility easements over the entire length and width of the right-of-way; and

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

By order of the City Council,
this the 21th day of October, 2013
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA13-14

Applicant: City of High Point

Area: 0.41 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: January 7, 2014

N

Scale: 1"=200'

y:/ba-pz/2013/pz/sa13-14R.mxd

NORTH CAROLINA'S INTERNATIONAL CITY™

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on October 21, 2013 and upon approval by City Council will be recorded in Book 88 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 6th day of January, 2014.

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

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

WITNESS my hand and official Notarial Seal, this 6th day of January, 2014.

Cynthia C. Duncan-Smith, Notary Public

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

Commission Expires: 1/18/2015

Department of Electric Utilities

Administration Division

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

October 14, 2013

To: Randy McCaslin, Assistant City Manager

From: Garey Edwards, Electric Director

Subject: Bid No. 20-100313
15 kV Circuit Breakers

On October 3, 2013 The City received bid No. 20-100313for six (6) 15 kV circuit breakers. We sent bid packages to three companies and received bids from three companies. I have attached Larry Hopkins recommendation and bid tab for the items.

I agree with Larry's recommendation that we award to **ABB**, for a total amount of **$160,277.00**. This includes the six (6) breakers ($152,300.00) and labor for a 4-day start-up ($7,977.00). ABB was the lowest responsive bidder that met the specifications. These breakers will be used in our North substation. Sufficient funds have been budgeted in the budget for the purchase of this equipment. Please do not hesitate to call me if you have any questions concerning this recommendation.

cc: file
Jeff Moore
Tarinda Chappell
Tracey Adams
Josh Williams
Larry Hopkins

Electric Department

Larry Hopkins
ELECTRIC OPERATIONS ENGINEER

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

TO: Mr. Josh Williams

FROM: Larry Hopkins

SUBECT: 15 kV Circuit Breaker Recommendation

DATE: October 11, 2013

On October 3, 2013, bids were received for Bid #20-100313 for the purchase of six (6) Circuit Breakers. We requested bids from three companies, and we received bids from three companies. Attached is the tabulation showing the results of the bid.

I recommend that we award the bid to ABB, in the amount of $152,300, which was the lowest bid received. In addition, we would like to accept the two days of on-site start up in the amount of $7,977.

cc: File
Garey Edwards
Jeff Moore
Tarinda Chappell
Sherry Smith

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ELECTRIC

COUNCIL AGENDA DATE:

BID NO.: 20-100313 CONTRACT NO.: DATE OPENED: 10-3-2013

DESCRIPTION:

VACUUM CIRCUIT BREAKERS

PURPOSE:

TO UPDATE VARIOUS SUBSTATIONS

COMMENTS:

I WOULD LIKE TO RECOMMEND THE BID BE AWARDED TO ABB C/O UTILITY SERVICE AGENCY. THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS AND REPRESENTS THE BEST OVERALL VALUE TO THE CITY OF HIGH POINT.

RECOMMEND AWARD TO: ABB INC C/O UTILITY SERVICE AGENC AMOUNT: $160,277.00

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631131022005	40202	$160,277.00
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: Sherry Smith Digitally signed by Sherry Smith DN: cn=Sherry Smith, o=City of High Point, ou=Electric Dept, email=sherry.smith@highpointnc.gov, c=US Date: 2013.09.09 10:01:04 -04'00' DATE: OCTOBER 14, 2013

The Purchasing Division concurs with recommendation submitted by the Electric Dept and recommends award to the lowest responsible, responsive bidder ABB in the amount of $ 160,277.00.

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: 2013.10.16 11:45:04 -04'00' DATE: Oct 16, 2013

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Jeffrey Moore 20130620-173418 Digitally signed by Jeffrey Moore 20130620-173418 DN: e=Bank of America, ou=Bank of America Client Certificate CA - 02, ou=cmsgroup%test - High Point, City Of, ou=cmsqid25 - BANK OF AMERICA21032, cn=Jeffrey Moore 20130620-173418, email=jeff.moore@highpointnc.gov Date: 2013.10.16 11:48:45 -04'00' DATE: Oct 16, 2013

CITY MANAGER: Strib Boynton Digitally signed by Strib Boynton DN: cn=Strib Boynton, o=Administration, ou=City of High Point, email=cindy.smith@highpointnc.gov, c=US Date: 2013.10.17 11:14:19 -04'00' DATE: Oct 17, 2013

BIDDERS LIST & TABULATION

*** * AWARDED TO ABB * ***

FORMAL BID #20-100313 – VACUUM CIRCUIT BREAKERS – ELECTRIC DEPT.

VENDOR NAME & ADDRESS	LINE ITEM #	QTY.	UNIT PRICE	TOTAL PRICE	DELIVERY A.R.O.
ABB c/o UTILITY SERVICE AGENCY P. O. BOX 1169 WAKE FOREST, NC 27587	1 2	2 4	**$27,772.00** **$24,189.00**	**$55,544.00** **$96,756.00**	**77 DAYS**
SQUARE D c/o UTILITY RESOURCE ASSOC. 3720 CAMDEN HWY. DALZELL, SC 29040	1 2	2 4	**$28,000.00** **$25,000.00**	**$56,000.00** **$100,000.00**	**17 WKS.**
SIEMENS c/o NATIONAL TRANSFORMER SALES, INC. 2613 DISCOVERY DR., STE. B RALEIGH, NC 27604	1 2	2 4	**$28,799.00** **$24,451.00**	**$57,598.00** **$97,804.00**	**133-140 DAYS**

* Bid packages mailed out September 04, 2013.

TERM EXPIRATIONS 2013

CITY OF HIGH POINT					
BOARDS & COMMISSIONS					
TERM EXPIRATIONS FOR 2013					
BOARD	**MEMBER**	**Ward**	**EXPIRATION**	**Eligible for reappt.**	**Appointment Responsibility**
ABC Board	David Wall		11/15/2013	no	Mayor w/CC approval
Board of Adjustment	VACANT (Alternate)				Mayor w/CC approval
Board of Adjustment	Harry Rowsey, Jr.		7/1/2013	yes	Mayor w/CC approval
Guilford County/City Ins. Adv. Comm.	Skip Queen		12/21/2013	yes	Mayor w/CC approval
Historic Preservation Commission	Steven Dudash		7/1/2013	yes	6/EWING
Historic Preservation Commission	Glenn Chavis		7/1/2013	yes	AL/SIMS
Housing Authority Board	VACANT	student/resident	12/22/2013	yes	Mayor w/CC approval
Housing Authority Board	Ed Squires		12/22/2013	yes	Mayor w/CC approval
Human Relations Commission	Milagros Amaro	At-Large Member	5/1/2012	no	Council- Golden (Liaison)
Library Board of Trustees	Forrest Littleton	2	10/31/2013	yes	2/DOUGLAS
Library Board of Trustees	Bruce Laney	AL	10/31/2013	no	AL/MOORE
Parks & Recreation Commission	VACANT	2	7/1/2013		2/DOUGLAS
Piedmont Triad Water Authority	John Bencini		9/30/2013	yes	Mayor w/CC approval
Piedmont Triad Water Authority	John W. Thomas, III		9/30/2013	yes	Mayor w/CC approval
Theatre Advisory Board	VACANT		6/1/2015		Liaison: MOORE (not ward specific)
Theatre Advisory Board	VACANT		6/1/2013		Liaison: MOORE (not ward specific)
Theatre Advisory Board	VACANT		6/1/2014		Liaison: MOORE (not ward specific)

CITY OF HIGH POINT, NORTH CAROLINA
SWORN STATEMENT OF DEBT MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Jeffrey A. Moore, Financial Services Director of the City of High Point, North Carolina, having been designated by the City Council of said City to make and file with the City Clerk a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

Refunding Bonds, Series 2003	$ 1,170,000
Refunding Bonds, Series 2005	20,780,000
Public Improvement Bonds, Series 2005	1,000,000
Public Improvement Bonds, Series 2006	11,945,000
Public Improvement Bonds, Series 2007A	3,650,000
Public Improvement Bonds, Series 2007B	12,860,000
Public Improvement Bonds, Series 2008	11,215,000
Public Improvement Bonds, Series 2010A	3,585,000
Public Improvement Bonds, Series 2010B	16,580,000
Refunding Bonds, Series 2010C	13,080,000
Public Improvement Bonds, Series 2012	5,495,000
Refunding Bonds, Series 2012	15,275,000
Total	$116,635,000

a(2) Bonds authorized by orders introduced, but not yet adopted:

Refunding Bonds	$15,000,000
Total	$15,000,000

a(3) Unissued bonds authorized by adopted orders:

Refunding (2010)	$ 7,000,000
Refunding (2012)	14,560,000
Total	$21,560,000

a(4) Outstanding debt, not evidenced by bonds: $ -0-

(a) GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4): $153,195,000

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	$15,000,000
b(2)	Funding and refunding bonds authorized but not yet issued:	$21,560,000
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	$ -0-
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	$10,182,026
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	$ -0-
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:	$ -0-
b(7)	The amount, as estimated by the Financial Services Director, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt:	$ -0-
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7):	$46,742,026

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b):	$106,452,974

(d) ASSESSED VALUE

(d) ASSESSED VALUE of property subject to taxation by the City, as revealed by the City tax records and certified to the City by the assessor: $8,951,699,640

(e) PERCENTAGE

(e) Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d): 1.19%

The foregoing statement is true.

Financial Services Director

STATE OF NORTH CAROLINA)
) ss:
COUNTY OF GUILFORD)

Subscribed and sworn to before me this 21st day of October, 2013.

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

Notary Public

My Commission Expires: 11/18/2015.

* * * * *

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the City Council of said City held on October 21, 2013, after the introduction of an order authorizing refunding bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said City this 21st day of October, 2013.

City Clerk

[SEAL]

A regular meeting of the City Council of the City of High Point, North Carolina was held in the Council Chambers of the Municipal Building at 211 South Hamilton Street in High Point, North Carolina, the regular place of meeting, at 4:45 p.m. on October 21, 2013.

Present: Mayor Bernita Sims, presiding, and Council Members James Davis, Foster Douglas, Jeffrey Golden, Judith Mendenhall, Britt Moore, Rebecca Smothers and Jay Wagner

Absent: Council Member Jason Ewing

Also Present: City Manager Strib Boynton, City Clerk, Lisa B. Vierling and City Attorney, JoAnne Carlyle

* * * * *

Council Member Britt Moore introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

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, NORTH CAROLINA

BE IT RESOLVED by the City Council (the "City Council") of the City of High Point, North Carolina (the "City"):

Section 1. The City Council does hereby determine that:

(a) Preliminary analysis has been completed to demonstrate a benefit of refunding all or a portion of the City's outstanding General Obligation Refunding Bonds, Series 2005, dated October 1, 2005 (the "2005 Refunding Bonds").

(b)The City Council wishes to commence the procedures for the issuance of not to exceed $15,000,000 General Obligation Refunding Bonds of the City (the "Bonds") for the purpose of

providing funds, together with any other available funds, to refund all or a portion of the outstanding 2005 Refunding Bonds.

(c) The annual audits of the City show the City to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the City of an application with the North Carolina Local Government Commission for approval of the issuance of the Bonds in an aggregate principal amount not to exceed $15,000,000 is hereby authorized, ratified and approved.

Section 3. The law firm of Womble Carlyle Sandridge & Rice, LLP is hereby appointed to serve, but solely at the pleasure of the City Council, as bond counsel to the City in connection with the issuance of the Bonds.

Section 4. Davenport & Company LLC is hereby appointed to serve, but solely at the pleasure of the City Council, as financial advisor to the City in connection with the issuance of the Bonds.

Section 5. This resolution shall take effect immediately upon its passage.

Thereupon, the resolution entitled: "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, NORTH CAROLINA" was passed by the following vote:

Ayes: Mayor Bernita Sims, presiding, and Council Members James Davis, Foster Douglas, Jeffrey Golden, Judith Mendenhall, Britt Moore, Rebecca Smothers and Jay Wagner

Noes: None

Thereupon, Council Member Britt Moore introduced the following order authorizing bonds, the title of which was read and copies of which had been previously distributed to each Council Member:

ORDER AUTHORIZING $15,000,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the City Council of City of High Point, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the City of High Point, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding $15,000,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the City's outstanding General Obligation Refunding Bonds, Series 2005, dated October 1, 2005, and (b) pay certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect upon adoption.

The City Council thereupon designated the Financial Services Director of the City to make and file with the City Clerk the sworn statement of debt of the City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced.

Thereupon, the Financial Services Director of the City caused to be filed with the City Clerk, in the presence of the City Council, the sworn statement of debt as so required.

Thereupon, the order entitled "ORDER AUTHORIZING $15,000,000 GENERAL OBLIGATION REFUNDING BONDS" was adopted by the following vote:

Ayes: Mayor Bernita Sims, presiding, and Council Members James Davis, Foster Douglas, Jeffrey Golden, Judith Mendenhall, Britt Moore, Rebecca Smothers and Jay Wagner

Noes: None

The City Clerk was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in the High Point Enterprise.

* * * * *

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said City Council at a regular meeting held on October 21, 2013, as relates in any way to the passage of the foregoing resolution and the adoption of the foregoing order authorizing general obligation refunding bonds of said City and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City 21st day of October, 2013.

Lisa B. Vierling
City Clerk

[SEAL]

FINANCE COMMITTEE
OCTOBER 7, 2013 – 3:30 P.M
CITY MANAGER'S CONFERENCE ROOM

MINUTES

PRESENT:
Chairman Moore, Council Members Wagner, Davis, and Sims

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

STAFF PRESENT:
Strib Boynton, City Manager; Pat Pate, Assistant City Manager; Randy McCaslin, Assistant City Manager; Jeron Hollis, Public Information; Jeff Moore, Director of Finance; Eric Olmedo, Budget Officer; Garey Edwards, Director of Electric Department; Chris Thompson, Director of Public Services; Allen Oliver, Director of Parks & Recreation; Steve Lingerfelt, Director of Information Technology; JoAnne Carlyle, City Attorney; Marty Sumner, Chief of Police; Tommy Reid, Fire Chief; John Hodges, WWTP Manager; Bob Martin; Director of Customer Service; Fred Baggett, Contract Attorney; Lisa Vierling, City Clerk, Dawn Sparks, Deputy City Clerk

MEDIA PRESENT:
Pat Kimbrough, *High Point Enterprise*

OTHERS PRESENT:
Cynthia Davis, Planning & Zoning Commission

CUSTOMER SERVICE SYSTEM UPDATE

Bob Martin gave a report on the customer service system.

Citizens can contact customer service in several ways:

- Walk in service is available at City Hall and at Northpoint. There is a cashier and a CSR at the Northpoint location.
- Customers can call the 883-3111 number.
- There is a dropdown menu for online services at the City's website.
- On a limited basis there are property managers that use the fax number.

Most of the customer service activity is based on payments. The city receives about 8500 payments through the mail each month. CSRs reps take about 4000 payments over the phone. Walk in traffic at City Hall is about 10,000 people a month, and Northpoint about 3000 a month. First Bank also accepts utility payments in two of their

locations and bring in about 300 payments a month. It costs the City about $120.00 a month for First Bank to collect payments, which may be something they need to look into as to whether it is cost effective.

Customers can also go to the website and make payments. The website collects an average of 6700 payments a month. Customers can make payments through an automated voice message, which averages about 3800 payments a month. Online banking brings in about 3800 payments a month. The City bank drafts about 1700 payments a month.

Generally the staffing of the call center consists of one supervisor, a team lead and ten CSRs. Operating hours for the call center are 7:30 to 5:30. There are currently two positions that are vacant and a position available from a person out on medical leave. They have conducted 18 interviews and have four new hires coming on board October 21st. It typically takes about eight weeks to train a new hire.

The character of the incoming calls to the call center consist of:

- An average of 9000 calls a month are for move ins and move outs, which are typically towards the end of the month.
- An average of 2500 a month come in from bill inquiries.
- An average of 4000 a month come in from bill payments.
- An average of 9000 calls come in from customers seeking bill extensions.
- An average of 300 of the calls come in from environmental services relating to missed garbage collection, dead animal pick up, and mobile toters.
- An average of 500 calls come in regarding electric or sewer trouble calls.
- An average of 250 calls come in for overgrown lots and building conditions.
- An average of 175 calls come in reporting street lights.

Currently the department has utilized a billing clerk from customer service to help with the call center. A day time dispatcher is also being used in the call center. There are night dispatchers working overtime to cover peak days. The call center is using abbreviated lunch hours on Monday and Friday for increased coverage during peak times.

The department is in the process of adding Spanish to the IVR system. There have been some issues of the time it takes to make a payment online. The department is actually contacting about 2400 online banking customers individually in order to reduce call volume.

Mr. Martin stated that software has been a big issue because it was such a dramatic change for the employees. Since the implementation of the Cayenta system the calls to the call center have increased dramatically. Mr. Martin feels that the hiring of the three additional staff will help reduce the calls dramatically.

Finance Items

130263 **Bid No. 15 – Concrete Foundations for Penny Road 100kV Transmission Project**

Approcal of award of contract for Bid No. 15 for concrete foundations for the Penny Road 100kV transmission project. Purchasing and the Electric Department recommends that contract be awarded to Graves Construction Services in the amount of $785,258.00, which is the lowest responsive and responsible bidder meeting specifications.

Garey Edwards advised that they had seven contractors to attend the pre-bid conference, and out of that they had three contractors that bid. Mr. Edwards stated there is a high demand of transmission work right now and it looks like it will be that way for the next three to four years. Graves has done work for the City in the past and Mr. Edwards stated they had relatively low complaints and excellent quality.

A motion was made by Council Member Moore, seconded by Mayor Sims, to forward this matter to council with a favorable recommendation of approval. Motion passed unanimously.

130264 **Contract – Telephone & Radio Recording System for 911 Center**

Approval of contract purchase of Telephone and Radio Recording System for the 911 Center. Purchasing and the information Technology Department recommends that contract be awarded to Carolina Recording System, Inc. in the amount of $155,904.25, which is the lowest responsive and responsible bidder meeting specifications.

Steve Lingerfelt stated that they are purchasing a new recording system to replace an older antiquated system. This system will be paid for with 911 fees received from the state.

A motion was made by Mayor Sims, seconded by Council Member Wagoner that this matter be forwarded to council with a favorable recommendation for approval. Motion passed unanimously.

130265 **Contract – Sole Source Authorization – Trojan Ultraviolent Disinfection System**

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department and approve the acquisition of the equipment from EW2 Environmental in the amount of $74,256.00.

Chris Thompson advised that the bulbs they are purchasing are for the Eastside Plant and the City is standardized with the Trojan brand.

A motion was made by Mayor Sims, seconded by Council Member Wagoner to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously.

130266 **Budget Ordinance Amendment – N. Centennial/Montlieu Intersection Improvements**

Adoption of a budget ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of $185,000.00 for the Centennial/Montlieu intersection improvements.

There were no comments or questions regarding this matter.

A motion was made by Council Member Moore, seconded by Council Member Davis to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously.

130267 **Resolution – Governor's Highway Safety Program – Bike Safe Program**

Council is requested to adopt a Resolution for the North Carolina's Governor's Highway Safety Program requesting $97,000.00 for the Bike Safe High Point Police Department.

This is a $97,000.00 grant the Police Department applied for. It is a 100% grant, and is for the purpose of replacing two of the department's motorcycles for traffic unit. The program is looking at decreasing the amount of motorcycle deaths in the community, education program, and also a dwi and speeding reduction.

A motion was made by Mayor Sims, seconded by Council Member Wagoner to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously.

Pending Item

130256 **Concealed Carry Restrictions – Parks & Recreation Facilities**

Council is requested to adopt an amendment to the City of High Point Code of Ordinance Sec. 12-1-5 to follow new revisions to the Concealed Carry restrictions included in State Law (H.937, S.2013-369). These restrictions regulate where concealed weapons can legally be carried in Parks and Recreation Facilities.

Fred Baggett advised that this ordinance will make the existing city ordinance consistent with the new state law, which was effective October 1, 2013. In 2011 the Legislature restricted where cities and counties could prohibit concealed weapons. They further clarified it and restricted it more in this session. The draft ordinance mirrors the statutes. It clarifies that the City can prohibit concealed weapons in its recreation facilities, but only if it is a scheduled event by the City. It does not apply to passive park recreation areas that are not under a pending event, or playgrounds, bikeways, greenways, or anything that is passive.

A motion was made by Council Member Wagoner, seconded by Council Member Davis to take this matter out of pending. Motion passed unanimously.

A motion was made by Council Member Wagoner, seconded by Council Member Davis to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously.

Westchester Park Update

Allen Oliver gave an update on the plans for the new Westchester Park to be located off of Burton Road. The name of the park has yet to be determined. In 2007 they passed a comprehensive master plan for the next twenty years, and one of the things identified in that plan is the need for a community wide park in the southwest quadrant of High Point. The city moved forward with land acquisition out of the 2004 bond referendum and purchased approximately 60 acres. The design of the park was done by Site Solutions and H. H. Architecture. The consultants went out and did a site analysis of the park and then they held three public meetings to give residents an opportunity to comment. The plan was also put online for public comment.

Potential entry points for the property are Burton Road and the intersection of North Street, and at Whittier. Two secondary entry points are proposed for pedestrian entrance only.

There is a barn located on the park land that was once owned by the McGuiness Family. An old structure is also located on the property.

There is an outfall that runs through the middle of the property.

Public comments showed general support for the park. 800 adjacent property owners were notified by mail. Stakeholders wanted a dog park, a mountain bike trail, and disk golf.

There was concern from the citizens who lived on Coventry about traffic on their street. Eventually the citizens on Coventry embraced the park plans positively.

The ultimate costs for the park will be about $5 million. Most of the costs are for road, parking and infrastructure.

ADJOURNMENT

The meeting adjourned at 4:30 p.m. on a motion duly made and seconded.

Respectfully Submitted,

_____
Dawn J. Sparks, CMC
Deputy City Clerk

_____
Council Member Britt Moore

Financial Services

Jeffrey A. Moore, CPA
DIRECTOR

NORTH CAROLINA'S INTERNATIONAL CITY™

MEMORANDUM

October 14, 2013

MEMO TO: Strib Boynton, City Manager
Members of City Council

FROM: Jeffrey A. Moore, Financial Services Director
Joanne Carlyle, City Attorney

SUBJECT: Required City Council actions for Proposed G.O. Refunding Bonds

We have identified that the bond market is currently favorable for refunding some of the City's outstanding Series 2005 general obligation bonds. The proposed resolutions provide staff the authorization to issue up to $15,000,000 for refunding these bonds, depending on the bond market on the date of sale. Staff will not pursue refunding bonds for any bonds that do not provide for at least 3% savings. At the time of this writing, estimated savings are in excess of $100,000 annually for the next 6 years which approximates 4.15%.

The LGC staff has recommended the refunding authorization to the full Local Government Commission for its approval at their November 5, 2013 meeting.

Please include the following actions by City Council for their October 21, 2013 Council meeting.

1. City Council must authorize the staff to apply for the general obligation bonds capability. The City's bond attorneys have prepared the attached resolution which will establish certain legal findings of facts and authorize the filing of the application with the Local Government Commission. 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."
2. The second item will require City Council to adopt an order authorizing the issuance of up to $15,000,000 in general obligation refunding bonds which will be published in the newspaper October 25, 2013. The City's bond attorneys have prepared the attached documents. City Council is requested to adopt the attached "Order Authorizing $15,000,000 General Obligation Refunding Bonds"

These are necessary legal proceedings for the issuance of these bonds. As always, we will be available if you have any questions.

Publish four (4) consecutive weeks: **October 25, 2013 and November 1, 8, & 15, 2013**

RESOLUTION OF INTENT TO CONSIDER
STREET ABANDONMENTS
(Case # SA13-19)

WHEREAS, the City Council has been petitioned to abandon the following right-of-way: All of Willoubar Terrace, an improved right-of-way lying approximately 490 feet east of N. Centennial Street, between Montlieu Avenue and Barbee Avenue.

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to abandon the above right-of-way and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the right-of-ways above-described and sets Monday, November 18, 2013, at 5:30 p.m. as the date for said public hearing before the Council in the Council Chambers of the Municipal Building in High Point.

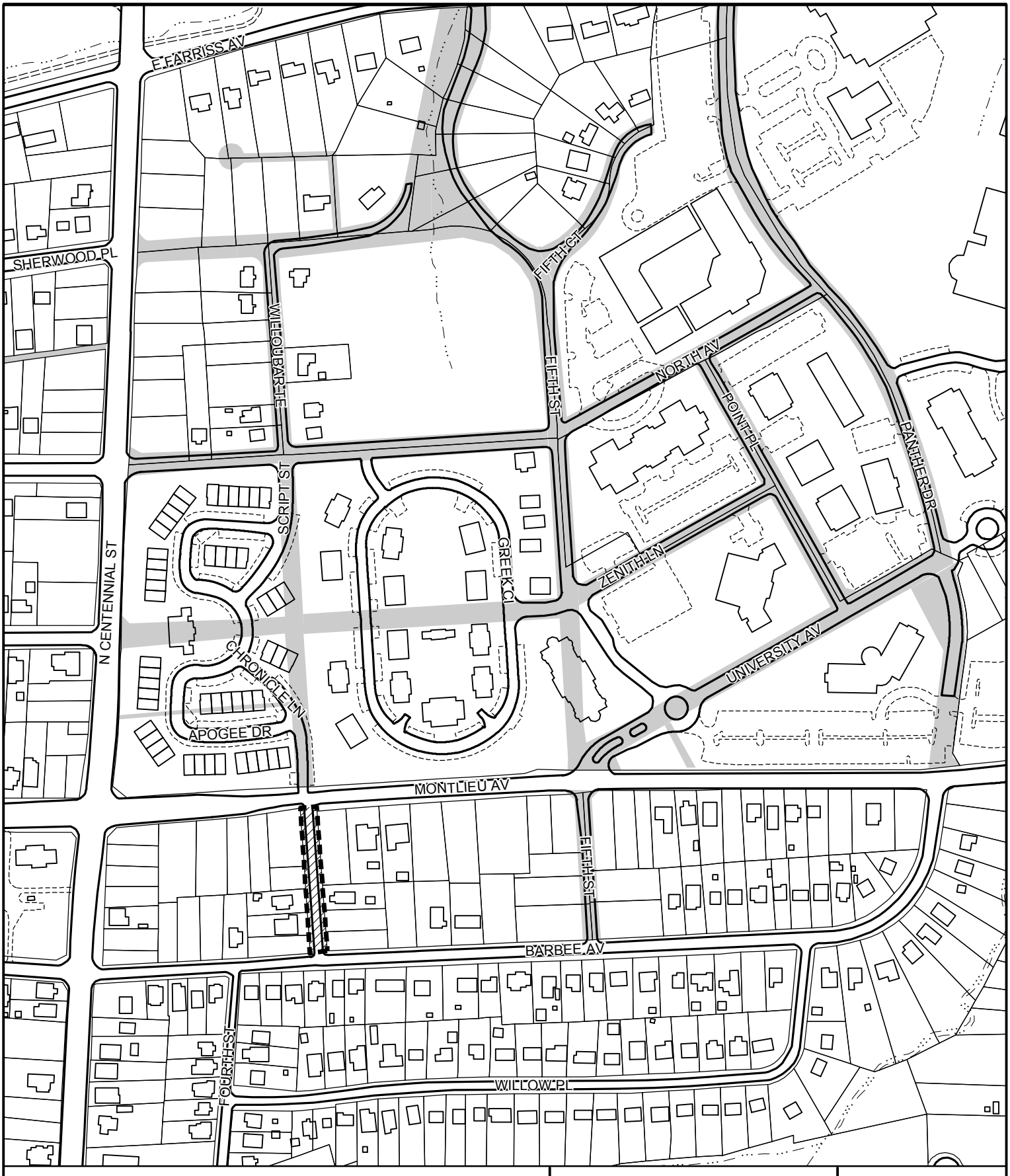
Persons wishing to be heard either for or against the said right-of-way abandonments are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call (336) 883-3298 or TDD# (336) 883-8517.

Further information pertaining to this request is available at the Planning and Development Department in Room 316 of the Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina, (336) 883-3544 or FAX (336) 883-3056.

By Order of the City Council
This the 21st day of October, 2013.

Lisa B. Vierling, City Clerk

Petition Submitted By: High Point University



STREET ABANDONMENT SA13-19

Applicant: High Point University
Area: 0.316 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Planning & Development Department

City of High Point

Date: September 30, 2013

N

Scale: 1"=300'

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2013080980
GUILFORD CO, NC FEE $26.00
PRESENTED & RECORDED:
12-16-2013 02:19:40 PM
JEFF L. THIGPEN
REGISTER OF DEEDS
BY: JANE SCHULTZ
DEPUTY-HP

BK: R 7559
PG: 44-47

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1345 / 13-68

49

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21st DAY OF OCTOBER, 2013 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet.

Street Abandonment Case 13-14

Abandonment of all of the Davidson Avenue right-of-way, lying 350 feet east of Surrett Drive. The area to be abandoned has a width that varies from approximately 30 to 60 feet and an approximately length of 350 feet (0.45 acre or 27,800± square feet). This portion of the Davidson Avenue right-of-way was established on two subdivision maps entitled "Lots of High Point Real Estate & Trust Co. – High Point, NC" recorded in 1906 (Plat Book 5 at Page 105) and "Redivision of parts of Subdivisions No 1 & 3 Blair Estate – High Point, NC" recorded in 1946 (Plat Book 14 at Page 46). The area is more specifically described as follows: Stating at the northwestern corner of Guilford County Tax Parcel 0175827; thence westward 50 feet along the northern property line of Guilford County Tax Parcel 0175826 to **A POINT OF BEGINNING,** from this point of beginning all of the Davidson Avenue lying north of Guilford County Tax Parcel 0175825 (portion) and 0177654 and south of Guilford County Tax Parcels 0175826 (portion) and 0173747 shall be abandoned.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of Spetember, 2013, at 4:45 p.m. setting the 21th day of October, 2013 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said

Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning September 27 and October 4, 11 & 18, 2013; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of 350 feet.

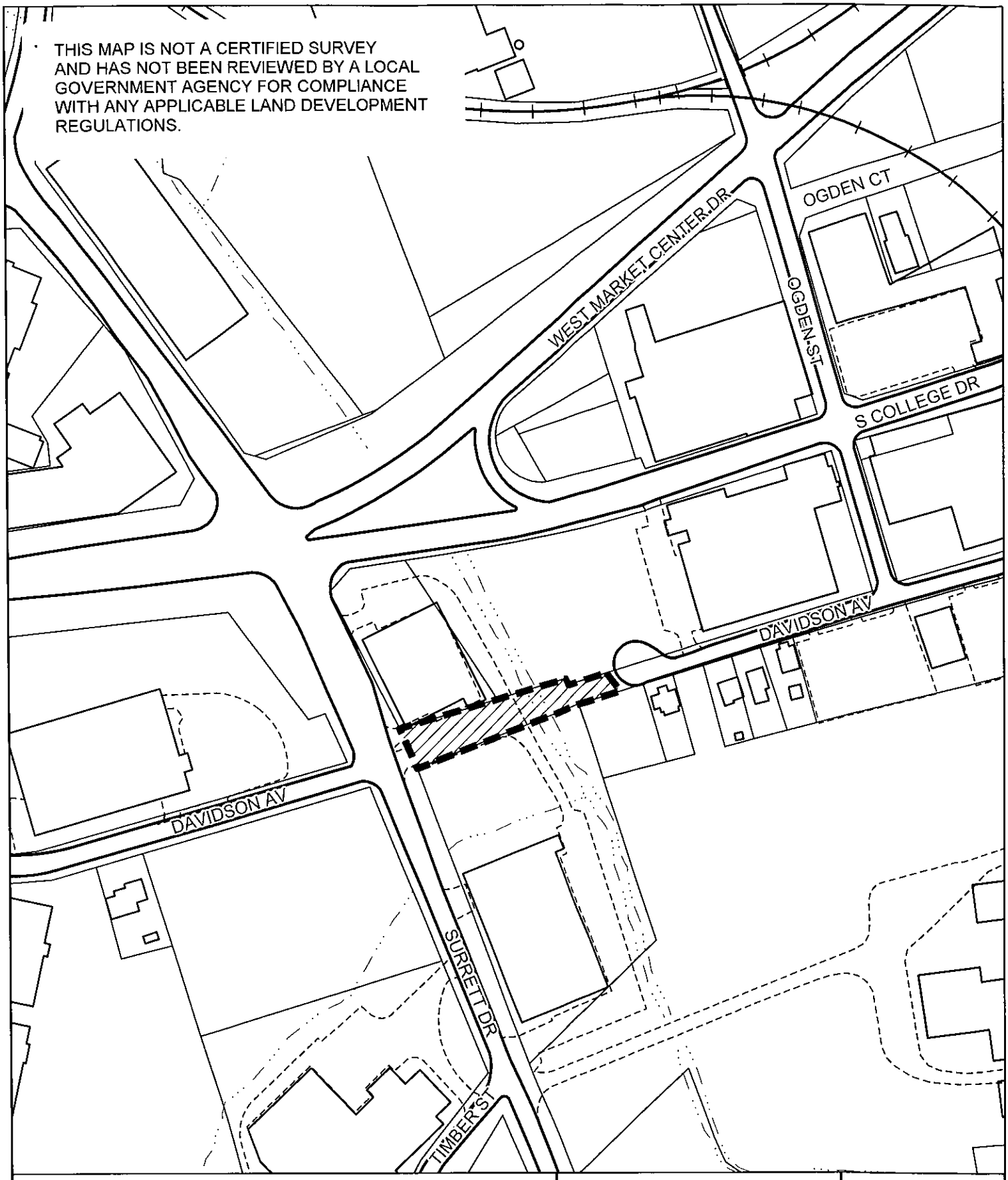
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other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

NOW THEREFORE BE IT RESOLVED:

1. That all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet, be closed pursuant to North Carolina G.S. 160A-299; with the retention of a utility easements over the entire length and width of the right-of-way; and

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

By order of the City Council,
this the 21th day of October, 2013
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA13-14

Applicant: City of High Point
Area: 0.41 acres

Location of requested street abandonment

Department of Planning and Development

City of High Point

Date: August 21, 2013

N

Scale: 1"=200'

y:/ba-pz/2013/pz/sa13-14.mxd

NORTH CAROLINA'S INTERNATIONAL CITY™

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on October 21, 2013 and upon approval by City Council will be recorded in Book 88 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 4th day of December, 2013.

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

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

WITNESS my hand and official Notarial Seal, this 4th day of December, 2013.

Cynthia C. Duncan-Smith, Notary Public

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

Commission Expires: 1/18/2015

PLANNING AND ZONING COMMISSION RECOMMENDATION

On September 24, 2013, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. John McKenzie and Ms. Martha Shepherd.

City of High Point **Street Abandonment Case 13-14**

A request by the Technical Review Committee to abandon an improved portion of the Davidson Avenue right-of-way, lying approximately 290 feet south of S. College Drive and east of Surrett Drive.

Mr. Herbert Shannon presented Street Abandonment Case 13-14 and recommended approval as outlined in the staff report.

No one spoke on behalf or in opposition to the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 13-14 by a vote of 7-0.

CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT
STREET ABANDONMENT CASE 13-14
September 24, 2013

Request	
Applicant: City of High Point Technical Review Committee	**Proposal:** To abandon an improved portion of the Davidson Avenue right-of-way, lying approximately 290 feet south of S. College Drive and east of Surrett Drive.

Adjacent Streets		
Name:	**Classification:**	**Right-of-Way and Pavement Width:**
Davidson Avenue (east of stream)	Local street	30-foot wide right-of-way; 24-foot wide ribbon paved street
Surrett Drive	Major Thoroughfares	Right-of-way has varying width (60 - 100 feet) Paved street has varying width (40 – 60 feet)

Adjacent Property Zoning and Current Land Use		
North	Light Industrial (LI) District	Furniture manufacture
East	Light Industrial (LI) District	Furniture manufacture and single family dwelling
South	Light Industrial (LI) District	Furniture manufacture and undeveloped parcel
West	Light Industrial (LI) District	Furniture manufacture and undeveloped parcel

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon a portion of the Davidson Avenue right-of-way (ROW) lying east of Surrett Drive. This portion of the Davidson Avenue ROW lying east of Surrett Drive was established on two subdivision maps entitled "Lots of High Point Real Estate & Trust Co. – High Point, NC" recorded in 1906 and "Redivision of parts of Subdivisions No 1 & 3 Blair Estate – High Point, NC" recorded in 1946. The area proposed to be abandoned has a width that varies from 30 to 60 feet and an approximately length of 350 feet (0.45 acre or 27,800± square feet).

A perennial stream, running in a north to south direction, bisects the ROW. East of the stream is an improved portion of Davidson Avenue that terminates at a cul-da-sac. That portion of the ROW from the end of the cul-da-sac to Surrett Drive is undeveloped and the subject of this request. The segment of the ROW lying west of the stream has private improvements consisting of a driveway and parking lot associated with the abutting industrial uses.

The perennial stream that bisects the ROW is a significant natural feature that impact properties in this area. As measured from the top of bank, the stream is over 50 feet wide. Additionally, the entire western portion of the ROW is within the streams flood zone area (floodway, 100-year flood zone and 500-year flood zone). All abutting parcels, both east and west of the stream, have frontage and existing driveway access to surrounding improved public streets. Therefore, the

abandonment of this segment of Davidson Avenue will not deprive any owner reasonable access to their property.

Early notices to obtain input from abutting property owners were mailed out on July 24, 2013. In addition, regular notice for the public hearing which includes notices mailed to abutting property owners, four public notices in the newspaper, and signs posted at the subject right-of-way to be abandoned was also performed. To date, staff has only been contacted by a representative of Davis Furniture Company and a single family property owner, and they noted no objection to this request.

Findings & Recommendations

The TRC reviewed this request on August 7, 2013 and identified no concerns related to the abandonment of this right-of-way. However, the Public Services Department and Electric Department recommends retaining easements over the entire length and width of the right-of-way as there are sanitary sewer lines, stormwater pipes and electrical lines within this right-of-way.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a utility easement covering the entire length and width of this right-of-way.

Report Preparation

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

STREET ABANDONMENT REQUEST SA13-14

Applicant: City of High Point
Area: 0.41 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: August 21, 2013

N

Scale: 1"=200'

y:/ba-pz/2013/pz/sa13-14.mxd

EXHIBIT

STREET ABANDONMENT REQUEST SA13-14

Applicant: City of High Point
Area: 0.41 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: September 12, 2013

N

Scale: 1"=200'

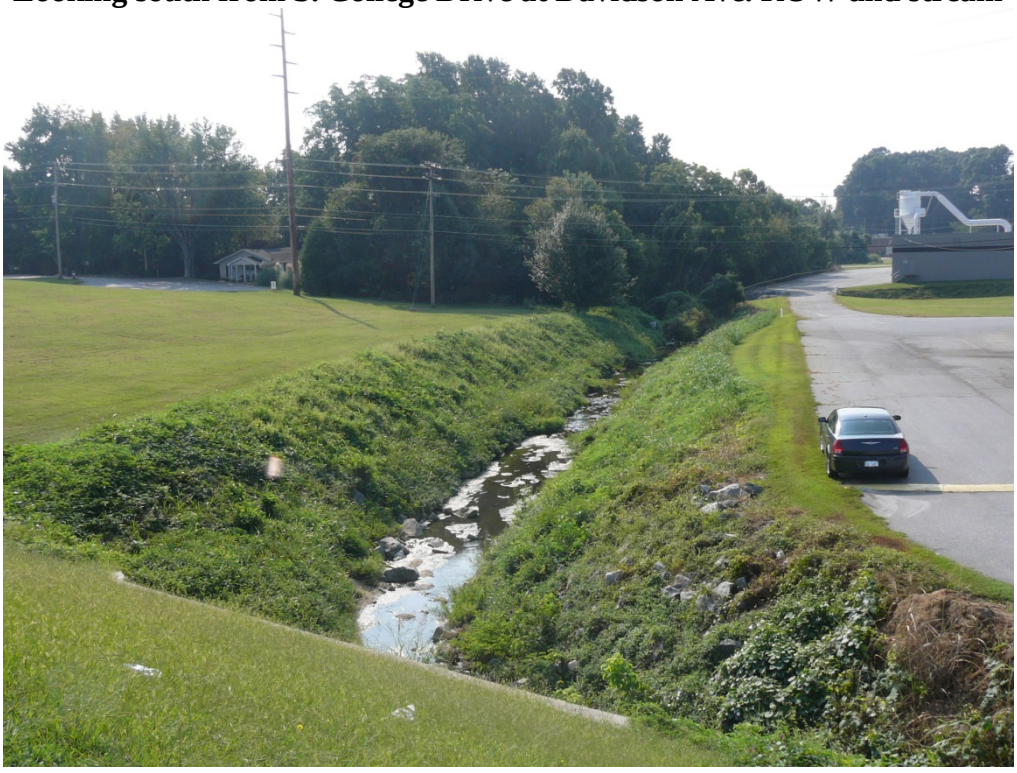
y:/ba-pz/2013/pz/sa13-14exh.mxd

Attachments: Photographs (September 2013) and Aerial (February, 2010)

Western portion of Davidson Avenue, looking east from Surrett Drive towards the stream

Eastern portion of Davidson Avenue, looking west of cul-da-sac

Looking south from S. College Drive at Davidson Ave. ROW and stream



STREET ABANDONMENT REQUEST SA13-14

Publish four (4) consecutive weeks: **October 25, 2013 and November 1, 8, & 15, 2013**

RESOLUTION OF INTENT TO CONSIDER
STREET ABANDONMENTS
(Case # SA13-21)

WHEREAS, the City Council has been petitioned to abandon the following right-of-way: That portion of W. College Drive, an improved right-of-way, lying between W. Lexington Avenue and Panther Drive (Private Street).

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to abandon the above right-of-way and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the right-of-ways above-described and sets Monday, November 18, 2013, at 5:30 p.m. as the date for said public hearing before the Council in the Council Chambers of the Municipal Building in High Point.

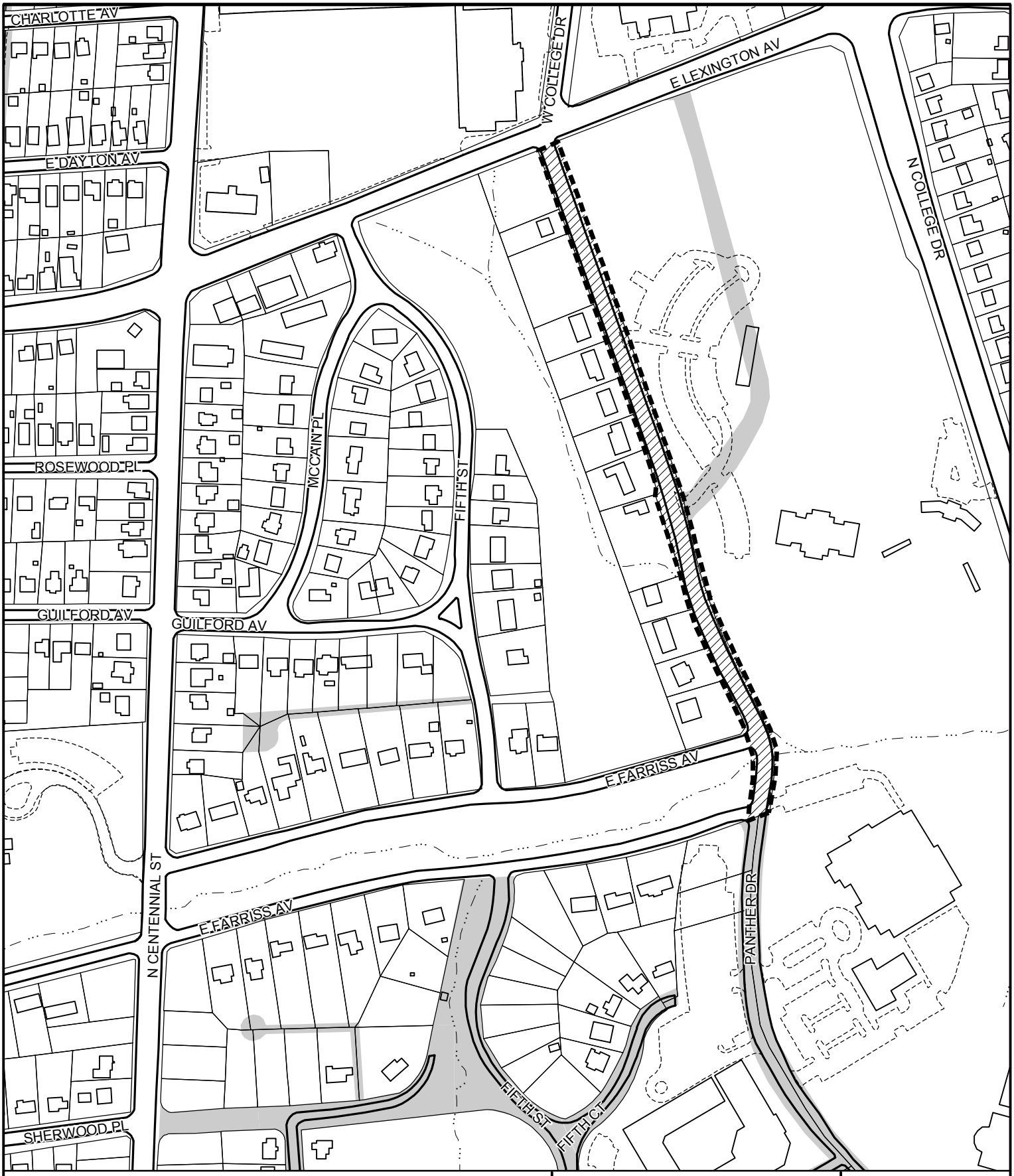
Persons wishing to be heard either for or against the said right-of-way abandonments are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call (336) 883-3298 or TDD# (336) 883-8517.

Further information pertaining to this request is available at the Planning and Development Department in Room 316 of the Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina, (336) 883-3544 or FAX (336) 883-3056.

By Order of the City Council
This the 21st day of October, 2013.

Lisa B. Vierling, City Clerk

Petition Submitted By: High Point University



STREET ABANDONMENT SA13-21

Applicant: High Point University
Area: 2.108 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Planning & Development Department

City of High Point

Date: September 30, 2013

N

Scale: 1"=300'

y:/ba-pz/2013/pz/sa13-21.mxd

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum") is made and entered into as of the 22 day of October, 2013, by and between HIGH POINT UNIVERSITY, a North Carolina nonprofit corporation ("HPU") and the CITY OF HIGH POINT, a North Carolina municipal corporation (the "City").

RECITALS:

A. The City has right of way property as follows: (i) the section of the south branch of East Farriss Avenue between North Centennial Street and West College Drive ("Farriss Avenue"); (ii) the section of West College Drive between Lexington Avenue and East Farriss Avenue ("College Drive"); (iii) the parcel at the southwest intersection of College Drive and Lexington Avenue designated as Parcel Number 0182434 (the "West College Land"); and (iv) the parcel immediately north of Farriss Avenue across which runs the High Point Greenway Trail (the "Greenway Land", and together with Farriss Avenue, College Drive, and the West College Land, the "City Property"); and

B. HPU owns the properties immediately south of Farriss Avenue, immediately west of College Drive, and immediately east of College Drive (the "HPU Property"), with the exception of the West College Land and Parcel Numbers 0182445; 0182446; 0190074; and 0190076 (the "Third-Party Properties"); and

C. The City and HPU agree that it is in the best interest of HPU, the City, and the City's residents to make certain improvements to and upon the City Property as provided in this Memorandum.

NOW, THEREFORE, the parties hereby agree as follows:

1) Encroachment Agreement: If approved by City of High Point City Council, HPU and the City will enter into encroachment agreements permitting HPU to construct, at HPU's expense, the following improvements:
   a) Welcome centers near the east side of the intersection of Farriss Avenue and North Centennial Street and at College Drive near the south side of the intersection of College Drive and Lexington Avenue. HPU agrees that any welcome center constructed will not impede the flow of vehicular traffic on any public street; and
   b) A wall on the Greenway Land at the northeast intersection of Farriss Avenue and North Centennial Street matching the existing wall at the southeast intersection of Farriss Avenue and North Centennial Street; and
   c) A wall on the West College Land at the southwest intersection of College Drive and Lexington Avenue matching the existing wall at the southeast intersection of College Drive and Lexington Avenue; and
   d) Fencing on the Greenway Land between the north side of Farriss Avenue and the High Point Greenway Trail; and
   e) Fencing across the north branch of East Farriss Avenue at its intersection with College Drive.

2) Improvements to be performed by City but funded by HPU:
   a) Paint all fire hydrants along Farriss Avenue and College Drive purple; and
   b) Provide reflector purple street signs with white lettering; and
   c) Change the names of Farriss Avenue and College Drive to a name requested by HPU.

3) Improvements to be made at City's expense:
   The City agrees to relocate the steps to the High Point Greenway Trail from the south side of Farriss Avenue.

4) Improvements to be made by City with costs to be shared with HPU to be determined:
   a) Make lighting improvements along Farriss Avenue and College Drive; and
   b) Make landscaping improvements along Farriss Avenue and College Drive; and
   c) Place utility lines along Farriss Avenue and College Drive underground; and
   d) Add a traffic light at the intersection of College Drive and Lexington Avenue; and
   e) Widen Farris Avenue and College Drive; and
   f) Install sidewalks along the south side of Farriss Avenue and the west side of College Drive.

5) Indemnification: HPU shall indemnify, hold harmless and defend the City, its employees, agents and representatives, from and against any and all claims or damages directly or indirectly arising out of or resulting from or related to the terms of this Memorandum of Understanding and any actions taken pursuant thereto.

6) Cooperation/Timing: HPU and the City will use reasonably cooperative efforts to effect the purposes of this Memorandum expeditiously.

7) Miscellaneous. This Memorandum may be executed in multiple counterparts.

IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed under seal, as of the day and year first above written.

HIGH POINT UNIVERSITY

By: _____
Christopher H. Dudley, Chief of Staff

CITY OF HIGH POINT

By: _____
Strib Boynton, City Manager

Department of Electric Utilities

Administration Division

NORTH CAROLINA'S INTERNATIONAL CITY™

October 14, 2013

To: Randy McCaslin, Assistant City Manager

From: Garey Edwards, Electric Director

Subject: Bid No. 10-083013
Relay Control Panels

On August 30, 2013 the City received bid No. 10-083013 for eighteen (18) Relay Control Panels. We sent bid packages to five companies and received bids from five companies. I have attached Larry Hopkins recommendation and bid tab for the items.

I agree with Larry's recommendation that we award to **Keystone EMC**, for a total amount of **$411,301**. This includes four (4) transformer protection panels ($69,616.00), five (5) buss differential panels ($137,250.00) and nine (9) line relaying panels ($204,435.00). Keystone EMC was the lowest responsive bidder that met the specifications. This bid was bid as a total package and will be used to replace equipment in seven (7) of our substations. Sufficient funds have been budgeted in the budget for the purchase of this equipment. Please do not hesitate to call me if you have any questions concerning this recommendation.

cc: file
Jeff Moore
Tarinda Chappell
Tracey Adams
Josh Williams
Larry Hopkins

Attachments

Electric Department

Larry Hopkins
ELECTRIC OPERATIONS ENGINEER

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

TO: Mr. Josh Williams

FROM: Larry Hopkins

SUBECT: Relay Panel Recommendation

DATE: September 18, 2013

On August 30, 2013, we received bids for Relay Control Panels, Formal Bid #10-083013. We requested bids from five companies, and we received bids from five companies, although two of the bids received were not from companies from which we requested bids. Attached is a tabulation showing the results of the bid.

I recommend that we award the bid to Keystone EMC, in the amount of $411,301, which was the lowest bid received.

cc: File
Garey Edwards
Jeff Moore
Tarinda Chappell
Sherry Smith

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ELECTRIC

COUNCIL AGENDA DATE:

BID NO.: 10-083013 CONTRACT NO.: DATE OPENED: 8-30-2013

DESCRIPTION:

RELAY CONTROL PANELS

PURPOSE:

TO UPDATE VARIOUS SUBSTATIONS

COMMENTS:

I WOULD LIKE TO RECOMMEND THE BID BE AWARDED TO KEYSTONE EMC. THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS AND REPRESENTS THE BEST OVERALL VALUE TO THE CITY OF HIGH POINT.

RECOMMEND AWARD TO: KEYSTONE EMC AMOUNT: $411,301.00

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631001020905	40202	$197,972.00
631799	533701	631001020605	40202	$67,569.00
631799	533701	631001021205	40202	$22,715.00
631799	533701	631141022205	40202	$50,165.00
TOTAL BUDGETED AMOUNT				CONTINUED

DEPARTMENT HEAD: Sherry Smith Digitally signed by Sherry Smith DN: cn=Sherry Smith, o=City of High Point, ou=Electric Dept, email=sherry.smith@highpointnc.gov, c=US Date: 2013.09.09 10:01:04 -04'00' DATE: OCTOBER 10, 2013

The Purchasing Division concurs with recommendation submitted by the Electric Dept and recommends award to the lowest responsible, responsive bidder Keystone in the amount of $ 411,301.00.

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: 2013.10.14 16:34:09 -04'00' DATE: Oct 14, 2013

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Jeffrey Moore 20130620-173418 Digitally signed by Jeffrey Moore 20130620-173418 DN: c=Bank of America, o=Bank of America Client Certificate CA - 02, ou=cmp/gm/None - High Point, City Of, ou=uniqueID - BANK OF AMERICA2032, cn=Jeffrey Moore 20130620-173418, email=jeff.moore@highpointnc.gov Date: 2013.10.14 19:36:00 -04'00' DATE: Oct 14, 2013

CITY MANAGER: Strib Boynton Digitally signed by Strib Boynton DN: cn=Strib Boynton, o=Administration, ou=City of High Point, email=cindy.smith@highpointnc.gov, c=US Date: 2013.10.17 08:59:04 -04'00' DATE: Oct 17, 2013

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ELECTRIC

COUNCIL AGENDA DATE:

BID NO.: 10-083013 CONTRACT NO.: DATE OPENED: 8-30-2013

DESCRIPTION:

RELAY CONTROL PANELS

PURPOSE:

TO UPDATE VARIOUS SUBSTATIONS

COMMENTS:

I WOULD LIKE TO RECOMMEND THE BID BE AWARDED TO KEYSTONE EMC. THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS AND REPRESENTS THE BEST OVERALL VALUE TO THE CITY OF HIGH POINT.

RECOMMEND AWARD TO: KEYSTONE EMC AMOUNT: $411,301.00

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631131021705	40202	$72,880.00
TOTAL BUDGETED AMOUNT				$411,301.00

DEPARTMENT HEAD: Sherry Smith Digitally signed by Sherry Smith DN: cn=Sherry Smith, o=City of High Point, ou=Electric Dept, email=sherry.smith@highpointnc.gov, c=US Date: 2013.09.09 10:01:04 -04'00' DATE: OCTOBER 10, 2013

The Purchasing Division concurs with recommendation submitted by the Electric Dept and recommends award to the lowest responsible, responsive bidder Keystone in the amount of $ 411,301.00.

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: 2013.10.14 16:35:08 -04'00' DATE: Oct 14, 2013

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Jeffrey Moore 20130620-173418 Digitally signed by Jeffrey Moore 20130620-173418 DN: c=Bank of America, ou=Bank of America Client Certificate CA - 02, ou=Company/Name - High Point, City OU, ou=acipsID - BANK OF AMERICA2112, cn=Jeffrey Moore 20130620-173418, email=jeff.moore@highpointnc.gov Date: 2013.10.14 19:37:35 -04'00' DATE: Oct 14, 2013

CITY MANAGER: Strib Boynton Digitally signed by Strib Boynton DN: cn=Strib Boynton, o=Administration, ou=City of High Point, email=cindy.smith@highpointnc.gov, c=US Date: 2013.10.17 10:26:47 -04'00' DATE: Oct 17, 2013

BIDDERS LIST & TABULATION

* * AWARDED TO KEYSTONE EMC * *

FORMAL BID #10-083013 – CONTROL PANELS

VENDOR NAME & ADDRESS	ITEM	QTY.	UNIT PRICE	TOTAL PRICE	DELIVERY A.R.O.
ATLANTIC POWER SALES 165 LAUREL RIDGE COURT GASTONIA, NC 28056	PANEL X PANEL Y PANEL Z	4 5 9	$17,625.00 $30,170.00 $21,490.00	$70,500.00 $150,850.00 $193,410.00	14 WKS.
CRITERION, INC. P.O. BOX 23809 CHARLOTTE, NC 28227	PANEL X PANEL Y PANEL Z	4 5 9	-	NO QUOTE	-
KEMCO INDUSTRIES, INC. 70 KEYES COURT SANFORD, FL 32773	PANEL X PANEL Y PANEL Z	4 5 9	$20,687.00 $31,278.00 $27,833.00	$82,748.00 $156,390.00 $250,497.00	9-10 WKS.
KEYSTONE EMC 2511 BELL AVE DES MOINES, IOWA 50321	PANEL X PANEL Y PANEL Z	4 5 9	$17,404.00 $27,450.00 $22,715.00	$69,616.00 $137,250.00 $204,435.00	12-14 WKS.
LEKSON ASSOCIATES, INC. 4004-104 BARRETT DR. RALEIGH, NC 27609	PANEL X PANEL Y PANEL Z	4 5 9	-	NO QUOTE	-
CG AUTOMATION SOLUTIONS 60 FADEM RD. SPRINGFIELD, NJ 07081	PANEL X PANEL Y PANEL Z	4 5 9	$30,913.00 $42,921.00 $34,389.00	$123,652.00 $214,605.00 $309,501.00	8-10 WKS.
RSI GLOBAL 2063 PAXTON ST. HARVEY, LA 70058	PANEL X PANEL Y PANEL Z	4 5 9	$20,643.00 $32,391.00 $24,790.00	$82,572.00 $161,955.00 $223,110.00	16-18 WKS.

* Bid packages mailed out August 2, 2013.

HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS, HIGH POINT MUNICIPAL BUILDING
OCTOBER 7, 2013 – 4:45 P.M.

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Mayor Pro Tem Moore offered the invocation; the Pledge of Allegiance followed.

Mayor Bernita Sims, Mayor Pro Tem Britt Moore (At-Large), Council Member Rebecca Smothers (At-Large), Council Member Jeffrey Golden (Ward 1), Council Member Foster Douglas (Ward 2), Council Member Judy Mendenhall (Ward 3), Council Member Jay Wagner (Ward 4), Council Member James Davis (Ward 5), and Council Member Jason Ewing (Ward 6)

Special Presentation:

PROCLAMATION- YWCA "WEEK WITHOUT VIOLENCE WEEK"

Mayor Sims read a Proclamation into the record proclaiming the week of October 14 - 20, 2013 as "YWCA WEEK WITHOUT VIOLENCE" and presented the Proclamation to Heidi Majors on behalf of the YWCA.

REGULAR MEETING ITEMS

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Chairman Douglas, Chair

130268 **Kilby Hotel - Appeal Hearing - Demolition and Removal Order**

Monday, October 7, 2013 at 4:45 p.m. is the date and time set for an appeal hearing before the High Point City Council on the demolition and removal order for the Kilby Hotel located at 625 E. Washington Drive, High Point, NC.

Attachments:
Kilby Hotel - Hearing Request
Kilby Hotel 2
Kilby Hotel 3
Kilby Hotel 4
Kilby Hotel 10-4-13 001
Kilby Hotel 5
CB2 Structural Engineer's Report December 4 2012
Larry Boozer PE Engineer's Report January 24, 2013
Chronology for the Kilby Hotel
Letter from Les Eger GC Historic Preservation Commission October 1 2013

Note: All evidence and documents introduced during this Appeal is hereby attached in Legistar as a permanent part of these proceedings.

Transcript of Appeal for Kilby Hotel

***Chairman Douglas**: Madam Mayor, that was a notice for a hearing that went out for the Kilby Hotel. The family petitioned to have a hearing on that matter and that's what we will be doing today. JoAnne, would you like to explain anything?*

***City Attorney JoAnne Carlyle**: Mayor and Council, what we will do today is we will have a quasi-judicial hearing on an appeal from the Order that was entered by Inspector Ed Brown with the City of High Point for the demolition of the Kilby. Today, since it is a quasi-judicial hearing I will be asking you to only listen to factual information either that is given to you by someone who has personal knowledge of an occurrence-not a lay person's opinion or someone that is an expert that offers testimony. We have to begin by swearing everyone in today. Anyone that is going to offer up evidence in the form of testimony to you or by documentation does have to be sworn in before they can offer that testimony. So I would ask Madam Clerk to swear in those who are interested in talking. I'm not sure who is here on behalf of the Kilby today.*

[oaths administered at this time to Ms. Burnie McElrath and Inspector Darrell Long, Lee Burnette, Director of Planning and Development Department]

***JoAnne Carlyle**: And the city would like to begin by presenting evidence on behalf of the City of High Point in support of the Order that has been ordered. I'm going to call Darrell Long, who is an employee of the City of High Point and has been with the city for over 20 years. He has the title of Supervisor over the Building Inspections. He is certified at North Carolina Building Inspector, Level 3. He is certified in the areas of electrical, mechanical, plumbing and as a fire inspector. I believe that Mr. Long is going to take you through a Chronological Order of the way things occurred. As the hearing continues through, even though it's quasi-judicial, we'll keep it a bit informal. Each side including the individual representing the Kilby is able to ask Mr. Long questions. He is able to ask them questions. If I, for example, hear or if I notice that I'm not hearing something that I think needs to come out as a fact on behalf of the city, I will ask Mr. Long or Ms. Burnie that question. So with that I'm going to turn it over to Mr. Long.*

***Inspector Darrell Long**: Okay, this afternoon I'm going to go over a brief chronological order of the current situation at the Kilby as it stands and also dating back to August of last year at which time was when we first started the case on the Kilby. I have a brief chronological order here. I'm just going to touch on some of the highlights here and I also have some photographs too that Herb has here and we'll go ahead and get those photographs up.*

Obviously that's the front elevation of the Kilby as it currently stands. Basically exterior walls are still in reasonably sound condition. The interior of the building as you'll see from my notes here as I go through this, you'll see the interior of the building has suffered from significant collapse. Herb, if you want to you can go ahead and advance that. That's a view of the Kilby from Hobson at the corner of Hobson and Washington.

***JoAnne Carlyle**: Mr. Long, I'm just going to interrupt. This is what he is following through on his chronology here.*

***Darrell Long**: And that's a view from the street level, zoomed in through the windows from the eastern side of the building which we'll be looking at it from the Hobson Street side. The next two photos, I think I have a total of five photographs here. The next two photos will give a real good understanding of what we've got there. These photos obviously are courtesy of our Fire Department guys. I had them to actually go out with the ladder truck to get some aerial photographs of the building as it currently stands. That pretty much tells you the significance of the collapse of the interior of the building. That is current. It has…obviously, it has progressed a little since the initial collapse, but that is current. Dating back…..and as you see there the chronological order on the building….back in August, on August of 2012, we actually went out and started the case on the structure. The site inspection was made by us which identified serious construction concerns regarding that structure.*

We'll move down the list a little ways there to December 5th of 2012. We received a letter at that time from a third party structural engineer that was dated December 4th. That actually was an engineer's letter requested by the city. I mentioned that it was third party, but it was requested by the city to validate the concerns that we were expressing. And that engineer's letter actually validated that it was determined at that time to be an unsafe structure. Following that, on February 18th, we received a copy of the date showing Burnie McElrath and Myra Williams were now sole owners of that property. On March the 6th, we received a copy of an engineer's letter, Larry Boozer (an engineer that was employed by the owner), reviewing the structural condition of the building and outlining bracing and shoring recommendations to stabilize that unsafe condition. After receiving that letter on July the 12th, we issued a Complaint and Notice of Hearing to Burnie McElrath and Myra Williams for that unsafe structure. It was issued regular mail, certified mail and also an email notification was sent out. Following that initial Complaint and Notice of Hearing, the hearing was set up for July the 25th. That hearing was held with Burnie McElrath and Myra Williams concerning the Complaint of that unsafe structure. That certified mail receipt was signed by Burnie McElrath on July the 26th. Following that, on August the 19th, an Order to Repair or Demolish the structure was issued to Ms. McElrath and Myra Williams and that was also issued regular mail, certified mail, and email. At that time….after the order was issued on or about that date, placards were posted in front of the building notifying the public of the unsafe conditions surrounding that building.

On August the 21st of this year, certified mail for the Order to Repair or Demolish was signed by Burnie McElrath and then following that on August the 29th, of course Burnie McElrath and Myra Williams decided to file an appeal for the Order.

That's pretty much going through the entire chronological order that we have on it dated back to August the 27th of last year. As you can see from the pictures, as you look at the pictures backing up through those, the extent of the collapse is….it is now my opinion that it extends all the way down through. In that one photograph, I believe it's that last photograph, Herb. It pretty much will confirm that. The collapse has actually extended now all the way down through and penetrated into the ground floor of the building. That's pretty much all I have. I'll be happy to answer any questions anyone may have.

***Mayor Sims:** I have a question.*

***Darrell Long**: Sure.*

***Mayor Sims**: I see the chronological order of things regarding letters that were written and dates they were picked up. Was there any other activity that took place between the owners and the city that's not captured in this?*

***Darrell Long**: Other than possibly some email and Lee, feel free to chime in, but other than possibly some email, conversation back and forth….not to the best of my knowledge.*

***Lee Burnette**: There were several communications. Even before we issued an official Notice of Complaint and Hearing, there were several informal communications with Myra and Burnie regarding their acknowledgement of the problem, what they were going to do. They hired a structural engineer and looked at shoring up the building. As Darrell mentioned, they presented us with that report in January. We met with them and a contractor, who they were looking to do the shoring up once funding…once they had funding to do that. There was communication throughout the process up until the time where it was determined that they did not have the means to move forward with the shoring up of the building and removal of the unsafe condition. And that's when we had to go forward with the Notice of Violation.*

***Council Member Smothers**: Mr. Burnette, did the…..the engineer I believe did give an estimate on the cost for shoring up the building. I'm thinking that it was several hundred thousand dollars. Maybe Ms. Williams can confirm that.*

***Lee Burnette**: They may know more specifically what their contractor thought the cost would be to shore up the building. I don't think we have a specific quote.*

***Council Member Smothers**: So the engineer didn't do that, he just recommended stabilizing and….*

***Lee Burnette**: Their engineer basically specified the standards by which they need to shore the building up. It was up to the contractor to implement it.*

***Council Member Smothers**: I see.*

***Council Member Davis**: Mr. Long, as of today has any shoring or bracing up or any attempt to correct this been done since the first initial contact with the owner?*

***Darrell Long**: None to the best of my knowledge.*

***Council Member Davis**: So we're talking what….a year time frame possibly?*

***Darrell Long**: Roughly a year. Yes Sir.*

***Council Member Smothers**: Wouldn't they have to have a permit to do that?*

***Darrell Long**: Absolutely.*

***Council Member Mendenhall**: When did this start? The sinking in….is that the best way to phrase it?*

***Council Member Smothers**: Collapse.*

***Darrell Long**: It's really hard to pinpoint for me at this time exactly when it did start because when we first got involved on August the 27th, it had already taken place. So if I had to put a time frame on it, I'm going to say, you know…..*

***Council Member Mendenhall:** So it was prior to August the 27th of last year?*

***Darrell Long**: Yes Ma'am.*

***Lee Burnette**: We have an aerial photograph of the city that was done in 2000 and at that time it did not show a collapse. It could have had penetration in the roof structure, but it did not show any kind of collapse.*

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

***Chairman Douglas**: You also mentioned stabilizing. What would be the purpose of stabilizing?*

***Darrell Long**: Well at this point, I mean, stabilizing basically the exterior walls to prevent any kind of further collapse which, obviously, because of its close proximity to Hobson Street and Washington Street would, you know, have a direct impact on both of those streets. Because of the interior collapsing, a lot of the exterior walls lost their integrity and lost lateral stability. It's totally by chance, but I think even in one of the engineer's letters that we actually have, the engineer references the fact that the collapse itself is providing some stability to the exterior walls now in looking at it. I mean it is providing some stability to the walls. If there was nothing inside of those exterior walls, the problem would be a lot worse.*

***Council Member Davis**: Mr. Long, with all that weight up against those walls on the inside, could those walls explode and go the other way?*

***Darrell Long**: Absolutely. That is one of my chief concerns and obviously as weather continues as rain comes in the building, obviously that's got to go somewhere, so it could have that kind of effect on the exterior walls. Absolutely.*

***Council Member Golden**: But you are saying that it's imminent, them walls are going to come down without any shoring up or anything else, you're saying they're going to come down?*

***Darrell Long**: Without any shoring, I would say that would be a valid statement. Yes Sir.*

***Council Member Golden**: But you don't have any time frame or anything like that, right?*

***Council Member Mendenhall**: Is the….because I can't remember, are the windows boarded up all around it?*

***Darrell Long**: Ground level they are. Yes Ma'am.*

***Council Member Mendenhall**: So if it's raining in, where is all….the way the water has been, where is all that water? Has it gone through or….*

***Darrell Long:** It's actually collecting, you know, it's being absorbed by the collapsed area and as I was telling Mr. Davis there, it's obviously got to go somewhere. Overtime it's got to go somewhere. That's one of my major concerns.*

***Chairman Douglas**: So stabilizing this building would, I guess, you could say could buy some time as well as make it safe in the area because at one time it was blocked off. So you're saying that if it is stabilized, then chances of the walls collapsing in or out that would prevent that?*

***Darrell Long**: Yeah, absolutely. If the shoring were to take place, it would stabilize those exterior walls from any kind of other collapse. I might add that the streets are still closed there. We still have a portion of Hobson closed as well as the sidewalks and everything closed along the Washington Drive area just to protect the public.*

***Chairman Douglas**: Because you mentioned earlier that the structure was sound, correct? The brick structure?*

***Darrell Long**: The exterior walls?*

***Chairman Douglas**: The exterior walls.*

***Darrell Long**: Yeah, but obviously, sound considering the overall condition at the location considering what has happened, I would say they are still reasonably sound and with some additional shoring, it could probably be salvaged.*

***Council Member Smothers:** Could you describe what reasonable shoring would be?*

***Darrell Long**: The engineer….*

***Council Member Smothers**: I mean do they put a bunch of, you know, two by fours on the outside?*

***Darrell Long**: Yes Ma'am, it's just basically a bunch of exterior bracing installed diagonally down to grade and they are attached into the masonry and they install those at periodic spacing just to stabilize and prevent the further collapse that we have talked about.*

***Council Member Smothers**: But wouldn't that have to come out into the public right-of-way?*

***Darrell Long:** Likely, yes Ma'am. Basically the engineering details that I've got on the shoring which is basically a tilt-up panel type of bracing and if you know anything about that, it's the same type of bracing used to tilt up concrete panels. And, yeah, the angle of that*

bracing would get it out into the right-of-way, probably along the Washington Street as well as the Hobson Street side.

***Council Member Wagner**: Would that shoring also include the removal of all the debris from the inside of the building? Or would that be left in the building?*

***Lee Burnette**: If I may add….at the time we met with the contractor and he felt….and Ms. McElrath may be able to explain this further, but the contractor stated at that time that he would probably have to do some exterior bracing in order to remove the debris from inside the building and then do more bracing after that.*

***Council Member Wagner**: Bracing inside too?*

***Lee Burnette**: Yes.*

***Darrell Long**: Because in order to stabilize it, he would have to get to the interior and sandwich it and brace it from both sides.*

***Council Member Wagner**: Yeah, you wouldn't want to get in there and have it come down on top of you. Okay. Has there been any….just from a health standpoint, has there been any evidence of any animals living in here or anything like that?*

***Darrell Long**: I have not seen any, no Sir.*

***Lee Burnette**: I think the biggest problem we've had has been the public is still using the sidewalk despite the closure.*

***Darrell Long**: Yeah, I have had to go out there several times since we actually closed the sidewalk and closed Hobson Street and realigned the barricades because it's continuing to be pushed aside and then foot traffic will want to use that sidewalk right there and it's not really a safe situation for them to be using that sidewalk.*

***Council Member Davis**: From a public safety point of view, can the city require, or do we require them to maintain insurance on it in case of a collapse that hurts someone or damages personal property?*

***Lee Burnette**: This is the only action that the city can take is an unsafe building violation.*

***Council Member Davis**: So possibly this building is just sitting there with no insurance on it and then if it falls or kills somebody or hurts somebody or damages property, we can't do anything about that as a city? Can we? Can we enforce that?*

***Lee Burnette**: This is the only action that we are aware of.*

***Council Member Smothers**: Following up on Mr. Davis' point, would the fact that there has been a notice to the owners increase the city's culpability I presume at this point? I guess that's a legal question, Ms. Carlyle.*

***JoAnne Carlyle**: I'm trying to understand what your question was. Is the fact that we are aware that there's a liability out there do we have….*

***Council Member Smothers**: Do we have exposure?*

***Joanne Carlyle**: I do believe that it increases the city's exposure. Mr. Long, has the deadline for the owners to take action passed?*

***Darrell Long**: No Ma'am. I think the Order …..the deadline on the Order is I believe October the 21st. I believe that's correct, yes. So it's forthcoming, but it has not passed.*

***JoAnne Carlyle**: And what action are we requesting the owner to take?*

***Darrell Long**: By that deadline…..*

***Lee Burnette**: The Order was to repair or demolish the structure, to bring it up to Code where it makes it safe.*

***JoAnne Carlyle**: And that's what we're asking the City Council to decide upon today?*

***Darrell Long**: Yes Ma'am.*

***Council Member Ewing**: When you say brought up to Code-so that's more beyond than just the shoring up the walls?*

***Lee Burnette**: The Order was issued to repair it and make it stable. The shoring would be an intermediate step. It wouldn't necessarily make it a totally unsafe, but it would….as it was pointed out in previous discussions by the engineer and by Mr. Long, that it would remedy the immediate situation.*

***Mayor Sims**: So does the act of pulling a permit start that process, or does it have to go beyond that?*

***Lee Burnette**: When we talked with the owners about the process, they have an engineer's report on the bracing or the shoring. They would have to get a contractor on which they talked about and had at the meeting, that would have to submit a plan showing exactly how he intended to implement that shoring. That he could pull a permit for that and begin the shoring process. There was, as Mr. Long mentioned, some discussion as to whether or not and could the bracing occur out into the public right-of-way or into the street and we basically indicated to him at the time that we needed to see the details of that in term of what could be allowed or what couldn't be allowed in terms of traffic safety.*

***Mayor Sims**: Could all that be accomplished by the deadline date that's in the letter?*

***Lee Burnette**: Very unlikely. Not impossible, but unless they had the means to move forward fairly quickly.*

***Council Member Mendenhall**: What was that deadline date again, please?*

***Darrell Long**: October 21st.*

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

***Mayor Sims**: Are there any other questions?*

***JoAnne Carlyle**: I just have one more question. Mr. Long, do you consider this property unsafe pursuant to the General Statutes definitions at this time?*

***Darrell Long**: Yes Ma'am.*

***Council Member Mendenhall**: Ms. Carlyle, what was your question? I couldn't hear you.*

***JoAnne Carlyle**: I asked him if he considered this property an unsafe structure in accordance with the General Statutes definitions at this time.*

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

***Mayor Sims**: Are there any other questions for Mr. Long or Mr. Burnette? Thank you.*

Is there anyone else who cares to speak?

***Burnie McElrath**: My daughter hasn't been sworn in. If you can swear her in. I have been already.*

[City Clerk administered oath to Myra Williams at this time]

***Burnie McElrath**: The first thing I'd like to ask is do you have copies of the city's engineer's report as well as ours?*

***Council Member Smothers**: Do we have copies?*

***Burnie McElrath**: Yes, do you have copies of the engineer's report so you will be able to see what the engineer's report says other than what information was given to you?*

***Mayor Sims:** No, Ma'am.*

***Burnie McElrath**: Would you like to have one because I have a copy of the city's as well as ours and they are different.*

***Council Member Golden**: Absolutely.*

***Council Member Smothers**: Is that admissible?*

***JoAnne Carlyle**: Yes, yes.*

***Council Member Wagner**: She's able to present evidence.*

***Burnie McElrath**: There's one for each Council Member. [copies of the engineer's report distributed].*

The first one you'll see is the one that was done by the city's hired engineer department, contractor whoever. The second one is the one that we paid for, which they mentioned about bracing.

***Mayor Sims**: Ms. McElrath, if you would like to you can go ahead and speak to us regarding the differences in the two reports that we were presented and we will look at them while we are here.*

***Burnie McElrath**: In the report that I have before you now that we had done, it breaks down specifics. It addresses everything as far as the structural safety, the structural feasibility of the building, what was going on as far as the deterioration, all four sides of the building and what he considered to be a problem or not. He checked all four corners: the Hobson Street, the back end where the parking lot is, the side where the building that we also own. He addressed that and he also addressed the front. Our engineer said the building is structurally sound. He stated that it needs to be shored up only because the way they built that building back during the time that it was built, the four walls were built first, then the floors were put in, then the roof. So the structure was not built with the roof coming down, it was built with the four walls and then everything was built inside. So it makes it different as far as when you're talking about that type of a building coming down because the beams and whatnot were attached to the structure as they were going up. The beams went this way, not this way. That's the way the building also fell. This way. And any other deterioration of the building would be from the mortar coming from the brick. The building has completely finished breaking down as far as all the way down to the floor. There is also a basement there. Our engineer went into the basement. He was looking for specific things to prove whether or not the structure was sound. He could not find anything that said the structure was not sound. He even addressed…..if he can bring up the one on the side….I don't know if it shows you where there's a crack…..no they don't have it. Where there's a crack on the side wall he investigated that. That is not from the building deteriorating-that is from over time. He also checked to see if the foundation showed any signs of cracks which would mean there was settling issues that would be of a concern as far as the structure itself and he did not find any.*

He definitely did say that it needs to be shored, but he did not say that the shoring is having to be done because the building is not sound and we asked him to make sure and check every possible problem that could arise as far as the structure being unsafe and its coming down. It's not going to come down the way that you think it would. It's not going to fall out into the street. It's not going to fall in the back. It's not going to fall in the front. It's going to collapse within itself like it already has. There has not been any debris to my knowledge other than the gutter because someone has taken parts of the gutter off that has come away from the building and that's because of the mortar. But all the issues with the mortar is also going to be addressed because with age, mortar has to be replaced also. The tilt-up information that you receive from the city was the information that our city engineer gave us. It was not a part of the information package as far as the engineer from the City of High Point that they gave us a copy of.

I would also like to know what the statute number is that the Inspections Department is saying that would be enforced in order to bring the building down and there is no way possible for us to bring the building down if they force us to do it by the 21st of October for two reasons. I contacted the Historic Commission in Greensboro, who issued the placard for that building. They have rules. If you want to remove a placard or you want to demolish a building, you have to go before them and let them know…fill out the necessary forms so that a decision can be made. I can't go and just tear it down. I've got to go before them and I have to fill out the necessary paperwork in order for that process to even be started. I don't know how long that process would take. If the city tears it down, they are required to do the same thing. So it's not a process that we can just likely just do whatever. We can't touch that building until we have everything in place because we will be in breach of the Historical Properties here in Greensboro. We'll also be in breach with the National Register, so it all has to….just like they have timelines, they have timelines that govern us and until we can get everything in place, we can't even go before them to get the okay to even touch the building.

***Council Member Smothers**: Well Ms. McElrath, could you clarify for me what you want to go in front of them for?*

***Burnie McElrath**: They have forms….*

***Council Member Smothers**: I understand that you have to go to them regardless, but would you be going to them to try to shore up the building or to bring the building down?*

***Burnie McElrath**: The Commission….I would be going to them to talk to them about the shoring up of the building-not tearing the building down.*

***Council Member Smothers**: I just wasn't clear. You said you couldn't do anything.*

***Burnie McElrath:** I can't really do anything until they hear me as far as the filling out of the paperwork and coming before the Commission.*

***Council Member Davis**: Ms. McElrath, have you went before the Commission? I mean is it your intention to shore up the building because obviously you want to save it.*

***Burnie McElrath**: Yes, it's my intention to shore up the building. But shoring up the building isn't the only thing that we have to address and at this meeting I can only talk about the condition of the building.*

***Council Member Mendenhall**: I have a couple of questions. I looked at the next to the last paragraph on the first page of your report and it says "that exterior walls depend on floor and roof framing and diaphragm for resistance to out of plane bending and overall structural stability. Without those components in place the wall is very unstable." Then down here we talk about the fact that the collapse of the horizontal diaphragms roof and third floor leaves the unreinforced perimeter masonry walls laterally unbraced and likely to collapse. So I don't….the terminology may be different, but I think both engineers are saying the same thing that the walls need bracing from the roof from the third floor to be stable and without them the exterior walls are not stable and I thought we just saw pictures that those things*

have collapsed, so they are no longer there. Therefore, I guess both engineers would say those exterior walls are not stable.

***Burnie McElrath**: He is saying that the wall is not stable, but he is not saying that wall will come down either. He's saying that the shoring is to only brace it because when the roof and the second floor collapsed, that bottom floor there-it actually braced itself. So with that happening, it braced the foundation and the bottom of the exterior walls, but you cannot just go in and shore up the second and third floor. You have to do all three floors.*

***Council Member Mendenhall**: I guess the only point I was making was in reading both of these, it seems that both engineers agree that if the roof and the third floor diaphragms and things are not in place, that makes the exterior walls unstable. I don't see that they disagree on that.*

***Burnie McElrath**: I don't have anything to show you, but according to the structures of buildings of that type, when they built that building, they built the outside walls, then went in with the floors, then in with the roof. I don't know how long it was between times in putting it all together to tie it all in. That's what I have reference to, that there is a difference because he explains to you how the beams were indented into the walls in his report showing you that it is all one thing, but it was not all built from the top down. It was built from the walls up, putting in the floors and then the roof and that makes a difference.*

***Council Member Smothers**: It seems to me there's a difference between structural integrity and the building stability. They looked at both. They looked at the walls and said structurally, they were in really good shape. But in terms of stability of all four of them together, no.*

***Council Member Davis**: Ms. McElrath, earlier I asked a question about public safety. Do you have insurance on that building in the event that it would collapse and hurt somebody?*

***Burnie McElrath**: When my mother was alive she did. When my brother took over, I don't know. I went and checked with the insurance company and they said they couldn't find a policy. Because the building is vacant, you have difficulty finding an insurance company that will insure a vacant building because of the vandalism and people breaking in and all this kind of stuff. But I have talked to an insurance agent. Once we start doing work on that building, then I can go after different types of insurances that would cover the contract as far as the material and whatnot on my end and any problems that would occur as far as somebody stealing or breaking into the structure itself, but right now I can't get any.*

***Council Member Davis**: Based on what you are saying, you currently have no insurance?*

***Burnie McElrath**: Right.*

***Council Member Davis**: Do you have the financials to build the….if that building were to fall and kill someone and you were found negligent, could you satisfy those claims without them coming against the city to satisfy that?*

***Burnie McElrath**: No, no I couldn't do that.*

***Mayor Pro Tem Moore**: I have just a couple of questions. Stating of the ownership….because I think this goes back in discussion even before August 27th of 2012. The current ownership is you and your husband, is that correct?*

***Burnie McElrath**: Myself and my daughter.*

***Mayor Pro Tem Moore**: You and your daughter. Okay, and how long have the two of you owned it?*

***Burnie McElrath**: My brother walked away from it in 2008 and it was already in deplorable condition and we were going in trying to figure out what we needed to do and how we were going to go about doing it and we started trying to find contractors that knew how to work on historical structures because in order to keep the designation, the contractor has to know what he is doing.*

***Mayor Pro Tem Moore**: Right.*

***Burnie McElrath**: So it's been a process that we have been involved in for quite some time. We've talked to investors. We've had a few investors that were interested. They backed out.*

***Mayor Pro Tem Moore**: Now the city stated they don't know when the roof collapsed, but had an aerial shot from around 2010…..*

***Burnie McElrath**: It was in August.*

***Mayor Pro Tem Moore**: August of……*

***Burnie McElrath**: This is thirtee, twelve.*

***Mayor Pro Tem Moore**: August of last year. Okay. And as far as the historical piece of it, I noticed this letter that you gave us to read was dated October 1st of this year. So did you just recently reach out to them for this clarification on the fact that we had to go before them to do anything to this building? Or did you know that previously?*

***Burnie McElrath**: I was told that the city could bring the building down without having to contact anyone and I had remembered that during the time that we did the paperwork that the Commission in Greensboro had to give the okay to tear down a structure and remove a designation. So that's when I contacted them to find out if I had to….if I was forced to tear the building down, what would be the things that I would have to do in order to fill out the necessary paperwork for that to be done. And the rules that apply as far as the city is concerned are the same rules that apply to me. I can't touch that building without going and filling out the necessary paperwork and the Commission having a meeting and deciding what has to be done.*

***Mayor Pro Tem Moore**: JoAnne, could you speak to that? I'm not saying that you're right or wrong, I'm saying I don't know.*

***JoAnne Carlyle**: I know that we have to go before the Commission and I know that Mr. Long or Mr. Burnette can speak to that and we have the date of the hearing. I also know that there are….or at least to my knowledge, there's only been an application by the owners made. I don't think it's actually on a Registry.*

***Burnie McElrath**: On a what?*

***JoAnne Carlyle**: We have evidence of your application, but we've never received any certification.*

***Burnie McElrath**: That it's not a designated historic structure by the Commission?*

***JoAnne Carlyle**: In fact, I think there's an extra paper in the folder information that you provided that represents your application, but not the certification.*

***Mayor Sims:** There was a placard on the building that stated it was on the National Historic Register. That placard is on the front of that building. So at some point in time, that was done. I don't know when.*

***JoAnne Carlyle**: We just don't have anything other than that. We don't have anything in writing, any certification.*

***Mayor Sims**: Ms. McElrath, what are your plans moving forward? What do you plan to do? How quickly can you move this forward? What are your objectives in all of this? Is it to cure the situation that we have right now and if so what is that time frame or is it that you cannot cure the situation that exists right now and we move forward with the demolition of the building? So where are you in this whole time frame?*

***Burnie McElrath**: We have every intention of doing the shoring up of the building, definitely. But the problem….one of the problems is in this day and time, people are not going to donate to a private owner for a building if they don't see where they can get a write-off on their return or get something in writing where they can get a tax break and that's what the problem has been. We possibly can get a 501 C 3 that will be interested in helping us, but we don't want to cause them a problem because they're helping us and we don't have anything for them to be able to show people that donate money towards this project. We want to try to do everything the right way, not the wrong way.*

***Council Member Mendenhall**: You and your daughter obtained this building from sole ownership in 2008 I believe you said?*

***Burnie McElrath**: My brother walked away in 2008. We got sole ownership in I think it was February or January of this year. Because that was one of the problems because of him having part ownership in it, there was difficulty as far as coming together and communicating on what was going to happen.*

***Council Member Mendenhall**: What was his intent while he was a partial owner? Did he want to renovate? Was that the intent that you and he had?*

***Burnie McElrath**: Now, I need to ask a question because she gave me a letter saying that all this could not be discussed….*

***JoAnne Carlyl**e: I don't think, even if she answers that question, I think it would be hearsay and you guys couldn't consider that.*

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

***Burnie McElrath**: I mean I can answer it, but I thought I better stop because of what she said.*

***Council Member Mendenhall**: No, no I don't want you to violate any thingy that's legal.*

***JoAnne Carlyle**: She's practicing law quite well. I have a question, when was the first time that you received notice that the building needed shoring up?*

***Burnie McElrath**: When the city….well did we ask the city for their engineer report or did they send it to us?*

***Myra Williams**: When we went for the meeting with the city in December of last year, they told us then about the engineer's report, what the engineer's report said. To find out everything on our end, we did not like….*

***JoAnne Carlyle**: So just for clarification purposes so I can get everything in order for our Council….so you received a notice from the city and then you sat down with the city. They said they also had an engineer's report at that time that would require you to at least shore it up and then you were given an opportunity to hire your own engineer. And you did hire your own engineer and they…..*

***Myra Williams:** Once we did that, we had another meeting to go over the engineer's report and then after that they told us to let them know little by little how close we were to getting the funding.*

***JoAnne Carlyle:** And would that be about at least a year that you've known it needed to be shored up, or nine months?*

***Burnie McElrath**: Not quite a year. Because in their engineer's report it didn't tell you what the shoring up consisted of, how to go about doing it. And we needed an engineer's report that would tell us how to go about shoring up the building and because of the historical structure, what kind of shoring support would complement that structure because there could be….there are some out there that would make a bigger mess out of the building than it already is as far as the structure is concerned.*

***Council Member Mendenhall**: May I ask the City Attorney, is the intent of this appeal to get the Council to extend the 10-21 deadline? Is that what we are talking about?*

***JoAnne Carlyle**: This Council has to make a decision as to whether or not you want to uphold the current order which calls for the demolition and the removal of the debris by that deadline. Or, you can extend that deadline, or you can modify it another way.*

***Council Member Mendenhall**: So those are our options tonight? That's what we're asking….being asked to consider?*

***JoAnne Carlyle**: It is. On behalf of the city staff, I would ask that you enforce the Order.*

***Mayor Sims**: Ms. Williams, did you have something you wanted to say?*

***Council Member Golden**: The last time we heard you guys I think we were looking at roughly $300,000 to shore it up. Have we made any progress at all towards that $300,000?*

***Myra Williams**: At this time, no.*

***Mayor Sims**: Ms. Williams can you speak in the mic please?*

***Myra Williams**: At this time, no. I forgot the name of the church on Cedrow. I think it's United Memorial on Cedrow has said that they would help us do a fundraiser. The kids have gotten together….the youth department has gotten together to do a fundraiser and they was going to do it at the High Point Theatre, but they have not gotten a meeting with the superintendent yet to get all the schools together and whatnot to have this fundraiser. We just had that meeting.*

***Council Member Golden**: When you guys talked about the fundraising, did you give them this 21st date?*

***Myra Williams**: Yes, they are aware of the 21st date. We were told as long as we have some type of progress, it would help.*

***Council Member Mendenhall**: May I ask for clarification then from either Mr. Burnette or the City Attorney? In terms of a potential fundraiser and a permit to shore up the building that might or might not be obtained by 10-21, what is the city's expectation to be able to extend that deadline and not carry through with the Order to Demolish? What would the city's expectation be? What would we need to have?*

***Lee Burnette**: I think you need…..and this has been stated in the report by the engineers and Mr. Long that the building does need to be shored up for public safety purposes. The quicker that's done, the safer the public is. The question is how long do you wait for that to occur?*

***Council Member Mendenhall**: Okay.*

***Mayor Sims:** Are there any other questions for either Ms. McElrath or Ms. Williams?*

***Chairman Douglas**: Yes. Ma'am, how long do you think it would take before you guys could shore up the building?*

***Burnie McElrath:** It's not the length of time as far as shoring it up by the contractor, it depends upon the ground, the soil…..it's a lot of things that they have to check and pay attention to when they start shoring it up. But as far as the monies to shore it up, we're talking about over $100,000 if not more and who's to say that they can feasibly raise that amount of money in three to six months? I mean, I can be honest, with that, you know, they know and we are working towards that amount of money, but to be able to say with uncertainty that we can raise the amount of money that we need to raise to shore up all three floors—I would be really talking out of both sides of my mouth if I tried to tell you that.*

***Chairman Douglas**: Do you need permission from the County to do that as well?*

***Burnie McElrath**: To shore up the building, we need permits to do that. They have to sign off on what is needing to be done. The Commission is going to have to be notified as far as what we plan on doing and so forth. The State has already given verbal okay to go forward with the shoring up or whatever we need to do. But we would actually have to have the Commission to be aware of what we are planning on doing and they have no problem with the shoring up of the building itself. And the reason I got that letter is because JoAnne—is that her name—had stated that I can't do hearsay information. I have to have a person here, or documentation. So that's why he gave me the letter so I can submit it to Council Members letting you know that it's a process I'm required to go through also.*

***Council Member Smothers**: You mentioned $100,000. That is your estimate or a contractor's estimate to shore up the building?*

***Myra Williams:** The shoring up…..the least amount that has been bidded was $175,000 and the most was $300,000. I am going to assume that part of the shoring up is to gut out the building. The reason why it was a high and a low. Does that make sense?*

***Council Member Smothers**: So all we have in evidence is an opinion of some numbers?*

***JoAnne Carlyle**: Yes.*

***Burnie McElrath**: We can supply documentation as far as the amount, as far as the cost is concerned. But until we find out which way it's going, we have to get that from the contractor and they are doing a lot of help as far as Pro bono work to help us do this and that means we're asking them to release paperwork that we should have to pay for. And if we're going to go to them asking for that, then we need to know one way or the other if it's going to be feasible for us to even do that.*

***Mayor Sims:** What's the estimated cost to take this building down if we do the demolishing? What's the cost? Anybody? No estimate?*

***JoAnne Carlyle**: Do either one of you have an opinion, an expert opinion as to the shoring up amount?*

***Lee Burnette:** We have no reason to disagree with Ms. McElrath.*

***Council Member Smothers**: Well it's gone from $100,000 to $300,000. I mean…..*

***Burnie McElrath**: Those figures are from the contractors and it depends upon the material because I've done a lot of research. It depends upon the soil. It's a lot of things that's involved that could increase or decrease the amount of the shoring up. So that's why we got a high and a low.*

***Lee Burnette**: She's correct in the sense that the contractors met with her and indicated that they would have to do the external shoring up, then they would have to go inside to get to the internal shoring up. And she's correct, no one knows what the soil conditions are, or the structural integrity of the concrete, or things of that nature, so all that has to be considered. It's not an uncommon thing to have a range like this.*

***Council Member Davis**: Ms. McElrath, does this building have a basement in it also?*

***Burnie McElrath**: Yes, it has a half basement.*

***Council Member Smothers**: So if I'm recalling testimony to date….there is no insurance on the building. You can't get insurance until you are actively doing some stabilizing of the building?*

***Burnie McElrath**: Right.*

***Mayor Pro Tem Moore**: But we don't know what kind of coverage that is either.*

***Council Member Smothers:** And you can't even start that before you go before the Historic Properties Commission once you figure out what you're going to ask the engineer for.*

***Council Member Mendenhall**: And did we ascertain that, in fact, the city has some financial responsibilities should, heaven forbid, something happen and there be injury, or worse, to a citizen because of collapse?*

***JoAnne Carlyle**: I feel certain that we would be named as a defendant. What the outcome would be, I don't know.*

***Council Member Mendenhall**: Well it would seem that because we don't know a dollar amount that the main question before this Council is whether or not we wish to extend the October deadline for "X" period of time and I don't know what else….*

***JoAnne Carlyle**: I would, if you could just allow Mr. Burnette to offer a few comments too because I would like for him to address the fact that the city would also have to go before that same Commission. He can tell you more about the timing of all that. That may give you some more insight as to how things might fall into place.*

***Lee Burnette**: The Kilby is a Guilford County Historic Landmark property, which basically because of its historic significance and structure was designated that landmark by the Guilford County Historic Preservation Commission. I don't have the exact date that was done, but that's been a number of years ago—more than twenty years ago—that was designated. It gives a 50% tax reduction in that designation and it also requires, as Ms. McElrath mentioned, some review criteria when any additions or renovations to the structure is done, as well as demolition of the structure. Just like our Historic Preservation Commission, in a local historic district, property owners or in this case, the city, would have to apply for what's called a Certificate of Appropriateness for any action on that building. That would be an addition, renovation or demolition. So if the Order is upheld and the deadline passes and the owner does not comply with the Order within that period of time, the city's next step would be to make application for a Certificate of Appropriateness for demolition to the Guilford County Historic Preservation Commission. They would review that Certificate request and they would have the authority to either grant that Certificate or to delay that demolition for up to 365 days. And then once either that granting has occurred or the 365 days have passed, then the city would go towards demolition bids.*

***Mayor Pro Tem Moore**: During that time, if that did occur, can efforts still be in continuance to try to obtain the necessary funding or the necessary contractor to save it?*

***Lee Burnette**: If the Commission gives that delay, that's also what that delay is for is for historic preservation efforts to move forward towards preservation efforts.*

***Mayor Pro Tem Moore**: And is there any variance within that period if the structure falls into further disrepair that would make them have to execute on that faster?*

***Lee Burnette**: Make the Commission?*

***Mayor Pro Tem Moore**: Make them understand that we've reached the point now where it's in such a state that it's got to come down.*

***Lee Burnette**: If for some reason they granted an extension, for example, and there was further collapse of the structure, then they could revisit that issue and revoke their delay and go ahead and grant approval.*

***Council Member Mendenhall**: So if this Council decided to hold to the October deadline, then once the city goes to the Commission, the Commission could, in essence, extend that time frame because they would say we had to wait 365 days?*

***Lee Burnette**: They have the authority to do that. Just like your local Historic Preservation Commission does. There is a law that allows them to extend demolition up to 365 days. Typically it's done to allow for efforts to occur to save or, you know, a historic structure. So….I can't speak on their behalf. I'm just saying this is their options.*

***Council Member Mendenhall**: So, in essence, if this Council confirms or reaffirms its Order, the owners of the hotel still have the ability to go to the Commission and ask the Commission to extend for 365 days?*

***Lee Burnette**: Yes, there would be a hearing held and they would have the right to appear before the Commission and request that delay.*

***Council Member Smothers**: Well she could apply before the 21st to the Commission.*

***Council Member Mendenhall**: If we have….I'm just trying to be legal here. If we have adhered to our deadline and the Commission says that's all well and good, but you have to wait 365 days, what does that do to our legal responsibility?*

***JoAnne Carlyle**: We have to go through them. That's why I wanted Mr. Burnette to speak to that.*

***Council Member Mendenhall**: Well I mean does that…..I don't want to say take us off the hook, but we have said, you know, and it has been the Commission that said, no it's going to sit there for 365 days.*

***Mayor Pro Tem Moore**: But the liability can still stay with us.*

***JoAnne Carlyle**: Right. You've got to ask yourself whether or not some of that liability would shift to them as well for that decision. They will hear the facts just as you guys are hearing them as well.*

***Council Member Smothers**: Well it's apparent nothing's going to be decided tonight because everybody's got to go to the Commission, whether the city goes, you go. There are two different applications that's got to go to the Commission.*

***Burnie McElrath**: That was the reason why I put in the appeal notice because I found out that I was held just as responsible as the city. I have to fill out the forms and go before the Commission also and they are saying they are going to charge us with a Class 1 Misdemeanor if we don't tear the building down. And that's still going to happen and there's nothing I can do about it because I've got to follow the rules.*

***Mayor Sims**: So if….at this point, is it an application you make to them and do you know what that time frame is and what that whole process looks like? Because there are two different things happening here. One is…..the Council is being asked to uphold an Order that was originally put in place. So that's, I think, a foregone situation that we're dealing with. The second issue becomes, once we decide that one way or the other, there's the appeal process that they can do with or they go to the Historic Commission and say, can we make this happen. So one way or the other, the decision that's on the table with this Council tonight is whether or not we grant the appeal or we say we're going to move forward with the Order. I think that's what's in front of us tonight and then the other piece of it is after the fact with either us or Ms. McElrath going to the Historic Commission and saying can we move forward with this issue?*

***Council Member Smothers**: Well the city wouldn't be going to the Commission unless we enforce the Order.*

***Council Member Wagner**: If we enforce the Order, then the ball is in our court and it becomes up to us to go to the county.*

***JoAnne Carlyle**: Right, it's part of the process of us going through the process of upholding the Order or them going through the process of trying to get permission to shore it up and do what they want to do.*

***Mayor Sims**: Well…*

***Council Member Wagner**: But really the issue before us is whether to uphold it.*

***JoAnne Carlyle**: Right.*

***Council Member Mendenhall**: I guess, Madam Mayor, to move it along because we probably all understand based on your clarification what we're all about.*

I will move that we uphold the 10-21 deadline as we originally agreed upon.

***Council Member Davis**:* **Second.**

***Mayor Sims**: I have a motion and a second to proceed with the order as it was presented and acted upon to continue with the demolition, uphold the Order to demolish the building. Are there any further questions, comments? Mr. Douglas.*

***Chairman Douglas**: Yes. I think we need to note that Ms. McElrath only acquired the building in January. That was since their last meeting in December. Is that correct?*

***Burnie McElrath**: Yes.*

***Chairman Douglas**: So that has only left you with only a few months in place in order to sort of make something happen in order to get the funds to raise the money or even organize to try to get the monies raised in order to do something with this building, to shore it up.*

***Council Member Smothers**: Mr. Douglas, I think Ms. McElrath has been co-owner of that building with her brother for a very long time.*

***Burnie McElrath**: My mother gave the building to us, but when she passed, he took over running operation and everything. I didn't have anything to do with the building itself. So I didn't know for several years what the condition of the building was or anything and when I started getting involved, then they said well it has to be both of you here, that was not the case. So we were trying to get the ownership taken care of and that didn't take place until January. It took us that long to get his name off. So it was not a matter of not doing anything myself. I was not running or operating the building up until that time. I have one question.*

***Mayor Sims**: Yes Ma'am.*

***Burnie McElrath**: In the order that came from JoAnne…..*

***JoAnne Carlyle**: The Order came from the Inspections Department.*

***Burnie McElrath**: Well the attorney was the one that sent the letter.*

***JoAnne Carlyle**: The last one, yes.*

***Burnie McElrath**: My question is….it says it's going to be a Class 1 Felony….I mean Class 1 Misdemeanor if we don't tear the building down by the 21st. You all know I can't get that done by then. Am I still going to be charged with a Class 1 Misdemeanor?*

***JoAnne Carlyle**: I can't comment one way or the other. We can only do what we can do. If there's a process that has to be followed, we have to follow that as well. You had asked me earlier as to what section or what law we were relying upon and that's Chapter 160A 426 through 430 and 431. That's where the misdemeanor is.*

***Burnie McElrath**: And where…..and I can find this online?*

***JoAnne Carlyle**: Yeah, it's the North Carolina General Statutes. It's the State Law. It's not the City Law.*

***Council Member Smothers**: Perhaps, Ms. Carlyle, you can send that to her in writing.*

***JoAnne Carlyle**: I'll be glad to. I'm sure we have plenty of copies of that.*

***Council Member Mendenhall**: So are you saying that any time this Council orders a building of any kind demolished by a certain deadline….if the owner of that building does not demolish it, it is whatever Ms. McElrath said….*

***Burnie McElrath**: A misdemeanor.*

***JoAnne Carlyle**: Under the unsafe building structure of North Carolina statutes, yes. But you don't always proceed under that law.*

***Council Member Mendenhall**: But we are proceeding under that law in this particular case?*

***JoAnne Carlyle**: Yes.*

***Council Member Wagner**: I think it's available. I mean it's the only statute. The question is whether the District Attorney would bring a charge. You know there's only one statute. You don't choose whether you bring it or not. It's available.*

***Council Member Mendenhall**: It's not automatic?*

***Council Member Wagner:** That's right. That's my understanding.*

***JoAnne Carlyle**: It just so happens that we're proceeding under the State Law only in this particular case. We don't have an ordinance that applies directly.*

***Council Member Mendenhall**: So it's automatic or it's not automatic?*

***JoAnne Carlyle**: You do have it available to you and it's just like Mr. Wagner said, you would take it to the District Attorney's Office and ask them.*

***Council Member Mendenhall**: But we could choose not to.*

***JoAnne Carlyle:** You could. Exactly.*

***Council Member Mendenhall**: Okay, that's my question.*

***JoAnne Carlyle**: Yes, then it's not automatic.*

***Council Member Mendenhall**: Do we have to make that in the form of a motion?*

***JoAnne Carlyle**: No.*

***Council Member Smothers**: I think the attorney gets the idea.*

***Council Member Mendenhall**: We probably don't want to do that—at least this person doesn't want to do that.*

***Mayor Sims**: Mr. Moore….*

***Mayor Pro Tem Moore**: Before we vote on this, I would like to make one comment specific to the structure. I don't believe, Ms. McElrath, that there's anyone on this Council or for that matter, this building, that wants to see the building come down. I also ….I mean, I, for one, since the mid-80s, early 90s, screamed or yelled or whatever to anybody that would listen that we didn't want the furniture factories and the textile factories to go too, but it came to no avail. But at this point, we have to look at the motion presented before us and hope that it can come to a soluble*

resolution. Just because it's in part of the city that I didn't spend a whole lot of time in doesn't mean that it's not part of my history as well.

***Mayor Sims**: Are there any other comments or questions?*

***Chairman Douglas**: Yes. Madam Mayor, I think that, you know, in light of what we have going here as far as them only having ownership, sole ownership of the building since January. Yes, in the past it did belong to her and her brother and as she stated, he did all the operations of it or whatever the case may be. But now it's reached the point to where they are the sole owners and I think that sheds a little light as to….I mean a little lenience as to where they're able to go from here or, you know, at least try to move forward in making sure this building is safe. I know the main concern is a public safety issue, but I think there should be some type of lenience here. You know, at least extending the deadline before we make this….before we vote to possibly demolish this building.*

***Mayor Sims**: Mr. Douglas, there's a motion and a second on the floor. Would you like to offer a substitute motion?*

***Chairman Douglas**:* Yes. **I would like to offer a substitute motion that we extend the deadline out at least three months and that would be January 21st.**

***Mayor Sims**: I have a substitute motion to extend the deadline on the demolition and removal 90 days or three months to January 21st. Is there a second?*

***Council Member Golden**:* **Second.**

***Mayor Sims**: I have a motion and a second. Are there any comments or questions concerning the substitute motion?*

***Council Member Smothers:** I would just speak against it because I do think, Ms. McElrath, that the best thing for you is to try to get some closure with the Greensboro Historic Commission. That will give you the kind of publicity and hopefully attention that you need and the clock is ticking and I'm assuming they will give you 365 days. I'm not debating it, I'm just saying I'm against the motion and think we need to get it going.*

***Burnie McElrath**: I agree with what you're saying, but everything that happens pertaining to this building is a process. I can't go before them until I come before you. They can't do anything until….so that's why it's the way it is.*

***Council Member Smothers**: Well hopefully we all go together.*

***Council Member Mendenhall**: Hopefully, that's why we are acting so we can get to the Commission—the city and you, the property owners.*

***Mayor Sims**: Well let's be clear that we're going for two separate reasons. I don't want us to be working, assuming that the city's position on this is to stop the order because I don't think that's where we are as a Council. So I don't want to send that message that we're planning to go to the Historic Commission and we are going to argue in favor of them giving you that 365 day extension because I don't believe that's where we are. If I'm mistaken, you all correct me. But I don't think that's where we are. I just want us to be clear about where we are in this process.*

That your reasoning for going is one thing and our reasoning would be something totally different. If the motion fails that Mr. Douglas has offered and the original motion passes. So I want us to be clear about that. I don't want you to think that we're going to go to the Commission on your behalf arguing for a 365 day extension. I don't think that's where the city is. If that motion—the first original motion passes—it will be that we want to take the building down if that passes. So I wanted that to be clear.

I have a substitute motion and a second on the floor to offer a 90-day extension until January 21st to delay the demolition of the building. All those in favor, please raise your hand. [Council Members Douglas and Golden]

***Mayor Sims**: All opposed? [Sims, Smothers, Davis, Mendenhall, Moore, Ewing and Wagner]*
[**SUBSTITUTE MOTION FAILED by a 2-7 vote**]

The original motion on the floor is to enforce the order to demolish and remove the building. That date is October 21st. All those in favor signify by raising your hand. [Smothers, Davis, Mendenhall, Moore, Ewing and Wagner].

All those opposed? [Sims, Golden and Douglas]

Mayor Sims: **Motion passes. [6-3 vote]**

[end of transcript]

A motion was made by Council Member Mendenhall, seconded by Council Member Davis, to proceed with the order as it was presented and acted upon to continue with the demolition and uphold the Order to demolish the building by the October 21st deadline as originally agreed upon. The motion carried by the following 6-3 vote:

Aye(6): Mayor Pro Tem Moore, Council Member Davis, Council Member Ewing, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay(3): Mayor Sims, Chairman Douglas, and Council Member Golden

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair

130263 Contract - Bid No. 15 - Concrete Foundations for Penny Road 100kV Transmission Project

Approval of award of contract for Bid No. 15 for concrete foundations for the Penny Road 100kV transmission project. Purchasing and the Electric Department recommends that contract be awarded to Graves Construction Services in the amount of $785,258.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: Bid No. 15 - 100KV Trans Foundations

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Graves Construction Services in the amount of $785,258.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130264 **Contract - Telephone & Radio Recording System for 911 Center**

Approval of contract purchase of Telephone and Radio Recording System for the 911 Center. Purchasing and the Information Technology Department recommends that contract be awarded to Carolina Recording System, Inc. in the amount of $155,904.25 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: 911 Recording System Purchase Request

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Carolina Recording System, Inc. in the amount of $155,904.25 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130265 **Contract - Sole Source Authorization - Trojan Ultraviolent Disinfection System**

Council requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department; and approve the acquisition of the equipment from EW2 Environmental in the amount of $74,256.00.

Attachments: Sole Source Purchase - Ultraviolet Disinfection System

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment and approved the acquisition of the equipment from EW2 Environmental in the amount of $74,256.00.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130266 **Budget Ordinance Amendment - N. Centennial/Montlieu Intersection Improvements**

Adoption of a budget ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of $185,000.00 for the Centennial/Montlieu intersection improvements.

Attachments: Budget Ordinance - Centennial_Montlieu Intersection

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted a Budget Ordinance Amendment to the 2013-2014 Budget Ordinance appropriating funds in the amount of $185,000.00 for the Centennial/Montlieu intersection improvements.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7010/13-42
Introduced 10/7/2013; Adopted 10/7/2013
Ordinance Book Volume XVIII, Page 42

130267 **Resolution - Governor's Highway Safety Program - Bike Safe Program**

Council is requested to adopt a Resolution for the North Carolina Governor's Highway Safety Program requesting $97,000.00 for the Bike Safe High Point Police Department.

Attachments: Resolution - Governor's Highway Safety Program - Bike Safe Program
Resoluiton - Bike Safe HP - Signed copy

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted a Resolution for the North Carolina Governor's Highway Safety Program requesting $97,000.00 for the Bike Safe High Point Police Department.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1335/13-58
Introduced 10/7/2013; Adopted 10/7/2013
Resolution Book, Volume XVIII, Page 58

Pending Items

130256 **Ordinance Amendment - Concealed Carry Restrictions - Parks & Recreation Facilities**

Council is requested to adopt an amendment to the City of High Point Code of Ordinance Sec. 12-1-5 to follow new revisions to the Concealed Carry restrictions included in State Law (H.937, S.2013-369). These restrictions regulate where concealed weapons can legally be carried in Parks and Recreation Facilities.

Attachments: Revised - Concealed Weapons Ordinance - P & R Facilities
Fire Arms Ordinance- final

Note: This matter was initially heard by Council on September 16, 2013. At that time, it was referred back to the Finance Committee for further discussion.

Mayor Pro Tem Moore moved to suspend the rules to consider this pending matter. The motion was seconded by Council Member Ewing and carried unanimously.

Chairman Moore explained this Ordinance Amendment is to bring the city in accordance with the new state laws.

Adopted an ORDINANCE AMENDING TITLE 12, CHAPTER 1, SECTION 12-1-5 OF THE CITY OF HIGH POINT CODE OF ORDINANCES.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Davis, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7011/13-43
Introduced 9/16/2013; Adopted 10/17/2013
Ordinance Book, Volume XVIII, page 43

130230 **Review of Health Insurance Coverage for City Council Members**

At the request of Council Member Mendenhall, Council is being asked to review the current council-established policy regarding health insurance coverage and costs associated with the same.

Note: This matter was initially placed on the City Council's Agenda and heard on August 19, 2013. At that time, this matter was referred back to the Finance Committee for further discussion.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

Pending Items

130251 **Resolution - Street Abandonment Case 13-12 - City of High Point**

A request by the Technical Review Committee to abandon an unimproved right-of-way, lying approximately 300 feet west of Francis Street, running in a north to south direction between Model Farm Road and Jay Place.

Attachments: 06. Staff Report SA13-12
2013-10-01 Model Farm Unopen ROW Letter

Chairwoman Smothers explained the public hearing for this matter was held on Monday, September 16, 2013 at 5:30 p.m. and at that time, this matter was referred back to the Comprehensive Planning Committee due to additional information being requested. She then asked staff to provide an update.

Herb Shannon of Planning and Development referred Council to a memo contained in the packet from Mr. McMillan, Assistant Public Services Director and noted Mr. McMillan was present to address Council further. He reported that the proposal to abandon this right-of-way that was platted in 1927, but was never improved and noted that an abutting property owner off of Model Farm Road expressed some drainage concerns during the public hearing.

Chairwoman Smothers asked if the property owner who expressed these concerns was notified and Mr. Shannon replied in the affirmative. She then asked Mr. McMillan to report on his findings.

Richard McMillan, Assistant Public Services Director, explained some work was done to this property owner's property in 2003 and shared some pictures taken in 2008 showing the well-defined grassy channel. He pointed out there is a drainage basin that runs along the houses fronting both Model Farm and Jay Place and the swell was installed basically to channel the water around his house to divert it to the street. Chairman Douglas recalled the property owner saying that his property recently flooded. Chairwoman Smothers asked if the property owner was present at today's meeting, but the property owner was not present. Chairwoman Smothers also noted that the property owner expressed a concern that the city would continue to maintain the right-of-way, but pointed out if it is abandoned, the city would no longer maintain it. Mr. McMillan clarified that this project was installed as many other projects have been where the city assists property owners with these type issues, but pointed out that it is still up to the property owner to maintain it. Mr. Shannon added that there is no recorded utility easement or storm water easement in this area to be abandoned.

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

Adopted Resolution authorizing the abandonment of an unimproved right-of-way, lying approximately 300 feet west of Francis Street, running in a north to south direction between Model Farm Road and Jay Place.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

PUBLIC COMMENT PERIOD - 5:15 P.M.

***Mayor Sims**: This is the day of the month that we allow speakers from the floor to address Council during the Public comment Period to allow citizens to address this council. I have several individuals who have signed in to speak and I'm going to take them in the order that they're on this list. So we will start first with Mr. Lee Dresner. [not here]*

***Martin Harper**: Good evening, Council. Good evening fellow citizens. My name is Martin Harper, Sr. I live at 2511 Suffolk Avenue in High Point, North Carolina. I'm here today to speak in continuum of our protest as well as our voices to bring unity back to this city concerning the proclamation that was approved by Council despite our wishes and our request last Thursday asking for her to step down in the light of some personal issues that she*

has going on. I want to continue our protest against that proclamation-not only because of its divisive nature, but because it also seeks a process that would absolutely be illegal under current state law that is saying that an elected official must be convicted of a felony before being removed from office. I would also like to ask a few questions and I would also like to offer, once again, a plea and a challenge that we do something opposite. You, as a Council, do something public and opposite that would promote unity in this city. I'm getting a little older now and starting to think like somebody that has good sense I guess, for a man that has grandchildren now. I realize that volume……a volume of your voice does not equal truth. It does not mean that truth is emitting from that voice. Neither does a collective bunch of voices making a lot of noise equal that every voice has been heard. Education does not equal good sense. Articulation of purpose does not equal justification of purpose and motion does not equal progress. So then what do we do when it comes time to hear voices, or entertain voices, or to follow voices, or to adhere to voices? Well, a great person, a great group of people came up with a great system a long time ago called the vote. And what the vote did, it says we'll take all the voices regardless of education level or pedigree or volume and we'll reduce them to the size of one piece of paper that does not reflect how much money my father had, how much education my mother had or it doesn't reflect my religious views or even the color of my skin. And that one voice and one voice would be the fairest way for the voices of the general public to be heard. Not the opinions of…..I've got this mad group of people over here that says this. Not the opinions of…I've got this angry group of people over here that's demanding this. But one vote, one voice. Those votes and those voices were counted and duly heard and legally certified by the Elections Commission of Guilford County in the State of North Carolina back last November when we elected Bernita Sims as Mayor-12,000 plus voices. Many of them, who just recently got the right to vote, when you compare the time frame to the overall age of this great country of ours and we take it very seriously because that one voice, that one vote, that one piece of paper is really the only thing that gives me-a middle class, hardworking guy-a reason to be interested. And that one voice, that one vote, that one piece of paper is the only thing that gives you a reason to be interested in me. And so it's the great equalizer in society and we take it personally when we feel like that right is being effective and we feel like it is being disaffected and possibly nullified or that all of a sudden my paper is less important than somebody elses. So we ask and we offer a prayer as well, or at least I do personally, because I believe as a Christian preacher, we are supposed to pray for our leaders for wisdom. I offer the prayer for each and every one of you. I offer the prayer that for the citizens, even those that don't think the way that I do, that those common things that cause us to have bonds of unity would always be stronger than the issues that may tear us apart. And I ask you, the City Council, to make a positive, positive public effort to begin to put this aside and get forth with this important business. And I have another confession to make. I didn't just come here to support the Mayor. I came here to support the law and I came here to support the dangerous precedent that would happen when elected officials try to remove other elected officials. And I have the last confession of all…..I came here to see if you could really do the job that I thought you could do when I voted for you and I'm happy to say that the City Council is handling the business in a professional expedient and capable manner. I understand that you got a budget to pass and you didn't shut down the city to do it. Keep up the work. Let us be a part of it and make us be a part of it. Hold us accountable as we are holding you accountable, but make a public statement disavowing the horrible action that took place last Thursday. Thank you. [applause]

***Mayor Sims**: I need to remind you that this public speaking is three minutes. So if you could limit your comments to three minutes it would be appreciated. Mr. Lilly.*

***Rev. Bradford Lilly**: Honorable Mayor, members of City Council, my name is Bradford Lilly. I reside at 4309 Garden Club Street here in High Point. I am the Pastor of Shekinah Glory Church International. Recently members of Shekinah Glory and members of the community began to work together for unity in our city. There is a scripture in Proverbs, 31st Chapter that says speak up for those that cannot speak for themselves. Ensure justice for those being crushed. Yet, speak up for the poor and helpless and see that they get justice. I speak to you today out of an outrage and out of frustration. The actions of Council of late is a shocking insult to the voters, the citizens of High Point-those who made a powerful statement on election day and elected High Point's first Black Mayor-a historical event. Through the recent actions of Council Members, it is clear for all to see that racism is still alive in the City of High Point. I stand before you today to demand that City Council stop this division of our city and begin the work in bringing unity and fair and equal justice to all. In the wake of the Trayvon Martin decision, passions have run high all over the Nation and even in the Triad area as well. I spoke to parents who were concerned that their young sons were not safe to go to a store and make it back home. Let us, the people of the City of High Point and surrounding communities come together to harness the passion that has been stirred up within us and focus on the issues that affect our neighborhoods. We should ask ourselves if we are doing all we can to unify our communities and the unity that is required is also required on this City Council. The City needs to see that you, as elected officials, work together in unity. The things that have happened recently don't reflect and don't extend out into the community and begin to divide us along racial lines. We need to unite all the diverse cultures of our city. We should ask ourselves if we are seeking ways to implement fair and equal justice to all. I, for one, am concerned because of the things that happened in Sanford, Florida about our neighborhood watch. Right now I'm afraid of the term neighborhood watch. How is it monitored? How are those people, those volunteers that are supposedly there to protect their communities, how do we know that they are sane? I thank you for this time. I implore you. I demand the City Council return to the business of making High Point safe and bring us together as a united community. [applause]*

***Mayor Sims**: Thank you, Rev. Lilly. Pam Stern*

***Pam Stern**: Hello. I'm Pam Stern, 308 Pineridge Drive. I have a speech here, but to the people who were just speaking….it is not about race. It is absolutely not about race. So you're making it like that. Okay. It's a sad day when citizens have to come to ask Councilmen to step down to save the town. I think there's nothing else you can do right now to make things better. Council can't heal until you do this. There's no mending with prayer. Market is around the corner. Something should happen tonight. This is not about race again. It's about right and wrong. If you're good leaders, Mayor and Councilman, you should not leave taxes or bills unattended. Whether they are corrected or not now. As far as a fraud check, I understand….if I understand the law correctly if you knew that you were writing a bad check, then you are guilty and this is a Class 1 Felony. So I want to ask you, did you know that you were writing a bad check? This makes me upset. Your campaign slogan was making High Point greater. That doesn't mean when you first get into office to change Martin Luther King….I mean Kivett Drive to Martin Luther King Boulevard. This is the first thing you did when you came into office. Please don't ruin the momentum Andres*

Duany left behind. The younger generation is in a good place now to come out and change our town. This is what has put…..this has put a wrench in the wheel of progress. Please don't let race get in the way of their hopes for a better tomorrow. Since Council voted 6-3, you should step down. Things will never be the same. You will never be able to agree again. I hope that you're not just staying on for a paycheck or your insurance. For the sake of the city as a whole, we do not want to divide our town over your old problems. Please listen to Council and your hearts. This is not good to stay on right now. What would Jesus do? We are embarrassed and want someone to put in your place. So I have an idea. As far as Foster, Ward 2 says that you hardly answer your phone or come to the meetings.

***Crowd**: Three minutes…..*

***Pam Stern**: You let the first person talk.*

***Mayor Sims**: Please, please. Ms. Stern go ahead.*

***Pam Stern**: You have plenty of other reasons to step down Foster. They say you don't answer your phone and nobody in Ward 2 seems to know you. Ms. Mayor, 67% didn't vote for you so it is clear that you did not win by the majority vote. How about picking Jeff Golden to make the playing field even. I think he'd make a good step in Mayor. This has turned into Peyton Place and I think the city manager should be reprimanded for letting this whole thing turn into a circus. Who is the leader here? If the City Council isn't doing something, then what did the City Manager do? Who leaked the information and who let the cat out of the bag? So in closing, I say to the people around me, stand up for what you believe is right.*

Unidentified citizen in audience: Her time is up.

***Pam Stern**: If you agree with me, please let me know. I think we need good leaders we can trust and I am very disappointed.*

***Mayor Sims**: Thank you, Ms. Stern. [applause] Ryan Saunders. Again, I ask if you can please limit your comments to three minutes.*

***Ryan Saunders**: Thank you Council for letting me address you. My name is Ryan Saunders. My address is 2124 Surrett Drive, High Point, North Carolina. Ms. Sims, a true leader is judged on merit, not on race. The day this controversy began was a challenge to you to be able to prove your abilities as a leader. A true leader would have never allowed this situation, what you say is a personal matter, to negatively impact the city. I have no intentions to attack you on a personal level or seek to punish you because of any alleged financial issues that you may have, but I have a vision and goals for this city and I do not feel that you have proven to be able to lead us towards a greater High Point. A true leader works to help bring communities together and to help improve social challenges such as racism, poverty, joblessness, and an overall betterment of the community. Not to insight a greater divide. This situation has proven to me that you are not able to handle the challenges of being a public figure and that you do not respect your position as a representative of your city. Ms. Sims, I ask if you're not able to stand tall in front of all your critics and supporters alike and state that you understand the issues which have been presented have negatively*

impacted our city, that you want to work and put these issues behind you and you are dedicated to making this city greater and have a plan to do so, then I must ask you to resign as Mayor of High Point. The true merits of a leader are not fully understood in the present, but much later and I truly believe that if you are a true leader, you would do what is best for our city and not what is best for Bernita Sims. Thank you. [applause]

***Mayor Sims**: Thank you Mr. Sanders. Mark Forsyth.*

***Mark Forsyth**: Thank you. My name is Mark Forsyth. I live at 1109 Madison Street here in High Point. I'd like to thank all of you that dutifully fulfill your responsibility to the great community that we have here in this city. However, I am disappointed at the way this Council's actions have overshadowed the city and the progressive march that we have going forward to build a new city and move into a new era. I don't care what each of you owe or what any of you have in your bank accounts. Personally I would rather read about the good things that you, as a Council, are doing and looking at doing in the future. Like how Main Street is going to be redeveloped and the downtown….how to revitalize the downtown core. For example, in areas like the Pit. Anyway, I'd have to say that I was upset to learn that my Councilman, Mr. Douglas, seems to live in Virginia and has been absent from several meetings including important budget meetings. I understand it must be difficult to drive from Yorktown, Virginia. Like I said if you lived here, you would have no problem making these meetings and you might actually be able to see how your constituents are doing on a daily basis. I will have to tell you, a lot of us who live in your ward struggle regularly. But I'm not here to ask for anyone to resign. I have no right to do that. That is strictly a personal decision. I would rather you put aside the personal attacks and focus on the economic development and the fiscal stability of the city. Besides, you all have to face these issues in your elections when you face a new generation of leaders. Thank you very much. [applause]*

***Mayor Sims**: Thank you Mr. Forsyth.*

***Darlene Schadt**: My name is Darlene Schadt and I live at 3000 Covewood, High Point. I don't usually do these meetings and I'm not a speaker, but I have an opinion and since I've been here today, I just wanted to check things out and watch what you guys are doing and look at your demeanor towards one another. And I'm going to tell you something that I found out since I've been in here. I have been intimidated several times by other people out here. Now, if that's….you know….all this solidarity that everybody's talking about-that's not working. People are being very…..Black people are looking at White people rolling their eyes and all this. That is so upsetting I cannot stand it. I was asked when I came here what issue I was about when I sat down and that I was not to judge. So, you know, if you're going to do these kinds of things….you two-Douglas and Sims-then watch out after your fellow persons that come to these meetings. I'm not here to be intimidated or pushed around because they are standing up for you. I'm standing up for me and for my people and all of you. You know, we are out here and we expect you guys to do the right thing. I'm not asking you to step down. I think there's no provision for that, but do the right thing. It's not black and white. It's right and wrong. [applause]*

***Mayor Sims**: Thank you. Maurice Bolden.*

***Maurice Bolden**: My name is Rev. Maurice Bolden and I reside at 2292 Rothwood Acres Road [Greensboro]. I'm here to address the underlying principle that has brought about all of this madness that has preoccupied the City Council and that being the Mayor's being distracted by her personal business. Dr. Gloria Mark studied distractions in the workplace under the rubric of interruption science and she says that the average worker is distracted three times….every three minutes that they change tasks. And that changing of tasks, if distracted, takes them twenty-seven minutes to get back on task. Now, I submit under the rubric of that study that this Council has been distracted to an epic proportion and that in order for this Council to get back on task, it would take hours upon hours just for them to refocus their attention on the things that are pressing the High Point community. Affordable housing, jobs, safety or our citizens and under the rubric of Dr. Gloria Mark's study, I demand that all of those Council Members who have been so distracted, who have perpetuated this madness, that you resign immediately. [applause]*

***Mayor Sims**: I think this says Gertrude Robinson, but I can't really read this. Orville Drive…. No? Chuck Bino then.*

***Chuck Bino**: Good evening Madam Mayor and Council Members and fellow citizens. I would like to address the Council about your Code of Ethics which you put together in 2010 and of which Madam Mayor was signatory. And that thanks to Lisa Vierling and Mr. Boynton now appears on the city's website under the label of Mayor and Council. As far as Madam Mayor's unfortunate financial and personal problems, they've been pretty well documented. But your supporters and you, Madam Mayor, claim it doesn't matter. That it's personal. That it has nothing to do with your job performance and yet the very first principle of your Code of Ethics states that Council Members shall stand, correct if you will, stand up for their personal and their professional responsibility. Be in good standing I should say. That would be more correct. Now, did that happen with you Madam Mayor? Over the last several years I think that's not a matter of conjecture. One of the problems that you incurred when you broke that particular Code of Ethics, not managing your personal issues, is that you also caused a problem by bringing shame or whatever you want to call it to Council and this city. That was a consequence of the first broken ethic. And, of course, the third one is that you should be an example to the citizens of High Point, okay. You can fix all this. The financial part is going to take some time, but the other two of the ethics and there may be more involved, you can do the right thing by gracefully stepping down. I think then the Council can do the work that it was intended to do. This isn't about race Reverend. This is about upholding a Code of Ethics. On your ethics, I would like to Council that they change the wording just a tad. The word "should" ought to be changed to either "must" or what else could we think of? Ought to do the right thing….ought to and then show some consequences for those actions. The last thing I'd like Council to consider is that you help us petition the North Carolina Legislature to change our Charter so that anybody running for public office in this city be subject to the same scrutiny that the State and Federal candidates are and that is full personal disclosure. Perhaps the same thing that we concealed carry folks have to go through and maybe even a little financial scrutiny. So I thank you for your time. [applause]*

***Mayor Sims**: Thank you, Mr. Bino. Jill Harwood and after Ms. Harwood, Rev. Robert Williams.*

Jill Harwood*: Hi. I'm Jill Harwood. I live at 3318 Colony Drive. What I wanted to read first since we have so many pastors all in here. It's let us love one another, for love is of God and everyone who loves is born of God and knows God. He who does not, does not know God-for God is love. Love does no harm to a neighbor. Therefore, love is the fulfillment of the law and Mayor Sims, I really love you. I think you are a very special lady. I've known you since I tried to run for office, but I see a divided city now and that's not right. I wrote a little thing and this was from last Tuesday. I sat over there and I felt so divided that I didn't understand that because they were all holding hands. They were praying and then they were clapping, but we're all the same. We don't have color in here. I don't believe that, but that last week I was really afraid. I'm sitting in the middle and I turned around and asked this lady something and I'm telling you the backfire, it really got me upset. But the two cards that I wrote from last week….I wrote Mayor Sims is a very special lady. I feel she should pay her debt as Mr. Foster or any other elected officer. We have to pay our bills. As a Christian, I watched those who were at the Thursday meeting. The ones around me, I felt anger in their voices. I felt I was living in the 50s again and that was when I was very young. Divided, and as a Christian, this is not the way the Bible teaches us. This is the way….our pastors in this room has made….well that wasn't in my notes. I saw together and then dividedness. There was no love. I wonder what pastors say to their congregations which they're not supposed to include religion and I'd love to go to their churches sometime. There was a paper going around. I saw that and it was just stirring up the crowd. I hope this gets resolved soon. Thank you for being the Mayor. God Bless. [applause]*

Mayor Sims*: Rev. Williams.*

Rev. Robert Williams*: Thank you. My name is Robert Williams. I live at 2511 Kersey Street. I want to say, Madam Mayor and all of the Council persons….one of the things I want to say to you or say to our Mayor thank you for the leadership that you've exempted. One thing about leadership is leadership is important in terms of wherever we go we have to have leadership and all of you are leaders. You are exempted leaders. One of the things that we understand about leadership is that even in leadership sometimes we do things that we should not do or may have done that's not correct. But the thing I like about leadership is that sometimes, even though you make mistakes in leaderships, the cream always comes to the top. Mayor, you've been a great leader and I thank God for that and even those persons that talk about pastors and love-one of the things that we have to understand is that when we love a person or when we care about a person, we stand for that person. And one of the things I want to say to you, your leadership is not only in this community, but your leadership is statewide and national. So with that in mind, if you can lead nationally, you can lead statewide and you could lead locally, then you should not step down. You should stay on and as we move forward, one of the things that will happen in this city is that you will rise to the top because you are the cream in this city. Thank you. [applause]*

Mayor Sims*: Charity Belton. Is she here? [not here]. Dan Reynolds.*

Dan Reynolds*: Greetings from the Black Leadership Roundtable. My name is Dan Reynolds and I reside at 3353 Tadmore Court and my wife usually lets me speak for some time. But I came this evening to urge you to rescind your vote at the called meeting asking for the Mayor to resign. Under Roberts Rules of Order, you can do that at this meeting. I believe that action last Thursday has further divided our community and seemingly along*

racial lines, which we do not need. Once again, you have awakened a sleeping giant in our community. I urge you to rescind your vote and let our community handle our business at the ballot. Thank you. [applause]

***Mayor Sims**: Rev. Ellerbe.*

***Rev. Michael Ellerbe**: My name is Michael Ellerbe, Pastor of New Beginnings Full Gospel Ministry. I reside at 240 Montlieu Avenue. I came to address about housing and how it was said the other day, how we move forward. But while I was there and we was going through your business, I looked straight ahead. I looked around at no one. I rolled my eyes at no one. Did not feel intimidated, but while you was trying to conduct your business with the Kilby, comments was made just tear the damn thing down. Get on with it. That speaks to exactly….I couldn't have planned it any better. In our neighborhood, there are boarded up houses and abandoned houses and we feel the frustration of going through trying to get these things done. I sit on the Washington Street Neighborhood Association and therefore I sit on the leadership of several different neighborhood associations. So many people take advantage of those loopholes that we have in the city and if we were to go back and look at the tax placards of who own some of these boarded up houses, we may see that some of them held those same seats on the Council and may have done other things. But no one asked them to resign. I completely concur with Rev. Williams and with everyone else, but I also call another charge to all those that have a vision for the City of High Point to file the appropriate papers and run on the merits that you so passionately and eloquently presented. And race doesn't have to have all 100% of the people to vote, just a majority. The majority in those races elected Bernita Sims as our Mayor. One thing, you don't have to use the words of Patton. You don't have to love a leader. They don't have to….you want them to fight and go ahead and do what you need to do. What he was saying about his men. I say to our Mayor and to this Council, get on with the business that all of you was elected to do. Shut us out if we are dividing things, but get on with your business of running this city and if you can do that, you don't have to sing Kumbaya and hold hands to do the business that you need to do. You don't have to like each other to work with each other, but you have to love the City of High Point to do the work that you was elected to do and I implore you to do that beyond anything else. [applause]*

***Mayor Sims**: Dianne Hartman.*

***Dianne Hartman:** Thank you for the opportunity to speak. I'm not a speaker and I usually don't speak out like this, but I've heard so much and I've read so much that I had to say something. I have talked to several people. Heard a lot of comments. I am not here demanding like some people have demanded. I don't demand. I ask for the resignation of our Mayor for several reasons. I think that you are a compassionate person and you help people. I think that is your gift. I think that we need guidance in our city and our finances and what we've seen and heard are not good things in leading a city. How you manage your life. And this is some things that everybody is saying. One of the things that really put me over the top was I heard you say that you had not had people telling you that they wanted you to step down. I have heard it and heard it and heard. I've heard the Council people to ask you step down. These Council people represent a lot of other people and that's what I depend on. I depend on my Council people to do what their ward wants done. So it's not just*

when everybody is here. Our Council people represent us, so I'm asking for the resignation, not demanding it. [applause]

***Mayor Sims**: Thank you, Ms. Hartman. I think there are several names here that are for the Arts Council. Is that the last of these? Who's speaking?*

***Jim Morgan**: Do you want to take a break?*

***Mayor Sims**, Council Members Smothers and Mendenhall: No, no.*

***Jim Morgan**: Madam Mayor and members of Council. I'm Jim Morgan and I'm honored to be Chairman of the Greater High Point Arts Council and I'm here for two reasons and I have some other people that want to speak briefly and I do respect your time. You've got a lot more patience than I would, frankly, of sitting so long. The first thing I want to do is thank you for your support over the years. We have an Arts Council now that's been in existence for over 50 years. One of the oldest Arts Councils in the United States, or certainly in North Carolina. The second thing, though, I'm here to talk to you about and ask for your help with is some help with our Cultural Arts Center. I came earlier during the budgetary process and there were a lot of things up in the air with the Legislature. So since that time, we've tried to prepare and send to the city manager all of our financial information and so forth. So, for a long time, we were the only city our size or probably half our size, that didn't have a cultural arts center and that wasn't particularly anybody's fault. It was the fact that we never could decide where we wanted to be. There were some who wanted it on S. Main, some wanted it on N. Main, some downtown. There was a great area over around the Medical Center and other things. And one thing, historically that I think the Arts Council tried to do was work with the Mayor, work with the Council where we could all be on the same page. Well last year, we had an opportunity of a lifetime when Centennial Station became available. I had three requirements and some of you've heard these before. Number one, that it be under $1,000,000. Number two, that the committee that Sparky Stroud and the group that had worked on it so adamantly for twenty plus years, have an enthusiasm about it. And thirdly, that the mayor and city manager agreed that it was the right thing. So what did we do? We made an offer on the building for $860,000. We came to the mayor and I think Strib, the manager, was out of town, but Randy was there and the opinion that I got was that the mayor….and I hope I don't want to misspeak….was enthusiastic about it. And then I saw the manager at the bike race the next day and he appeared to be. And the fourth requirement in my mind was that it be a facility that tied in GTCC, High Point University, Washington Street, Uptowne and all of that together and that was open, very frankly, to some of the discussion that we've heard tonight, to all segments of our community. And I think Centennial Station has done that. Now I'm sorry that Jeanette McNeill cannot be here. I don't know if you know or not, that runs GTCC High Point, but her husband had a heart attack during the State-Wake game and we think he's going to be fine, but she needs to be with him. But anyway, they developed some software that said we can run Centennial Station in a business-like fashion and that means that we can pay the utilities. We can pay a staff person part-time to run it and we can break even keeping the facilities going. Now that's unusual. I think you would agree, for any other kind of facility that we would have had. As a matter of fact, our numbers….we closed the deal on November the 6th of last year. Our numbers showed that on operations, utilities and all of that, that we had a $200,000 loss, but*

we also had bar supplies and other things, and if you would have factored that in, we would have at least broke even or made money.

Now the last thing I want to say to you, again, in a very thankful way is that I think what the Arts Council has tried to do for you is to not come forward to you and say we've got a $10,000,000 or $20,000,000 project here and we need your help. Now the truth of the matter is that our sister cities in the last year has had those kinds of projects. As a matter of fact, and if I misquote this, slap me down, but I understand that Greensboro's going to put in about $80,000,000 and in addition to that, over the next thirty years have agreed to pay about $29.5 million to have a cultural arts or a theatre center in Greensboro. Same kind of things are going on in Winston Salem. Now I want to tell you that Mayor Mendenhall has said may times that arts are more than icing on the cake and if I misquote you again, I'm sorry. But I think what that means is that the arts are an economic driver. They are an individual driver about what we, as individuals, can do. So we're asking you and some people say why are you just asking for $200,000 on this building and I say well, unfortunately, I spoke too quick and I told them that I wanted them just to match what the county did. Others have said that the city ought to do much, much more than that. The last thing I want to say....we borrowed $981,000. We now owe $679,000. We have pledges that bring that down to $501,000. The crucial thing with your support, not only is the money where we stop paying interest, but the crucial thing is that it helps us to get other people to step up and the sooner we get this place paid for, it's going to be great and it's going to help all of High Point—all of our citizens as an economic driver and an individual. Now I'll ask Debbie. Debbie's coming next and I hope I was brief enough. At the end, I'll try to answer any questions you might have.

***Debbie Lumpkins**: Thank you. Debbie Lumpkins, Executive Director of the High Point Area Arts Council and now Facility Manager for the Centennial Station Arts Center. Bart Peterson, former President of the National League of Cities, said "having an abundance of unique arts and events means more revenue for local businesses, makes our communities more attractive to young, talented professionals whose decisions on where to start a career or business are increasingly driven by quality of life and the availability of cultural amenities." During the past twelve months, the Arts Council has hosted over 70 arts, entertainment and other events in the Theatre at the Centennial Station Arts Center. Plus the Arts Center is now being utilized almost every day with rehearsals, meetings, or events. We are bringing an energy to downtown that is helping to ignite High Point. We know from the last Arts and Economic Prosperity study for Guilford County that the nonprofit Arts and Cultural industry is $118 million generating another $11,000,000 in local and state government revenue. When it is time to do another study, these numbers will have increased now that High Point has an Arts Center too. After all, the more you invest in the arts, the greater the return on investment. I hope that you will do the right thing for the right reason and support the arts in High Point because it's not just for the people who are participating in the arts, it's actually for the sake of the city. It's for the economic well-being. Thank you.*

***Mayor Sims**: Thank you, Ms. Lumpkins. Was that it for the Arts Council? There were several names on this list.*

***Rita Taylor**: Hi, I'm Rita Taylor, Executive Director of the High Point Ballet. The High Point Ballet has been a part of the local and national community of dance for the past 37 years. We serve the community by bringing quality performances on a professional level, dance education*

outreach programs, as well as arts education for the public and private schools and serving as a resource to those educational systems. Additionally, we brought three national dance conferences to the High Point area in 2004, 2008 and 2010. It occupied the ShowPlace, the High Point Theatre and at the time it was the Radisson. We brought in close to ¾ of a million dollars into the city at each of those festivals and we're slated to bring it in again in 2015 or 2016. Our time in High Point has been full of challenges throughout our tenure as an arts organization here. Our greatest problem as always been finding an affordable space for our studios and organization. We have always paid retail space for our studios and this always creates a crunch area for us in our ability to issue scholarships. More and more scholarships for the students who want this opportunity. The new High Point Area Arts Council at Centennial Station is truly a dream come true for our community. Over a year ago, the High Point Ballet vacated a space we had occupied for over 7 years because cost had exceeded our ability to sustain. Little by little, the ballet began to lose its footing in High Point. Over the past year, we rented space in Winston Salem. The new Centennial Arts facility has allowed us to, once again, come back to the area and have a home. We are currently beginning rehearsals on the Nutcracker. By 2014, the Nutcracker will be back in High Point at the High Point Theatre for performances. The Nutcracker alone will bring a total of over 6,000 people and 5,000 school children to its performances each season. The Arts Council can revitalize, excuse me, the arts can revitalize a community in a way that's unique and creative. It is truly color blind. Having an arts center of the High Point Arts demonstrates our ability to grow and recognize how important the arts are in sustaining the growth and interest in a community. We look forward….we need look no further than Raleigh, Durham, Charlotte, Winston Salem at how the arts have charged and revitalized a community. The arts play an important role in the health and well-being and longevity of our community. I'm grateful for the High Point Area Arts Council that we have a permanent home and I'm very proud that the High Point Ballet is part of this extraordinary adventure. A hundred years from now, what will define us? What will we be remembered by? They'll read about us in history books. They'll look at beautiful paintings, beautiful ballets, voices that lift to the heavens and they'll be proud of the art and our culture in our community.

***Mayor Sims**: Thank you Ms. Taylor.*

***Jim Morgan**: We have some of our other board members here, but it's been a long night. I do need to add that in addition to the ballet, we now furnish space also to the Community Theatre. They will be able to rehearse there and put on performances there. I just have a real passion for what we've been able to do and I beg and plead with you to help us. I think it's a big thing for High Point. I hope I'm not carried away with myself saying that. I just believe it's almost God coming down and giving us this opportunity at a very, very reasonable price instead of the tens or twenty million dollars that we could have been talking about in an area that is and can continue to be self-sustaining at least from the operations of the building. So please, please find a way to help us. It's important that we do it as quickly as we can. I'll answer any questions that you might have.*

***Mayor Sims**: I will just say that I think you all….this Council when it went through the budget process, deliberated I think a lot about the issues regarding Centennial Station and the Arts Council. I don't believe that the Council doesn't feel and understand what's going on with Centennial Station and the funding that you're asking for. I do appreciate your persistence because you guys have been very persistent in continuing to lobby this Council and ask for our support and help with Centennial Station and personally I applaud you for that because you could have just gone away and said it's not going to happen. I think that, you know, if this Council has the will, they certainly can continue to have a discussion or have a discussion move*

forward regarding what, if anything, we can do to assist the Arts Council in your quest to try to retire part of that debt on Centennial Station. However, I'm not going to speak optimistically that we'll move this forward, but I will say and commit perhaps that we can go back and revisit, have a conversation around this and get back to you with an answer regarding what, if anything, this Council will be able to do. Of course, doing this in conjunction with the manager because he's the keeper of the finances and has the combination to the safe. He'll have to guide us towards whether or not that possibility exists and if the funds are there for us to make anything happen—if anything at all. So I will commit to you that we will revisit this and have a conversation. That much I will let you know and at some point make a decision regarding what we can do moving forward. And we'll do it with all due speed. I will commit that to you as well.

***Jim Morgan**: I'm always available to come talk to you. If you need other numbers….and I think, Mr. Manager, every time you've asked for something that day or the next day we got them to you.*

***Strib Boynton**: Debbie's given me plenty. Thank you.*

***Jim Morgan**: I really think it's….and I'll be quiet here….I really think it's something that can move us forward as a city. High Point University uses it a lot and it's not fun and games, Council, it's an economic driver for our community. So please, please help us. I look forward to hearing from you. Thank you very much.*

***Mayor Sims**: Thank you for coming.*

***Julius Clark**: Good evening, Council. I could not let this opportunity pass me. Lest we forget. I heard the woman mention and made me think about 1950. Now most of y'all can remember back in 1950 or 60, we've come a long way. We have much farther to go. But I stand here in support of the Rosetta C. Baldwin Historical African-American Museum. Ladies and gentlemen, we need your help. Now I heard Mr. Morgan speak on a large number. We were asking for $28,000 and that's the $28,000 that the city said we needed to shore up our building. Not $175,000 and not $300,000, but $28,000. We were promised $10,000 by the city. Mr. Clark, we have $10,000 allocated for the Museum. You can get it upon your request. Well we sent in a letter—a request and we have not received it yet. Mr. Boynton said upon stipulations. He said you can get it if and I quote…."Julius Clark has been advised to straighten out the title and back taxes matter before we could consider financing the renovation. The bottom line, unless advised otherwise by you, I have not authorized the use of city tax dollars to purchase the home or the paying of the taxes an all of that. If we paid the taxes of $12,000 or so, there would only be $16,000 remaining of the $30,000 appropriated." Mr. Boynton and City Council, we're asking that you release the funds that have been appropriated for us so that we can move forward. The Rosetta C. Baldwin African-American Museum was created to honor the legacy of Rosetta Baldwin, her family and other African-Americans that made a contribution to the development of High Point. This institution is very important to the history of High Point. You see what is happening to the Kilby Hotel. You see what is happening to First Baptist Church. Our history is slowly being eradicated and if we don't stand up as you all stood up in support of the Mayor, ladies and gentlemen, you ought to be standing up now in support of the African-American Museum because Mr. Douglas, Ms. Sims, Mr. Golden, you're standing on the shoulders of folks that went before you. They didn't get there, but they paved the way. And if you don't understand the history, you are soon to repeat it. We are requesting this because we urgently need it.*

November the 11th is Veteran's Day here in the City of High Point and nationwide. We hold a Veteran's Day service at 1408 R. C. Baldwin Avenue at the Greenhill Cemetery. I stand here

before you and ask each and every one to represent, show up, because there were some folks that showed up on your behalf and gave their lives for you. We ask that you show the same support and come out because as you know and I keep saying it, but this is the only Veteran's Day Service in High Point at that time. We start at 11:00 a.m. We have Lt. Colonel, Chaplain Lt. Colonel Marcus L. Taylor as our keynote speaker. We have quite a few dignitaries statewide who have committed to being there. This is our 9th year. We pray that you all will come and show support. We're going to continue to keep doing it until we get it right. I've shared this information with the Mayor and showed her how far we've come. If there's any questions, you made it frankly clear that you could contact Mr. Morgan. Mr. Morgan is our representative and we have raised the funds and you have been contacted knowing we have got the funds to take care of that matter that everything that was against us—we've taken care of that. We ask that you release the funds so that we can go about our business so that we won't be held up come November and we can open the door and open up the new, permanent military exhibit that we're going to be having a ribbon cutting on that same day. So, I didn't mean to jump up here and get off on it, and I told my wife I wasn't going to speak, I was just going to sit back and listen. But I'll say this, then I'll step away. There's two things that I need to say and it's not passing judgment on any one, but I'll say this, he without sin, let him cast the first stone. How can a man govern a church and he cannot govern his own home? Thank you.

***Mayor Sims**: Thank you, Mr. Clark. I think this concludes our public comment period.*

***Orrick Quick**: My name is Orrick Quick, 1442 Cedrow Drive. Just from hearing everything that's been said, you know, it's just amazing to me how….I think that we've lost the whole point of the media and the point of the whole media is that if something is bad, they exploit it to make it look bad. To make it look worse. It's amazing to me that none of this stuff came out before you became Mayor. So that lets me know that there was a reason and there was a strategy. It's amazing to me that we keep bringing up the fact that this only personal things and she should step down and all this kind of stuff, but if the truth be told that if our workplace….if we should step down based on personal duties and all that, then no one in this whole place would have a job. All of us made mistakes. All of us have done some things that we are not proud of. So for us to basically look at one person and say this person has messed up and it's time for her to step down, I mean My God, all of us should step down here because they ain't nobody in here perfect. A man said, he who have not sinned cast the first stone. Well you know if you are perfect, theys some stones outside. It's a lady over there that said, what would Jesus do. Well I will explain to you exactly what Jesus would do. There was a woman that came to him that had sinned and they were willing to cast stones at her. They were ready to cast her off, get rid of her. But Jesus recognized something. According to the Mosaic law, that if one person was committing adultery then both of them were, then why did they just have the woman there? That lets me know that Jesus recognized that all was guilty. All have sinned and fallen short of the Glory of God and I think if we recognize that and if we just allow things to go on, it's not going to make a difference if she steps down. She needs to just continue and do everything. Let her continue and finish the term. And let everything be done the way it should be done. I think that we are trying to create things that should not be created. I will just give you this one scripture, since we're giving out scripture here. The Bible says in Galatians 6: 1-2, "Brethren if any man be overtaken in fault, ye which are spiritual, restore such a one in a spirit of meekness considering thyself, lest thou also be tempted, bearing everyone's burdens and so fulfill the law of Christ. I think that basically….that scripture speaks for itself. Amen. [applause]*

***Mayor Sims**: Thank you, Mr. Quick. This now concludes our public comment period.*

***Council Member Smothers**: Madam Mayor, I think you want a motion to go into…..*

***Mayor Sims**: This now concludes our public comment period.*

***Jody Kerns**: My name is on the docket.*

***Mayor Sims**: Where is it?*

***Jody Kerns**: Jody Kerns, 518 W. Parkway Avenue.*

***Mayor Sims**: I don't see a Jody Kerns on here.*

***Jody Kerns**: Can I speak or not? A Mebane County man went to jail for 17 months on City Council because he didn't pay his taxes. That's against the law. This isn't church. This is Council, yes. I'm a Christian and I believe in forgiveness, but this is Council.*

***Mayor Sims**: It's a public comment period and we don't control what individuals say when they come in here as long as it is civil.*

***Jody Kerns**: [shouting] This is Council, Ma'am. This is Council. You represent us.*

***Mayor Sims**: As long as it is civil, we do not control….*

***Jody Kerns**: You're not civil. You've got my address.*

[end of Public Comment Period and transcript]

ASSISTANT CITY MANAGER PAT PATE LEAVING HIGH POINT TO BECOME THE MANAGER IN MANASSAS, VIRGINIA

City Manager Strib Boynton recognized Assistant City Manager Pat Pate, who will soon be leaving HIgh Point to become the Manager for Manassas, Virginia. Mr. Pate has served the City of High Point some 14+ years. Mr. Boynton publicly thanked Mr. Pate for his service and wished him well as he goes forward. He announced and extended an invitation to attend a formal reception for Mr. Pate and his wife, Sandra, next Wednesday, October 16th from 4:00 to 6:00 p.m. at the Parks & Recreation Offices, 136 Northpoint.

[applause and standing ovation from the audience recognizing Mr. Pate for his service].

CLOSED SESSION- ECONOMIC DEVELOPMENT

At approximately 7:20 p.m., **Council Member Smothers moved to suspend the rules in order for Council to go into a closed session pursuant to N.C. General Statute 143-318.11(a)(4) for the purpose of being briefed by staff regarding an economic development opportunity. The motion was seconded by Council Member Mendenhall and carried unanimously.**

Upon reconvening into open session at 7:40 p.m. upon motion duly made and seconded, Mayor Sims announced that there is no action as a result of the closed session.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130269 **Approval of the following Minutes**

Finance Committee meeting held Monday, September 16th @ 4:00 p.m.
High Point City Council Regular Meeting held Tuesday, September 16th @ 4:45/5:30 p.m.

Attachments: September 16 2013 Finance Committee
September 16 2013 High Point City Council

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that the preceding minutes be approved. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130270 **Boards and Commissions - Vacancy Report**

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

Attachments: Boards and Commissions Vacancy Report

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Bernita Sims, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk

2013080980
GUILFORD CO, NC FEE $26.00
PRESENTED & RECORDED:
12-16-2013 02:19:40 PM
JEFF L. THIGPEN
REGISTER OF DEEDS
BY: JANE SCHULTZ
DEPUTY-HP

BK: R 7559
PG: 44-47

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1345 / 13-68

49

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21st DAY OF OCTOBER, 2013 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet.

Street Abandonment Case 13-14

Abandonment of all of the Davidson Avenue right-of-way, lying 350 feet east of Surrett Drive. The area to be abandoned has a width that varies from approximately 30 to 60 feet and an approximately length of 350 feet (0.45 acre or 27,800± square feet). This portion of the Davidson Avenue right-of-way was established on two subdivision maps entitled "Lots of High Point Real Estate & Trust Co. – High Point, NC" recorded in 1906 (Plat Book 5 at Page 105) and "Redivision of parts of Subdivisions No 1 & 3 Blair Estate – High Point, NC" recorded in 1946 (Plat Book 14 at Page 46). The area is more specifically described as follows: Stating at the northwestern corner of Guilford County Tax Parcel 0175827; thence westward 50 feet along the northern property line of Guilford County Tax Parcel 0175826 to **A POINT OF BEGINNING,** from this point of beginning all of the Davidson Avenue lying north of Guilford County Tax Parcel 0175825 (portion) and 0177654 and south of Guilford County Tax Parcels 0175826 (portion) and 0173747 shall be abandoned.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of Spetember, 2013, at 4:45 p.m. setting the 21th day of October, 2013 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said

Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning September 27 and October 4, 11 & 18, 2013; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of 350 feet.

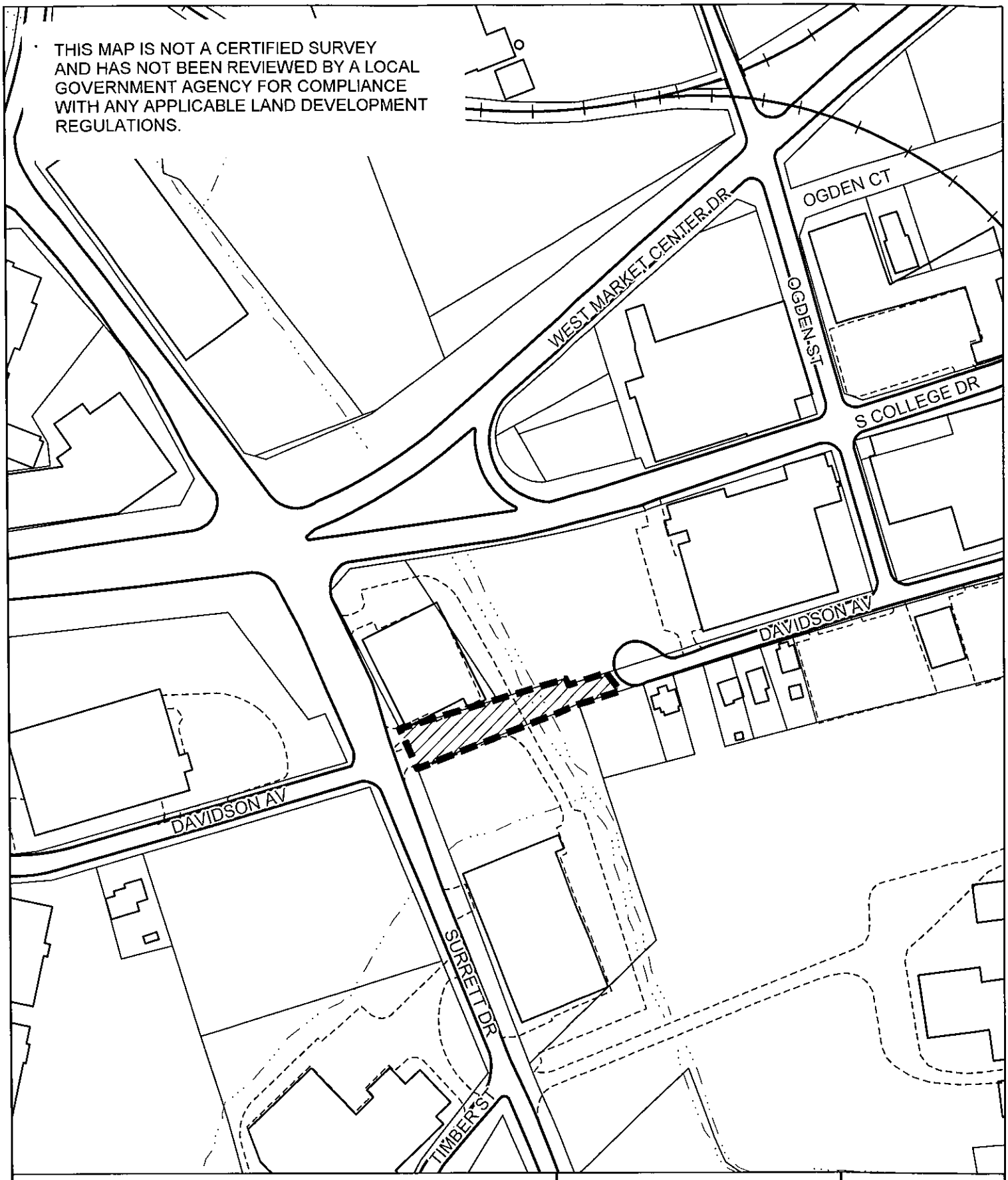
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other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

NOW THEREFORE BE IT RESOLVED:

1. That all of that portion of the Davidson Avenue right-of-way lying east of Surrett Drive, for a distance of approximately 350 feet, be closed pursuant to North Carolina G.S. 160A-299; with the retention of a utility easements over the entire length and width of the right-of-way; and

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

By order of the City Council,
this the 21th day of October, 2013
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA13-14

Applicant: City of High Point
Area: 0.41 acres

Location of requested street abandonment

Department of Planning and Development

City of High Point

Date: August 21, 2013

N

Scale: 1"=200'

y:/ba-pz/2013/pz/sa13-14.mxd

NORTH CAROLINA'S INTERNATIONAL CITY™

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on October 21, 2013 and upon approval by City Council will be recorded in Book 88 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 4th day of December, 2013.

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

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

WITNESS my hand and official Notarial Seal, this 4th day of December, 2013.

Cynthia C. Duncan-Smith, Notary Public

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

Commission Expires: 1/18/2015

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum") is made and entered into as of the 22 day of October, 2013, by and between HIGH POINT UNIVERSITY, a North Carolina nonprofit corporation ("HPU") and the CITY OF HIGH POINT, a North Carolina municipal corporation (the "City").

RECITALS:

A. The City has right of way property as follows: (i) the section of the south branch of East Farriss Avenue between North Centennial Street and West College Drive ("Farriss Avenue"); (ii) the section of West College Drive between Lexington Avenue and East Farriss Avenue ("College Drive"); (iii) the parcel at the southwest intersection of College Drive and Lexington Avenue designated as Parcel Number 0182434 (the "West College Land"); and (iv) the parcel immediately north of Farriss Avenue across which runs the High Point Greenway Trail (the "Greenway Land", and together with Farriss Avenue, College Drive, and the West College Land, the "City Property"); and

B. HPU owns the properties immediately south of Farriss Avenue, immediately west of College Drive, and immediately east of College Drive (the "HPU Property"), with the exception of the West College Land and Parcel Numbers 0182445; 0182446; 0190074; and 0190076 (the "Third-Party Properties"); and

C. The City and HPU agree that it is in the best interest of HPU, the City, and the City's residents to make certain improvements to and upon the City Property as provided in this Memorandum.

NOW, THEREFORE, the parties hereby agree as follows:

1) Encroachment Agreement: If approved by City of High Point City Council, HPU and the City will enter into encroachment agreements permitting HPU to construct, at HPU's expense, the following improvements:
   a) Welcome centers near the east side of the intersection of Farriss Avenue and North Centennial Street and at College Drive near the south side of the intersection of College Drive and Lexington Avenue. HPU agrees that any welcome center constructed will not impede the flow of vehicular traffic on any public street; and
   b) A wall on the Greenway Land at the northeast intersection of Farriss Avenue and North Centennial Street matching the existing wall at the southeast intersection of Farriss Avenue and North Centennial Street; and
   c) A wall on the West College Land at the southwest intersection of College Drive and Lexington Avenue matching the existing wall at the southeast intersection of College Drive and Lexington Avenue; and
   d) Fencing on the Greenway Land between the north side of Farriss Avenue and the High Point Greenway Trail; and
   e) Fencing across the north branch of East Farriss Avenue at its intersection with College Drive.

2) Improvements to be performed by City but funded by HPU:
   a) Paint all fire hydrants along Farriss Avenue and College Drive purple; and
   b) Provide reflector purple street signs with white lettering; and
   c) Change the names of Farriss Avenue and College Drive to a name requested by HPU.

3) Improvements to be made at City's expense:
   The City agrees to relocate the steps to the High Point Greenway Trail from the south side of Farriss Avenue.

4) Improvements to be made by City with costs to be shared with HPU to be determined:
   a) Make lighting improvements along Farriss Avenue and College Drive; and
   b) Make landscaping improvements along Farriss Avenue and College Drive; and
   c) Place utility lines along Farriss Avenue and College Drive underground; and
   d) Add a traffic light at the intersection of College Drive and Lexington Avenue; and
   e) Widen Farris Avenue and College Drive; and
   f) Install sidewalks along the south side of Farriss Avenue and the west side of College Drive.

5) Indemnification: HPU shall indemnify, hold harmless and defend the City, its employees, agents and representatives, from and against any and all claims or damages directly or indirectly arising out of or resulting from or related to the terms of this Memorandum of Understanding and any actions taken pursuant thereto.

6) Cooperation/Timing: HPU and the City will use reasonably cooperative efforts to effect the purposes of this Memorandum expeditiously.

7) Miscellaneous. This Memorandum may be executed in multiple counterparts.

IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed under seal, as of the day and year first above written.

HIGH POINT UNIVERSITY

By: _____
Christopher H. Dudley, Chief of Staff

CITY OF HIGH POINT

By: _____
Strib Boynton, City Manager

Department of Electric Utilities

Administration Division

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

October 8, 2013

To: Randy McCaslin, Assistant City Manager

From: Garey Edwards, Electric Director

Subject: Bid No. 18-091913
115 kV Circuit Breakers

On September 19, 2013 The City received bid No. 18-091913 for four (4) 115 kV circuit breakers. We sent bid packages to five companies and received bids from four companies. I have attached Larry Hopkins recommendation and bid tab for the Bid.

I agree with Larry's recommendation that we award to **Hitachi HVB**, for a total amount of **$212,649.71**. This includes the four (4) breakers, spare parts, bushing covers and labor for a 4-day start-up. Hitachi HVB was the lowest responsive bidder that met the specifications. These breakers will be used at our Commerce and Russell Street Substations. Sufficient funds have been budgeted in the budget for the purchase of this equipment. Please do not hesitate to call me if you have any questions concerning this recommendation.

cc: file
Jeff Moore
Tarinda Chappell
Tracey Adams
Josh Williams
Larry Hopkins

Attachments

Electric Department

Larry Hopkins
ELECTRIC OPERATIONS ENGINEER

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

TO: Mr. Josh Williams

FROM: Larry Hopkins

SUBECT: 115 kV Circuit Breaker Recommendation

DATE: October 8, 2013

On September 19, 2013, we received bids for 115 kV Circuit Breakers, Bid #18-091913. We requested bids from five companies, and we received bids from four companies. Attached is the tabulation showing the results of the bid.

I recommend that we award the bid to Hitachi HVB, in the amount of $196,000.00, which was the lowest bid received. In addition, we would like to accept the four days of on-site start up in the amount of $10,948.00, spare parts in the amount of $5,251.71, and bushing covers in the amount of $450.00.

cc: File
Garey Edwards
Jeff Moore
Tarinda Chappell
Sherry Smith

BID TABULATION

FORMAL BID #18-091913 - 115kv CIRCUIT BREAKERS

* * BID AWARDS IN GRAY * *		ABB		ALSTOM		HVB		PENNSYLVANIA		SIEMENS	
DESCRIPTION	**QTY**	EACH	TOTAL	EACH	TOTAL	EACH	TOTAL	EACH	TOTAL	EACH	TOTAL
CIRCUIT BREAKER	4	$56,815.00	$227,260.00	$49,280.00	$197,120.00	$49,000.00	$196,000.00	$51,800.00	$207,200.00	-	-
ADDITIONAL BREAKER	1									-	-
SUBSTITUE POLYMER BUSHINGS FOR PORCELAIN *(+ add, - deduct)*	PER BREAKER									-	-
ON-SITE TECHNICIAN	4 DAYS	-	-	-	$11,085.20	$2,737.00	$10,948.00	$1,700.00	$6,800.00	-	-
RECOMMENDED SPARE PARTS	LOT	-	-	-	$8,040.00	-	$5,251.71	-	$2,590.00	-	-
BUSHING PROTECTIVE COVERS *(one per bushing, 6 total)*	LOT	-	-	-	$7,992.00	-	$450.00	-	$10,000.00	-	-
DELIVERY TIME		20-24 WKS.		112-140 DAYS		112 DAYS		126-133 DAYS		***NO QUOTE***	
TOTAL BID (if bid on all items)	-	-	**$227,260.00**	-	**$224,237.20**	-	**$212,649.71**	-	**$226,590.00**	-	-

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ELECTRIC

COUNCIL AGENDA DATE:

BID NO.: 18-091913 CONTRACT NO.: DATE OPENED: 9-19-2013

DESCRIPTION:

CIRCUIT BREAKERS

PURPOSE:

TO UPDATE COMMERCE AND RUSSELL SUBSTATIONS

COMMENTS:

I WOULD LIKE TO RECOMMEND THE BID BE AWARDED TO HITACHI HVB. THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS AND REPRESENTS THE BEST OVERALL VALUE TO THE CITY OF HIGH POINT.

RECOMMEND AWARD TO: HITACHI HVB AMOUNT: $265,306.83

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631141022205	40202	$132,653.41
631799	533701	631131027105	40202	$132,653.42
TOTAL BUDGETED AMOUNT				$265,306.83

DEPARTMENT HEAD: Sherry Smith Digitally signed by Sherry Smith DN: cn=Sherry Smith, o=City of High Point, ou=Electric Dept, email=sherry.smith@highpointnc.gov, c=US Date: 2013.09.09 10:01:04 -04'00' DATE: OCTOBER 9, 2013

The Purchasing Division concurs with recommendation submitted by the Sherry Smith and recommends award to the lowest responsible, responsive bidder Hitachi HVG in the amount of $ 265,306.83.

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: 2013.10.09 13:52:49 -04'00' DATE: Oct 9, 2013

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Jeffrey Moore 20130620-173418 Digitally signed by Jeffrey Moore 20130620-173418 DN: c=Bank of America, ou=Bank of America Client Certificate CA - 02, ou=LegacyName - High Point, City Of, ou=acipsID - BANK OF AMERICA23332, cn=Jeffrey Moore 20130620-173418, email=jeff.moore@highpoint.gov Date: 2013.10.10 08:40:48 -04'00' DATE: Oct 10, 2013

CITY MANAGER: Strib Boynton Digitally signed by Strib Boynton DN: cn=Strib Boynton, o=Administration, ou=City of High Point, email=cindy.smith@highpointnc.gov, c=US Date: 2013.10.17 09:01:02 -04'00' DATE: Oct 17, 2013

Publish four (4) consecutive weeks: **October 25, 2013 and November 1, 8 &15, 2013**

RESOLUTION OF INTENT TO CONSIDER
STREET ABANDONMENTS
(Case # SA13-18)

WHEREAS, the City Council has been petitioned to abandon the following right-of-way: The eastern 280 feet of Ogden Court, a partially improved right-of-way lying approximately 50 feet south of Market Center Drive and east of Ogden Street.

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to abandon the above right-of-way and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the right-of-way above-described and sets Monday, November 18, 2013, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building in High Point, on the abandonment case.

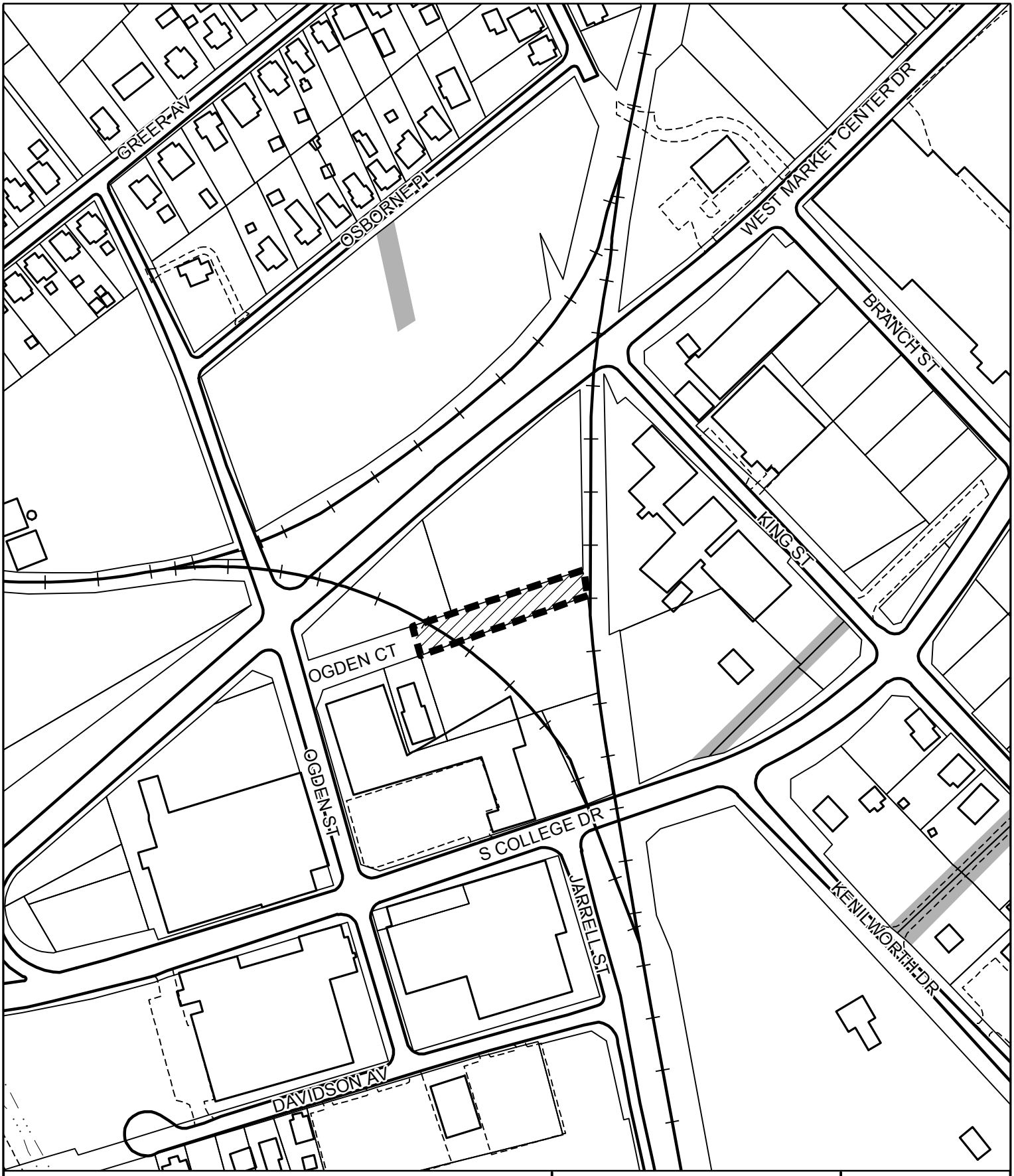
Persons wishing to be heard either for or against the said right-of-way abandonment are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call (336) 883-3298 or TDD# (336) 883-8517.

Further information pertaining to this request is available at the Planning and Development Department in Room 316 of the Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina, (336) 883-3544 or FAX (336) 883-3056.

By Order of the City Council
This the 21st day of October, 2013.

Lisa B. Vierling, City Clerk

Petition Submitted By: City of High Point



STREET ABANDONMENT REQUEST SA13-18

Applicant: City of High Point
Area: 0.28 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: September 10, 2013

N

Scale: 1"=200'

y:/ba-pz/2013/pz/sa13-18.mxd

PLANNING AND ZONING COMMISSION RECOMMENDATION

On September 24, 2013, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. John McKenzie and Ms. Martha Shepherd.

City of High Point **Street Abandonment Case 13-15**

A request by the Technical Review Committee to abandon an unimproved portion of the W. Springfield Road right-of-way lying west of Robbins Street.

Mr. Herbert Shannon presented Street Abandonment Case 13-15 and recommended approval as outlined in the staff report.

No one spoke on behalf or in opposition to the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 13-15 by a vote of 7-0.

CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT
STREET ABANDONMENT CASE 13-15
September 24, 2013

Request	
Applicant: City of High Point Technical Review Committee	**Proposal:** To abandon an unimproved portion of the W. Springfield Road right-of-way lying west of Robbins Street.

Adjacent Streets		
Name:	**Classification:**	**Right-of-Way and Pavement Width:**
W. Springfield Road	Local street	30-foot wide right-of-way; 20-foot wide ribbon paved street
Robbins Street	Local street	50-foot wide right-of-way; 20-foot wide ribbon paved street

Adjacent Property Zoning and Current Land Use		
North	Public & Institutional (PI) District	Multifamily dwellings and Salvation Army recreational facility
East	Public & Institutional (PI) District	Single family dwellings
South	Light Industrial (LI) District	Industrial uses
West	Light Industrial (LI) District	Industrial uses

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon an unimproved portion of the W. Springfield Road right-of-way (ROW) lying west of Robbins Street. The unimproved segment has a width of 30 feet and a length of 855 feet (0.58 acre or 25,650± square feet) and terminates at an abutting parcel to the west.

This unimproved ROW is impacted by the natural features in this area. An intermittent stream and a perennial stream cross the western portion of the ROW, and a 100-year flood zone associated with these streams impacts the western portion of this ROW. Finally, the area has a moderate to steeply sloping terrain, the elevation drops approximately 15 feet from the Robbins Street intersection to the abutting multifamily development lying north of the ROW.

All parcels abutting this ROW are developed and have existing access to adjacent improved public streets, thus this abandonment request will not deprive any owner reasonable access to their property. Early notices to obtain input from abutting property owners were mailed out on July 24, 2013. In addition, regular notice for the public hearing which includes notices mailed to abutting property owners, four public notices in the newspaper, and signs posted at the subject right-of-way to be abandoned was also performed. To date, staff has not received objections from the abutting property owners.

Findings & Recommendations

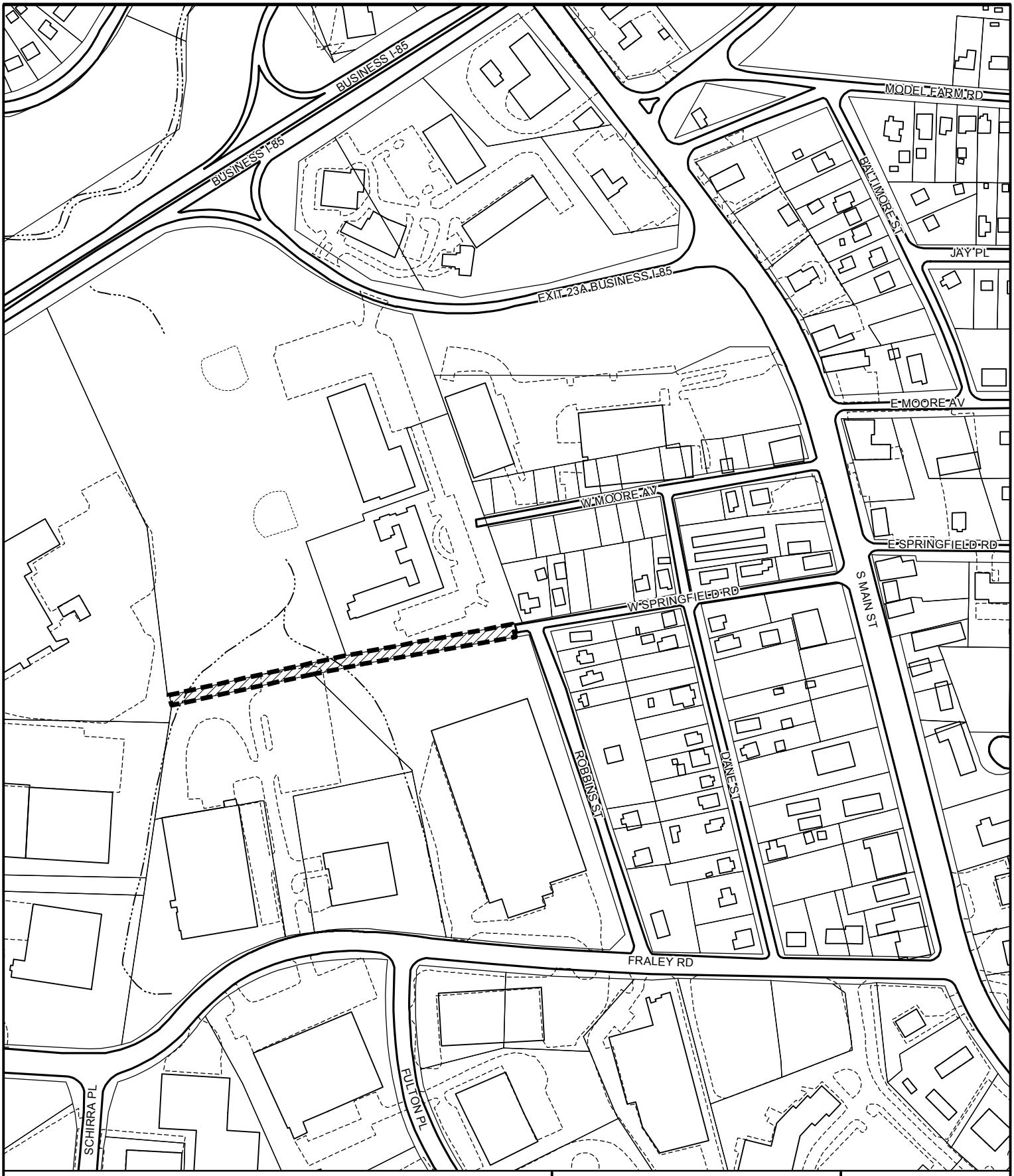
The TRC reviewed this request on August 7, 2013 and identified no concerns related to the abandonment of this right-of-way. The Public Services Department recommends retaining a sanitary sewer easement over an 8-inch Sanitary Sewer line, running in a north to south direction along the stream corridor, across the western portion of the right-of-way.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of this request to abandon the unimproved right-of-way lying west of Robbins Street, with the retention of a 20-foot wide sanitary sewer easement centered over the existing 8-inch sanitary sewer line that crosses the unimproved right-of-way.

Report Preparation

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



STREET ABANDONMENT REQUEST SA13-15

Applicant: City of High Point

Area: 0.51 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: August 21, 2013

N

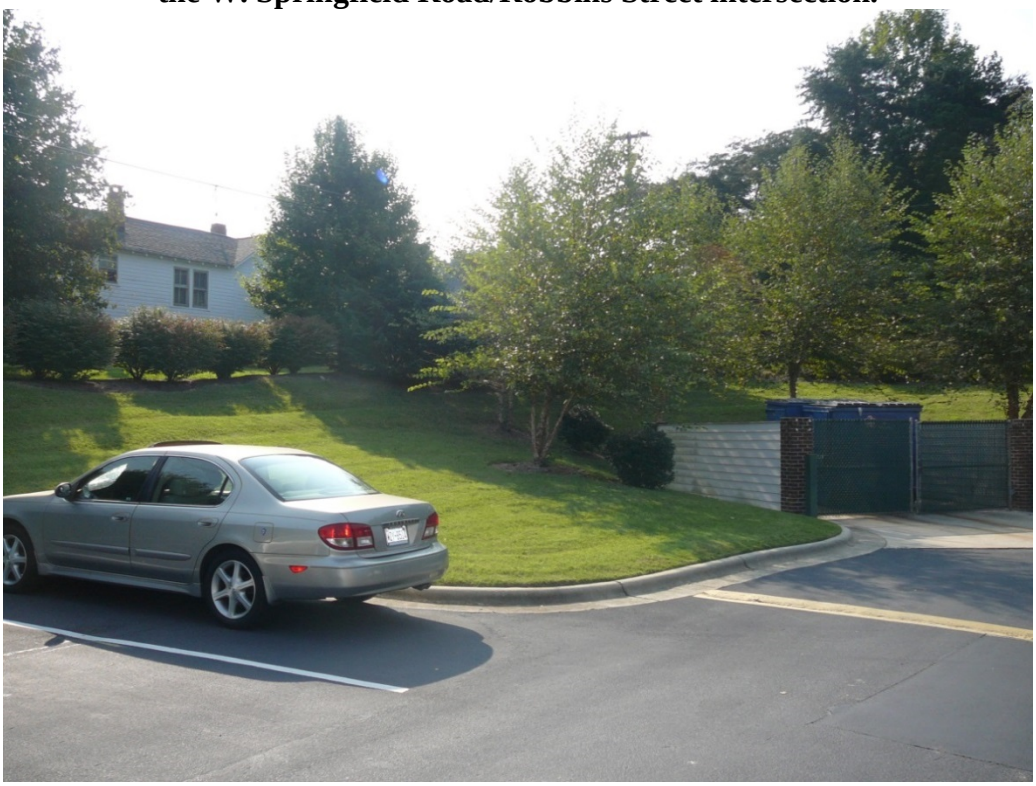
Scale: 1"=300'

y:/ba-pz/2013/pz/sa13-15.mxd

Attachments: Photographs (September 2013) and Aerial (February, 2010)

Looking west of the intersection of W. Springfield Road and Robbins Street.

Looking south from multifamily development towards the W. Springfield Road/Robbins Street intersection.



STREET ABANDONMENT REQUEST SA13-15

Department of Electric Utilities

Administration Division

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

October 16, 2013

To: Randy McCaslin, Assistant City Manager

From: Garey Edwards, Electric Director

Subject: Bid No. 12-091013
RICE/NESHAP Generator Retrofit

On September 10, 2013 the City received bid No. 12-091013 to retrofit six (6) diesel generators. We sent bid packages to three companies and received bids from four companies. I have attached Larry Hopkins recommendation and bid tab for the bid.

I agree with Larry's recommendation that we award to **Western Branch Diesel**, for a total amount of **$203,244.00**. This will bring three (3) units at the Eastside WWTP, two (2) units at the Ward WTP and one (1) unit at the Westside WWTP into EPA compliance for the 2014 mandate. Western Branch Diesel was the lowest responsive bidder that met the specifications. Sufficient funds have been allocated in the budget for the payment of these services. Please do not hesitate to call me if you have any questions concerning this recommendation.

cc: file
Jeff Moore
Tarinda Chappell
Tracey Adams
Josh Williams
Larry Hopkins

Attachments

Electric Department

Larry Hopkins
ELECTRIC OPERATIONS ENGINEER

HIGH POINT
NORTH CAROLINA'S INTERNATIONAL CITY™

TO: Mr. Josh Williams

FROM: Larry Hopkins

SUBECT: RICE/NESHAP Generator Retrofit Recommendation

DATE: October 15, 2013

On September 10, 2013, we received bids for upgrades to our generators for RICE/NESHAP compliance, Bid #12-091013. We requested bids from three companies, and we received bids from four companies. Attached is the tabulation showing the results of the bid.

I recommend that we award the bid to Western Branch Diesel, in the amount of $203,244.00, which was the lowest bid received.

cc: File
Garey Edwards
Jeff Moore
Tarinda Chappell
Sherry Smith

BIDDERS LIST & TABULATION

FORMAL BID #12-091013 GENERATOR MODIFICATIONS				
VENDOR NAME & ADDRESS	**QTY.**	**UNIT PRICE**	**TOTAL PRICE**	**DELIVERY A.R.O.**
CAROLINA TRACTOR 9000 STATESVILLE RD. CHARLOTTE,NC 28269-7642	LOT	**$271,578.08**	**$271,578.08**	**N/A**
CUMMINS ATLANTIC 512 TEAGUE ST. GREENSBORO, NC 27406	LOT	**$219,562.00**	**$219,562.00**	**28-35 DAYS**
PRIME POWER SERVICES 8225 TROON CIRCLE AUSTELL, GA 30168	LOT	-	**NO QUOTE**	-
PLAYER AND COMPANY 531 BISHOP STREET, NW ATLANTA, GEORGIA 30318	LOT	**$690,478.00**	**$690,478.00**	**70 DAYS**
WESTERN BRANCH DIESEL	LOT	**$203,244.00**	**$203,244.00**	**49 DAYS**

* Bid invitations mailed out August 13, 2013.

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: ELECTRIC

COUNCIL AGENDA DATE:

BID NO.: 12-091013 CONTRACT NO.: DATE OPENED: 9-10-13

DESCRIPTION:

RETROFIT GENERATORS ON SYSTEM

PURPOSE:

TO BRING UP TO EPA COMPLIANCE

COMMENTS:

I WOULD LIKE TO RECOMMEND THE BID BE AWARDED TO WESTERN BRANCH DIESEL. THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS AND REPRESENTS THE BEST OVERALL VALUE TO THE CITY OF HIGH POINT.

RECOMMEND AWARD TO: WESTERN BRANCH DIESEL AMOUNT: $203,244.00

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
631799	533701	631001000780	40216	$203,244.00
TOTAL BUDGETED AMOUNT				$203,244.00

DEPARTMENT HEAD: Sherry Smith Digitally signed by Sherry Smith DN: cn=Sherry Smith, o=City of High Point, ou=Electric Dept, email=sherry.smith@highpointnc.gov, c=US Date: 2013.09.09 10:01:04 -04'00' DATE: OCTOBER 16, 2013

The Purchasing Division concurs with recommendation submitted by the Electric Dept and recommends award to the lowest responsible, responsive bidder Western Banch Diesel in the amount of $ 203,244.00.

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: 2013.10.16 12:00:07 -04'00' DATE: Oct 16, 2013

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Jeffrey Moore 20130620-173418 Digitally signed by Jeffrey Moore 20130620-173418 DN: cn=Bank of America, ou=Bank of America Client Certificate CA - 02, serialnumber=High Point, City Of, serialnumber=D - BANK OF AMERICA1013, ou=Jeffrey Moore 20130620-173418, email=jeff.moore@highpointnc.gov Date: 2013.10.16 16:00:54 -04'00' DATE: Oct 16, 2013

CITY MANAGER: Strib Boynton Digitally signed by Strib Boynton DN: cn=Strib Boynton, o=Administration, ou=City of High Point, email=cindy.smith@highpointnc.gov, c=US Date: 2013.10.17 08:57:47 -04'00' DATE: Oct 17, 2013

BK: R 7565
PG: 817-820
RECORDED:
01-09-2014
03:43:17 PM
BY: MARY MORGAN
DEPUTY-HP

2014001179
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE $26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1346 / 13-69

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 21st DAY OF OCTOBER, 2013 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the W. Springfield Road right-of-way lying west of Robbins Street.

Street Abandonment Case 13-15

Abandonment of all of the W. Springfield Road right-of-way lying west of Robbins Street. The right-of-way to be abandoned has a width of 30 feet and a length of approximately 855 feet and terminates at an abutting parcel to the west. The area is more specifically described as follows: All of the W. Springfield Road right-of-way lying north of Guilford County Tax Parcel 0179502 and 0179500; and lying south of Guilford County Tax Parcels 0179505 and 0179501 shall be abandoned.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 16th day of Spetember, 2013, at 4:45 p.m. setting the 21th day of October, 2013 at 5:30 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning September 27 and October 4, 11 & 18, 2013; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of that portion of the W. Springfield Road right-of-way lying west of Robbins Street.

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

NOW THEREFORE BE IT RESOLVED:

1. That all of that portion of the W. Springfield Road right-of-way lying west of Robbins Street shall be closed pursuant to North Carolina G.S. 160A-299; with the retention of a 20-foot wide sanitary sewer easement centered over a 8-inch sanitary sewer line that crosses the right-of-way; and

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

By order of the City Council,
this the 21th day of October, 2013
Lisa B. Vierling, City Clerk

STREET ABANDONMENT REQUEST SA13-15

Applicant: City of High Point

Area: 0.51 acres

Location of requested street abandonment

Previously abandoned right-of-ways

Department of Planning and Development

City of High Point

Date: August 21, 2013

N

Scale: 1"=300'

y:/ba-pz/2013/pz/sa13-15.mxd

NORTH CAROLINA'S INTERNATIONAL CITY™

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on October 21, 2013 and upon approval by City Council will be recorded in Book 88 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 30th day of December, 2013.

Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

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

WITNESS my hand and official Notarial Seal, this 30th day of December, 2013.

Cynthia C. Duncan-Smith, Notary Public

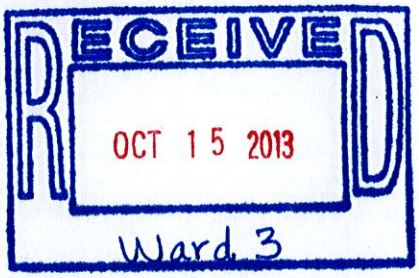
CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC

Commission Expires: 1/18/2015

High Point City Council

Application for Appointment To Boards and Commissions

All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.



Name: Lisa Huff **Date Submitted:** Oct. 15, 2013
Street Address: 2728 B ~~Ahnmore~~ Annmoore Circle
High Point NC 27262

Email: hsweetie38@yahoo.com

Employer: N/A
Business Address: N/A
Phone home: 336-479-1526 **work:** **fax:**

Do you live inside the corporate limits of High Point? **Yes**
If not, do you live within High Point's extraterritorial zoning jurisdiction? **Yes**

Please select (in order of preference) the boards and commissions on which you would be willing to serve.

1. **Housing Authority Board**
2. **Housing Authority Board**
3. **Housing Authority Board**

Have you participated in the City Government 101 Course? **No**

Please list any work, volunteer, and/or educational experience that you would like us to consider in the review of your application.
Tutoring Volunteer for High Point Housing Authority, studied criminal justice, community activist, community volunteer

LISA HUFF

2728-B ~~Annmore~~ Annmoore Circle High Point, NC (336)479-1526 ♦ hsweetie38@yahoo.com

OBJECTIVE: Seeking a position that will utilize my experience in a manufacturing environment with growth and advancement opportunities.

EXPERIENCE:

Purolator Facet — **Greensboro, NC**
Machine Operator — *10/2012 to 01/2013*

- Machine set-up operator configured machines according to blue print specifications
- Took measurements using different measuring devices as well as weight

Premier Employee Solutions — **Greensboro, NC**
Packer and Machine Operator — *06/2012 to 10/2012*

- Packaged finished filters according to the blue print assigned to the job
- Operated machines in the packaging department such as shrink wrap machine, hot seal machine, tape machine, bubble wrap machines

Trim Fit — **Thomasville, NC**
Order Picker — *08/2009 to 04/2011*

- Picked socks and hosiery from paper orders and prepared them for shipping
- Re-packaged socks with new labels and sent them to shipping

American Staffing for Ralph Lauren Polo — **Greensboro, NC**
Order Picker — *2008 to 2009*

- Used a scan gun, picked orders for merchandise to be sent to department stores, and packaged them in the correct cartons with correct labels to be sent to the shipping department

Touch Point Staffing for Dell Electronics — **Greensboro, NC**
Circuit Board Assembler — *2008 to 2008*

- Removed defective circuit components and replacing them with functional components and re-packaging the boards for shipping

Advantage Resources for American Express — **Greensboro, NC**
Travel Agent — *2008 to 2008*

- Received incoming calls from American Express customers
- Completed orders for travel accommodations such as car rental flight reservations and tickets, Hotel reservations

EDUCATION:

Strayer University — **Greensboro, NC**
Pursuing Associates Degree in Criminal Justice — currently attending

Guilford Technical Community College — **Jamestown, NC**
Pursuing Associates Degree in Social Work — currently attending

COMPREHENSIVE PLANNING COMMITTEE
(COMMITTEE OF THE WHOLE)
OCTOBER 8, 2013 – 4:00 P.M.
CITY MANAGER'S CONFERENCE ROOM

MINUTES

PRESENT:
Committee Chair Becky Smothers, Mayor Bernita Sims, Mayor Pro Tem Britt Moore, and Council Members Foster Douglas, Jason Ewing, Jeff Golden, Judy Mendenhall, and Jay Wagner

ABSENT:
Council Member Jim Davis

STAFF PRESENT:
Strib Boynton, City Manager; Randy McCaslin, Assistant City Manager; Jeron Hollis, Public Information; Eric Olmedo, Budget Officer; Lee Burnette, Director of Planning; Lisa Vierling, City Clerk; Dawn Sparks, Deputy City Clerk

MEDIA:
Pat Kimbrough; *High Point Enterprise*

OTHERS PRESENT:
Judy Stalder, TREBIC

Chairwoman Smothers stated she went back and looked at the minutes of the January meeting and tried to identify what some of the cluster issues were that more than one Council Member had mentioned.

Non-Profit Funding
Strib Boynton stated that he has sent out letters notifying the non-profits not to count on funding this budget year. Mr. Boynton stated that Council is going to have to decide on how much of an issue to make of that. Most of the non-profits in town do provide some valuable services to the citizens.

Chairwoman Smothers stated that the non-profits are so different. Council Member Wagoner asked if PTAR or the National Guard be rolled into the Public Safety budget. Mr. Boynton stated they could show that.

Chairwoman Smothers stated that should identify a reason the investment is being made, which has to do with the overall health and welfare of the community for funding PTAR and the National Guard.

Communication:

Chairwoman Smothers stated that she had mentioned a quarterly report given to the community. Council Member Ewing had suggested a quarterly meeting with the citizens. Council Member Moore felt the quarterly report would be a beneficial thing to do, and suggested that it could be in the form of a Manager's Report that could be submitted to the newspaper or online highlighting things happening in the city.

Jeron Hollis stated that some citizens are going to be reached by inserts in the utility bills, and a different group by social media. Jobs and Customer Services are the locations on the website that receive the most traffic.

Mayor Sims stated that it may be a good idea that after council meetings there is an update to what happened at the meeting posted online. Council Member Ewing stated that the General Legislature runs a live audio of their sessions and asked if this is something the City had the capability to do. Chairwoman Smothers requested that staff check into the potential for streaming audio live on the website. Jeron Hollis stated as far as technology there are a lot of options, and there needs to be a willingness of council as to how deep they want to dive into it. Mr. Hollis stated to keep in mind with any audio on real time meetings there is maintenance that is involved in that too. Mayor Sims stated that they could also post it after the fact. Lisa Vierling advised that there is a real cost to attaching audio files to the minutes that are posted on the website and it does require another module.

Economic Development

Chairwoman Smothers stated economic development was a subject they spent a lot of time discussing. Council Member Wagoner had mentioned a 25 year plan. The present council has not really adopted any kind of overall policy statement as to what they perceive to be worthy of investment.

Overall Policy Statement – Chairwoman Smothers stated that previous councils have focused on tax-based expansion and jobs. Council Member Moore stated he could not think of any two issues that were not more important than those right now. Chairwoman Smothers felt this council needed to affirm what direction they wanted to go in.

Tax Base Expansion – Chairwoman Smothers stated that there is considerable evidence that tax base expansion requires public investment and it is sometimes reinvestment into what they already have, and staff needs to know if this is the direction the elected leadership wants to take.

Focal Areas – The Northwest Sandy Ridge/Johnson Street corridor, the 311 Greensboro Road Intersections, Samet Drive Issue, Business 85 Corridor, and Core City were focal areas that were identified by Council. Chairwoman Smothers stated that Council needs to decide on where the emphasis will be and where they will need to invest as Core City gets closer into the boarded up

housing and replacing failing lines. Council Member Moore asked if the marketing piece of the EDC has been based on economic conditions and has an awareness and a focus on the areas that have been "left behind" by an industry change while at the same time they always say the private sector is going to go where the private sector wants to go. Chairwoman Smothers stated that it does, be she did not think the EDC focusses on any particular area and is more reactive than proactive. Mayor Sims stated that with the Core City there is more to it than just the business side of it, and there is a lot of pockets that from a residential standpoint are terrible and somebody has got to set the tone to say which direction they are going. There has been no residential redevelopment and the City continues to just board up houses and vacate and close. Mayor Sims stated that affordable housing in the community is a huge item.

Council Member Golden asked how they drove people to Macedonia. Chairwoman Smothers stated that they started out with some Brownfields funds that looked at south Centennial. From there it was a focused interest with some general knowledge of the area. Wesley Memorial stepped up with funding for the resource center.

Council Member Wagoner asked if there was a map showing all the boarded up houses throughout the city. Council Member Wagoner felt this could be helpful in pinpointing where the greatest concentrations are. Mayor Sims felt they should look at demolitions the City has done because there are liens on those properties and the City has an interest in those properties.

Council Member Wagoner suggested a strategy session with Mike McNair would be beneficial for the council.

Overview/Briefing – Chairwoman Smothers stated that Piedmont Regional Council did a presentation on the census data. One of the things that would be interesting to see are the projections of what the city is going to look like in the future. Chairwoman Smothers added that the population is getting older and the some percentage of housing needs to be reflective of that.

What industry sectors does the City Council want to encourage through public investments and/or incentives? Chairwoman Smothers stated that this has been a question other cities in the state have had to address. Council Member Ewing stated that the city's incentives are better than some other municipalities in that they are performance based, and he felt they should continue to with efforts develop and improve infrastructure which will create a more livable community and add value to businesses in looking at the city. Council Member Ewing stated he would like to see council look into other options instead of the ones they have always used. Mayor Sims stated that maybe they could look at where they have only incentives that require infrastructure improvements as opposed to dollar amounts might be an alternative to what they do.

Council Member Mendenhall stated that there are some areas of the community where there is a need for small businesses like dry cleaners, grocery stores, and restaurants, and if all council looks for are the things that bring in 100 jobs then they are not helping the total community.

Council Member Wagoner stated he has observed that ultimately what makes a community a success is whether they are able to attract a culture of creative entrepreneurs to their city, and if they create the type of atmosphere that is stimulating to the creative entrepreneur then sooner or later a friction emerges and out of that comes the new businesses.

Restructuring the Economic Development Corporation – Strib Boynton stated that he thought it would be a wise thing to examine how the whole corporation is structured. Council Member Ewing stated that the way it is structured right now the term "limits" prevents council appointments from having leadership on the board.

Strib Boynton advised that there a lot of major projects coming to Council in the very near future. Mr. Boynton stated he will be asking Council to get together in very short order on some of these issues. A meeting was set for Tuesday, October 22 at 4:00 p.m. Items for discussion will be:

- Two thirds bonds
- The transportation study which is about to begin. To date the study has very little council leadership in it and Mr. Boynton felt it would be wise to have council involvement on the steering committee or in major rolls with the sounding board. There are changes happening with PART and a need for some sort of an engagement with them. There may be a business development happening out on 311 and 66, and this the opportunity to take a fresh look at what we are doing. Mr. Boynton felt that a Council briefing with Angela Wynes and Mark McDonald is needed because this will be defining what will be happening in the next few years.
- Identification of Council top priorities.

ADJOURNMENT

The meeting adjourned at 5:15 p.m. on a motion duly made and seconded.

Respectfully Submitted,

_____
Dawn J. Sparks, CMC
Deputy City Clerk

_____
Chairwoman Smothers,
Committee Chair