City of High Point

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

Meeting Agenda

Tuesday, September 8, 2015

5:30 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

RECOGNITIONS AND AWARDS

150278 Proclamation - National Recovery Month
Staff from Caring Services, Inc. will be in attendance to receive a proclamation declaring the month of September as "National Recovery Month."

PUBLIC COMMENT PERIOD

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

**Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.*
**Persons addressing City Council are asked to limit their comments to 3 minutes.*
**Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.*
**If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.*

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

PUBLIC HEARING - FINANCE COMMITTEE

150279 Public Hearing - Financing of Motorola Radio System Equipment
Tuesday, September 8, 2015 at 5:30 p.m. is the date and time established by City Council to conduct a public hearing pursuant to NC General Statute 160A-20 for the consideration of financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

CONSENT AGENDA ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

150280 Contract Extension - Pike Electric - Electrical Distribution Crews
Consideration of contract extension to Pike Electric in the amount of $2.26 million for Electrical Distribution Crews.

150282 Purchase of Equipment - Mini Derrick with Trailer
Council is requested to approve the purchase of a mini derrick with

trailer from Nesco Sales & Rentals in the amount of $153,100. This equipment is for use by the Electric Department to meet the growing demand for work in backyards with limited access.

150283 Delegation of Responsibilities for the Firefighter Local Relief Fund Board
City Council is requested to delegate the responsibility for submitting the annual Board of Trustees reports to the Fire Chief, currently appointed to Thomas Reid, and that copies of the report submissions be sent to the City Clerk's Office for record retention.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

150281 Purchase of Equipment- Compact Refuse Truck
Council is requested to approve the purchase of a new 2016 Isuzu rear loading refuse truck from Scranton Manufacturing in the amount of $93,475.33.

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

150285 CDBG - Procurement Procedures & Code of Conduct
Council is requested to approve the Procurement Standards and Code of Conduct for procurements utilizing Community Development Block Grant (CDBG) funds.

150286 Section 504 Grievance Procedure for HUD Programs
Council is requested to approval the Section 504 Grievance Procedure for HUD programs.

150287 Delegation of Authority - Federal Grant Documents
Council is requested to approve the Delegation of Authority authorizing the City Manager or his designee to execute federal grant documents.

150288 Citizen Participation Plan - 2015-2016
Council is requested to approve the 2015-2016 Citizen Participation Plan as requested by the Community Development and Housing Department.

150289 Conveyance of Property - Habitat for Humanity
Council is requested to adopt a Resolution authorizing the conveyance of four lots to Habitat to Humanity for the purpose of an affordable housing development in the Graves Avenue area.

150290 736 Washington Street - Appeal of Unsafe Building
Appeal of Code Enforcement Supervisor that the structure located at 736 Washington Street is an Unsafe Building.

150291 Ordinance - Demolition of Structure - 736 Washington Street
Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of the structure located at 736 Washington

Street belonging to Rebekah Jackson Hoover; and award contract to Double D Construction Services, Inc. in the amount of $27,300.00.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair

150293 Resolution of Intent - Annexation Case ANX15-07
Approval of a Resolution of Intent that establishes a public hearing date of Monday September 21, 2015, at 5:30 p.m. to consider a voluntary contiguous annexation request. The proposed annexation site is an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court. The property is addressed as 2723 - R1 NC Highway 68 and is also known as Guilford County Tax Parcel 0170014.

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

150264 Building Revitalization and Demolition Grant Guidelines
At the Prosperity &Livability Committee meeting held July 15, 2015, the committee recommended the approval of the Building Revitalization and Demolition Grant Guidelines to encourage the return of development and investment in the urban core of High Point.

150265 Development Incentive Grant
At the Prosperity & Livability Committee meeting held July 15, 2015, the committee recommended approval of the Development Incentive Grant to encourage rehabilitation of older buildings and/or promote infill growth with new commercial development in High Point's Downtown Revitalization Corridor.

GENERAL BUSINESS AGENDA

150294 High Point Parks & Recreation Department -Revisions to Rules & Regulations
Council is requested to approve the revisions to the High Point Parks & Recreation Department rules and regulations.

150292 Contract - Demolition of Structure - 701 Washington Street
Consideration of award of contract to Double D Construction Services, Inc. in the amount of $28,132 for the demolition of the First Baptist Church (entire building) located at 701 Washington Street and award of contract to Salem Stained Glass, Inc. in the amount of $19,600 for the removal of the stained glass windows.

150296 Appointments - Human Relations Commission
Consideration of appointments to the Human Relations Commission.

150295 Approval of the Minutes of Previous City Council Meetings
§ High Point City Council Meeting; July 20th @ 5:30 p.m.
§ Joint Meeting between the City Council and Planning & Zoning Commission; July 28th @ 4:00 p.m.
§ Prosperity & Livability Committee Meeting; August 12th @ 9:00 a.m.

§ Finance Committee meeting; August 13th @ 4:00 p.m.
§ Manager's Briefing Session; August 17th @ 4:00 p.m.
§ High Point City Council Meeting; August 17th @ 5:30 p.m.

150270 Boards and Commissions - Vacancy Report
Attached is the current list of vacancies for all Boards and Commissions.

ADJOURNMENT

CITY OF HIGH POINT
AGENDA ITEM

Title: **Contract – Demolition of 701 Washington Street**

From: Lee Burnette, Planning & Development Director

Meeting Date: September 8, 2015

Public Hearing: No

Advertising Date:

Advertised By:

Attachments: Bid Recommendations

PURPOSE:
A request by Planning and Development – Inspection Services to award contract for the demolition of the structure located at 701 Washington Street, First Baptist Church (entire structure) and removal of the stained glass windows.

BACKGROUND:
On August 4, 2014, the City Council adopted an ordinance ordering the inspector to effectuate the demolition of the First Baptist Church, located at 701 Washington Street. Since adoption of the demolition ordinance, the property owner has been financially unable to remove the structure. Staff has received bids for the demolition of the structure and is recommending that contract be awarded to Double D Construction Services, Inc. in the amount of $23,132, and also a proposal with Salem Stained Glass, Inc. in the amount of $19,600 for the removal of the stained glass windows in the sanctuary of the church. After City demolition, the property owner is billed for the cost of the demolition. At Council's direction, the City will remove the windows prior to demolition of the structure and those windows would become the property of the City to then sell and apply any money towards the cost of the removal and demolition. If the bill for the window removal or demolition is unpaid, then the City places a lien on the property.

BUDGET IMPACT:
Contract for removal of structure $23,132
Contract for removal of stained glass windows $19,000

RECOMMENDATION / ACTION REQUESTED:
Staff recommends the approval of the contracts.

DEPARTMENT RECOMMENDATION
Informal Bid(s)

DEPARTMENT: Administration-City Manager's Office

BID #: 2830-082615 DATE OPENED: 8/26/15

DESCRIPTION:

Demolition - 701 Washington Street (Entire Church)

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO: Double D. Construction Services, Inc. AMOUNT: $28,132

JUSTIFICATION:

Purchasing received 11 bids on Wednesday, August 26, 2015. We recommend awarding the bdd for demolition of 701 Washington Street - Entire Church to Double D. Construction Services, Inc. of Winston-Salem, NC, who is the apparent low bidder of $28, 132.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: Randy E. McCaslin Digitally signed by Randy E. McCaslin DN: cn=Randy E. McCaslin, o, ou, email=randy.mccaslin@highpointnc.gov, c=US Date: 2015.08.28 11:43:28 -04'00' DATE: Aug 28, 2015

PURCHASING MANAGER: DATE:
($5,000 - $30,000)

FINANCIAL SERVICES DIRECTOR: DATE:
($30,000 - $90,000)

Bid Tabulation
Demolition-701 Washington Street (Church)
Bid # 2830-082615

	701 Washington St. (SANCTUARY ONLY)	701 Washington St. (ENTIRE CHURCH)
A1 Salvage and Demolition Co., Inc. Archdale, NC Cja1metals@aol.com	$35,000	$45,000
D.H. Griffin Wrecking Co. Greensboro, NC dhdeatherage@dhgriffin.com	$89,856	$69,684
DT Construction & Demolition Company, LLC Raleigh, NC delatorreinfo@gmail.com	$35,910	$64,250
Double D Construction Services, Inc. Winston Salem, NC ddtrucking@triad.rr.com	$15,748	$28,132
Premier Design Builders Kernersville, NC jeromesr@premierdesignbuilders.com	$,16,850	$42,250
Jones Grading & Fencing. Inc. Charlotte, NC jgfinc@bellsouth.net	$142,690	$227,944
KDT Lewisville, NC katiogrady@aol.com	$75,000	$95,000
M & L Enterprise Morganton, NC ronmichaux@yahoo.com	$45,000	$85,000
T & T Abatement Contractor Services, Inc. Winston Salem, NC tandtabatement@yahoo.com	$75,000	$119,900
Timmy Causey Grading and Demolition Asheboro, NC bcausey@yahoo.com	No Bid	$64,000.00
W & W Trucking & Demolition, LLC. Winston Salem, NC ddtrucking@triad.twcac.com	No Bid	$44,850.00

EXHIBIT A

Salem Stained Glass, Inc.

P.O. Box 612, 200 Salem Trail, East Bend, N.C. 27018
Toll Free (888)724-2559 (336) 699-3421 (336) 699-3437 Fax.

PROPOSAL

Purchasing Division City of High Point		August 15, 2015
Proposal Submitted to	Phone	Date
211 S. Hamilton	(336) 883-3222	
Street	Job Name	
High Point, NC 27261	(Contact) Tarinda Chappell	
City, State and Zip Code	Job Location	

Salem Stained Glass, Inc. will remove the stained glass windows located in the Sanctuary of the First Baptist Church at 701 E. Washington St. We will preserve the windows as best we can and transport the glass to the designated storage facility as directed by the agent representing the city of High Point. These windows are very historically significant so we will make sure they are stored in an appropriate manner to keep them safe.

We are not responsible for any damage incurred due to the stability of the building.

The removal and the transport and stacking in the facility will be performed by our staff.

Total for the above project: $19,600.00

Payment to be made as follows: A deposit of 35 %($6,860.00) is due upon acceptance of the proposal, with the balance ($12,770.00) due upon completion of the removal.

Authorized Signature

Date of Acceptance

Signature

Member – Stained Glass Association of America

MANAGER'S BRIEFING SESSION
JULY 20, 2015 – 4:00 P.M.
COUNCIL CHAMBERS

MINUTES

Present:
Mayor Bill Bencini, Jr.; Mayor Pro Tem James Davis (Ward 5); and Council Members Cynthia Davis (At-Large); Latimer Alexander (At-Large); Jeff Golden (Ward 1); Chris Williams (Ward 2); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6)

Staff Present:
City Manager Greg Demko; Deputy City Manager Randy McCaslin; JoAnne Carlyle, City Attorney; Major Larry Casterline, High Point Police Department; Brian Beasley, Police Department Attorney; Brent Cole, Assistant City Attorney; Holly Lackey, High Point Animal Control Officer; Tommy Reid, Fire Chief; Melanie Bruton, MRF Superintendent; Jeron Hollis, Communications & Public Engagement Officer; Lisa Vierling, City Clerk

Others Present:
Summer Connor, District Leader- Humane Society of the United States
Libby Scandale, David Willett, Doug Connor, Susan Connor, Summer Connor

News Media:
Fox 8

City Manager Greg Demko opened the meeting and welcomed everyone in attendance.

Unsafe Building- 736 Washington Street

Deputy City Manager Randy McCaslin shared some photographs of the old lodge building located at 736 Washington Street. The roof has caved in and the third floor and second floor are now on the first floor. He noted the little white building on the west side of the property is separately owned with walls abutting the building at 736 Washington Street and is being used as a small church. Mr. McCaslin advised that staff has had conversations with the pastor and they are no longer holding services there. The Washington Street park is located on the other side and is very close to the building, so the city has blocked off the sidewalk with temporary barriers to keep people from walking directly in front of the building; the park has been temporarily closed; and the church understands they cannot use their building. On July 27th, staff will hold an internal hearing for unsafe structures with the property owner and following this meeting, the property owner, Rebekah Hoover, will be issued an order to repair and demolish. Staff hopes to be able to take action on bids and move forward with demolition of the structure at the first meeting in September.

Council Member Alexander asked about liability in the case that the building walls crumble or it collapses and results in injuries or property damage. Mr. McCaslin referenced the Kilby building and noted that staff initially closed Washington Street for about 45-60 days, but re-opened the street after that time at the request of the property/business owners. He advised that the city's engineer has looked at the building at 736 Washington Street and has made the determination that the building could collapse into the roadway. He pointed out Becky & Mary's Restaurant is right across the street and in all likelihood could probably hit Becky & Marys, or could go either direction on the sides. Mr. McCaslin informed Council that staff is not planning to close Washington Street at this point in time.

Mayor Pro Tem J. Davis asked for a status update on the Washington Street improvement project. Mr. McCaslin advised that some of the sidewalks are in, street lights are in, and the contractor is now working on the south side of Washington Street (halfway to Centennial). He reported that the contractor would be headed near the 700 block of Washington Street in the very near future, but staff will block it off so they can't work directly in front of the building. Council Member C. Davis asked if there was anyway the city could go ahead and demolish the building and bill the property owner since it is a public safety concern. City Attorney JoAnne Carlyle noted this would be possible and added that she was not really aware of the status of the engineer's report. In addressing Council Member Alexander's concerns about liability, Ms. Carlyle explained that once the city is aware of a problem such as this, the city must take action to protect the public.

Council Member Alexander suggested it might be possible to talk with Ms. Hoover in an effort to expedite the demolition. He also inquired as to if there might be any other buildings on Washington Street in similar conditions. Mr. McCaslin advised Council that First Baptist Church did talk to Pastor Robinson and he would be coming in tomorrow morning to meet with staff regarding moving forward with the demolition of the First Baptist Church.

Mayor Pro Tem J. Davis questioned being able to go in and demolish a building without first giving the property owner the right to repair it. Ms. Carlyle advised that Council's decision would have to be solely reliant upon the engineer's report and she felt there was not enough information at this point to move forward. Council Member Ewing asked if the building at 736 Washington Street has any of the same historical value as the Kilby did. Mr. McCaslin replied he was not aware of any historical designation, but would get the information from Planning.

Mayor Bencini asked about the timeframe for demolition assuming the engineering report recommends it to be demolished. Mr. McCaslin explained that if the order is issued on Monday, staff could have bids for asbestos removal and demolition ready for Council in September. Ms. Carlyle pointed out if it is deemed to be a true emergency situation, then the city would not be required to accept bids and the demolition could be moved forward quicker. Mr. McCaslin noted the property owner could contest the determination, which could prolong it. Mr. McCaslin reiterated that staff has blocked the sidewalk in front of this building and is in the process of getting quotes to install fencing to prevent people from walking directly in front of the building.

Council Member Alexander felt it was a catch 22 either way, whether or not the street is closed because closing the street would significantly impact the business at Becky & Mary's, but not

closing the street would put the patrons and everyone else at risk. Council Member C. Davis felt public safety should be considered first and foremost and it was unfortunate that Becky & Mary's again find themselves in the same situation with the Kilby.

Council Member C. Davis also called Council's attention to another structure on Kirkwood in Ward 4 where the roof is caved in and being used for skateboarding.

Dog Tethering Ordinance

Major Larry Casterline shared some important considerations prior to Council considering a dog tethering ordinance for the City of High Point. He shared the following considerations:

- A majority of the citizens who tether dogs live in areas that are designated as food deserts, which are the poorest areas and fines would be levied against poor citizens;
- 75-80% of those living in these areas are renters and have no authority to add fences, dog runs, and have limited control over the property;
- The dog tethering ordinance would be a city ordinance and would not authorize animal control or the police department to seize a person's property and they can only seize animals if the animals life is in danger. He pointed out there is already an existing cruelty to animals statute that is enforced in these situations;
- Animal control officers receive annual training from a veterinarian so they can rate the level of neglect or problems facing the animals;
- The High Point Police Department handles over 5,000 animal calls per year

Major Casterline shared that a new animal control officer has been hired and started working with the High Point Police Department in May, 2015. He explained that staff also discussed the possibility of turning over animal control to Guilford County, but they do not feel that is feasible. He advised that Greensboro currently contracts with Guilford County at a rate of $400,000 a year, but recently the coverage provided has been cut, but the amount of money has not been reduced. High Point is in four counties and this also poses jurisdictional issues.

Other important considerations noted were:

- High Point would have no control over work schedules;
- If Council adopts a dog tethering ordinance, there would be a need to hire an additional animal control officer position in addition to another supervisor;

At this time, Major Casterline entertained questions.

Council Member Alexander felt it was important to have an educational component to the ordinance. Mayor Bencini asked about the additional animal control officer that would be needed and Major Casterline replied that the additional officer would be needed with or without the adoption of a dog tethering officer. He shared some of the budgetary costs associated with another animal control officer's position: patrol vehicle, $34,080; salary, $38,603; uniform, $9,266 for a total of $81,941.

Council Member Golden asked about how many of the 5,000 calls per year were actually related to tethering complaints. Major Casterline replied there is no separate designation in the call system for tethering. Officer Holly Lackey noted most call received are for things like chains being too short, etc…. and they don't get a lot of calls about dogs being tied up. She further explained that most calls involve welfare checks. Council Member Golden asked if it might be possible to get numbers on dogs that have to be removed for welfare reasons. Officer Lackey replied that she did not have this information, but could get it.

Mayor Pro Tem J. Davis asked staff to identify the positives associated with adoption of a dog tethering ordinance or having the county take over. Major Casterline felt there would be no positives having Guilford County take over because we would lose all control over working specific times based on calls for service and they would not be able to guarantee how many would be assigned to High Point and when they would be working. He stated he does not see any problem with a dog tethering ordinance.

Council Member Alexander asked if the tools are currently in place to take care of the welfare of the animals in High Point and asked about the educational component of the ordinance. Major Casterline explained that Guilford County did an educational program for a full year for citizens and a six-month period for warnings.

Council Member C. Davis pointed out that Summer Connor was present from the Humane Society and she had implied that they, too, offer training classes to anyone and there was funding available through them for the educational aspect.

A brief discussion followed regarding the cost for the additional positions. Council Member Ewing asked if the additional animal control officer and supervisor would alleviate 35% of the calls that the current patrol has to handle. Major Casterline replied that it absolutely would be able to handle all calls without a problem and they were trying to get the patrol officers away from as much of the animal control business as possible. Council Member Alexander pointed out that the new budget has just been adopted and asked where the additional funding would come from. Council Member C. Davis pointed out budgets are amended frequently and consideration should be given to the public safety aspect of it.

At this time, Council Member C. Davis stated that Ms. Connor had shared some call volume numbers with her and asked if she could elaborate. Ms. Connor advised that in 2014, High Point dispatchers received 2,784 animal control related calls (this was the sixth highest volume of phone calls that came into the dispatcher). She noted that call volumes may go up initially whenever an anti-tethering ordinance is adopted, but over the cover of several months the call volumes drop drastically as a result of education and awareness. Council Member C. Davis inquired about the spay and neuter programs offered and asked if it makes animals more or less aggressive. Ms. Connor explained that when an animal has been spayed or neutered, the animal is more relaxed and pointed out an unaltered male is usually the leading cause for dog attacks. Mayor Pro Tem J. Davis asked Ms. Connor if they offer rabies shots to help the lower income communities. Ms. Connor responded that they do offer rabies clinics throughout the year at zero cost and that they take advantage of this time for an opportunity to educate those attending on spaying, neutering, proper leashes and collars, etc…. She reported that she has received

permission to set something similar up in High Point, but needed direction from Council as to when they would like to make it happen.

Council Member Williams felt it was really important to have funding available to help with enclosures considering that 75% are in lower income areas and rental properties. Council Member C. Davis noted that information was provided that included a link to a site that provides funds for fencing assistance in these cases. Unchained Guilford is authorized to start a program in High Point if the ordinance is adopted. Ms. Connor reiterated that the ordinance is for unoccupied tethering and would not prohibit a dog owner from tethering a dog while out in the yard doing work, etc….. She advised there are about 23 jurisdictions in North Carolina that have adopted tethering ordinances because of the direction and belief that tethering of animals is inhumane. Council Member Ewing pointed out that three of the four counties that encompasses High Point is on the list (i.e. Guilford, Davidson, Forsyth) and Randolph County is looking to adopt one.

Mayor Pro Tem J. Davis suggested a good starting point would be to mirror Guilford County's ordinance. Council Member C. Davis recommended an addition to the Guilford County ordinance in regards to records retention on the number and type of calls that come in to aid in budget discussions from year to year.

Council Member C. Davis then MOVED TO APPROVE GUILFORD COUNTY'S ANIMAL TETHERING ORDINANCE for High Point.

For further discussion, Council Member Golden inquired about an effective date. There were some questions as to if action could be taken during the Briefing Session, or if action should be taken during a Council meeting. City Attorney Carlyle noted that Council could suspend the rules to place it on tonight's agenda for consideration, or wait to place it on the next agenda. Because there were still some things that required clarification (i.e. effective date, educational aspect, fines, warning period, phase-in period, etc….), Council decided to wait for staff to come back to Council with an ordinance addressing these issues.

There being no further business to discuss, the meeting adjourned at 5:05 p.m. upon motion duly made and seconded.

Respectfully Submitted,

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Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval of Procurement Procedures And Code Of Conduct (CDBG)

From: Michael E. McNair, Director

Meeting Date: September 8, 2015

Public Hearing: N/A

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

Attachments: Procurement Procedures And Code Of Conduct (CDBG)

PURPOSE:
Adoption of a procurement procedure and code of conduct for Community Development Block Grant funds ensure compliance with federal regulations.

BACKGROUND:
HUD regulations require the City to approve Procurement Standards and Codes of Conduct for procurements utilizing Community Development Block Grant funds. Federal and State agencies are interpreting the regulations to require approval of relevant policies and procedures by Council rather than by the administrating departments.

BUDGET IMPACT:
None

RECOMMENDATION / ACTION REQUESTED:
The Community Development and Housing Department recommends approval of the Procurement Procedures and Code Of Conduct (CDBG) and that the appropriate City official be authorized to execute all necessary documents.

CITY OF HIGH POINT, NORTH CAROLINA
PROCUREMENT PROCEDURES AND CODE OF CONDUCT (CDBG)

Procurement Procedures

The City of High Point will, in all cases of procurement for professional services, construction services and materials needed for Community Development Block Grant (CDBG) and related Programs, adhere to Code of Federal Regulation 24 C.F.R. Section 85.36; North Carolina G.S. 143-129 and G.S. 143-131 regarding bidding laws and thresholds; and City of High Point Purchasing Procedures and thresholds (the stricter shall apply). The following procedures summarize said laws and regulations.

A. Procurement shall be made by one of the following methods:

1) Small Purchase Procedures [24 C.F.R. Section 85.36 (d)(1)] – This method will generally be used to obtain small quantities of supplies. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000 for CDBG). If small purchase procedures are used, price or rate quotations shall be obtained from two or more qualified sources in accordance with City of High Point bid thresholds.

2) Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials. Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price.

3) Competitive Proposals [24 C.F.R. Section 85.36 (d)(3)] - This method will generally be used to obtain professional services. This method has two sub-parts—the Request for Proposal and the Request for Qualifications.

Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required. The City must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete. Proposals must be solicited from two or more qualified sources, consistent with the nature and requirements of the procurement. The City must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; and the City must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services.

Request for Qualifications – The City and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4) Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development. When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.

B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

C. The City shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.

D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

General Administrative Provisions

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

Scope of Services

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

Method of Compensation

- Provisions for compensation for services including fee and/or payment schedules and specification of maximum amount payable under the contract.

Federal Standard Provisions

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than $50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds $100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding $2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

Code Of Conduct

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of High Point engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

I. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3); N.C.G.S. 14-234, and 160A-415 are incorporated in this Code of Conduct by this reference. The requirements of these federal regulations and North Carolina general statutes will be adhered to, and in the event of a conflict in the requirements of any of such federal, state and municipal requirements, the stricter of any conflicting provisions will be adhered to.

II. No employee, officer or agent of the City shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

III. City employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

The Procurement Procedures and Code of Conduct are adopted this _____ day of _____, 20____.

City of High Point

BY: _____
Mayor

ATTEST: _____

JOINT MEETING OF THE
HIGH POINT CITY COUNCIL & the
PLANNING & ZONING COMMISSION
JULY 28, 2015 – 4:00 P.M.

MINUTES

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

Absent:
Council Members Latimer Alexander (At-Large)

Present (Planning & Zoning Commission)
Jim Armstrong, Ozzie Hough, Mark Walsh, John McKenzie, Ed Squires, Tom Kirkman and Marie Stone

Absent:
Andrew Putnam, Chairman

Staff Present:
Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Lee Burnette, Director of Planning & Development; Heidi Galanti, Planning & Development; Bob Robbins, Planning & Development; Brent Cole, Assistant City Attorney; Jeron Hollis, Communications & Public Engagement Director; Lisa Vierling, City Clerk

Others Present:
Craig Richards, Clarion Associates
Chad Meadows, CodeWright Planners, LLC
Judy Stalder, TREBIC
David Rosen

PRESENTATION FROM CONSULTANTS- FINAL MODULE OF DEVELOPMENT ORDINANCE REWRITE

Craig Richardson provided an overview of the background for the 3-year process for the High Point Development Ordinance rewrite. He shared that they addressed issues that were raised by the UAC, design standards and conducted public meetings to overview all three modules of the Development Ordinance allowing the public to share comments. This is the Final Module and upon completion of this meeting, the next step is to take comments received on all three Modules and prepare a public hearing draft that should be available in September.

The six key themes identified and addressed in the Final Module focused around the following:

1. Make the Code More User-Friendly
2. Make the Code More Customer-Friendly
3. Implement the Core City Plan
4. Protect and Revitalize Neighborhoods and Gateways
5. Promote More Livable and Sustainable Development in Greenfield Areas
6. Create Additional Flexibility and Incentives

Module 3 consists of the following chapters:

Chapter 5: Development Standards
Chapter 6: Environmental Standards
Chapter 7: Subdivision Standards
Chapter 10: Measurement and Definitions

Chad Meadows of CodeWright mentioned some important aspects throughout the entire process was to establish a more user-friendly page layout, a Code document easier to navigate, easier to understand, more intuitive, etc… as well as clarify and simplify the standards and raise the development bar generally throughout the city.

Chapter 5 overview (Development Standards)
Sets out development design standards (i.e. how development looks and operates), things like parking, landscaping, lighting, fencing, etc…).

5.2 Zone Lot and Access Standards
He explained one of the new things that would be very beneficial particularly along the major/minor thoroughfares are some requirements for cross access (where parking lots are connected to one another—parking lots that serve commercial or industrial development). This is a means to allow folks to move through the city without clogging major/minor thoroughfares.

5.3 Off-Street Parking & Loading
Reduced the parking requirements. . This includes new bicycle requirements for larger developments. They left the loading requirements in the hands of the developers. Includes some detailed lot configuration provisions (surfacing, marking, layout, how water is treated, how to handle unpaved parking lots, etc…). This provides greater flexibility and is especially useful in the Core City to encourage redevelopment.

5.4 Landscaping Standards
Detailed configuration standards have been added to the landscaping, which includes species some new species diversity requirements. It also includes some new standards for planters and extra options for urban areas. Encourages the retention of existing vegetation for buffer and landscape materials and creates some incentives to do this. Tried to make parking lots more functional from a stormwater standpoint and more aesthetically pleasing for the visitors to the city. Mr. Meadows shared a process will be in place in the case that someone may need to deviate from the standards, as well as some extra provisions that allows substitution of plant

materials, etc… as well as some reductions to the landscaping yard requirements in the Core City in recognition of those urban areas. He noted the goal is to increase flexibility while accommodating redevelopment in the Core City. There are also some provisions for maintenance and disincentives for removal of required landscaping.

5.5 Screening

These provisions prevent the functional pieces of the site from view (i.e. refuse collection, loading and service areas and ground-based mechanical equipment, etc…). It will consist basically of landscaping, a wall, etc….

5.6 Signage

This includes reformatting the current signage provisions to make them a little easier to use, but there have been no substantive changes in the sign regulations.

5.7 Sidewalks

The sidewalk provisions have been brought together in a single, consolidated location so it is very clear as to applicability and also includes a fee in lieu provision that recognizes that development timing doesn't always coincide with construction of infrastructure.

5.8 Exterior Lighting

These provisions limit light trespass or glare from neighbors property. There are also some standards for some specific kinds of uses like awnings, public facilities, etc…

5.9 Fences

This sets out better language about prohibited materials such as barbed wire, etc…. and allows for a possibility of a security exemption plan to be filed with the planning director to keep the site secured.

5.10 Open Space

The Open Space provisions are basically portions of the site that are not developed (i.e. a pool, trails, playground, etc…). These standards are based on the number of units with a square footage of open space to be provided per unit on a proposed site. The amounts are similar to those in Greensboro.

Mayor Pro Tem J. Davis asked if wetlands would be considered part of this. Mr. Meadows explained that a credit would be given for a portion of a wetland or flood plain area and further elaborated that there are some incentives for improving flood plain and wetland areas with walking paths to allow for additional credits.

Planning & Zoning Commission Member Mark Walsh expressed concerns that this would take a developers yield down (i.e. houses and apartments that could be built), which would prohibit a development. Mr. Meadows explained that it is not a requirement that a pool be included or any impervious surface at all as open space noting there are a variety of things that could be included that don't have any impact on the lot coverage. Mr. Walsh expressed concerns that this would be a guideline and would be turned into a procedure. Mr. Meadows advised over the scope of this project, he has come to realize that watershed protection provisions/stormwater are

probably the primary limiting factor for development, but there was not much that could be done about it.

Mr. Walsh also expressed concerns regarding the parking regulations and pointed out a requirement to put in circles and planting trees could take up parking spaces and could stop the development. Mr. Meadows shared that they have been testing the development regulations on sites throughout the city to figure out if these standards work or not and could safely say that they think they do work. He explained that on the four sites they tested, they ended up using the administrative adjustment plan on one site (maximum of a 25% reduction for an adaptive reuse site in downtown, which worked). He noted a couple of things to keep in mind was one, the parking requirements have been reduced across-the-board; the administrative adjustment provision has been added that would allow a developer to reduce the amount of parking or ask for a reduced amount of landscaping to make a site work.

Judy Stalder pointed out these are not guidelines, but are standards/regulations for open space and parking landscaping.

5.11 Development Types

These are standards that are basically applied holistically to four or five different forms of development of which the standards are mandatory, but the uses are optional. For example for multiple lot developments (comparable to the IMUD), these requirements would have to be followed. For pocket neighborhoods, it would be optional. Some of these standards are mandatory; some are optional.

Pocket Neighborhoods

He explained a pocket neighborhood is a way to accommodate additional single-family residential development on existing sites in the city that might already have some form of development. It is basically allowance for a series of smaller homes around a common, open space (with parking often being consolidated for the development or to the rear of the homes). Judy Stalder pointed out this does not increase the density of the district it is located in.

Mr. Walsh asked if this would include public or private roads and when turning lanes would be required. Mr. Meadows noted the turning lane question would be up to NCDOT, but as far as public or private roads, it would probably be a private drive with private utilities. Mr. Meadows advised this kind of development is happening not so much on the east coast, but on the west coast. Mayor Pro Tem J. Davis asked how this would fit into the city's requirement that individual taps are to be located in front of the unit. Ms. Stalder felt this was a good idea, but pointed out it is not written so that it fits into the High Point regulations where it can be developed in High Point. Mr. Walsh noted there would be a lot of this and shared that he has looked at the 10-12-acre pockets and felt it would be a perfect thing for the property on Shadybrook. Ms. Stalder agreed there is a market for it, but again pointed out the ordinance is just not ready for it. Mr. Meadows explained these standards are ones they have used in several other communities across the country and felt if these standards would not work in High Point it might be because of policy. Since it is a policy issue, they will be looking to High Point to make this a reality. Mr. Meadows encouraged High Point to give it a try and address any of the hurdles that might come up in the process.

Large Retail

Mr. Meadows then moved the discussion towards large retail (single tenant buildings of 50,000 sq. ft. or more on the ground floor, or multiple buildings/tenants in a single building of a 150,000 sq. ft. on ground floor or more). He pointed out basically the intent of the large retail standards is to get rid of long monolific walls with no treatment in an effort to raise the quality of development in High Point which may include architectural standards, more building facades, with a choice of using two of the ten. The purpose is to raise the bar for the aesthetic appeal of the development to minimize the dominance of parking on the streets and to give the applicant some flexibility as to how to meet the standards.

Corner Retail

Mr. Meadows reported on development standards for corner retail and explained this is a means to accommodate in the LO District, a commercial or mixed use building in the corner in an area that's either within or adjacent to a residential neighborhood (i.e. something that can serve as a coffee shop, small restaurant, office use with residential above, and does not include drive-thrus). The purpose is to try to make buildings a little more pedestrian oriented while minimizing the impact of the parking on the neighborhood street.

Conservation Subdivision

This is basically a means to allow residential to take place in an area that is being farmed which allows reduction in some minimum lot sizes and locate homes in closer proximity to one another. Mr. Meadows noted there has been a lot of discussion regarding the disposition of these types of standards, which are optional. He advised there may not be enough agricultural land left in the city to make this a viable choice, but it could be discussed because it is optional. (i.e. concept is homes closer together, rest of the land is left open or as farm land).

5.12 Sustainability Incentives

Mr. Meadows mentioned that the idea is to create some reasons to incorporate sustainable development features to receive credit for (i.e. energy conservation, LEED Certification, water conservation, building configuration, site configuration, etc…). If one decides to incorporate any of these features into the development at the minimum required by the ordinance, one may take advantage of some incentives such as an extra two units an acre for the development, additional building storage, reduction in the minimum parking requirement, or an additional sign area or height, etc…

CHAPTER 6: Environmental Standards

Some of the Key Elements (changes) that were made:

- Carries forward current standards for: public trees; watershed protection; soil erosion/sedimentation; flood damage prevention
- Definitions relocated to the definitions chapter
- Watershed Overlay Provisions at set out in Chapter 3

CHAPTER 7: Subdivision Standards

Key elements include:

- Carries forward current subdivision standards
- Revised financial guarantees (including warranty provisions)
- Some new HOA requirements
- Greenway dedication requirements (new section)
- Codified public land dedication procedures

CHAPTER 10: Measurement and Definitions

Key Elements include:

- General rules for interpretation
- Rules of measurement
- Summary table of encroachments
- Table of abbreviations
- Definitions
- Index

UAC REVIEW OF MODULE 3

The Module 3 material was delivered to the UAC in April with enumerable meetings being held. A total of 215 comments were submitted as a result of the UAC Review, out of which 213 cases they were able to reach some type of agreement. Mr. Meadows felt the comments definitely led to a better overall ordinance, with the exception of the two comments on some big issues that have not yet been resolved: street connectivity index requirement, and the conservation subdivision. Mr. Meadows asked for guidance as to whether or not there is a desire to leave the provisions in the public hearing draft or remove them.

Street Connectivity Index Requirement: (better ways to connect subdivisions): Mr. Meadows provided a brief back ground on Section 7.1.6.C.4 of the Code. He explained that the idea behind this is to find a way to better way to internally connect subdivisions in the city so that people can move from place to place without having to drove out on an arterial street (i.e. better connectivity through the neighborhood and also has a provision for connection with a pedestrian connection in the case where streets cannot be connected. It distributes traffic, but does not prohibit cul-de-sacs and creates an opportunity for a developer to lay out their development with some flexibility which would require them to meet a minimum index requirement. A simple calculation is used for this determination.

The consultants are recommending a minimum threshold standard to be included in the ordinance for the lowest density residential is 1.3. He explained that the index rises as the intensity and district goes up to 1.5. Mr. Meadows then shared an existing development (The Legacy at Sandy Ridge) that was approved by the city, which has a connectivity score of 1.88 (well above the minimum threshold that is being suggested). Mr. Meadows pointed out the UAC

did not want a connectivity index in the ordinance at all because they felt it was not necessary in that it creates more problems than it solves.

Ms. Stalder acknowledged that the UAC did look at this and clearly there is some type of connectivity in the City of High Point and pointed out the Transportation Department is very specific as to where they want the connections made in each and every development that comes through. She noted the proposed connectivity index would add a lot of complication to something that has already been solved, as well as it takes out the creativity as the developer draws up the plans. These calculations not only have to be done by the engineer hired by the developer, but by the city staff as well which uses up their time. As far as the pedestrian connections, the UAC did discuss this and everyone agreed there are certain places where pedestrian connections should be required such as to make a pedestrian connection to a school, a greenway, or potential greenway. She felt there was no need to fix something that is not broken.

Mayor Pro Tem J. Davis questioned the purpose in consideration of including this when the UAC recommended it not be. Mr. Meadows explained he felt it was necessary for them to bring it to see whether or not there is a desire to include it and pointed out it is included in the Code Assessment that was prepared several years back. Lee Burnette, Director of Planning & Development pointed out that staff is okay with the removal of this. Mr. Walsh felt it is great because of the need for moving people, but noted problems on the development side with connections that could devalue property. Mr. Meadows agreed this was a valid criticism. Mr. Burnette pointed out the index does ensure more connectivity, but the kinds of subdivisions the planning department is seeing now and looking at in the future, it probably was not time for this.

Mr. Meadows noted barring any objections, and based on this discussion, they would remove this from the draft regulations.

Conservation Subdivision: *Mr. Meadows noted after much discussion with the UAC, it was questionable as to the need for it. He felt the conservation subdivision procedure is a great one for communities that want to protect a lot of open space, that have a lot of stands of undisturbed land that is being farmed. He pointed out there is not a lot of land left over and what does remain really does not have the right zoning, which would require downzoning to allow someone to take advantage of it. He emphasized that this is a tool and is optional, but the UAC felt it was a little complicated and not needed.*

Council Member C. Davis expressed support for this and mentioned the annexations taking place and growth going out towards Colfax, etc…. and felt those property owners do have the right to develop it the way they desire if they have a sizeable enough piece. When the UAC discussed this, staff saw there are other options that allow this to occur that in many cases where this type of development does occur, it's in areas without water or sewer (outside the incorporated area of High Point). Staff felt it would result in four or five pages of optional material, but there were other ways to possibly go through the flood zone or other types of techniques to allow this to occur. Council Member commented there were also other optional plans that do the same thing, and felt it would be "no harm, no foul" and she recommended leaving it in so the public can have a say as to whether or not they like it. Council Member Ewing felt something like this fits

in great with some of the city's southern neighbors (i.e. Trinity, Archdale, Thomasville, etc…), but from a density standpoint he did not feel it was a good fit for High Point.

It was the consensus to leave the conservation subdivision in so it could be considered during the public hearing process.

Ms. Stalder felt it was unfortunate that the UAC was not invited to this meeting for comments and noted she just happened to see it on a regular city email that she gets. Heidi Galanti apologized and noted it was a short sight of hers because she neglected to send the email.

NEXT STEPS

Mr. Meadows advised they would consolidate the three Modules into a single document. Council Member C. Davis asked them to make sure there is consistency throughout the draft.

There being no further business to discuss, the meeting adjourned at 5:15 p.m.

Respectfully Submitted,

_____
Lisa B. Vierling, MMC
City Clerk

_____
Marie Stone, Vice Chair
Planning & Zoning Commission

_____
William S. Bencini, Jr., Mayor
High Point City Council

CITY OF HIGH POINT
AGENDA ITEM

Title: Delegation of Responsibilities for the Firefighters Local Relief Fund Board

From: Lisa Vierling, City Clerk
Jeffrey A. Moore, Financial Services Director

Meeting Date: September 8, 2015

Public Hearing: N/A

Advertising Date N/A
Advertised By: N/A

Attachments: None

PURPOSE:
In accordance with State law, the City Clerk/Finance Officer are currently responsible to file the Firefighter Relief Fund Board of Trustees Report with the Department of Insurance-Office of State Fire Marshal by October 31. The annual report can filed by the Fire Chief if that authority is delegated by the City Council.

BACKGROUND:
During the 2014 Session of the General Assembly, several changes to the statutes governing and administering the firefighter local relief funds use and reporting were made with the support of many fire chiefs across the State. Among those changes were required improvements for the database of firefighter participant information maintained by the Department of Insurance-Office of the State Fire Marshal and placing more responsibility for the administration of those funds on the Local Relief Fund Board of Trustees.

The Firefighter Relief Fund Board of Trustees Report is the annual report that lists each local fire department's Board of Trustees who serve on the local Firefighter Relief Fund Board. This mandatory report must be submitted annually in order for local fire departments to receive Firefighter Relief funds from the Department of Insurance-Office of the State Fire Marshal.

Because of the new database reporting requirements and that the High Point Fire Department Administration already has access to the database for firefighter participant details, and because the delegation for the responsibility of reporting this information has been allowed through NC General Statute 58-84-46, we concur with the recommendation from the Department of Insurance for the delegation of this annual report submission of the Board of Trustees Report to Fire Chief Thomas Reid.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The City Clerk and Financial Services Director recommend that the City Council delegate the responsibility for submitting the annual Board of Trustees reports to the Fire Chief, currently appointed to Thomas Reid, and that copies of the report submissions be sent to the City Clerk's Office for record retention.

Delegation of Authority to Act as Certifying Officer

I, William S. Bencini, Jr., the Chief Elected Officer of the City of High Point, do hereby delegate to Greg Demko, City Manager, an official of the City of High Point, or his designee, all authority necessary to act as Certifying Officer for the City of High Point under Section 104(g) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(g)) (HUD Act), in connection with the receipt of assistance from the U. S. Department of Housing and Urban Development (HUD) under Title 1 of the HUD Act. Such authority hereby delegated includes, but is not limited to, the authority to execute the certification required under Section 104(g) of the HUD Act; the authority to specify when appropriate that the jurisdiction has fully carried out its responsibilities for environmental review, decision making and action under Section 104(g)(1) of the HUD Act; the authority to consent to assume the status of a responsible Federal Official under the National Environmental Policy Act of 1969 and other provisions of law specified in the regulations of HUD in 24 CFR Part 58; and the authority to consent on behalf of the City of High Point and himself or herself to acceptance of the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as responsible Federal Official.

Enacted on this 8th day of September 2015.

City of High Point

BY: William S. Bencini Jr.

Willliam S. Bencini, Jr., Mayor

ATTEST: Lisa B. Vierling

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval of 2015-16 Citizen Participation Plan

From: Michael E. McNair, Director

Meeting Date: September 8, 2015

Public Hearing: N/A

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

Attachments: **2015-16 Citizen Participation Plan**

PURPOSE:
The purpose of the Citizen Participation Plan is to provide a mechanism for residents to participate in the development of the City's Consolidated Plan/Annual Action Plan and any substantial amendment to those plans.

BACKGROUND:
Federal regulations require the City to adopt a citizen participation plan that sets forth policies and procedures for citizen participation.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The Community Development and Housing Department recommends approval of the Citizen Participation Plan and that the appropriate City official be authorized to execute all necessary documents.

CITIZEN PARTICIPATION PLAN

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

and

HOME INVESTMENT PARTNERSHIP PROGRAM

HIGH POINT, NORTH CAROLINA

FORTY-ONE YEAR PLANNING PROCESS

COMMUNITY DEVELOPMENT AND HOUSING DEPARTMENT

This printed material will be provided in an alternative format upon request.

Table of Contents

INTRODUCTION.....3

Community Development Block Grants Program (CDBG).....3

Home Investment Partnerships Program (HOME) 4

CITIZEN PARTICIPATION IN HIGH POINT.....5

Citizens Advisory Council (CAC).....5

Provision of Technical Assistance.....6

Public Hearings.....6

Consolidated/Annual Action Plan.....7

Consolidated Annual Performance and Evaluation Report (CAPER).....8

Amendments to Consolidated/Annual/Action Plan.....8

Complaints and Grievances Procedures.....9

Objections to CDBG/HOME Consolidated/Action Plan Application.....10

Provision of Program Information.....10

CONCLUSION.....11

Community Development and Housing Department.....12

High Point City Manager.....13

High Point City Council.....13

Citizens Advisory Council.....13

CENSUS Tracts for Targeted CDBG/HOME activities.....14

Introduction

The City of High Point has designed this community-wide Citizen Participation Plan to provide for and encourage citizen participation in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs. This Plan is an essential element of High Point's community development process and has been developed to comply with the regulations and requirements of the CDBG and HOME programs as administered by the Department of Housing and Urban Development (HUD). This Plan supersedes all other Citizen Participation Plans which may have been previously adopted.

The primary goal of this Citizen Participation Plan is to provide citizens with opportunities to participate in an advisory role in the planning, implementation, and assessment of High Point's CDBG and HOME program(s). These programs are established to help low- and moderate-income persons, particularly those living in slums and blighted areas. HUD regulations specify that an entitlement area (an area which receives a direct allocation from HUD to address high priority needs in low to moderate income communities) must adopt a Citizen Participation Plan, which establishes policies and procedures for citizen participation.

Citizens are encouraged to participate in all phases of the CDBG and HOME program(s) and will be provided full access to program information. The City's Community Development and Housing Department (CD&H) will have the responsibility for ensuring that this plan is implemented properly.

Community Development Block Grant Program

The primary intent of the CDBG Program is to support development of viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities. Emphasis is on assisting low and moderate income persons and neighborhoods. Local community development activities must be designed to address one or more of the three national objectives:

1. Eliminate slums and blight and blighting influences,
2. Benefit low to moderate income persons and neighborhoods,
3. Meet other urgent community needs posing an immediate threat to safety and health.

HUD awards grants to entitlement community grantees to carry out a wide range of community development activities. Entitlement communities develop their own programs and funding priorities; High Point is an Entitlement city. Eligibility for participation as an entitlement community is based on population data provided by the U.S. Census Bureau and metropolitan

area delineations published by the Office of Management and Budget. HUD determines the amount of each entitlement grantee's annual funding allocation by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

HOME Investment Partnerships Program

The HOME Investment Partnerships (HOME) program was created by the National Affordable Housing Act of 1990 and has been amended several times by subsequent legislation. HOME funds are allocated by formula to grantees to operate the program. Grantees must commit and spend their allocated funds within certain time frames or funding is forfeited.

The HOME program is designed to provide decent, safe, and affordable housing and to alleviate the problems of excessive rent burdens and deteriorating housing stock. HOME funds are often used in partnership with local nonprofit groups to fund a wide range of activities including building affordable housing. . HOME strives to meet both the short-term goal of increasing the supply and availability of affordable housing, and the long-term goal of building partnerships between local governments and private or nonprofit housing providers.

HUD determines annually the amount of HOME funds that states and local governments—also known as Participating Jurisdictions (PJs)—are eligible to receive using a formula designed to reflect relative housing need. After money has been set aside for America's insular areas and for nationwide HUD technical assistance, the remaining funds are divided between states (40 percent) and units of general local government (60 percent).

The intent of the HOME Program is to:

- Increase the supply of decent, affordable housing to low- and very low-income households;
- Expand the capacity of nonprofit housing providers;
- Strengthen the ability of state and local governments to provide housing; and
- Leverage private sector participation.

HOME's emphasis on consolidated planning expands and strengthens partnerships among all levels of government and the private sector in the development of affordable housing.

CITIZEN PARTICIPATION IN HIGH POINT

The City of High Point, North Carolina has an estimated population of 110,638 (2015). Its legal representative and policy-making body is a nine-member City Council consisting of the Mayor, six ward representatives and two at-large representatives.

The City Council established the Citizens Advisory Council (CAC) in April 1974 to function as the primary citizen participation mechanism for the projects planned and implemented through the City's Community Development Block Grant Program. Subsequently, the City became a participating jurisdiction or PJ for the HOME program.

The effectiveness of the Citizen Participation Plan is enhanced when both citizens and elected officials are aware of its benefits. Elected officials and policy makers benefit from the variety of viewpoints that citizens can bring to local government planning in areas such as affordable housing, neighborhood revitalization, self-help, recreation, transportation, human services, public services and neighborhood organization. Citizens benefit from the knowledge that their opinions and views are considered and contribute to the overall decision-making process.

While the comments and opinions of all citizens are important, it is necessary that low to moderate income citizens have the opportunity to be heard. These citizens are most in need of supportive services and stand to benefit the most from activities undertaken as part of the CDBG and HOME programs. The City's Citizen Participation Plan provides the means by which citizens can assist with problem identification, propose solutions to problems, set goals and determine priorities, and recommend which projects should become a part of the City's programs.

CITIZENS ADVISORY COUNCIL (CAC)

The Citizens Advisory Council (CAC), one of the primary avenues for public participation related to the CDBG and HOME programs, is a nine member volunteer council of High Point citizens which serves in an advisory capacity to the High Point City Council concerning the CDBG and HOME programs and other community issues.

The Mayor and each member of City Council appoint one member of the CAC. All potential CAC members must be approved by City Council. CAC members serve two-year terms and are eligible for reappointment; CAC members are limited to two consecutive terms.

The CAC meets once a month. All CAC meetings are open to the public, with freedom of access to all interested persons.

The CAC assists the High Point City Council in development and amendment of the Citizen Participation Plan to encourage the involvement of interested citizens in the City's CDBG and HOME programs. The CAC annually reviews the Citizen Participation Plan to ensure that it is meeting the needs of the City's low to moderate income citizens and special populations. The CAC may meet periodically with residents in targeted communities to solicit citizen input and participation in the CDBG and HOME programs.

A copy of the Citizen Participation Plan, along with other departmental program plans and reports, is available for public review at the:

- Community Development and Housing Department, Room 312, City Hall, 211 S. Hamilton Street
- Community and Neighborhood Development Division, 201 Fourth Street

Citizens are encouraged to refer any comments or questions to either the Community Development and Housing Department staff or members of the Citizens Advisory Council. Copies of the Plan will be made available to individuals or groups or provided in an alternate format for people with disabilities upon request.

PROVISION OF TECHNICAL ASSISTANCE

Besides administering, planning and evaluating the CDBG and HOME programs, the Community Development and Housing Department staff provides technical and analytical assistance to the CAC and interested citizens in developing project proposals.

In addition to assisting in the preparation of the Citizen Participation Plan, staff also prepares the Five Year Consolidated Plan, the Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER) for review by the CAC.

PUBLIC HEARINGS

To ensure adequate public comment concerning CDBG/HOME, the City of High Point will hold at least two public hearings during each program year to obtain citizen comment concerning the CDBG and HOME programs and associated plans. These hearings will focus on housing and community development needs, development of program activities and review of the CDBG and HOME programs.

Citizens will be notified and encouraged to attend public hearings through advertisements in the *High Point Enterprise*, neighborhood association/community watch meetings, and the Cable Channel. Notice of these public hearings will be given at least 10 days prior to the date of the hearing and will include the date, time and location of the hearing, a brief description of the purpose for the hearing and state how persons with disabilities can make arrangements to participate. Public hearings will be held at times and locations convenient to beneficiaries of CDBG and HOME programs. Public notices shall state that persons with disabilities may receive auxiliary aids or service to participate in city government activities by contacting the American Disabilities Act (ADA) Coordinator no later than 48 hours before the event or deadline. Citizens may contact the ADA Coordinator via voice at 336-883-3348, fax at 336-883-3355, TDD NUMBER: (336) 883-8517.

Translators will be provided on request for those who do not speak English and a sign language interpreter can be provided for the hearing impaired. On-line surveys in English and Spanish may also be used to gather resident input on the development of the Consolidated Plan, or paper surveys may be available at various locations.

All citizens will be encouraged to attend public hearings related to the program planning and implementation processes. Low to moderate income citizens and those living in core city target areas will be particularly encouraged to attend these public hearings through announcements at neighborhood association and community watch meetings and by the distribution of information through members of the Citizens Advisory Council.

CONSOLIDATED/ANNUAL ACTION PLAN

As a CDBG Entitlement community and a HOME PJ, the City of High Point must submit a Consolidated Plan to HUD at least every five years outlining the needs of low to moderate income citizens and special populations in High Point proposed strategies to address these needs. Each year the City must also submit an Annual Action Plan stating how the needs of low to moderate income persons will be addressed with anticipated HUD and local funds. The City will actively encourage public participation in development of both -plans.

During the development of the Consolidated Plan, the City will consult with public and private agencies that provide assisted housing, health services and social services to identify needs of low to moderate income persons and special populations in the community and to set priorities for addressing these needs. Citizens residing in Community Development target areas will be encouraged to comment on needs and priorities through neighborhood associations and community watch groups. The City will work to encourage the participation of public and assisted housing residents in providing input to the Consolidated Plan. The City will also

provide information about planned activities in or near public and assisted housing developments to the Housing Authority, so it can make this information available as part of its annual public hearing under the Comprehensive Grant program.

The Consolidated/Action Plan includes the amount of funds the City expects to receive, the range of activities to be undertaken and an estimate of the benefit to low to moderate income citizens from these projects. Two public hearings will be held prior to the adoption of the Consolidated/Action Plan to receive comments on the Plan. Notices will be published in the *High Point Enterprise* at least 10 days prior to the hearings and will include a brief summary of the purpose and contents of the Plan and locations where the full Plan is available for public review. Any individual or group may receive a copy of the Consolidated/Annual/Action Plan upon request. A summary of all comments, and any actions taken concerning these comments, will be submitted along with the Plan to HUD.

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Each year, the City must prepare a Consolidated Annual Performance and Evaluation Report (CAPER) describing and evaluating community development activities undertaken during the previous program year. The City will follow HUD public notification and comment requirements to ensure that the public, particularly citizens residing within Community Development target areas, have the opportunity to review the report and comment on community development activities.

As part of the review process, the public will be provided a fifteen-day review period for comment on the report. A notice for comment and review period will be placed in the *High Point Enterprise* prior to the commencement of the review period. The CAPER will also be made available for public review at City Hall and several public access sites prior to its submittal to HUD. A summary of the public's comments and views will be incorporated in the CAPER upon submission to HUD.

AMENDMENTS TO CONSOLIDATED/ANNUAL/ACTION PLAN

The City may amend its approved Plan whenever it makes one of the following decisions:

1. To make a change in its allocation priorities or a change in the method of distribution of funds;
2. To carry out an activity, using funds from any program covered by the consolidated plan (including program income), not previously described in the action plan; or

3. To change the purpose, scope, location or beneficiaries of an activity.

Citizen participation is required for any substantial amendment made to a previously approved Consolidated Plan or Annual Action Plan. The criteria the City will use for determining a substantial amendment includes changes in the Plan requiring the reprogramming of more than 20% of the CDBG or HOME allocation.

Substantial amendments to the Consolidated or Annual Action Plan will be made available for public comment at City Hall and established public access sites at least 30 days prior to adoption. A public hearing for substantial amendments will be held and citizens will be notified of this hearing through an ad placed in the *High Point Enterprise* at least 10 days prior to the hearing. The notice will include the date, time and location for the hearing, a brief description of the proposed amendment and will state how persons with disabilities can make arrangements to participate. A summary of citizens' comments concerning the substantial amendment to the Consolidated/Annual/Action Plan will be summarized and attached to the amendment upon its submission to HUD.

COMPLAINTS AND GRIEVANCES PROCEDURES

Complaints and grievances concerning CDBG and HOME activities should be filed, in writing, to the Director, Community Development and Housing Department, P.O. Box 230, High Point, North Carolina 27261.An appropriate response will be made to the complainant within fifteen (15) working days. If after review and investigation, the complainant is not satisfied with the outcome, he or she should notify the Director of the Community Development and Housing Department and arrange a meeting.

If the complainant remains unsatisfied, the matter can then be referred the City Manager or his designee. Every effort will be made to resolve complaints at the local level. However, if satisfactory resolution of the complaint is not achieved at the municipal level, the complete record of correspondence, meetings and research information shall be forwarded to the Department of Housing and Urban Development for final disposition.

Greensboro HUD Office

Asheville Building
1500 Pinecroft Road, Suite 401
Greensboro, NC 27407-3838

OBJECTIONS TO CDBG/HOME CONSOLIDATED/ANNUAL ACTION PLAN APPLICATION

Objections to the contents of a Consolidated Plan or Annual Action Plan may be filed directly with the HUD area office before or during the Consolidated/Action Plan review period. HUD will consider objections made only on the following grounds:

a) The description of needs and objectives is plainly inconsistent with available facts and data; or
b) the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified in the application; or
c) the application does not comply with the requirements of HUD regulations or other applicable law; or
d) the application proposes activities that are otherwise ineligible.

PROVISION OF PROGRAM INFORMATION

Program information is available to all citizens who are interested in learning more about the CDBG or HOME Programs or participating on the CAC. Special arrangements will be made for providing information or assistance to non-English speaking residents upon request. For special assistance, call the Community Development and Housing Department at (336) 883-3349.

The records of the CDBG and HOME Programs are public records and must be retained for a minimum of five years. However, some records deal with personal income and other information on individuals directly affected by program activities and must be kept confidential. With the exception of these, all records of the CDBG and HOME Programs are available for review by the public at the Community Development and Housing Department, 211 S. Hamilton Street, Room 312, 8:00 a.m. to 5:00 p.m. Monday through Friday.

Other provisions intended to give interested citizens the broadest opportunity to obtain program information, read, analyze and comment on the High Point CDBG and HOME Programs are:

a) Department Website: http://www.highpointnc.gov/cd
b) Mailing List: Citizens may request to have their name placed on the departmental mailing list of interested parties. Each person on the mailing list periodically receives program information.
c) Citizen Participation Plan: High Point's Citizen Participation Plan is updated each Fiscal Year. The Citizen Participation Plan is made available to any citizen or community organization upon request.

d) Notification of Significant Program Action: At various points during the program year, significant program actions will be published in the *High Point Enterprise*. Such actions may include completion of the Consolidated Annual Performance and Evaluation Report (CAPER); Notice of Findings of No Significant Effect on the Environment (by project); Notice of Intent to Request Release of Funds (from HUD), announcements of meetings and public hearings; and projected use of funds.

e) CAC Meetings: CAC meetings are typically held the fourth Thursday of each month of the year. Regular meetings are held at 6:00 p.m. at the Community and Neighborhood Development Center, 201 Fourth Street. Interested citizens should contact the Community Development and Housing Department or the City Clerk at City Hall to confirm meeting dates. All CAC meetings are open, public meetings.

CONCLUSION

The City of High Point recognizes the importance of citizen participation in the formulation and successful accomplishment of its CDBG and HOME Programs. The CDBG and HOME Programs can be most effective and responsive when citizens are continuously involved. This Citizen Participation Plan was designed to serve as a guide to the citizen participation process.

The High Point CAC provides an orderly procedure for input and participation from the general public. It is a volunteer group charged with the responsibility of advising the Mayor and the High Point City Council as it relates to CDBG and HOME program expenditures and general city issues.

The Community Development and Housing Department provides many opportunities for citizens to find out about High Point's programs and to have a voice in the decision-making process. To be kept up-to-date on the activities of the Community Development and Housing Department and the CAC, call or write the Community Development and Housing staff at:

Community Development and Housing Department
City of High Point
P.O. Box 230
High Point, North Carolina 27261
Phone: (336) 883-3349
or visit the Department's website at http://www.highpointnc.gov/cd

Community Development and Housing Department

Michael E. McNair, Director	883-3676

Staff:

Administration Division

Elizabeth Workman, CD Administrator	883-3351
April Jones, Office Support	883-3349
Susan Patterson, Office Manager	883-8521

Housing Division

Richard Fuqua, Housing Manager	883-3348
Ed Brown, Project Manager	883-8522
Everett Dehart, Project Manager	883-3343
Toni Jackson, Housing Specialist	883-3347

Community and Neighborhood Development Division

Michelle McNair, Community Resource Manager	883-3685
Alisha Doulen, Community Resource Specialist	883-3042
Lauren Atwell-Bass, Community Resource Specialist	883-3689
Office Main Number	883-3041

FAX NUMBER: (336) 883-3355
TDD NUMBER: (336) 883-8517

HIGH POINT CITY MANAGER

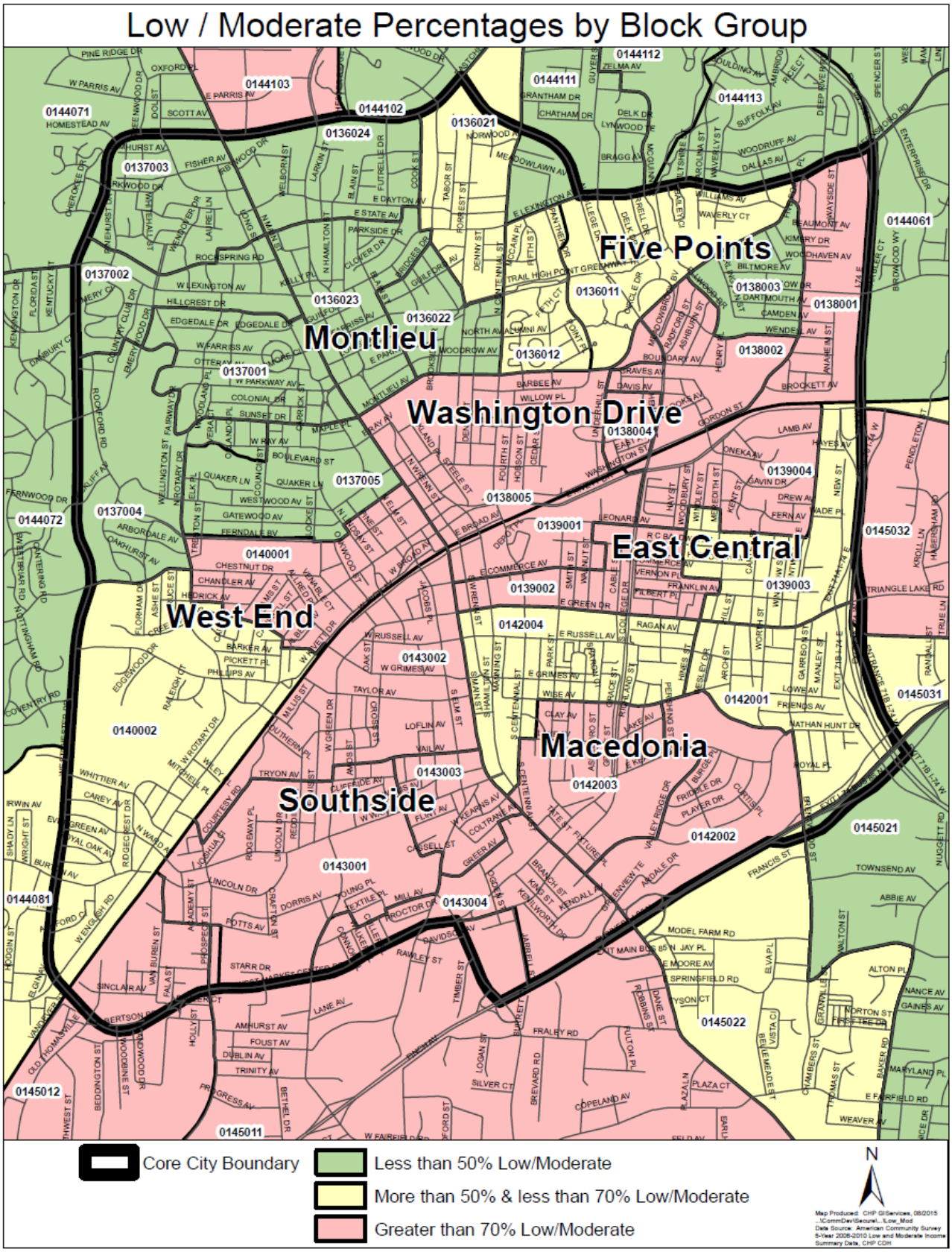
Greg Demko

HIGH POINT CITY COUNCIL

Bill Bencini	Mayor
Latimer Alexander	At Large
Cynthia Davis	At Large
Jeffery Golden	Ward 1
Chris Williams	Ward 2
Alyce Hill	Ward 3
Jay Wagoner	Ward 4
Jim Davis	Ward 5
Jason Ewing	Ward 6

CITIZENS ADVISORY COUNCIL

Teresa Jones-Echard	Mayor At Large
Jerry Mingo, Chair	At Large
Perry Widemon, Jr.	At Large
Willie Davis	Ward 1
Julius Clark	Ward 2
Steve Hollingsworth	Ward 3
Myra Clodfelter	Ward 4
Vacant	Ward 5
Scott Niebauer, Vice Chair	Ward 6
Jeffery Golden	Council Liaison


Low / Moderate Percentages by Block Group
Five Points
Montlieu
Washington Drive
East Central
West End
Macedonia
Southside
0144112
0144111
0144113
0144103
0144102
0144071
0136021
0136024
0137003
0144061
0137002
0136023
0136022
0136011
0138003
0138001
0137001
0136012
0138002
0138004
0137005
0139004
0138005
0144072
0137004
0139001
0145032
0140001
0139002
0139003
0142004
0143002
0145031
0142001
0140002
0142003
0143003
0145021
0142002
0143001
0144081
0143004
0145022
0145012
0145011
Core City Boundary
Less than 50% Low/Moderate
More than 50% & less than 70% Low/Moderate
Greater than 70% Low/Moderate
N

Print

Date: Tuesday, September 8, 2015 5:08 PM

From: paul-siceloff@triad.rr.com

To: 1stbccathedral@gmail.com

Cc: pastormar.mr@gmail.com, davidu@stmarysepisc.org, mwilliamson@highpointbank.com, dr.mmcnamara4206@gmail.com, libbyfisher@triad.rr.com, patplaxico@gmail.com, dorothy1@northstate.net, jimarmstrong@northstate.net, donandalicia@triad.rr.com, wendy.fuscoe@highpointnc.gov, ahill@triad.rr.com, triadhomes4sale@gmail.com

Subject: Re: Stained Glass Windows

Pastor Robinson ~ Thanks for your call today, and T will see you in Council chamber this evening! After speaking with you, T was able to speak with our rector, David Umphlett, and he agreed on behalf of St. Mary's Episcopal Church that we are interested in considering an opportunity to fund to save and install a stained glass window from First Baptist Church. T mentioned to him a window, also created by the former High Point-based Clemmons factory, that has been preserved and is displayed on an easel at St. Paul's Episcopal Church in Winston-Salem.

T plan also to call Al Priest again, to see when (a group of interested parishioners) may visit First Baptist Church, to see possible windows, from outside, if not from inside, etc...

T hope, and wonder, if High Point Museum and Historical Society might also be in a position to consider salvaging for preservation one of these windows.

Thanks; and continued best,

Paul Siceloff
336.870.4441

---- paul-siceloff@triad.rr.com wrote:
> Hello Pastor Robinson ~ Tt continues to be sad and a great loss to see so much of Washington Street crumble to the ground, including First Baptist Church. You and T met, spoke two years ago, and St. Mary's Episcopal Church contributed $750 to your restoration project.
>
> Wendy Fuscoe recently distributed your latest news re: plans and fundraising. Toward your goal of $19,000 she indicates that 8 stained glass windows are currently in good enough condition to sell. Ts there an established price range for these, and are there photographs available of which windows are available?
>
> Mr. Clemmons glass company also designed and installed the windows at St. Mary's in 1928, although of a different style. We are currently building a new addition to St. Mary's, and T a sure will be placing sacred memorial art objects in it. Therefore T am wondering if there could possibly be a window at First Baptist Church that we might consider purchasing, in order to preserve and display with an appropriate plaque in our new building.
>
> This is simply "an idea of mine," as a High Pointer, preservationist, and member of St. Mary's. T am just doing my homework, to share information with our rector and vestry.
>
> Thank you for your thoughts; and, continued best wishes to you and your congregation for the future!
>
> Send us now into the world in peace,
>
> Paul Siceloff
> St. Mary's Episcopal Church
>
> 210 Turner Place

> High Point, NC 27262
> paul-siceloff@triad.rr.com
> 336.884.7285 (H)
> 336.870.4441 (C)
>
> Siceloff Companies
> PO Box 327
> High Point, NC 27261

CITY OF HIGH POINT
AGENDA ITEM

Title: Pike Electric Contract Extension

From: Garey S. Edwards, Electric Utilities Director

Meeting Date: September 8, 2015

Public Hearing: N/A

Advertising Date / Advertised By: N/A

Attachments: Pike's Signed Bid Extension

PURPOSE:
To extend the existing contract with Pike Electric for two (2) years for Electrical Distribution Crews.

BACKGROUND:
This is an extension of Bid #13-082813 with Pike Electric for the purpose of Electrical Distribution Crews to be used for the new construction, rehabilitation and reconductoring work for the City's electrical distribution system. The original contract period was for two years, ending on September 20, 2015, in the amount of $2.15 million. Under the conditions set in the original contract, the contract may be extended for two (2)-2 year terms (total of 4 years). This is the first such two year extension.

This contract is a unit price contract, with different prices for different services and equipment. Therefore, the estimated annual cost is totally dependent on the amount of services used. This contract simply "locks in" these prices for a two-year period. Pike has requested a 4.9% increase in the contract for the next two years, this would change the estimated annual cost to $2.26 million per year. This increase is to cover the salary escalations the industry is seeing at this time. This pressure is a direct result of the heightened demand for linemen, mostly due to expansion of fiber optic systems (Google, Fibertech, etc). Pike will use this increase to retain their existing linemen here in High Point. Also, they will apply the increases at the employee's review time, so that the net impact would be spread over the whole year.

BUDGET IMPACT:
Funding is available in the 2015-2016 budget.

RECOMMENDATION / ACTION REQUESTED:
City Council is requested to approve this contract/agreement and authorize the appropriate city official to execute all necessary documents.

Financial Services Department

Michelle Kiefer, Buyer
PURCHASING DIVISION

NORTH CAROLINA'S INTERNATIONAL CITY™

TO: **Pike Electric, LLC**
PO Box 868
Mt. Airy, NC
Randy Fields
rfields@pike.com

FROM: Michelle Kiefer, CLGPO
Purchasing Division

DATE: **August 6, 2015**

SUBJECT: Extend Bid Contract

Our records indicate the contract for **Bid #13-082813** for **Electrical Distribution Crews** will expire on **September 20, 2015.**

The City of High Point is hereby offering to extend this contract at the quoted price for a two-year period beginning **September 21, 2015** and ending **September 20, 2017.** Please note the City of High Point shall not be obligated to purchase in excess of its normal requirements, as these are estimated quantities. Purchase orders for this contract will be issued as needed.

Please acknowledge you acceptance of this contract extension offer by signing below. Please return by **August 14, 2015** to the City of High Point, Purchasing Division, purchasing@highpointnc.gov or fax to 336.883.3248. You can also return the letter by mailing to the address below:

City of High Point
Purchasing Division
211 S. Hamilton St.
High Point, NC 27260
Attn: Michelle Kiefer

The undersigned accepts the City's offer to extend Bid #13-082813 for **Electrical Distribution Crews** until September 20, 2017.

Company Name Pike Electric, LLC

Date August 12, 2015

Signature Stan Marion

Stan Marion, Region Vice President

*Pricing is per proposal dated 8/10/2015.

If you have any questions regarding this letter or contract please email michelle.kiefer@highpointnc.gov or call 336.883.3221. Thank you for your continued interest in serving the City of High Point.

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval of Delegation of Authority

From: Michael E. McNair

Meeting Date: September 8, 2015

Advertising Date N/A

Public Hearing: N/A

Advertised By:

Attachments: Delegation of Authority to Act as Certifying Officer

---

PURPOSE:
The delegation of authority designates the City Manager or his designee is authorized to execute federal grant documents.

BACKGROUND:
HUD regulations require that the City designates a certifying officer and authorizes his/her to execute federal grant documents.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The Community Development and Housing Department recommends approval of the Delegation of Authority and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Delegation of Authority to Act as Certifying Officer

I, _____the Chief Elected Officer of the City of High Point, do hereby delegate to Greg Demko, City Manager, an official of the City of High Point, or his designee, all authority necessary to act as Certifying Officer for the City of High Point under Section 104(g) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5304(g)) (HUD Act), in connection with the receipt of assistance from the U. S. Department of Housing and Urban Development (HUD) under Title 1 of the HUD Act. Such authority hereby delegated includes, but is not limited to, the authority to execute the certification required under Section 104(g) of the HUD Act; the authority to specify when appropriate that the jurisdiction has fully carried out its responsibilities for environmental review, decision making and action under Section 104(g)(1) of the HUD Act; the authority to consent to assume the status of a responsible Federal Official under the National Environmental Policy Act of 1969 and other provisions of law specified in the regulations of HUD in 24 CFR Part 58; and the authority to consent on behalf of the City of High Point and himself or herself to acceptance of the jurisdiction of the Federal courts for the purpose of enforcement of his or her responsibilities as responsible Federal Official.

Enacted on this _____ day of _____, 20____.

City of High Point

BY:_____
Mayor
ATTEST: _____

CITY OF HIGH POINT
AGENDA ITEM

Title: Public Hearing for Proposed Financing of Motorola Radio System Upgrade

From: Jeffrey A. Moore, Financial Services Director **Meeting Date:** September 8, 2015

Public Hearing: 9/8/2015 **Advertising Date** N/A
Advertised By: N/A

Attachments: None

PURPOSE:
In accordance with State law, the City Council must conduct a public hearing to receive comments with regards to City Council's consideration of an installment financing contract to pay for the Motorola Communications System Upgrade over the next 10 years.

BACKGROUND:
The issuance of any debt obligation (bonds, notes, financing agreements, and leases) of the City requires the authorization of the City Council. The issuance of an installment financing contract (also sometimes known as a capital or financing lease) is authorized by G.S. 160A-20.

Due to the amount and length of proposed financing period, the statute requires approval of the Local Government Commission. As required for that body's approval, a public hearing on the proposed financing must be conducted by the City Council.

The Public Hearing was established by order of City Council at its meeting of August 17, 2015 and was properly advertised on August 27, 2015.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The Financial Services Department recommends that the City Council conduct the public hearing on Tuesday September 8, 2015 at 5:30 pm pursuant to NC General Statute 160A-20 for the consideration of financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval to convey four lots to Habitat for Humanity

From: Michael E. McNair, Director

Meeting Date: September 8, 2015

Public Hearing: N/A

Advertising Date N/A
Advertised By:

Attachments: Resolution to convey five lots for affordable housing development
Conveyance documents

PURPOSE:
In order to continue infill housing development efforts in the Graves Avenue project area, CD&H seeks Council approval to convey the following lots to Habitat for Humanity:

- 1508 Davis
- 1516 Davis
- 1708 Brooks
- 1716 Brooks
- 204 N. Hoskins

BACKGROUND:
Council has previously approved a contract with Habitat for Humanity to construct affordable housing in the Graves Avenue area. Habitat is ready to begin construction on these lots. After the conveyance, the properties will be used to develop five Energy Star compliant homes affordable to low to moderate-income homebuyers.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The Community Development and Housing Department recommends approval of the resolution and that the appropriate City official be authorized to execute all necessary documents.

RESOLUTION APPROVING CONVEYANCE
OF REAL PROPERTY
TO A NONPROFIT CORPORATION

WHEREAS, the City of High Point owns tracts of land located at 1708 Brooks Avenue, 1716 Brooks Avenue, 1508 Davis Avenue, and 204 Hoskins Street in the City of High Point and all of which are more particularly described in Plat Book 6, Page 181 of the Guilford County Registry; and

WHEREAS, the City of High Point owns a tract of land located at 1516 Davis Avenue in the City of High Point which is more particularly described in Plat Book 39, Page 73 of the Guilford Country Registry and including a closed portion of Hoskins Street as set out in Resolution of the City of High Point recorded in Book 2283, Page 73, of the Guilford County Registry; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation, if the city is authorized by law to appropriate money to the corporation; and

WHEREAS, North Carolina General Statute § 160A-456(b) authorizes a city to exercise directly those powers granted by law to housing authorities giving a city the ability and authority to undertake any activity that may be undertaken by a housing authority; and

WHEREAS, North Carolina General Statute § 157-9 sets out the powers granted by statute to housing authorities, one of which is to prepare, carry out, and operate housing projects; and

WHEREAS, North Carolina General Statute § 157-3(12) defines a housing project to include programs that assist developers of multifamily housing and developers and owners of owner-occupied housing; and

WHEREAS, North Carolina General Statute § 160A-20.1 authorizes cities to appropriate money to private organizations to carry out any activity that a city may carry out directly; and

WHEREAS, North Carolina General Statute § 160A-497 authorizes a city to undertake programs for the assistance and care of its senior citizens and to contract and appropriate funds to private organizations in order to carry out such programs; and

WHEREAS, the City of High Point has negotiated with Habitat for Humanity of High Point, Archdale and Trinity, Inc. (hereafter, "Habitat") to convey the above-described tracts to Habitat in order that Habitat may assist with the construction of owner-occupied housing;

THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT RESOLVES THAT:

1. The Mayor of the City of High Point is authorized to execute all documents necessary to convey title to the tracts of land located at 1708 Brooks Ave., 1716 Brooks Ave., 1508 Davis Ave., 1516 Davis Ave., and 204 Hoskins St., all located in the City of High Point and more particularly described as follows:

See EXHIBIT A

2. The consideration of the conveyance is Habitat's agreement to use this property only for the "public" purpose of furthering the mission of Habitat in providing owner-occupied housing. If for any reason the property ceases to be used for a "public" purpose, the property shall revert back to the City of High Point. A statement to this effect shall be placed in the deed restrictions for the conveyance.

3. The City Clerk shall publish a notice summarizing the contents of this resolution and the conveyance of the property may be consummated at any time after 10 days of publication of the notice.

ADOPTED this the _____ day of _____, 2015.

CITY OF HIGH POINT

By _____
William S. Bencini, Jr., Mayor

Attested to:

_____
Lisa Vierling, City Clerk

EXHIBIT A

TRACT I: 1708 Brooks Avenue, High Point, NC
Parcel #0190838

BEING ALL OF LOTS 121 and 122 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT II: 1716 Brooks Avenue, High Point, NC
Parcel #0190842

BEING LOTS NOS. 130 and 131 of that certain plat of land belonging to J. Allen Austin, known as Washington Terrace, as per a plat thereof duly recorded in the Office of the Register of Deeds of Guilford County, North Carolina, in Plat Book 6, Page 181, to which reference is hereby had for full particulars as to location and description.

TRACT III: 1508 Davis Avenue, High Point, NC
Parcel #0190971

BEING ALL OF LOTS 79 and 80 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT IV: 1516 Davis Avenue, High Point, NC
Parcel #0190975

BEING ALL OF LOT 3 of the Exception Map, Property of Diversified Services, Inc., et al, as per plat thereof recorded in Plat Book 39, Page 73, in the Office of the Register of Deeds of Guilford County, North Carolina. Said Lot 3 consists of all of Lots 101, 102, 103 and 104 of the plat of Washington Terrace above referred to, plus a closed portion of Hoskins Street as set out in Resolution of the City of High Point recorded in Book 2283, Page 73, Guilford County Registry.

TRACT V: 204 Hoskins Street, High Point, NC
Parcel #0190813

BEING LOT NOS. 203 and 204 of the Washington Terrace Subdivision as recorded in Plat Book 6, Page 181, in the Office of the Register of Deeds for Guilford County, North Carolina, reference to which is hereby made for fuller particulars as to location and description.

NORTH CAROLINA QUIT CLAIM DEED

Excise Tax: no taxable consideration

Parcel Identifier Nos.0190838, 0190842, 0190971, 0190975, 0190813 Verified by _____ County on the ____ day of_____, 20__
By:_____

Mail/Box to: ROBERSON, HAWORTH & REESE, P.L.L.C., P.O. Box 1550, High Point, NC 27261
This instrument was prepared by: Elizabeth M. Koonce, Attorney-at-Law
Brief description for the Index: Tracts

THIS DEED made this 29th day of July, 2015, by and between

GRANTOR	GRANTEE
CITY OF HIGH POINT, a municipality P. O. Box 230 High Point, NC 27261	**HABITAT FOR HUMANITY OF HIGH POINT, ARCHDALE AND TRINITY, INC., a North Carolina non-profit corporation** P. O. Box 6675 High Point, NC 27262

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Township of High Point, Guilford County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and made a part hereof as if fully set out herein.

This property is subject to the attached Declaration of Deed Restrictions.

The above described property (____) does/(X) does not include the primary residence of the Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Book ___, Page _____.

The map showing the above described property is recorded in Plat Book _____, Page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

GRANTOR(S) MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO TITLE TO THE PROPERTY.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

CITY OF HIGH POINT

BY: _____
William S. Bencini, Jr. Mayor

ATTEST:

_____
Lisa Vierling, City Clerk

State of North Carolina
County of _____

I, _____, a Notary Public of the State and County aforesaid, do hereby certify that Lisa Vierling personally appeared before me this day and acknowledged that she is Clerk of the City of High Point and that by authority duly given and as the act of the City of High Point, the foregoing instrument was signed in its name by William S. Bencini, Jr. its Mayor, and attested by herself as its City Clerk.

Witness my hand and official seal this _____ day of _____, 2015.

My commission expires:

_____

_____

_____, Notary Public
Typed Name of Notary Public

EXHIBIT A

TRACT I: 1708 Brooks Avenue, High Point, NC
Parcel #0190838

BEING ALL OF LOTS 121 and 122 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT II: 1716 Brooks Avenue, High Point, NC
Parcel #0190842

BEING LOTS NOS. 130 and 131 of that certain plat of land belonging to J. Allen Austin, known as Washington Terrace, as per a plat thereof duly recorded in the Office of the Register of Deeds of Guilford County, North Carolina, in Plat Book 6, Page 181, to which reference is hereby had for full particulars as to location and description.

TRACT III: 1508 Davis Avenue, High Point, NC
Parcel #0190971

BEING ALL OF LOTS 79 and 80 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT IV: 1516 Davis Avenue, High Point, NC
Parcel #0190975

BEING ALL OF LOT 3 of the Exception Map, Property of Diversified Services, Inc., et al, as per plat thereof recorded in Plat Book 39, Page 73, in the Office of the Register of Deeds of Guilford County, North Carolina. Said Lot 3 consists of all of Lots 101, 102, 103 and 104 of the plat of Washington Terrace above referred to, plus a closed portion of Hoskins Street as set out in Resolution of the City of High Point recorded in Book 2283, Page 73, Guilford County Registry.

TRACT V: 204 Hoskins Street, High Point, NC
Parcel #0190813

BEING LOT NOS. 203 and 204 of the Washington Terrace Subdivision as recorded in Plat Book 6, Page 181, in the Office of the Register of Deeds for Guilford County, North Carolina, reference to which is hereby made for fuller particulars as to location and description.

Prepared By: Elizabeth M. Koonce, Attorney At Law, Roberson Haworth & Reese, PLLC
PO Box 1550, High Point, NC 27261

DECLARATION OF DEED RESTRICTIONS

THIS DECLARATION OF DEED RESTRICTIONS ("Declaration"), made and entered into as of the ____ day of _____, 2015, by and between **HABITAT FOR HUMANITY OF HIGH POINT, ARCHDALE & TRINITY, INC.,** (the "Grantee"), for the benefit of and enforceable by the **CITY OF HIGH POINT,** a North Carolina body corporate and politic (the "Grantor").

The properties listed in Exhibit A attached hereto are subject to the following covenants, conditions and restrictions, the material violation of which, or the material failure to comply with which, shall result in the reversion of title to the property conveyed to the Grantor:

1. Each housing unit shall have a minimum of two bedrooms and a minimum of at least 800 square feet of total living space. Living space, for the purposes of this calculation, shall not include decks, patios, screened porches, or any other areas not customarily heated or air-conditioned. All new homes shall be constructed in compliance with unifying urban design characteristics.

2. The purchase price of the newly constructed homes must not exceed 95 percent of the median purchase price for the area, using FHA single-family mortgage program data for new construction, for the respective year the home is sold.

3. Within sixty (60) months of the date of this conveyance, all construction shall be complete and homes offered for sale to a low and moderate-income family at or below 80 percent of the median income as determined for the High Point area pursuant to the Section 8 income limits.

4. Timeliness of Performance: The Grantee agrees that construction of a new home shall begin on those lots conveyed by the City to the Grantee and which are subject to this Declaration within five (5) years of the date of this Declaration. In the event that construction has not so begun on any such lot within said five (5) year period, then title to

said lot shall automatically revert to the City, and the Grantee shall have no further ownership interest therein.

5. The Grantee shall:

    a) adhere to all applicable State of North Carolina and City of High Point Building, Zoning, and Inspections regulations and obtain all necessary permits;

    b) maintain workers compensation and general comprehensive liability insurance of at least $1,000,000.00, and automobile liability insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the development of this project. The minimum combined single limit shall be $150,000.00 uninsured/under-insured motorist; and $1,000.00 medical payment;

    c) have approved building and site plans as determined by the City of High Point Technical Review Committee;

    d) adhere to Community Development and Housing Minimum Building Standards.

6. The Grantee shall indemnify and hold harmless the Grantor and its agents or employees from any and all liability for suits or claims, whether arising in tort, contract or negligence, of any kind or type whatsoever, in any way connected with the construction or development of the affordable housing. This indemnity is for the exclusive benefit of the Grantor and its agents and employees, and is not for the benefit of any other person, firm, corporation or entity whatsoever.

7. The Grantee shall not deny participation in any employment because of a person's race, color, creed, national origin, or religious beliefs or affiliations.

8. The Grantee shall comply with the Davis-Bacon Act as amended. Under the provisions of the Act, contractors or their subcontractors will pay workers employed directly upon the site of the work no less than the locally prevailing wages and fringe benefits paid on projects of a similar character.

9. Plans and drawings must receive signature from the Community Development and Housing Department in addition to other necessary signatures to authorize compliance with the Community Development and Housing minimum building standards as referenced in the project contract/agreement.

10. Compliance Monitoring. The Grantee and its members, developers, subcontractors, non-profit groups or any entity in association with the redevelopment of the area, agree to permit, during normal business hours and upon reasonable notice (two days), any duly authorized representative of the City (Community Development or Finance Department

Staff) to inspect any books and records which pertain to compliance with this covenant. Other information, documents or certifications requested by the City, which the City shall deem reasonably necessary to substantiate continuing compliance with the project also shall be submitted after reasonable notice.

The Grantee and its members, developers, contractors, subcontractors, non-profit groups or any entity in association with the redevelopment of the area shall provide at a minimum Cash Flow Statements, Balance Sheets, Profit & Loss, and Financial Statements to the Community Development and Housing Department on the first day of each month for review.

11. This Declaration shall not be amended, or, except as otherwise provided herein, terminated, except by a written instrument, executed by the Grantor and Grantee, or their successors or assigns, which amendment shall be duly recorded in the Office of the Register of Deeds for Guilford County, in which the property is located.

12. If any provision hereof shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.

These covenants and conditions are perpetual, shall run with the land, and shall be binding on the Grantee and any successors in interest.

In the event Grantee or any successor in interest fails to comply with covenants and conditions then the property or such part of it not released shall revert automatically to the Grantor. Lots conveyed to qualified first time low to moderate income homebuyers consistent with the covenants and conditions set forth herein are released from said covenants and conditions upon such conveyance.

ACCEPTED BY: _____

Susan M. Wood, President
Habitat for Humanity of High Point, Archdale & Trinity, Inc.

NORTH CAROLINA
GUILFORD COUNTY

I, _____, certify that the following person personally appeared before me this day, or that I have personal knowledge of the identity of the principal; acknowledging to me that she is President of Habitat For Humanity of High Point, Archdale & Trinity, Inc., a North Carolina non-profit corporation, and that by authority duly given as President of Habitat For Humanity of High Point, Archdale & Trinity, Inc., she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Susan M. Wood, President

Date:_____

_____
Notary Public

_____
Notary's Printed or Typed Name

(Official/Notarial Seal)

My commission expires:

CITY OF HIGH POINT
AGENDA ITEM

Title: Compact Refuse Truck

From: Gary Smith, Fleet Director

Public Hearing: N/A

Attachments: Bid Recommendation

Meeting Date: September 8, 2015
Advertising Date / N/A
Advertised By: N/A

PURPOSE:
The Environmental Services Division of Public Services is currently using a 2009 Ford F550 with a compact side loading body that is in need of replacement due to age and mileage. Using a National Joint Powers Alliance (NJPA) contract a 2016 Isuzu with a New Way Model 8RL Diamondback rear loading body is being recommended for council approval.

BACKGROUND:
The Environmental Services Division is currently using a 2009 Ford F550 with a compact side loading refuse body that has over 148,000 miles. This truck is used daily for collecting refuse and recyclables. The Isuzu truck with a New Way rear loading body configuration will be better suited for meeting their requirements. The price of $93,475.33 is for the truck with rear loading body, training, and delivery which is estimated at 60-90 days.

BUDGET IMPACT:
Funds are available in 2015-16 budget

RECOMMENDATION / ACTION REQUESTED:
The Fleet Services Department recommends purchasing the new 2016 Isuzu with a New Way Model 8RL Diamondback rear loading body from Scranton Manufacturing. Recommendation also includes retaining the old truck as a spare.

FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL

DEPARTMENT: Fleet Services

COUNCIL AGENDA DATE: September 8, 2015

BID NO.: NJPA CONTRACT NO.: 112014-NWY DATE OPENED:

DESCRIPTION:

2016 Isuzu with a 8 yard Diamondback Model 8RL Rear Loading Refuse Body

PURPOSE:

The Environmental Services Division is currently using a 2009 Ford F550 with a compact side loading refuse body that has over 148,000 miles. This truck is used daily for collecting refuse and recyclables

COMMENTS:

The price of $93,475.33 is for the truck with rear loading body, training, and delivery which is estimated at 60-90 days.

RECOMMEND AWARD TO: Scranton Manufacturing AMOUNT: $ 93,475.33

JUSTIFICATION:

The purchase of this street sweeper will allow us to have three front line sweepers and one spare. The price of $212,178 is for the sweeper, dealer installed herbicide sprayer, and delivery. A new street sweeper with similar equipment currently sells for over $228,000 using the NJPA contract.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
671731	532401			$93,475.33
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: Gary Smith Digitally signed by Gary Smith DN: cn=Gary Smith, o=City of High Point, ou=Fleet Services, email=gary.smith@highpointnc.gov, c=US Date: 2014.10.13 12:04:10 -04'00' DATE: Aug 25, 2015

The Purchasing Division concurs with recommendation submitted by the Fleet Svcs and recommends award to the lowest responsible, responsive bidder Scranton Manuf. in the amount of $ 93,475.33.

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: 2015.08.25 13:28:46 -04'00' DATE: Aug 25, 2015

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Digitally signed by Jeffrey A. Moore DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial Services Director, email=jeff.moore@highpointnc.gov, c=US Date: 2015.08.28 09:31:01 -04'00' DATE: Aug 28, 2015

CITY MANAGER: Greg Demko Digitally signed by Greg Demko DN: cn=Greg Demko, o, ou, email=greg.demko@highpointnc.gov, c=US Date: 2015.08.28 09:57:50 -04'00' DATE: Aug 28, 2015

City Clerk's Office

Lisa B. Vierling, MMC
CITY CLERK

NORTH CAROLINA'S INTERNATIONAL CITY™

August 17, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& REGULAR MAIL

Rebekah Jackson Hoover
P.O. Box 1287
High Point, NC 27261

RE: Appeal- Unsafe Building, 736 Washington Street, High Point, NC

Dear Ms. Hoover:

On July 29, 2015, as the property owner of the unsafe structure located at 736 Washington Street, you were notified to appear on July 27, 2015 at 11:00 a.m. before Darrell Long, Code Enforcement Supervisor (Building). Although you did not appear at the hearing, Building Inspector Darrell Long made the determination that ***due to the current condition of the property and given the fact that an imminent condition of further collapse is present, and you, as the owner of the building, were ordered and directed to repair and shore the building and make it stable and safe to the surrounding areas or demolish and remove the building and clean and clear the site no later than August 14, 2015.*** This notification of the Order dated July 29, 2015 was sent to you by Certified Mail, Return Receipt Requested and Regular Mail. At that time, you were informed of your right to appeal within ten (10) days following the date of the order, which we did receive.

I do hereby acknowledge receipt of your Appeal of Building Inspector Darrell Long's determination dated August 4, 2015 and as received by the City of High Point Planning & Development Department, Inspection Services Division on August 10, 2015. A hearing on your Appeal will be heard before the **High**

Point City Council on Tuesday, September 8, 2015 at 5:30 p.m. in the Council Chambers, 3rd Floor, High Point Municipal Building, 211 S. Hamilton Street.

Sincerely,

Lisa B. Vierling

Lisa B. Vierling, MMC
City Clerk

cc: Greg Demko, City Manager
Randy McCaslin, Deputy City Manager
JoAnne Carlyle, City Attorney
Lee Burnette, Director of Planning & Development
Ed Brown, Inspections Administrator
Darrell Long, Building Inspector

City of High Point
Planning & Development
Inspection Services

AUG 10 2015

Planning& Development

Inspection Services Division

North Carolina

Guilford

Darrell Long

City of High Point

P.O.Box230

211 South Hamilton Street

High Point,N.C. 27261

Dear Sir: I contest and Appeal your decision to raze the Building, in question because I am financially destitute.

"Unsafe Building located at 736 Washington Street",

High Point, N.C.

Rebekah Jackson Hoover

P.O.Box 1287

High Point, N. C. 27261

August 4th, 2015

Planning & Development

Inspection Services Division

NORTH CAROLINA'S INTERNATIONAL CITY™

NORTH CAROLINA

GUILFORD COUNTY

CITY OF HIGH POINT

ORDER

July 29, 2015

Rebekah Jackson Hoover
P.O. Box 1287
High Point, N.C. 27261

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& REGULAR MAIL

IN THE MATTER OF: Unsafe Building located at 736 Washington Street, High Point, N.C.

THIS MATTER WAS HEARD on July 27, 2015 at 11 a.m. before the undersigned inspector whose assigned duties include the enforcement of the laws of addressing unsafe buildings within the City of High Point. A Complaint and Notice of Hearing were issued and served upon the owner of record as required by law. No one showed on behalf of owner in regards to this matter at the time and date given above.

Based on prior evidence gathered by this office in regards to this matter, the inspector finds that the above-referenced building is unsafe in accordance with North Carolina General Statute 160A-426 due to internal collapse of the roof assembly and major portions of the floor systems therein. The remaining masonry perimeter walls are laterally un-braced and subject to collapse. Collapse of the roof assembly and portions of the floor systems within the building compromises the structures ability to sustain any load and increases the likelihood of total collapse.

This condition:

1. Constitutes a fire or safety hazard;
2. Is dangerous to life, health or other property;
3. Is likely to cause or contribute to blight, disease, vagrancy or danger to children;
4. Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance; and
5. That there is imminent danger to life or other property

Due to the current condition of the property and given the fact that an imminent condition of further collapse is present THE OWNER (S) OF THE BUILDING ARE HEREBY ORDERED AND DIRECTED TO repair and shore the building to make it stable and safe to the surrounding areas or demolish and remove the building and clean and clear the site no later than August 14, 2015.

The owner(s) may appeal from this order to the City Council by given written notice of appeal in writing to the inspector and the City Clerk, Lisa Vierling, within ten (10) days following the date of this order.

Thereafter, the City Council shall hear and render a decision in an appeal within a reasonable time. The City Council may affirm, modify and affirm, or revoke this order. In the absence of an appeal, this order of the inspector shall be final

Failure to comply with this order, from which no appeal has been taken, or failure to comply with an order of the City Council following an appeal shall constitute a Class 1 misdemeanor. The City may cause the building or structure to be removed or demolished and any amounts incurred by the City in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred.

Darrell Long
Code Enforcement Supervisor-Building
City of High Point

Certified Mail # 7012 1640 0001 9874 4109

HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
MAY 18, 2015 – 5:30 P.M.

ROLL CALL, MOMENT OF SILENCE and PLEDGE OF ALLEGIANCE

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

Upon call of the roll, the following Council Members were present:

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

RECOGNITIONS AND PRESENTATIONS

150244 **Recognition - Roads Scholar Status/Utility Management Certification**

Members of the City's Public Services Department will be in attendance for recognition for achieving "Roads Scholars" status with the NC State University, Institute for Transportation Research and Education; and "Utility Management Certification" from The Water University and North Carolina Rural Water Association.

Terry Houk, Director of Public Services, recognized the following employees for achieving "Roads Scholars" status with the NC State University, Institute for Transportation Research and Education; and "Utility Management Certification" from the Water University and North Carolina Rural Water Association.

"Roads Scholars"
David Lacky, Chris Lewis, Scott Gray, Randy Stevens, Tim Dees, Ron Taylor and Brian Baier.
Management support: Robby Stone, Derrick Boone and Ken Sult

"Utility Management Certification"
Randy Smith, Mike Swan
Management support: John Hodges and Tim Fitzgerald

150245 **High Point Historical Society - Little Red Schoolhouse**

Members of the High Point Historical Society will be present to discuss the relocation of the Little Red Schoolhouse.

On behalf of the High Point Historical Society, Gene Kester, gave a brief presentation on the relocation and preservation proposal for the Little Red

Schoolhouse. The High Point Historical Society is requesting $95,750 for Phase 1 of the relocation and refurbishment of the Little Red Schoolhouse on the High Point Museum campus as called for in the Museum's Master Plan. Following his presentation, Mr. Kester stressed that time is of the essence and expressed concerns about the Little Red Schoolhouse going through another winter in its current location and in its current condition.

[Note: A copy of the Little Red Schoolhouse Preservation Proposal is hereby attached in Legistar as a permanent part of these proceedings.]

PUBLIC COMMENT PERIOD

Prior to the Public Comment Period, Mayor Bencini reported that Council heard a presentation during a Manager's Briefing Session from Mr. Gene Chasin, Chief Operating Officer of Say Yes to Education, Inc., but neither staff, nor Council had an opportunity to review the final Memorandum of Understanding. He emphasized that although Council did not feel comfortable in taking final action on the matter, the Council was committed to take action before the deadline at the end of August. Council will set a special meeting date to consider the Memorandum of Understanding for the Say Yes to Education initiative.

Those speaking in support of Say Yes to Education for Guilford County Schools were: David Miller, Barbara Frye, Jim Morgan, Ann Busby, Keith Pemberton, Molly Heinz, Angelina Walters Jackson, Paul Lessard (Community Foundation), Joe Blosser (HPU), and Vickie Miller.

Also speaking during the Public Comment Period was Rev. Theodore Little. He addressed Council with some unfinished business regarding the Washington Street project (i.e. fencing poses a danger, blighted areas, dilapidated buildings, overgrown weeds behind buildings, garbage,etc....). He asked for Council's cooperation in cleaning up Washington Street so people could continue to build to make the whole street look pleasant.

[Note: A transcript of the comments made during the Public Comment Period will be attached in Legistar as a permanent part of these proceedings]

CONSENT AGENDA ITEMS

Mayor Pro Tem J. Davis announced that the Finance Committee met on Thursday, August 13, 2015 at 4:00 p.m. and recommended all matters be forwarded to Council with a favorable recommendation.

Mayor Pro Tem J. Davis moved approval of all matters under the Finance Committee Consent Agenda. Council Member Williams made a second, which carried unanimously

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

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

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

150247 **Budget Ordinance Amendment - High Point University Electric Line**

Council is requested to adopt an ordinance amending the FY 2015-2016 Budget Ordinance in the amount of $383,624.00 for funds received from High Point University for electric line work for the project related to the School of Health.

Adopted an ordinance amending the FY 2015-2016 Budget Ordinance appropriating $383,624.00 for funds received from High Point University for electric line work for the project related to the School of Health.

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

Ordinance No. 7162/15-45
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 45

150248 **Contract - Data Gravity Storage Appliance**

Council is requested to approve a contract with 5S Technologies for the lease/ purchase of two (2) data gravity storage devices and authorize the appropriate city official to execute all necessary documents.

Approved contract with 5S Technologies for the lease/purchase of two (2) data gravity storage devices and authorized the appropriate city official to execute all necessary documents associated with the same.

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

150249 **Contract - Installment Financing - Date Gravity Storage Appliance**

City Council is requested to approve the attached “Resolution Approving Financing Terms” for an installment financing contract with VeriStor Capital, LLC; and adopt a Budget Ordinance providing for the Financing Agreement.

Adopted the "Resolution Approving Financing Terms" for an installment financing contract with VeriStor Capital, LLC; and adopted a Budget Ordinance providing for the Financing Agreement.

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

Resolution No. 1471/15-42
Introduced 8/17/2015; Adopted 8/17/2015
Resolution Book, Volume XIX, Page 42

150250 **Purchase Equipment - Truck Mounted Sewer Cleaner**

Council is requested to approve the purchase of a 2015 Freightliner truck with mounted sewer cleaner in the amount of $195,319.40 and declare the truck being replaced as surplus and dispose through the online auction process; and authorize the appropriate city official to execute all necessary documents.

Approved the purchase of a 2015 Freightliner truck with mounted sewer cleaner in the amount of $195,319.40; and declared the truck being replaced as surplus to be disposed of through the online auction process; and authorized the appropriate city official to execute all necessary documents associated with same.

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

150251 **Contract - Eastside WWTP - Solids Handling Improvements**

Council is requested to approve a contract with Wharton-Smith, Inc. for improvements at the Eastside Wastewater Treatment Plant for solids handling Equipment and authorize the appropriate city official to execute all necessary documents.

Approved contract with Wharton-Smith, Inc. for improvements at the Eastside Wastewater Treatment Plant for solids handling equipment; and authorized the appropriate city official to execute all necessary documents associated with same.

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

150252 **Change Order - Yates Construction Co - Highway 66 Water System Improvements**

Council is requested to approve final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Water System Improvements.

Approved final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Water System Improvements.

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

150253 **Resolution - Application to LGC for Financing of Motorola Radio System**

Council is requested to adopt the Resolution Authorizing the Filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160A-20 for the Motorola Radio System upgrades.

Adopted Resolution Authorizing the Filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160A-20 for the Motorola Radio System upgrades.
A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1472/15-43
Introduced 8/17/2015; Adopted 8/17/2015
Resolution Book, Volume XIX, Page 43

150254 **Establish Public Hearing Date - Financing of Motorola Radio System Upgrade**

Council is requested to establish the date of Tuesday, September 8th , 2015 at 5:30 p.m. to receive public comments on the financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

Established the date of Tuesday, September 8, 2015 at 5:30 p.m. as the date/time to receive public comments on the financing upgrades to the 800mhz radio system, including improvements to city-owned real estate, through a contract between the City of High Point and Motorola, Inc.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, to establish the date of Tuesday, September 8, 2015 at 5:30 p.m. to receive public comments on the financing upgrades to the 800mhz radio system, including improvements to city-owned real estate, through a contract between the City of High Point and Motorola, Inc. The motion PASSED by a 9-0 unanimous vote.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

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

150255 **Agreement - Fiber Technologies Networks, LLC - Attachment to Poles**

Council is requested to approve a Pole Attachment Agreement with Fiber Technologies Networks, LLC to allow installation of communication equipment on City of High Point poles.

Garey Edwards, Director of Electric Utilities, prefaced his comments by mentioning the lawsuit between the Town of Landis and Time Warner Cable, which set the tone for pole attachments across the state. He noted that after the lawsuit was settled, ElectriCities tasked Poyner & Spruill to compile and draft a legal document to which the city's Electric Utilities staff and Legal Department staff reviewed the document and made some minor changes. This document has been reviewed by Fiber Technologies Networks, LLC, who rents fiber space over lines they want to install their communication devices on. Mr. Edwards shared that Fiber Technologies is working for an unidentified cell company and they are wanting to put their antennas (repeaters) on the city's poles. He denied their request initially citing it would make it difficult for our linemen to climb the poles.
Mr. Edwards reported that all forthcoming requests would have to go through the Technical Review Committee for review, but advised that the State Legislature has determined that the requests from these companies wanting to attach their equipment to the poles cannot be denied. Mr. Edwards informed Council that he is requiring them to locate 20 feet away from the city's lines because all work within 20 feet must be done by a qualified lineman and these companies more than likely will not be using qualified linemen to do the work. He also mentioned that Google has requested that thousands of poles be changed out in the Charlotte area as well as other areas such as Greenville, SC; Raleigh, etc.... and pointed out this affects the municipalities in a huge way by putting a high demand on linemen resulting in a shortage of these positions. He advised Council that the contract between the City of High Point and Pike Electric would be coming up in the near future for consideration and the high demand for linemen would be evident in an increased cost in the contract.

Mr. Edwards reiterated that this agreement has been reviewed and cleared the city's legal department, ElectriCities, and Fiber Technologies and he recommends approval of the contract.

Mayor Bencini pointed out there is really no discretion on the city's part in this matter. Mr. Edwards explained that oftentimes there is a misconception that the city is making a lot of money off the attachment fees, but this is not the case. He explained the difficulty is the "make ready work" which requires poles to be changed out and it has to be coordinated/scheduled with others who are also sharing the poles (i.e. TimeWarner, Northstate, etc...). He advised that staff generally negotiates the pricing on the pole attachment fees and this one was negotiated at $7 per pole.

Council Member Alexander shared that this is a huge issue and noted that ElectriCities spent $1,000,000 on behalf of the Town of Landis. He recommended a

Briefing Session on this subject in the next twelve months so Council would have a more in-depth knowledge about pole attachments and everything else that is related.

Approved the Agreement with Fiber Technologies Networks, LLC to allow installation of communication equipment on City of High Point poles. , but the companies are responsible for 100% of that cost.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that this Agreement with Fiber Technologies Networks, LLC be approved. The motion PASSED by a 9-0 unanimous vote.

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

Committee Members: Golden, Alexander, Ewing and Williams (all were present)

150275 **Ordinance Amending Title 12 - Offenses - Chapter 2, Animals - Article B. Dogs - Section 12-2-18 Tethering of Dogs Prohibited**

An amendment affecting the tethering of dogs through the addition of Section 12-2-18 *Tethering of Dogs Prohibited* addressing the standards in which dogs may be tethered within the City of High Point.

Major Larry Casterline of the High Point Police Department informed Council that the Police Department has read, fully approves and agrees with the ordinance as it was submitted to Council. He recommended a 12-month education awareness period, followed by a 6-month warning period phase which would result in an 18-month phase-in period before any kind of enforcement. He mentioned that he has spoken with Summer Connor with the United States Humane Society, who has agreed to act as a liaison to the Police Department and work with all the other advocates to ensure that the proper information is shared and released to the community before Phase 1 is implemented. Major Casterline estimated it would probably take about two months to start Phase 1.

Mayor Bencini asked if this ordinance is identical to the ordinance that was adopted by Guilford County and Major Casterline replied that it is, as well as the phase-in periods. Council Member Alexander asked about the public awareness piece. Major Casterline explained he has already consulted with Jeron Hollis, the city's Communications & Public Engagement Director, regarding a mass mailing. Additionally, a rough draft of a brochure has been designed and reviewed by Ms. Connor. He also advised that the Police Department already does outreach with 30 neighborhood communities within the city and they plan to visit these neighborhoods implementation as well. Council Member Alexander recommended the animal control officers help with publicity by handing out the brochures while responding to calls.

At this time, Council Member Golden moved to adopt the Ordinance Amending Title 12- Offenses-Chapter 2, Animals- Article B. Dogs - Section 12-2-18 Tethering of Dogs Prohibited. Council Member Alexander made a second to the motion.

For further discussion, Council Member C. Davis expressed concerns regarding Section 1 (b) and noted she would like to see rope and twine removed, as well as buckle-type collar removed to some other thing besides a body harness, but if this was not acceptable, she would vote in support of the ordinance just to have an ordinance. Mayor Bencini suggested to go ahead and adopt the ordinance and noted changes based on Council Member Davis' concerns could be made at a later date.

There being no further discussion, the motion to adopt the Ordinance Amending Title 12- Offenses-Chapter 2, Animals- Article B. Dogs - Section 12-2-18 Tethering of Dogs Prohibited PASSED unanimously. [9-0 vote]

Adopted Ordinance Amending Title 12 - Offenses - Chapter 2, Animals - Article B. Dogs - Section 12-2-18 Tethering of Dogs Prohibited.

[standing ovation; applause]

A motion was made by Council Member Golden, seconded by Council Member Alexander, that the Ordinance Amending Title 12- Offenses- Chapter 2, Animals - Article B. Dogs - Section 12-2-18 Tethering of Dogs Prohibited be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7163/15-46
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 46

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

Committee Members: Alexander, Hill and Wagner (all were present)

150264 **Building Revitalization and Demolition Grant Guidelines**

At the Prosperity &Livability Committee meeting held July 15, 2015, the committee recommended the approval of the Building Revitalization and Demolition Grant Guidelines to encourage the return of development and investment in the urban core of High Point.

Chairman Ewing suggested this matter be tabled until the September 8, 2015 High Point City Council meeting to allow staff to clarify some things.

A motion was made by Council Member Ewing, seconded by Council Member Wagner, that this matter be tabled until the September 8, 2015 High Point City Council meeting. The motion PASSED by a 9-0 unanimous vote.

150265 **Development Incentive Grant**

At the Prosperity & Livability Committee meeting held July 15, 2015, the committee recommended approval of the Development Incentive Grant to encourage rehabilitation of older buildings and/or promote infill growth with new commercial development in High Point's Downtown Revitalization Corridor.

Chairman Ewing suggested this matter be tabled until the September 8, 2015 High Point City Council meeting to allow staff to clarify some things.

A motion was made by Council Member Ewing, seconded by Council Member Wagner, that this matter be tabled until the September 8, 2015 High Point City Council meeting. The motion PASSED by a 9-0 unanimous vote.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair

Committee Members: Wagner, C. Davis, J. Davis and Golden (all were present)

150257 **Resolution of Intent - Street Abandonment Case 15-07**

Approval of a Resolution of Intent that establishes a public hearing date of September 21, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way lying east of the intersection of Randall Street and Patrick Avenue.

Adopted Resolution of Intent establishing a public hearing date of September 21, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way lying east of the intersection of Randall Street and Patrick Avenue.

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

Resolution No. 1473/15-44
Introduced 8/17/2015; Adopted 8/17/2015
Resolution Book, Volume XIX, Page 44

150258 **Resolution of Intent - Street Abandonment Case 15-08**

Approval of a Resolution of Intent that establishes a public hearing date of September 21, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwoods Drive.

Adopted Resolution of Intent establishing a public hearing date of September 21, 2015 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwoods Drive.

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

Resolution No. 1474/15-45
Introduced 8/17/2015; Adopted 8/17/2015
Resolution Book, Volume XIX, Page 45

150259 **Sidewalk Easement - City of High Point/Town of Jamestown**

Council is requested to approve the granting of a sidewalk easement between the City of High Point and the Town of Jamestown for the construction of a sidewalk from the Bicentennial Greenway eastwardly along the north side of East fork Road to tie with their existing sidewalk.

Henry Moon, the city's Right-of-Way Agent, explained this sidewalk easement was needed to connect the Bicentennial Greenway to where the sidewalk coming out of Jamestown presently ends. He advised that the sidewalk would be built in between it, along with a 200-foot pedestrian bridge across the lake. Council Member Alexander stated he would like to see along Deep River Road from the Greenway easement, some connection with a similar bridge span over to City Lake.

Approved the granting of a sidewalk easement between the City of High Point and the Town of Jamestown for the construction of a sidewalk from the Bicentennial Greenway eastwardly along the north side of East fork Road to tie in with the existing sidewalk.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - Planning & Development

150260 **Ordinance - Deep River Ventures, I. LLC- Annexation Case 15-06**

A request by Deep River Ventures, I. LLC to consider a voluntary contiguous annexation of an approximate 0.74-acre parcel lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road. The property is addressed as 5230 W. Wendover Avenue and also known as Guilford County Tax Parcel 0170003

The joint public hearing for this matter and related matter 150261 Ordinance- Zoning Case 15-11 was held on Monday, August 17, 2015 at 5:30 p.m.

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

The applicant is proposing to incorporate this 0.74 acre parcel into the abutting Shoppes of Deep River commercial development and develop it with similar commercial uses. They are requesting annexation in order to have access to City utilities. Mr. Shannon advised that this parcel is not within the city limits, but the applicant is requesting annexation of this property and to add it to the abutting commercial development to allow retail uses. The applicant is requesting annexation in order to have access to city utilities and has requested a Conditional Use Shopping Center Zoning District so that it can be developed for commercial uses. Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to comment. There being no comments, the public hearing was declared closed.

Adopted Ordinance providing for the annexation of an approximate 0.74-acre parcel lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road, specifically addressed as 5230 W. Wendover Avenue.

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

Ordinance No. 7164/15-47
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 47

150261 **Ordinance - Deep River Ventures, I. LLC. - Zoning Case 15-11**

A request by Deep River Ventures, I. LLC to rezone an approximately 0.74 acre parcel from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Shopping Center (CZ-SC) District. The site is lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road *(5230 W. Wendover Avenue).* Approval of this request is contingent upon City Council approval of a voluntary annexation petition.

The joint public hearing for this matter and related matter 150260 Ordinance- Annexation Case 15-06 was held on Monday, August 17, 2015 at 5:30 p.m.

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

Mr. Shannon reported that the application is requesting the same zoning as the surrounding area (i.e. The Shoppes at Deep River) and the applicant has included all

pertinent conditions from that abutting zoning case. Staff is recommending approval of the request citing consistency with the city's adopted plans. He pointed out the applicant has a condition of no direct access to W. Wendover and noted they would be combining this site with the abutting site, which they also own, and access would be to the rear of Brian Jordan Place as all the other adjacent frontage parcels.

Based upon the conditions that the applicant has offered, staff is recommending approval of the rezoning request citing consistency with the Land Use Plan and that the applicant has included all pertinent conditions from the abutting Shoppes at Deep River development to ensure that development will be compatible with the established pattern that has been developed in this area. Staff is recommending approval of the rezoning request. At the June Planning & Zoning Commission meeting, the Planning & Zoning Commission recommended approval by a vote of 7-0.

Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if there were any comments. There being none, the public hearing was closed.

Adopted Ordinance providing for the rezoning of an approximately 0.74 acre parcel from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Shopping Center (CZ-SC) District based on consistency with the City's adopted plans and the findings as outlined and identified in the Staff Analysis section of the Staff report.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem Davis, that this Ordinance authorizing the rezoning of this property be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7165/15-48
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 48

150262 **Ordinance - James Edward Potts - Zoning Case 15-12**

A request by James Edward Potts to rezone an approximately 0.4 acre parcel from the Residential Single Family-12 (RS-12) District to the Limited Office (LO) District. The site is lying along the west side of Eastchester Drive approximately 265 feet south of E. Hartley Drive (809 Eastchester Drive).

The public hearing for this matter was held on Monday, August 17, 2015 at 5:30 p.m.

Herb Shannon of Planning and Development provided an overview of the staff report for Zoning Case 15-12, which is hereby attached in Legistar as a permanent part of these proceedings.

This is a request to rezone a .48 acre parcel from the Residential Single Family-12 (RS-12) District to the Limited Office (LO) District. The property is located at 809

Eastchester Drive, along the west side of Eastchester Drive, approximately 265 feet south of W. Hartley Drive. The Land Use Plan does support commercial uses for this area with a long-term goal that when it becomes viable, for parcels to be combined for development of a larger scale and commercial use in this area. Until such time that takes place, this is an appropriate interim use of this property for higher uses other than single-family attached dwellings.

Staff recommends approval of this requested LO District. The Planning and Zoning Commission met to consider this request at their July meeting, and also recommended approval by a vote of 7-0.

Council Member Alexander inquired about the parking. Mr. Shannon advised the applicant could address the parking, but from staff's initial meeting with them, they are looking at parking along the side and possibly to the rear of the property. He pointed out for a structure of this size, parking would not be significant and would be 4-5 spaces. The applicant is looking at relocating their driveway to the southern portion of the property to access the site. Mayor Bencini asked if there are sections of the Eastchester corridor where conversion of single-family residences to non-residential use is restricted. Mr. Shannon clarified that the type of non-residential use may be restricted, but pointed out there are sections that are designated for office and single-family homes have been converted to office uses. This has been the prominent conversion. Council Member C. Davis asked is staff has considered the interim use moving forward with other requests in or around this specific site and questioned the likelihood of someone coming in to do something in the interim. Mr. Shannon explained if it is an office use in this particular section of the Eastchester corridor, staff has no major concerns, but ultimately staff would like to see several of those parcels being combined with a more intense use.

Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to comment.

Tom Terrell, 529 W. Parkway Avenue, attorney with Smith-Moore-Leatherwood LLP representing the applicant, spoke in favor of the request. He informed Council that the house has fallen into various types of disrepair and its future was not one of residential use. He shared that the applicant would like to repair the house to have something there that is low intensity use for his insurance business. He advised that an opportunity to combine properties has not come yet and until then, he can make good tax-paying use and the appearance of the property would be improved.

Council Member Alexander asked if Mr. Terrell could address the driveway and parking. Mr. Terrell explained that the High Point Department of Transportation has asked that the entrance to the driveway be moved, but the engineering has not been done at this point, but the anticipation of the parking spaces will be in the front. He noted that there would be plenty of space behind the structure if the number of spaces in the front are not adequate. He advised that the existing drive will be closed and there would only be one point of access. Council Member C. Davis

asked if there were any concerns with the traffic at the intersection. Mr. Terrell noted that the High Point Department of Transportation has not addressed any concerns with the intersection.

Chairman Wagner asked if there was anyone else present who would like to speak in support of or in opposition to this request. There being none, the public hearing was closed.

Council Member C. Davis reiterated her concerns about using the word interim for a temporary allowance in an area that is zoned for something else, but noted she would not try to stop it.
Adopted Ordinance providing for the rezoning of an approximate 0.4-acre parcel from the Residential Single Family-12 (RS-12) District to the Limited Office (LO) District based on consistency with the City's adopted plans. Additionally, the City Council finds this action to be 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 Wagner, seconded by Mayor Pro Tem Davis, that the Ordinance providing for the rezoning of this property be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7166/15-49
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 49

150263 **Ordinance - Ray & Sallie Edwards Real Estate, LLC and MMG Properties, LLC - Zoning Case 15-13**

A request by Ray & Sallie Edwards Real Estate, LLC and MMG Properties, LLC to rezone an approximately 5.6 acre parcel from a Conditional Use General Office-Moderate Intensity (CU GO-M) District to a Conditional Zoning General Office-Moderate Intensity (CZ GO-M) District. The site is lying on the west side of Eastchester Drive, across from its intersection with White Farm Lane (2017, 2019, 2021 & 2023 Eastchester Drive).

The public hearing for this matter was held on Monday, August 17, 2015 15 5:30 p.m.

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

In 2005, this property was granted zoning to the Office District and was expanded in 2007 to add some additional land area as the property owner desired to develop a four building office park; three of these buildings have already been constructed, and the applicant is in the planning stage for the final building to be placed upon the site. The zoning approval that was granted on this site in 2005 restricted the site to one point of access to Eastchester Drive. The concern at that time was the proximity of

another driveway to Deep River Road. Since then, Deep River Road has been realigned with a signalized intersection and with this realignment; the applicant has desired to submit this zoning request to amend the conditions to allow a second point of access. The applicant has offered a new Conditional Zoning Ordinance; they have pulled over all existing conditions. The only change is instead of limiting the site to one point of access; two points of access will be permitted with the second access point aligning with White Farm Lane.

Mr. Shannon noted a key note to remember is the reduction in traffic impact at this intersection. In reviewing the traffic counts in this area, in 2004 before the Deep River Road realignment, approximately 3,300 trips in a 24-hour time period used that intersection. in 2012, after the realignment, traffic counts show only about 600 trips use this intersection (traffic at this intersection was reduced by 80%). The Transportation Department reassessed their condition and has no objection with the allowance of a second access point. All the existing conditions that were previously imposed on this site, except the access, and all the higher landscaping standards, still restricted to office uses--it just allows for a second point of access.

Staff recommends approval of the request. The Planning and Zoning Commission reviewed the request at their July meeting and are also recommending approval.

Following the overview of the staff report, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to comment.

Ray Edwards, 4137 Coachman's Court, owner of the property, spoke in favor. He advised that when they purchased this property eight years ago, they planned to put their corporate office on the property and developed it and designed three identical office buildings. After that time, they had an opportunity to purchase a single-family home on the northern portion so they added it to their property, which allowed them to put a fourth office building on it. He explained since they bought this additional property, they have experienced a little bit of a problem with traffic which prompted a need of another entrance for their customers. He pointed out the additional purchase of the property allowed them to qualify for a second cut. He advised that all the conditions will remain as the original zoning, but are adding a second cut.

Chairman Wagner asked if there was anyone else present to speak. There being no further comments, the public hearing was closed.

Adopted Ordinance providing for the rezoning of an approximate 5.6-acre parcel from a Conditional Use General Office-Moderate Intensity (CU GO-M) District to a Conditional Zoning General Office-Moderate Intensity (CZ GO-M) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest by adopting the Staff Analysis section of the Staff Report.

A motion was made by Council Member Wagner, seconded by Council Member Williams, that the Ordinance providing for the rezoning of this property be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7167/15-50
Introduced 8/17/2015; Adopted 8/17/2015
Ordinance Book, Volume XIX, Page 50

GENERAL BUSINESS AGENDA

150266 **Resolution - Guilford Workforce Development**

Consideration of adoption of Resolution with Guilford Workforce Development, authorizing the execution of the Guilford Workforce Development Consortium Agreement between the City of Greensboro, City of High Point and Guilford County.

Adopted Resolution with Guilford Workforce Development authorizing the execution of the Guilford Workforce Development Consortium Agreement between the City of Greensboro, City of High Point and Guilford County.

Resolution No. 1475/15-46
Introduced 8/17/2015; Adopted 8/17/2015
Resolution Book, Volume XIX, Page 46

150267 **Appointment/Reappointment- Guilford County/City Insurance Advisory Committee**

Council is requested to confirm the appointment of Lynwood Roach to the Guilford County/City Insurance Advisory Committee with appointment effective immediately and expiring December 21, 2016 and reappoint Rudy Hinnant effective immediately and term expiring December 21, 2017.

Council Member Alexander pointed out Mr. Hinnant has served for many, many years on the Guilford County/City Insurance Advisory Commission and expressed appreciation for the outstanding service he has provided. He suggested it might be time to try to find someone else that is qualified to step in for him.

Reappointed Rudy Hinnant to the Guilford County/City Insurance Advisory Commission.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Ewing, to approve the preceding appointments/reappointments to the Guilford County/City Insurance Advisory Committee. The motion PASSED by a 9-0 unanimous vote.

150268 **Appointments/Reappointments - Board of Adjustment**

Council is requested to confirm the following Board of Adjustment appointments: 1) the appointment of Deborah Davis as a full member; 2) the reappointment of Andre White as an alternate member; 3) the appointment of Matt Witmeyer as a full member; and 4) the appointment of Dr. Nho Bui as an alternate member.

Approved the appointment of Deborah Davis as a regular member on the Board of Adjustment. Ms. Davis is filling the expired term of Mickey Fox, who resigned. Appointment to be effective immediately and will expire 7/1/2018.

Approved the appointment of Matt Witmeyer as a regular member on the Board of Adjustment. Mr. Witmeyer will be filling the unexpired term of Andrew Richardson, who resigned. Appointment to be effective immediately and will expire 7/1/2016.

Approved the appointment of Dr. Nho Bui as an alternate member on the Board of Adjustment. Dr. Nho will be filling the unexpired term of Deborah Davis. Appointment effective immediately and will expire 7/1/2016.

Concerns were raised about Andre' White's attendance at the meetings. Mayor Pro Tem J. Davis shared that he talked with the Chairman of the Board of Adjustment and it was his desire to table this reappointment. Tabled the reappointment of Andre' White as an alternate on the Board of Adjustment.

A motion was made by Council Member C. Davis, seconded by Mayor Pro Tem J. Davis, to approve the appointment of Deborah Davis as a regular member and Matt Witmeyer as a regular member on the Board of Adjustment. The motion PASSED by a 9-0 unanimous vote.

150272 **Reappointment - Planning & Zoning Commission - Ed Squires**

Council is requested to confirm the reappointment of Ed Squires to the Planning and Zoning Commission. Reappointment to be effective immediately and will expire July 1, 2018.

Reappointed Ed Squires to the Planning & Zoning Commission. Reappointment effective immediately and will expire July 1, 2018.

A motion was made by Council Member Williams, seconded by Council Member Golden, that reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

150273 **Reappointments - Parks & Recreation Commission**

Council is requested to confirm the reappointments of Gary Ollis (Ward 5) and Brian Petty (Ward 6) to the Parks & Recreation Commission. Reappointments are effective immediately and will expire July 1, 2018.

Approved the reappointment of Gary Hollis as the Ward 5 representative and Brian Petty as the Ward 6 representative to the Parks & Recreation Commission. Reappointments to be effective immediately and will expire on July 1, 2018.

A motion was made by Council Member C. Davis, seconded by Mayor Pro Tem J. Davis, to approve the reappointment of Gary Ollis and Brian Petty to the Parks & Recreation Commission. The motion PASSED by a 9-0 unanimous vote.

150269 **Approval of the Minutes of Previous City Council Meetings**

Community Development & Housing Committee Meeting - July 14th @ 10:00 a.m.
Prosperity & Livability Committee Meeting - July 15th @ 9:00 a.m.
Finance Committee Meeting - July 16th @ 3:00 p.m.
Regular Meeting of City Council - July 20th @ 5:30 p.m.

Approved the minutes from the preceding meetings as submitted.

A motion was made by Council Member Alexander, seconded by Council Member Ewing that the preceding minutes be approved as submitted. The motion PASSED by a 9-0 unanimous vote.

150270 **Boards and Commissions - Vacancy Report**

Attached is the current list of vacancies for all Boards and Commissions.
This information is included for informational purposes only.

CLOSED SESSION

Mayor Bencini announced the need to go into a Closed Session.

At 7:30 p.m., Council Member Ewing moved to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(4) to discuss potential economic development projects. Mayor Pro Tem J. Davis made a second to the motion, which carried unanimously.

Upon motion duly made and seconded, Council reconvened into Open Session at 8:00 p.m. with an announcement that no action was taken as a result of the Closed Session.

Comments from Council

Workforce Issues/Concerns

Council Member Alexander mentioned that he has received concerns from employers in the city about the workforce not being properly trained for the jobs in High Point. He felt part of the problem is attributed to GTCC stopping technical trade programs and he did not feel the youth are being prepared adequately for job placement.

ADJOURNMENT

The meeting adjourned at 8:15 p.m. upon motion by Council Member Wagner and second by Council Member C. Davis.

Respectfully Submitted,

_____
William S. Bencini, Jr., Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk

FINANCE COMMITTEE
Committee Members: J. Davis, C. Davis, Hill and Williams
Chaired by Mayor Pro Tem J. Davis
August 13, 2015 – 4:00 p.m.
City Manager's Conference Room

MINUTES

Present:
James Davis, Chairman
Committee Members: Cynthia Davis, Alyce Hill and Chris Williams

Staff Present:
Randy McCaslin, Deputy City Manager; Gary Smith, Director of Fleet Services; Fred Reynolds, IT Department; Steve Lingerfelt, Director of Communications & Information Services; Carol McDowell, Assistant Director of Public Services; Eric Olmedo, Budget & Performance Manager; Garey Edwards, Director of Utility Services; Marty Hinson, Electric Operations Engineer; JoAnne Carlyle, City Attorney; Dawn Sparks, Legal Assistant

News Media Present:
Pat Kimbrough, *High Point Enterprise*

Budget Ordinance Amendment – High Point University Electric Line

Council is requested to adopt a budget ordinance in the amount of $383,624.00 for funds received from High Point University for electric line work for the project related to the School of Health.

Eric Olmedo, Budget & Performance Manager, reported that the city received a check in the amount of $383,624.00 a month or so ago and this action would appropriate the funds needed to complete the project.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

Contract – Data Gravity Storage Appliance

Council is requested to approve a contract with 5S Technologies for the lease/ purchase of two (2) data gravity storage devices and authorize the appropriate city official to execute all necessary documents.

Steve Lingerfelt, Director of Communications & Information Services, explained this is for two data gravity storage devices that will replace the existing data storage, which is end-of-life. He pointed out there would be one device at City Hall and one at the Back-up Recovery Center at Northstate. It will be 3-year financing at 0% interest.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

Contract – Installment Financing – Date Gravity Storage Appliance

City Council is requested to approve the attached "Resolution Approving Financing Terms" for an installment financing contract with VeriStor Capital, LLC; and adopt a Budget Ordinance providing for the Financing Agreement.

Jeff Moore, Director of Financial Services, explained this formalizes the borrowing for this. Committee Member Hill asked if the ordinance amendment was for the full amount because of the accrual. Mr. Moore clarified that staff would recognize the full amount of the borrowing so when the equipment is recognized, it would all go into the full value and over the next 36 months the city would pay it off.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

Purchase Equipment – Truck Mounted Sewer Cleaner

Council is requested to approve the purchase of a 2015 Freightliner truck with mounted sewer cleaner in the amount of $195,319.40 and declare the truck being replaced as surplus and dispose through the online auction process; and authorize the appropriate city office to execute all necessary documents.

Gary Smith, Director of Fleet Services, reported on the purchase a sewer cleaner and noted staff is currently using a 2007 model Ford that has been a maintenance nightmare. Since the 2007 model was purchased, over $100,000 has been spent on maintenance. Committee Member Hill asked if there was any way to determine what could be recouped from the old truck; Mr. Smith estimated it to be around $15-$20,000. He asked that Council go ahead and declare the old one

as surplus so it could be disposed of through the on-line auction process if it reaches the $30,000 threshold.

Committee Member C. Davis moved to forward this matter to Council with a favorable recommendation for approval, which includes declaring the old truck as surplus . Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

Contract – Eastside WWTP – Solids Handling Improvements

Council is requested to approve a contract with Warton-Smith, Inc. for improvements at the Eastside Wastewater Treatment Plant for solids handling Equipment and authorize the appropriate city official to execute all necessary documents.

Carol McDowell, Assistant Director of Public Services, explained a change order for this project thermal heat exchanger. Chairman J. Davis asked staff what the extra $100,000 would do to the budget. Ms. McDowell replied that some of the other proposed projects might suffer as a result and may require sacrificing other work. Jeff Moore, Director of Financial Services, explained overall staff feels that they would stay within the $16,000,000 budget and staff would be watching this very closely to make sure of this.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval of the $94,899.68 Change Order No. 1 for the Solids Handling Improvements in the Warton-Smith, Inc. contract. Committee Member Hill made a second to the motion, which carried unanimously. [4-0 vote]

Change Order – Yates Construction Co – Highway 66 Water System Improvements

Council is requested to approve final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Water System Improvements.

Ms. McDowell noted the city committed to expand the water lines for the Ralph Lauren facility on Highway 66 and staff had to estimate the pricing and ended up being high on some of the estimates. This Change Order will recover any overages on the estimate, as well as make up for the smaller items where they were under. This resulted in a credit of $396,000 that will come back to the city.

Chairman J. Davis asked what could be done with this money. Mr. Moore explained that all those funds come back and have to be committed for a capital project since the bonds have already been committed and issued. In this case, the city will finish up this project, but this coming winter the city will be issuing between $25,000,000 and $35,000,000, a majority of which will be to continue projects which were started with the last bond issue. He advised this will potentially be $400,000 that the city will not have to issue with the next one. Ms. McDowell informed the Committee that staff hopes to bring additional good news for the sewer side of the project, which will also result in a credit coming back to the city.

Chairman J. Davis pointed out they moved equipment out and then moved it back and asked if there were any problems. Ms. McDowell did not know the answer to the question, but noted she would find out and report back.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

Resolution – Application to LGC for Financing of Motorola Radio System

Council is requested to adopt the Resolution Authorizing the Filing of an application for approval of a financing agreement authorized by North Carolina General Statute 160a-20 for the Motorola Radio System upgrades.

Jeff Moore, Director of Financial Services, explained this is related to action taken by Council at the last meeting to upgrade the communication tower system and this will start the process for securing the funding. He noted because of the dollars and the fact that this is improvements to real estate, the Local Government Commission (LGC) has to approve the financing documents (because of the towers). As part of this action, it begins the application process in authorizing the city manager and financial services director to meet with the LGC and to make application for their ultimate approval of the financing agreement.

Mr. Moore elaborated that the next item would be to establish a public hearing to receive public comments because this is one of the regulatory steps that the LGC requires in the documentation package. He referred the Committee to the calendar of events included in the packet and noted that staff will be bringing this back in mid-October for closure.

Committee Member Hill moved to forward this matter to Council with a favorable recommendation for approval. Committee Member Williams made a second to the motion, which carried unanimously. [4-0 vote]

Establish Public Hearing Date – Financing of Motorola Radio System Upgrade

Council is requested to establish the date of Tuesday, September 8th, 2015 at 5:30 p.m. to receive public comments on the financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc.

Chairman J. Davis moved to forward this matter to Council with a favorable recommendation for approval. Committee Member C. Davis made a second to the motion, which carried unanimously. [4-0 vote]

Agreement – Fiber Technologies Networks, LLC – Attachment to Poles

Council is requested to approve a Pole Attachment Agreement with Fiber Technologies Networks, LLC to allow installation of communication equipment on City of High Point poles.

Deputy City Manager McCaslin pointed out this is somewhat unusual in that legal and electric has been working for a good while trying to work this out. He noted the city is required to allow companies to attach to our poles (i.e. TimeWarner, NorthState, Duke Power, etc…) and they all have certain spacing requirements. He shared this is one of several groups that has contacted the city that wants to put fiber optics on the city's poles and the city's hands are pretty much tied in that there is not a whole lot that can be said about it because the State has taken the authority away and has also set the rate at $7 per pole.

Garey Edwards, Director of Electric Utilities, noted it is actually a little less than that, but negotiated $7 on this contract. Mr. McCaslin advised that this may require the city to take down the poles and put up larger poles and more than likely it will result in more poles. He suggested pulling this matter off the Finance Consent Agenda so it could be discussed in more detail during the Council Meeting on Monday.

Mr. Edwards explained if there is an existing facility, they cannot be denied access. He reviewed the process for this that is referred to as "make-ready work" and to determine this, engineering, investigation work, etc…. is required and the company requesting it is required to pay for the "make-ready work." He advised that the city has not had a pole attachment agreement since 1973, so the city was awaiting the outcome of the litigation between the Town of Landis and TimeWarner Cable of which they finally got everything settled. At that point, it was turned over to the city's Legal Department and Electric Operations Engineer, Marty Hinson, has been negotiating back and forth with Fiber Tech and it is now before Council. He noted they cannot make the city put poles up for it. Mr. Edwards explained that municipalities need to go back to the Legislature to ask them to limit the number of companies that can attach to poles.

Mr. McCaslin shared concerns that if the poles get knocked down, there would be no one locally to call to put the fiber optics back up. He pointed out there could be strange things showing up on poles that the city has nothing to do with. Mr. Edwards informed the Committee that staff has already received 20+ work orders for them to attach to 20-40 poles, but will not do anything until it is worked out. Mr. McCaslin explained that the city may not have to put up the pole that holds the structure, but do have to give them the right to work within the easement to put up the pole. Mr. Edwards noted that he was not going to give them permission to put the antennae on the city's power poles and they were told they would have to do a separate pole for that. He pointed out the city could not stop them, but did have the duty to look after the ratepayers and citizens to make it as less impactful as it can be.

Chairman J. Davis agreed that it would be a good idea to pull this matter off the Consent Agenda and send it to Council without a recommendation to allow for further discussion.

Demolition Bids- 736 Washington Street & First Baptist Church on Washington Street

Mr. McCaslin reported that the bids should be in tomorrow for the demolition of the building at 736 Washington Street, as well as for the First Baptist Church. Staff intends to bring this to Council during the meeting on Monday, August 17th for consideration. He advised that Ms. Hoover, the property owner of the 736 Washington Street structure, had filed an appeal of the demolition order and Council needs to determine whether or not to move forward with the demolition. He noted there are also some on-going issues with the church and the stained glass windows. Committee Member C. Davis advised that Pastor Robinson told her they were going to try to work out a payment plan with the city for reimbursement of the cost of demolition. Mr. McCaslin noted he did say this, but they do not have any money to cover the initial demolition costs so if Council chooses to go forward with this, the city would pay for it and place a lien on the property, then the church can pay off the lien.

There being no further business to come before the Committee, the meeting adjourned at 4:37 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____

Lisa B. Vierling, MMC
City Clerk

_____

James C. Davis, Chairman

PROSPERITY AND LIVABILITY COMMITTEE
Members: Ewing, Alexander, Hill and Wagner
Chaired by Council Member Ewing
HIGH POINT PARKS & REC. ADM. OFFICES
136 NORTHPOINT AVENUE
August 12, 2015 – 9:00 A.M.

MINUTES

Present: Chairman Jason Ewing; and Committee Member Alyce Hill
Committee Member Alyce Hill

Absent: Committee Members Latimer Alexander and Jay Wagner

Also Present: Council Member Cynthia Davis

Staff Present:
Randy McCaslin, Deputy City Manager; Lee Burnette, Director of Planning & Development; Mark McDonald, Director of Transportation; Loren Hill, President- High Point Economic Development Corporation; Wendy Fuscoe, Core City Administrator; Jeron Hollis, Communications and Engagement Officer; Lisa Vierling, City Clerk

Others Present:
Jerry Mingo, Julius Clark, Joe Blosser, Greater High Point Food Alliance; Carl Vierling, Executive Director-Greater High Point Food Alliance; Patrick Harmon; Ross Lackey; Jim Bronnert, Carolyn Sparks, Annie Baker, Judy Stalder, Gloria Halstead, Jimmy Scott, Latishia Bahena

News Media:
Pat Kimbrough, *High Point Enterprise*

UPDATE- BROWNFIELD GRANT
Wendy Fuscoe, Core City Administrator, provided an update on the 3-year, $400,000 Brownfield Grant. She reported the purpose of the grant is to get underutilized properties into productive use. The Committee did tour some properties, reviewed and ranked the properties to come up with a list of the properties with the most opportunities for use. The next step is to have a public

informational meeting to make final determinations that will start Phases 1 and 2. This meeting will be held on September 29th from 6:00 p.m. to 8:00 p.m. in the Council Chambers.

UPDATE- COMPLETE STREETS PROGRAM

Mark McDonald, Director of Transportation, reported that he is still waiting on NCDOT to schedule a workshop and meet with them on their policy. He felt the incorporation of the NCDOT policy with the city's policy would probably be the best approach. Mr. McDonald hopes to get a NCDOT representative to meet with Council in the near future. Staff has completed a draft Statement of Intent, which was shared with the committee at the last meeting. Mr. McDonald explained the philosophy behind the Complete Streets Program was to incorporate all modes of transportation into design and construction of streets and other transportation facilities, providing for more bike lanes, transit, traffic calming, etc…. rather than just building streets for vehicular traffic. He noted the city has installed some bike lanes on W. Green Drive as a test turn and now requires sidewalks on all development projects.

TRAFFIC CALMING REQUEST- JAMES ROAD

Mr. McDonald gave a quick update on the two, multi-way STOPS that were approved last month at Johnson/Farriss and Rotary/Farriss. The three-way STOP at JOHNSON/FARRISS was implemented last week and everything seems to be working well after one week, but staff will continue to monitor it. He reported that Rotary Drive has been milled and being resurfaced (portion of Rotary Drive from Ferndale to Lexington). Transportation will be working with Public Services and their contractor for the resurfacing to implement the multi-way, four-way STOP at Rotary/Farriss.

Mr. McDonald reported that staff has also received some requests recently for traffic calming on James Road near the Oakview Recreation Center and Oakview School. He noted James Road is a very wide street and staff will be collecting some data (traffic counts, speeds, etc….) in this area after school starts and will start working with the neighborhood on the traffic calming policy to see what measures can be taken. Council Member C. Davis suggested putting some parking spaces on both sides because she felt it would slow some of the traffic down. She also expressed concerns about the lack of any definitive lines/markings in the street and she felt it was necessary for safety purposes and due to the proximity and location to the rec center and school. She also suggested that a turn lane needs to be installed before school starts to help allow traffic to funnel through. Mr. McDonald explained that the school is supposed to be providing storage and parking on site and advised that the parking could be evaluated, but he would like to collect and review the data before making any recommendations or changes.

Chairman Ewing asked if staff was not planning to evaluate the current traffic calming policy in the fall. Mr. McDonald confirmed this and advised that Raleigh is doing a peer review of North Carolina cities to see what traffic calming measures are like across the state and they have agreed to share the results of the review with the other cities. Once the city receives the data, it will be reviewed and compared to existing policies/practices to see how it fits in with what others are doing. Chairman Ewing asked when staff anticipates the data collection for James Road and Washington Street. Mr. McDonald explained he wants to wait until after school is in session and

estimated it to be around mid-late September, so it could be possible to have the data in time to review it at the October Prosperity & Livability Committee Meeting.

Mr. McDonald noted parking is restricted during overnight hours on James. Council Member C. Davis pointed out there are speeding issues on James Road. Chairman Ewing reported that Officer Burchette did email him and indicated that he had no knowledge of speeding issues on James, although the police department has dropped speed trailers there. A discussion followed on the cost of portable speed limit and solar powered signs (estimated at $35-$40,000 each). Mr. McDonald advised purchasing these would require solicitation of competitive bids and finding funding sources to pay for them. Council Member C. Davis interjected regarding the speeding and pointed out the residents have complained about speeding issues.

Regarding Washington Street, he shared that there was a request from some folks on Washington Street to look at possibly incorporating some sort of traffic calming device or devices on Washington. Again, staff would like to collect some data (traffic volume, speeds, etc…) after the work is completed on Washington Street and work through the policy as it currently exists to see what traffic calming measures might be the most appropriate.

Mr. McDonald pointed out the situations with James Road and Washington Street were similar and staff suggested both to follow the petition process, rather than leaping to conclusions before going through the process.

PRESENTATION- Matthew King- USDA MOBILE OASIS FOOD CLINIC

Mr. King was not in attendance, so no presentation was made.

SUGGESTED CHANGES TO THE CITY CODE-URBAN AGRICULTURE

Carl Vierling, Executive Director for the, Greater High Point Food Alliance, shared the structure of the Greater High Point Food Alliance, which consists of the Executive Committee and five (5) working teams underneath the umbrella of the Executive Committee:

1. *Food Access*
2. *Food Education*
3. *Urban Agriculture*
4. *Research Policy and Advocacy*
5. *Neighborhood Networks (Burnshill, Washington Street and West End)*

He then shared some of the recommendations that came from the Urban Agriculture team as follows:

1. *Allow accessory structures related to agricultural production on vacant property. [Current ordinance ties accessory structures to presence of primary buildings]*

    a. **Incorrect- Development Ordinance allows a storage building for agricultural production as the principal building on a lot where agricultural production is the principal use.**

b. NC Building Code requires that storage buildings meet code, including such storage buildings were agricultural production is the principal use. Also, such storage buildings for an accessory use to a residence are subject to the code, unless the building dimensions are 12 feet or less.

2. *Eliminate Section 12-2-2 of the High Point Code of Ordinances which refers to no commercial sale of chickens or eggs.*
(They would like for people to be able to sell their eggs and eat their chickens).

a. City Code section 12-2-(3) prohibits the sale of eggs and the slaughtering of chickens on the premises.

(It was noted that the City Council could amend the Code to allow this.)

3. *Change the minimum lot size of five (5) acres for all Agricultural Production (Livestock) to a minimum lot size of five (5) acres for pigs and large livestock.*
Chapter 5, pages 5-7, Minimum Area. Use animal density as the way to regulate the number of small livestock. [Note: pigs are allowed in Concord, NC]

a. City Code Section 12-2-3 prohibits the keeping of pigs and hogs.
b. Development Ordinance allows both large and small livestock as a principal use or as an accessory use to single-family residences in the AG, LI, HI, RS-40, RS-20, RS-15, and RS-12 districts provided the livestock is contained in an area 5 acres or larger.
c. Animal density is restricted in all districts except the AG and HI.
d. NC General Statutes (as of 2011) exempt "bona fide farms" in a city's ETJ from municipal zoning, subdivision control, building and housing code enforcement, soil erosion and sedimentation control, flood hazard protection, and stormwater control as long as it meets qualifications.

4. *Change maximum density of fowl (chickens, ducks, quail to one (1) bird for every four (4) sq. ft. indoor space and one (1) bird for every ten (10) sq. ft. outdoors.*

a. City Code section 12-2-(c) establishes the requirements for keeping chickens and other fowl.

Mr. Burnette noted this was a provision that was amended by Council and the regulation of chicken and fowl came out of the development regulations and Council adopted an ordinance to address it from the City Code perspective. Mr. McCaslin advised that chickens are allowed, but no roosters.

5. *Change the maximum density of small livestock (sheep, goats, similar sized animals) to one (1) animal for every 150 sq. ft. of grassed space.*

a. Development Ordinance establishes the density for sheep, goats, and other small livestock at one (1) animal per 10,000 sq. ft. when it is a principal or accessory use. (except AG and HI districts)

Mr. McCaslin pointed out this is in the Development Ordinance, not the City Code.

6. *Change setback requirements. (Charlotte, Winston and Concord have setback limits of 25 ft. from property line; Greensboro varies from 25-50 ft. depending on lot size; City of High Point's requirement is 200 ft.)*

   a. Development Ordinance establishes a 200 ft. setback for livestock when it is the principal use of land and a 100 ft. setback when it is an accessory use to a residence.

7. *Livestock fencing- delete the need for added fence for animals.*

   a. City Code section 12-2-2 requires pens or other enclosures for the keeping of chickens, fowl, rabbits and small animals.
   b. Development Ordinance requires fences when keeping livestock as a principal or accessory use.
   c. There is no requirement for <u>added</u> fencing.

Lee Burnette, Director of Planning and Development, responded to these recommended changes. [Mr. Burnette's responses identified by red text above].

Mr. Burnette advised that these current standards have been in place since the city adopted the Multi-Jurisdictional ordinance in 1992 and at that time, all three jurisdictions that were part of that project were Greensboro, Guilford County and High Point of which all adopted similar regulations, so many of these are reflective of those jurisdictions at that time.

A question was posed as to if these recommendations came from someone who wanted to put up an accessory structure that was not permitted under the city's current ordinance. Wendy Fuscoe, Core City Administrator, shared a personal experience where she was told by planning staff that it could not be done. She felt it might be an issue of clarification that it is allowed. Mr. Burnette explained the question is whether it is an accessory structure or a principal structure. Ms. Fuscoe added from a layperson's perspective, it needs to clarified and explained better.

Chairman Ewing asked if there was a specific case cited from the committee. Ross Lackey responded that it was the committee's understanding that an accessory building would not be allowed on a vacant residential lot because there is not a primary residence already there. Mr. Burnette replied that you cannot put an accessory structure on a vacant lot because it has to be an accessory to a principal use. A discussion followed regarding the need for the planning staff to ask more questions to get clarification when a person comes in because there is clearly a disconnect and communication breakdown. Committee Member Hill felt this was a play on symantecs and felt there is clearly a disconnect leading to a huge communication problem.

Chairman Ewing felt some of this needs to be reviewed from a contextual standpoint to determine if there is an area where a change is needed to the Ordinance, and work on the communication piece for the planning staff to advise people who inquire about these issues. Judy Stalder pointed out this was an opportunity for Mr. Burnette and Mr. McCaslin to get back with staff and possibly restructure the questions.

Mr. McCaslin suggested that Mr. Burnette get with Mr. Vierling and the Urban Ag Committee to work through/discuss these issues. Council Member C. Davis respectfully requested that the Prosperity & Livability Committee defer this matter to the Planning and Development Committee. Mr. McCaslin asked the Committee if there was anything that staff not look at. Chairman Ewing shared that there are some that he does have some concerns about opening up to the entire city, but it might be appropriate in some type of Urban AG district. Mr. Lackey questioned why the Code does not apply to Harris Teeter and Food Lion because they are allowed to sell eggs in their businesses. Mr. Burnette replied, yes, but that he was unaware how this particular provision applies to them. Chairman Ewing felt this could be debated later and reiterated it is being referred back to the planning staff and Mr. Vierling to work out some of the gray areas, which would come back to the Planning and Development Committee for specifics and further discussion.

There being no further business to discuss, the meeting adjourned at 10:00 a.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Lisa B. Vierling, MMC
City Clerk

_____
Jason Ewing, Chairman
Prosperity & Livability Committee

CITY OF HIGH POINT, NORTH CAROLINA
PROCUREMENT PROCEDURES AND CODE OF CONDUCT (CDBG)

Procurement Procedures

The City of High Point will, in all cases of procurement for professional services, construction services and materials needed for Community Development Block Grant (CDBG) and related Programs, adhere to Code of Federal Regulation 24 C.F.R. Section 85.36; North Carolina G.S. 143-129 and G.S. 143-131 regarding bidding laws and thresholds; and City of High Point Purchasing Procedures and thresholds (the stricter shall apply). The following procedures summarize said laws and regulations.

A. Procurement shall be made by one of the following methods:

1) **Small Purchase Procedures [24 C.F.R. Section 85.36 (d)(1)] – This method will generally be used to obtain small quantities of supplies**. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000 for CDBG). If small purchase procedures are used, price or rate quotations shall be obtained from two or more qualified sources in accordance with City of High Point bid thresholds.

2) **Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials.** Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price.

3) **Competitive Proposals [24 C.F.R. Section 85.36 (d)(3)] - This method will generally be used to obtain professional services.** This method has two sub-parts—the Request for Proposal and the Request for Qualifications.

Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required. The City must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete. Proposals must be solicited from two or more qualified sources, consistent with the nature and requirements of the procurement. The City must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; and the City must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services.

Request for Qualifications – The City and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.

B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.

C. The City shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.

D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

General Administrative Provisions

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

Scope of Services

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

Method of Compensation

- Provisions for compensation for services including fee and/or payment schedules and specification of maximum amount payable under the contract.

Federal Standard Provisions

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than $50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds $100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding $2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

Code Of Conduct

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of High Point engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

I. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3); N.C.G.S. 14-234, and 160A-415 are incorporated in this Code of Conduct by this reference. The requirements of these federal regulations and North Carolina general statutes will be adhered to, and in the event of a conflict in the requirements of any of such federal, state and municipal requirements, the stricter of any conflicting provisions will be adhered to.

II. No employee, officer or agent of the City shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

III. City employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

The Procurement Procedures and Code of Conduct are adopted this 8th day of September, 2015.

City of High Point

BY: _____
William S. Bencini, Jr. Mayor

ATTEST: _____
Lisa B. Vierling, City Clerk

City Clerk's Office

Lisa B. Vierling, MMC
CITY CLERK

NORTH CAROLINA'S INTERNATIONAL CITY™

August 17, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& REGULAR MAIL

Rebekah Jackson Hoover
P.O. Box 1287
High Point, NC 27261

RE: Appeal- Unsafe Building, 736 Washington Street, High Point, NC

Dear Ms. Hoover:

On July 29, 2015, as the property owner of the unsafe structure located at 736 Washington Street, you were notified to appear on July 27, 2015 at 11:00 a.m. before Darrell Long, Code Enforcement Supervisor (Building). Although you did not appear at the hearing, Building Inspector Darrell Long made the determination that ***due to the current condition of the property and given the fact that an imminent condition of further collapse is present, and you, as the owner of the building, were ordered and directed to repair and shore the building and make it stable and safe to the surrounding areas or demolish and remove the building and clean and clear the site no later than August 14, 2015.*** This notification of the Order dated July 29, 2015 was sent to you by Certified Mail, Return Receipt Requested and Regular Mail. At that time, you were informed of your right to appeal within ten (10) days following the date of the order, which we did receive.

I do hereby acknowledge receipt of your Appeal of Building Inspector Darrell Long's determination dated August 4, 2015 and as received by the City of High Point Planning & Development Department, Inspection Services Division on August 10, 2015. A hearing on your Appeal will be heard before the **High**

Point City Council on Tuesday, September 8, 2015 at 5:30 p.m. in the Council Chambers, 3rd Floor, High Point Municipal Building, 211 S. Hamilton Street.

Sincerely,

Lisa B. Vierling, MMC
City Clerk

cc: Greg Demko, City Manager
Randy McCaslin, Deputy City Manager
JoAnne Carlyle, City Attorney
Lee Burnette, Director of Planning & Development
Ed Brown, Inspections Administrator
Darrell Long, Building Inspector

City of High Point
Planning & Development
Inspection Services

AUG 10 2015

Planning& Development

Inspection Services Division

North Carolina

Guilford

Darrell Long

City of High Point

P.O.Box230

211 South Hamilton Street

High Point,N.C. 27261

Dear Sir: I contest and Appeal your decision to raze the Building, in question because I am financially destitute.

"Unsafe Building located at 736 Washington Street",

High Point, N.C.

Rebekah Jackson Hoover

P.O.Box 1287

High Point, N. C. 27261

August 4th, 2015

Planning & Development

Inspection Services Division

NORTH CAROLINA'S INTERNATIONAL CITY™

NORTH CAROLINA **CITY OF HIGH POINT**

GUILFORD COUNTY

ORDER

July 29, 2015

Rebekah Jackson Hoover
P.O. Box 1287
High Point, N.C. 27261

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
& REGULAR MAIL

IN THE MATTER OF: Unsafe Building located at 736 Washington Street, High Point, N.C.

THIS MATTER WAS HEARD on July 27, 2015 at 11 a.m. before the undersigned inspector whose assigned duties include the enforcement of the laws of addressing unsafe buildings within the City of High Point. A Complaint and Notice of Hearing were issued and served upon the owner of record as required by law. No one showed on behalf of owner in regards to this matter at the time and date given above.

Based on prior evidence gathered by this office in regards to this matter, the inspector finds that the above-referenced building is unsafe in accordance with North Carolina General Statute 160A-426 due to internal collapse of the roof assembly and major portions of the floor systems therein. The remaining masonry perimeter walls are laterally un-braced and subject to collapse. Collapse of the roof assembly and portions of the floor systems within the building compromises the structures ability to sustain any load and increases the likelihood of total collapse.

This condition:

1. Constitutes a fire or safety hazard;
2. Is dangerous to life, health or other property;
3. Is likely to cause or contribute to blight, disease, vagrancy or danger to children;
4. Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance; and
5. That there is imminent danger to life or other property

Due to the current condition of the property and given the fact that an imminent condition of further collapse is present THE OWNER (S) OF THE BUILDING ARE HEREBY ORDERED AND DIRECTED TO repair and shore the building to make it stable and safe to the surrounding areas or demolish and remove the building and clean and clear the site no later than August 14, 2015.

The owner(s) may appeal from this order to the City Council by given written notice of appeal in writing to the inspector and the City Clerk, Lisa Vierling, within ten (10) days following the date of this order.

Thereafter, the City Council shall hear and render a decision in an appeal within a reasonable time. The City Council may affirm, modify and affirm, or revoke this order. In the absence of an appeal, this order of the inspector shall be final

Failure to comply with this order, from which no appeal has been taken, or failure to comply with an order of the City Council following an appeal shall constitute a Class 1 misdemeanor. The City may cause the building or structure to be removed or demolished and any amounts incurred by the City in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred.

Darrell Long
Code Enforcement Supervisor-Building
City of High Point

Certified Mail # 7012 1640 0001 9874 4109

NOTICE OF PUBLIC HEARING

The High Point City Council will hold a public hearing on Tuesday, September 8, 2015 at 5:30 p.m. in the Council Chambers, High Point Municipal Building, 211 S. Hamilton Street pursuant to NC General Statute 160A-20 for the consideration of financing upgrades to the 800mhz radio system, including improvements to City-owned real estate, through a contract, including improvements to City-owned real estate, through a contract between the City of High Point and Motorola, Inc. For further information, please call 336 883 3238.

To be published once on Thursday August 27, 2015

Please send affidavit of Publication to Lisa Vierling, City Clerk, P.O. Box 230, High Point, NC 27261

RESOLUTION APPROVING CONVEYANCE OF REAL PROPERTY TO A NONPROFIT CORPORATION

WHEREAS, the City of High Point owns tracts of land located at 1708 Brooks Avenue, 1716 Brooks Avenue, 1508 Davis Avenue, and 204 Hoskins Street in the City of High Point and all of which are more particularly described in Plat Book 6, Page 181 of the Guilford County Registry; and

WHEREAS, the City of High Point owns a tract of land located at 1516 Davis Avenue in the City of High Point which is more particularly described in Plat Book 39, Page 73 of the Guilford Country Registry and including a closed portion of Hoskins Street as set out in Resolution of the City of High Point recorded in Book 2283, Page 73, of the Guilford County Registry; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation, if the city is authorized by law to appropriate money to the corporation; and

WHEREAS, North Carolina General Statute § 160A-456(b) authorizes a city to exercise directly those powers granted by law to housing authorities giving a city the ability and authority to undertake any activity that may be undertaken by a housing authority; and

WHEREAS, North Carolina General Statute § 157-9 sets out the powers granted by statute to housing authorities, one of which is to prepare, carry out, and operate housing projects; and

WHEREAS, North Carolina General Statute § 157-3(12) defines a housing project to include programs that assist developers of multifamily housing and developers and owners of owner-occupied housing; and

WHEREAS, North Carolina General Statute § 160A-20.1 authorizes cities to appropriate money to private organizations to carry out any activity that a city may carry out directly; and

WHEREAS, North Carolina General Statute § 160A-497 authorizes a city to undertake programs for the assistance and care of its senior citizens and to contract and appropriate funds to private organizations in order to carry out such programs; and

WHEREAS, the City of High Point has negotiated with Habitat for Humanity of High Point, Archdale and Trinity, Inc. (hereafter, "Habitat") to convey the above-described tracts to Habitat in order that Habitat may assist with the construction of owner-occupied housing;

THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT RESOLVES THAT:

1. The Mayor of the City of High Point is authorized to execute all documents necessary to convey title to the tracts of land located at 1708 Brooks Ave., 1716 Brooks Ave., 1508 Davis Ave., 1516 Davis Ave., and 204 Hoskins St., all located in the City of High Point and more particularly described as follows:

See EXHIBIT A

2. The consideration of the conveyance is Habitat's agreement to use this property only for the "public" purpose of furthering the mission of Habitat in providing owner-occupied housing. If for any reason the property ceases to be used for a "public" purpose, the property shall revert back to the City of High Point. A statement to this effect shall be placed in the deed restrictions for the conveyance.

3. The City Clerk shall publish a notice summarizing the contents of this resolution and the conveyance of the property may be consummated at any time after 10 days of publication of the notice.

ADOPTED this the 8th day of September, 2015.

CITY OF HIGH POINT

By William S. Bencini
William S. Bencini, Jr., Mayor

Attested to:

Lisa Vierling
Lisa Vierling, City Clerk

EXHIBIT A

TRACT I: 1708 Brooks Avenue, High Point, NC
Parcel #0190838

BEING ALL OF LOTS 121 and 122 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT II: 1716 Brooks Avenue, High Point, NC
Parcel #0190842

BEING LOTS NOS. 130 and 131 of that certain plat of land belonging to J. Allen Austin, known as Washington Terrace, as per a plat thereof duly recorded in the Office of the Register of Deeds of Guilford County, North Carolina, in Plat Book 6, Page 181, to which reference is hereby had for full particulars as to location and description.

TRACT III: 1508 Davis Avenue, High Point, NC
Parcel #0190971

BEING ALL OF LOTS 79 and 80 of Washington Terrace, a plat of which is recorded in Plat Book 6, Page 181 in the Office of the Register of Deeds of Guilford County, North Carolina.

TRACT IV: 1516 Davis Avenue, High Point, NC
Parcel #0190975

BEING ALL OF LOT 3 of the Exception Map, Property of Diversified Services, Inc., et al, as per plat thereof recorded in Plat Book 39, Page 73, in the Office of the Register of Deeds of Guilford County, North Carolina. Said Lot 3 consists of all of Lots 101, 102, 103 and 104 of the plat of Washington Terrace above referred to, plus a closed portion of Hoskins Street as set out in Resolution of the City of High Point recorded in Book 2283, Page 73, Guilford County Registry.

TRACT V: 204 Hoskins Street, High Point, NC
Parcel #0190813

BEING LOT NOS. 203 and 204 of the Washington Terrace Subdivision as recorded in Plat Book 6, Page 181, in the Office of the Register of Deeds for Guilford County, North Carolina, reference to which is hereby made for fuller particulars as to location and description.

MANAGER'S BRIEFING SESSION
AUGUST 17, 2015 – 4:00 P.M.
CITY MANAGER'S CONFERENCE ROOM

MINUTES

Present:
Mayor Bill Bencini; Mayor Pro Tem Jim Davis; and Council Members Latimer Alexander, Cynthia Davis, Jeff Golden, Chris Williams, Alyce Hill, Jay Wagner, and Jason Ewing (arrived at 4:33 p.m.)

Staff Present:
Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Jeron Hollis, Communications Officer; Eric Olmedo Budget & Performance Manager; Jeff Moore, Director of Financial Services; Al Heggins, Director of Human Relations; Angela Kirkwood, Director of Human Resources; Loren Hill, President- High Point Economic Development Corporation; Mary Sizemore, Director of the High Point Public Library; Lisa Vierling, City Clerk

Others Present:
Gene Chasin, Chief Operating Officer, Say Yes to Education, Inc.
Mo Green, Superintendent, Guilford County Schools
Abby Johnson, Say Yes to Education
Mary Vigu, Greensboro Assistant City Manager
David Miller, Ann Busby, Proponents- Say Yes to Education

***Mayor Bencini**: The first item, I guess will be the Say Yes.*

***Deputy City Manager Randy McCaslin**: Correct. We have two items on the agenda for the briefing. One is Say Yes to Education. Gene Chasin and Mo Green are here to make that presentation and then once that's complete, JoAnne wants to cover the ordinance re-write that she and some council members have been working on.*

Presentation/Discussion- Say Yes to Education, Inc.

***Gene Chasin**: I'm Gene Chasin. I'm the Chief Operating Officer for Say Yes to Education, a national non-profit that supports college readiness and college attainment for young people. Say Yes has been engaged in a search for the last several years now for its next location. We began with over 116 different potential partner cities and counties. After reviewing literature and written material about the communities, we whittled that list down to 27 locations and after doing visits in those locations, meeting with key partners, looking at stability of leadership and so on, that list got whittled down to six places that we seriously considered releasing an RFP. Guilford County was one of three (3) communities that ultimately received our RFP and*

competed to become our next location. We're in the final stages of due diligence now to make that selection official.

There are several things that are board required before we can extend or name a potential location. Those include completion of financial analytics; completion of MOU with key partners including school districts, cities and counties; completion of pathway analytics or looking at college readiness from pre-Kindergarten all the way through the completion of high school and the establishment of benchmarks along that pathway. There are four key partner organizations that we require MOUs from, including the cities, the county and the school district.

So at its core, imagine if you will that the entire community came together to ensure that each child had the opportunity to go to college. Think about what that would mean for employers in the region. Think about what that would mean long-term in terms of financial impact for the community. Say Yes was founded in 1987 by a remarkable man by the name of George Weiss. George grew up in poverty. He had the opportunity to go to the University of Pennsylvania on an academic scholarship and while at Penn, he and his fraternity mentored a street gang. Out of that experience, George made a commitment that if he were ever successful and have the wherewithal, he would help as many young people as possible to see education as a route to productive citizenship. He started making good on that promise in 1987 when he went back to Philadelphia, met with the school district, identified the poorest junior high school in the city and promised post-secondary costs would be covered to a group of rising seventh graders. George knew that commitment didn't mean anything unless he provided support to the students so that the predictable barriers could be addressed. Those barriers included the academic training, providing tutoring, providing support, providing mentoring, but it also included enrichment opportunities to ensure students engaged in school, along with taking care of other barriers that got in the way—whether it was health, mental health, legal services—whatever was necessary to keep the students focused on success. That original group of students graduated from high school with double the graduation rate of the preceding and succeeding class and about one-third of those students went on to get post-secondary certificates. George considered that a failure and went about trying to do it even better. Now mind you, those results are remarkable for the Philadelphia school system, but George was concerned about the two-thirds that didn't get post-secondary certificates. So he went about to do it better. He started in a younger grade level and launched a success of cohorts. We have launched six cohorts that way: three in Philadelphia, one in Hartford, and one in Cambridge, Massachusetts and a large cohort in Harlem. The last few cohorts began with kindergarteners. Our most recent cohort to graduate from high school is Philadelphia where all but two students who graduated from high school. Those two who have not graduated are still full-time students and all but two of those who graduated, matriculated to a post-secondary program.

About nine years ago now, George and the board he created for this work, committed to try and do it for more students. They were concerned about the millions across the country who don't have access and who aren't ready for successful citizenship. So they brought on Marian [inaudible] and ultimately figured out how to scale this in cities and counties across the country. Eight years ago we began work in Syracuse, New York, working a citywide scale. Four years ago we began work in Buffalo and as I said, now we're in the final stages of vetting for our third location.

So the economic impact is a huge driver as we take this on a community-wide scale. What we aim to do is have students enter the workforce ready for the occupations that exist within the community. It also reduces burden on social services when students are productive and employed. We've seen a great deal of impact in our cities, most notably in Syracuse, New York. During the Great Recession, shortly after we began this initiative, property values were declining across the New York throughway in the cities. And in 2009, property values actually went up in Syracuse. It went up along with an increase in enrollment in the school district for the first in ten years. It was an inflection point and that was clearly a result of the impact of the post-secondary scholarships. By 2018, 63% of the jobs in the United States will require an Associates Degree, a Bachelors Degree, or higher. Many other jobs require some level of technical certification. Currently in Guilford County about 35% of adults hold an Associates Degree or more and when you look at the top 100 metropolitan areas, Guilford County is 77 in terms of degree attainment, behind places like Knoxville, Jackson, Akron and Greenville. So we have to build the pipeline. And that's what Say Yes aims to do.

At the heart of all of this is commitment to post-secondary scholarship—much as what George Weiss did in those smaller cohort chapters. The scholarships take two forms: one, is a Last Dollar Scholarship that is available to all students who meet minimum residency requirements for a public, in-state institution. Last dollar means after Pell Grants and State Grants have taken effect. In addition to that, Say Yes has over 90 private colleges from around the country that make a similar tuition scholarship promise to students with family income below $75,000. For those with income above $75,000, the local endowment provides a $5,000 Choice Scholarship to help defray college costs. The scholarships get the attention, but the real work on the ground is in providing support. What Say Yes aims to do is bring together partners in the community and figure out what the barriers are to post-secondary readiness and put supports in place to address those barriers. The supports in our other communities include things like tutoring, after school programming, summer programming, in some cases medical care, counseling and legal help. All of the supports can only work if it's coordinated. In those small cohort chapters that I mentioned, George Weiss provided a staff that knew the students well and knew the families well. When you move this to scale in a city or county, you need a system in place and we have developed with the American Institutes for Research a post-secondary planning system that literally develops individualized plans for each student to make sure students get the supports they need and the interventions they need and provides a platform for people in the school house to monitor a student's progress against those key barriers.

So, the outcomes. In just the first year of implementation in Buffalo, we saw a 9% increase in the college matriculation rate. We saw an 8% increase in the high school graduation rate. And we saw an increase in enrollment. Again, it was an inflection point after over a decade in declining enrollment. A big piece of the work is collaboration and ensuring community ownership. This is not owned by Say Yes when you go to Buffalo or when you go to Syracuse. It's owned by the local partners. Say Yes provides seed capital to get the program started and it provides facilitation to get the various parties around the table into an interagency structure where resources can be capitalized, where there could be coordination of services. On the chart is the actual organization chart for Buffalo, New York. In the purple box is the scholarship board that controls the policies, that determine how the scho9larlships get administered. In the blue box is

the community leadership council. In Buffalo, it includes the mayor. It includes the county executive. It includes a member of the board of regions, the president of the scholarship board and the president of the school board. They are the co-chairs of that body, but that body includes over 40 recognized members and the public as well. Those recognized members include leaders from business, leaders from the faith-based community, elected officials in the city, county and school district, leaders of community-based organizations and leaders of local philanthropy. That group meets quarterly to share outcomes and also share where we're at with implementation and roll-out of services. The smallest one of those meetings has been about 190 people. Typically we see over 200 people at those meetings.

Below that is an operating committee. In Buffalo, that operating committee includes the superintendent, the deputy mayor, a key commissioner from the county, leadership from the teacher's association, from the administrators association, the two largest philanthropies in the community, presidents from private, higher-Ed institutions, president from a public higher-Ed institution, and parent leadership

That group is charged with figuring out what interventions are needed. Figuring out how to coordinate the delivery of interventions to students and also works with task forces and the task forces there represent the priorities in Buffalo, the priority areas they identified. Those task forces work to address specific challenges, so everything from how to elevate the teaching profession to a business task force that's charged with figuring out how to get mentorship and internships in place for students. Legal Services task force that's figured how to roll out pro-bono legal clinics across the community. When we talk about rolling out services, you're going to hear me talk about services that are community specific based on the needs of the students in the community and building on local community assets. Ultimately the strategy is about reallocation and taking full advantage of the resources that exist. It's not about new dollars, but harnessing and effectively utilizing existing services. Currently, we have a planning committee and a number of working groups that are working on everything from adaptation of that planning system for students to working through the process of crafting the Memorandum of Understanding, developing documents so that data can be shared transparently and communications.

So I've gone really quickly in order to allow lots of time for questions and we'd love to engage.

***Mayor Bencini**: Does the council members have questions?*

***Council Member Alexander**: Why do you need a MOU from the city? What services would the city provide?*

***Gene Chasin**: So we view the city as a key partner. What we've tried to do is bring together all of the entities that touch children and families and while cities typically do not provide services in the education space, cities do typically provide things like recreational programming, library services and so on that provide an important resource that can be capitalized on. An example….in Buffalo, NY, we were trying to figure out how to put together a summer bridge programming before students go to college and the big competing priority for students was the need to earn money. The Mayor had a summer employment program for teenagers and we were*

able to redirect dollars so that students would get paid for going to the summer bridge program, from that pot of existing money. Again, it wasn't new money that was expended, but rather it was harnessing an existing resource.

***Mayor Pro Tem J. Davis**: Then why does…..when you talk about mental health, nutrition and legal services, those are not services that we provide. We do provide library, parks and rec., and theatre. So why don't our MOU specify those services instead of these other wrap-around services?*

***Gene Chasin**: What the MOU is designed to do is it's designed to ensure number one, the commitment to the post-secondary readiness goal across the partners and commitment to be at the table and be a partner in figuring out how to deliver the services. So I mentioned the deputy mayor in Buffalo sitting on the operating committee. She's part of figuring out how we're going to deliver these services. In the case of legal services, the city, the county, the school district don't provide legal services, but together we've figured out how to bring together the legal community to deliver those pro-bono clinics. So that's literally at no cost to local partners, but we've scaled currently four pro-bono clinics in Buffalo and soon more. It's taking away barriers to students being ready for post-secondary careers. It's really about creating shared ownership and creative problem solving across the different silos that exist.*

***Council Member Alexander**: What would be the legal issues that a child would need?*

***Gene Chasin**: Typically we deal with things like domestic violence, child custody, wrongful eviction, any one of those kind of barriers that get in the way….*

***Mayor Bencini**: The county would be responsible for that, that wouldn't be something the city would be responsible for.*

***Mayor Pro Tem J. Davis**: That's my whole issue with that is why don't the county have a separate MOU versus the city? I spoke to a couple of Greensboro City Council members Thursday and I don't even think they knew what they voted on. They said oh we're just providing parks, that's all we're providing. We're not providing anything but parks. And I'm like, what about mental health and nutrition? Oh, the county's going to do that and I said why don't the county have a separate MOU. I don't know, they just asked us to vote on it.*

***Mayor Bencini**: I think we maybe need to ask our council….where's JoAnne?*

***Deputy City Manager McCaslin**: She was sitting right there and just walked away.*

***Mayor Bencini**: But, I mean, I don't think the MOU….or it's my interpretation, so I may not be right, but it doesn't look like to me that the MOU is going to attempt to require us to do stuff that we don't do. I think the MOU is trying to include all the jurisdictions that in total do provide all those services, but it doesn't shift the responsibility of the services, say in health and human services. It doesn't shift work or educational. It doesn't shift those onto the backs of the municipalities. And …..*

***Council Member Alexander**: So is this a one-size-fits-all MOU?*

***Mayor Bencini**: I think that's what it appears to me to be. They've crafted a document that says we're all in on this and I interpret that the county continues to take care of those things the county takes care of, as do the cities in relation to the Say Yes initiative. But it's not….I don't interpret it as being all of a sudden the city is responsible for things like health services, or….*

***Council Member Alexander**: Well, that's what the MOU says.*

***Mayor Pro Tem J. Davis:** That's what it says.*

***Mayor Bencini**: I don't know that it says that.*

***Mayor Pro Tem J. Davis**: Well it's so vague that the attorneys that I've talked to have said, well we don't really know what it specifies.*

***Guilford County Schools Superintendent Mo Green**: Good afternoon to everybody and thank you so much for your interest in this particular opportunity for our community. The MOU that has been executed, or will be executed pursuant to a resolution by the City of Greensboro and the same one that was approved by my board of education has some language in it, but I think it's probably important for us to really sort of zero in and focus on. For example, under programming and educational support, it provides that Say Yes and the communitywide partners of which the City of High Point would be a communitywide partner understand and agree that each communitywide partner maintains discretion over whether it will participate or support any particular program or educational support that is part of the Say Yes, Guilford strategy.*

So then that preamble basically then goes into, here are the types of the supports that would be part of this opportunity for our entire community. So right off the top, we try to say very clearly that each entity still has the discretion. Everyone will be at the table, but you still have the discretion to determine whether you participate in any particular program. The second thing that I think is probably really critical to our discussion is….and there are a couple of other things. One is obviously that Say Yes is going to be providing $15,000,000 through funding and technical assistance. But then what are the commitments for the various countywide departments? It says that we would, as part of being part of this MOU, develop, implement and support a six-year fiscal proforma for the academic, socio-emotional and health components of the Say Yes Guilford strategy. That is not dependent on additional resources for any countywide partner, but rather makes effective use of the resources from each countywide partner. Again, the idea being that we all come to the table to have discussions about what are the needs for our children and then figure out how we address those needs with existing resources from whatever source that they may come from. And I think it would be helpful in this process….I think the way Say Yes has sort of worked in Buffalo and Syracuse is you have a richer conversation if everyone is at the table having that conversation and you might come up with some solutions that you might now otherwise come up with if you didn't have all of us at the table.

I believe those two provisions are critically important. I know they were important for me as a superintendent and I believe they will be important for you as a city. One, try to do this with

existing resources and then two, that each entity still has discretion as to whether it participates in a particular program or initiative as those things are being developed.

***Council Member C. Davis**: For us, it could be looking at how we allocate our non-profit dollars. You might have somebody that comes in and requests monies that's a participant of the program and we can look at their application with a higher priority versus some of the ones that have been coming consistently for years. So we have options there.*

***Council Member Hill:** It's also an opportunity for High Point to be at the table for the discussions that are affecting our schools and our kids. Right now, other than going to the school board meetings, we really don't have any way of influencing what's going on. Anyone that's got kids in school now or has dealt with schools likely knows its something that we need to get on a better trajectory. This is such a huge opportunity. Why would we not want to be part of the conversation? And when you've got three different municipalities and all the different non-profits because, remember a lot of these services will be coming from non-profits: Family Services, Communities in Schools, Guilford Education Alliance, etc… I mean probably the majority of them. When you don't have a group that sees what everyone else is doing, you get duplication of effort and you get gaps and that's where it becomes inefficient and that's where Say Yes can really use its experience to guide Guilford County Schools. Do I remember correctly hearing that Say Yes has actually done a deep dive in looking at every expenditure that Guilford County has made for the last what five years or something…to analyze efficiencies? I mean, that's a huge benefit just right there, to learn where you're spending your money well, where you're not, where you can get grant money. You guys are well schooled in how to fill in the gaps with grants so that we don't have to spend the county's money on particular programs.*

***Council Member C. Davis**: It's life-changing, an economic driver. When somebody comes in and they start looking at your schools and they start touring the schools and asking about programs that are available, this is a program that brings pride back not only to the county in which we all live and reside and pay taxes and live, whatever, but it also changes the future trajectory, if you will, of families. So when kids start going to college then they can achieve and dream bigger for themselves and not only themselves, but the children that they have in years to come. So it's a trickle- down effect that really increases the quality of life for not only the individual, but also for our city.*

***Mayor Bencini:** Every one of us at this table has been approached at times by citizens who are concerned about schools. And the only answer we can ever give them is, well we have nothing to do with that. Here's an opportunity for us to have a seat at the table, to be an active part of consideration of what goes on with the schools in our community.*

***Mayor Pro Tem J. Davis**: And I don't have an issue with that. I think, you know, having part of the leadership being involved in that, and there's a lot of things I like about it. I don't want to say, No, I just want to protect this Council and future councils from being bound to some kind of support that we don't traditionally provide.*

***Mayor Bencini**: I think at this point….*

***Mayor Pro Tem J. Davis**: My other concern is, everybody knows I represent probably the largest block of taxpayers in this city that have kids in charter schools, private schools and home schools. You know, this program does not allow those people to participate and they're also taxpayers. You know, part of me says, well we provide services to all of our taxpayers and we're singling out a certain group because it's just the public schools.*

***Mayor Bencini:** I haven't seen where this Say Yes has excluded any.*

***Mayor Pro Tem J. Davis**: Well this particular MOU is not open to those students. From what I understand….my conversation, it can be open to them in the future if they're willing to provide the financial information and all the different things that they're doing now. Some of the private schools that I've talked to said they're not willing to open their books to the public schools.*

***Council Member Williams**: I see it as them meeting a need. I'm not saying that they don't need it of all the people that you represent there, they don't need it, but I see that Guilford County definitely needs it and to kind of balance the scales a bit. It helps to anyway.*

***Mayor Pro Tem J. Davis**: Like I said, I don't want to say no, but I want to be fair to everybody.*

***Council Member Hill**: Well all those kids have the opportunity to attend Guilford County Schools. You can't pick a program that you like in the schools and say we don't like what you're offering, except we like that.*

***Council Member Alexander**: Why are you excluding the other municipalities in Guilford County? They all have libraries and parks. You're not including Jamestown, Pleasant Garden, Summerfield, Whitsett.*

***Gene Chasin**: So there's a practical concern and that is you need the table to be small enough that you can really dig in and deal with issues. If that operating committee table becomes too large, you lose the ability to move any kind of……*

***Council Member Alexander**: You said there were forty.*

***Gene Chasin**: That was the…*

***Council Member Alexander**: You said that there were over 190 who participated.*

***Gene Chasin**: That's at the community leadership council. At the operating committee level, it's a group of about 20 different members and if you get much larger than that, it becomes unwieldy. It's hard to move an agenda. So out of practical concerns just over the size and the number of people, the decision was made to go with the two largest cities.*

***Mayor Bencini**: I'd still like to get back to ask our attorney….you heard Mo's interpretation of what the city would be obligated for or would not be obligated for. Do you agree with…..*

City Attorney JoAnne Carlyle*: Here's the limitation. I saw a draft of an MOU a couple of months ago and I offered some comments and got it back to our manager. I haven't seen a final and Randy hasn't gotten a final. The only thing that we have still is marked draft. So, you know, I would like to….you said that somebody's already voted on it. If it's going to be the exact same document, you know, I'd like a copy of that even.*

Superintendent Mo Green*: Absolutely.*

City Attorney Carlyle*: We just don't have….I mean I'd love to offer comment and I did already and I understand from Greg that some changes were made based on the comments that I sent over, but I don't know what those are because I haven't seen a final.*

Superintendent Mo Green*: I don't know where the breakdown was that caused this organization not to have a final version, but we certainly have the final version. You can have this copy.*

City Attorney Carlyle: *I will take it from you and make a copy.*

Superintendent Mo Green: If someone on staff could make a copy for all the members. There were certainly adjustments that were made from the feedback I was given and some of the language that I read for example was not in the Buffalo version and believe that it was critically important that it be in our version. So that's where we tried to really zero in on some things and say this is important for our community.

Mayor Bencini: *So, Mo, we really don't know at this point what the difference is between the draft that we received and what the final MOU is.*

Superintendent Mo Green*: And I don't know where the breakdown is on that.*

Mayor Bencini*: I certainly don't think it would be wise on our part to go forward with adopting something that we haven't had a chance ourselves to see and we haven't given Council the opportunity to look at it.*

City Attorney Carlyle*: I'll be glad to…I'll take it. I've been looking for it. Okay.*

Mayor Bencini*: And then however, JoAnne, if you want to get us a copy of that or if we get Mo to facilitate getting copies of that to all council members. Then we can have another discussion. Maybe have it on the agenda for our next council meeting and see where it goes.*

Council Member C. Davis*: Was this a time sensitive thing by the end of August?*

Gene Chasin*: It is.*

Mayor Bencini*: Well I don't know how else we can do it other than having a special meeting because I don't think it makes any sense for us to adopt an MOU that hasn't been reviewed by us and have the blessing of our attorney.*

***Council Member C. Davis**: How about it if we were able to get JoAnne to make a copy for everybody today and then when we go into closed session later, we can get a copy of it and we can read it. If it reads well and we agree with it, I mean it would be no different than looking at another item that we may suspend the rules for this evening and adopt.*

***Council Member Alexander**: Guilford County did not meet until the 17th.*

***Superintendent Mo Green**: If I might correct that. Guilford County has a work session scheduled for August 31st.*

***Council Member Alexander**: Well our meeting is the Tuesday following Labor Day.*

***Council Member Hill**: So do we need to call a special meeting?*

***David Miller**: Mr. Mayor, Jim, Mr. Davis asked a good question about privates and charters. Good question. When this first came to Guilford County, we looked at it and said this is going to take an ungodly amount of money to endow this. Scholarships are paid with an endowment, raised upfront so there's no doubts that when you get into it and you make a pledge to a kid in the fourth grade that the money will be there whenever he/she gets college age. So there's a model that Say Yes brought that was very comprehensive with all kinds of inputs into it: the number of kids, where they will typically graduate, where they typically go, what the family income is, what kind of schools they go to, the scholarships they get. I forget how many inputs there were, but just a huge number of inputs that you put in it and it chunks out a number at the other end on how big the endowment needs to be. Then we played with it a little bit because of some things. One of them was the future value of money, what's the money going to be invested at over a period of time, which obviously is a guess. So we played with it and came up with a range in numbers that it would take for an endowment and the mean of it was $70,000,000 and we settled on that. The issue with adding….and then the next question was can we raise $70,000,000. There were folks that thought we could and those that thought we couldn't. By and large we kind of settled and thought that we could do it and we were basically halfway there so we thought it was reasonable that we could do that. The problem is that adding the charters and privates is that they're different, they're deserving but different. More of them graduate. More of them go to post-secondary. More of them go four years, rather than GTCC. More of them go to better schools. The family's income is higher which means they get less Pell grants and those need-based scholarships. So what it would take in round numbers would be to double that amount of $70,000,000 to include them. So the question at the end of the day becomes, you take a reasonable but stretched goal of $70,000,000 and serve 87% of the kinds, the most needy kids in the county, or you try to set a goal that's so big that you can't reach it and serve less. So what our hope is as we get into it and as we reach our goal of $70,000,000 if there's more capacity there, then we will reach out and see what's the next group that we can fund. So the truth and practical matter we say we fund 87% that need it the most, or we try to set a goal so high that we can't serve anybody.*

***Mayor Bencini**: David, let me ask you this. These scholarships, are they need-based scholarships?*

***David Miller**: Some are. Some are not.*

***Mayor Bencini**: I guess what I don't understand, if the demographic information that you have given us about the charter schools and private schools, if that's such a different demographic and it's primarily need based, I don't see how it ends up doubling.*

***David Miller:** The issue is more children get Pell grants. They don't cost anything. Your kids, my kids. So the poor kids are in Guilford County and if you look at that map, every school south of Oak Hollow Lake has at least an 80% poverty, with one exception. So although it's a bunch of kids, it's really not that expensive relatively speaking. So it is not need based. It covers every child, so a rich kid coming from a rich family would cost more than from a poor family.*

***Mayor Bencini**: It's not need based is what you're saying?*

***David Miller**: That's correct. I misspoke.*

***Mayor Pro Tem J. Davis**: If we're going to try to reallocate resources that we have and this is funded by an endowment. I was reading somewhere where Syracuse, the city, the county, and I think the state contributed $20-$25,000,000 to this over a five-year period. Why are they throwing money at this program?*

***Gene Chasin**: Let me clear that up. So we didn't get into detail, but part of what goes with this is putting site facilitators in buildings that in essence serve as case managers. Those dollars are federally mandated prevention dollars. Dollars that flow from the state to the county and then out to the school districts. Specifically the funding streams are Title 4B, 4E, funds in the social services block grants. Those are all federal dollars that flow through. Working with the county, we were able to get them to allocate those dollars behind these positions and that's the money you're referencing. So it's not new money for the county. It's primarily money that they weren't drawing down or were utilizing differently and they saw that it was more effective to utilize it in this fashion.*

The other thing that I should mention. This Memorandum of Understanding is really a commitment to commit to the big goal and a commitment to be at the table. When specific programs are put in place, there are individual Memorandums of Understanding. So, for example, in the case of Buffalo, we've been rolling out summer programming. There's a memorandum of understanding with the school district after we ironed everything out that details how the summer program is going to be paid for over the next four years. Similarly, there are contracts and memorandums of understanding about what I just described with the roll out of the social service dollars in Buffalo.

***Mayor Pro Tem J. Davis**: One more question then. We all know the county's budget is pretty tight and we know that our city budget is tight and I'm assuming Greensboro's budget is tight and the school budget's tight. All these new programs where you have these MOUs and they have to be paid for, if we're not going to step up to the plate and help fund them and the county says we have no more money and the school district says well our money's tight and the county*

needs to pay for it, how do they get funded? And that's the reality because I think all of us in here agree that our budgets are all tight.

***Gene Chasin**: Absolutely. So it's looking at what's currently being expended and how to effective, efficiently deliver within that footprint. And in essence that's what's happened in Buffalo. There isn't new dollars coming to the table. One of the things….let me give an example. The mental health clinics that have rolled out in Buffalo, yet another example. We were sitting around the operating table trying to figure out how to deliver more mental health services to students. Working with the county and the community-based organizations we figured out how to put clinics in the school buildings one or two days a week. For families who qualify, that money's coming through Medicaid. For families who qualify, that money is coming through Medicaid. For families with insurance, it's billed to the insurance providers. The money ….the capital expense to get this started was covered by local philanthropy. Not a dollar of new public money has been spent. Not a dollar from Say Yes has been spent on that, but we scaled a needed service to the students.*

***Mayor Bencini**: So in essence you're saying reallocation of resources.*

***Council Member C. Davis**: Better stewardship.*

***Mayor Bencini**: Alright, well I think that unless I hear some objection maybe we should just give our legal counsel time to take a look at this and let us digest it and then as far as the timeline, we don't have another meeting scheduled until it goes….as Latimer pointed out, the first Tuesday in September.*

***Mayor Pro Tem J. Davis**: Well you can always call a special meeting if it's the will of this Council.*

***Mayor Bencini**: If it gets to that, we can always do that.*

***Council Member Alexander**: Why, if we've reached the edge of the cliff…*

***Mayor Bencini**: Wait a minute. I'm not sure I like the metaphor there, but go ahead.*

***Council Member Alexander**: Why are we here now at the edge of the cliff? I mean y'all have been working on this for a long time. We've been here for a long time.*

***Mayor Bencini**: Well I think Mo said that he's not sure exactly where the breakdown was, but obviously….*

***Council Member Alexander**: Well I see no, unless it's drop dead and then somebody needs to own some poor planning from a time management standpoint, because we, this body, did not create the urgency.*

***Council Member C. Davis**: Well the first meeting that I went to was in January. I think it was January 27th and I got the packet. There was another meeting in Greensboro and I chose to go*

to the one at the Chamber of Commerce. So for those that were interested had an opportunity to be engaged in several meetings that have been held in the Chamber in regards to Say Yes to Education. You know the document itself is only 90 pages and I'm sure if we were given ten minutes to read through it, it's no different than us reading through the packet or something that was omitted from the agenda that we decide we want to add back to the agenda, suspend the rules and report on something. I can support it. I get it.

***Mayor Bencini**: I think the only issue, Cynthia, is that we haven't given our legal counsel time to make sure that the statements that Mo made in regard to what the city will be obligated to make sure that those are consistent in this new final draft, which we haven't seen until now. If JoAnne thinks she can read it in the next five minutes and get back with us….*

***Council Member Alexander**: No, there's no urgency.*

***Mayor Bencini**: I agree.*

***Council Member C. Davis**: Well what is the urgency with the Say Yes at the end of August? Isn't that the deadline?*

***Gene Chasin**: The issue is, if we are going to proceed we want to be able to offer scholarships to students who graduate at the end of this next academic year. So we need to make the announcement early enough that it can inform the students of the plans and give them opportunities to visit the different college options. So it really is an issue around making it available to the students.*

***Mayor Bencini:** But one week shouldn't make that much of a difference. I mean a senior in high school, whether it's the last week in August or the first week in September, really does that make that much of a difference?*

***Gene Chasin**: At this point in the year, yes. When you're talking about the college application process.*

***Mayor Bencini**: We'll just call a special meeting if that's okay with everybody. And we'll figure it out before the evenings over, Randy.*

***Council Member Golden**: Are we targeting every kid in Guilford County, or do you have a set number of kids?*

***Council Member Alexander**: No, not every kid in Guilford County.*

***Council Member Hill:** It's every kid in Guilford County schools.*

***Mayor Pro Tem J. Davis**: We need to clarify, every kid in Guilford County schools and every kid in High Point, Greensboro? Latimer brought up a point about all these other cities that are not involved.*

***Gene Chasin**: Every child in the Guilford County schools.*

***Mayor Bencini**: Regardless of what municipality they may reside in.*

***Council Member C. Davis**: But that doesn't prohibit them from allocating dollars if they want to contribute to the pool, right? They can contribute in some facet if they choose to.*

***Mayor Bencini**: Okay. Randy, if you'll kind of help us pick out some dates for a special meeting.*

***Deputy City Manager McCaslin**: I'll look at the calendar here in a minute. The second item for your briefing tonight is JoAnne would like to cover some information she's put together for the Human Relations Ordinance.*

***Mayor Bencini**: Folks, if all the Say Yes folks want to leave….you don't have to, you're welcome to sit here and listen to this.*

***David Miller**: It makes no sense tonight to make any presentation at all?*

***Mayor Bencini:** I don't think so, I think all we need to do is to make sure that all of us are familiar with the final document and that JoAnne's had the opportunity to review it and to affirm exactly Mo said. And I think that once that's done, we're ready to vote. Thank y'all so much. We appreciate all your efforts.*

Revisions to Human Relations Commission Ordinance

***City Attorney JoAnne Carlyle**: Well, we have had some discussions here and there about what we want to do with the Human Relations Ordinance and how it applies. Some of it…..basically, the main gest of what you're looking at right here with the language changes engages Council on a more regular basis. It causes Council to have more responsibility. It causes Council to be more engaged in decisions that are made, the direction that the program goes, the Commission goes, etc…. Just to start out, let me remind you that the statute, the authority for us to have the Human Relations Commission is under the General Statutes. We have the statute that gives authority to Council and the Commission then goes out and does whatever programming the Council wants and approves. There's been kind of a breakdown in communication. That's really not how it's been done over the past few years. So in trying to do something to improve that communication and make it run a little bit more smoothly, we tried to change the language to say, okay, this is how we need to go about it. This is how it really does trickle down from Council. And again, more than anything to get the Commission that you guys appoint to carry out what programs and goals you have as a Council, rather than them setting their own.*

So with that said, we start with the policy. If you can tell…..it's really colorful, but the black wording is what was already there before. Anytime you see the red that's struck-thru, that's what was also there, but has now been changed. So the policy….the very first paragraph sets forth policy. No new language is added there. Did delete some of it to really just narrow it

down and make it a little less confusing and more specific. We had not noted the authority under the General Statutes in our ordinance prior and we generally do that, so now you see that the establishment for the Human Relations Program and the Commission are both allowed under G.S. 160A-492. It states here as well….you've got two things we're talking about now. You've got the program and you're talking about the Commission. All of that language is directly from the general statute under 2-3-2 there where it talks about the Human Relations program. That is the definition right out of the general statutes language. That's what your authority is as a Council to have a Human Relations program that does these things right here. Little i through vii.

2-3-3 talks about composition. Of course there were terms and the appointment of the commission members and all of that before. This has been changed based on feedback that I received from council members, who felt like the Commission was a little bit too large and that it's a rather cumbersome manner in how they're all appointed, narrowed down to different fields and all of that. At this point, the way the nomination would occur is that the mayor would nominate one member and then members would make an additional eight nominations, one by each of the six wards, and then two for the At-Large. So your total number is going to be reduced.

Another change that was highly requested by a majority of you council members is that the nominees must reside within the City of High Point. Right now that's not a requirement for those serving on the Commission. They don't have to reside in the city. I'm not even sure that they have to have a business in the city. I think right now there's no requirement for that whatsoever.

***City Clerk Vierling**: It says live or work.*

***Mayor Bencini**: Is the residential requirement typical for most of our boards and commissions.*

***City Attorney Carlyle**: Yes.*

***Mayor Pro Tem J. Davis**: Personally I want to say I appreciate everybody serving on this thing, but I just have a couple of questions. Why did you decide to go with three terms when most of our boards are two terms? Same number of years, was that the purpose?*

***City Attorney Carlyle**: Yeah, and I don't want to be the only one up here talking by any means. I really appreciate feedback whether it be positive or asking why this is there. There have been ones that have spoken and I've kind of incorporated everybody's ideas into this to reach this point where we are. So feel free to question and to comment. If we need to change something we can.*

***Council Member C. Davis**: On Page 1 where it's got the Human Relations Program is devoted to and then it gives the list there, do we need to expound on that, or are we going to allow interpretation based on members' interpretation of what that consists of because that could run into some sticky….*

***City Attorney Carlyle**: Again, that comes straight from the statute and that will be Council's responsibility. When it comes to you guys, when the Commission comes and says here's what we want to do, here's what we want to go out in the community to do, this is the kind of program we want to look at doing, this is how we're going to go about it, then you will have to make the decision as to whether or not it matches one of those. And in addition to that, does it match what your goal is for that Commission and for your program.*

***Council Member C. Davis**: Could we add…..I didn't see anything when I read it earlier…..I didn't see anything in regards to where Council periodically reviews the programs that are active.*

***City Attorney Carlyle**: There is actually a requirement. Every six months. So what we're going to be asking them to do is coming to you and giving you at least a six-month projection of what their programs are going to be and what they want to present. They already have a need to do that with the manager and that's echoed in here with regards to the budget, so that everybody can go ahead and see what's coming, make sure the money's there, everybody's on board, you guys will know that it's coming up. You can be out there promoting it in the community, along with the Commission as it's moving along.*

Compensation, Oh, let me back up to the terms…. This is something that I do need you guys to have some discussion on and maybe give some additional direction. Right now the conversation that we had pointed towards the fact that we all preferred to have a two-year, staggered term. You have currently five members on the Commission that have unexpired terms. You have the rest of them….are expired and they're just sitting there. Well not just sitting there, they're active, but nevertheless they are there. One of the things that this Council needs to make a decision and stick to and not with just this Commission, but all the boards. It's been your intent and you have a policy that says when some has expired that they don't repeat and repeat and repeat and that's kind of what you're seeing with this commission as well. The two-year, staggered term would be no more than three consecutive terms. Obviously you want some overlap so we've got some language in there that says whoever it is that's expired can sit there for up to a year and I thought that would be time enough, but for up to a year and then come back while you guys are putting in a replacement. But here's what I want you to talk with me about if you would and try to make a decision. If you are going to make these changes to this commission, then first of all you are going to be reducing the number that's on there. Right off the bat, again, it's automatically reduced. If you will look at the number of positions on there that are not already expired. You're down to five. Your decision that you need to make; however, is are you guys going to start with those five?

***Council Member Alexander**: No. You said earlier in this that each Council Member has an appointment. So you thank the Commission for their service and if the five who are eligible for reappointment or anyone who resides within the city who wishes to serve, should make their application through the clerk's office and then the clerk will funnel it to us and then everybody will have a choice.*

***Mayor Bencini**: The five active members should be given the opportunity to be part of the new Commission.*

***Council Member Alexander**: Right. Because you stated that you're going to populate it with each one having a choice and then you're telling us, oh, well five of you are already knocked out. So we're not playing knock-out. If they want to serve, then they need to go back through the application process.*

***Mayor Pro Tem J. Davis**: You see, I agree with Latimer and I'll tell you why. Jeff Benfield was recently appointed. He was the real estate board's appointee because they felt like they traditionally had had an appointment. So that's not ward specific. So someone could reappoint him depending on what ward he lives in.*

***Council Member Ewing**: He lives in Thomasville.*

***Mayor Pro Tem J. Davis**: So he lives in Thomasville and he's not even eligible to serve.*

***Mayor Bencini**: Nope, he won't be back.*

***Council Member Alexander**: It starts with a clean sheet of paper.*

***Council Member Golden**: If you put nine new people on there at one time, you are going to have nine people coming off at the same time and you're not going to have any stability.*

***Council Member Alexander**: No, you have the staggered terms. You have one, two and three-year terms.*

***Council Member Ewing**: Three start out with on-year terms; Three start out with two-year terms; and three start out with three-year terms and that will put the staggering in place.*

***City Attorney Carlyle**: You might be starting with nine new people.*

***Mayor Bencini**: We could be. Theoretically, let's just say….*

***Council Member Golden**: And that's not fair to the people sitting there.*

***Mayor Bencini**: No, but let's say the five don't reapply.*

***Council Member Golden**: I say they don't even need to reapply. We've already granted them that and now we're going to call them up and say by the way, you need to reapply and we might rethink this thing. That's not fair to our citizens. They should be allowed to serve out their term.*

***Mayor Pro Tem J. Davis**: We're going through that now. Tonight you'll see an appointment that's not on Parks & Rec because a member elected not to reappoint that person.*

***Council Member Ewing**: And I think it makes sense…..if we look at the five that are on the board…*

***Council Member Golden**: We are talking about people with active appointments.*

***Mayor Pro Tem J. Davis**: We're starting over.*

***Council Member Ewing**: If we look at the five active appointments. We've already disqualified one because he doesn't live in High Point.*

***City Attorney Carlyle**: And there's another one that doesn't live in High Point.*

***Council Member Ewing**: I think if we look at those five, where they live and which ward they fall in, it might only be two of them….*

***Council Member Golden**: It's not saying they have to live in your ward.*

***City Attorney Carlyle**: Right, it doesn't have to be residency ward specific.*

***Council Member Ewing**: Everybody just gets an appointment.*

***City Attorney Carlyle**: Right.*

***Council Member Ewing**: So we could look at it and see. If there's only three that qualify and three of them are probably appointments that we've made in the last six months because I think most of those we have made within the last six to eight months. The newest appointments….*

***Council Member Alexander:** Well, Georgia Nixon-Rhoney was one. Well she's a city council person in Jamestown. They like them to live over there.*

***Council Member C. Davis**: Before I appointed her, it followed the old one.*

***Council Member Alexander**: Right.*

***Council Member Ewing**: We need to narrow it down to the people who are actually qualified to serve under the new revisions and then someone might say that person can be my appointee and be done with it and move on.*

***Council Member Alexander**: Right, but you're got….I think what you're saying in the document is each one of us gets the choice of a person that will serve staggered terms. So if you want to reappoint someone who's currently serving or if I want to, then that's up to our discretion. But everybody gets a person to appoint.*

***City Attorney Carlyle**: I think based on the residency requirement, if you apply it, and, again, kind of starting from scratch, then you're going to eliminate at least two of those five, so you'll start out with three and will need six more appointments. They are kind of already staggered. I had some information out showing some different scenarios, but then it will be up to you guys to decide okay who's going to adopt those and who gets to make the new appointment.*

***Council Member Alexander**: Well, but I think the thing to do would be to thank everyone for their service and then let us know who those three are and then if any of us want to choose that person, then we do that. But I think you start….what we're doing here is a clean sheet of paper.*

***Mayor Bencini**: And I personally would be prone to appointing somebody….one of the three that are currently sitting there and are eligible. I don't want to run people off that are serving. If they want to continue to serve, then I have no problem giving them first consideration.*

***Council Member Ewing**: I'd be happy to do the same.*

***Council Member Golden**: I wasn't real crazy about this part of it when we did it. Because my fear is we looked at the diversity of that board and if we start with the mayor and council it won't have as much diversity as it has now. That was my fear was getting somebody with no regards for the demographics they represent now. Because they target certain areas in our community to make sure that everybody was represented. With us doing it, I think we're going to lose that.*

***Mayor Pro Tem J. Davis**: I see where you're coming from about the diversity because in Ward 5, the largest number of Asians, Pakistanis, Indian…who am I missing? They live in Ward 5.*

***Council Member Golden**: I understand that, but what I'm saying is we have to make an effort to make sure that they are represented.*

***Council Member C. Davis**: I will.*

***Mayor Bencini:** I agree. And I think that's our individual charge that we have to take seriously.*

***City Attorney Carlyle**: And it's written in the ordinance.*

***Council Member Alexander**: It's responsible to have it in every group, not just in this Committee, but whether it be in Parks & Rec, or Board of Adjustment, or Planning & Zoning, it's our responsibility to make sure that each one of these organizations is reflective of our community.*

***Council Member Ewing**: I think that falls somewhat upon the liaison to communicate back to us what the needs might be from a diversity standpoint. You know, if Alyce and Chris both have appointments coming up, then you could find someone and call both of them and say the commission could really use this demographic to be represented.*

***Council Member Alexander**: But the commission's meeting are all public meetings and any interested party can be present at a public meeting.*

***Council Member C. Davis**: Well we need to nail down the public meeting because in there it doesn't have a set date and time as the other boards and commissions and for me to support what's in front of us, it has to be like it has been. They meet on the fourth Thursday at 5:30 or the third Thursday, or whenever they meet.*

***Council Member Alexander**: I think it would be….*

***Council Member Golden**: I don't think they need to put it in here though because they might change it.*

***Council Member Alexander**: At least as a Theatre liaison, usually every year the Theatre group meets and goes okay, is this day the best day. I think we say that you have to announce at the beginning of the calendar year your date and time and beyond that, you let them organize it. We don't tell them when to meet.*

***Council Member Wagner**: And what we put in here is we wanted to give them some flexibility. I think what Latimer is alluding to as to when they hold their meetings. They are required to notify the city clerk of what their meeting schedule is because…*

***Council Member C. Davis:** What page are you on?*

***Council Member Wagner**: What page are we on? Where's that JoAnne?*

***Council Member Ewing**: Section 2-3-6. Page 3.*

***Council Member Wagner**: They have to notify the clerk because the clerk has to put it into our Weekly Meeting Notice for public notice.*

***City Attorney Carlyle:** Yeah, and I'll just pass this out for consideration too because I spoke with your clerk about it earlier. It's not unusual at the very beginning when you go ahead and give your notice for your regular meetings, then you don't have to go back every time. But it's not unusual for committees or whatever to just not have a meeting. Even though it's on there, then you just notify that's it's canceled. What that does is it allows you to at least set a date, reserve the space, get everybody….you know you have it on your calendar and you know it's the second Tuesday at 5:30 every month or whatever. Now does it really happen then? Maybe not. There's no requirement. The language prior to this required them to hold a regular meeting.*

***Council Member Alexander:** Well, I mean a lot of our committees typically a July and a December meeting can be moved, modified, whatever. It also depends on the work load that is there. It doesn't prohibit them from having more than one meeting a month should their workload require it.*

***Council Member C. Davis**: Because Historic Preservation doesn't always meet. Board of Adjustment doesn't always meet, but you know when that meeting date is and if there's no meeting, it just says no meeting.*

***Council Member Alexander**: It would be published and posted and then should there be a cancellation, that would also be published and posted.*

***Council Member Hill**: I think the intent is for it to be on a regular date each month, but that they just pick what that is and then it's always that date and if they're going to cancel it, they can.*

***Council Member Alexander**: That would be part of their organizational meeting. That would probably be their first order of business would be to establish a meeting place and time.*

***Mayor Bencini**: We adopt a regular meeting schedule at our organizational meeting.*

***Council Member Alexander**: I like that one meeting a month kind of thing. We might need to talk about that. I like that one meeting a month now. The city has continued to function. I think we've shown that we can do this.*

***City Attorney Carlyle:** The officers….is the same as it was. The Commission will elect their chairperson, and vice chairperson and each of those will serve one year.*

Committees….this is different. The Committee authority is now coming back to Council, so Council may as necessary and upon request from the Commission appoint or approve the appointment of committees related to specific human relations problems. These committees are composed of adult residents and these are when you actually use your citizens. This is not the sub-committees. These are actually committees where you get people that are not already on the Commission. The Commission will be able to appoint its own sub-committees of its members.

***Council Member Alexander**: So would these committees be considered a permanent or an ad-hoc kind of committee?*

***City Attorney Carlyle:** Whatever you choose and feel is fitting.*

***Council Member Golden**: Give me an example of when that would happen, where we would call a group of citizens to serve.*

***City Attorney Carlyle**: I'm presuming that there are already some.*

***Council Member Hill:** Someone spoke at one of our meetings from the Interfaith Affairs Committee.*

***Council Member Alexander**: Yeah, they have events. You also have Martin Luther King Day. You may be a planning committee.*

***Council Member Golden**: Yeah, but those are events.*

***Council Member Wagner:** You could have an instance where a certain occurrence happens and you want to create an ad-hoc committee of citizens just to work on something for two months or something like that.*

***City Attorney Carlyle**: Right. We just talked about the meetings. A quorum is a single majority. The Commission will adopt their own rules and regulations for procedures. They'll report those to you guys and file them with the city clerk. That's what everybody does already, or are supposed to. You know withy that comment, I will tell you that this has brought to light that we have had issues with other committees and boards that they're not funneling the appropriate information through the clerk. So, you know, this has been a good opportunity for us to start cleaning house a little bit and becoming more organized in making sure that everybody is doing what they're supposed to do. It's now only an in-house communication issue, but sometimes it's a legal issue because the meetings are not being properly noticed.*

***Council Member C. Davis**: The CAC had brought something to Prosperity & Livability for approval that we were supposed to review at another time too, do you remember?*

***City Attorney Carlyle:** Uh huh. Functions and duties of the Commission. You'll see there's been some changes here and there. I hope that some of you have had the chance to read through this earlier, but I welcome any comments that you have.*

***Mayor Pro Tem J. Davis**: Section 2-3-10. Fair Housing……this bothers me. The first thing is it's not what this commission is devoted to and I really have an issue that we're putting eight members on there that have no expertise in tenant/landlord disputes and that is normally settled in the courts. I just feel like we shouldn't have that in there because there's already avenues for that and you know you put eight people on there that have no expertise in that and I've been down that road over the years several times. That's what you have attorneys for.*

***Council Member Golden**: You've got a statute attached to that, though, don't you? Is this the statute right here in front of us?*

***City Attorney Carlyle**: It is and that's something that you guys can make a decision on. There is a statewide statute that applies to any city that has a population of more than 90,000 that has a trade show or event at least twice a year and at those trade shows and/or events that you have at least 10,000 people coming into your city, so….*

***Council Member Alexander**: That's a deep pool.*

***City Attorney Carlyle**: It is exactly, right?*

***Mayor Bencini:** I wonder what city that is?*

***City Attorney Carlyle**: I cannot even imagine.*

***Council Member Alexander:** We're not being specific, but the bus is yellow.*

***City Attorney Carlyle**: And here is why. You know you're not allowed to pick and choose who you're going to apply certain things to. So if you're going to have a city that can apply and hear fair housing issues, then it's got to be something that is allowed statewide. Obviously, you know, it couldn't be a local bill, that would have been unconstitutional and there's an Orange County*

case that shot that down years ago. Now can someone come back and say this smells to high heavens of a local bill. I mean really that last paragraph there…..nobody else but High Point? Yes, but right now there's never been a challenge on that level, it's only been to the local bills that have been challenged and declared unconstitutional. So with that said, the reason and I want to come back to the one above 2-3-10, but the reason this says here that Human Relations Commission may address fair housing matters and in accordance with 492 and any city ordinances adopted under that authority is because we have that statute that gives us that authority to have those hearings. It allows us to have an ordinance adopted and then an ordinance is what sets up the authority for that commission. Remember, again, all of the authority comes from the statutes to you guys and then to the Commission.

And there is a completely separate section of our ordinance that after we get over this hurdle, which I don't think is as high as it used to be, then we need to look at that Fair Housing Ordinance and make sure that it is in good shape. I already know some of the changes that need to be made to it because it's just not fitting either to what we do or what our needs are.

***Mayor Pro Tem J. Davis**: Can we just change that or either put that in a different department? I have a real issue if you put eight people on there with no experience.*

***Council Member Carlyle**: Well the way your ordinance is set up, is that the Commission is the authority that hears those.*

***Mayor Pro Tem J. Davis**: But we can change the ordinance.*

***Council Member Golden**: I understand that we're talking about the Commission, but we have members in the department who have been trained to hear these things, right?*

***City Attorney Carlyle:** But the people in the department have absolutely no authority. None. Al and Tony and in fact, you know when it comes up, it has to go through the attorney and the manager that's the process that's supposed to be followed. But Al and Tony are really, no offense, but they're support for that Commission. The Commission has all the authority to do anything, including the investigations, the hearings, whatever it is. Al and Tony do not have that authority. Their role is to support that Commission. To help that Commission carry out whatever duties Council designates.*

***Mayor Pro Tem J. Davis**: That's my whole issue.*

***Council Member Alexander**: Well, but that's why it's so important for us on this Commission and every other group that we get is that we find reasonable people who can listen to the issue, have professional information given to them and then make a reasonable choice. I mean, Al, how many fair housing cases has the Commission heard in the last 12 months?*

***Human Relations Department Director Al Heggins**: In the last 12 months, the Commission has not heard any fair housing cases because when I joined the City of High Point I was told that staff had responsibility of investigating and mediating and conciliating fair housing issues and that the Commission was to sit as an appeals board so that's what I did.*

***Mayor Pro Tem J. Davis**: How many cases have you heard then?*

***Human Relations Department Director Heggins**: Over the last 12 months, we've had 8 fair housing cases which we've been able to conciliate and get resolved. We also have resolved and conciliated about 15 landlord/tenant issues.*

***City Attorney Carlyle**: And see, as staff you guys don't have any authority in the conciliation of these matters at all per statute, per ordinance, nothing. You know it's really good I think that we have this opportunity to get everything working the way it's supposed to because it's really been completely ….*

***Human Relations Department Director Heggins:** I'm hearing that we don't have the authority, but Joanne nobody ever told us that you don't have the authority.*

***Council Member C. Davis**: So do we need to instruct you to look at our Fair Housing Ordinance seeing how this is an issue?*

***City Attorney Carlyle**: Well that's why I just said, after we get over this hurdle that is the next one that we need to look at that ordinance and make sure that it is working the way it's supposed to, that it's worded appropriately, that it references things correctly.*

***Mayor Pro Tem J. Davis**: Well what it sounds like to me is it's specific to this city and with all the work load that you and the manager have, I don't think it's fair to load you and the manager up with this type stuff.*

***Council Member Alexander:** This document could be adopted, then the Fair Housing Ordinance could be looked at, then should we feel this needs to be amended, we can amend that, but we've got to move through this process.*

***Council Member Ewing:** If this statute were to be eliminated by the General Legislature, would we have a need for a Fair Housing document?*

***City Attorney Carlyle:** Even with the statute there, if you'll look at 2-3-10 is worded right now and just hypothetically speaking, pretend that we don't have our fair housing ordinance in place. What this does is it sets us up to have the authority to do that if you choose to do that.*

***Council Member C. Davis**: It has the word "may."*

***Council Member Alexander**: Jason, Mike McNair spoke to Councils that Bill and I were on. A lot of our federal HUD dollars require, you know, many of these functions. I want to say that some of our federal HUD dollars are….I mean we have fair housing ordinances in place and that's a real critical and important thing. Not only to the citizens of High Point, but the way we function as a community. So I really think that it's a very broad umbrella and one that needs to be embraced and I think Mike McNair can help us understand because we just finished adopting our Annual Action Plan and our Action Plan relates back to our Fair Housing Ordinance and*

that's a box that you check and it's a very important box that you check and those dollars that are driven through CDBG and HUD to High Point are critical to our success. I really think that we need to take a look after we do this, take a look at fair housing. We need to hear from Mike and how it relates to what he does and the dollars that flow through and then should it need to be adjusted in any way then we do. But we've already adopted our Action Plan for the year, so it's in our Action Plan for the year. I don't know that we have the ability here to make a change until our Action Plan next year. And if we do that, then we need to understand how that works, but these are all interlinked.

***Human Relations Department Director Heggins**: May I also add that with Mike what you're speaking to is that because of the federal monies that Community Development and Housing receives, the city has to demonstrate that we are affirmatively furthering fair housing, so having a fair housing ordinance in place is an important and critical piece, but the other critical and important piece is showing that the city is actually indeed following that ordinance and how is the city following that ordinance. So whenever there are fair housing issues or fair housing questions arise, Mike comes to me on those things because Tony and I are the staff who have been trained at the National Fair Housing Training Academy to handle those issues and to address those things. We also have to provide Community Development and Housing with the paper information that looks at fair housing and what has been going on with fair housing. Now they advertise for affirmative fair housing, but you have to do more than advertise. There has to be real action demonstrated that the city is engaging in to really make that happen. So with the new structured of your commission, your commissioners would definitely have to be trained and committed to carrying this work out.*

***City Attorney Carlyle**: That's what I was getting ready to say. Yeah, talking about how we were talking about a while ago that we were going to have people of certain backgrounds and professions, there will be some training that would be necessary just like….it sounds like you've already attended.*

***Council Member Golden**: Did the city facilitate your training?*

***Human Relations Department Director Heggins**: No, the National Fair Housing Training facilitated my training, but the city paid for it and I don't know how many of you actually have seen my job description, but my job description also calls for me to investigate, mediate and conciliate. And even though the ordinance may not have made that the authority, that's what my job responsibility said, so that's what I do.*

***City Attorney Carlyle**: Well if you think about it too….like I tell all the other staff, any responsibility that you can put on these nine folks right here to make that decision, it's not right for somebody at our level to make that decision. Do you know what I'm saying? That's the big call that these elected officials need to make and through them, of course, with that power going through the commission.*

I'm going to jump back up to 2-3-9 real quick and just point out that we didn't have something in here at all about encouraging the youth to be better trained and qualified for employment which is what the statute specifically mentions about the youth.

The Human Relations Department, at the end is to furnish support and assistance to the Commission. All employees, and this is like it was before, are considered employees of the city and hired, appointed, terminated and/or removed in the same manner, hired by the manager and shall perform all the duties that the manager or his/her designee. Perform administrative work of the Commission and carry out its recommendations as approved by the City Council, and perform such other duties as may be assigned by the city manager and his/her designee.

There's also another area in here that contains language that says that the manager will make sure that the Commission receives the administrative support or anything else that is necessary, any supplies and all of that, and then the Commission and the manager will need to communicate with budget stuff.

***Council Member Alexander**: So this will be on our September agendas?*

***Mayor Pro Tem J. Davis**: It's on tonight's agenda.*

***Deputy City Manager McCaslin**: It's not on tonight's agenda; however you can amend the agenda.*

***Council Member Alexander**: We need to have a chance to read through this. This needs to be something that our community can look at, post it on our website and then….I mean there's no urgency to deal with now. If we deal with it the first of September or middle of September, it's important to do it, but it's important to do it right. So let's not try and do this tonight.*

***Mayor Bencini**: I agree.*

[end of transcript]

There being no further business to discuss the meeting adjourned at 5:30 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT
AGENDA ITEM

Title: Approval of Section 504 Grievance Procedure for HUD Programs

From: Michael E. McNair, Director

Meeting Date: September 8, 2015

Advertising Date N/A

Public Hearing: N/A

Advertised By:

Attachments: **Section 504 Grievance Procedure for HUD Programs**

PURPOSE:
HUD regulations require recipients with 15 or more employees must adopt a grievance procedure to effect due process standards and prompt and equitable resolutions of complaints (24 CFR 8.53). This procedure fulfills federal requirements for HUD programs pertaining to nondiscrimination based on handicap in federally assisted programs. This procedure will designate a CD&H employee as the ADA Coordinator for HUD programs only.

BACKGROUND:
Section 504 provides that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. This procedure only applies to HUD funded programs administered by the City.

BUDGET IMPACT:
N/A

RECOMMENDATION / ACTION REQUESTED:
The Community Development and Housing Department recommends approval of the Section 504 Grievance Procedure for HUD programs and that the appropriate City official be authorized to execute all necessary documents.

Section 504 Grievance Procedure for HUD Programs

Section 504 Grievance Procedure

The following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans with Disabilities Act of 1990 (ADA).

Section 504 states "No otherwise qualified individual with handicaps in the United States shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development". HUD's regulations at 24 CFR Part 8 apply to all applicants for, and recipients of, HUD financial assistance in the operation of programs or activities receiving such assistance.

According to these laws, the City of High Point certifies that all citizens shall have the right to submit a grievance on the basis of disability in policies or practices regarding employment, services, activities, facilities, or benefits provided by the City of High Point.

When filing a grievance, citizens must provide detailed information to allow an investigation, including the date, location and description of the problem. The grievance must be in writing and must include the name, address, and telephone number of the complainant. ***Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals with disabilities.*** The complaint should be submitted by the complainant or his/her designee as soon as possible, but no later than 90 days after the alleged violation. Complaints must be signed and sent to:

Name/Title of Coordinator: Richard Fuqua, Affordable Housing Manager
Address: 211 S. Hamilton Street, Room 308, High Point, NC
Telephone Number: 336-883-3348 (Voice); 336-883-8517 (TDD)

Within *15* calendar days after receiving the complaint, the Coordinator will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting the Coordinator will respond in writing. Where appropriate, the response shall be in a format accessible to the complainant (such as large print or audio tape). The response will explain the position of the City of High Point and offer options for resolving the complaint.

If the response by the Coordinator does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision to the chief elected official or his or her designee. Appeals must be made within 15 calendar days after receipt of the response.

Within 15 calendar days after receiving the appeal, the Director of Community Development and Housing or his or her designee will meet with the complainant to discuss the complaint and to discuss possible resolutions. Within 15 calendar days after the meeting, the Director of Community

Development and Housing or his or her designee will provide a response in writing. Where appropriate, the response shall be in a format accessible to the complainant. The response shall be accompanied by a final resolution of the complaint. The Coordinator or his/her designee shall maintain the files and records of the City of High Point pertaining to the complaints filed for a period of three years after the grant is closed out.

Other Complaint Procedures

All individuals have a right to a prompt and equitable resolution. Individuals or classes of individuals who believe they have been subjected to discrimination based on disability have several ways to file a grievance:

Under Title II, filing a grievance with the entity's ADA coordinator, filing a complaint with a federal agency, or filing a lawsuit may be done independently of others. **Individuals are not required to file either a grievance or complaint to bring a lawsuit. Lawsuits may be filed at any time.** The following are two agencies where a Title II complaint can be filed:

United States Department of Justice (DOJ)
Civil Rights Division
Disability Rights Section – 1425 NYAV
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Department of Housing and Urban Development (HUD)
Greensboro FHEO Field Office
2306 W. Meadowview Road
Greensboro, NC 27407

Office of the Mayor
City of High Point
North Carolina

PROCLAMATION...

WHEREAS, prevention of substance use and/or mental health disorders does work and treatment can be effective; an estimated 600,000 people are in recovery in North Carolina and 23,000,000 people are in recovery across the nation; and,

WHEREAS, we must encourage relatives and friends of people with mental and/or substance use disorders to implement preventive measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and,

WHEREAS, in 2012, 2.5 million people aged 12 or older received specialty treatment for a substance use disorder and 34.1 million adults aged 18 or older received mental health services, according to the *2012 National Survey on Drug Use and Health.* Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and,

WHEREAS, recent cost benefit studies consistently find that benefits to society that result from the treatment of alcohol and/or drug use disorders include cutting drug use by 50 percent, reducing crime by 80 percent, and reducing arrests by up to 64 percent, as well as improving health, increasing employment and increasing overall social functioning of the individuals who have been treated; and,

WHEREAS, taxpayers save $7 for every $1 spent on treatment and $5.60 for every $1 spent on prevention, as a result of increased productivity, and reduced healthcare, criminal justice, and social service costs; and,

WHEREAS, to help more people achieve and sustain long-term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), THE North Carolina Department of Health and Human Services Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, and the City of High Point, North Carolina invite all residents of High Point to participate in ***National Recovery Month***.

NOW, THEREFORE, the High Point City Council hereby proclaims the month of September 2015 as,

National Recovery Month

in the City of High Point, and encourage the community to support the men, women, and youth who are in drug and alcohol addiction treatment and recovery, and their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of High Point, North Carolina this 8th day of September 2015.

William S. Bencini, Jr.

William S. Bencini, Jr., Mayor

CITY OF HIGH POINT
AGENDA ITEM

Title: Revisions to the High Point Parks and Recreation Rules and Regulations

From: Lee Tillery, Director of Parks and Recreation **Meeting Date:** Tuesday, September 8, 2015

Public Hearing: N/A **Advertising Date:** N/A

Advertised By: N/A

Attachments: General Policies for using Parks, Recreation Facilities and Greenways (1982) – Current Policy
Proposed Revisions to "High Point Parks and Recreation Rules and Regulations (2015)"

PURPOSE:
The updates and revisions to this policy and ordinance will allow for better management and effective regulation of our parks and recreation areas. This also includes our regulatory management plan for recreation that takes place at both Oak Hollow and City Lake. Revisions will more accurately reflect procedures and cover changes that have occurred over the past thirty years since original document was adopted.

BACKGROUND:
The Rules and Regulations for the Operation of Municipal Parks and Recreation Areas have not been updated since 1982. In reviewing this document, it was evident that several revisions and additions be included in this document as this is a part of the High Point City Ordinance. The ordinance will then more accurately reflect these revisions allowing us to more effectively manage and enforce rules. The second part of this document covers **Rules and Regulations of High Point Municipal Lakes** which was updated and then approved by High Point City Council in July 2013. This section of our rules covers our lake recreation plan at both Oak Hollow and City Lake and is also approved by the North Carolina Department of Environment and Natural Resources (NCDENR) as both serve as drinking water supplies. The only revision made to this section involves recent changes to the firearms and concealed carry regulation. All revisions were unanimously approved by the High Point Parks and Recreation Commission at their August 2015 meeting.

BUDGET IMPACT: No Budget Impact

RECOMMENDATION / ACTION REQUESTED:
Staff and the Parks and Recreation Commission recommend Adoption of the Revisions to the High Point Parks and Recreation Rules and Regulations (2015)

HPCW 7-1-2

GENERAL POLICIES FOR USING PARKS, RECREATION FACILITIES, GREENWAYS, AND ALL PARKS AND RECREATION PROPERTY

The Parks & Recreation Department of the City of High Point has a wide variety of facilities available for use by the general public. Rules and regulations involving specific areas follow. Below are a number of general rules which are appropriate to all of the areas and facilities:

Alcoholic beverages are forbidden on any Parks & Recreation property unless specific exceptions are approved by the City Manager. Defacing, misusing, or abusing any real or physical properties within the facilities or the areas is prohibited. Behavior of the individual outside of that which is socially acceptable or not in the best interest of the general public will not be tolerated. Individuals are encouraged to use all areas and facilities in such a way that they will be in good order for individuals following them in the use of these areas and facilities. Anyone using said areas and facilities to the contrary may be denied readmission.

The use of controlled substances on City property is prohibited.

Programs conducted by the Parks & Recreation Department will have first priority in the use of any area or facility under its control.

Specific Rules

A. Concerning Beer, Wine, and Alcoholic Beverages at Parks & Recreation Sites

No beer, wine, ale or alcoholic beverages shall be displayed or consumed on the premises of any Parks & Recreation Department area or facility.

Beer only may be dispensed subsequent to the issuance of an "on premises" beer permit as required by law. All standards relative to this regulation shall be established by the City Manager.

B. There shall be no type of controlled substance allowed on park property (Exception: medical prescriptions).

C. There shall be no littering of park property.

D. No motorized vehicles are allowed in areas designated for pedestrians only.

E. No motorcycles, ATVs, 4-wheelers, motorbikes, go-carts, etc. are allowed in areas designated for pedestrians only.

F. No hunting, trapping or injuring of wildlife is permitted.

G. No firearms, pellet guns, airguns, fireworks, or any weapon or device that may cause injury is permitted.

H. No unleashed pets allowed in the park.

I. There shall be no fires except in grills.

J. Parking shall be in the designated areas only. Exceptions are made for special events.

K. No one is allowed to sell or give away any item on park property unless permission has been secured from proper authorities.

L. No trespassing on park property during closed hours.

M. Cutting, picking, digging or injury of any type to the trees or plant life is prohibited.

Suspensions

A program participant may be suspended/dismissed from a program/activity for disruptive and disorderly conduct, violence (physical and verbal), improper attire (where required), negligent or misuse of equipment and facilities, illegal substances consumption, alcoholic beverage (includes beer, wine and ale) consumption. A participant may be suspended by any staff member immediately if in the best interest of the program and other participants.

Suspensions by program staff may be for a period not to exceed three (3) days or three (3) program dates. Suspensions longer than three (3) days or three (3) program dates must be enacted by the Director of Parks and Recreation. All action must be in writing and filed immediately.

Appeals: A program participant may appeal to staff member suspending him/her or may appeal to the Director of Parks and Recreation. Request may be verbal. Before an appeal is heard, however, program participant must submit in writing his/her actions and the reason for requesting an appeal.

HIGH POINT
PARKS AND RECREATION
DEPARTMENT

RULES AND REGULATIONS

2015

UPDATED BY THE HIGH POINT CITY COUNCIL
ON XXXXXXXXXX

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Table of Contents

	Page
TITLE PAGE	1
TABLE OF CONTENTS	3,4
EXECUTIVE SUMMARY	5
AUTHORITY	5
RULES AND REGULATIONS OF HIGH POINT MUNICIPAL PARKS	
USE OF PARK AFTER HOURS	6
BEER, WINE, ALE, AND OTHER ALCOHOLIC BEVERAGES	6
GUNS, FIREARMS, OTHER DANGEROUS WEAPONS, AND INCENDIARY DEVICES	6
PRESERVATION OF PARK PROPERTY AND NATURAL RESOURCES	7
MOTORIZED VEHICLES	7
BICYCLES, ROLLER SKATES, ROLLERBLADES, SCOOTERS, AND SKATEBOARDS	7,8
ATHLETIC FACILITIES	8
CAMPING	8
FIRES AND GRILLS	8
ANIMALS	8
VENDORS AND COMMERCE	8
SHOWS, MARKETS AND EXHIBITIONS	8
GAMBLING	9
SMOKING	9
DISORDERLY CONDUCT	9
AMPLIFIED MUSIC	9
USE OF LAKES	9
RULES AND REGULATIONS OF HIGH POINT MUNICIPAL LAKES	
GENERAL	
Use of the Lake	10
Permits Required for Use of Lake	10
Launching of Boats	10
Protection of Buoys and Signs	10
Inspection and Approval of Boats	10
Boats not Allowed on Lake Overnight	10
Noise Control	10
Life Preservers	10
Dumping Trash	11
Alcoholic Beverages and Controlled Substances	11
Exclusion of Certain Persons	11
Boats not Allowed Near Spillway and Intake Structure	11
Animals in Reservoir	11

DRAFT

GENERAL (CONTINUED)
Water Supply Regulations Relative to Buffers 11
Boating Regulations 11
Possession and Discharge of Firearms 11
Picnicking is allowed at both lakes in designated areas. 11
FISHING
Hours of Operation 11
Fishing Regulations to Conform to Regulations Set Forth by the Wildlife Resources Commission 12
Inspection of Catch 12
Bank Fishing 12
Certain Areas Designated for Fishing 12
Fishing Downstream from Dam 12
Trot Lines, Set Hooks, Fishing Traps
BOATING AND SAILING 12
General 12
No Wake Areas 12
Boats not to be Beached 12
Swimming 12
Inflatable Boats 12
SANITATION
Pollution 13
Sewage Discharge System 13
OAK HOLLOW LAKE
Special Features 13
Water Skiing 13
Boating Limits 13
Stand Up Paddle Boarding 13
ARNOLD J. KOONCE, JR. CITY LAKE
Special Features 13
Boating Limits 13
Stand Up Paddle Boarding 13
AUTHORITY 14

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Executive Summary:

The City of High Point strives to provide passive and active recreation services, parks and facilities that enrich the lives of all residents and promote opportunities for healthy lifestyles. In order to ensure a safe and positive experience for all citizens, park visitors, and guests, there are a number of general park rules and regulations that shall apply to all parks and recreation facilities.

Authority:

High Point, North Carolina - Code of Ordinances Sec. 7-1-2

Rules and Regulations for the Operation of Municipal Public Parks and Recreation Areas.

a) The city council shall establish rules and regulations for the operation of municipal public parks and recreation areas. It shall be unlawful for a person to violate any rule or regulation upon establishment by the city council. Changes in the rules and regulations shall become effective 10 days succeeding approval by the city council. A copy of the rules and regulations shall be filed with the city clerk.

b) The city council shall establish all rules and regulations pertaining to the use of High Point Arnold J. Koonce, Jr. City Lake and Oak Hollow Lake and all city property adjacent thereto. Upon establishment it shall be unlawful for any person to use said lakes or adjacent city property not in accordance with the Arnold J. Koonce, Jr. City Lake management plan or as set forth in the rules and regulations concerning the use of city-operated lakes. A copy of the lake management plan shall be filed with the city clerk.

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RULES AND REGULATIONS OF HIGH POINT MUNICIPAL PARKS

USE OF PARK AFTER HOURS

Entrance and/or use of park premises or facilities after posted park hours of operation will be considered trespassing and offenders may be prosecuted. Parks and Recreation facilities shall be posted in a manner reasonably likely to come to the attention of intruders with notice. Exceptions are limited in the case of Parks and Recreation programs, special events approved Director of Parks and Recreation or designated official, and the private rental of facilities.

BEER, WINE, ALE, AND OTHER ALCOHOLIC BEVERAGES

No beer, wine, ale or other alcoholic beverages shall be displayed or consumed on the premise of any posted Parks & Recreation Department area or facility. Beer, wine, or ale only may be dispensed subsequent to the issuance of an "on premises" beer permit as required by law. All standards relative to this regulation shall be subject to the recommendations of the High Point Parks and Recreation Commission and approval of the City of High Point City Council. See FEES AND CHARGES.

No person under the influence of alcoholic beverages is allowed to enter or remain in any park or waterway, or on any greenway or trail.

GUNS, FIREARMS, OTHER DANGEROUS WEAPONS, AND INCENDIARY DEVICES

It shall be unlawful for any person to possess or display any handgun (except in accordance with Article 54B the person has a concealed handgun permit considered valid under G.S. 14-415.24), rifle, shotgun, BB gun, air gun, bow and arrow, crossbow, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind.

In accordance with N.C. G. S. 14-415.11(c) and N.C. G. S. 14-415.23, carrying a concealed handgun is prohibited in all City buildings and their appurtenant premises. Carrying a concealed handgun is also prohibited at all swimming pools and their appurtenant facilities and City athletic fields and their appurtenant facilities during organized athletic events for which a person or organization scheduled the athletic field for use with the Parks and Recreation Department. The term “during” shall be construed to mean the period of time in which such athletic field is used for the organized athletic event and a one-hour period before and after that athletic event. This prohibition shall apply to all posted athletic fields at High Point Park as defined in H.P.C.O. 12-1-5.

Carrying a concealed handgun is prohibited at any City facility during use for athletic events, meetings, curricular or extracurricular activity by any board of education or school board of trustees, or directors for the administration of any school.

Fireworks of any type are expressly prohibited except at those events approved and permitted by the City of High Point. The approved use of a fire or fireworks must comply with the rules and regulations set forth by the High Point Fire Marshall, Guilford County Fire Marshall, the National Fire Protection Association Codes and Standards, and Chapter 33 of the International Fire Code. Animal control devices may be used by park staff and/or professional animal control experts with the approval of the Director of Parks and Recreation or designated official.

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PRESERVATION OF PARK PROPERTY AND NATURAL RESOURCES

It shall be prohibited for any person to remove, destroy, mutilate or deface any City structure, monument, planter, fountain, wall, fence, railing, vehicle, bench, trees, plants, or any other property in any park. Any persons committing any prohibited action above will be subject to fines and/or arrest.

It shall be prohibited for any person to dig, cut, bruise, mutilate or cause to be transplanted, cut, bruised, debarked or mutilated any plant material of all and any description within any park land.

It shall be prohibited for any person to trap, catch, wound or kill, or cause to be injured, treat cruelly, tease, or attempt to trap, catch, wound, kill, injure, or tease any bird, animal or insect, or molest or rob any nest of any bird or any lair, den or burrow of any animal in or upon any park property. The feeding of wildlife is strictly prohibited.

No animal may be released or placed onto park property unless said release or placement is in connection with animal control devices used by park staff or professional animal control experts with the prior approval of the Director of Parks and Recreation or designated official.

Areas designated as wildlife refuge and plant reserve shall be conspicuously posted.

> THIS LAND IS A WILDLIFE REFUGE AND A PLANT PRESERVE. NO HUNTING, TRAPPING OR DISCHARGE OF FIREARMS. NO CUTTING, REMOVAL OR BURNING OF TREES AND PLANTS. MOTORIZED VEHICLES PROHIBITED. ALCOHOLIC BEVERAGES PROHIBITED. PETS MUST BE ON A LEASH. NO SWIMMING OR FISHING OR LAUNCHING OF ANY TYPE OF WATERCRAFT. VIOLATORS WILL BE PROSECUTED BY LAW.

MOTORIZED VEHICLES

Motorized vehicles are not allowed on any trails or walking paths. It shall be prohibited for any person to drive any vehicle anywhere in any park, except upon the regularly established roadways; it shall be prohibited for any person to park or permit to be parked any vehicle anywhere except upon designated parking areas authorized by the Director of Parks and Recreation or designated official. Persons operating a licensed vehicle must possess a valid driver's license or learner's permit (and be accompanied by required licensed operator) to operate a vehicle on park property. An Electronic Personal Assistive Mobility Device is allowed in parks and on paths, sidewalks and trails as prescribed by North Carolina law; however the Director of Parks and Recreation reserves the authority to regulate the time, place and manner of use.

Motor vehicle is hereby defined to include cars, trucks, mini-bikes, go-carts, motorbikes, mopeds, motor scooters, golf carts, ATVs and any other self-propelled motorized vehicle.

BICYCLES, ROLLER SKATES, ROLLERBLADES, SKATEBOARDS, AND OTHER SELF-PROPELLED VEHICLES

Bicycles use is prohibited on designated natural trails and paths. Trails and paths where bicycles are prohibited will be conspicuously posted with notice.

Cyclists must comply with all NC Bicycle Statutes when riding on public bicycle paths or other public right-of-way. A person below the age of 16 must wear a protective bicycle helmet of good fit fastened securely upon the head with the straps of the helmet operate or be a passenger on a bicycle.

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The use of roller skates, rollerblades, and skateboards is prohibited on playgrounds, running tracks, park roads, walkways, and parking lots where the general safety of motorists or pedestrians is endangered by their use. Nothing in this section shall prohibit the use of roller skates, rollerblades, and skateboards on Greenways.

ATHLETIC FACILITIES

Pets are prohibited from athletic surfaces (fields, tracks, courts).

The hitting of golf balls is strictly prohibited in all areas of any park except those areas established as driving ranges or golf courses.

CAMPING

It is unlawful for any person to camp in or upon any property under control of the High Point Parks and Recreation Department, unless the property specifically designated for use as a campground or otherwise designated by Park Use Policy.

FIRES AND GRILLS

It shall be prohibited for any person to make or kindle a fire in any park, trail, or greenway, except in a stationary charcoal grill as provided at the park, or a gas grill approved by the Director of Parks and Recreation or designated official, or in an area specifically designated by the Director of Parks and Recreation or designated official. It shall be prohibited for any person to leave any fire unattended, or to fail to completely extinguish a fire and all the embers thereof before leaving such fire.

ANIMALS

It shall be prohibited for any person to allow or permit any animals to run at large in a park and it shall be prohibited to ride horses in any park except at a special event or activity approved by the Director of Parks and Recreation or designated official. Pet owners are required to clean up pet excrement prior to leaving the area.

No domestic pets are allowed to enter any part of Oak Hollow Lake or Arnold Koontz Arnold J. Koonce, Jr. City Lake while on or off a leash (SEE GUIDELINES FOR USE OF HIGH POINT MUNICIPAL LAKES Section A-13)

All pets are prohibited from athletic surfaces (ball fields, tracks, courts) and playgrounds.

The City of High Point Leash Law is enforced in all parks, trails, and greenways. (Ordinance for City of High Point with Respect to the Control of Animals, specifically sections 12-2-1 and 12-2-5)

Nothing in this section shall prohibit or impede an individually trained service animal to provide assistance to an individual with a disability.

VENDORS AND COMMERCE

The sale or other distribution of food and drink products, clothing, and any and all other items is strictly prohibited without the prior consent and written permission of the Director of Parks and Recreation or designated official.

SHOWS, MARKETS AND EXHIBITIONS

Flea market operations or rummage sales are prohibited.

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GAMBLING

All activities at which any money, property or other thing of value is wagered, are prohibited on park property.

SMOKING

Smoking is prohibited within all park buildings, swimming pools. “Tobacco Free Zones” have been established in areas of youth activity (playgrounds and athletic fields and their appurtenant facilities during organized athletic events) which are owned or operated by the City of High Point and tobacco use is prohibited in the areas where “Tobacco Free Zones” signs are posted.

DISORDERLY CONDUCT

No boisterous, insulting language, rude or riotous noise, is allowed in any park or park facility.
Disorderly conduct including any nuisance behavior of any kind is not allowed in any park or park facility.

Manner of dress at each facility must conform to standards established by the Director of Parks and Recreation or designated official.

AMPLIFIED MUSIC

Musical devices that produce a sound that carries more than 25 feet or is loud enough to disturb other patrons using any park are prohibited. The judgment of the level of disturbance is up to the Director of Parks and Recreation or designated official. Special Events approved by the Director of Parks and Recreation or designated official may not be subject to this rule.

USE OF LAKES

All recreational activity at Oak Hollow Lake and Arnold J. Koonce, Jr., Arnold J. Koonce, Jr. City Lake is regulated by the North Carolina Department of Environment and Natural Resources. Specific regulations regarding the use of lakes are defined in RULES AND REGULATIONS OF HIGH POINT MUNICIPAL LAKES

Fishing and swimming is prohibited in all lakes except as designated in specific regulations found in RULES AND REGULATIONS OF HIGH POINT MUNICIPAL LAKES

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RULES AND REGULATIONS OF HIGH POINT MUNICIPAL LAKES

A. GENERAL

1. **Use of the Lake** Arnold J. Koonce, Jr. City Lake and Oak Hollow Lake are primary water supplies for the City of High Point. No person shall fish, launch a boat or have any contact whatsoever with High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake) except at the designated entry points provide by the City. Bank fishing is allowed at approved locations only. The Park Supervisor, Park Rangers and/or Marina Operator have been delegated the authority to remove any boat, and to restrict or halt any and all boat launching due to hazardous conditions on the lake. Examples of hazardous conditions include high winds, electrical storms and extreme cold. It shall be unlawful for any person to fish, dive, swim or participate in any activity whatsoever from any bridge or other structure on or adjacent to the lakes, however, this shall not prohibit pedestrian or vehicular traffic from crossing said bridges.

2. **Permits Required for Use of Lake** All persons using High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake) for any purpose whatsoever must have a valid permit issued by the proper authority. All persons using the Lake shall sign in at the designated control point. A permit shall be valid only when used by the person whom it was issued, and only for the same day it is issued.

3. **Launching of Boats** Launching of boats shall be restricted to the entry points as they are provided and opened for use by the City. Boats may be launched only during days and hours when the Lake is open to the public and only when an authorized City agent is present and on duty.

4. **Protection of Buoys and Signs** Buoys and signs shall be used to designate restricted areas of the Lake. It shall be unlawful for any person to damage, tamper with, tie up to, or disregard any sign or buoy designating a restricted area. Anchoring the main channel of the Lake is not permitted.

5. **Inspection and Approval of Boats** No boat may be placed on a High Point Municipal Lake (Oak Hollow or Arnold J. Koonce, Jr. City Lake) unless the same has been approved and specifically authorized by the Lake Warden or Marina Operator. Boats and motors may be inspected to insure that the water supply will not be polluted. This inspection will be made to insure that motors are operating properly. The grease, oil, gasoline and exhaust will not unnecessarily pollute the water supply. Boats and motors not meeting this requirement will not be allowed access to the Lake.

6. **Boats not Allowed on Lake Overnight** No privately owned boat shall be allowed to remain overnight on the Lake. This provision may be lifted for special programs by approval of the Director of Parks and Recreation.

7. **Noise Control** Unreasonable noises are prohibited. Un-muffled exhausts are expressly prohibited. The Director of Parks and Recreation may lift this provision for special programs.

8. **Life Preservers** Life preservers must be Coast Guard approved wearable life jackets. For vessels 16' or longer they must have at least one throw cushion. Anyone under 13 must wear an approved life jacket at all times except when tied to the dock or at the anchor. There must be one life jacket per person on board.

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9. **Dumping Trash** No person shall deposit rubbish, garbage or refuse of any kind within the confines of the High Pont Municipal Lakes, except in proper receptacles provided for such a purpose.

10. **Alcoholic Beverages and Controlled Substances** Consumption of Controlled Substances (Drugs) is forbidden on any Parks and Recreation property. Consumption of beer, wine, ale or alcoholic beverages are forbidden on any Parks and Recreation property, unless special exceptions are approved by the City Manager.

11. **Exclusion of Certain Persons** It shall be the duty of the Park Supervisor, Park Rangers and/or Marina Operator to deny admission to and use of the Lake to any person known by him to have violated the rules and regulations pertaining to the use of the Lake and other facilities at the High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake), or of any person having intoxicating drink in his possession or who shows evidence of being under the influence of alcohol or drugs of any kinds. Possession of openly, displayed or concealed weapons, including handguns is prohibited.

12. **Boats not Allowed Near Spillway and Intake Structure** No boat shall be operated inside the buoy line at the spillway and intake structure (a minimum of 50 yards from the intake structure and from the spillway), nor shall any boat be allowed to tie up to one of the buoys designating these restricted areas.

13. **Animals in Reservoir** Domestic animals shall not be permitted to have any contact whatsoever with the drinking water at the City of High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake). Pets must be kept on leash and under control of their owners at all times.

14. **Water Supply Regulations Relative to Buffers** No person shall maintain or alter City property in the buffer zone of the City Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake). This includes, but is not limited to, the following: distribution of chemicals, cutting, trimming, mowing and other modification of City property. City buffer property many not be used as a storage area for dog lots, playground equipment, lawn furniture and yard waste disposal.

15. **Boating Regulations** All boats must comply with State and Federal boating regulations as to safety equipment and navigational right-of-way rules.

16. **Possession, Display, or Discharge of Firearms and Other Dangerous Weapons** It shall be unlawful for any person to possess, display, or discharge any handgun (except in accordance with Article 54B the person has a concealed handgun permit considered valid under G.S. 14-415.24), rifle, shotgun, BB gun, air gun, bow and arrow, crossbow, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razor, shurikin, stun gun, or other deadly weapon of like kind.

17. **Picnicking is allowed at both Oak Hollow and Arnold J. Koonce, Jr. City Lake in designated areas.**

B. FISHING

1. **Hours of Operation** The regular hours of operation for High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake) shall be from sunrise to sunset daily. The Parks and Recreation Director may designate extended hours of operation for special programs. For approved programs after sunset, running lights are required for all operating boats. The official hours of operation are posted at designated access areas.

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2. **Fishing Regulations to Conform to Regulations Set Forth by the Wildlife Resources Commission** The regulations of the regarding licenses, the kinds and sizes of fish, number of fish to be taken, seasons when fishing is allowed and methods of catching fish shall be adopted as the fishing regulations for High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake).

3. **Inspection of Catch** Each person may be required to submit his catch for the inspection of the Park Rangers/Marina Operator upon request at any time. Each person taking fish from the Lake may be required to enter his/her name, address, the type of fish and the number of fish caught into the Marina Operator's register.

4. **Bank Fishing** Fishing from the bank will be allowed only at areas designated for bank fishing. All bank fishermen are required to have the appropriate City and State fishing permits.

5. **Certain Areas Designated for Fishing** Although fishing will be allowed on the entire lake, except for restricted areas, certain areas of the Lake will be designated specifically for fishing. These areas will be marked by signs with **"Only Fishing Beyond This Point"**. Canoes and other man-powered watercraft are permitted to operate in these fishing only areas.

6. **Fishing Downstream from Dam** Persons are prohibited from fishing between Oak Hollow Dam and Highway 68 at Oak Hollow Lake and from between Arnold J. Koonce, Jr. City Lake Dam and Greensboro Road.

7. **Trot Lines, Set Hooks, Fishing Traps** These and like structures are prohibited.

C. BOATING AND SAILING

1. **General** Any action or conduct on High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake) that endangers life or property, or compromises the quality of the drinking water, shall be deemed unlawful and shall be cause for immediate expulsion from the Lake, possible suspension, or legal prosecution. No person under 16 years of age may operate a powerboat and no person under twelve years of age may operate a non-powered boat.

2. **No Wake Areas** The maximum speed limit for all boats operating within the no wake areas around the launching ramps will be five miles per hour.

3. **Boats not to be Beached** At no time will boats be allowed to touch the shore except at launch ramps. Boats shall not come closer than 200 feet from shore in areas designated for bank fishing.

4. **Swimming** There will be no swimming at High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake).

5. **Inflatable Boats** must be approved by the NMMA (National Marine Manufacturer's Association). They must be approved by Marina staff before launching.

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D. SANITATION

1. **Pollution** It shall be unlawful for any person to commit any act that will pollute the waters at High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake). Furthermore, it shall be unlawful for any person to dump trash, garbage or refuse of any kind into the waters or buffer areas of High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake), either from a boat, the shore, or by any means whatsoever.

2. **Sewage Discharge System** No boat will be allow on High Point Municipal Lakes (Oak Hollow Lake or Arnold J. Koonce, Jr. City Lake) that is equipped with a direct sewage discharge system. Furthermore, no person shall be allowed to remain on a boat, either on the Lake or at the launching area after the Lake has been closed for the day. The Director of Parks and Recreation may make an exception to this restriction for special programs or activities.

E. OAK HOLLOW LAKE

1. **Special Features** Oak Hollow Lake provides an environment for bank fishing, boat fishing, sailing, man powered watercraft and water skiing. This facility promotes fishing, sailing, camping and general boating. Oak Hollow Campground is located within the area as well and provides camping opportunities along with such amenities as a bath house, pool, shelters and playgrounds.

2. **Water Skiing** Water skiing is permitted on a limited basis, 10 boats at any one time. All water ski boats must have an observer at least eight years of age in addition to the operator. Water skis and kneeboards are permitted with only one skier in the water at a time. Coast Guard approved PFD's are required for all water skiers.

3. **Boating Limits** The boating speed limit at Oak Hollow Lake is 35 miles per hour. The purpose of this restriction is to reduce boat wakes, thus reducing bank erosion. The Parks and Recreation Director may make all exception to length and weigh restrictions for special situations.

4. **Stand Up Paddle Boarding** Stand up paddle boards may be launched from designated areas only. Bodily contact with the water is prohibited.

F. ARNOLD J. KOONCE, JR. CITY LAKE

1. **Special Features** Arnold J. Koonce, Jr. City Lake provides an environment for bank fishing, boat rentals, paddle boarding and man powered watercraft. This facility promotes fishing and general boating.

2. **Boating Limits** The horsepower limit for powerboats at Arnold J. Koonce, Jr. City Lake is ten (10) horsepower. Water skiing is not permitted on Arnold J. Koonce, Jr. City Lake.

3. **Stand Up Paddle Boarding** Stand up paddle boards may be launched from designated areas only. Bodily contact with the water is prohibited.

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G. AUTHORITY

1. Director of Parks and Recreation is responsible for the recreational programming of the High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake). The Director of Parks and Recreation may temporarily ban for a period of thirty (30) days any activity that may adversely affect this recreational area. The City Manager and/or the High Point City Council may extend this ban.

2. Director of Public Services is responsible for protecting water quality at High Point Municipal Lakes (Oak Hollow or Arnold J. Koonce, Jr. City Lake). The Director of Public Services may temporarily ban, for a period of thirty (30) days, any activity that may adversely affect the water supply. The City Manager and/or the High Point City Council may extend this ban.

Noncompliance with these rules and regulations is in violation of the Code of Ordinance of the City of High Point under Title 7, Section 7-1-2(A) and 7-1-2(B).

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CITY OF HIGH POINT
AGENDA ITEM

Title: **Ordinance to Demolish – 736 Washington Street**

From: Lee Burnette, Planning & Development Director

Meeting Date: September 8, 2015

Public Hearing: No

Advertising Date:

Advertised By:

Attachments:
A. Staff report
B. Ordinance to Demolish
C. Engineer's report
D. Map
E. Photos

PURPOSE:
A request by Planning and Development – Inspection Services to adopt an ordinance authorizing the demolition of an unsafe nonresidential structure located at 736 Washington Street.

BACKGROUND:
After a Notice of Violation was issued and a hearing held, an Unsafe Building Order was issued on July 29, 2015 ordering the owner to repair the building and make it stable or to demolish the building. No action on the owner's part to correct the violation occurred by the compliance date of August 14, 2015.

BUDGET IMPACT:
A budget admendment has been requested for the funds to cover the demolition and asbestos testing of the structure.

RECOMMENDATION / ACTION REQUESTED:
Staff recommends the adoption of the requested ordinance to demolish this unsafe nonresidential structure, based upon the enclosed staff report.

PENDING ACTION:
The ordinance becomes effective immediately upon adoption. If there has been no action by the property owner by the effective date of the ordinance, the demolition will proceed and the structure will be removed by the City. After City demolition, the property owner is billed for the cost of the asbestos testing and the demolition. If the bill is unpaid, then the City places a lien on the property.

DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES DIVISION

ORDINANCE REQUEST:	Ordinance to Demolish
PROPERTY ADDRESS:	736 Washington Street
OWNER:	Rebekah Jackson Hoover
FIRST INSPECTION: 7-15-2015	Summary of inspection results**:** • Internal collapse of the roof assembly • Major portions of the floor assemblies have collapsed • Collapse of the roof and floor systems compromise the structure's ability to sustain any load and increases the likelihood of total collapse
HEARING RESULTS: 7-25-2015	The owner did not appear for the hearing. During the hearing, the following findings of fact were established. Based upon the collapse of the roof and flooring systems, the building is determined to be unsafe in accordance with NCGS 160A-426. The remaining building walls are laterally unbraced and are subject to further collapse. The condition of the entire structure due to the roof and floor collapse compromises the structure's ability to sustain any load and is subject to a total collapse endangering public safety. The report from the structural engineer validates the Building Inspector's determination that the building is unsafe.
ORDER(S) ISSUED: 7-29-2015	Order to Repair or Demolish Compliance Date: 8-14-2015
APPEALS:	The owner submitted a written appeal to the City Clerk on 8-10-2015. The appeal is scheduled to be heard by City Council 9-8-2015
OWNER ACTIONS:	There have been no permits issued and repairs have not started.
EXTENSIONS:	None requested
CURRENT STATUS: 8-27-2015	Conditions remain the same.

AN ORDINANCE REQUIRING THE INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO 160A-432 OF THE GENERAL STATUTES OF NORTH CAROLINA

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

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with Chapter 160A – 432 of the General Statutes of North Carolina.

PROPERTY LOCATION	OWNER (S)
736 Washington Street High Point, NC	Rebekah Jackson Hoover P O Box 1287 High Point, NC 27261

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 8th day of September, 2015

Lisa B. Vierling, City Clerk

CB2 STRUCTURAL ENGINEERS
DESIGN ◆ ANALYSIS ◆ INVESTIGATION
10253 NORTH NC HWY 109, SUITE C ◆ WINSTON-SALEM, NC 27107
PHONE: (336) 769-9808

July 17, 2015

City of High Point
Inspection Services Division
Mr. Darrell Long
Code Enforcement Supervisor
P.O. Box 230
High Point, N.C. 27261

Reference: Building Observations
Existing Three (3) Story Building
736 Washington Street
High Point, N.C.

Dear Mr. Long,

As requested, CB2 Structural Engineers met with you at the site of the existing three story building located at 736 Washington Street in High Point, N.C. on July 17th, 2015. It is this office's understanding that this office was initially contacted by the City of High Point, to meet adjacent to the existing building, due to the City's concern that this existing building may no longer be structurally stable and may be endangering the public by having a potential to collapse upon adjacent persons and/or property. It is this office's understanding that the City of High Point requested that a representative from this office meet with a city representative, along the public street adjacent to the existing building structure, in order to observe the building from the street and adjacent lots, in order to best render an opinion as to whether or not the existing building appears to be structurally stable and to render an opinion as to if the building is a potential hazard to public safety.

Additionally, the City of High Point dispatched the City's fire department ladder truck to the site on July 16th, 2015 in order to take photos of the existing building from an aerial viewpoint in order to aid in rendering an opinion as to the current structural condition of the existing building. Five (5) of the photos taken by the High Point Fire Department (HPFD) were forwarded to CB2 Structural Engineers on July 17th, 2015 for our review and consideration.

Charles L. Bowman II, P.E. of CB2 Structural Engineers met with Mr. Darrell Long (Code Enforcement Supervisor) on July 17th, 2015, at the site, as requested. This writer observed the exterior of the existing building from Washington Street, observed from the adjacent community park, observed from the grassed space behind the building in question, and observed from the parking lot to the west of the existing building. The existing building appeared to have consisted of two elevated floors of wood framed structure supported by perimeter load bearing masonry walls (three story building). The existing roof structure appeared to have been comprised of wood framing supported by perimeter load bearing masonry walls. The exterior load bearing masonry walls appear to have extended to an elevation above the elevation of the wood framed roof structure and terminated as a cantilevered masonry parapet.

Observation of the existing building from a vantage point of the adjacent property, and from review of the HPFD provided aerial photos, appears to indicate that the wood framed roof structure of the building has collapsed upon the elevated third floor of the existing building. Review of the aerial photographs appears to indicate that, in addition to the collapse of the roof structure, at least some portion of the elevated third floor has also collapsed and is now being supported by the elevated second floor. This writer's observation of the first floor space, thru the windows facing Washington Street, appears to indicate

that a significant portion of the elevated second floor has collapsed and is now resting upon the ground level.

The apparent collapse of the roof structural diaphragm, the apparent collapse of the third floor diaphragm, and the apparent collapse of a significant portion of the second floor diaphragm, appears to render this existing building structure as a life safety hazard, and, it is this office's opinion that the remaining erect portions of the building could collapse upon adjacent people and property. Following are some of the structural concerns this office has developed from our cursory observation of the existing building from the adjacent spaces and from our review of the provided aerial photographs:

- The apparent collapse of the horizontal diaphragms (roof, third floor, and second floor) leaves the unreinforced perimeter masonry walls laterally unbraced and likely to collapse in the event of significant wind forces and/or a seismic event.
- The existing masonry walls that remain erect are showing signs of structural distress as multiple locations of significant masonry wall cracking were observed. Additionally, the perimeter masonry wall facing Washington Street appears to be moving laterally (bowing outward) toward Washington Street.
- Compromised horizontal diaphragms (collapsed roof, third floor and second floor structure) appear to compromise the building's overall ability to resist lateral wind and seismic forces and increases the likelihood of overall collapse of the building under lateral load.
- The second floor horizontal framing that remains was not and is not intended to support the dead weight of the roof framing and third floor framing that has collapsed upon it.

CLB expressed these concerns to Mr. Long at the site, at the time of observation. CB2 Structural Engineers strongly suggested to Mr. Long that the sidewalks, road, adjacent park space, and tenant space adjacent to this building be blocked from public use until this building's structural issues are resolved. CB2 Structural Engineers recommends that one of the following solutions be followed:

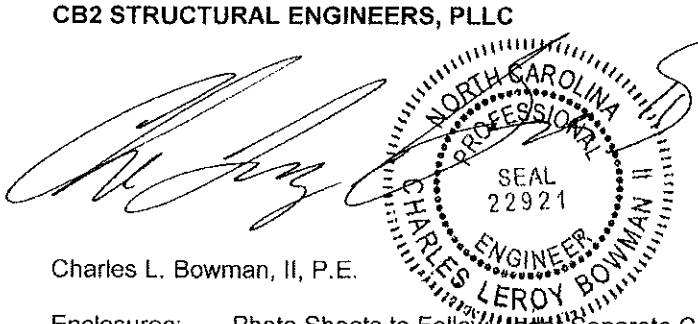
Option 1 – Shore the Existing Building: CB2 Structural Engineers recommends that, once the area around the building is isolated from the public to prevent damage to persons or property should the building or a portion of the building collapse, a reputable general contractor shall be employed to vertically and laterally shore the existing building to prohibit further collapse. It is our recommendation that the employed general contractor be competent in shoring existing, dilapidated structures, competent in applying safety measures required in such work, and would employ a third party structural engineering firm to design a method of shoring this building to prohibit its imminent collapse. Once vertically and laterally shored to prohibit collapse, the third party structural engineering firm could then evaluate the existing building and design methods of structural retrofit. Following design of structural retrofits, the general contractor could then install these retrofits and bring the building into compliance with North Carolina State Building Code.

Option 2 – Demolition of the Existing Building: The area adjacent to the existing building shall be isolated from the public to prevent access to the area by the public and to prevent damage to persons or property should the building, or a portion of the building, collapse further. Assuming that shoring of the existing building as stated herein is not adopted as a plan of action, it is this office's recommendation that the building be demolished, as it appears to be unsafe and appears to compromise public safety in its current condition. If it is decided to demolish the building, a reputable demolition contractor, competent in demolishing structures of this type and competent in applying proper safety measures required in such work, should be employed to complete this task.

Again, this office strongly recommends that the City of High Point isolate the area around this building to prohibit access to the area around this building by the public. It is our opinion that it is not safe to access the area adjacent to this building. Once isolated, it is our recommendation that one of the two options listed herein be selected and implemented immediately.

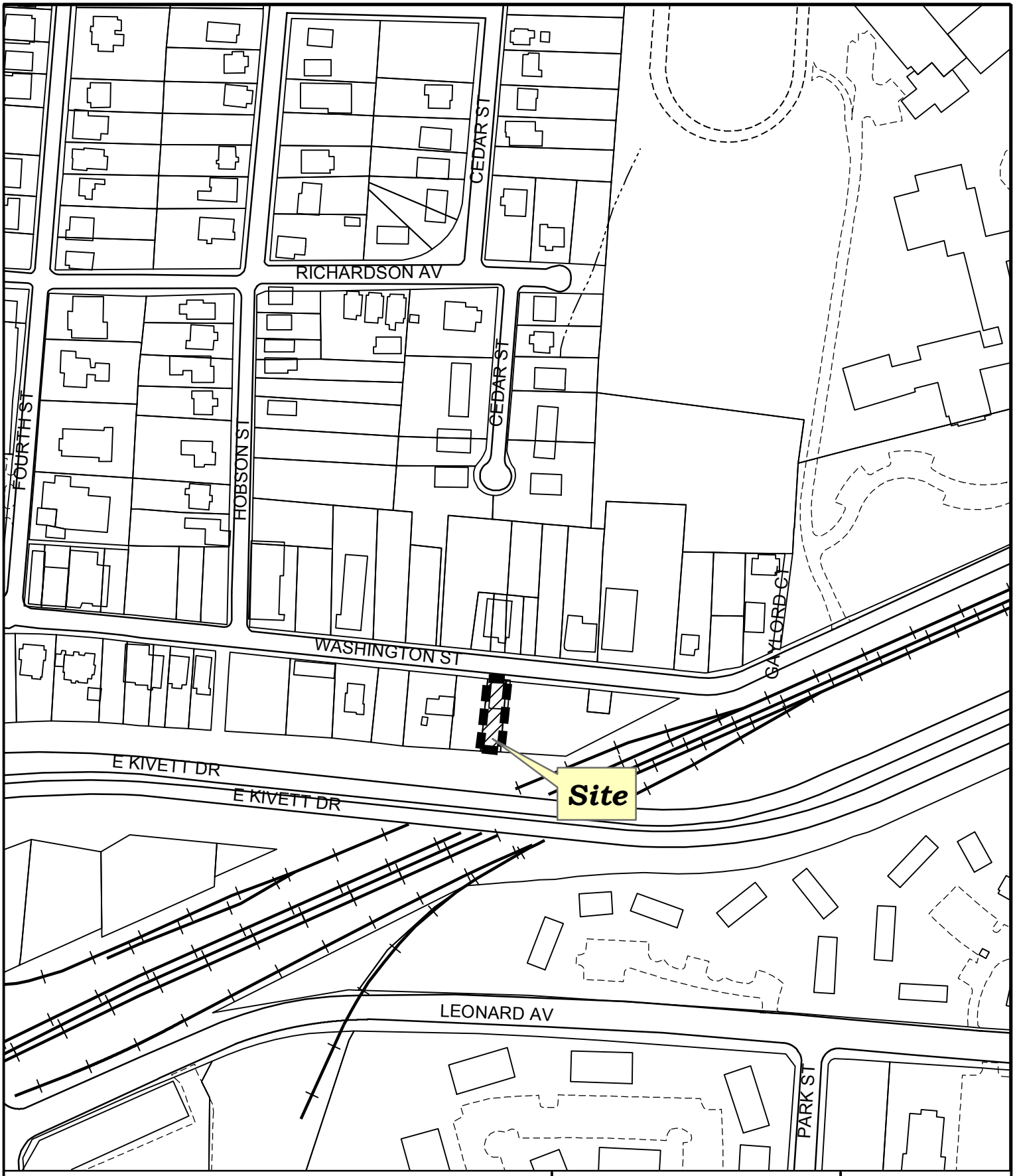
Respectfully Submitted,

CB2 STRUCTURAL ENGINEERS, PLLC



Charles L. Bowman, II, P.E.

Enclosures: Photo Sheets to Follow Under Separate Cover



736 Washington Street

Ordinance to Demolish

Location of subject property

Planning and Development Department

City of High Point

Date: August 27, 2015

N

Scale: 1'=200'

y:/ba-pz/Inspections/ord-demo736-washington.mxd

736 Washington Street

HIGH POINT

DEPARTMENT RECOMMENDATION
Informal Bid(s)

DEPARTMENT: Planning and Development

BID #: 2825-081915 DATE OPENED:

DESCRIPTION:

Demolition of 736 Washington Street

PURPOSE:

Demolition of 736 Washington Street

COMMENTS:

Demolition due to unsafe structure

RECOMMEND AWARD TO: Double D Construction Services, Inc. AMOUNT: $27,300.00

JUSTIFICATION:

Lowest responsible bidder

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
101522	527211			
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: Edwin Brown Digitally signed by Edwin Brown DN: cn=Edwin Brown, o=City of High Point, ou=Planning and Development, email=edwin.brown@highpointnc.gov, c=US Date: 2015.08.19 10:52:23 -04'00' DATE: 8/19/2015

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: 2015.08.19 12:38:57 -04'00' DATE: Aug 19, 2015
($5,000 - $30,000)

FINANCIAL SERVICES DIRECTOR: DATE:
($30,000 - $90,000)

BID TABULATION
DEMOLITION
REBID 736 Washington St. – Insp.

BID #2818-081915

Vendor	736 Washington St.
Double D Construction Services, Inc. **Winston Salem, NC**	**$27,300.00**
D.H. Griffin Wrecking Co., Inc. Greensboro, NC	$129,000.00