City of High Point

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

Minutes

Tuesday, September 3, 2013

4:45 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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

Present 9 - Mayor Bernita Sims, Mayor Pro Tem Britt Moore, Council Member James Davis, Council Member Foster Douglas, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, and Council Member Jay Wagner

SPECIAL RECOGNITIONS/ACKNOWLEDGEMENTS

Stan Dunlap Recognized as a North Carolina Roads Scholar
Chris Thompson, Director of Public Services, and Derrick Boone, Streets and Stormwater Manager, recognized and presented a certificate to Stan Dunlap, Street Maintenance Crew Chief, for being recognized by the North Carolina Institute for Transportation Research and Education (NC-ITRE) as a North Carolina Roads Scholar. Mr. Dunlap earned this achievement for attending a minimum of seven classes over the past couple of years concerning roadway maintenance, safety and management to obtain the Roads Scholar. He is the first Streets Division employee to achieve the Roads Scholar designation.

On behalf of the City Council, Mayor Sims congratulated Mr. Dunlap and hoped he would encourage his peers to become Roads Scholars as well.

Boy Scout Recognized
Mayor Sims recognized Justin Weir, who was in attendance and working on his Communications Merit Badge. He attends Immaculate Heart of Mary School.

REGULAR MEETING ITEMS

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

(all were present)

130231 **Contract - Purchase of Side Loading Refuse Truck**
Council is requested to authorize the Fleet Service Division to purchase a new side loading refuse truck chassis from Transource, Inc. in the amount of $127,200.00 and approve contract in the amount of $120,828.34 with Scranton Manufacturing for a New Way 31 yard sidewinder refuse body. Total cost of truck and body, including installation will be $248,238.34.

Attachments: Contract - Purchase of Side Loading Refuse Truck

Chairman Moore announced that this matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting and the Committee recommended approval.

Approved contract with Transource, Inc. in the amount of $127,200.00 for the purchase of a new side loading refuse truck chassis and approved a contract with Scranton Manufacturing for New Way 31 yard sidewinder refuse body in the amount of $120,828.34 for a total cost of $248,238.34 for truck, body and installation.

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

130232 **Change Order - Sharpe Brothers - Paving/Resurfacing Contract**

Council is requested to approve change order number 2 to the Sharpe Brothers 2013-2014 Paving/Resurfacing Contract in the amount of $123,174.70 to add Guyer Street from E. Lexington Avenue to Chatham Drive. This change order is necessary to complete repairs resulting from a water main break on Guyer Street.

Attachments: Change Order - Resurfacing Contract

Chairman Moore announced that this matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved Change Order #2 in the amount of $123,174.70 to the Sharpe Brothers 2013-2014 Paving/Resurfacing Contract to add Guyer Street from E. Lexington Avenue to Chatham Drive.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Ewing, that Change Order #2 to the Sharpe Brothers Paving/Resurfacing Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130233 **Sole Source Authorization - Lachat Flow Injection Analyzers - Water Laboratory Services**

Council is requested to approve an exception to the bid laws under the “sole source qualification” for the purchase of Lachat Flow Injection Analyzers for the Water Laboratory Services division in the amount of $35,644.20.

Attachments: SoleSource -LachatAnalyzers

Chairman Moore announced this matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of Lachat Flow Injection Analyzers for the Water Laboratory Services division in the amount of $35,644.20.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, to approve an exception to the bid laws under the "sole source qualificiation" and approve the contract with Lachat Flow Injection Analyzers for the Water Laboratory Services division in the amount of $35,644.20. The motion PASSED by a 9-0 unanimous vote.

130238 **High Point City Council Travel Policy**

Council is requested to adopt a Travel Policy for City Council Members.

Attachments: Council Travel Policy 2013

[*Note: A copy of the City Council Travel Policy is hereby attached in Legistar as a permanent part of these proceedings*].

Since this matter did not originally appear on the agenda, a motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, and unanimously carried to amend the agenda for consideration of this policy.

Chairman Moore explained that the City Council directed the Finance Committee to draft a proposed Travel Policy for the City Council and announced that the proposed City Council Travel Policy was discussed during a Finance Committee held at 4:00 p.m. prior to this meeting. He explained that there were a couple of suggested changes to the two opening paragraphs as recommended by Council Member Ewing and Mayor Sims.

At this time, Mayor Pro Tem Moore moved to adopt the City Council Travel Policy that was presented during today's Finance Committee meeting with the recommended changes as discussed. Council Member Mendenhall made a second to the motion.

For further discussion, Council Member Douglas disagreed with the City Council Travel Policy and specifically mentioned the part that states there should not be any unpaid taxes, privilege licenses, utility bills, judgments, or any other obligation due to the city. He felt the proposed travel policy was too broad and accused Council of attempting to create election policy, which should not be done.

At this time, Council Member Mendenhall called for the question. The motion to adopt the City Council Travel Policy with the changes that were discussed carried by the following 8-1 vote.

Adopted the City Council Travel Policy with the changes that were discussed during a Finance Committee held on Tuesday, September 3, 2013 at 4:00 p.m.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that the Travel Policy for the High Point City Council be adopted. The motion carried by the following vote:

Aye: 8 - Mayor Sims, Mayor Pro Tem Moore, Council Member Davis, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay: 1 - Council Member Douglas

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

(all were present)

130234 **Ordinance - Vacate/Close Dwelling - 314 Model Farm Road**

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 314 Model Farm Road belonging to Sheikh Khalid Mehmood.

Attachments: 314 Model Farm Road- ordinance vacate

Ordinance No. 7006/13-38
Introduced 9/3/2013; Adopted 9/3/2013
Ordinance Book, Volume XVIII, Page 38

Chairman Douglas asked if there was anyone present who would like to speak regarding this matter. Mayor Sims asked if someone was still living in the structure. Council Member Mendenhall noted the dwelling was occupied, but because of its deteriorated condition, continues to be a nuisance for the surrounding neighborhood. Ed Brown, Inspections Administrator confirmed that the structure is still occupied by the son of the property owner, who reportedly is out of the country. He explained the utilities are connected and confirmed that it was not a tenant-initiated complaint and it does not meet the definition of a safe, clean home to live in. Chairman Douglas questioned the lack of pictures for this property compared to others that have come before the City Council. At the time of the initial inspection, major violations were: a leaking roof, windows did not operate properly, no smoke detectors and the heating system was not working. He noted that the initial photographs came as a result of the administrative warrant that was issued in May.

Council Member Davis asked about the process for an administrative warrant. Mr. Brown explained the inspectors have to show sufficient cause to request an administrative warrant and this structure showed that the roof was leaking and sagging. Mr. Brown reported the minimum time the city could give the property owner to vacate on his own was 30 days and once this order to vacate and close is adopted, it would allow staff to turn off the utilities in 30 days if the tenant does not choose to vacate. Council Member Davis asked if staff has determined a value for the property versus an estimated value for repairs. At the present time, Mr. Brown did not believe it to be 40-50%. Council Member Mendenhall pointed out there seems to be a lot more disturbance to the neighborhood and neighbors than just the house itself.

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 314 Model Farm Road.

A motion was made by Council Member Douglas, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130235 **Appointment - Boards & Commissions - Parks & Recreation Commission**

Council is requested to confirm the reappointment of Hazel Rorie to the Parks and Recreation Commission as the Ward 1 (Golden) appointment. Reappointment will be effective immediately and will expire July 1, 2016.

Mayor Sims questioned the eligibility of reappointment for Ms. Rorie. Council Member Golden mentioned that Council talked about Ms. Rorie as well as some others on the Parks & Recreation Commission who were not eligible for reappointment and thought Council decided they would allow these individuals to be reappointed. He thought this was agreed to before he even approached Ms. Rorie to ascertain her continued interest in serving. Mayor Sims recalled having some very general conversation about reappointing individuals who had served the length of time that they could, but did not recall that a definitive decision by Council was made as to whether or not they would allow this to happen. She pointed out there is a policy in place that addresses and restricts how long one can serve and felt it was unfair to those individuals who have submitted applications to be considered for appointment. She noted that there are many individuals who have expressed an interest in serving on the Parks & Recreation.

Council Member Golden stated he was under the impression that Council wanted to reappoint Ms. Rorie, but if not, he did have somebody from his ward in mind that could serve. Mayor Sims explained she did not want to get in the way of individuals being reappointed, but based on the length of time of the appointments, those who have expressed an interest in serving would not get an opportunity to serve. Council Member Ewing recalled the conversation to be centered around whether or not an individual could be appointed to fill another seat as opposed to the seat he/she is no longer eligible for reappointment. City Attorney JoAnne Carlyle explained that she and the city clerk did go back to see if a decision was made by the City Council on this matter and did not find where a formal decision was made. She pointed out there was some indication in that discussion that the purpose would be to circumvent the procedures in the policy and this is something that Council would have to discuss and change if this is desired. She further stated that the bigger issue is with appointments to the Planning & Zoning Commission, Historic Preservation Commission and the Board of Adjustment because the Development Ordinance does restrict these term limits to no more than two full terms and if Council desires to make exceptions to the term limit, a text amendment to this effect would need to be initiated and considered by the Council to make the necessary changes.

Council Member Douglas asked if he should take the reappointment of Ms. Rorie off the table. Mayor Sims suggested he proceed if it is the will of the Council, but she still felt other individuals should be given an opportunity to serve. Council Member Davis stated he served with Ms. Rorie on the Parks & Recreation Commission and felt she did an outstanding job and was faithful in attending the meetings. Mayor Sims agreed and pointed out that she initially appointed her as her Ward 1 representative on the Parks & Recreation Commission, but she got there because of her service and reiterated that others should be afforded the same opportunity to serve. At this time, Mayor Sims called for the vote.

Reappointed Hazel Rorie to the Parks & Recreation Commission.

A motion was made by Council Member Golden, seconded by Council Member Davis, that this matter be approved. The motion carried by the following vote:

Aye: 8 - Mayor Pro Tem Moore, Council Member Davis, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay: 1 - Mayor Sims

130236 **Appointment - Boards & Commissions - Parks & Recreation Commission**

Council is requested to confirm the appointment of Ed Price to the Parks and Recreation Commission as the At-Large (Moore) appointment. Reappointment will be effective immediately and will expire July 1, 2014.

Council Member Douglas asked if Mr. Price's service on the Parks & Recreation Commission would be considered a conflict of interest due to his involvement with the Miracle Field and he was informed it would not. Council Member Smothers questioned Mr. Price's term expiration and asked why it is just for one year (will expire July 1, 2014). It was noted that Mr. Price has continued to serve after his term expired . [Note: Mr. Price was actually filling the unexpired term of Mark Gaither who has resigned]

Approved the appointment of Ed Price to the Parks & Recreation Commission.

Following the vote on this matter, Council Member Mendenhall mentioned that her appointee on the Planning & Zoning Commission, Ed Spivey, called her to let her know that although he has not been able to attend the meetings due to some illness, it is his desire to serve.

She also mentioned that the Citizens Advisory Council was experiencing difficulties in obtaining a quorum because some of the members are just not attending the meetings. She asked Council Members to please make their respective appointees aware of the importance of their presence and encourage them to attend the meetings. She explained the Citizens Advisory Council is trying to step up their role, but it finding it difficult when the members are not attending the meetings.

Mayor Sims asked if it would be possible for staff to get an attendance report to Council for the boards and commissions. A brief discussion followed regarding whether or not the boards have by-laws that address attendance requirements. Mayor Sims suggested the Council Liaisons to these boards and commissions let Council know when there are issues so Council can encourage them to be actively engaged.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Wagner, that this appointment be approved. The motion carried by the following vote:

Aye: 8 - Mayor Pro Tem Moore, Council Member Davis, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Wagner

Nay: 1 - Mayor Sims

120229 **Boards and Commissions - Vacancies**

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

Attachments: Vacancy Report.pdf

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

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130237 **Approval of the following Minutes**

Finance Committee meeting held Monday, August 19th @ 4:00 p.m.
High Point City Council Regular Meeting held Monday, August 19th @ 4:45/5:30 p.m.
Comprehensive Planning Committee meeting held Tuesday, August 20th @ 4:00 p.m.

Attachments: August 19 2013 Finance Committee
August 20 2013 Comprehensive Planning Committee
August 19 2013 High Point City Council.pdf

Council Member Smothers pointed out there is one correction to the August 19, 2013 Finance Committee; the minutes have her listed as absent, but she was present.

Approved the preceding minutes as presented with the correction as noted to the August 19, 2013 Finance Committee Meeting minutes.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

DAN REYNOLDS, 3353 Tadmore Court in Jamestown, addressed Council on behalf of the John Coltrane Jazz & Blues Festival Committee. He thanked the city for resources provided to them and was very appreciative of the help and cooperation from the various departments (fire, police, transportation, parks and recreation). Although he was not able to name everyone who helped, he wanted to publicly thank and acknowledge Brad Mendenhall, Rick Ingram, Tim Lewey, Mike Angell, Mark Walker, Dennis McCumber, and Aaron Ollis.

JILL HARWOOD, 3318 Colony Drive, Jamestown (High Point city limits), expressed concerns for the City of High Point and the things that have been in the paper recently about council members. She hoped these issues would be cleared up before the next election and felt those running for office should have a clean record, pay their debts and if not, they should step down. Ms. Harwood also announced that she does plan on running for City Council next year if she can get some sponsors.

CYNTHIA DAVIS, 413 Evergreen Avenue, addressed Council and noted that although she could not comment on some of the articles that come through High Point Enterprise on their web page, but she did make a couple of notes in regards to some questions people were asking. She asked about the $57,000 that the Shakespeare Festival still owes the city. City Manager Strib Boynton supplied a copy of the report he gave Council last week on the Shakespeare Festival which explains that in 1998, he negotiated, with Council knowledge and approval, an agreement with them to repay the money they owe the city on the same basis of the same general terms and conditions as they repaid what they owed the local banks at that point in time. He reported since that time, the festival has made some progress, although it has been slow and little, in reducing their debt to the bank from $379,000 to $188,000 and reducing the city's debt from $89,104 to the current $47,897. Mr. Boynton mentioned they did ask the city to forgive what they owe to the city, but the city has not and pointed out this would require Council action.

Ms. Davis also inquired about the Convention & Visitors Bureau (CVB) funding since there have been questions about where the monies actually come from. Mr. Boynton also addressed this matter and explained the CVB is currently paying rent for their present location to the International Market Center (IMC) and they have negotiated another lease with the Chamber of Commerce to lease office space in their building. Council Member Smothers pointed out the money that goes to the CVB comes from the occupancy taxes. Ms. Davis then asked if it would be possible for her to get a breakdown of the occupancy tax and Mr. Boynton referred her to Tim Mabe, President and CEO for the CVB for this information.

Ms. Davis brought up the $28,000 that is still owed to the city by the Friends of John Coltrane from the first year's festival. She asked if this debt is still outstanding and if they were still making payments to retire this debt. Mayor Sims explained the intent of the Friends of John Coltrane has always been to pay this money back with any profits from the Festival. She confirmed that the obligation still exists and once they file the Form 990 and their books are audited by an auditing firm, there will be a repayment back to the city to help retire this debt if it is determined that the festival actually made money. Ms. Davis asked Mayor Sims if she could confirm the three entities that the Festival gives donations to. Mayor Sims noted these are Botso/Lotso, Win-Win Resolution and the NIA Community Action Agency.

She mentioned she was disappointed in the action that Council previously took regarding the home that the tenant has 30 days to vacate the premises. She expressed concerns about the homelessness within the city and felt even though the home is in disarray, there are commercial properties that are falling in, yet these buildings are permitted to exist. Mayor Sims explained with commercial properties, there is still not anything in place, nor a state law in place that allows the city to adequately address these issues and this is something that the Council needs to continue to address as a city.

CHARITY BELTON, 226 Hobson Street (Ward 1), President of the Washington Street Historic District, addressed Council regarding a pervious comment made about demolishing properties. She asked that Council consider the commercial properties from a historic standpoint, and noted the Kilby is one of the historic buildings they would like to see preserved and they would be assisting the family to help in the preservation. Ms. Belton asked Council to please reconsider forcing them to move so quickly and allow them to do whatever they can to preserve as much of the building as possible.

Ms. Belton announced that the 4th Annual Unity Festival would be held in the Washington Street District on Saturday, November 2nd from 1:00 to 6:00 p.m. There will be some improvements with this year's festival made possible with the help of the city, Hayden-Harmon Foundation, Share of North Carolina, as well as the Washington Street Business Association and other private owners and donors. She expressed appreciation to the city for helping them and noted they plan on sharing some ideas on how they can assist the Kilby family as well as the First Baptist Church with bringing down those properties.

In conclusion, Ms. Belton expressed concerns about the lack of lighting in the area and asked, ' how long must we wait for street lights.' She pointed out this concern has been brought to Council in the past when Council Member Smothers was Mayor and pleaded with Council for help. She also asked that the city trim the trees off the lines and asked if it would be possible for the city to do something before the Unity Festival on November 2nd.

Mayor Pro Tem Moore commended the Washington Street Business Association for their hard work in the community, but pointed out it has taken years for the condition of the Kilby Hotel to get to where it is today. He did not believe it was the will of the Council to push any property owner faster than necessary, but at some point in time, rules, ordinances, laws, and safety come into play and a judgment call has to be made.

Council Member Smothers asked if the Electric Department has been down to this area at night and noted Randy McCaslin, Assistant City Manager, was in the audience shaking his head yes. At this time, Ms. Belton shared exact locations: 709 Washington Street between Becky and Mary's; 613 Washington (but Jackie's Place had a private contractor install some lighting in their parking lot, but lighting is not sufficient); on Hobson Street (two lights are down- one on the right and one to the left behind the Kilby and First Baptist). She also noted more light is needed at 500 Washington Street near the White building and the Weed & Seed office because people seem to hang out at that location especially between shift changes for the police department.

Council Member Smothers asked for staff to get a report on the lighting and pointed out some of these lights may be security lights on private property which are not provided by the city and have to be paid for by the property owner. Ms. Belton asked if the city could share this information with her so the Association could ask them about the lights or maybe even assist them if there is a financial issue.

LARRY CHASON, 1417 Guyer Street, addressed the City Council regarding the unkempt condition of the bio retention cell beside his property at 1415 Guyer and noted this was approved by the City Council at the request of High Point University. He shared some photographs of the bio retention cell and referred to it as an eyesore and a disgrace. Mr. Chason requested written copies of the codes, rules and regulations for bio retention cells in the City of High Point, as well as the name and phone number of the person responsible for enforcement of the regulations. He chastised the city and felt it was about time for the City of High Point to start doing more for the taxpaying citizens that pay the Council's salaries and stop catering to High Point University.

Mayor Sims explained that High Point University does spend quite a lot of dollars in terms of utilities in the community, but the city does not cater to them. She assured Mr. Chason that if there is something that the university is supposed to be doing that is required by city ordinance, then the city would make sure that it gets addressed. Mr. Chason pointed out that even with a tight budget, the city still was able to find $1,000,000 to help the university bury the utility cables and the city was also spending thousands of dollars to change the crosswalk lights.

Mayor Pro Tem Moore thanked Mr. Chason for sharing his comments and concerns and agreed there should be some balance. He pointed out that High Point University has been a good corporate citizen and is an important piece of the city regardless of opinion as far as likes or dislikes. He assured Mr. Chason that he felt confident his issue would be remedied once the university is contacted. He asked Mr. Chason to keep in mind that the university is experiencing and dealing with growth and they usually participate with a large share of the dollars, including the lights and the power, etc.... around the university.

At this time, Mayor Sims asked if there was anyone else present who would like to address Council during the Public Comment Period. There being no further comments, the Public Comment Period was closed.

ADJOURNMENT

At 6:00 p.m., there being no further business to come before Council, the meeting was adjourned to Thursday, September 5, 2013 at 9:00 a.m..

Respectfully Submitted,

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Bernita Sims, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk