# City of High Point

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

## Minutes

**Monday, September 15, 2014**

**5:30 PM**

**Council Chambers**

## City Council

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

## ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

*Note: On September 10, 2014, Mayor Bernita Sims submitted her resignation as Mayor of the City of High Point effective immediately as a result of events in her personal life. [a copy of the resignation letter has been attached in Legistar as a permanent part of these proceedings (#140286)]. As a result of Mayor Sims' resignation, Mayor Pro Tem Jim Davis will serve as Acting Mayor until Council appoints a Mayor.*

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

**Present** 6 - Council Member Foster Douglas, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, Council Member Jay Wagner, and Council Member Britt Moore

**Absent** 1 - Council Member Jason Ewing

## MISCELLANEOUS

140270 **Proclamation - National Recovery Month**

Ms. BeckyYates Executive Director of Caring Services was present to receive a proclamation declaring September 2014 as "National Recovery Month."

***Attachments:*** National Recovery Month 2014

Acting Mayor Jim Davis read the Proclamation into the record declaring September 2014 as "National Recovery Month." Becky Yates, Director for Caring Services, accepted the proclamation.

????? offered comments and recognized 50+ recovering addicts who were present to support the cause. [applause]. He invited Council to attend two upcoming events:

Dedication of their 11th home in the High Point area for those that are seeking recovery from substance abuse disorders; Sunday, September 21st at 1:00 p.m., 101 Oak wood Street.

Recovery Month Celebration at City Lake Park on Saturday, September 27th from 10:00 a.m. to 2:00 p.m.

At this time, Council Member Smothers recognized and saluted Becky Yates for her dedicated service and pointed out she was the one that really got this program going. Becky Yates shared that this is the 20th year for Caring Services. [applause, standing ovation]

140271 **Proclamation - National Welcoming Week**

Mr. Tony Lowe, with the Human Relations Department, will be present to receive a proclamation declaring the week of September 15th as "National Welcoming Week."

***Attachments:*** National Welcoming Week 2014

Acting Mayor Jim Davis asked Council Member Golden to read the Proclamation into the record declaring the week of September 15, 2014 as "National Welcoming Week." After the proclamation was read, it was presented to Tony Lowe of the Human Relations Department. Mr. Lowe shared some comments and accepted the proclamation in the spirit that it was given--the spirit that makes High Point, North Carolina's "International City" and makes High Point strive to be the most livable city in America. [applause]

## REGULAR AGENDA ITEMS

## FINANCE COMMITTEE - Council Member Moore, Chair
## Committee Members: Wagner, Davis

## [all were present]

140272 **Contract - Renewal of Golf Cart Rental Agreement**

City Council is requested to adopt the resolution and certificate of incumbency for the lease agreements with PNC Equipment Finance LLC for the renewal of the golf cart rental fleet and authorize the City Manager and Financial Services Director to execute the documents related thereto.

***Attachments:*** 1. Contract - Golf Cart Agreement Renewal

**Resolution No. 1409/14-49**
**Introduced 9/15/2014; Adopted 9/15/2014**
**Resolution Book Volume XVIII, Page 130**

*This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.*

Adopted the resolution and certification of incumbency for the lease agreements with PNC Equipment Finance LLC for the renewal of the golf cart rental feet and authorized the City Manager and Financial Services Director to execute the documents related thereto.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that the lease agreement with PNC Equipment Finance LLC be approved. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140273 **Sole Source Authorization - 100kV Underground Cable**

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of 100kV Underground Cable and award contract to Kerite

Cable Services (Marmon Utilities) in the amount of $932,283.00.

***Attachments:*** 2. Sole Source Bid - Underground Cable

*This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.*

Approved contract with Kerite Cable Services (Marmon Utilities) in the amount of $932,283.00.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that the Contract with Kerite Cable Services (Marmon Utilities) in the amount of $932,283.00 be approved. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140274 **Municipal Agreement - NCDOT - Safe Routes to Schools Sidewalk Projects**

Council is requested to authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) providing for the Safe Routes to Schools Program for sidewalk construction around elementary schools in High Point.

***Attachments:*** 3. NCDOT - Municipal Agreement - Safe Routes to Schools Project

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.

Approved the Municipal Agreement with the North Carolina Department of Transportation (NCDOT) providing for the Safe Routes to Schools Program for sidewalk construction around elementary schools in High Point.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Municipal Agreement nwith NCDOT be approved. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140275 **Contract - Bid No. 01 - Bulk Chemical Tank Replacement - WWTP**

Council is requested to approve contract awarding Bid No. 01 for the replacement of the bulk chemical storage tanks at the Ward Water Treatment Plant. Purchasing and the Public Services Department are recommending contract be awarded to Basinger Contracting Company in the amount of $235,000.00.

***Attachments:*** 4. Contract - Bid No. 01 Chemical Tanks Ward WTP

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.

Approved contract with Basinger Contracting Company in the amount of $235,00.00 for the replacement of the bulk chemical storage tanks at the Ward Water Treatment Plant.

**A motion was made by Council Member Moore, seconded by Council Member**

**Mendenhall, that the Contract with Basinger Contracting Company in the amoutn of $235,000.00 be approved. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140276 **NCDOT - Exchange of Property - Skeet Club Road Widening Project**

Council is requested to approve the exchange of property between the City of High Point and the North Carolina Department of Transportation (NCDOT) for the Skeet Club Road widening project.

***Attachments:*** 5. NCDOT - Skeet Club Road Widening Project - Exchange of Property

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.

Approved the exchange of property between the City of High Point and the North Carolina Department of Transportation (NCDOT) for the Skeet Club Road widening project.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, to approve the exchange of property between the City of High Point and the North Carolina Department of Transportation (NCDOT) for the Skeet Club Road widening project. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140277 **Duke Energy - Cell Phone Tower Capability**

Council is requested to grant an additional burden easement to Duke Energy at the Parks & Recreation Facility located at 1301 Brentwood. This will allow Duke Energy to add cell phone capabilities to their tower.

***Attachments:*** 6. Duke Energy - Cell Phone Tower Capabilities

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee forwarded this matter to Council with a favorable recommendation.

Granted an additional burden easement to Duke Energy at the Parks & Recreation Facility located at 1301 Brentwood to allow Duke Energy to add cell phone capabilities to their tower.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, to grant an additional burden easement to Duke Energy at the Parks & Recreation Facility located at 1301 Brentwood. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

## COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Douglas, Chair
## Committee Members: Mendenhall, Ewing and Golden

## (Committee Member Ewing was absent)

140278 **Resolution - Regional Assessment of Fair Housing & Analysis of Impediments**

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

***Attachments:*** 7. Regional Assessment of Fair Housing and Analysis of Impediments
2. Analysis of Impediments to Fair Housing Choice
Resolution - Analysis of Impediments to Fair Housing Choice - Signed

Chairman Douglas explained Council received a a briefing during the Finance Committee meeting held at 4:00 p.m. prior to this meeting on this matter and requested additional information, which will be sent out by staff later on in the week. He recommended this matter be referred back to the Community Housing & Neighborhood Development Committee for further analysis/discussion in October.

Referred this matter back to the Community Housing & Neighborhood Development Committee for further analysis/discussion.

**A motion was made by Council Member Douglas, seconded by Council Member Mendenhall, refer this matter to the Community Housing & Neighborhood Development Committee to allow receipt of additional information for further analysis/discussion. The motion PASSED by a 7-0 unanimous vote. [Council Member Ewing was absent]**

140279 **Policies for Neighborhood Stabilization Program (NSP) Grant Compliance**

Council is requested to adopt policies pertaining to the Neighborhood Stabilization Program (NSP) Grant Compliance.

***Attachments:*** 8. Policies for Neighborhood Stabilization Program (NSP) grant compliance

Richard Fuqua, the Affordable Housing Manager for the City of High Point, presented the policies: 1) Equal Employment and Procurement Plan; 2) Language Access Plan; and 3) Section 3 Plan. [all policies are hereby attached in Legistar as a permanent part of these proceedings].

Mr. Fuquay explained these policies have been followed by the Community Development Department throughout the grant, but recently the State has required that these policies be officially adopted by the City Council. He proceeded to provide an explanation of these policies.

Council Member Moore inquired as to the enforcement of these policies and Mr. Fuqua replied that any HUD funded programs would be covered by these policies and noted in this particular case, it would just be for the Neighborhood Stabilization Program (NSP). He pointed out any complaints would be filed with the State, but if an individual comes to the Community Housing

Department with a complaint, staff would work with them to address any concerns, then refer them to the State if their concerns are not addressed to their satisfaction.

Adopted the policies pertaining to the Neighborhood Stabilization Program (NSP) Grant Compliance.

**A motion was made by Council Member Douglas, seconded by Council Member Golden, to adopt policies pertaining to the Neighborhood Stabilization Program (NSP) Grant Compliance. The motion PASSED by a 7-0 unanimous vote.**

140280 **Policies for Urgent Repair Grant Program**

Council is requested to adopt a procurement policy and an assistance policy to allow the City to receive $100,000 in Urgent Repair Program funds.

***Attachments:*** 9. Policies of the Urgent Repair Grant Program

Richard Fuqua, the Affordable Housing Manager for the City of High Point, informed Council that the city recently received a $100,000 Urgent Repair Program grant from the North Carolina Housing Finance Agency and explained that as part of the funding process, they require Council adopt a number of documents and policies to receive funding (ie. Assistance Policy; Procurement and Disbursement Policy). He pointed out any recipients of this program would be required to go through an application process and staff would promote the program on the city's website, local newspaper, and social media. Council Member Mendenhall suggested staff also reach out to the various neighborhood associations and churches to help get the word out and staff was amicable to that. Mr. Fuqua explained that one would have to be a homeowner and actually own the property to be eligible for assistance. Mayor Pro Tem Davis asked staff to clarify the definition of an "urgent repair" and Mr. Fuqua noted the definition is actually in the application and it would be anything that would create an imminent danger to the occupant such as mod, a leading roof, or anything that would prevent a person from staying in the home. Council Member Smothers pointed out the amount of the dollars available might not address all the deficiencies in the home. Mr. Fuqua explained these funds would be used for urgent repairs only and pointed out there are other programs such as the Weatherization Program managed by the Piedmont Triad Regional Council that could possibly help address some of those other issues.

Council Member Mendenhall questioned if this would actually be a loan or a grant. Mr. Fuqua replied that it will actually be a deferred loan--one that would not be paid back by the resident. Council Member Mendenhall felt this should be clarified because some residents might think that it is a true loan that would have to be paid back, when it is really like a grant. Council Member Smothers mentioned a situation involving a homeowner in a dire circumstance where there may still be deficiencies in the housing unit resulting in an unsafe housing case. Mr. Fuqua explained there are some CDBG funds available that could possibly be used in those cases, but pointed out this particular program prohibits the city from using federal funding with this grant. Instead, the city looks for partnerships like the weatherization program and other entities to help fill in the gap for those additional needs.

Chairman Douglas asked who would determine the need and feasibility of the repairs. Mr. Fuqua explained that staff would actually go out and do an assessment on the home and if it fits within the definition of an urgent repair, it would be included as part of the work. Council Member Mendenhall asked about the referral relationships mentioned in the program guidelines and pointed out the City of High Point Customer Service Department is listed for relief of utility payments. Mr. Fuqua pointed out there may be high utility payments as a result of a housing issue where repairs might be needed. Mayor Pro Tem Davis asked how quickly these repairs could be made, once identified. Staff replied that it would actually depend on the severity of the repairs needed, but assured Council staff would make sure the repairs are made as quickly as possible.

Adopted a Procurement Policy and an Assistance Policy to allow the City to receive $100,000 in Urgent Repair Program funds.

**A motion was made by Council Member Douglas, seconded by Council Member Mendenhall, that the Policies for Urgent Repair Grant Program be adopted. The motion PASSED by a 7-0 unanimous vote.**

140195 **Ordinance - Demolition of Structure - 206 E. Ray Avenue**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 206 E. Ray Avenue belonging to Sammie Chess, Jr. and Sandra Chess. At the July 21st Council Meeting, this item was deferred for 60 days.

***Attachments:*** 206 E Ray Ave - Ordinance To Demolish

**Ordinance No. 1796/14-74**
**Introduced: 7/21/2014; Adopted 9/15/2014**
**Ordinance Book,Volume XVIII, Page 128**

Chairman Douglas asked staff to provide an update regarding this housing case.

Ed Brown, Inspections Administrator, explained that this case was brought before Council a couple of months ago at which time Council granted a compliance extension to the property owner, Sammie Chess. Mr. Brown reported that there has been no further action taken by the property owner and since that time, staff has had to cite the property owner for a public nuisance violation for high grass. He reported that no improvements have been made to the property and the property owner has not been in contact with staff. Council Member Golden pointed out the property owner did let Council know when it came up initially, that he was having some health issues and he wondered if this was still the case. Council Member Smothers pointed out the property owner would still have thirty days from the date of adoption of the order to respond.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 206 E. Ray Avenue.

**A motion was made by Council Member Douglas, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote.**

## COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140281 **Resolution of Intent - Street Abandonment Case 14-07 -CHP**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, October 20, 2014 at 6:15 p.m. to consider a request by High Point University to abandon the eastern portion of the Barbee Avenue right-of-way lying between Willow Place and Montlieu Avenue (private drive segment).

***Attachments:*** 01.Resolution of Intent - SA 14-07

**Resolution No. 1408/14-48**
**Introduced 9/15/2014; Adopted 9/15/2014**
**Resolution Book, Volume XVIII, Page 130**

Adopted a Resolution of Intent establishing a public hearing date of Monday, October 20, 2014 at 6:15 p.m. to consider a request by High Point University to abandon the eastern portion of the Barbee Avenue right-of-way lying between Willow Place and Montlieu Avenue (private drive segment).

**A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an unanimous vote.**

140282 **National Register of Historic Places Nomination for the Enterprise Building**

Review and recommendation regarding the National Register of Historic Places nomination for the Enterprise Building, 305 North Main Street. This nomination will be presented to the North Carolina National Register Advisory Committee on October 2, 2014.

***Attachments:*** 02. City Council (Enterprise Bldg - National Register)

Bob Robbins, Senior Planner with the Planning and Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Robbins noted this is a review and recommendation regarding the National Register of Historic Places nomination for the Enterprise Building, 305 North Main Street. He shared that the building was designed by a local architect and was originally built around 1935. The building is best known for its very distinct art deco facade, as well as other unique features such as having a cast stone on the facade, rounded arch doorways, beveled glass window panes, etc..... He shared some photographs of the interior and exterior of the building. Mr. Robbins noted the building is occasionally used during the Furniture Market over the course of the last several years.

Mr. Robbins noted that Council's recommendation regarding the National Register of Historic Places nomination for the Enterprise building would be forwarded to the the North Carolina National Register Advisory Committee on October 2, 2014. He pointed out that the Historic Preservation Commission has also reviewed and approved the nomination to be forwarded. Once the NC National Register Advisory Committee accepts and approves it, it will then be signed off by the Secretary of the State Historic Preservation Officer, and forwarded on to the keeper of the National Register in Washington for a final review and listing, which is expected to occur sometime around the end of this year.

Council Member Mendenhall shared that she actually worked in this building in the 1980s when she was business manager for the Shakespeare Festival and pointed out there were several other non-profits who also had their offices in this building. She felt that was a wonderful use for the building and was disheartened because the building is now un-occupied. Council Member Moore wanted some assurance that the historic designation would not hinder or restrict an owner, developer, or potential occupant. Mr. Robbins explained any alterations could be made to the building after the historic designation, but it could negate it as a National Register Historic Place. He pointed out the designation would not inhibit any kind of business transaction or create any hurdles and he believed the owners are pursuing the historic designation in hopes of being able to better market the building.

Completed review of the National Register of Historic Places Nomination for the Enterprise Building and recommended that the application be forwarded with support of the City Council.

140285 **Text Amendment - Requirements and Enclosures for Chickens, Pigeons, Rabbits, etc.**

Council is requested to adopt a text amendment amending Title 12 - Offenses, Section 12-2-2 - Requirements of Pens and Enclosures for chickens, pigeons, rabbits, etc. regarding the specific standards and regulations for the keeping of female chickens.

***Attachments:*** 03. Text Amendment - Section 12-2-2 - Re Keeping of Chickens

**Ordinance No. 1797/14-75**
**Introduced 9/15/2014; Adopted 9/15/2014**
**Ordinance Book,Volume XVIII, Page 129**

Chairwoman Smothers explained this is a request that came to Council from a citizen who asked that Council examine the requirements that have been in place for individual homeowners to keep chickens in enclosures within the City. She referred Council to the Text Amendment that has been prepared by the legal department and noted that this was discussed at length during a Comprehensive Planning Committee meeting held on September 11th. She asked if there was anyone present in the audience that would like to comment. There were no questions or comments.

Adopted Ordinance amending Title 12- Offenses, Section 12-2-2 Requirements of Pens and Enclosures for chickens, pigeons, rabbits, etc... regarding the specific standards and regulations for keeping of female chickens.

**A motion was made by Council Member Smothers, seconded by Council Member Moore, that this Ordinance be adopted. The motion PASSED by an unanimous vote.**

## PUBLIC HEARINGS - 6:15 P.M.

## COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140283 **Ordinance - High Point University - Zoning Case 14-09**

A request by High Point University to rezone approximately 92.2 acres from a Conditional Use Public & Institutional (CU-PI) District and a Conditional Zoning Public & Institutional (CZ-PI) District to a new Conditional Zoning Public & Institutional (CZ-PI) District. The site is lying north of Barbee Avenue, east of N. Centennial Street, south of E. Farriss Avenue and west of Panther Drive.

***Attachments:*** 03. HPU - Zoning Case 14-09
Adopted CZ14-09 Ordinance

**Ordinance No. 1798/14-77**
**Introduced 9/15/2014; Adopted 9/15/2014**
**Ordinance Book, Volume XVIII, Page 130**

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

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon explained this zoning case is for approximately 92 acres for a land area lying north of Barbee Avenue, east of N. Centennial Street and south of E. Farriss Avenue and is currently governed by four separate PI zoning districts. This application was submitted by High Point University because they desire to place additional student housing along the N. Centennial Street frontage. Mr. Shannon pointed out this proposal does not expand the limits of the campus, it just combines four separate districts into one for ease of administering zoning regulations on this portion of the campus. All relevant conditions in those previous districts are being combined together into one application. All standards previously adopted are being combined into one and will still be in effect (i.e. fencing, lighting, landscaping, screening of mechanical equipment, location of access points, loading areas, etc...). Mr. Shannon explained the proposal for a higher building height would only be for the interior portion of this area to ensure that the development along the perimeter of this site will be compatible with the adjacent neighborhood. He also noted that the land area associated with this request is not changing. Staff recommends approval of the applicant's request based on the conditions offered by the applicant. The Planning and Zoning Commission reviewed this request at their August meeting and also recommended approval by a vote of 8-0.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked of there was anyone present who would like to speak for or against the request.

Chris Dudley, 1365 Trafalgar Drive in High Point, Vice President and Chief of Staff for High Point University, spoke in support of the request. He informed Council that Dan Pritchett with Jamestown Engineering was present and could answer any questions. Mr. Dudley noted this is consistent with staff recommendations and would allow HPU to move forward with building 344 additional beds and townhomes similar to the ones at the corner of Centennial and Montlieu. He thanked Council for consideration of this request.

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

Adopted Ordinance providing for the rezoning of approximately 92.2 acres from a Conditional Use Public & Institutional (CU-PI) District and a Conditional Zoning Public & Institutional (CZ-PI) District to a new Conditional Zoning Public & Institutional (CZ-PI) District based on consistency with the City's adopted plans. Additionally, Council finds that this action is reasonable and in the public interest by adoption of the statements in the Staff Analysis section of the staff report.

**A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by an unanimous vote.**

## MISCELLANEOUS

140287 **Extension to Kimley-Horn & Associates Contract**

Consideration of an extension to the Kimley-Horn & Associates Contract for the N. Main Street Road Dieting Study.

**Motion by Council Member Smothers, second by Council Member Mendenhall to suspend the rules to add this matter to tonight's Agenda for consideration. The motion carried unanimously.**

Chairwoman Smothers noted a question was raised during the Comprehensive Planning Committee held on September 11, 2014 regarding when the data would be presented to Council from Kimley-Horne & Associates for the N. Main Street Road Diet Study. She asked Mark McDonald, Director of Transportation, to comment.

He explained that the Transportation staff and the consultants held a public symposium at the end of July, which included a number of sessions involving interested parties (i.e. residents, business owners, biking/pedestrian advocates, and the public at large) regarding the N. Main Street traffic study. He noted that three things came out of the study: traffic issues in the Hillcrest/Old Emerywood neighborhoods; traffic issues along Johnson/Hamilton Street which runs parallel to the Main Street through the study area; and the impact of the road dieting proposal from a traffic perspective on the Furniture Market. With these things in mind, staff wanted to review the scope of the project to ensure these were being addressed as fully as needed from an analysis standpoint. He pointed out this would require more data collection and more analysis time to the existing Kimley-Horne & Associates contract, and it would cost approximately $47,000 to do those additional services. Mr. McDonald informed Council that staff is ready to move forward with this, or is prepared to move forward just as the existing contract stands.

Several Council Members thought the impact of the N. Main Street Road dieting should have been included in the original scope of services in the original agreement and questioned why it was not even a consideration. Mr. McDonald noted the NC Department of Transportation (NCDOT) required the City to provide them with a traffic assessment of N. Main Street, but not so much the broader area. He further explained that they were included in the original scope of work that was originally estimated at $150,000, but staff got direction to cut the cost of the contract so a lot of those elements were removed or tempered down. He explained the extension of the contract would allow more analysis, more data collection in those neighborhoods to get a better quantitative view of what the impacts would be.

Mayor Pro Tem Davis asked Mr. McDonald who gave staff direction to reduce the amount of the money for the contract and pointed. Mr. McDonald stated he did not recall, but felt it was probably discussed in a committee meeting. He and other Council Members did not recall any figure other than the $113,000 that Council was presented with when the original agreement was approved. Mayor Pro Tem Davis reiterated concerns he voiced early on in the process that only staff and members of The City Project, Inc. were involved in the committee that helped to define the scope of the study, but no Council Members were ever involved. Mr. McDonald acknowledged that City staff and The City Project, Inc. were involved early on, but then it transitioned over to be solely a NC Department of Transportation Project.

Council Member Smothers noted that she and others also raised questions relating to the impact on Johnson Street, Hamilton, Hillcrest and potentially on Rotary because a citizen approached her with concerns about speeding traffic on Rotary and what a road dieting and increase in traffic in that area would do to the neighborhood. Council Member Moore stated he did not understand how the traffic on Main Street could be assessed without assessing where it would go. Council Member Mendenhall agreed and assumed the nearby streets would be considered in the study because of the impact to these neighborhoods. Mr. McDonald explained that staff and the consultants are assessing where the traffic is going and where they feel it will go, but it is more the level of detail with which they were looking at and it did not include in the original scope a detailed analysis of market operations. At this time, Mr. McDonald clarified that nobody that these neighborhoods would not be impacted because they were included in the study, but a more detailed assessment is needed. He noted the study for $113,000 that was approved focused primarily on Main Street operations with some assessment of potential diversion routes. Council Member Moore then asked Mr. McDonald if he felt the information already obtained in the study would be sufficient for NCDOT and he replied that it would.

Mayor Pro Tem Davis asked if the additional study would consider the impact on cut-through traffic on State Street over to Johnson Street as well as the traffic data during school hours at the elementary school. Mr. McDonald noted it would address these issues, but qualitatively so there would not be a lot of detailed analysis. He felt that State Street and Johnson Street would be a candidate for a route to divert traffic.

Council Member Mendenhall mentioned the original plans for the round-about on Lindsay Street, which included a recommendation from the Transportation Department for two left turn lanes. She pointed out traffic backups and in her opinion, it would be a moot point to diet that particular section of Main Street because it wouldn't be feasible to put two lanes of traffic turning left into one lane. Mr. McDonald explained the original plans for the Lindsay Street improvements included a round-about at the Elm and Parkway/Hillcrest intersection and included improvements along that section of Parkway coming up to Main Street, to widen it about a lane and a half next to Krispy Kreme and to include dual left turn lanes at that intersection. He pointed out the Duany Study recommended otherwise, looking for a more walkable environment, a narrower street environment and staff was instructed to make changes to the design of the round-about area and design of that intersection. Mayor Pro Tem Davis asked Mr. McDonald if staff objected to the pressure or instruction to make these changes. Mr. McDonald replied that staff did question it, but proceeded with the design.

Council Member Mendenhall felt before any additional money is invested in the traffic study, Council should wait and evaluate the data and analysis that has already been obtained by the consultants and asked staff when the results would be available. Mr. McDonald explained the study was originally scheduled to be completed by the first week in October, but due to some lost time caused by the delay in holding the public symposium, he felt it could be finished by early November, no later than Thanksgiving.

Chairwoman Smothers asked if there was a willingness of Council to extend the study to encompass the additional scope of work as described by staff. Council Member Wagner asked if it would end up costing more money in the long run if Council decides not to couple the additional scope of work with the current study. Mr. McDonald noted there would be some additional cost associated with it from a project administration standpoint from the consultant's side, but felt it would not be significantly more.

There was no action by Council to extend the agreement with Kimley-Horne & Associates for the additional scope of work regarding the N. Main Street Road Diet Study.

**This information was presented to Council, but there was no action by Council at this time to extend the agreement with Kimley-Horne & Associates for the additional scope of work regarding the N. Main Street Road Diet Study**

140286 **Appointment of Mayor James C. Davis**

Due to the resignation of Mayor Bernita Sims that was effective September 10, 2014, Council is requested to consider the appointment of Council Member James C. Davis as Mayor for the period effective September 15, 2014 to December 1, 2014.

***Attachments:*** Bernita Sims Resignation as Mayor
Jim Davis Resignation as Ward 5 Representative
Mayor Jim Davis Oath of Office

**Motion by Council Member Smothers, second by Council Member Mendenhall to suspend the rules to place this matter on tonight's agenda for consideration. The motion carried unanimously.**

Approved the appointment of James C. Davis as Mayor for the duration of the term of the current City Council.

As a result of this appointment, Council Member Smothers felt there was a need to fill the slot for Ward 5 and felt that Council should identify a target date for this appointment. She asked Mayor Davis to decide whether or not Council will do this at the next Council meeting. Council Member Smothers also pointed out there is a matter of appointing a Mayor Pro Tem.

The City Clerk administered the Oath of Office to Mayor James C. Davis at this time. [copy of the Oath of Office will be attached as a permanent part of these proceedings].

**A motion was made by Council Member Douglas, seconded by Council Member Golden, to approve the appointment of James C. Davis as Mayor for the duration of the current City Council's term. The motion PASSED by a 7-0 unanimous vote.**

## BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140253 **Boards and Commissions - Vacancy Report**

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

***Attachments:*** Vacancy Report

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

## APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

140284 **Minutes to be approved**

**Special Meeting: August 25th @ 8:30 a.m.**
**Finance Committee Meeting: Tuesday, September 2nd @ 4:30 p.m.**
**Regular Council Meeting: Tuesday, September 2nd @ 5:30 p.m.**

***Attachments:*** 1. August 25 2014 Special Meeting
2. September 2 2014 Finance Committee
3. September 2 2014 High Point City Council

The minutes from the preceding meetings were unanimously approved as submitted.

**A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that these minutes be approved as submitted. The motion PASSED by a 7-0 unanimous vote.**

### Closed Session- Economic Development

**Motion by Council Member Smothers, second by Council Member Mendenhall to suspend the rules to add this matter to tonight's Agenda for consideration. The motion carried unanimously.**

**At 6:50 p.m., Council Member Smothers moved to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(4) to discuss economic development opportunities. Council Member Mendenhall made a second to the motion, which carried unanimously.**

Council reconvened into Open Session at 7:05 p.m.. Mayor Davis announced there would be no action taken as a result of the Closed Session.

## ADJOURNMENT

The meeting adjourned at 7:05 p.m. upon motion duly made by Council Member Smothers and second by Council Member Mendenhall.

Respectfully Submitted,

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James C. Davis, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk