

City of High Point

*Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260*



Meeting Agenda

Monday, June 6, 2022

5:30 PM

Council Chambers

City Council

Jay W. Wagner, Mayor

Monica L. Peters, Mayor Pro Tem

*Britt W. Moore (At Large), Tyrone Johnson (At Large), Cyril Jefferson (Ward 1),
Christopher Williams (Ward 2), S. Wesley Hudson (Ward 4), Victor Jones (Ward 5),
and Michael Holmes (Ward 6)*

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE**RECOGNITIONS AND PRESENTATIONS**[2022-269](#)**Proclamation - National Homeowner Month**

Mayor Wagner will read a proclamation declaring June 2022 as National Homeowner Month in the City of High Point.

Attachments: [Homeownership Month - June 2022](#)

[2022-270](#)**Recognition - Volunteer Income Tax Assistance (VITA) Program**

Staff will recognize Volunteer Income Tax Assistance Program (VITA) volunteers.

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding**Initiative**[2022-271](#)**Strategic Plan Update**

Council Member Chris Williams, Chairman of the Community Development Committee, will recognize staff to provide an update on the Strategic Plan regarding Blight Reduction. Council Member Michael Holmes, Chairman of the Marketing & Branding Task Force will provide an update on the Marketing & Branding Initiative.

Attachments: [Strategic Update - Code Enforcement Activity Report for May 2022.pdf](#)

PUBLIC COMMENT PERIOD[2022-272](#)**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.

FINANCE COMMITTEE - Britt Moore, Chair**CONSENT AGENDA ITEMS**

[2022-259](#)**Contract - WESCO Distribution, Inc. - Subsurface 3 Phase Switches (Underground Cable) Warehouse Stock**

City Council is requested to award a contract to WESCO Distribution, Inc. in the amount of \$315,420.00 for the purchase of Subsurface 3 Phase Switches (Underground Cable) Warehouse Stock.

Attachments: [1. Contract – WESCO Distribution, Inc. – Subsurface 3 Phase Switches \(Underground Cable\) Warehouse Stock](#)

[2022-260](#)**Contract - Breece Enterprises, Inc. - Water & Sewer Maintenance/Emergency Repair**

City Council is requested to award a contract to Breece Enterprises, Inc. in the amount of \$1,847,940.00 for an annual contract for water & sewer maintenance and emergency repair and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [2. Contract – Breece Enterprises, Inc. – Water & Sewer Maintenance-Emergency Repair](#)

[2022-261](#)**Contract Amendment #2- WithersRavenel Professional Engineering Services - Kersey Valley Road / Landfill**

City Council is requested to approve Contract Amendment #2 with WithersRavenel in the amount of \$45,000 for additional Surveying, Right-Of-Way Exhibits, Easement Exhibits, and Legal Descriptions for the 12 affected parcels within the project limits.

Attachments: [3. Contract Amendment #2– WithersRavenel Professional Engineering Services - Kersey Valley Road / Landfill](#)

[2022-263](#)**Ordinance - Fuel Budget**

City Council is requested to approve a budget ordinance to appropriate funds in the general fund and the central services fund to cover fuel costs for the remainder of the year due to increased prices.

Attachments: [5. Ordinance – Fuel Budget](#)

[2022-264](#)**Ordinance - Occupancy Tax - Showroom License Convention&Visitor's Bureau (Visit High Point) Market Authority**

City council is requested to approve a budget ordinance to appropriate additional occupancy tax and showroom license revenues that will be passed along to the Convention and Visitor's Bureau (Visit High Point) and Market Authority.

Attachments: [6. Ordinance – Occupancy Tax – Showroom License Convention&Visitor's Bureau \(Visit High Point\) Market Authority](#)

[2022-265](#)**Ordinance - GASB 87 Lease Budget Amendment**

City Council is requested to adopt a budget ordinance amendment which will allow the proper accounting of the capital lease.

Attachments: [7. Ordinance - GASB 87 Lease Budget Amendment](#)

[2022-266](#)**Budget Ordinance - Opioid Settlement Funds**

City Council is requested to approve a budget ordinance creating a special revenue fund and appropriating \$51,076 in opioid settlement funds.

Attachments: [8. Budget Ordinance – Opioid Settlement Funds](#)

[2022-267](#)**Resolution - Capital Reserve Fund - System Development Fees**

City Council is requested to adopt a resolution establishing a capital reserve fund for System Development Fees.

Attachments: [9. Resolution – Capital Reserve Fund – System Development Fees](#)

[2022-268](#)**Tax Collection Orders- Forsyth County Tax Administration- for Collection of Fiscal Year 2022 Taxes and Collection of 2021 and Prior Years' Taxes**

City Council is requested to approve the Tax Collection Orders as requested by the Forsyth County Tax Administration for collection of Fiscal Year 2022 Taxes and collection of 2021 and prior years' taxes by the Forsyth County Tax Administration office for areas of High Point located in Forsyth County, and to authorize the appropriate City Official to execute the Tax Collection Orders.

Attachments: [10. Tax Collection Orders- Forsyth County Tax Administration- for Collection of](#)

COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams,**Chair**[2022-273](#)**Resolution - Conveyance of 803 Amos & 803 Vail to Habitat for Humanity**

City Council is requested to adopt a resolution conveying lots located at 803 Amos and 803 Vail to Habitat for Humanity and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [Resolution – Conveyance of 803 Amos & 803 Vail to Habitat for Humanity](#)

[2022-274](#)**Ordinance - Demolition of Dwelling - 1006 Meadowbrook Blvd**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1006 Meadowbrook Blvd. belonging to Estate of Ladoska R. Small.

Attachments: [1006 Meadowbrook Council Final](#)

[2022-275](#)**Ordinance - Demolition of Dwelling - 2315 E. Green Drive**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 2315 E. Green Drive belonging to Rosalva M. Turcios.

Attachments: [2315 E. Green Council 6-6-22](#)

PENDING ITEMS[2022-198](#)**Ordinance - Demolition of Dwelling - 900 Anderson Place**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 900 Anderson Place belonging to Emis Chirinos.

Attachments: [900 Anderson Council Packet](#)

PROSPERITY & LIVABILITY COMMITTEE - Council Member Hudson,**Chair**

[2022-276](#)**Ordinance - Revised Designation of Social Districts**

City Council is requested to approve an amendment to the Ordinance Concerning the Designation of Social Districts.

Attachments: [FINAL Ordinance – Revised Designation of Social Districts](#)

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner[2022-277](#)**Resolution of Intent-Annexation 22-03**

Approval of a Resolution of Intent to establish a public hearing date of July 18, 2022, to consider a voluntary contiguous annexation of approximately 37.3 acres. The site is located northwest of the intersection of Harvey Road and Jewel Avenue, lying between Harvey Road and the eastern terminus of Shorewell Drive, and also known as Guilford County Tax Parcels 161076, 161060, 161086, 161087 & 161098.

Attachments: [Resolution of Intent \(AN-22-03\)](#)

GENERAL BUSINESS AGENDA[2022-278](#)**Adoption-Proposed City of High Point FY 2022-2023 Annual Budget - Fee Changes - Forward High Point Annual FY22-23 Budget**

Council is requested to consider the adoption of the City of High Point's FY 2022-2023 Annual Budget Ordinance for the City of High Point, proposed changes to the fee schedule, and FY 2022-2023 Annual Budget Ordinance for Forward High Point.

Attachments: [FINAL Adoption-Proposed City of High Point FY 2022-2023 Annual Budget – I](#)

[2022-279](#)**Senate Bill 300 - Decriminalization of Local Government Ordinances**

City Council is requested to review and consider amendments to the Code of Ordinances, as required by state law.

Attachments: [Senate Bill 300 - Decriminalization of Local Government Ordinances](#)

[2022-280](#)**Public Transportation Agency Safety Plan (PTASP)**

City Council is requested to approve the updated Public Transportation Agency Safety Plan (PTASP) as submitted and authorize the Mayor to sign the document.

Attachments: [FINAL Public Transportation Agency Safety Plan \(PTASP\)](#)

[2022-281](#)**One High Point Commission - Resignation Megan Oglesby - Alternate Constance Reynolds & Brenda Deets**

City Council is requested to accept the resignation of Commissioner Megan Oglesby and approve Constance Reynolds as Commissioner and approve alternate Commissioner Brenda Deets for the One High Point Commission.

Attachments: [One High Point Commission - Resignation - Alternate](#)

[2022-282](#)**Minutes To Be Approved**

May 2, 2022 Special Meeting @ 3:30 p.m.

May 2, 2022 Regular Meeting @ 5:30 p.m.

May 3, 2022 Community Development Committee @ 4:00 p.m.

May 4, 2022 Prosperity & Livability Committee @ 9:00 a.m.

May 11, 2022 Special Meeting (Budget Review) @ 3:00 p.m.

May 12, 2022 Finance Committee @ 4:00 p.m.

Attachments: [1. May 2 2022 Special Meeting Minutes.pdf](#)

[2. May 2 2022 Regular Meeting Minutes.pdf](#)

[3. May 3 2022 Community Development Committee Minutes.pdf](#)

[4. May 4 2022 Prosperity & Livability Committee Minutes.pdf](#)

[5. May 11 2022 Special Meeting Minutes.pdf](#)

[6. May 12 2022 Finance Committee Minutes.pdf](#)

ADJOURNMENT

CITY OF HIGH POINT

AGENDA ITEM



Title: Adoption of FY 2022-2023 Annual Budget

From: Stephen Hawryluk
Budget & Performance Manager

Meeting Date: June 6, 2022

Public Hearing: May 16, 2022

Advertising Date: May 3, 2022

Advertised By: High Point Enterprise

Attachments: Budget ordinance,
Budget ordinance (Forward High Point), changes to fee schedule

PURPOSE:

Consideration of an ordinance to adopt the FY 2022-2023 Annual Budget ordinance for the City of High Point, proposed changes to the fee schedule, and FY 2022-2023 Annual Budget Ordinance for Forward High Point.

BACKGROUND:

Staff has worked in conjunction with the City Council and the City Manager to prepare the FY 2022-2023 Annual Budget. The Proposed Budget was presented to the City Council on Monday, May 2nd. Budget work sessions were held on Wednesday, May 11th, Thursday, May 19th, and Monday, May 23rd. A public hearing on the Proposed Budget was held at the City Council meeting on Monday, May 16th.

Listed below are the ordinances and schedules necessary to adopt the 2022-2023 Budget:

- FY 2022-2023 Budget Ordinance
- FY 2022-2023 Budget Ordinance – Forward High Point
- Changes to the Comprehensive Fee Schedule

BUDGET IMPACT: N/A

RECOMMENDATION / ACTION REQUESTED: Staff recommends and asks the City Council to adopt the FY 2022-2023 Annual Budget ordinance for the City of High Point, proposed changes to the fee schedule, and FY 2022-2023 Annual Budget Ordinance for Forward High Point.

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

BE IT ORDAINED BY THE CITY OF HIGH POINT, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated for the operation and maintenance of the City's various governmental departments and divisions for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023:

- (1) That for said fiscal year there is hereby appropriated out of the GENERAL FUND for general governmental operations the sum of:

\$ 132,579,069

- (2) That for said fiscal year there is hereby appropriated out of the SPECIAL GRANTS FUND for purposes outlined within the various grant provisions, the sum of:

\$ 5,180,354

- (3) That for said fiscal year there is hereby appropriated out of the COMMUNITY DEVELOPMENT FUND for purposes outlined within the grant, the sum of:

\$ 2,804,000

- (4) That for said fiscal year there is hereby appropriated out of the ECONOMIC DEVELOPMENT FUND, the sum of:

\$ 1,000,000

- (5) That for said fiscal year there is hereby appropriated out of the GENERAL DEBT SERVICE FUND for the payment of debt service charges on general obligation debt, the sum of:

\$ 12,766,045

- (6) That for said fiscal year there is hereby appropriated out of the GENERAL CAPITAL PROJECTS FUND for the purpose of construction and/or acquisition of certain long-lived assets, the sum of:

\$ 2,990,323

- (7) That for said fiscal year there is hereby appropriated out of the CENTRAL SERVICES FUND the following:

Fleet Services	\$ 14,205,490
Radio Repair Shop	2,094,401
Computer Replacement	<u>1,023,500</u>
	\$ <u>17,323,391</u>

- (8) That for said fiscal year there is hereby appropriated out of the WATER and SEWER FUND the following:

Operations	\$ 36,528,743
Debt Service	15,188,143
Transfer to Market Authority Fund	50,000
Transfer to General Capital Projects Fund	375,000
Transfer to Central Services Fund	24,000
Transfer to Stormwater Capital Projects Fund	100,000
Transfer to Water/Sewer Capital Projects Fund	<u>10,343,350</u>
TOTAL WATER and SEWER FUND	\$ <u>62,609,236</u>

- (9) That for said fiscal year there is hereby appropriated out of the WATER and SEWER CAPITAL PROJECTS FUND for the following, the sum of:

Water Sewer Capital Projects	\$ <u>10,343,350</u>
------------------------------	----------------------

- (10) That for said fiscal year there is hereby appropriated out of the ELECTRIC FUND the following:

Operations	\$ 126,888,844
Capital Projects	6,500,000
Transfer to Economic Development Fund	400,000
Transfer to Market Authority Fund	710,000
Transfer to General Capital Projects Fund	600,000

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

Transfer to Stormwater Capital Projects Fund	100,000
Transfer to Electric Capital Projects Fund	4,840,000
TOTAL ELECTRIC FUND	<u>\$ 140,038,844</u>

(11) That for said fiscal year there is hereby appropriated out of the ELECTRIC CAPITAL PROJECTS FUND for the following, the sum of:

Electric Capital Projects	<u>\$ 4,840,000</u>
---------------------------	---------------------

(12) That for said fiscal year there is hereby appropriated out of the MASS TRANSIT FUND for the following, the sum of:

\$ 6,118,444

(13) That for said fiscal year there is hereby appropriated out of the MASS TRANSIT CAPITAL PROJECTS FUND for the purpose of operating High Point's Transit System, the sum of:

\$ 1,496,875

(14) That for said fiscal year there is hereby appropriated out of the PARKING FACILITIES FUND for the purpose of operating City parking facilities, the sum of:

\$ 484,926

(15) That for said fiscal year there is hereby appropriated out of the SOLID WASTE FUND the following:

Operations	\$ 19,077,875
Capital Projects	2,625,000
Transfer to General Capital Projects Fund	105,000
Transfer to Central Services Fund	730,000
Transfer to Landfill Capital Projects Fund	1,083,000
TOTAL SOLID WASTE FUND	<u>\$ 23,620,875</u>

(16) That for said fiscal year there is hereby appropriated out of the LANDFILL CAPITAL PROJECTS FUND for the following, the sum of:

Solid Waste Capital Projects	<u>\$ 3,304,000</u>
------------------------------	---------------------

(17) That for said fiscal year there is hereby appropriated out of the LANDFILL CLOSURE FUND for the following, the sum of:

Transfer to Solid Waste Fund	\$ 2,125,000
Transfer to Landfill Capital Projects Fund	2,221,000
TOTAL LANDFILL CLOSURE FUND	<u>\$ 4,346,000</u>

(18) That for said fiscal year there is hereby appropriated out of the STORM WATER FUND the following:

Operations	\$ 3,693,850
Debt Service	1,153,823
Transfer to General Capital Projects Fund	45,000
Transfer to Central Services Fund	25,000
Transfer to Stormwater Capital Projects Fund	1,150,000
TOTAL STORM WATER FUND	<u>\$ 6,067,673</u>

(19) That for said fiscal year there is hereby appropriated out of the STORMWATER CAPITAL PROJECTS FUND for the following, the sum of:

Stormwater Capital Projects	<u>\$ 1,350,000</u>
-----------------------------	---------------------

(20) That for said fiscal year there is hereby appropriated out of the MARKET AUTHORITY FUND, the sum of:

\$ 3,100,000

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

(21) That for said fiscal year there is hereby appropriated out of the INSURANCE RESERVE FUND, the sum of:

\$ 21,699,921

Section 2. It is estimated that the following revenues will be available during fiscal year beginning July 1, 2022 and ending June 30, 2023:

General Fund	
Ad Valorem Taxes	\$ 75,100,167
Sales & Use Taxes	36,092,152
Intergovernmental Revenues	11,289,623
Licenses & Permits	4,238,675
Charges for Services	5,211,335
Miscellaneous Revenues	647,117
Fund Balance Appropriated	-
Total Revenues and Other Financing Sources	\$ <u>132,579,069</u>
Grants Fund	
Intergovernmental Revenues	\$ 4,775,009
Transfer from Other Funds	405,345
Total Revenues and Other Financing Sources	\$ <u>5,180,354</u>
Community Development Fund	
Intergovernmental Revenues	\$ 2,622,000
Transfer from Other Funds	182,000
Total Revenues and Other Financing Sources	\$ <u>2,804,000</u>
Economic Development Fund	
Transfer From Other Funds	\$ 475,000
Miscellaneous Revenues	25,000
Fund Balance Appropriated	500,000
Total Revenues and Other Financing Sources	\$ <u>1,000,000</u>
General Debt Service Fund	
Ad Valorem Taxes	\$ 4,326,750
Miscellaneous Revenues	1,250,000
Transfer from Other Funds	6,224,442
Fund Balance Appropriated	964,853
Total Revenues and Other Financing Sources	\$ <u>12,766,045</u>
General Capital Projects Fund	
Transfer from Other Funds	\$ <u>2,990,323</u>
Central Services Fund	
Charges for Services	\$ 10,266,416
Miscellaneous Revenues	5,992,975
Transfer from Other Funds	779,000
Fund Balance Appropriated	285,000
Total Revenues and Other Financing Sources	\$ <u>17,323,391</u>
Water and Sewer Fund	
Charges for Services	\$ 60,807,236
Non-operating Revenues	1,802,000
Total Revenues and Other Financing Sources	\$ <u>62,609,236</u>
Water and Sewer Capital Projects Fund	
Transfer from Water and Sewer Fund	\$ <u>10,343,350</u>
Electric Fund	
Charges for Services	\$ 126,403,100

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

Non-operating Revenues	1,475,744
Retained Earnings Appropriated	12,160,000
Total Revenues and Other Financing Sources	<u>\$ 140,038,844</u>
 Electric Capital Projects Fund	
Transfer from Electric Fund	<u>\$ 4,840,000</u>
 Mass Transit Fund	
Charges for Services	\$ 3,304,365
Intergovernmental Revenues	678,817
License and Permits	390,000
Miscellaneous Revenues	10,000
Transfer From Other Funds	1,735,262
Total Revenues and Other Financing Sources	<u>\$ 6,118,444</u>
 Mass Transit Capital Projects Fund	
Intergovernmental Revenues	\$ 1,300,000
Transfer From Other Funds	196,875
Total Revenues and Other Financing Sources	<u>\$ 1,496,875</u>
 Parking Facilities Fund	
Charges for Services	\$ 230,000
Miscellaneous Revenues	3,000
Transfer From Other Funds	251,926
Total Revenues and Other Financing Sources	<u>\$ 484,926</u>
 Solid Waste Fund	
Operating Revenue	\$ 18,269,875
Miscellaneous Revenues	236,000
Transfer From Other Funds	2,125,000
Retained Earnings Appropriated	2,990,000
Total Revenues and Other Financing Sources	<u>\$ 23,620,875</u>
 Landfill Capital Projects Fund	
Transfer From Other Funds	<u>\$ 3,304,000</u>
 Landfill Post Closure Fund	
Retained Earnings Appropriated	<u>\$ 4,346,000</u>
 Storm Water Fund	
Charges for Services	\$ 5,337,445
Miscellaneous Revenues	50,000
Retained Earnings Appropriated	680,228
Total Revenues and Other Financing Sources	<u>\$ 6,067,673</u>
 Stormwater Capital Projects Fund	
Transfer From Other Funds	<u>\$ 1,350,000</u>
 Market Authority Fund	
Room Occupancy Taxes	\$ 400,000
Licenses & Permits	1,700,000
Transfer from General Fund	240,000
Transfer from Water-Sewer Fund	50,000
Transfer from Electric Fund	710,000
Total Revenues and Other Financing Sources	<u>\$ 3,100,000</u>
 Insurance Reserve Fund	
Insurance Premiums	\$ 21,619,921
Miscellaneous Revenues	80,000

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

Total Revenues and Other Financing Sources	\$ <u>21,699,921</u>
--	----------------------

Section 3. There is hereby levied the following rates of tax on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2022, for the purpose of raising the revenue from current year's property tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Rate per \$100 Valuation
General Fund \$.6175

Such rates of tax are based on an estimated total valuation of property for purpose of taxation of **\$12,864,013,741** and an estimated rate of collections of **99.3%** during the current year.

Section 4. That the reserve for encumbrances at June 30, 2022, representing the unearned portion of contracts as of that date, shall be re-appropriated and distributed as it applied in order to properly account for the payment against which the fiscal year in which it is paid.

Section 5. That the unencumbered balances as of June 30, 2022 of those capital projects and operating encumbrances which were not completed in Fiscal Year 2021-2022 be reappropriated into the Fiscal Year 2022-2023 budget in order to allow completion.

Section 6. That the unencumbered balances in Grant funds which remain as of June 30, 2022 be reappropriated into the Fiscal Year 2022-2023 budget for the completion of their original purposes.

Section 7. That the landfill closure funds previously expended and established as a liability in the Landfill Development and Maintenance Capital Reserve Fund and which remain as of June 30, 2022 be appropriated in the Fiscal Year 2022-2023 budget for their intended purposes.

Section 8. The number of persons to be employed and the salaries and wages to be paid shall be those which are included in the detailed operation budgets; unless provision is made by the City Manager or City Council for employing additional persons.

Section 9. The City Manager is hereby authorized to approve transfers of appropriations within any fund. Transfers between funds and authorization for making expenditures from excess revenue shall be made by the City Council.

Section 10. Utility payments will be applied in the following order: Deposits, credit/collection fees, oldest bill first, miscellaneous fees/charges, and utility services.

Section 11. Copies of this ordinance shall be furnished to the City Clerk and the Director of Financial Services to be kept on file by him for his direction in the collection and disbursement of City funds.

Section 12. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 6th day of June, 2022.

Attest: Lisa B. Vierling, MMC
City Clerk

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Electric

RATE R—RESIDENTIAL SERVICE

AVAILABILITY

Available only to residential customers in residences, condominiums, mobile homes, or individually metered apartments, which provide independent and permanent facilities, complete for living, sleeping, eating, cooking, and sanitation. All electric energy used in such dwelling must be recorded through a single meter.

TYPE OF SERVICE

The City will furnish 60 Hertz service through one meter, at one delivery point, where available, single-phase, 120/240 volts; or 3-phase, 208Y/120 volts; or other available voltages at the City's option.

Three-phase service will be supplied, if available. Where three-phase and single-phase service is supplied through the same meter, it will be billed on the rate below. Where three-phase service is supplied through a separate meter, it will be billed on the applicable General Service schedule.

MONTHLY RATE

Basic Facilities Charge per month:		\$23.40
Energy Charge:	Billing Months	Billing Months
	July-October	November-June
For the first 350 kWh	\$0.090702 / kWh	
Over 350 kWh	\$0.095427 / kWh	
For the first 350 kWh		0.090702 / kWh
Over 350 kWh		0.080650 / kWh

DETERMINATION OF ENERGY

The kWh of energy shall be the difference between the current month's watt-hour reading and the previous month's watt-hour meter reading.

SALES TAX

The appropriate North Carolina sales tax shall be added to the above electric rates.

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Clerk

- **New-USB Drive - Each USB Drive** \$5.00

Library

- Library Cards and Overdue Fees

- Original Language

All Guilford County taxpayers, all residents of High Point or Guilford County, and all current and retired employees of the City of High Point receive library cards free of charge. Other library users should pay the current fee established by the Board for obtaining library cards (currently \$40 per year).

Overdue fines are charged on items that are not returned by the date due. The charge is 10¢ per day per item.

If you owe fines amounting to \$5.00 or more, your account must be paid in full before materials may be checked out or renewed. Online renewals are also restricted to fines of any amount. Also, those owing \$5 or more may not use the library's Public Computing Center or submit Interlibrary Loan requests until the amount is paid in full.

- Updated Language

Library cards are free to anyone with photo ID and proof of current address.

If you owe fees amounting to \$5.00 or more, your account must be paid in full before materials may be checked out or renewed. Online renewals are also restricted to fees amounting to \$5.00 or more. Also, those owing \$5 or more may not use the library's Public Computing Center or submit Interlibrary Loan requests until the amount is paid in full.

- **New-Copier fee per page** \$0.10
- **New-Fax transactions are** \$1.75 for first page and \$1.00 per each additional page
- **New-Ear buds are** \$2.00 per pack
- **New-Farmer's Market**

Vendors must submit an application to the Market Manager for consideration. The Market season runs from late April to the end of October. Fees for the Market are as follows:

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Fee for One Week	\$15
Fee for Four Weeks	\$50
Fee for the Full Season (Please note, the full season may be paid in four installments of \$50 each. There will be no refunds for rain cancellations for those paying for a full season)	\$200

Parks and Recreation

Games and Practices- baseball, softball, football, and soccer fields

Includes fields at Allen Jay Park, Armstrong Park, **Brentwood, Burnett Park**, Cedrow Park, Deep River, Harvell Park, Hedgecock Park, Oakview, Morehead, Macedonia Park, Washington Terrace Park, West End Park, and North, South, and West soccer fields at High Point Athletic Complex.

Other Athletic Field Rental Fees

Additional Field Preparation Fee	\$25.00 \$30.00 per hour (includes 2 people, 3-hour minimum)
----------------------------------	---

Golf Courses: Blair Park and Oak Hollow

Play & Ride - Weekdays	Blair Park	Oak Hollow
Regular 18-holes	\$25.00 \$27.00	\$32.00 \$34.00
Regular 9-holes with cart	\$17.00 \$19.00	\$22.00 \$24.00
Ladies (Thursdays at Blair Park, Tuesdays at Oak Hollow)	\$23.00 \$24.00	\$25.00 \$26.00
Seniors (Monday-Friday only, ages 55+)	\$23.00 \$24.00	\$25.00 \$26.00
Juniors (must be 16 years of age to drive cart)	\$23.00 \$24.00	\$25.00 \$26.00
College Student Rate	\$23.00 \$24.00	\$25.00 \$26.00
Walking – Weekdays	Blair Park	Oak Hollow
Regular 18-holes	\$14.00 \$15.00	\$18.00 \$19.00
Regular 9-holes	\$10.00	\$13.00 \$14.00
Ladies (Thursdays at Blair Park, Tuesdays at Oak Hollow)	\$10.00	\$13.00 \$14.00
Seniors (ages 55+)	\$10.00	\$13.00 \$14.00
Juniors (under 18)	\$10.00	\$13.00 \$14.00
Play & Ride – Weekends	Blair Park	Oak Hollow
18-holes, before 12 noon	\$30.00 \$33.00	\$40.00 \$43.00
18-holes, after 12 noon	\$25.00 \$27.00	\$35.00 \$37.00
Walking - Weekends	Blair Park	Oak Hollow
18-holes	\$30.00 \$33.00	\$40.00 \$43.00
18-holes after 12 noon	\$16.00 \$18.00	\$25.00 \$28.00
9-holes (last three hours of play)	\$10.00 \$12.00	\$13.00 \$15.00
Juniors (after 2 p.m.)	\$10.00 \$12.00	\$13.00 \$15.00
College Student (after 2 p.m.)	\$13.00 \$15.00	\$20.00 \$22.00

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Winter Rates - Start December 1 and run through February 28	Blair Park	Oak Hollow
Play & Ride – Weekends (Saturday, Sunday, & Holidays)	\$22.00 \$24.00	\$30.00 \$32.00
Play & Ride – Weekdays (Monday – Friday)	\$18.00 \$20.00	\$26.00 \$28.00
Play & Ride – Seniors (weekdays only)	\$18.00 \$20.00	\$20.00 \$22.00

High Point City Lake Park

Amusements

Amusement Rides (Carousel and Train)	
Price per ticket	\$1.25 \$2.00
Daily Discount Tickets- unlimited use carousel and train	
Price per ticket	\$4.75 \$5.00
Price per ticket for groups of 25-49 or more	\$4.25 \$4.00
Price per ticket for groups of 50-99	\$4.00
Price per ticket for groups of 100 or more	\$3.75
Additional price per ticket to add Swimming and Waterslide	\$5.00
Miniature Golf	
18 holes, per person	\$2.75 \$3.00
18 holes, for groups of 20 or more	\$2.25
Hourly Rental – Train, Carousel & Golf (subject to availability)	
Operator Fee (per hour, per amusement)	\$10.00 \$15.00

High Point City Lake Marina

Canoe (4 hour period) (all day)	\$8.00 \$12.00
Fishing Boats, weekdays, 1 adult	\$8.00 \$10.00
Fishing Boats, weekdays, 2 adults	\$9.00
Fishing Boats, weekdays, 3 adults	\$10.00
Fishing Boats, weekends, 1 adult	\$11.00
Fishing Boats, weekends, 2 adults	\$13.00
Fishing Boats, weekends, 3 adults	\$15.00
Fishing Boat with motor	\$30.00
Yearly Launch Pass Powered and Non-Powered Boats—Kayaks and Canoes Only	
Both lakes Unlimited Launch Pass (Seniors, ages 55+ and people with disabilities)	\$75.00
One Lake (Designated)	\$75.00

Meetings & Events Center Rentals

Item	Resident	Non-Resident
One Room Rental – Hourly Rate (4-Hour Minimum)	\$75.00	\$125.00
Two Room Rental – Hourly Rate (4-Hour Minimum)	\$100.00	\$150.00

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Staff Fee – For events that run past their scheduled time	\$25.00 per hour	\$25 per hour
Room rental rates include table/chair setup and breakdown, A/V equipment usage, podium (when applicable) and on-site event host.		

High Point City Lake Park – Park Rentals

Entire Park Rental – Exclusive use for up to 9 hours	\$4,000.00 \$5,000
Camp Ann Area Rental (Exclusive Use)	\$600.00
Combination of shelters 5,6,7,8 (9-hour period)	
Combination of shelters 5,6,7,8 (9-hour period)	\$600.00
High Point City Lake Gym Rental	\$35.00 per hour, 2-hour minimum
Field Use	\$25.00 per hour

High Point City Lake Park Shelters

Rates based on a 4-hour period	Price
Shelter #1	\$50.00
Shelter #2	\$65.00 \$80.00
Shelter #3	\$65.00 \$80.00
Shelter #2 & 3	\$115.00
Shelter #5	\$45.00 \$50.00
Shelter #6	\$65.00 \$85.00
Shelter #7	\$65.00 \$85.00
Shelter #8	\$50.00 \$60.00
Shelter #10	\$45.00 \$40.00
Excessive Clean Up Charges	\$12.00 per hour, per employee

High Point City Lake Park Swimming Pool

General Admission	Resident	Non-Resident
Pool and Water Slide Entry	\$6.00 \$10.00	\$15.00
Toddlers (32 years of age and under)	Free	Free
Free with a paying adult 18 years of age or older		
Group Rate - For more than 20 swimmers, price per swimmer	\$5.00 \$7.00	\$8.00
Lap Swim Admission – Designated times; Ages 16+	\$5.00	\$7.00
Season Passes	Resident	Non-Resident
Individual (Ages 16+)	\$125.00	\$175.00
Individual Youth (Ages 3-15)	\$100.00	\$150.00
Family Pass (4 individuals)	\$400.00	\$600.00
Lap Swim Season Pass	\$50.00	\$70.00
Pool Rentals (Exclusive use; per hour)	Resident	Non-Resident
All Aquatic Amenities (2-hour minimum) *	\$200.00 \$300.00	\$350.00
Leisure/Lifestyle Pool (2-hour minimum) *	\$150.00	\$175.00

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Competition Lanes (1-hour minimum) *	\$100.00	\$125.00
Waterslide – (1-hour minimum) *	\$100.00	\$125.00
Splash Pad (1-hour minimum)	\$100.00	\$125.00
*Lifeguards - per hour, per lifeguard. Number of lifeguards needed is based on a ratio of 1 lifeguard to every 25 guests, with a minimum of 4 lifeguards.	\$12.00 \$17.00 per lifeguard, per hour	\$17.00 per lifeguard, per hour
Swim Meets		
State or Regional (per swimmer)	\$4.00 \$7.00 per swimmer	
High Point Community (per swimmer)	\$3.00 \$5.00 per swimmer	

Miscellaneous Rentals

Mobile Stage	
Local Non-Profit, Community, and Service Organizations (Non-profit groups must provide a copy of their valid 501(c) (3) designation to qualify for non-profit rates.)	\$350.00 per two-day event \$400 per one-day event \$550 per two-day event
Local Business, Commercial, and Individual Use	Monday-Friday, \$750.00 per two-day event Saturday, Sunday, and holidays, \$850.00 per two-day event Monday-Friday: \$750 per one-day event, \$900 per two-day event. Saturday, Sunday, and holidays: \$850 per one-day event \$1,000 per two-day event
Tent Rental	
Bike Racks/Barricades	\$10.00 per rack per day

Neighborhood Park Picnic Shelters

4-hour period, 10 am-2 pm or 3-7 pm	\$35.00
All Day, 10 am-7 pm	\$70.00

Location/Shelter #	Per 4-hour period
Allen Jay Recreation Center Shelter #1	\$35/\$70 \$40.00 half day
Allen Jay Recreation Center Shelter #2	\$35/\$70 \$40.00
Armstrong Park	\$35/\$70 \$40.00
Cedrow Park	\$35/\$70 \$40.00
Deep River Recreation Center	\$35/\$70 \$40.00
Macedonia Park	\$35/\$70

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Oak Hollow Park

Family Campground

	Price
Dump Fee (for RVs not staying in the campground)	\$15.00

Oak Hollow Park & Marina

Launch Fees	
Kayaks, Canoes, and Paddleboards	\$4.00
Unlimited Launch Pass	\$120.00
Storage	
Boat Storage, per month, paid biannually	\$30.00
Kayak Storage, per month, paid biannually	\$15.00
Yearly Launch Pass Powered and Non-Powered Boats—Kayaks and Canoes Only	
Both lakes Unlimited Launch Pass (Seniors, ages 55+)	\$75.00

Picnic Shelters- North Overlook, Sailboat Point and Festival Park

4-hour period	\$40.00 \$45.00 4-hour period
---------------	--

Oak Hollow Tennis Center

Seasonal Reservation Rates (Indoor Courts, November 1-March 31)	\$650.00- 20 weeks, prime time \$600.00- 20 weeks, non-prime time
Tennis Facility Rental	
Indoor Court Building Rental - 2 indoor courts reserved during the indoor season on Saturday nights from 6-10 p.m.	\$125.00

Roy B. Culler Jr. Senior Center

	Price
Multipurpose Room	
Carpet Area (holds up to 100 people)	\$50.00 per hour
Tiled Area (holds up to 50 people)	\$35.00 per hour
Entire Room (holds up to 200 people)	\$85.00 per hour
Conference Room	\$20.00 per hour
City Holidays	\$150.00 additional fee for events on approved City Holidays
Stage	\$25.00 per hour
PA System	\$25.00 per hour
Staff Fee for events that run past their scheduled end time	\$25.00 per hour, per employee
Monday-Friday, 8 a.m. - 5 p.m.	\$35.00 per hour, 2-hour minimum
After 5 p.m. Monday-Friday and weekends	\$45.00 per hour, 2-hour minimum

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



Washington Terrace Park and Community Center

Picnic Shelters – based on 4-hour period

# 4	\$40.00 \$45.00
# 5	\$55.00 \$65.00

Washington Terrace Park Swimming Pool

Per person, per day, ages 4 and up (includes basket rental)	\$12.25 \$2.00
Toddlers - (3 2 years of age and under) Free with a paying adult 18 years of age or older	Free
Punch Card - includes 15 admissions	\$12.50 \$20.00
Lifeguards - per hour, per lifeguard. Number of lifeguards needed for a rental is based on a ratio of 1 lifeguard to every 25 guests, with a minimum of 2 lifeguards.	\$12.00 \$17.00 per hour, per guard

Public Service

- Cemeteries

Traditional Adult Burial - Open/Close	\$625 \$700
Mausoleum Crypt Entombment - Open/Close	\$625 \$650
Infant Burial - Open/Close (depending on vault size)	\$300 \$500
Cremation Urn - Open/Close and Up (depending on urn size)	\$200 \$500
Mausoleum Casket Tray (if needed)	\$550
Exhuming	Double the rate of an Open Fee

Special Events

- Original
Police Officer (per officer/per hour) Nonprofit & For Profit \$40.00

- Updated

Personnel (per hour)	Non-profit	For Profit
Police Officer (per officer/per hour)	start at \$35	start at \$35
Police Supervisor-rank of Lieutenant & above (per officer/per hour)	start at \$40	start at \$40
Holiday Event (per officer/per hour)	start at \$50	start at \$50

- All approved events require a three (3) hour minimum
- The rates listed above are based on the terms of the current off-duty employment contract.
- The Special Events Commander will determine the number of sworn personnel required for the event.

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



- The Holiday Schedule observed by the City of High Point applies to Special Events.

Fire

All New

- Fire Inspections, Prevention, Hazardous Materials, and Standby Fees
 - Fire Inspection Routine N/C, 1st Reinspection \$50, 2nd reinsp. \$100, 3rd reinsp. \$200, 4th \$200 & Judicial
 - Daycare inspection \$50
 - Foster Care Inspection \$50
 - Group Home Inspection \$50
 - ABC Permit State required Fire Inspection \$50
 - Complaint Inspection \$50 if complaint is found to be valid
 - Requested Inspection outside of routine inspections schedule \$100
 - After normal business hours inspection \$200
- Violation Fees
 - Life Safety Violations One Year Period, 1st violation \$150, 2nd violation \$500, 3rd violation \$1000
 - Locked or blocked exit doors, Life Safety Violation fee accessed per door
 - Overcrowding \$100 per person each occurrence
 - Unauthorized Operation or Occupancy 1st violation \$100, 2nd violation \$250, 3rd violation \$500
 - Failure to post or improper posting of address \$50
 - Failure to post or improper posting of FDC sign \$50
 - Failure to maintain or inspect fire protection systems \$100 (building or hood)
 - Non-functioning fire detection or suppression systems 1st \$150, 2nd \$300, 3rd \$500 & judicial
 - Occupant on call list fails to respond for incident \$100
 - Intentional/Malicious False Report of an incident or alarm \$150 & vehicle/apparatus response cost
 - Novelty Lanterns or Illegal Fireworks \$100
- Permit & Inspection Fees
 - Pyrotechnics Display \$200 per event (includes fire engine, crew, and inspector standby for shoot)
 - Blasting & Explosives \$150 for 1-day, \$300 for 90-days max
 - Tent, Stage or Canopies \$50 each (assembly/cooking) \$25 each (multiple tents at event or festival)
 - Underground Tank removal, abatement, or installation \$100 per tank
 - Fire Pump acceptance test \$150
 - Sprinkler/Standpipe or Alarm System acceptance test \$150
 - Exhibit or Trade Shows \$100 per building or outside exhibit

SUMMARY OF FY 2022-23 FEE SCHEDULE CHANGES



- Fees for Service
 - Fire Hydrant/Water availability flow test FD Personnel \$100
 - Witness Fire test \$50
 - Environmental/Fire Survey \$50 per address
- Apparatus, Vehicles, Equipment and Personnel Fees
 - Engine Company \$150 (Per unit per hour or any part thereof)
 - Truck/Ladder Company \$250 (Per unit per hour or any part thereof)
 - Heavy Rescue \$200 (Per unit per hour or any part thereof)
 - *Existing Fee in Special Events*-Light duty Quick Response vehicles \$50 (Per unit per hour or any part thereof)
 - Chief Officer \$50 (Per unit per hour or any part thereof)
 - Inspector/Investigator \$50 (Per unit per hour or any part thereof)
 - Safety Officer \$50 (Per unit per hour or any part thereof)
 - Specialty Companies (Haz-Mat, Tech Rescue) \$300 (Per unit per hour or any part thereof)
 - Specialty Company (Dive/Water Rescue/Recovery) \$200 (Per unit per hour or any part thereof)
 - Gator or specialty units \$50 (Per unit per hour or any part thereof)
 - Support vehicle, trailer \$25 (Per unit per hour or any part thereof)
 - Personnel recalled or duty \$ (Time and half of the hourly salary of recalled personnel)
- Response To Hazardous Materials Emergencies: Fees and Charges
 - Engine Company Response = \$175 per hour, assessed in half hour increments after the first hour.
 - Ladder Company Response = \$175 per hour, assessed in half hour increments after the first hour.
 - Rescue Company Response = \$175 per hour, assessed in half hour increments after the first hour.
 - Modified Hazardous Materials Response = \$175 per hour, assessed in half hour increments after the first hour.
 - Full Hazardous Materials Response = \$350 per hour, assessed in half hour increments after the first hour.
 - Battalion Chief Response = \$50 per hour, assessed in half hour increments after the first hour.
 - Any other actual costs of abatement, control, and containment of Hazardous Materials to include, but not limited to: any supplies, materials, equipment, and/or firefighting foam which may be required.

CITY OF HIGH POINT, NORTH CAROLINA
Fiscal Year 2022-2023 Budget Ordinance

BE IT ORDAINED BY THE CITY OF HIGH POINT, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated for contributions to Forward High Point for the Fiscal Year beginning July 1, 2022 and ending June 30, 2023:

(1) That for said fiscal year there is hereby appropriated out of the GENERAL FUND for contributions to Forward High Point the sum of:

\$ 250,000

Section 2. It is estimated that the following revenues will be available during fiscal year beginning July 1, 2022 and ending June 30, 2023:

General Fund	
Sales and Use Taxes	\$ <u>250,000</u>
Total Revenues and Other Financing Sources	\$ <u>250,000</u>

Section 3. Copies of this ordinance shall be furnished to the City Clerk and the Director of Financial Services to be kept on file by him for his direction in the collection and disbursement of City funds.

Section 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 6th day of June, 2022.

Attest: Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Senate Bill 300 and the Decriminalization of Local Government Ordinances

From: City Attorney's Office

Date: June 6, 2022

Public Hearing: Yes

Advertising Date: May 27 and June 2

Advertised By: High Point Enterprise

Attachments: Staff Report and Code of Ordinances Text Amendment

PURPOSE:

To review and consider amendments to the Code of Ordinances, as required by state law.

BACKGROUND:

In late 2021, the North Carolina legislature passed Session Law 2021-138 ("Senate Bill 300"), a wide-ranging criminal justice reform law addressing law enforcement and policing matters. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, state law provided that a violation of any city ordinance was by default a misdemeanor (as provided by N.C.G.S. §14-4) unless the ordinance provided otherwise. In other words, there was a presumption in state law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance did not explicitly provide for such criminal enforcement. Senate Bill 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, the legislation provides a list of ordinances that may no longer impose a criminal penalty.

City staff, including but not limited to the City Manager's Office, Police Department, Public Services Department, Planning and Development Department, and City Attorney's Office, have worked together to review the Code of Ordinances and revise as required by Senate Bill 300. On May 26, 2022 this matter went before the Public Safety Committee, and it received a favorable recommendation to go before City Council.

BUDGET IMPACT:

There is no direct budget impact to amending the Code of Ordinances, as required by state law.

RECOMMENDATION / ACTION REQUESTED:

The City Attorney's Office asks the City Council to approve the amendments, as required by state law.

AN ORDINANCE AMENDING THE CITY OF HIGH POINT CODE OF ORDINANCES

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance is a misdemeanor unless the city provided otherwise; and

WHEREAS, Part XIII of S.L. 2021-138 provides that, effective December 1, 2021, a violation of a city ordinance may be a misdemeanor as provided by N.C.G.S. § 14-4 only if the city specifies such in the ordinance; and

WHEREAS, Part XIII of S.L. 2021-138 provides a list of types of ordinances that may no longer impose a criminal penalty; and

WHEREAS, in order to comply with Part XIII of S.L. 2021-138, the High Point City Council desires to amend the City's Code to specify whether a violation of a section of the Code is punishable as a misdemeanor and to remove existing criminal penalties for certain sections of the Code; and

WHEREAS, the City Council also desires to amend the Code to standardize the process for civil enforcement of the Code; and

WHEREAS, notice of the public hearing for this ordinance was published in the High Point Enterprise on May 27, 2022, and June 2, 2022; and

WHEREAS, a public hearing was held before the City Council on June 6, 2022, regarding this ordinance and amending the Code; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF HIGH POINT, NORTH CAROLINA, ARE HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1.

Criminal and civil penalty amendments to the High Point Code of Ordinances.

PART A.

Chapter 1 of Title 1 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 1-1-1. How code designated and cited.

The provisions of the following titles, chapters, articles, and sections shall constitute and be designated "The Code of Ordinances of the City of High Point, North Carolina—1982," and may be so cited. Such Code may also be cited as "High Point Code."

(Code 1958, Sec. 1-1)

State law reference(s)—~~Admission of Code in evidence~~Code of Ordinances, G.S. 160A-797, ordinance book, G.S. 160A-78; pleading and proving city ordinances, G.S. 160A-79.

Sec. 1-1-2. Definitions and rules of construction.

In the construction of this code ~~Code and of all ordinances~~, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

- (1) *City*. The words "the city" shall mean the City of High Point.
- (2) *Code*. The words "the Code" and "this Code" shall mean the Code of Ordinances of the City of High Point, North Carolina.
- (3) *Computation of time*. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.
- (34) *Council*. The words "the council" shall mean the council of the City of High Point, North Carolina.
- (45) *County*. The words "the county" shall mean the respective counties of Guilford, Randolph and Davidson, North Carolina, except as otherwise provided.
- (56) *Gender*. Words importing the masculine gender shall include the feminine and neuter.
- (67) *In the city or within the city* shall mean any territory, the jurisdiction of which, for the exercise of its regulatory power, has been conferred by general or special law.

- (~~78~~) *Joint authority*. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- (~~89~~) *May*. The word "may" is permissive.
- (~~91~~) *Month*. The word "month" shall mean a calendar month.
- (~~10~~~~11~~) *Number*. Words used in the singular include the plural and the plural includes the singular number.
- (~~11~~~~12~~) *Oath*. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (~~12~~~~13~~) *Owner*. The word "owner" when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.
- (~~13~~~~14~~) *Person*. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.
- (~~14~~~~15~~) *Personal property* includes every species of property except real property, as herein defined.
- (~~15~~~~16~~) *Preceding, following*. The words "preceding" and "following" shall mean next before and next after, respectively.
- (~~16~~~~17~~) *Property*. The word "property" shall include real and personal property.
- (~~17~~~~18~~) *Real property* shall include lands, tenements and hereditaments.
- (~~18~~~~19~~) *Shall*. The word "shall" is mandatory.
- (~~19~~~~20~~) *Sidewalk*. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.
- (~~20~~~~21~~) *Signature or subscription* includes a mark when the person cannot write.

- (2122) *State*. The words "the state" shall mean the State of North Carolina.
- (2223) *Street*. The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the city.
- (2324) *Tenant*. The words "tenant" and "occupant" applied to a building or land, shall include any person who occupies the whole or part of such building or land whether alone or with others.
- (2425) *Time*. Words used in the past or present tense include the future as well as the past and present.
- (2526) *Writing*. The words "writing" and "written" shall include printing and any other mode of representing words and letters.
- (2627) *Year*. The word "year" shall mean a calendar year.

State law reference(s)—Rules of construction, G.S. 123; computation of time, G.S. 1-593.

Sec. 1-1-4. ~~Criminal penalty, not exclusive remedy, continuing violations~~ Enforcement and Appeals.

- (a) Any violation of a section of the Code that is specifically designated as a misdemeanor shall be a Class 3 misdemeanor and any person convicted of the violation shall be subject to punishment in accordance with G.S. 14-4. Unless a violation is specifically designated as a misdemeanor, the violation shall not constitute a misdemeanor or infraction punishable under G.S. 14-4, but instead shall be subject to civil penalties and remedies in accordance with this section and G.S. 160A-175. In accordance with G.S. 160A-175, and unless this code of ordinances provides otherwise, violation of any provision shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.

- (b) ~~By express statement, an ordinance contained herein may provide for its enforcement by other remedies, as the Code may be enforced by any one, all, or combination of the remedies authorized in G.S. 160A-175, including the imposition of civil fines, recoverable in the nature of debt or the ordering of appropriate equitable relief, including orders of abatement and injunctions, or a combination of remedies.~~
- (c) ~~An ordinance may provide, when appropriate~~Unless otherwise specified, that each day's continuing violation of any section of the Code shall be a separate and distinct violation or offense.
- (d) Any violation of the Code by any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization. Any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any section of this Code, where such violation was the act or omission, or the result of the act, omission, or order, of any such person.
- (e) Unless otherwise provided within a particular section of the Code or by state law, written notice of a violation by certified or registered mail to the violator's last known address, by personal service, or by posting notice conspicuously on property owned by the violator(s), shall be provided to the violator(s) for all civil violations and shall include all of the following:
- A. Notice that a civil violation of the Code exists;
 - B. The nature of the violation and citation to the section(s) of the Code that were violated;
 - C. The measures necessary to remedy the violation;
 - D. The time period in which the violation must be corrected;
 - E. That penalties may be assessed, and remedies sought, by the City; and

F. That the party cited has the right to appeal the notice of violation in accordance with the Code.

(f) Notices of violation for civil violations may be issued, and civil penalties authorized by the Code may be assessed, by any officer, employee, or agent of the City responsible for the administration and enforcement of the provision; or by any other officer, employee, agent, or other person who is authorized by the city manager to enforce the provision.

(g) Unless otherwise provided within a particular section of the Code or by state law, any person who violates any provision of the Code, shall be subject to assessment of a civil penalty in the amount of \$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation.

(h) Unless another procedure is established for a particular violation within a section of the Code or by state law, any person assessed a notice of violation or civil penalty may appeal by filing a written notice of appeal with the city within 30 days from the date of the notice or assessment. Failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the notice of violation or civil penalty. Appeals shall be heard by a hearing officer designated by the city manager through a quasi-judicial process. The city manager may establish rules and procedures that govern the appeal and quasi-judicial hearing process. Such rules may include a requirement that, for specified violations, a bond equal to the amount of the civil penalty be posted at the time a notice of appeal is filed. A hearing officer's decision on a violation or civil penalty appeal is subject to further review in the superior court of the county by proceedings in the nature of certiorari in accordance with G.S. 160D-1402. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the date that the hearing officer's written decision is issued.

State law reference(s)—Violation of city ordinances a misdemeanor, G.S. 14-4; enforcement of ordinances, G.S. 160A-175; Appeals in the nature of certiorari, G.S. 160D-1402.

Sec. 1-1-8. Altering code.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with the Code in any manner whatsoever except by ordinance or resolution or other official act of the city council, which will cause the law of the city to be misrepresented thereby. ~~Any person violating this section shall be punished as provided in section 1-1-4 hereof.~~

PART B.

Chapter 2 of Title 3 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 3-2-39. Levy of tax; gross receipts derived from retail short-term or rental of motor vehicles.

- (a) *Tax on gross receipts derived from retail short-term motor vehicle leases or rentals.* The City of High Point hereby imposes and levies a tax on one and one-half (1½) percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public, as authorized by G.S. 160A-2515.1.
- (b) *Administration.* The city through the Guilford County Tax Collector will administer and collect from operators of leasing and rental entities the tax levied hereby. The county tax collector may promulgate additional lawful rules and regulations necessary for the enforcement, implementation and collection of the tax.
- (c) *Payment of taxes and filing of returns.* The taxes levied hereby are due and payable to the county in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every entity required to collect the tax shall, on or before the 15th day of each month, prepare and render a return to the county. The county shall design, print, and furnish to all such entities the necessary forms for filing returns and instructions to insure the full collection of the tax. These tax proceeds shall be placed in a segregated account by the collecting entity and are the property of the city. A return filed for this purpose is not a public record as defined by G.S. 132.1 and may not be disclosed except as provided by law.
- (d) *Penalties.* In case of failure or refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five (5) percent of the tax due, with an additional

tax of five (5) percent for each additional month or fraction thereof until the tax is paid. The Guilford County Board of Equalization and Review, for good cause shown, may consider appeals and adjust any penalty or additional tax imposed hereunder.

- (e) ~~*Penalty/Misdemeanor for willful violation.*~~ Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall be punished as provided in G.S. 160A-215(f), ~~in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.~~
- (f) *Delegation of powers.* The county tax collector shall exercise the powers authorized to the city by G.S.160A-215.1(f) with the county board of equalization and review exercising the powers of the tax review board.

PART C.

Chapters 1, 2, and 3 of Title 5 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 5-1-41. Civil penalty.

- (a) Except for handicapped vehicle parking and violations of section 10-1-156, for each violation as set forth in section 5-1-3 there shall be a fixed civil penalty charge in the amount of \$50.00. For unlawful parking in a restricted handicapped space, there shall be a fixed civil penalty charge in the amount of \$100.00. For unlawful parking pursuant to section 10-1-156 in an area dividing a street into two (2) or more sections, there shall be a fixed civil penalty charge in the amount of \$50.00. When the owner of a vehicle, or his agent, makes proper payment of a parking ticket within seven (7) days following the date of issuance of the ticket, the obligation thereunto shall be discharged. If such charge has not been paid within the seven-day period as herein set out, the parking violation shall be deemed to be delinquent and subject to the additional penalties provided for in subsection (b). The parking violation shall have stated thereon that payment is due within seven (7) days from date of issue to avoid an additional penalty of \$50.00 and court costs.
- (b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt

for the stated penalty plus an additional penalty in the amount of \$50.00, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of \$25.00 in addition to the one imposed for payment within seven (7) days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.

- (c) A violation listed in section 5-1-42 ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes, section 14-4, but instead shall be subject to the civil penalties and remedies in accordance with Section 1-1-4 of the Code and G.S. fixed by subsection (a) of this section and the civil remedies provided by North Carolina General Statutes, section 160A-175.~~ Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.
- (d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.
- (e) Each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to the issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.
- (f) The moving of a parked vehicle from one (1) restricted space to another restricted space in the same block is deemed to be one (1) continuous parking period for the purpose of determining overtime parking violations.
- (g) To remove or erase chalk mark from tire or tires shall be deemed a violation and subject to civil penalty as provided by law.

Sec. 5-2-47. Telephone alarm systems prohibited.

It shall be unlawful for any person, firm or corporation to install, sell, lease or use, or cause or allow to be installed, sold, leased, or used, within the corporate limits of the city, any fire or police telephone dial alarm device or system, which for the purposes of this section is defined as being or consisting of any mechanical, electrical or radio

electronic device or system so made or designed as to automatically actuate or call the city fire or police departments' telephone or radio circuit and use a pre-taped or pre-recorded or programmed verbal message or signal, which operates through overhead or underground wires or by radio frequencies and which is set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the fire or police department. ~~Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-1-4.~~ Nothing herein contained shall be construed to prohibit the installation, sale, leasing or use of any alarm device so long as such device is not designed or programmed to dial, actuate, call or in any other manner directly contact by telephone or radio circuit the fire or police department on any telephone line or radio circuit assigned to those departments. Provided, that the person installing such alarm system shall notify the police and/or fire departments of each installation.

Sec. 5-3-5. State of emergency declaration; curfew authorized.

- (a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.
- (b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City of High Point, or threatening damage to or destruction of property, the mayor, or mayor pro tempore in the mayor's absence, is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the city, to place in effect any or all of the restrictions authorized herein and to take any action deemed necessary in accordance with the authorities cited above in section 5-3-3, including the authority to define and impose a curfew.
- (c) The mayor/mayor pro tempore is hereby authorized and empowered to limit by declaration any part of such restrictions to any area specifically designated or described within the corporate limits of the city and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees; doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or

federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the city.

- (d) The mayor/mayor pro tempore shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the city council.
- (e) During the existence of a proclaimed state of emergency, the mayor/mayor pro tempore may impose by declaration any or all of the following restrictions:
 - (1) Prohibit or regulate the possession, transportation, sale, purchase, storage and use of gasoline and dangerous weapons and substances, and gasoline except lawfully possessed firearms (handguns, rifles, and shotguns) and ammunition;
 - (2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;
 - (3) Prohibit or regulate any demonstration, parade march, vigil, or participation therein from taking place on any of the public ways or upon any public property;
 - (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;
 - (5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;
 - (6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

- (f) Any declaration may be extended, altered, or repealed in any particular manner during the continued or threatened existence of a state of emergency by the issuance of a subsequent declaration.
- (g) During the existence of a declared state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any declaration authorized by this chapter.
- (h) The sections, paragraphs, sentences, clauses, words and phrases of this chapter are severable, and, if any word, phrase, section, paragraph, sentence, or clause shall be declared unconstitutional or invalid by any valid judgment or decree or any court of competent jurisdiction, the constitutionality or invalidity shall not affect any of the remaining phrases, words, clauses, sentences, paragraphs, or sections of this chapter.
- (i) The violation of any provision of this ~~section~~ chapter, ~~or of any restriction imposed by any declaration authorized by this chapter,~~ shall constitute a misdemeanor, ~~punishable upon conviction by a fine not exceeding \$50.00 or imprisonment not exceeding 30 days, as provided by G.S. 14-4 and also be punishable as a Class 2 misdemeanor as set forth in G.S. Ch. 166A-19.31.~~

PART D.

Chapters 1 and 2 of Title 6 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 6-1-6. Hedges within six inches of sidewalk declared nuisance; visibility at intersections.

- (a) All trees, hedges, bushes, shrubbery, vines, etc., which encroach on a line drawn perpendicular to and six (6) inches from any sidewalk, or sidewalk pavement, or which obscure visibility at any intersection, are dangerous to clothing, inconvenient to pedestrians, and are a hazard to traffic and are hereby declared to be a nuisance. All such trees, hedges, bushes, shrubbery, vines, etc., shall be kept trimmed back or supported so as not to encroach in a perpendicular position nearer than six (6) inches to any sidewalk as herein specified.
- (b) On corner lots no tree, hedge, bush, shrubbery, vine, fence, wall, sign or other similar object which constitutes a hazard to visibility for motorists using either street, as determined by the director of transportation after an engineering

investigation, shall be planted or allowed to remain in the area inside a vision triangle bounded by the street curb lines or edge of pavement and a vision clearance setback line. The setback line connects points on each right-of-way line which are located a minimum distance of 25 feet back from the intersection of the two (2) right-of-way lines.

- (c) ~~Any person violating any of the provisions of this section shall be subject to punishment as provided in section 1-1-4, and in addition, any person who, having been served an order to remove any violation shall fail to comply with such order within 10 days after such service, or shall continue to violate any provisions of this section named in such order, shall also be subject to a civil penalty in accordance with Section 1-1-4 of the Code and G.S. 160A-175 of \$50.00. Each day that a violation continues shall create a new offense.~~

Sec. 6-2-1. Definitions.

- (a) For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- (b) The following definitions shall apply in the interpretation and the enforcement of this chapter:
- (1) *Ashes* means refuse from the burning of wood, coal, paper, and/or other combustible material which has been wetted and cooled to the touch prior to collection.
 - (2) *Blood and body fluids* means liquid blood, serum, plasma, other blood products, emulsified human tissue, spinal fluids, and pleural and peritoneal fluids. Dialysates are not blood or body fluids under this definition.
 - (3) *Bulk containers* mean a metal container made of watertight construction with sliding doors opening on two (2) sides and hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.
 - (4) *Bulky item* means the occasional items that are inappropriate or too large for compacting in the garbage truck such as white goods, stoves, refrigerators, water heaters, gas grills, wheelbarrows, bicycles, lawn mowers, sofas, box springs, carpet/padding, and other furniture and appliances. Bulky item

collection is not intended to remove the entire contents of a property or house. No tires will be accepted.

- (5) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.
- (6) *Central Business District* means that section of the city bounded by Russell Street on the south, Elm Street on the west to Church, thence north along Main Street to Montlieu on the north and Hamilton Street on the east.
- (7) *City* means the City of High Point.
- (8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables and bulky items.
- (9) *Commercial establishment* means any retail, wholesale, institutional, religious, hotels, governmental or other nonresidential establishment at which solid waste may be generated.
- (10) *Commercial waste* means solid waste generated from institutions and commercial concerns such as hotels, stores, etc.
- (11) *Construction or demolition when used in connection with "waste" or "debris"* means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.
- (12) *Detachable container* means a unit varying in capacity between 20 cubic yards and 40 cubic yards which is used for collecting, storing, and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.
- (13) *Flow control area* is a designated geographic area within which the collection, transportation, storage, and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan.
- (14) *Garbage* means all putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial byproducts, but

- excluding sewage and human waste. Offal, carcasses, and pet feces shall be securely bagged for collection.
- (15) *Generating facility* means any facility where medical waste first becomes a waste, including but not limited to any medical or dental facility, funeral home, laboratory, veterinary hospital, and blood bank.
- (16) *Government* or *Governmental* means any government, state, county or local government which operates separate and apart from the City of High Point.
- (17) *Group housing* means apartments, condominiums, group developments.
- (18) *Hazardous waste* means a solid waste, or combinations of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (19) *Inert debris* means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
- (20) *Land clearing debris* means solid waste (stumps, tree trunks, roots, dirt, large limbs, etc.) which is generated solely from land clearing activities.
- (21) *Lead acid batteries* means any battery containing lead, acid, or both.
- (22) *Litter* includes, but is not limited to, garbage refuse, waste material or any other discarded, used, or unconsumed substance which is not handled as specified herein.
- (23) *Loose leaves* means tree/plant foliage that has fallen from trees/plants and has been placed along the street in rows or piles, not in bags, for collection.
- (24) *Loose tree limbs* means large, heavy yard and/or tree trimmings or cuttings resulting from heavy pruning, tree or shrub removal, or plant breakage. These limbs have not been trimmed or cut to proper size, length, or bundled for collection.
- (25) *Material recovery facility* is a state permitted solid waste management facility that receives recyclables within the designated flow control area. The facility also processes removed recyclables for sale to recycling markets.

- (26) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of solid waste in this section.
- (27) *Microbiological waste* means cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.
- (28) *Multi-family residential unit* means any apartment, group of apartments or condominiums used for residential dwelling places.
- (29) *Nonresidential unit* means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or other unit not primarily used for residential purposes.
- (30) *Oil* means any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.
- (31) *Pathological waste* means human tissue, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
- (32) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (33) *Physical disability* means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout cart to the curbside for collection and/or that makes undertaking such an act clearly and seriously threatening to that person's health.
- (34) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
- (35) *Recyclable material* means those materials which are capable of being recycled can be marketed at a value greater than the costs associated with processing

and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, chip board, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PET), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and yard waste (leaves, brush, grass clippings) and other materials determined to be recyclable by the public services director.

- (36) *Rental roll-off ~~trash-trailer~~ program* means city service to provide a large roll-off container ~~trailer~~-rental for residential property owners, customers, and tenants for a larger quantity of bulky items to be disposed. Service is for a fee.
- (37) *Refuse* means all non-putrescible waste.
- (38) *Regulated medical waste* means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated.
- (39) *Rollout cart* means a wheeled solid waste, yard waste, and/or recyclable receptacle compatible with city garbage collection equipment, and approved by the department of public services.
- (40) *Scrap tire* means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
- (41) *Sharps* means and includes needles, syringes with attached needles, capillary tubes, slides and cove slips, and scalpel blades.
- (42) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.
- (43) *Single-family attached housing* is a project of one (1) or more residential structures, each containing two (2) or more attached single-family residences.
- (44) *Single-family dwelling* means any dwelling place occupied by one (1) family.
- (45) *Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.
- (46) *Small dead animals* means cats, dogs, small household pets, and other small animals of similar size weighing less than 100 pounds. Definition does not include livestock (cows, pigs, goats, horse).

(47) *Solid waste* means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in:
 - 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 - 2. Irrigation return flows; and
 - 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
- c. Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
- e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.

- (48) *Special wastes* means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.
- (49) *Tipping fee* means the charge per ton approved by the city council for processing and disposal of solid waste as well as the capital and operation and maintenance costs associated with the materials recovery facility.
- (50) *Tire* means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
- (51) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- (52) *Yard waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, and etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It also does not include any material generated by commercial tree companies.

Sec. 6-2-8. Interfering with collection practices.

No person or persons shall interfere, meddle with refuse containers or in any way pilfer, scavenge, scatter the contents of, or place junk in any alley or street within the city limits or otherwise deter the normal solid waste collection process by tampering with solid waste containers unless by permission of the environmental services superintendent or his representative, nor shall any person place any hazardous waste in any collection receptacle. This applies to garbage, bulky items, yard waste, medical waste, and recyclables. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-10. Medical waste.

No medical waste shall be deposited or permitted to be deposited in the waste stream within the flow control area. The director of public services shall terminate solid waste collection services to any commercial establishment at which a violation of this section occurs. Such termination ~~is not a penalty, but shall nevertheless be~~ in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this chapter.

Sharps as defined above shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection. All sharps items should be placed in an approved sharps container as defined above, but not placed in the

regular solid waste stream. Residential customers may call the city's customer service division (336-883-3111) to schedule a pickup of the sharps containers free of charge. If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines. Any violation of this section is punishable as a misdemeanor.

Sec. 6-2-12. Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits. However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions contained in the permit. A violation of this section is punishable as a misdemeanor.

Sec. 6-2-14. Removal of small dead animals.

The city provides for the removal of small dead animals (less than 100 pounds). This service is provided five (5) days per week during normal business hours. Small dead animals shall be placed in a plastic bag and put in the rollout cart on the normal schedule collection day or scheduled through customer service (336-883-3111). Dead animals weighing 100 pounds or more shall be removed and disposed of by the owner. The collection of small animals includes dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar animals.

Dead animals already in the street or on the edge of the street, when the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

The city will provide dead animal collection to local veterinarians offices for a fee as set by the director of public services. Veterinarian offices shall call the city's customer service division (336-883-3111) to schedule a pickup of dead animals. The city will collect up to 10 animals, none exceeding 100 pounds, during a requested pickup. The veterinarian office is required to bring the dead animals to the truck. Veterinarian offices will be billed for the service per the established fee.

Sec. 6-2-15. Rental trash roll-off container trailer program.

The rental trash roll-off container trailer program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a roll-off container trailer and payment of fee (fee as set by the director of public services), the city will deliver a roll-off container trailer to the property for a given time. Disposal and accepted material rules posted on the roll-off container trailer must be followed. Failure to follow rules for the roll-off container trailer will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.

Sec. 6-2-18. Penalty for violation.

Items found in violation of this chapter will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

Violation of any provision of this chapter shall ~~constitute a misdemeanor; shall also or alternatively~~ subject the offender to a civil penalties ~~in the amount of \$500.00;~~ and shall also be subject to appropriate equitable remedies, including but not being limited to injunctive relief, in accordance with Section 1-1-4 of the Code and G.S. 160A-175. ~~Each day's continuing violation shall constitute a separate offenses.~~

PART E.

Chapter 1 of Title 6 of the High Point Code of Ordinances (the Development Ordinance) is hereby amended as follows:

9.7.6. Criminal Penalties.

Violation of Erosion and Sedimentation Control. Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is guilty of a Class 2 misdemeanor that may include punishable by imprisonment not to exceed 90 days, or by a fine not to exceed \$5,000, or both.

(Ord. No. 7476/18-105 , § 19, 12-3-2018)

State law reference— Penalties, G.S. 113A-64.

9.9.5. Nonpayment

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. ~~Moreover, if the civil penalty is not paid within the time prescribed, any of the directors listed in Section 9.5.1, as appropriate, may have a criminal summons or warrant issued against the violator. Upon conviction, the violator is subject to any criminal penalty the court may impose pursuant to Section 14-4 of the North Carolina General Statutes.~~

PART F.

Chapter 2 of Title 6 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 9-2-101. Occupants.

(a) *Occupant's responsibilities.* Every occupant of a dwelling shall:

1. Keep the part of a dwelling which he occupies and controls in a clean and sanitary condition.
2. Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
3. Be responsible for the extermination of any insects, rodents or other pests whenever said dwelling is the only dwelling or portion thereof, infested and the owner has provided a reasonably insect-proof and adequately rodent-proof dwelling.
4. Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
5. Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such dwelling; not place in storage or on the premises any furniture, auto parts, junk equipment or material which harbors insects, rodents or other pests.
6. Not occupy any dwelling unless running water is provided to the required plumbing fixtures.
7. Not place within any building for use therein any oil, kerosene or gas fired portable heater to be used as the primary source for heating or cooking.

8. Not place on the premises for the use thereon any heating or cooking unit which constitutes a fire hazard. If the occupant provides heating or cooking equipment, the occupant shall be responsible for its proper installation and maintenance.
 9. Not cause such damage to the dwelling let to him as to make the same unfit for human habitation.
 10. No occupant of a rooming house shall heat or cook food or permit the heating or cooking of food within his rooming unit.
- (b) *Owner's responsibilities.* Any owner remains liable for violations of duties imposed upon him by this Article even though:
1. An obligation is also imposed on the occupant; or
 2. The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Article.
- (c) *Enforcement against occupant.* Upon discovering a violation of this section, the inspector shall have the power to order the correction of any such violation within 48 hours from date of notice thereof; in the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 9-11—105, and thereafter may again order the correction of any such violation within 48 hours from date of service of the order upon the occupant or the inspector may order the dwelling to be vacated within a reasonable time. The inspector may pursue any other civil or criminal action as the inspector deems reasonably necessary in order to effectuate the purposes of this article.
- (d) *Safety of occupants.* In order to protect the health and safety of occupants of a dwelling, the owner shall, within 48 hours after being notified in writing by the occupant or the city, repair and replace any:
1. Broken, burst, frozen or inoperable plumbing pipe or fixtures;
 2. Exposed or unsafe wiring;
 3. Unsafe and/or dangerous cooking or heating equipment provided by the owner; and
 4. Fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

Sec. 9-2-106. Certificate of compliance.

It shall be unlawful for any owner to rent or offer for rent any vacant dwelling or part thereof upon which an order to repair, alter, improve, or to vacate and close has been issued without the owner first filing application for and securing a certificate of

compliance from the inspector. The inspector shall issue a certificate of compliance when, after examination and inspection, it is found that the repairs, alterations, and improvements have been made and that the dwelling conforms with the provisions of this article. The owner requesting a certificate of compliance shall pay no fee for the first two (2) inspections required in which the owner is seeking a certificate of compliance; provided, however, the owner shall pay a fee of \$25.00 for each subsequent reinspection required. Any violation of this Section by the owner related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~shall subject the violator to a fine of \$50.00 a day or 30 days imprisonment for each day occupancy of the dwelling is permitted, not to exceed a total of \$500.00 in fines for any one (1) dwelling. Any owner or rental agent so violating this section by leasing a dwelling before obtaining a certificate of compliance shall be subject to immediate prosecution.~~

Sec. 9-2-113. Violations and penalties.

- (a) It shall be unlawful for any owner of any dwelling to fail, neglect or refuse to repair, alter or improve the same, or to fail to vacate and close or remove and demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to section 9-11-105 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing. All dwellings which are vacated upon order of the inspector to repair or vacate and close the same shall be kept locked and secured in a manner so as not to create a fire and safety hazard or to create a hazard to children or attract vagrants or persons with criminal intent and the lawns and grounds of such vacant dwellings shall be kept free of high grass, weeds, trash and debris. It shall be unlawful for an owner of any dwelling which is vacant and under an order to repair, alter, improve or to remove and demolish same to fail to properly lock and secure same or to keep the lawns and grounds of such dwelling free of high grass, weeds, trash, and debris.
- (b) An owner who fails to comply with an order to repair or to improve, vacate or close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in section 9-11-105, or who permits the reoccupancy of a vacant dwelling found to be unfit for human habitation or who fails to secure a

vacant dwelling which has been found unfit for human habitation or who fails to keep the lawns and grounds of such dwelling free of high grass, weeds, trash and debris, shall be subject to a civil penalty in the amount of \$100.00 for the first day following the expiration of an order to repair, improve, or vacate and close any dwelling or following a determination that any unfit dwelling has been reoccupied in violation of section 9-11-105 or following notification that a vacant dwelling is to be secured or following notification to cut high grass and weeds or remove trash and debris. In each instance, a civil penalty in the amount of \$50.00 per day shall be imposed for each subsequent day that the unfit dwelling remains occupied in violation of this article or a vacant dwelling remains open and not secured or grounds and lawns are not mowed or cleared of trash and debris. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt. No civil penalty shall be imposed against an owner of an unfit dwelling where the only violation rendering a dwelling unfit is a violation of section 9-11-101, unless the owner is also the occupant.

- (c) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this article or any order or decision of the inspector or board of adjustment, the inspector is authorized to institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, to prevent any illegal act, conduct or use in or about the premises of the dwelling or for any other purpose authorized by G.S. 160A-446(g) or any other law. The failure of the owner to comply with an order issued by the inspector may also be enforced through any equitable or other remedy deemed appropriate by the city and permitted by law.
- (d) No person shall remove or permit the removal of any placard, complaint, notice or order posted in accordance with the provisions of this article.
- (e) No person shall occupy any dwelling with a placard, complaint, notice or order posted on it in accordance with the provisions of this article. ~~Occupation of a dwelling so posted shall constitute a Class 1 misdemeanor.~~

- (f) When the inspector finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner that the time limit set by the inspector for the correction of defects and vacating the dwelling has expired, no person shall receive rentals, offer for rent, or occupy said dwelling for any purpose.
- (g) No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be damaged, mutilated or removed, any permanent fixtures from any dwelling.
- (h) It shall be unlawful for the owner of any dwelling upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said dwelling until the provisions of the notice, complaint or order have been complied with, or until such owner shall furnish to the transferee, lessee, or mortgagee, a true copy of any notice, complaint or order issued by the inspector and concurrently give written notice to the inspector of the intent to transfer, lease, or mortgage as to whom the transferee, lessee or mortgagee who had received actual constructive notice of the existence of a notice, complaint or order shall be bound by the notice, complaint or order as of date of the transfer, lease or mortgage without service of further notice upon him.
- (i) Any The violation provided for in of any provisions of this article shall constitute a misdemeanor as provided by G.S. 14-4. this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-165. Abandoned motor vehicles.

- (a) *Abandonment of motor vehicles prohibited.* It shall be unlawful for any person to abandon a motor vehicle on city-owned property and private property within the city and on city-owned property wherever located.
- (b) *Removal of abandoned motor vehicles.* The city may remove to a storage garage or area abandoned motor vehicles that are found to be in violation of this article. An abandoned motor vehicle may not be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city official or employee has declared the vehicle to be a health or safety hazard. Appropriate city officers and employees may, upon presentation of proper credentials, enter on any premises within the city ~~ordinance-making jurisdiction~~ at any reasonable hour in order to determine if any vehicles are

health or safety hazards. The city may require a person requesting the removal of an abandoned motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of vehicle's removal, storage, or sale.

(c) *Notification and probable cause hearing.*

(1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of the following:

- (i) Notice that the vehicle has been towed, along with a description of the vehicle;
- (ii) Address where the vehicle is stored;
- (iii) The violation with which the owner is charged, if any;
- (iv) The possible sale or other disposition of the vehicle;
- (v) The procedure the owner must follow to have the vehicle returned to him/her; and
- (vi) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in North Carolina, notice shall be given to the owner within 72 hours. Notice shall be mailed to the owner's last known address unless the owner waives this notice in writing. In addition to written notice by mail, and if feasible, additional notice shall be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

(2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and notify the owner as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made

reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at the least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of traffic or was otherwise jeopardizing the public welfare so that immediate towing was necessary.

- (3) The owner or any person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.
 - (4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the city official who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. The rules of the General Statutes apply to any appeal.
- (d) *Disposal of abandoned motor vehicles.* After holding an abandoned motor vehicle for 30 days after the date of removal, the city may sell or dispose of the vehicle as follows:
- (1) If the vehicle appears to be worth less than \$500.00, the city may dispose of the vehicle as a junked motor vehicle as provided by this article. With the consent of the owner, the city may remove and dispose of a motor vehicle as a junked motor vehicle without regard to the value, condition or age of the vehicle and without holding it for a prescribed period of time.
 - (2) If the vehicle appears to be worth \$500.00 or more, the vehicle shall be sold at public auction. The city shall give 20 days' written notice of the sale to the registered owner at his last-known address, to each holder of a lien of record against the vehicle and to the state division of motor vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens in that order. The

remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the city for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the day of the sale, the funds shall be deposited in the city's general fund and the owner's rights in the vehicle are extinguished.

(e) *Exceptions.* This article does not apply to any vehicle in an enclosed building, to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(f) *Junked motor vehicles.*

(1) *Abandonment of junked motor vehicles prohibited.* It shall be unlawful for any person to abandon a junked motor vehicle on public grounds and on private property within the city or upon city-owned property wherever located.

(2) *Removal of junked motor vehicles.* Junked motor vehicles found to be in violation of this article may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the city council or a duly authorized city officer or employee finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors, may be considered:

- (i) Protection of property values;
- (ii) Promotion of tourism and other economic development opportunities;
- (iii) Indirect protection of public health and safety;
- (iv) Preservation of the character and integrity of the community; and
- (v) Promotion of comfort, happiness, and emotional stability of area residents.

The city may require any person requesting the removal of a junked motor vehicle from private property to indemnify the city against any loss, expense, or liability incurred because of the removal, storage or sale of the junked motor vehicle.

(g) *Notification and probable cause hearing.*

- (1) Whenever a vehicle with a valid registration plate or registration is towed, the city shall immediately notify the last known registered owner of the vehicle of following:
 - (i) A description of the vehicle;
 - (ii) The place where the vehicle is stored;
 - (iii) The violation with which the owner is charged, if any;
 - (iv) The possible sale or other disposition of the vehicle; and
 - (v) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in this state, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether, or not, the owner is reached by telephone, notice shall be mailed to his last known address unless he/she or his/her agent waives the notice in writing.

- (2) Whenever a vehicle with neither a valid registration plate nor registration is towed, the city shall make reasonable efforts, including checking the vehicle identification number (VIN), to determine the last known registered owner of the vehicle and to notify him of the information as required by this article. Unless the owner has otherwise been given notice, it is presumed that the city has not made reasonable efforts, as required under this article, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at least 10 days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of

traffic or otherwise jeopardized the public welfare so that immediate towing was necessary.

- (3) The owner or any other person entitled to claim possession of the vehicle may regain possession of the motor vehicle by paying to the city all reasonable costs incidental to the removal and storage.
- (4) The owner or any person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate's office in Guilford County. The magistrate shall set the hearing within 72 hours of his/her receiving the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing. Any decision by the magistrate may be appealed by either party to district court.
- (h) *Disposal of junked vehicles.* After holding a junked motor vehicle for 15 days, the city may destroy it or sell it at private sale as junk. Within 15 days after the final disposition of a junked motor vehicle, the city shall notify the state division of motor vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as fully accurate a description of the vehicle as can be reasonably determined. The full proceeds of the sale of the junked vehicle shall be paid to the finance officer of the city, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale and liens, in that order. The remainder of the proceeds of sale, if any, shall be held by the city for 30 days after the day the vehicle is disposed of, the funds shall be deposited in the city's general fund, and the owner's rights in the vehicle are extinguished.
- (i) *Disposal of vehicle without plates or identification numbers.* If a junked motor vehicle does not display a current license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the city may dispose of a junked motor vehicle under this article. The city may destroy the vehicle or sell it at private sale, without regard to value, after having held the vehicle for 48 hours. The proceeds shall be placed in the city's general fund.
- (j) *Exceptions.* This articles does not apply to the following:

- (1) Any motor vehicle in the process of repair or restoration on property under the control of the owner of the vehicle or property under the control of the person repairing or restoring the vehicle. Visible evidence of repair or restoration shall be apparent on a monthly basis.
 - (2) Any motor vehicle that is used on a regular basis for business or personal transportation purposes.
- (k) *Nuisance vehicle unlawful; removal authorized.*
- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
 - (2) Upon investigation, proper officials may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in this article, and order the vehicle removed in accordance with the provisions of this article.
- (l) *Enforcement remedies authorized; penalties for violation.*
- (1) The city may secure injunctions, abatement orders and other appropriate equitable remedies to further ensure compliance as provided in Section 1-1-4 of this Code and G.S. 160A-175.
 - ~~(2) The violation of this article shall be a misdemeanor and in addition to, or in lieu of, remedies authorized in this article shall be punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days.~~
 - ~~(23) Any act constituting a violation of this section article or a failure to comply with any of its requirements shall subject the offender to civil penalties of \$50.00 for each day the violation continues in accordance with Section 1-1-4 of this Code and G.S. 160A-175. If the offender fails to pay this penalty within 15 days after being cited for violation, the penalty may be recovered by the city in a civil action in the nature of debt.~~
 - ~~(34) Any one (1), all or any combination of the foregoing penalties and remedies may be used to enforce this article-section.~~

Sec. 9-2-197. Other unlawful actions.

- (1) No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of section 9-2-193 of this article.
- (2) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or otherwise dispose of said building unless one of the following actions have been taken:
 - (a) Compliance with the provisions of the notice, complaint or order, or
 - (b) Furnish a copy of any notice, complaint or order to the transferee, lessee or mortgagee and give written notice to the inspector of said action.
- (3) A violation of this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor.

Sec. 9-2-201. Violations, penalty.

- (a) It shall be unlawful for any owner of any structure to fail, neglect, or refuse or repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order, and each day that such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any structure, with respect to which an order has been issued pursuant to section 9-2-193 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacating and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.
- (b) ~~The~~ Any violation of provided for in this section related to an unsafe building as defined in G.S. 160D-1119 is punishable as a misdemeanor ~~Any provision of this article shall constitute a misdemeanor as provided by North Carolina General Statutes 14-4.~~

Sec. 9-2-229. Violations and penalties.

- (a) It shall be unlawful for any owner or party in possession to fail, refuse, or neglect to correct violations of this article upon order by the inspector duly made and

served as herein provided, within the time specified in the order or such time as extended by the inspector, and each day that any failure, refusal, or neglect to comply with the order continues shall constitute a separate and distinct offense.

- (b) The city shall have the power to impose fines and civil penalties for violations of this article ~~its ordinances~~, and may secure injunctions and abatement orders to further insure compliance with this article. Further, the city may adopt ordinances authorizing the director of inspections or his designee to take such actions as deemed necessary to correct violations of this article and may assess the costs of such actions to the owner and may place liens on the property for any unpaid costs or assessments.
- (c) ~~Methods~~ The City may ~~of imposing~~ fines and civil penalties for violation of this article in accordance with Section 1-1-4 of this Code.~~include:~~

~~(1) — *Misdemeanor (G.S. 160A-175(b)):*~~

- ~~a. — A violation of this article shall be a misdemeanor as provided by G.S. 14-4 and shall be subject to a fine and/or imprisonment as prescribed by G.S. 14-4.~~
- ~~b. — Any person, firm, or corporation failing to comply with an order to correct a violation or continuing to violate this article in the manner named in the order within 10 days after the date stated in the order shall also be subject to a penalty of \$500.00. Each day that a violation continues shall constitute a separate offense.~~

~~(2) *Civil penalty (G.S. 160A-175(c)).* Any person, firm, or corporation failing to pay the penalty for failing to comply with a provision of this article within a 10-day period shall be subject to a civil penalty of \$50.00. Each day beyond the 10-day period shall create a new offense. This penalty shall be recovered by the city in a civil action in the nature of debt.~~

~~(3) *Equitable remedy (G.S. 160A-175(d)).* Provisions of this article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate. It shall not be a defense to the application of the city for applicable relief that there is an adequate remedy at law.~~

~~(4) *Injunction and order of abatement (G.S. 160A-175(e)).* Provisions of this article may be enforced by injunction and order of abatement. The general court of justice shall have jurisdiction to issue such orders. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the form of a mechanic's or materialman's lien.~~

~~(5) *Combination of authorized remedies (G.S. 160A-175(f)).* This article may be enforced by any one (1), all, or a combination of the civil remedies authorized and prescribed under the provisions of G.S. 160A-175.~~

(d) *Method of correcting violations of this article and assessing costs.* Upon adoption of an ordinance by city council the director of inspections or his designee shall have the power to immediately take all necessary and appropriate actions to correct violations of this article and shall assess the costs of such actions as a lien against the real property upon which such costs was incurred. Said lien shall be filed and shall have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments pursuant to article 10, chapter 160A, North Carolina General Statutes.

(1) The director of inspections may solicit bids and contract with persons or firms for the furnishing of labor, materials, equipment, and/or services necessary to correct violations of this article.

(2) The director of inspections may authorize persons or firms to enter upon the lands of the owner for the purpose of correcting violations of this article and may authorize persons or firms to remove and dispose of prohibited materials, to demolish and remove dilapidated outbuildings, and to mow, clear, and remove weeds and undergrowth.

PART G.

Chapter 1 of Title 10 of the High Point Code of Ordinances is hereby amended as follows:

Sec. 10-1-11. Required obedience to traffic chapter.

It is unlawful ~~a misdemeanor~~ for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 10-1-33. Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, subject to the regulations governing the driver of an authorized emergency vehicle in this chapter. Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-36. Display of unauthorized signs, signals or markings.

- (a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the director of transportation is hereby empowered to remove the same or cause it to be removed without notice.
- (d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in the city which does not conform to the requirements of this chapter.
- (e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-37. Tampering with official traffic control devices or railroad signs or signals.

It shall be unlawful for any person without lawful authority to alter, remove or tamper with an official traffic control device or railroad signal. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-38. Avoidance of official traffic control devices.

It shall be unlawful to drive across a sidewalk or through the driveway of a parcel of property for the purpose of avoiding an official traffic control device. A violation of this section is punishable as a misdemeanor.

Sec. 10-1-272. Parade permits.

- (a) Permit required. It shall be unlawful for any person to conduct or participate in a parade unless a permit allowing such activity has been obtained, and remains unrevoked, pursuant to this section. No person may conduct or otherwise participate in any parade except between the hours of 9:00 a.m. and 9:00 p.m.
- (b) Permit application. A person seeking a parade permit shall file an application with the permit official or designee on forms provided by the city and the application shall be signed by the applicant under oath at least 10 business days and not more than 180 days before the commencement of the event. Notwithstanding the preceding sentence, the permit official shall consider an application that is filed less than 10 business days before the commencement of the proposed event where the purpose of such event is a spontaneous response to a current event or where, after due consideration of the date, time, place, and nature of the parade, the anticipated number of participants, and the city services required in connection with the event, the permit official determines that the time from filing is sufficient to prepare for the parade pursuant to the standards set forth in subsection (c) below.

The permit application must contain the following if applicable:

- (1) The name, address, and telephone number for the person in charge of the proposed event and the name of the organization with which that person is affiliated or on whose behalf the person is applying (collectively "applicant");
- (2) The name, address, and telephone number for an individual who shall be designated as the responsible planner and on-site manager for the event ("parade chairman");
- (3) The date, time, place, and route of the proposed event, including the location and time that the event will begin to assemble and disband;
- (4) The anticipated number of persons, vehicles, and animals which will constitute such parade or demonstration and the type of animals and description of the vehicles;
- (5) The location by street of any assembly areas for such parade or demonstration;
- (6) Such other information, attachments, and submissions that are requested on the application form; and
- (7) Payment of a nonrefundable application fee as set out in the city's special event policy.

- (c) Permitting criteria. The permit official or city manager shall issue a permit for the proposed parade unless:
- (1) The safe conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
 - (2) The conduct of the parade will require the diversion of so great a number of law enforcement personnel of the city to properly police the line of movement of the parade and of contiguous areas that adequate police protection cannot be provided to the remainder of the city;
 - (3) The conduct of the parade will require the diversion of so great a number of ambulances and rescue units that adequate ambulance and rescue service to portions of the city and contiguous areas not occupied by the parade will be impeded;
 - (4) The application is not fully completed and executed or contains a material falsehood or misrepresentation;
 - (5) The proposed event would conflict with previously planned programs organized, conducted, or sponsored by the City and previously scheduled at or near the same time and/or place or would conflict with an already permitted event under this section;
 - (6) The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate police and fire protection of, or ambulance and rescue service to, areas contiguous to such assembly areas;
 - (7) The parade is to be held for the primary purpose of advertising a product, goods, or an event, and is designed to be held primarily for private profit or gain;
 - (8) The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the city; or
 - (9) The proposed event would present an unreasonable danger to the public health and safety.
- (d) Nothing in this section shall authorize the permit official or city manager to deny a permit based upon political, social, religious, ethnic, race, disability, sexual orientation or gender related grounds, or based upon the content of the views expressed.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 91-55, § 1, 9-5-91; Ord. No. 7022/13-54, 12-16-13; Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174;
Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-278. Duty of parade chairman.

The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation, given to the responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174;
Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-279. Conduct during the parade.

- (a) *Interference.* No person shall unreasonably hamper, obstruct, or impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in the parade.
- (b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- (c) *Parade or parade route.* The city manager or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The city manager shall cause signs to be posted to this effect, and it shall be unlawful for any person to park or leave unattended, any vehicle in violation thereof.

(d) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174;
Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-281. Parade route.

Every parade shall follow the route designated and approved by the city manager or designee and prescribed on the parade permit. A violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-282. Footraces and bicycle races.

- (a) The term "footrace" as used in this section is defined as a group of three (3) or more runners or walkers competing against either each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include events connected to a footrace, such as untimed non-competitive "fun runs."
- (b) The term "bicycle race" as used in this section is defined as a group of three (3) or more bicyclists competing against each other or a time limit over a fixed course all or a part of which involves the use of city street right-of-way, city sidewalks, and greenways. This term shall include untimed non-competitive bicycle events such as memorial rides.
- (c) Application for a race covered by this section shall be made in writing at least 90 calendar days before the time at which the race shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A race application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.
- (d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.
- (e) The following standards shall apply to all footraces and bicycle races subject to this section conducted in the city:
 - (1) Every race shall follow a route approved by the city manager or designee in accordance with the standards set out below.
 - (2) The race applicant and all persons involved in conducting the race shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the race.

- (3) The organizer of an event subject to this section shall be responsible for reasonable costs associated with the foot races and bicycle races including the hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.
- (4) The permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.
- (5) The approval of any route shall be based on the safety of the participants and non-participants, the degree of disruption that the route will likely cause, the available access for cars and pedestrians, and the unique requirements of a specific event.
- (6) The City Manager or designee's disapproval of a proposed route may be appealed to the city council. Appeals shall be made in person at a regularly scheduled city council meeting at least three (3) meetings prior to the proposed event date.

(f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-283. Block parties.

- (a) The term "block party" as used in this section is defined as a planned gathering of persons in which a public street will be closed that is sponsored by a business, place of worship, non-profit organization or community interest group.
- (b) Application for an event covered by this section shall be made in writing at least 10 business days before the time at which the event shall be scheduled to begin and shall contain the information outlined in the city's special event policy. An event

application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

- (c) The applicant is responsible for notifying all property owners or residents in the area to be blocked off of the event using a form provided by the city. Any opposition by property owners or residents with direct frontage and/or access to the street to be closed may result in permit denial.
- (d) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the City manager or designee.
- (e) The following standards shall apply to all block parties subject to this section conducted in the city:
 - (1) The block party may encompass an area of no greater than one block and the sponsoring organization must be located in that area;
 - (2) Block parties may have no more than 500 attendees at any one time;
 - (3) Block parties are still subject to all federal, state, and local laws, including the noise ordinance and alcohol laws.
 - (4) Police may end the party and order attendees to leave the street(s) if violation of this section occurs. After a reasonable time to allow for dispersal, the street(s) will be reopened and persons impeding the flow of traffic will be subject to arrest.
- (f) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174; Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-284. Festivals.

- (a) The term "festival" as used in this section is defined as an outdoor concert, fair, community event, or similar event that is primarily commercial and/or recreational in nature.
- (b) Application for a festival covered by this section shall be made in writing at least 120 calendar days before the time at which the festival shall be scheduled to begin and shall contain the information outlined in the city's special event policy. A

festival application may be accepted after this deadline only if allowed as a late application permitted under the city's special event policy.

- (c) Upon receipt of an application properly completed and timely filed as hereinabove set out, the city manager or designee shall issue a permit after the applicant has complied with all applicable requirements imposed in accordance with the city's special event policy. The permit shall contain all information stated on the application and shall be signed by the city manager or designee.
- (d) The following standards shall apply to all festivals subject to this section conducted in the city:
 - (1) The festival applicant and all persons involved in conducting the festival shall comply with all terms and conditions set out in the city's special event policy and all terms and conditions contained in the permit issued for the festival.
 - (2) The applicant shall be responsible for hiring and paying off-duty law enforcement officers, or reimbursing the city for the costs of providing on-duty law enforcement officers and other necessary personnel and equipment, to appropriately police street closures and the safety and security of participants and those in the vicinity of the event. The police and fire departments shall determine the number of officers, traffic control officers (in accordance with N.C.G.S. § 20-114.1), fire/EMS personnel, and transportation personnel needed to appropriately police street closures and for safety, security, and medical needs and the time when such services shall commence and end. The city may provide the services required by this subsection at no cost, or at a reduced cost, to the applicant should the city desire to provide such support to the event.
 - (3) The festival permit shall not be issued until the sponsor shall acquire sufficient insurance or approval by the city attorney to indemnify the city for damages or liability which the city might incur.

(e) Any violation of this section is punishable as a misdemeanor.

(Ord. No. 7417/18-46 , 5-21-18)

State law reference(s)— General ordinance-making power, G.S. 160A-174;

Establishment and control of streets, center and edge lines, G.S. 160A-296; Traffic control, G.S. 160A-300.

Sec. 10-1-285. Picketing permitted; notice of intent and receipt required.

Peaceful picketing shall be permitted in the city provided the same is done under the following conditions:

- (a) No picketing shall be conducted on a public street or sidewalk and no person shall participate in the same unless notice of intent to picket has been given to the city manager or designee, and unless a receipt of such notice has been issued, except where provided below.
- (b) A group of 15 or more persons shall give notice of intent to picket. A group of fewer than 15 persons may give notice of intent to picket but is not required to do so. Whether a group consists of 15 or more persons such that notice is required shall be determined from the time immediately prior to initiating a picket. If a group of less than 14 persons begins to picket without providing notice and becomes a group of 15 persons or more, the failure to provide notice of the picket shall not be a violation of this section. Notice given shall contain the following information:
 - (1) The name, if any, of the organization or group sponsoring or proposing to picket unless the group indicates that it intends to picket anonymously, in which case no name is required;
 - (2) The location or locations in the city where the pickets propose to assemble and demonstrate;
 - (3) The date or dates on which the picketing is to occur;
 - (4) The name of the person and organization giving notice of intent to picket unless the person or organization indicates that it intends to picket anonymously, in which case no name is required;
 - (5) Whether or not persons below the age of eighteen (18) years are expected to participate; and
 - (6) The person or persons to be in charge of the activity and who will accompany it and carry any receipt of notice at all times.
- (c) It is unlawful for any picketer, as defined herein, to engage in the activity prohibited under N.C.G.S. §14-277.4A.
- (d) Upon the giving of notice of intent to picket, properly provided as hereinabove set out, the city manager or his designee shall immediately issue a receipt of notice. The receipt shall contain all information stated in the notice. Upon cessation of such picketing for a period of 24 hours or more, any notice previously provided shall no longer be effective for the purpose of section 10-1-285(a) and (b).
- (e) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-286. Standards of conduct for picketing activity.

- (a) Picketing shall be conducted only on portions of the public street and sidewalk not used primarily for vehicular parking or moving traffic.
- (b) Picketers may carry written or printed placards or signs not exceeding 40 inches provided the words used are not fighting words or threats that would tend to provoke a reasonable person to breach the peace.
- (c) If picketers promoting different objectives, causes, actions or policies desire to use a sidewalk that is already used for picketing, the second in time picketers shall maintain a minimum of 20 feet of space from the first in time pickets at all times and at all adjacent points of potential contact. The chief of police or designee shall aid picketers in creating a minimum of 20 feet of space between the picketers in order to ensure safety for all picketers promoting different objectives, law enforcement, and the public, without regard to the purpose or content of objectives promoted by either picketers.
- (d) Picketers shall not at any time nor in any way obstruct, interfere with, or block: persons entering or exiting from vehicles; persons crossing streets or otherwise using the public street and/or sidewalk; the entrance or exit to any building or access to property abutting the street or sidewalk; or pedestrian or vehicular traffic.
- (e) No person observing, engaging in, or assisting in picketing shall bring to or allow to remain in the immediate area of picketing any vicious animal.
- (f) It shall be unlawful for a group of 15 or more persons to picket without filing a notice as required herein.
- (g) Any violation of this section is punishable as a misdemeanor.

Sec. 10-1-288. Interference with picketers prohibited; police authority to disperse crowds; failure to leave when ordered declared offense.

- (a) The police officers of the city may, in the event of violation of N.C.G.S. Ann. §14-288.4(a)(1) and §14-288.4(a)(2), direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
- (b) Whenever the free passage of any public street or sidewalk in the city shall be obstructed by a crowd, whether or not the crowd assembles as a result of or in connection with picketing, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(c) Any violation of this section is punishable as a misdemeanor.

~~Sec. 10-1-290. Criminal penalty.~~

~~In accordance with N.C.G.S. §160A-175, violation of any provision of division 1 and division 2, with the exceptions as set forth herein, shall be a misdemeanor as provided in N.C.G.S. §14-4, punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days. Any violation set forth herein that is also a violation of any state law shall not be punishable under section 10-1-290 such that the violation would allow for duplicative punishments.~~

~~(Ord. No. 7417/18-46, 5-21-18)~~

Sec. 10-1-306. Traffic control photographic systems.

(a) *Administration.* The City of High Point shall implement a system for capturing traffic control violations, as defined under G.S. 20-158, with a traffic control photographic system that will use the photographic images as prima facie evidence of the traffic violations and will authorize the High Point Department of Transportation or an agent of the department to issue civil citations.

The City of High Point Department of Transportation shall administer the traffic control photographic program and shall maintain a list of system locations where traffic control photographic systems are installed.

Any citation for a violation for G.S. 20-158 or other traffic violation, issued by a duly authorized law enforcement officer at a system location shall be treated, pursuant to G.S. 20-176, as an infraction so long as the system photographic images are not used as prima facie evidence of the violation.

The citation shall clearly state the manner in which the violation may be reviewed. The citation shall be processed by officials or agents of the city and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

(b) *Offense.*

- (1) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.
- (2) The owner of a vehicle shall be responsible for a violation under this section, unless the owner can furnish evidence that the vehicle was in the care, custody or control of another person at the time of the violation, as describe in subsection (3).

- (3) Notwithstanding subsection (2), the owner of the vehicle shall not be responsible for the violation if, within 30 days after notification of the violation, the owner furnishes the officials or agents of the city either of the following:
- (i) An affidavit stating the name and address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation; or
 - (ii) An affidavit stating that, at the time of the violation, the vehicle involved was stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.
- (4) This section shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (5) The owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation pursuant to this section if, after receiving notification of the civil violation within 90 days of the date of occurrence, the owner, within 30 days thereafter, files with the officials or agents of the city an affidavit including the name and address of the persons or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.
- (c) *Penalty.* Any violation of this section shall be deemed a noncriminal violation for which a civil penalty ~~of \$50.00~~ shall be assessed in accordance with Section 1-1-4 of the Code and G.S. 160A-175, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle, nor insurance points as authorized by G.S. 58-36.65. Failure to pay the civil penalty or to respond to the citation within 21 days shall constitute a waiver of the right to contest responsibility for the violation and shall subject the owner to a civil penalty in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~not to exceed \$100.00. The city shall establish procedures for the collection of the civil penalties and shall enforce the penalties by a civil action in the nature of a debt.~~
- (d) *Nonjudicial administrative hearing.* The City of High Point Department of Transportation shall establish an administrative process to review objections to

citations or penalties issued or assessed. A notice requesting a hearing to review objections shall be filed within 21 days after notification of the violation. An individual desiring a nonjudicial hearing must post a bond in the amount of \$50.00 before a hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Guilford County by proceedings in the nature of certiorari.

PART H.

Chapters 2 and 6 of Title 11 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 11-2-4. Penalty.

~~Any act constituting a violation of this Chapter or a failure to comply with any of its requirements shall subject the offender to civil penalty in accordance with Section 1-1-4 of this Code and G.S.(a) Pursuant to North Carolina General Statute 160A-175(c), and in addition to any other sanction imposed under this chapter, there is hereby imposed a civil penalty in the amount of \$75.00 for violation of any of the provisions of this chapter. Civil penalties are to be paid to the city collections division or appealed to the city manager's office within 10 days of issuance of civil penalty notice. Failure to pay or appeal a civil penalty notice will result in the penalty being recovered by the city in a civil action in the nature of a debt.~~

~~(b) In addition to civil penalty, any violation of this chapter shall also be punishable as a misdemeanor under NCGS 14-4, and shall subject the offender to a fine of not more than \$500.00, or imprisonment for not more than 30 days, or both.~~

Sec. 11-2-36. Taxicab inspections.

- (a) Before operation of a taxicab, it must have passed an inspection of equipment by the taxicab inspector. The taxicab inspector shall specify a date when the current inspection shall expire and another inspection shall be necessary. A certificate holder shall deliver all of its taxicabs in operation to a location designated by the taxicab inspector at a specified date and time for inspection.
- (b) The taxicab inspector shall have the authority, at any time, to enter into or upon a taxicab at any location for the purpose of determining compliance with this chapter.
- (c) A taxicab which is found to be unsafe in any way or not in compliance with this chapter may be ordered out of service by the taxicab inspector and operation of

the taxicab before approval by a taxicab inspector shall be unlawful and subject the certificate holder and any other person allowing the operation of the taxicab to criminal and/or civil penalties.

- (d) A taxicab inspection fee of \$5.00 shall be paid by the owner of the vehicle to the city collections division for each regularly scheduled taxicab inspection and every initial inspection. Receipt of payment shall be presented to the taxicab inspector performing the inspection. Upon a failure to pass an inspection, a reinspection will be performed at no charge. A field inspection initiated by a taxicab inspector, at a time other than regularly scheduled inspections, shall be at no charge. A taxicab that has passed the most recent regularly scheduled inspection that is taken out of service by a taxicab inspector shall be reinspected at no charge.

Sec. 11-2-82. Defrauding taxicab.

Any person who engages, uses, employs or hires a taxicab and then fails or refuses to pay the required fare with intent to cheat and defraud the taxicab owner or driver shall be guilty of a misdemeanor. This section not only applies to intra-city trips, but also to legally licensed taxicabs from other jurisdictions that enter the city to reach a destination, where the failure or refusal to pay occurs within the city. A violation of this section is punishable as a misdemeanor.

Sec. 11-6-11. Penalties.

Any person convicted of violating any provisions of this chapter section shall be punished subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175 by fine. Or imprisoned as provided by G.S. 14-4.

~~Sec. 11-6-14. Massage of persons of opposite sex restricted.~~

~~It shall be unlawful for any person holding a license under this chapter to massage a person of the opposite sex except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of massages, not to exceed 10. The date and hour of each massage given and the name of the operator shall be entered on such order by the establishment where the massages are given and shall be subject to inspection by police officers at any reasonable time.~~

~~(Code 1958, § 15-43; Ord. No. 92-84, § 1, 8-20-92)~~

Sec. 11-7-19. ~~Criminal~~ Civil penalties and remedies.

Any person who violates any provision of this chapter shall be ~~guilty of a misdemeanor, and, upon conviction, shall be subject to any of the civil penalties and remedies provided for in Section 1-1-4 of this Code and G.S. 160A-175a civil fine of \$500.00, or imprisonment, or both.~~

Sec. 11-7-20. Civil injunction.

Any person who violates this chapter is subject to a civil suit for injunction in addition to the other civil remedies provided for in Section 1-1-4 of the Code, as well as ~~prosecution for criminal violations and liability for licensing sanctions such as suspension or revocation.~~

Sec. 11-7-21. Liability for the conduct of others.

A licensee of a sexually oriented business is jointly and individually liable for violations of and offenses under this chapter by the employees of the sexually oriented business, and for all civil ~~and criminal~~ sanctions or remedies for such violations and offenses, including but not limited to license suspension or revocation, prescribed herein.

PART I.

Chapters 1, 2, 3, and 5 of Title 12 of the High Point Code of Ordinances are hereby amended as follows:

Sec. 12-1-3. Police animal protection.

It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike, or attempt any of said acts toward any animal by the High Point Police Department for use in the performance of the function or duties of the High Point Police Department.

~~Any person who violates any of the provisions of this section is guilty of a misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.~~

Sec. 12-1-4. Public consumption of beer, wine, ale or any alcoholic beverage.

- (a) It shall be unlawful for any person to consume any beer, wine, ale or any alcoholic beverages (as defined under Chapter 18B of the General Statutes of North Carolina,) in or on any public street, right-of-way, sidewalk, alley or other public

place within the city or on any city-owned property which is located inside or outside the High Point corporate limits.

- (b) Subsection (a) shall not apply within a building on city-owned property or park, or at permitted sidewalk cafes, where appropriate ABC permits have been obtained as required by law for the consumption of beer, wine, ale or any alcoholic beverages for the period of time permitted thereunder.

- (c) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-5. Possession and discharge of firearms, weapons.

- (a) Except as provided in subsection (b) below, it shall be unlawful for any person to possess a weapon, as defined in G.S. 14-269, in or upon any building, park or other property, or their appurtenant premises, which is owned or otherwise under the legal control of the City of High Point.
- (b) This prohibition shall not apply to the following persons:
 - (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
 - (2) Civil officers of the United States while in the discharge of their official duties;
 - (3) Officers and soldiers of the militia and the national guard when called into actual service;
 - (4) Sworn law enforcement officers;
 - (5) City animal control officers;
 - (6) Private security officers under contract with the city, while in the actual performance of their required duties.
- (c) A conspicuous notice shall be posted upon property set forth in subsection (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

- (d) ~~Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined \$500.00 or imprisoned for 30 days, or both.~~ A violation of this section is punishable as a misdemeanor.
- (e) The carrying of a concealed handgun in accordance with G.S. 14-415.11 is prohibited in any building owned, leased as lessee, operated, occupied, managed or controlled by the city, and in or upon the recreational facilities operated by the city and specifically identified herein. Notice of this prohibition shall be posted in a conspicuous location at each entryway available to the general public at all buildings and at the primary points of public access to all other covered locations. Violation of this prohibition shall be prescribed by the applicable North Carolina General Statutes.

Allen Jay Park, 1073 E. Springfield Road, athletic fields and appurtenant facilities during an organized athletic event.

Armstrong Park, 305 E. Parkway Avenue, athletic field and appurtenant facilities during an organized athletic event.

Brentwood Athletic Fields, 1300 Block of Brentwood Street, athletic fields and appurtenant facilities during an organized athletic event.

City Lake Park, 602 West Main Street, swimming pools and appurtenant facilities.

Deep River Park, 1525 Skeet Club Road, athletic fields and appurtenant facilities during an organized athletic event.

Burnett Park, 1051 Montlieu Avenue, athletic fields at all times.

Harvell Park, 1215 Lincoln Drive, athletic fields and appurtenant facilities during an organized athletic event.

Hedgecock Park, 300 West Parris Avenue, athletic fields and appurtenant facilities during an organized athletic event.

High Point Athletic Complex, 2920 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Johnson Street Athletic Complex, 4515 Johnson Street, athletic fields and appurtenant facilities during an organized athletic event.

Macedonia Park, 306 Wise Avenue, athletic fields and appurtenant facilities during an organized athletic event.

Miracle League Field, 2917 School Park Road, athletic fields and appurtenant facilities during an organized athletic event.

Morehead Recreation Center Park (Leonard Street Fields), 101 Price Street, athletic fields and appurtenant facilities during an organized athletic event.

Oak Hollow Campground, 3415 Centennial Street, swimming pool and appurtenant facilities.

Oak Hollow Tennis Center, 3401 North Centennial Street, tennis courts and appurtenant facilities during an organized athletic event.

Oakview Recreation Center Park, 503 James Road, athletic fields and appurtenant facilities during an organized athletic event.

Washington Terrace Park, 101 Gordon Street, athletic fields during an organized athletic event, swimming pool and appurtenant facilities.

Washington Terrace Pool, 108 Murray Street, swimming pool and appurtenant facilities.

West End Park, 1701 Edgewood Drive, athletic fields and appurtenant facilities during an organized event.

(f) For purposes of section (e), the term "recreational facilities" and the restrictions on lawful possession of weapons for those facilities listed above includes only the following:

- (1) An athletic field, including any appurtenant facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the municipality or county office responsible for operation of the park or recreational area.
- (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.
- (3) A facility used for athletic events, including, but not limited to, gymnasiums.

- (g) Nothing in this section shall prohibit a current holder of a concealed carry weapons (CCW) permit recognized by the State of North Carolina from storing a firearm within a locked motor vehicle in a manner consistent with state law.

Sec. 12-1-7. Firearms or other weapons, display and discharge prohibited; exceptions.

- (a) It shall be unlawful for any person to fire, discharge or shoot within the city any gun, pistol, air gun, BB gun, pellet gun, bow and arrow, slingshot, or other similar contrivance of firearm, on or off his premises, except in legally established shooting galleries or ranges, in the discharge of duty by law enforcement officers, pursuant to lawful directions of law enforcement officers, or in lawful defense of person or property.
- (b) It shall be unlawful to brandish or display in a threatening manner any firearm or dangerous weapon on any street, sidewalk, alley, or other public property within the city except as necessary and consistent with those conditions that would allow lawful discharge of such firearms or weapons pursuant to the provisions of this section.
- (c) ~~[Reserved.]~~ A violation of this section is punishable as a misdemeanor.

Sec. 12-1-9. Operation of motorcycles and minibikes.

- (a) It shall be unlawful for any person to ride a minibike or motorcycle on the following property in the city:
- (1) Any city-owned property, including parks, vacant lots, rights-of-way, but not including streets;
 - (2) Any vacant property (this includes any vacant lot, construction site, and any property with a structure not permanently occupied).
- (b) A violation of this section is punishable as a misdemeanor.

Sec. 12-1-10. Offenses against public peace and order.

- (a) Subject to the provisions of this section, it shall be unlawful for any person or persons to make, permit, continue or cause to be made or create any unreasonably loud, disturbing and unnecessary noise in the city, with the exception of

construction work done pursuant to a federal, state, county, or city contract which requires work to be performed during certain hours. For the purposes of this section, the following definitions shall apply:

- (1) *Unreasonably loud.* Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.
- (2) *Disturbing.* Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.
- (3) *Unnecessary.* Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

In determining whether a noise is unreasonably loud, disturbing and unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity; whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. A continuing or non-resetting audible burglar or fire alarm shall not be considered a violation of this section, but may be a violation of the false alarm ordinance, city ordinance section 5-1-48.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:

- (1) *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

- (2) *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room, in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m., if the sound generated is audible at a distance of 30 feet or more from the dwelling's property line, or, in the case of a hotel or motel room, the unit's most outer boundary wall.
- (2.1) *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, video tape or disc, or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, or on the premises of a private residence, if the sound generated or noise vibration there from is audible or can be felt at a distance of 30 feet or more from the radio, cassette player, compact disc, video tape or disc, or other similar device that is producing the sound.
- (3) *Pets.* The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (4) *Use of vehicles.* The use of any automobile, motorcycle, dirt bike, go-cart, recreational vehicle or any other vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.
- (5) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler except as a warning of danger.
- (6) *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) *Compressed air devices.* The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
- (8) *Building operations.* The erection (including excavation), demolition, alteration or repair of any building in a residential district between the hours of 6:00 p.m.

and 7:00 a.m. of any day or in any district other than a residential district between the hours of 10:00 p.m. and 7:00 a.m. of any day, except with a permit from the city manager or his designee.

- (9) *Noises near schools, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the operation or activities of such institution.
- (10) *Loading and unloading operations.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.
- (11) *Bells and gongs.* The sounding of any bell or gong which disturbs the quiet or repose of persons in the vicinity thereof.
- (12) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise.
- (13) *Blowers, engines.* The operation of any noise-creating blower, power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise emitting therefrom is sufficiently muffled and the engine is equipped with a muffler device sufficient to deaden such noise, so that the same shall not cause annoyance to the public nor unreasonably disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.
- (14) *Appliances and other mechanical devices.* The operation of any noise-producing appliance or other mechanical device which, due to operational deficiencies, malfunction or other type of disrepair, causes loud and excessive noises in such a manner as to unreasonably annoy the public or disturb the rest and quiet of persons on adjacent premises or within the vicinity thereof.
- (15) *Loudspeakers or amplifiers.*
 - a. It is prohibited within or from any commercial establishment or private entertainment or recreational venue to allow any loudspeaker or other mechanically-amplified device to be played so that the sound there from

may be heard at a distance of 30 feet or more from the facility's property line, between the hours of 2:00 a.m. and 7:00 a.m.

- b. In the exercise of noncommercial free speech, loudspeakers or amplifiers may be used, subject to the following conditions:
 1. It shall be unlawful for any person to speak into a loudspeaker or amplifier within the corporate limits of the city, when such loudspeaker or amplifier is so adjusted that the voice of the speaker is amplified to the extent that it is audible at a distance in excess of 150 feet from the person speaking; provided that such use in city recreational facilities shall be regulated by the rules of the city parks and recreation commission.
 - [2. Reserved.]
- (c) Enforcement and repeated violations. Where there is a violation of any provision of this section ~~article~~, the city, at its discretion, may take one (1) or more of the following enforcement actions:
 - (1) A police officer may issue a citation as provided herein, subjecting the violator to a civil penalty of \$200.00. A second violation by the same person or business within one (1) year of the first violation shall subject such person or business to a penalty of \$400.00. All subsequent violations by the same person or business within one (1) year of the first violation shall subject such person or business to a civil penalty of \$500.00.
 - (2) Failure to pay a civil penalty imposed under this section within 10 days may subject the offender to an additional \$50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the city in a civil action.
 - (3) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.
 - (4) ~~In the alternative, pursuant to North Carolina General Statutes, section 14-4, a~~ A violation of this section may be considered is also punishable as a

~~misdemeanor. Such a misdemeanor is punishable by a fine of not more than \$500.00 or imprisonment designated for a Class 3 misdemeanor.~~

- (d) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

Sec. 12-1-11. Loitering for the purpose of engaging in drug-related activity.

- (a) For the purpose of this section, "public place" means any area available to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, or the doorways, entranceways, stairway, staircase, hall, roof, elevator, courtyard, passageway or common area to any building which fronts on any of those places or any motor vehicle in or on any of those places, or any property owned by the City of High Point.
- (b) It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substance Act, N. C. General Statutes Chapter 90, Article 5. Such circumstances shall include the following when done for the purpose of violating the aforementioned state statutes:
 - (1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
 - (2) Repeatedly stopping or attempting to stop motor vehicles; or
 - (3) Repeatedly interfering with the free passage of other persons; or
 - (4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaging in an unlawful drug-related activity; or
 - (5) Such person repeatedly passes to or receives from passers-by, whether on foot, in a vehicle or by courier, money or objects; or
 - (6) Such person takes flight upon the approach or appearance of a law enforcement officer; or
 - (7) Such person is at a location frequented by persons who unlawfully use, possess, or sell drugs.
- (c) ~~Any violation of this section is punishable as a misdemeanor. All ordinances or parts of ordinances in conflict with this section are hereby repealed to the extent of such conflict.~~

- (d) If any section, subsection, paragraph, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Sec. 12-1-13. Aggressive solicitation prohibited.

- (a) The council finds that:

- (1) Aggressive solicitation is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.
- (2) Aggressive solicitation includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic.
- (3) The presence of individuals who solicit money from persons at or near banks, automated teller machines, public transportation facilities, and crosswalks is especially troublesome because of the enhanced fear of crime in a place that is confined, difficult to avoid, or where a person might find it necessary to wait.
- (4) This section is intended to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, and not to limit a constitutionally protected activity.

- (b) In this section:

- (1) *Aggressive manner* means:

- a. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- b. Following the person being solicited, if that conduct is:
 - (i) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

- (ii) Intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
 - c. Continuing to solicit a person within five (5) feet of the person being solicited after the person has made a negative response;
 - d. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
 - e. Using obscene or abusive language or gestures toward the person being solicited;
 - f. Approaching the person being solicited in a manner that:
 - (i) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (ii) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- (2) *Automated teller machine* means a device, linked to a bank's account records, which is able to carry out banking transactions.
- (3) *Automated teller facility* means the area comprised of one (1) or more automatic teller machines, and any adjacent space that is made available to banking customers.
- (4) *Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.
- (5) *Bus* means a vehicle operated by a transit authority for public transportation.
- (6) *Check cashing business* means a person in the business of cashing checks, drafts, or money orders for consideration.
- (7) *Public area* means an outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot,

alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

- (8) *Solicit* means to request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

(c) A person commits an offense if the person solicits:

- (1) In an aggressive manner in a public area;
- (2) In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers;
- (3) Within 25 feet of:
 - a. An automated teller facility;
 - b. The entrance or exit of a bank; or
 - c. The entrance or exit of a check cashing business; or
- (4) At a marked crosswalk.
- (5) On either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;

(d) A culpable mental state is not required, and need not be proved, for an offense under subsection (c)(2), (3), or (4).

(e) This section is not intended to proscribe a demand for payment for services rendered or goods delivered.

(f) A violation of this section is punishable as a misdemeanor, ~~punishable by a fine of up to \$500.00.~~

Sec. 12-1-14. Urinating or defecating on any public place.

(a) It is unlawful for any person to urinate or defecate on any public place, sidewalk, street, alley or right of way, or in any public building, except in toilet facilities, or

upon private property in a location visible from any public place. "Public place" means property owned by the city, the state, a county or federal government, including leaseholds and easements.

- (b) ~~A violation of this section is punishable as a misdemeanor, punishable by a fine of up to \$500.00.~~

Sec. 12-2-5. Violations; civil penalty.

- (a) Violation of any section of this chapter shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of \$50.00. When the owner or agent charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this chapter.
- (b) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of \$50.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.
- (c) ~~A violation listed in this chapter shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes 14-4, but instead shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided in Section 1-1-4 of this Code and G.S. by North Carolina General Statutes, Section 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.~~
- (d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment of civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-15. Dogs without tag deemed unlicensed; violations; civil penalty.

- (a) Every owner or keeper of a licensed dog shall keep and maintain a collar around the neck of the dog, with the tag securely attached thereto, and every dog found in the city without a tag shall be deemed an unlicensed dog and in violation of this section. The owner thereof shall be required to purchase a tag and pay the impounding fee if the dog is impounded or relinquish the dog to be disposed of.
- (b) Violation of this section shall be deemed unlawful and shall result in a fixed civil penalty charge in the amount of \$15.00. When the owner or keeper charged with a violation under this section, makes proper payment of the amount as charged, the obligation thereunto shall be discharged. If such charge has not been paid within 10 days, the violation shall be deemed to be delinquent and subject to the additional penalties as provided in this section.
- (c) The city tax collector may accept payments in full and final settlement of the claim or claims, right or rights of action which the city may have to enforce such penalties by civil action in the nature of the debt. A failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt, together with the cost of the action to be taxed by the court. However, in the event the offender desires to make payment after the civil action has been commenced but prior to trial disposition, a penalty of \$25.00 in addition to the one imposed for payment within 10 days shall apply in such cases. Acceptance of the additional penalty shall be deemed a full and final release of any and all claims or right of action arising out of contended violations.
- (d) A violation listed in this section ~~shall not constitute a misdemeanor or infraction punishable under North Carolina General Statutes [section] 14-4, but instead shall~~ be subject to the civil penalties fixed by subsection (b) of this section and the civil remedies provided in Section 1-1-4 of this Code and G.S. ~~by North Carolina General Statutes, section 160A-175.~~ Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.
- (e) The civil penalties imposed by this section and the proceeds therefrom as collected by payment, civil action or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.

Sec. 12-2-20. Enforcement Fees.

Any owner that is found in violation of the regulations described in sections 12-2-18 and 12-2-19 shall be subject to civil penalties in accordance with Section 1-1-4 of the Code and punishable as a misdemeanor. ~~the following fees:~~

~~(a) 1st offense: Subject to citation and \$100.00 fee (if the dog is not spayed or neutered, the fee may be voided in lieu of the owner having the dog spayed or neutered by a veterinarian and providing to the animal control officer documented proof of such within 14 days).~~

~~2nd offense: Subject to citation and \$250.00 fee.~~

~~3rd and subsequent offenses: Subject to a class 3 misdemeanor and fine of up to \$500.00, punishable as a misdemeanor.~~

~~(b) The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law and shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.~~

Sec. 12-3-7. Appeals.

~~Within the 10 day period mentioned in section 12-3-3 hereof, the owner or tenant of the property where the nuisance exists may appeal the findings of the director of planning and development in accordance with Section 1-1-4 of this Code. An appeal stays the abatement of the nuisances by the director of public services or public services department until a final determination by the city manager. In the event no appeal is taken, the director of public services, or his designee or agent, may proceed to abate the nuisance.~~

Sec. 12-3-9. Civil penalties.

An owner that fails to comply with an order to abate any unlawful condition described in section 12-3-1 shall be subject to a civil penalties in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~of \$100.00 for the first day following the expiration of an order to abate. In each instance, a penalty of \$25.00 per day shall be imposed for each subsequent day that the nuisance remains unabated. If a person fails to pay the civil penalty within 10 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.~~

Sec. 12-3-10. Procedures in addition to other remedies.

The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and ~~this chapter shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter.~~

Sec. 12-5-3. Penalties.

Violation of any of the provisions of this chapter shall subject the violator to payment of ~~a civil penalties~~ in accordance with Section 1-1-4 of this Code and G.S. 160A-175 ~~of \$25.00, and shall also constitute a misdemeanor.~~ Any person, or his agent, having control of any premises or place who knowingly permits a violation without requesting the violator to comply shall be subject to payment of the civil ~~penalties~~ provided for herein. ~~Any duly authorized local government official is authorized either to send the civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the city tax collector's office within 14 days of receipt. Each day's continuing violation of any of the provisions of this chapter shall constitute a separate offense.~~

SECTION 2.

Should any section or subsection of this ordinance be declared invalid, such section or subsection shall be deemed severable, and such holding shall not affect the validity of the remaining sections or subsections.

SECTION 3.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon adoption.

**Adopted by the City Council
City of High Point, North Carolina
The 21st day of June 2022**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT
STAFF REPORT
June 6, 2022

Request	
Applicant: City of High Point	Affected Ordinance Sections: Title 1, Chapter 1 (Use and Construction of the Code); Title 3, Chapter 2 (Revenue and Taxation); Title 5, Chapter 1 (Law Enforcement); Title 5, Chapter 2 (Fire Prevention and Protection); Title 5, Chapter 3 (Emergency Management); Title 6, Chapter 1 (Streets and Sidewalks); Title 6, Chapter 2 (Solid Waste Collection and Disposal); Title 9, Chapter 1 (Development Ordinance); Title 9, Chapter 2 (Inspection Regulations); Title 10, Chapter 1 (Traffic Regulations); Title 11, Chapter 2 (Taxicabs); Title 11, Chapter 6 (Massage Establishments); Title 11, Chapter 7 (Sexually Oriented Businesses); Title 12, Chapter 1 (Specific Offenses); Title 12, Chapter 2 (Animals); Title 12, Chapter 3 (Public Nuisances); Title 12, Chapter 4 (Paraphernalia Intended for Illegal Drug Use); Title 12, Chapter 5 (Smoking Prohibited in Specified Places)
Proposal: Amend the High Point Code of Ordinances in accordance with S.L. 2021-138.	

Background

The proposed text amendment to the Code of Ordinances is in response to recent State legislation that prohibits the use of criminal penalties for certain ordinance violations.

Details of Proposal

In late 2021, the North Carolina legislature passed Session Law 2021-138 (“Senate Bill 300”) which is a wide-ranging criminal justice reform law, addressing law enforcement and policing matters. Among other reforms, the law takes steps to decriminalize some local ordinances. Prior to this legislation, State law provided that a violation of any city ordinance was by default a misdemeanor (as provided by N.C.G.S. §14-4) unless the ordinance provided otherwise. In other words, there was a presumption in State law that the City could criminally enforce ordinance violations (by issuing a criminal citation and forcing the violator to appear in court and pay criminal penalties) even if the ordinance did not explicitly provide for such criminal enforcement. Senate Bill 300 reversed that presumption. Under the new statutory language, local governments must amend local ordinances to specifically identify violations that may be enforced criminally. Additionally, Senate Bill 300 provides a list of ordinances that may no longer impose a criminal penalty.

City staff, including but not limited to the City Manager's Office, Police Department, Public Services Department, Planning and Development Department, and City Attorney's Office, have worked together to review the Code of Ordinances and produce the proposed text amendment in accordance with Senate Bill 300.

Analysis

This text amendment is proposed for the purpose of complying with State law and making other clarifying and correcting revisions.

Recommendation

Staff and the Public Safety Committee recommend approval of the proposed text amendment.

Required Action

Senate Bill 300 prohibits the City Council from enacting or adopting the text amendment at the same meeting in which the amendment was first introduced. Therefore, the City Council should vote on the text amendment on the first reading on June 6, 2022, after the public hearing is closed, and then subsequently vote on the same text amendment on the second reading on June 21, 2022. If adopted, the text amendment would take effect upon the second vote.

Report Preparation

This report was prepared by the City Attorney's Office.

Attachments:

Text Amendment Ordinance

**HIGH POINT CITY COUNCIL
SPECIAL MEETING MINUTES
MAY 2, 2022 – 3:30 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

MINUTES

CALL TO ORDER and ROLL CALL

Mayor Wagner called the Special Meeting to order at 3:30 p.m.

Upon call of the roll, the following Council Members were **Present (7)**:

Mayor Jay W. Wagner; Mayor Pro Tem Monica Peters, Ward 3 [arrived at 3:38 p.m.]; Council Member Christopher Williams, Ward 2; Council Member Britt W. Moore, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member S. Wesley Hudson, Ward 4; and Council Member Victor A. Jones, Ward 5 [arrived at 3:55 p.m.]

Absent (2):

Council Member Tyrone Johnson, At Large and Council Member Michael Holmes, Ward 6

Staff Present:

Tasha Logan Ford, City Manager; Eric Olmedo, Assistant City Manager; Greg Ferguson, Deputy City Manager; Meghan Maguire, Assistant City Manager; Bobby Fitzjohn, Director of Financial Services; Heather Forest, Assistant Director of Financial Services; Stephen Hawryluk, Budget and Performance Manager; Roslyn McNeil, Budget Analyst; Linda Price, Budget Analyst; Jeremy Coble, Customer Services Director; Jeron Hollis, Managing Director; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

Others Present:

Fred Baggett, City's Lobbyist in Raleigh

PRESENTATION OF ITEMS

2022-207 Presentation-City of High Point's FY 2022-2023 Budget

Staff will be giving a presentation on the City of High Point's FY 2022-2023 Budget.

City Manager Tasha Logan Ford advised that she and staff would be presenting the proposed FY 2022-2023 budget to Council for the first time. She explained the budget was crafted taking into consideration the priorities that were established by Council as part of the Strategic Plan discussions that have centered around new projects and grant opportunities that would be coming online in the next year and the recruitment and retention of staff moving forward. She noted there was a significant increase to the tax base due to it being a

Reval year, so this was also taken into consideration realizing that there is still some uncertainty in terms of challenges facing the citizens and the city.

She recognized Stephen Hawryluk, Budget and Performance Manager, and asked him to come forward to present the Proposed FY 2022-2023 Budget to City Council.

In terms of context and the challenges faced when the year started, the Reval was at the top of the list in budget evaluation and determining the next steps in coming out of the pandemic and spoke to other challenges in preparing and balancing the proposed budget.

- *Effects of the COVID-19 variants*
- *Supply Chain Issues*
- *Inflation*
- *Fuel Prices*
- *Retention and Recruitment of employees*
- *Countywide Revaluation*
- *Continued restoration of budgets to pre-pandemic levels*

He advised the proposed FY 2022-2023 Budget is \$464.3 million and noted that the Electric and General Fund comprise about 60% of the budget; adding in the water/sewer it is almost 75% of the budget; and within the Electric, about \$96 million is the purchase of wholesale power which is the largest expense in the budget.

He then shared a chart identifying the categories for the revenues and noted the \$252 million proposed for the charges for service category, which is made up primarily of electric charges, water/sewer rates, solid waste revenues and pointed out the Enterprise funds are driving this high number.

In comparison to the FY 2021-2022 adopted budget, the proposed FY 2022-2023 budget has an increase of almost \$48 million or 11.5%.

On the Revenue side, the proposed budget

- *Reduces the tax rate by 3 cents to 61.75 cents per \$100 of valuation*
- *Proposes a 4% increase in water/sewer rates*
- *Fee schedule changes [Parks and Recreation user fees; Fire inspection, permit, and violations; and other fee changes affecting the City Clerk's Office (addition of fee for USB drives for public records requests), the Library and Public Services (cemetery fees)]*
- *No increases to the electric rates, stormwater fees, or garbage collection fees*

Mr. Hawryluk advised an additional one cent on the tax rate for this proposed budget would bring in about \$1.275 million in revenue; the proposed three cent reduction in the property tax rate in the General Fund (from 61.35 to 58.35 cents); and further explained the requirements to publish a Revenue Neutral tax rate due to it being a Reval year, which would produce the same revenue as if no revaluation had occurred; the Revenue Neutral tax rate equates to 52.97 cents; real property in Guilford County is proposed to increase 30.9%; the last Guilford County Reval in 2017 reflected a 4.4% valuation growth; the overall tax base

for all of our counties (Davidson, Guilford, Randolph, and Forsyth) is proposed to increase 24.5%.

He shared a table showing what the tax impact of the new rate, factoring in some growth, for homes with a value of \$150,000, \$200,000, and \$250,000; assuming a 25% across-the-board increase in property value and with the three-cent reduction in the tax rate, the monthly change is estimated to range for these values of these levels of homes from \$15 a month up to \$25 a month.

Regarding other revenues, Mr. Hawryluk reported that the sales and use taxes are doing extremely well for the current year; the current projections have us at 11.1% over how we ended with FY 2021; the current projections are at about 4% above the projected year-end.

On the Intergovernmental side, which is up \$1.6 million, transit, operating, and capital reimbursements are large drivers.

Looking at the expenditure side, personnel services is about 33% of the total budget which is an increase of almost \$12.9 million or about 9%; capital outlay is up almost 39% or \$11.8 million.

Mr. Hawryluk explained the increase of \$12.9 million in personnel services was due mainly as a result of two prior actions of City Council in February: approval of a 2.5% COLA and an increase to the minimum rate of pay to \$15 an hour. Additionally, the following salary changes are proposed:

- Average 3% mid-year merit pay adjustment (\$1.86 million)
- Increased city match for 401K/457 contributions from 1% to 3% (effective January 1, 2023) (\$786,000)
- Increased employer contribution to the Local Government Employees' Retirement System (LGERS) (\$2.03 million)
- Increased employer costs to city health plan (no increase to employee contribution) (\$1.64 million)

Several benefit changes were researched taking into consideration the benefit to employees, the fiscal impact, and how the city compares with other municipalities. The three specific benefits changes that were researched were: the city's match to 401K/457 contributions, paid parental leave, and an employee health clinic. As a result of the research, staff is proposing the city's match to 401K/457 contributions increase from 1% to 3% (employees would be required to contribute at least 1%); neither the paid parental leave nor the employee health clinic were recommended in the proposed budget.

The following new positions are proposed: 11 full-time and 3 part-time employees (two (2) assistant city attorneys, a paralegal, two (2) battalion chiefs, power line technician, water plant supervisor, grounds maintenance supervisor, three (3) part-time groundskeepers, solid waste manager, assistant superintendent, and stormwater superintendent at a total cost of \$1,203,707 across all funds. Mr. Hawryluk pointed out the grounds maintenance supervisor and the three part-time groundskeepers are needed to deal with the growing downtown area, and the solid waste manager, assistant superintendent for solid waste, and the stormwater

superintendent include vehicles for those work duties, so in Year two, that portion of the cost would go away as those vehicles would have been purchased.

In addition to the preceding new positions, the budget also proposes to add the following nine (9) full-time and two (2) part-time titles with the General Fund:

- *Financial Services- MWBE Coordinator*
- *Engineering Services- Engineering Project Manager*
- *Police- Building Maintenance Technician*
- *Parks and Recreation- Groundskeeper*
- *Parks and Recreation- Park Attendant (2 positions)*
- *Library- Groundskeeper*
- *Library- Librarian*
- *Planning and Development- Senior Planner*

Mr. Hawryluk advised that vacant positions would be identified and repurposed and explained this would lessen the fiscal impact and would not further add to the city's full-time employee count.

On the operating side, he reiterated that fuel is a large driver of the operating increase within the proposed budget. Last Spring, the city paid \$1.61 a gallon and the fuel cost drastically increased to a cost of \$3.16 a gallon as of March 2022. Staff felt it was prudent to increase the fuel budget 75% and Mr. Hawryluk noted that staff would certainly continue to monitor it and develop a plan to ensure that there is enough fuel for the services that the city needs.

Fleet charges are up \$1.1 million due to some increases in Fleet's budget in an attempt to increase the number of vehicles and rolling stock for replacement.

The departmental utility budgets reflect an increase due to increases in needed services such as phone, water, natural gas, electric, etc....and inflationary increases associated with supplies, chemicals, etc....

On the Capital Outlay side, it reflects an \$11.7 million increase. This restores the fire apparatus replacement program and provides for the purchase of a dive truck and an engine, and an additional fleet vehicle/rolling stock replacement at \$1,000,000. It provides for the restoration of general capital at \$2.55 million (\$1,422,000 funded by General Fund; \$2.84 million in the Electric Fund; \$1.74 million in the Water/Sewer Fund; and \$2.33 in the Other funds such as Transit, Solid Waste, Stormwater, etc....).

in the General Fund, Mr. Hawryluk reiterated the proposed three cent reduction in the property tax, the fee schedule changes; and the increase of the sales and use taxes at \$3.1 million. He expounded on the property tax revenue and sales tax portion and pointed out that if the city lowers its tax rate three cents and every other jurisdiction in the county keeps their rate the same, the city's distribution of sales tax in the 2023-2024 budget could decrease.

Council Member Jefferson asked for clarification regarding the possible reduction in the distribution of the sales and use tax. Mr. Hawryluk confirmed this to be correct and explained that it is a proportion of how much the property tax revenue is in any given year;

noted that it depends on how the county chooses to receive sales tax allocations; the county is authorized to choose either the ad valorem tax method (property tax values), or the per capita method (based on population).

Council Member Williams asked if staff could provide an estimate on what the possible loss would look like. Mr. Hawryluk noted that he did run a very high-level estimate taking into consideration the city's current tax rate being reduced three cents and everyone else's rates remaining the same and came up with a ballpark estimate of about \$750,000. He further explained that staff would not know until early June what that number would actually look like once everyone adopts their budget.

Council Member Jefferson asked for further clarification that the sales tax distribution received is not based on the sales tax from sales within the city and that the county collects the sales taxes within the jurisdictions and distributes based on the property tax revenue. Mr. Hawryluk confirmed this to be correct; noted that sales taxes are pretty much a countywide revenue of which each municipality within the county gets a share of the distribution based on the ad valorem distribution method.

Council Member Jones asked if this was based on a formula or something that the county commissioners set. Mr. Hawryluk explained that the Guilford County Commissioners have the option to choose either the per capital method for the ad valorem share for distribution and noted that most counties choose the method that would result in the larger amount of sales tax revenue. Council Member Jones felt the \$750,000 was an acceptable number if it means giving the citizens a little bit of a break.

Also reflected in the proposed budget is a \$271,000 increase in revenues for licenses and permits due to increased building permit activity and an increase of \$325,000 mainly due to increased program revenue for Parks and Recreation including golf courses and campground.

On the personnel side, Mr. Hawryluk, staff tied some of the major increases to a tax rate equivalent reflected in the 2.5% COLA that was approved in FY 2021-2022; increase to \$15 hour that was approved in FY 2021-2022; average 3% mid-year merit adjustment; increased LGERS contribution by the city; increased 401K/457 contribution to 3% by the city; increased health care costs by the city; and the five (5) new positions (2 assistant attorneys, a paralegal, and 2 battalion chiefs); the tax rate equivalent was calculated to be 4.56 cents.

The tax rate equivalent on the operating and capital outlay side was calculated at 2.65 cents; the tax rate equivalent on the interfund transfers was calculated at 2.71 cents. Mr. Hawryluk noted that the debt service is driven by the tax increment finance transfer for the catalyst area as the growth in the catalyst area has brought in much more property tax revenue, so some of that is being paid to the debt service because of the way it was set up.

Regarding the Enterprise Funds:

Water/Sewer Fund

- *A proposed water/sewer rate increase of 4%*
- *No appropriation of water/sewer reserves*
- *Addition of one water plan supervisor position*

- *Pay-go capital projects totaling \$10,343,350*

Electric Fund

- *No proposed changes to the electric rates (the city's rate consultant is currently finalizing a rate study looking at a potential restructuring of commercial and industrial rates).*
- *Addition of one power line technician*
- *Wholesale power costs of \$96.15 million*
- *Pay-go Capital projects totaling \$11,340,000*

Solid Waste Fund

- *No proposed changes to landfill or garbage collection fees*
- *Addition of three full-time and three part-time positions*
- *Operating increases driven by vehicle replacement costs, vehicle repairs, and higher fuel prices*
- *Pay-go capital projects totaling \$5,929,000*

Regarding the Capital Improvement Plan (CIP), the Capital Projects included in the proposed FY 2022-2023 budget total \$33,006,225. Mr. Hawryluk noted there is an appendage included in the budget that contains a full list of all the projects; that \$1.4 million of the \$2.5 million for the General Capital was funded out of the General Fund; the other is funded by the kind of a project that encompasses all of the different funds, so other funds are helping contribute to the cost of that.

In terms of the next steps, Mr. Hawryluk shared the following proposed budget work session calendar:

- ✓ *Wednesday, May 11, 2022, 3:00 - 5:00 p.m. - Budget Work Session*
- ✓ *Thursday, May 12, 2022, 3:00 - 4:00 p.m.- Budget Work Session (if necessary)*
- ✓ *Monday, May 16, 2022, 5:30 p.m. - Public Hearing*
- ✓ *Thursday, May 19, 2022, 3:00 - 5:00 p.m. - Budget Work Session (if necessary)*
- ✓ *Monday, May 23, 2022, 3:00 - 5:00 p.m. - Budget Work Session (if necessary)*

Prior to entertaining questions, Mr. Hawryluk recognized and thanked the two budget analysts on his staff, Linda Price and Roslyn McNeill, and spoke to the vital role they play in the budget process.

Council Member Jefferson mentioned the increase in the city's property tax revenue, much of which was due to the downtown development around the Catalyst Project, and asked if it might be possible to measure how High Point did in comparison to property value increases in other places. Mr. Hawryluk offered to reach out to Guilford County to see if they could provide such a comparison and staff would report that information back to Council.

Council Member Jefferson inquired about how the sales tax distribution was impacted by revaluation and what it could mean if the city does not do a sales tax reduction. City Manager Logan Ford explained part of that would be a function of what other entities do with their tax rate, so it would require some waiting time to see what those recommendations look like compared to what the city is recommending.

Mayor Wagner asked about the street resurfacing numbers and noted this is an area that the city has been trying to catch up on because it has been under-funded for a while. Mr. Hawryluk stated he would get the exact number and report back to Council at next week's work session.

2022-208 Update-Legislative Issues

Fred Baggett, the City's Lobbyist, will provide a legislative update regarding legislation in the N.C. General Assembly.

Fred Baggett, the city's long-time former city attorney, explained his role for the city now is to help with legislative issues concerning the North Carolina General Assembly; that he stays abreast of issues that affect municipalities; works with the North Carolina League of Municipalities on those issues; and keeps the City Council informed on what happens or what may happen. He explained this is the year of the Short Session in the General Assembly and that short sessions are generally limited to State budget items that may require adjustment and bills that have passed one house but not the other.

He advised that, at the City Council's request, he drafted a local bill for High Point that would give the City Council the discretionary authority to delegate final zoning authority to the Planning & Zoning Commission. He explained the bill does allow for an appeal process for petitioners to appeal the decision of the Planning & Zoning Commission back to the Council; however, the parameters, details, and procedure for this would be left entirely up to the City Council. He noted that the State Statutes state that the City Council approves all rezonings, so this bill would allow the Council to delegate to the Planning & Zoning Commission to have the final say on zoning matters under whatever criteria the City Council deems appropriate.

Mr. Baggett shared that Representative John Faircloth introduced the bill last year; it flew through the House of Representatives; has been stuck in the Senate Rules Committee ever since for unknown reasons; Rep. Faircloth has been diligent in trying to get it sprung from the Senate Rules committee; the bill is a priority for him to get it approved and enacted into law; if there are any issues that surface regarding the bill, Rep. Faircloth and Mr. Baggett plan to put it into another unrelated bill, which is done often to get stalled bills passed.

Council Member Hudson asked if the request for council to hear a zoning matter could come from the applicant as well as from a citizen. Mr. Baggett explained the request would have to come from the petitioner, the one requesting the rezoning. Council Member Jones recalled a discussion about the citizen being able to appeal it and ask a council member to request it to be appealed. Mr. Baggett noted that he could make sure that piece is in the bill. Council Member Jones suggested if a citizen is allowed to appeal a decision, that a council member, on behalf of a constituent, should be able to appeal it because he felt the elected officials should have more authority when it comes to situations such as that. Mayor Wagner advised that once the bill is passed, it would give Council the discretion to create and outline the appeal process, so there would be a fair amount of control over the exact wording and what the process would be.

In response to a question posed by the Mayor to Mr. Baggett regarding a 1990 local act that was passed for High Point, Mr. Baggett noted that bill authorized Council to require a 2/3

vote of Council if the Planning & Zoning Commission recommended denial of a rezoning request and advised that the minutes reflect that Council's desire was to repeal that local act. He advised that Council could repeal that rule anytime without going back to the Legislature.

Mr. Baggett shared the following additional items that may come up during the Short Session.

- ✓ *Requirement that building permits for multi-family and commercial be reviewed and issued within 21 days (the League is in opposition)*
- ✓ *Rumor that the requirement for cities to extend water/sewer service without annexation to areas outlying the city, particularly in the Extra-territorial Jurisdiction. Mr. Baggett noted this may or may not come up in the Short Session.*
- ✓ *There will be some tweaks to the Social District law that was enacted last year which allows cities or counties to designate social districts where people can walk around with an open container of an alcoholic beverage outside the premise it was purchased from within a designated, limited area. He believed the law to be working well and asked if the city has encountered any issues. Mayor Wagner noted the city is experiencing some very typical bureaucratic nonsense from the State ABC Commission. Mr. Baggett noted that Andy Ellen, the Executive Director of the NC Retail Merchant's Association, told him the only problems he was aware of was weird interpretations by the ABC Commission.*
- ✓ *Short term rentals. Mr. Baggett advised these could be regulated through zoning and noted a city cannot require a permit.*

In conclusion, Mr. Baggett announced that the NC League of Municipalities would have a dinner for all city officials and legislators sometime in June in Raleigh, but a date has not yet been set. He encouraged council members to feel free to call him at any time regarding any issues or concerns.

2022-209 Closed Session-Attorney-Client Privilege

Council is requested to go into Closed Session pursuant to N.C.G.S. §143-318.11(a)(3) for Attorney-Client privilege.

At 4:25 p.m., Council Member Moore moved to enter Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) for Attorney-Client privilege. Council Member Williams made a second to the motion which carried by the following 9-0 unanimous vote:

ADJOURNMENT

Upon reconvening into Open Session at 5:20 p.m., Mayor Wagner announced there would be no action taken as a result of the Closed Session.

Upon motion duly made by Council Member Moore, seconded by Council Member Jefferson the Special Meeting adjourned at 5:20 p.m.

Respectfully Submitted,

Jay W. Wagner

Attest:

Lisa B. Vierling, MMC
City Clerk

COMMUNITY DEVELOPMENT COMMITTEE
Chaired by Council Member Williams
Committee Members: Williams, Hudson, Jefferson, and Johnson
MAY 3, 2022 – 4:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m.

The following Committee Members were **Present (4)**:

Chairman Chris Williams, Committee Member Cyril Jefferson, and Committee Member Wesley Hudson, and Committee Member Johnson [arrived at 4:17 p.m.]

Staff Present:

Eric Olmedo, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Jeron Hollis, Managing Director; Ryan Ferguson, Communications Manager; Stephen Hawryluk, Budget & Performance Manager; Thanena Wilson, Interim Community Development Director, Lori Loosemore, Code Enforcement Manager, and Lisa Vierling, City Clerk

Guests Present:

Cheri Neal, Guilford County Continuum of Care Program Manager

The following documents associated with the presentations, are hereby attached as a permanent part of these proceedings:

1. *Fair Housing PPP*
2. *Fair Housing Ordinance*
3. *5-03-22 Cover Memo with Attached Ordinances to Rescind*

PRESENTATION OF ITEMS

2022-210 Fair Housing Discussion

Staff will provide a presentation regarding Fair Housing.

_____ *Transcript* _____

Jeron Hollis: *Managing Director of Communications & Public Engagement. I want to share just a brief update about the Fair Housing program and the Fair Housing ordinance. Just some of the important background for the Fair Housing update that we want to give. It's actually a conversation that began years ago. We have primarily been discussing our most recent history stemming from January of 2021 when an Human Relations Commission Work Plan item resulted in a recommendation from the Human Relations Commission that we consider looking at a Fair*

Housing program in High Point that resulted in the City Council assigning Human Relations Commission to explore the feasibility of the Fair Housing program. Essentially, what that does is provides local access to Fair Housing support to our residents.

Currently, we refer all Fair Housing issues for High Point to be handled and investigated out of Raleigh. So, just some background there. As far as a timeline, November 2007 based on the city's analysis of impediments through Community Development, the High Point City Council adopted a local Fair Housing ordinance. Well, that ordinance in October 2009 was declined was HUD and so the term substantial equivalence or essentially having an ordinance that lines up with HUD's federal guidelines was rejected. Now, the part of that is important because what we have to keep in mind here with this ordinance is that the city is creating an ordinance that falls in line with HUD guidelines. Maybe different than some other ordinances that we create, there's a special area that this ordinance falls in where HUD has to agree that it fits their standards according to the FH law. So, one of the reasons that it was rejected-there were many areas of opportunity with it-but one of the reasons, for example, was that it didn't adequately articulate the designation of appointed board members vs. city staff as they worked in operating the execution of related individual cases.

So, we tried to learn from that history and for this effort, we did a couple of things. We got as many subject matter experts at the table as possible. We got from staff, now, we have Jelani Biggs on our team who was a former Fair Housing investigator in Winston. We added to our team Rase McCray who is a master researcher. We've also spent a lot of time with our legal department and got the assistance of outside counsel when necessary. We worked directly with HUD to make sure that we were establishing guidelines going into the direction that was something that they could agree with and the community stakeholders. We got dozens of people from the community and a couple dozen of different organizations involved in the conversation and dialogue and education process. And, last but not least, we talked to the State Human Relations Office to make sure that they understood what we were doing and we understood what they were doing and how our processes currently overlap in the areas of opportunity that they saw in a FHAP for the city.

So, fast forward from 2009 juncture and in 2016, as a result of some of the discussions and dialogue that happened, City Council amended the Fair Housing ordinance to reflect the actual practice of the Human Relations Division. It had been a department; it was changed to a division. And, at that point, the Human Relations function was not substantially equivalent; did not investigate cases; did not have the authority to go into those cases. So, the role morphed more into a support role, somewhat what it is now when it comes to Fair Housing cases with those things being referred to the State Human Relations office in Raleigh. So, as we mentioned earlier in January of 2021, the Fair Housing Agency Program (FHAP) discussion started with our housing security workshops as a result of the Human Relations Commission's suggestion that we look into becoming a Fair Housing Agency Program in High Point. There was a report given to Council in May and in July we actually kicked off those workshops as we mentioned with public feedback on that feasibility. And then in August the Human Relations Commission voted unanimously to recommend that High Point seek FHAP designation.

So, when we talk about the Fair Housing Assistance Program, it does a couple of things. Primarily it provides local access to highly trained fair housing experts. You have the housing education, outreach, and partnership. The complaint process is all in-house from the city staff standpoint. So that now if someone comes in and they've got a fair housing issue, the current process requires them to have additional layers of information from the standpoint of they have to get information to Raleigh; they have to, in some cases, they have to wait for investigators from

Raleigh to come here locally in order to do the things that would normally be for many other services would be available here for our residents. So, having that local FHAP gives the flexibility and the speed and the convenience of having that service available to our residents. And it is designed for High Point residents and housing professionals, which means that the people that are working with the Fair Housing issues are people in the community that we already know. So, it's not someone that's coming from out of town to talk to a housing provider. It's happening at the level with staff that people in the community see every day.

So, to talk about the criteria for substantial equivalency, we've got some information here. I mentioned a lot of the work that you see that we've put in came from some very late evenings from our Human Relations Division Manager, Rase McCray and I mentioned Jelani Biggs' experience. But, to boil it down, for substantial equivalency, what we're talking about-the ordinance that the city creates has to provide the same protections, rights, and remedies as the Fair Housing Act, so what that gets into, and we've got legal here to go into some more specific steps. But, in a nutshell, the same civil enforcement action, judicial power to award damages as deemed appropriate. It's important to remember there that this mechanism is available today at the State level for our housing providers. If, in the rare case where we did have something that was escalated and wasn't able to be conciliated, wasn't able to be resolved at the staff level, then this remedy exists now, but it's just at the State level. We would just be taking something that already exists and making it available at our disposal at the local level. So, we're not creating any new laws that the landlords are being subject to, it's just having those laws in place where we can handle them at a local level. I think that's something important to remember.

Now, the agency must be empowered with decision-making authority. That's the second part of it. So, the agency would have to receive, accept, and process, dismiss complaints to do the necessary investigation of those allegations of complaints, to conciliate those complaints which you find a majority of them are conciliated before they come to any particular action. And to decide whether the matter will or won't be pursued and that would be an aspect of what you get in the legal department.

We mentioned some of the partnerships and some of the things that it took to put this together and we mentioned the work that we've done with the city attorney's office. We also worked heavily with HUD's office of Fair Housing, the State Human Relations Commission, and we had mentioned a lot of the agencies. We were really pleased by the amount of feedback and information/questions that we got from the community agencies. High Point Regional Association of Realtors (HPRAR), Guilford County Family Justice Center, the Community Builders-those were some of the groups that wanted to know how they could get involved, how they could help support this after they got the information that we provided in those housing and security workshops. But there were a number of other agencies that attended the meetings, got information, and gave us some really good feedback, which, again, we wanted to make sure that we had some community input before we moved forward with the process that would affect many of those groups in the same community.

So, as far as a recommendation, the Human Relations Commission recommendation, as you see there, if the council decides to move forward with a Fair Housing Assistance Program, three things that would be recommended.

One would be to adopt the resolution and accept the recommendation and that would direct city staff to take required steps for certification.

Two would be to adopt a Fair Housing Ordinance that is substantially equivalent. As I stated earlier, to those federal fair housing laws. We have that. That should be included as an attachment. That ordinance.

Finally, creating a Human Relations specialist position which this would be a designated investigator much like what Jelani did in Winston and that would offer not only that investigation piece but also fair housing training to residents and to housing professionals and to be able to process those fair housing complaints.

So, at this point, I'd like to turn it over to Meghan with our Legal department and let her talk through some of the points about some of the specifics as far as how the process would work.

Meghan Maguire: I think Jeron did a great job in kind of summarizing the process. When we got involved to work together with the Human Relations Division, I think our goal was to draft an ordinance that portrays the federal fair housing law as closely as possible that ensures what he keeps mentioning is the term of substantial equivalency. And then that, you know, will be a fast track to get approval from HUD this time.

The second part of the goal was also to make sure that we address what they had already identified in the failed 2007 draft, to kind of set us up for success moving forward.

The process where legal will come into play, like he said we're kind of a tag team, so the Human Relations Division will accept the complaint and do all the investigation for it and they'll have the ability to potentially come up to mediate the efforts between the complainant and the violator, to do the full investigation, to consider conciliation, and that will all reside within Jeron's Human Relations Division world. Then, if they determine that there's no reasonable cause for it to move forward, then there will be a dismissal. If they determine that there is a reasonable cause to move forward, then that's when legal really comes into play. They'll consult with us, we'll talk about the case. If we agree that a reasonable cause does exist, then we'll file an action in Superior Court is where it would go next. At any time, there could be a conciliation as was mentioned, which is basically an easily agreeable resolution for both parties without actually going through the court system. But, if it's necessary for us to move forward then we will. And, you know, the process is pretty straight forward. As Jeron mentioned as well, we've done a lot of market research with other jurisdictions around and talked to folks as part of the research process and it does seem that a majority of the complaints build at the conciliation process-it's rare for them to have to go to superior Court, but if they do, then we'll be ready for it to help go in and move forward with an action.

Really, so the next steps is just what the recommendations are. Is we have a draft that we feel very good about, that we vetted. And, you know, hopefully we'll be able to get this substantial equivalence pretty easily. Once you adopt that, then we can move forward with kind of implementing the logistics of standing up the department for that.

Do you guys have any questions about the ordinance or the process?

Chairman Williams: Any questions?

Jeron Hollis: we've got staff here, legal.

Chairman Williams: Just that reminder, what was the percentage of cases that moved forward to court? I think you gave us some examples from different cities, like how many of those cases actually move forward.

Jeron Hollis: I'll ask Jelani to speak to that.

Jelani Biggs: Jelani Biggs, DEI Officer, what you'll see with national trends, cause findings account for about 3-5% of those cases. Now, keep in mind even with cause cases at the administrative level, legal will, again, have another bite of the apple to conciliate that case. So, I would assume there's even a smaller percentage that goes to litigation.

Chairman Williams: I was curious as to what the Human Relations specialist position would look like and if we were to move forward and if this is something that we would discuss in the upcoming budget, would it need to be something depending on the time it takes to go through this process, would it be something that we would need to amend?

Eric Olmedo: I think we're in place where we have direction from the committee and the council moving forward so we can include this in the proposed budget. I think when we met last time we had this conversation, I think we estimated the cost of the position to be \$60,000-\$70,000 annually. That's salary, benefits, there are program costs and other costs that we would have some federal funding that would cover part of that. There's a formula, but it's not really set, so it would be a fluctuating amount but there are some federal funds that we would receive to help support the program.

Chairman Williams: So, is this something that we need to take to a vote now? Like a recommendation to move forward?

Jeron Hollis: I think the recommendation as far as next steps, I believe the manager wanted us to have this discussed in Community Development so we could end up with a recommendation moving forward to Council. That was the idea here.

Chairman Williams: Well with that being said, the environment being what it is, the increased cost of living is pretty much an owner's market, I can see this being definitely necessary. So, I'll entertain a motion to approve the item.

Committee Member Johnson: So moved.

Committee Member Hudson: Second.

Chairman Williams: How do you vote? Motion carries by a 3-0 vote.

Aye (3): Chairman Williams, Committee Member Hudson, and Committee Member Jefferson.

Absent (1): Committee Member Johnson

Committee Member Jefferson: Some of these things that will be adopted, I guess at some point we'll revisit what the actual ordinance looks like. I know we talked about it, but we've not seen it. At this point, we're not adopting an ordinance, we're working through the process of seeing an ordinance at some point, right?

Meghan Maguire: I believe, Madam Clerk, that it is included in the packet, the final draft that Jeron's team and the legal team put together. We have a draft ready for you to review.

Jeron Hollis: So, the final version that's been vetted by legal with the help of staff is available. If it was not in your packet, we'll get those to you. That document is what would be considered with this motion because it starts the process of substantial equivalence designation.

[end of transcript]

2022-211 Continuum of Care Update

Staff from the Guilford County Continuum of Care will provide an update regarding homeless services.

Thanena Wilson, Interim Director of Community Development, introduced Sheri Neal, the Continuum of Care program coordinator with Guilford County. She pointed out that it has been a little over a year since Guilford County became the lead entity with the collaborative applicant for the Guilford County Continuum of Care and noted Ms. Neal was brought on board at that time. She then turned the floor over to Ms. Neal for a brief update.

Ms. Neal spoke of three positions recently released that would help in the support as the collaborative applicant for the county; that they work closely in collaboration with the City of High Point as well as the City of Greensboro; they are looking forward to that growth to help and support the issues around homelessness and housing; they continue to work closely with their business partners to enhance and education their knowledge to do whatever they can to help rectify some of the issues in the community regarding the homeless population; they continue to look at solutions in an effort to address some of these ongoing issues; working in partnership with High Point and Greensboro allows them to expand capacity; an Interlocal Government Committee has been formed; HUD has provided technical assistance and is assisting with the current GAP analysis; listening sessions would soon begin for the elected officials and for the municipalities; invitations for the listening sessions would be forthcoming; and participation/feedback was encouraged for a more collaborative approach around tackling the issues in the community.

Chairman Williams asked Ms. Neal to speak to the funding assistance regarding the end of the moratorium on evictions. Ms. Neal noted the eviction moratorium ended in August; explained they were no longer accepting any new applications; there are some caveats they are working through to help people in crisis situations on a case-by-case basis; those people that did apply prior to March 31st could still be considered for assistance; they are working in conjunction with UNC-G on the eviction mediation program that was funded; mentioned the eviction plan in place in the City of Greensboro; that it has not been equitable; the unfairness for High Point residents to have to go to Greensboro for to receive services; that they do not seem to receive the same level of assistance; work is currently underway to try to improve the process; the need for an eviction clinic in High Point to make it equitable; they are hoping for some resolution in the coming months so that it would be equal to the residents in High Point.

Ms. Neal also spoke of discussions that have taken place about some other opportunities where they could partner with Guilford County and the City of High Point around some development opportunities to help with affordable housing. She mentioned there are also

some work-arounds on how to address shelters that are at capacity and struggling with limited resources--especially the family shelters that are out of capacity because they are not able to adequately address children and family needs, mental health issues, etc....

Chairman Williams stressed the importance of sharing the resources available and getting the word out.

Ms. Neal concluded her remarks by providing an update on the latest Point of Time homeless count that took place on February 23rd. She thanked city staff that participated and noted they had three teams on the ground including a faith-based team that helped with the count.

2022-212 Ordinance to Rescind Demolition Orders

Staff with the Community Development and Housing- Local Codes Section will provide information regarding rescinding the ordinance adopted by Council to demolish the following dwellings. Staff is requesting the ordinance be rescinded for these addresses because the properties have been repaired and are now in compliance with the City's Minimum Housing Code.

Staff is seeking approval of this matter from the Community Development Committee and that the item be placed on the consent agenda for the May 16, 2022 City Council Meeting.

- 1834 Willard
- 908 Richardson Ave.
- 1615 Long St.
- 1220 Lakeview Heights Dr.
- 262 Dorothy St.
- 523 N. Centennial St.
- 605 Langford Ave.
- 1310 Ragan Ave.
- 1336 Cox Ave.
- 317 Fourth St.
- 811 Willow Pl.
- 308 Fourth St.
- 1441 Madison St.
- 412 Walnut St.

Lori Loosemore, Code Enforcement Manager, advised these are houses that were brought before the City Council to try to encourage owners to repair or demolish. In the interim from the time the ordinances were passed, these property owners chose to demolish these structures. As a result, the previously adopted demolition ordinances need to be rescinded so they are no longer attached to these properties.

Committee Member Jefferson inquired about how long these properties sat before being demolished and asked if any of the property owners mentioned wanting to rebuild on their lots. Ms. Loosemore noted a majority of them were demolished within 45-60 days after the ordinance was passed. She advised that she was unaware of any of the property owners of these specific properties wanting to rebuild, but in the past, there have been a few where that was their intention.

Committee Member Jefferson also asked if there have been any conversations about next steps in replacing structures that are demolished that are now empty lots. Chairman Williams explained that is a common thing for blight reduction and mentioned that Detroit actually had a dollar sale for lots. When considering public safety measures, he felt it was better to have an empty lot in a neighborhood.

Assistant City Attorney Meghan Maguire asked Ms. Loosemore to read the list of properties/addresses into the record. Ms. Loosemore proceeded and read the following list into the record for the ordinances to be rescinded for demolition:

- 1834 Willard
- 908 Richardson Ave.
- 1615 Long St.
- 1220 Lakeview Heights Dr.
- 262 Dorothy St.
- 523 N. Centennial St.
- 605 Langford Ave.
- 1310 Ragan Ave.
- 1336 Cox Ave.
- 317 Fourth St.
- 811 Willow Place
- 308 Fourth St.
- 1441 Madison St.
- 412 Walnut St.

Chairman Williams made a motion to forward this matter to City Council with a favorable recommendation for adoption of the ordinances to rescind the previously adopted demolition ordinances for the preceding addresses. Committee Member Johnson made a second to the motion, which carried by the following 4-0 unanimous vote:

Aye (4): Chairman Williams, Committee Member Hudson, Committee Member Jefferson, and Committee Member Johnson

ADJOURNMENT

Prior to adjournment, Committee Member Jefferson mentioned the recent Operation In As Much event; mentioned how great it was to hear stories by the residents; that volunteers were taking real special care; all the great interactions; everyone felt appreciated; and thanked everyone for doing such a great job.

Staff replied that the next OIAM event would be in October, and they would provide an official update with a video of the most recent OIAM event in the near future.

There being nothing further to come before the Community Development Committee, there were no objections to adjourn the meeting. The meeting adjourned at 4:40 p.m.

Respectfully Submitted,

Chris Williams, Chairman
Community Development Committee

Attest:

Lisa B. Vierling, MMC
City Clerk

PROSPERITY & LIVABILITY COMMITTEE
Chaired by Council Member Hudson
Committee Members: Hudson, Holmes, Jefferson, and Peters
MAY 4, 2022 – 9:00 A.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER

Chairman Hudson called the meeting to order at 9:10 a.m.

The following Committee Members were **Present (3)**:

Chairman Wesley Hudson, Committee Member Cyril Jefferson, and Committee Member Michael Holmes

The following Committee Member was **Absent (1)**:

Committee Member Monica Peters

Staff Present:

Eric Olmedo, Assistant City Manager; Meghan Maguire, Assistant City Attorney; Jeron Hollis, Managing Director; Ryan Ferguson, Communications Manager; Lee Tillery, Director of Parks & Recreation; and Lisa Vierling, City Clerk

Guests Present:

Ayana Wall (Hank Wall's daughter); Chiekah "Chi" Wall (Hank Wall's son); and Shelly Skeen (a very close family friend of Hank Wall)

The following documents associated with the presentations, are hereby attached as a permanent part of these proceedings:

1. *Forwarding Memo for Agenda Item*
2. *PowerPoint Presentation-Hank Wall May 2022.*

PRESENTATION OF ITEMS

2022-213 Establishment of a Permanent Memorial for Henry "Hank" Wall

The Parks and Recreation staff will provide information and renderings for a proposed memorial for Henry "Hank" Wall at Washington Terrace Park to honor his years of service to youth in the High Point community through his leadership with Brothers Organized to Serve Others (BOTSO) and recommends approval of the naming of an entry way at Washington Terrace Park as "Hank Wall Way."

Chairman Hudson recognized Lee Tillery, Director of Parks & Recreation.

Mr. Tillery explained that staff is requesting a permanent memorial for community leader, Hank Wall, who passed away in March of this year. He stressed the significance of the impact that Mr. Wall had on the Parks & Recreation Department through the establishment of BOTSO (Brothers Organized to Serve Others). He noted that he has had many communications with Shelly Skeen and has known and had the utmost respect for Mr. Wall for many, many years. He spoke of the unfortunate loss of such a great community leader and expressed excitement to finally meet Mr. Wall's family. He stated that Mr. Wall passed away on Saturday, March 5th, and spoke to the significant impacts that Mr. Wall had on the youth in this community for the past 28 years when BOTSO was formed. Mr. Wall established this mentoring agency for Black males ages 6-18 to make a positive impact on their lives and spoke of all the stories that he's heard from the people and youth that he has touched and made such a tremendous difference in their lives and the impact that he has had on their lives over the years.

Mr. Tillery shared that Mr. Wall would call him often just to talk about ideas about positive things he had envisioned for the youth in the community and noted he served on several agencies in High Point which solidified his commitment to the community and to the youth.

Regarding naming of facilities or amenities in High Point particularly with the Parks & Recreation Department, he advised there was not a written policy in place for naming such facilities, but staff did have examples of the facilities that were named after individuals and the reasons why. He pointed out the following facilities that were named after individuals and the reasoning behind it.

- ✓ *Armstrong Park was named after a son who was killed in WWII. The family donated land to the city and wanted to ensure that it would be named after their loved one.*
- ✓ *The J. Brooks Reitzel Tennis Center; he had a big impact on tennis in the city.*
- ✓ *The Clarence Stricklin Municipal Pool at Washington Terrace Park. Mr. Stricklin, a long-time community advocate, served on the Parks & Recreation Commission. His grandson, Bryan Stricklin, currently serves on the Parks & Recreation Commission as well.*
- ✓ *The Rebecca Smothers Environmental Center, which is named after a long-term council member who also served several terms as mayor.*

Mr. Tillery explained there is no written policy in place as far as naming facilities such as these. He noted that he has been working with Ms. Skeen and they would like to memorialize Mr. Hank Wall with the installation of a permanent entry way sign at one of the two entrances at Washington Terrace Park since that was BOTSO's home for a long time; it would be called Hank Wall Way. He shared an illustration/rendering of the proposed sign.

Chairman Hudson asked if any thought was possibly given to something similar to the Wiley sign at the entrance to the greenway so more verbiage could be included about Mr. Wall. Mr. Tillery thought it was a great idea and noted that staff could certainly look at some different options that would include more space to tell more of Mr. Wall's story.

Committee Member Jefferson felt the entry way sign, Hank Wall Way, could be located on the street coming into the park, then an additional sign containing more details about Mr. Wall could be located somewhere within Washington Terrace Park. He thanked everyone who has been working on this and noted that it has been a short-time since Mr. Wall passed away in March and how meaningful it will be in carrying on his legacy. He also mentioned Mr. Wall's involvement in the Andrews High School championship football team; the tremendous impact he had on the players and their lives; and the championship would not have been possible without Mr. Wall's mentoring and involvement with the players; how there are so many young people he has helped; and how he forged a path for so many High Pointers and the tremendous impact he had in the community.

Committee Member Jefferson then moved to forward this matter to the City Council with a favorable recommendation to approve the naming of an entry way at Washington Terrace Park , "Hank Wall Way," for the installation of a permanent memorial honoring Mr. Henry "Hank" Wall. Committee Member Holmes made a second to the motion, which carried by the following 3-0 unanimous vote:

Aye (3): Chairman Hudson, Committee Member Jefferson, and Committee Member Holmes.

Absent (1): Committee Member Peters

Following the vote, Mr. Wall's son, Chi; daughter, Ayana; and friend, Shelly Skeen, were all provided an opportunity to come forward to share some words about Mr. Wall, BOTSO, and his legacy. Each one thanked the city for all the support; expressed grateful appreciation for the outpouring of love shown for Mr. Wall.

Chairman Hudson thanked everyone for coming and shared that it was such an honor to be a part of the great things happening to carry on Mr. Wall's legacy.

Council Member Jefferson announced that the Black Men United for Change Walk would be held on June 19th which would also be a walking celebration of Juneteenth held in collaboration with the Carl Chavis YMCA.

ADJOURNMENT

There being nothing further to come before the Prosperity & Livability Committee, there were no objections to adjourn. The meeting was adjourned at 9:35 a.m.

Respectfully Submitted,

Wesley Hudson, Chairman
Prosperity & Livability Committee

Attest:

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Expansion of Catalyst Social District

From: Greg Ferguson, Deputy City Manager

Public Hearing: NA

Attachments: Ordinance
Map

Meeting Date: June 6, 2022

Advertising Date /
Advertised By: NA

PURPOSE:

City Council must adopt any amendment to the Ordinance Concerning the Designation of Social Districts approved on March 21, 2022.

BACKGROUND:

City Council adopted An Ordinance Concerning the Designation of Social Districts on March 21, 2022. The Property and Livability Committee recommended an expansion of the district and directed staff to bring the expansion to City Council.

The attached revised map includes new areas on Appling Way, Church Avenue, N. Main Street, Richardson Avenue and N. Wrenn Street.

The proposed effective date of the additional district area is Tuesday, June 7th, 2022. Times have not been changed in the district.

BUDGET IMPACT:

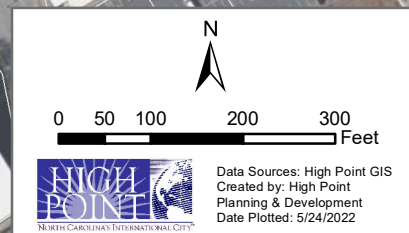
Supplies will be obtained from the existing FY21-22 Budget.

RECOMMENDATION / ACTION REQUESTED:

City Council is requested to approve the revised Ordinance.

City of High Point - Catalyst Social District

 District Boundary



AN ORDINANCE AMENDING THE CATALYST SOCIAL DISTRICT BOUNDARIES

WHEREAS, the North Carolina General Assembly passed and Governor Cooper signed into law on September 10, 2021 An Act To Make Various Changes To The Alcoholic Beverage Control (“ABC”) Commission Laws (“House Bill 890”); and

WHEREAS, House Bill 890 authorizes cities to adopt an ordinance designating social districts in accordance with North Carolina General Statutes §160A-205.4 and §18B-904.1;

WHEREAS, social districts are defined areas in which a person may consume alcoholic beverages sold by an ABC Commission permittee, with the goal of encouraging foot traffic to downtown businesses; and

WHEREAS, to further this important goal, on March 21, 2022 the City of High Point (“City”) adopted an ordinance designating the Catalyst Social District; and

WHEREAS, the City now desires to expand the Catalyst Social District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA THAT:

Exhibit A of the ordinance is replaced with the map attached hereto.

This amendment shall become effective June 7, 2022.

Adopted this the ____ of June, 2022.

Mayor Jay W. Wagner

ATTESTED:

Lisa B. Vierling
City Clerk

**HIGH POINT CITY COUNCIL
SPECIAL MEETING MINUTES
MAY 11, 2022 – 3:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

MINUTES

CALL to ORDER and ROLL CALL

Mayor Wagner called the Special Meeting to order at 3:02 p.m.

Upon call of the roll, the following Council Members were **Present (3)**:

Mayor Jay W. Wagner; Mayor Pro Tem Monica Peters (Ward 3) [arrived at 3:20 p.m.]; and Council Member Britt W. Moore (At Large)

Participating **Remotely (3)**:

Council Member Wesley Hudson, Council Member Chris Williams, and Council Member Tyrone Johnson

The following Council Members were **Absent (3)**:

Council Member Cyril Jefferson, Council Member Victor Jones, and Council Member Michael Holmes

Staff Present:

Tasha Logan Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; Robby Stone, Public Services Director; Ryan Ferguson, Marketing Manager; Stephen Hawryluk, Budget & Performance Manager; Bobby Fitzjohn, Director of Financial Services; Roslyn McNeill, Budget Analyst; Linda Price, Budget Analyst; Tommy Reid, Fire Chief; Jeron Hollis, Managing Director; and Lisa B. Vierling, City Clerk

Others Present:

Melody Burnett, President, High Point Convention & Visitors Bureau (Visit High Point); Tom Conley, CEO, High Point Furniture Market Authority; Terry Venable, Vice President of Operations and Finance- High Point Furniture Market Authority

PRESENTATION of ITEMS

2022-216 Presentation- High Point Convention & Visitors Bureau (CVB)- FY 2022-2023 Annual Budget/Contract

As part of the annual budget process and in preparation of the pending adoption of the City of High Point's FY 2022-2023 Annual Budget, City Council will hear a presentation regarding the Convention & Visitors Bureau's FY 2022-2023 Annual Budget. Following the presentation, this matter will be heard by the Finance Committee on Thursday, May 12th and

the Finance Committee will forward a recommendation to be considered by the City Council for approval of the FY 2022-2023 Convention & Visitors Bureau's Annual Budget/Contract at the City Council Meeting scheduled for Monday, May 16, 2022.

Melody Burnett, President, High Point Convention & Visitors Bureau (Visit High Point), presented the proposed FY 2022-2023 budget for the HPCVB (Visit High Point) as follows.

Transcript

Melody Burnett: *I'm pleased to present to you our FY 2022-2023 budget. Within your materials as well we also included an amendment to our current FY budget which is FY 2021-2022 because we're recovering quite nicely. You know two years ago we were thinking that full recovery could take place within 2024, but we are surpassing even some of those numbers in FY 2018-2019 as well.*

So, just to give you an outlook on what occupancy tax is trending like within Guilford County and High Point, you'll see the best year that we had to date was FY 2018-2019. If you will recall that was the year that we implemented our Strategic Plan for Tourism and also had a surplus at the end of the year to make some investments with the Market Authority, with their concert series, as well as some investments on Oak Hollow Lake regarding the floating dock, as well as the race course as well. So, that was a really great year. Then, of course, eight months from there, COVID hit in March 2020 and then we started to go downhill. So at 19-20 we're at \$1.4 million and then, of course, the following year which was a full COVID year, we were cut in half at about \$801,000, but then, as you look into our current fiscal year which is 21-22, we projected a \$1.3 million of occupancy tax receipts and we are delighted to report to you that we anticipate an additional \$385,000 of receipts that will get us up to \$1.7 million. So, we've already made some amendments to that budget, approved it, and have that allocated on how we're going to spend it.

For next Fiscal Year starting in July 1, we are projecting an increase, that will get us to \$1.8 million. Of course, our hotels are following in suit as well. We are at 65% occupancy with our local hotels here in High Point. I was telling someone previous to the meeting, you know, our demand is high and our supply, of course, has dropped since pre-pandemic, so, of course, we're meriting a lot of that traffic outside of a 200-mile radius. It's more leisure travelers who are staying and they are staying a little longer than usual. So, it's a different visitor than we're accustomed to; however, they are getting the job done and we are happy about that.

Of course, our governor last week announced during National Travel and Tourism week last Thursday that they, too, as an overall state, see that we're only 1% off from 2109. And just to let you know, as tourism ambassadors, you know, if you have a resident here in town that doesn't fully understand our work, you can tell them that the visitor economy, because we have a strong visitor economy here in High Point, they are able to save an average of \$222 per resident with state and local taxes and, of course, during the pandemic, that number was diminished to \$170 per capita, so we're happy to see that stronger number.

Just to remind those who are tuning in remotely, we did revamp our mission as of June 2020, so we are positioning High Point as a vibrant destination for visitors to enjoy and locals to want to promote and that is our desire that the locals have a shared community value within that mission as well. There's a lot of indirect work that hinges on that mission. It's not just

totally transaction, putting heads in beds, there's a lot of placemaking that's involved, product development, destination management, calendar management, you name it. Anything that's good to uplift High Point's brand, we're all about that.

To reflect on our allocation for this current budget, like I mentioned before, we're going to envision an extra \$385,000 that we anticipate between now and June. Of course, that June occupancy tax check reflects a very strong April market, so how we're going to allocate those funds would be, you do not see the administrative line item here because we didn't have to make any adjustments for this fiscal year; however, when I present next fiscal year's budget you'll see some differences there.

But for this fiscal year, we're going to make some enhancements to operations of about a little over \$44,000 which is an 11% increase. We have some equipment needs that we need to upgrade and we'd like to go ahead and do that now. For direct bookings, we have some additional funding of \$25,070 that we would like to allocate and that's for the High Point By Design effort as well as enhance our photo library. Then for tourism, we'd like to make some enhancements and do some printing now instead of waiting until next year. Our signature pieces are our furniture shopping and design guide, so you can imagine how robust that is having 58 retail furniture stores/showrooms and then 100 stores within a 50-mile radius, so we want to totally own that brand here in High Point.

Then for grants, we have some specific projects that we would like to designate for specific project allocations that would be, Number One, we want to allocate some funds to do a Coltrane mural right there on Main Street. We have the funds to do it, we have already solidified the artist, we just have to get the permission from the business owner and that's what's holding up that process, but hopefully we can get that done within the next six months.

Also, we would like to allocate funds to have a Truist Point website. We do have a website for the High Point Rockers as we envision that footprint to become more of use, that's going to be more of a bigger need and so we're already having some conversations about that as well.

Then, of course, allocating the \$29,750 and go ahead and put the race course on Oak Hollow Lake. Of course, we want to rollover \$75,000 into our reserves as that will put us at one-year operating expenses saved up on our balance sheet just in case we have the unexpected, you know, the recession that may be impending, other issues with the pandemic, or something like September 11th. We always anticipate about every 8-10 years to have to plan for the unexpected where travel could be affected.

Just to give you an idea about our organizational strategy, right now we are a staff of 4.5; we'd like to get to 8. So, some of the new positions that we have outlined for you is the events development manager, that is a brand new position that will be on staff. We are interviewing for that position right now. We'd like to make an offer by next week. This person would really be activating homegrown, spectator events happening in downtown to really make downtown a destination and drive that consumer traffic to our small businesses and our Truist Point stadium, as well as activate Oak Hollow Festival Park and other areas of needs as our youth and amateur sports market is really starting to cultivate as well. We're having more conversations about e-sports, soccer, and rowing, so we want to be able to have that capacity to support that effort as well.

We'd like to do a position rebrand to have an existing position that's director of sales and marketing to VP of Branding. As the city is contracting with CivicBrands to do a strategic branding initiative. We want to be able to support those efforts as well. Then, of course, we'll be hiring a branding content manager as of next month. Then, of course, our Executive Administrator will be retiring as of September, so we'll have to replace that position as well.

So, what that looks like in our budget, for instance, just our receipts alone, of course we've already talked about \$1.8 million that we anticipate starting in July. Then the other allocations, we do have a sponsorship revenue line item of \$75,000 and just as a reminder to this group, how that works is if a business wants to have promotional advertising space either within our visitors center or any of our marketing materials, those funds are directly earmarked and then transferred with a vote by our board to go directly to destination development grants that's administered through our Drive High Point Foundation. So, we're really proud of that program. But those funds get directly filtered back into the community. That brings our total budget at \$1.958 million for FY 2022-2023 and that restores us even ahead of FY 2018-2019 pre-pandemic.

Administrative wise, this will be our biggest adjustment for our budget. This will be an increase of about 65%. We're going from a designated budget with five positions, as of this FY and increasing those to 8. We do a comprehensive salary analysis every three years, and we did go through that exercise this year and really did need to make some adjustments for retainment and recruitment.

Operating expenses, that's dropped down to about 9% based off this fiscal year compared to next. We're going to make a lot of those adjustments within this fiscal year and won't need to for next. Of course, you all probably read in the paper this morning that we are able to stay in our space. We do have two more years of that lease that we do not anticipate much disruption to that. And everything else here in these line items are fixed.

Direct group booking advertising and expenses here. Right now, we are not real transactional in these line items. Eventually we'll get there because we're still very much focused on product development, as you can see our line item for the Market Authority still stays stable at \$150,000 as well.

We do have \$15,000 allocated through year-round designer B to B effort with High Point by Design. They are in year three, they do have a managing director, and we've worked really closely with the High Point Market Authority in formulating those strategies and want to have some funds in place to be able to lean on that as well.

Going into tourism, these line items are a little more robust. Within here we're going to work on not only our tourism campaigns but within a 200-mile radius but something that's a little new for us is hyper local marketing campaigns. Our attractions really need help right now with making sure that not only does High Point recognize them as a place to go for entertainment or dining or connection, but the Triad needs to know as well. So, we did a formal survey with our attractions and they're saying we're just not getting the kind of visibility from our local media partners and we need help with that and what we realize quickly is that a lot of our attractions do not have a designated PR person or even a PR contract in place, so we really want to help them with that through advertising with Fox8, Yes Weekly, HPE, and WXII as well.

We're also implementing a new text communication through our visitors as well as our restaurants. We learned during the pandemic that restaurants are really hard to connect to, so they have volunteered their cell phone numbers to us so that we can quickly let them know that, hey, we think that restaurant revitalization funds will be available for you in the next month to get them armed and ready to row in that direction. Then we also have that text platform as well for our visitors that want to connect with us more directly outside of our website or through our on-line presence too.

Then, of course, there at the end, we have those designated grant expenses that I talked about earlier. We'd like to do a lot of those now, but if we can't get around to them by the end of June, we can always earmark those to be channeled through for next FY as well starting in July.

We do want to do a campaign with PBS. We think that's a good market for us. Of course, that's more of an affluent visitor. You all know that Dr. Qubein is doing side by side conversations with them on PBS. It will go into syndication this summer and he does plan to do another Season 2 this fall. They also have a rundle program which is directly targeted towards families and children's attractions, so now that we have more of those attractions like the Children's Museum, we'll be able to do more marketing campaigns with that as well.

That kind of gives you the overall picture of what we're doing via our marketing dollars that are allocated for administrative, operation, and marketing. We do like to stay within compliance of Destinations International and they say that you should have your budget structured to be about 40% administrative and 12% in operations and of course 48% with marketing and programming. We are very much in compliance doing 30% with administration, 12% with operation and 52% with marketing and programming.

I will say that we're also working very closely with our partners in the downtown area. We have very regular downtown events committee meetings. We hold those about every month. We haven't had one in a month, in the last month or month and a half. We've been really working in sub-committees. We have a sub-committee for the food truck festival. We have another committee regarding the holiday event that's coming up as well. So, we're putting a lot of effort towards that and there's some funding in here where, if you know a homegrown event comes to fruition, we can try to lend some support with that. I would like to formally thank city council for your efforts in the last few months of earmarking some of those five events that we had grandfathered in through in-kind services. We appreciate that.

At this time, I'd like to entertain any questions that you may have of me.

Mayor Wagner: Do any council folks online have any questions for Melody? [no questions].

[end of transcript]

2022-217

Presentation- Market Authority's FY 2022-2023 Annual Budget/Contract

As part of the annual budget process and in preparation of the pending adoption of the City of High Point's FY 2022-2023 Annual Budget, City Council will hear a presentation regarding the Market Authority's FY 2022-2023 Annual Budget/Contract. Following the presentation,

this matter will be heard by the Finance Committee on Thursday, May 12th and the Finance Committee will forward a recommendation to be considered by the City Council for approval of the Furniture Market Authority's FY 2022-2023 Annual Budget/Contract at the City Council Meeting scheduled for Monday, May 16, 2022.

Transcript

Tom Conley: *Transportation would have gone through the roof, so now we've brought it in house and not only has it saved us money, but the efficiency has been increased, better level of service, better equipment, and now it's time to turn our efforts toward technology. So, we're going to work on technology from a transportation standpoint, a registration standpoint, and a marketing standpoint and we hope to be able to deliver the kind of tourism dollars that this city, county, and state needs in order to be successful.*

If you want to look at the numbers, I'm happy to address any specific line items, but I just thought that I would give you a general overview of how we got to where we are because it's been an interesting journey to say the least.

[end of transcript]

2022-218

Budget Review- Proposed City of High Point Proposed FY 2022-2023 Annual Budget

Staff will provide an overview of the proposed FY 2022-2023 Annual Budget. This meeting date/time was established and set by City Council at the City Council Meeting held on Monday, May 2, 2022 at 5:30 p.m. The City Council will hold a public hearing on the proposed FY 2022-2023 Annual Budget on Monday, May 16, 2022 at 5:30 p.m.

Mayor Wagner: *Madam Manager, I'll turn it over to you and let you direct us from here.*

City Manager Tasha Logan Ford: *Thank you, Mayor. The next portion of our presentation, we're going to take a more in-depth look at our proposed budget. There are a couple of items that we want to focus on as we go through the budget today, focusing our reveal comparisons, looking at adjustments via adjustments that are proposed in the budget, and then take some time to look into our Capital Improvement Plan to understand the priorities in our departments so they can continue providing services to the citizens. There are a number of new positions or different position titles that are requested in our current budget and then we'll conclude by looking at our community agencies. There are a portion of the agencies that are listed in the budget that received a direct allocation of some sort from the city that we support and have traditionally supported in the past. That remains the same. Then we have our community agencies that would be eligible to apply for the 1/3 of a penny and we'll talk about the process of where those agencies would come before the Finance Committee for a recommendation and then to the full Council.*

So, those are some of the high level topics that we'll cover today and based on where we get the discussion today, we'll need to make a determination about which meetings we'll

need to continue prior to the public hearing on May 16th. So, with that, I'll turn it over to our budget manager to lead us through this portion of our meeting.

Stephen Hawryluk: Thank you and good afternoon, Mayor and members of Council. This first slide is kind of a high-level agenda, kind of reiterating what the manager talked about. Just some updates, responses to questions; going in a little bit of detail in the Capital Improvement Plan; some detail on new positions; some details on the proposed changes in fees; agency funding; and the next steps.

This table here is in response to a question from last week's budget presentation. The question was how does Guilford County's increase in evaluation for the revaluation compare to other counties that are also having revaluations. So, this list is what we discovered for the other counties in North Carolina that are having revaluations in 2022 that would affect their FY 2023 budgets. I've noted the last three revaluation years. Just a little reminder, every county must do a revaluation at least once every eight years. You see some counties are on that eight-year cycle; one on a seven-year cycle; a couple on five, which is what Guilford is on; and then a couple that are on a four-year cycle. We weren't able to get responses from everyone but shown is the estimated growth that we were able to determine. You can see it's a wide array of growth, even ranging, depending on when the last revaluation is. One thing we kind of see out of this is that every county is unique. For example, Onslow County, they are kind of.....being down at the coast kind of reflects their changes in values. Mitchell County is up in the mountains, so Watauga County has a very large, estimated growth. Their last reval was in 2014, so that's eight years to accumulate a lot of growth and appreciation in their tax base.

We wouldn't necessarily say that a lot of these counties are similar to Guilford County. They are all unique in their own ways, so just for context, Forsyth County had a revaluation last year. So, while that didn't capture all of the very large amount of growth that we've seen since that time, their revaluation growth which is on a four-year cycle. So, since 2017 they grew 13%. So, the market was our kind of approach in that. We, obviously, having that one year later you see a bigger jump. So, I just wanted to provide that for context since they're also in the Triad. You know they are a large city just in comparison to these other counties.

Another response to questions had to do with street resurfacing. So, the proposed budget for FY 2023 allocates a little over \$3.3 million for the annual resurfacing contract. In 2021, the contract allowed for resurfacing of 22.47 miles. The annual contract that was just put out to bid a couple of months ago was for 28.51 miles. So, the cost in 2021 for those 22 almost 22 and a half lane miles were at about \$119,000 per lane mile. The bid price that came back for '22, which was, again, those additional miles of 28 and a half miles, was at \$161,000 per lane mile. So, that's really the number that we're looking at for how many lane miles could we do with this current allocation of funds. So, we took at \$161,000 per lane mile and multiplied it by really two numbers: the number of lane miles from 2021 and then the current lane miles that were bid. You see those totals to bid those numbers of miles ranging from \$3.6 million to \$4.6 million. Both of those amounts exceed the proposed budget, so if we wanted to reach one of those levels of lane miles to get to the 2021 amount, the budget would need to be increased by a little over \$327,000; to

reach the amount of miles that were bid for 2022, the 28.51 miles would require an additional budget of little over \$1.3 million.

Mayor Wagner: Okay, I've got a question. Maybe I missed it, but why the difference in lane miles? Is that just based on our schedule.

Bobby Fitzjohn: We did increase the budget in 2022 to accommodate more lane miles and that's part of why it's higher.

Mayor Wagner: I just didn't know if we try to do 25 miles a year, or if it depends on which streets are on the schedule and how long they are.

Robby Stone: Each year we would look at the budget.... [approaching the podium]. What Bobby stated is correct. Each year, we just look at the budget that's allocated and basically take that budget and based on the most recent estimate that we have an apply that, so the increase that would be allotted that you all are in agreement with and last year that's why the mileage went up from the previous year.

Mayor Wagner: So, are we saying essentially that we're matching the number of lane miles to what the budget is instead of the budget to the lane miles?

Robby Stone: Yes.

Mayor Wagner: Okay, we're paving based on the money we have. We're not matching the money to the amount because we'll probably need it.

Robby Stone: That's correct.

Stephen Hawryluk: Those were the main responses to questions we had and now we'll kind of get into the other topics that we listed out at the start.

The Capital Improvement Plan. So, this slide was presented last week, it's just the proposed FY 2023 total dollar amount for capital projects by each fund. I'll note on general capital, that's a restoration from zero dollars from the current budget and of that \$2.5 million; \$1.4 million is a transfer from the General Fund that's supported by our general revenues, you know, tax dollars. There's one project that's funded by contributions from the other Enterprise Funds that are funded from the charges for service. So, that's why that amount is \$2.5 million. And just to note, on Transit, while that total amount of almost \$1.5 million, that is a combination of federal, state, and local revenues, and we'll go over those projects and kind of have a little bit of breakdown on what our local share is for those projects.

So, this is the kind of detailed allocations for our general capital projects. I'll just kind of highlight what's going on with some of these.

- ✓ Fire HVAC unit replacements. This is for unit replacements at fire station headquarters, Stations 12, 13, and 14.
- ✓ The improvements at Southside Recreation Center are for an HVAC system and some exterior painting. Morehead Recreation Center, some roof repairs, renovations to the doors, and, again, HVAC and painting.
- ✓ Recreation fire alarm upgrades. These are fire alarm upgrades that are necessary at Oak Hollow Golf Course, Morehead Recreation Center, and Oakview Recreation Center
- ✓ Skeet Club Road sidewalks
- ✓ Improvements for Mendenhall Terminal include digital messaging signage, lighting, and some kiosk improvements
- ✓ Substandard street maintenance. This is for maintenance on streets that are unpaved. There's, I believe, 28 miles of unpaved streets here in the city, so this helps with drainage and things of that nature as those roads deteriorate.
- ✓ Cemetery paving and asphalt road work and that's for Oakwood Cemetery

There is an asterisk there on the ERP upgrade, that's the Enterprise Resource Planning system, it's the city's financial and personnel management system. So, the \$1.1 million for that is currently funded with contributions from the other funds. There will be a General Fund contribution to come later and we'll discuss that on the next slide.

We were not able to allocate budget for every project that we thought, you know, if we had more dollars available that we would have funded for. So, we are discussing, potentially, a mid-year capital budget amendment. Our current projections show a likely addition to General Fund reserves. That's just a projection. We don't know what that is. We'll know later into the late Summer or early Fall. If we do meet or exceed those projects, we believe we can look at our projects and do a mid-year capital budget amendment. This would look at the next tier of projects, any other priorities that come up between now and then, and it would be funded by one-time General Fund reserves.

These are some potential projects that could be on that, but again, we would reassess all of our capital needs and see how much funding is available and then come to Council with that at that time.

The next few slides just go through the specific projects by fund. So, on the Water/Sewer side, it's a combination of kind of big projects at certain locations but also our annual routine projects. The annual routine projects are things like replacement of obsolete water lines, obsolete sewer lines, water system improvements, sewer system improvements. I will note on a couple of the projects:

- ✓ Work order system upgrade. CMMS is computerized maintenance management system. This is an upgrade to the Public Services work order system, which hopefully then can be used by all of Public Services divisions.
- ✓ Westside Centrifuge upgrade. This is an upgrade to the de-watering equipment. The existing equipment is 25 years old and has about reached its end of life.
- ✓ East Washington Street. That is replacement of obsolete lines for that specific street, so it's in addition to the other routine obsolete line replacements.

- ✓ NCDOT- Scientific Street. NCDOT is reworking a bridge on Scientific Street, so the utilities will have to be moved and that will be our contribution to that project.
- ✓ Pre-Heat Burner. That is for the incinerator at the Eastside Wastewater Treatment Plant.

Total for the Water/Sewer proposed Pay-Go projects total \$10,343,350.

Looking at Electric, similar to Water/Sewer, it's a combination of kind of on-going projects that we have every year, street lighting, area outdoor lighting, overhead to underground conversions. There are also some transformer replacements at Deep River, Fairfield, and Jackson Lake. And there's also some continued funding for some projects that have been on-going for a couple of years including the Qubein Avenue underground project and the automated meter reading initiative.

The total on the Electric side for the Pay-Go projects FY 2023 is \$11,340,000

On the Solid Waste side, a lot of the same. They are routine projects that we fund just about annually, post closure reserve fund, ongoing maintenance at the Material Recycling Facility. I do want to point out the Wide Box Dual Ram Baler replacement, that is at the material recycling facility, so what this replacement would do is it will allow for more dense weight of the bales. Public Services believes this will lead to more revenue for the sale of recyclables and the process should become more sufficient. It's a pretty big piece of equipment, so that's why you see it in the Capital Projects Fund as opposed to in the Solid Waste Operating Fund.

The Total of the Solid Waste budget for the FY Capital is \$5,929,000.

And then this last slide just talks about the other Capital Projects. On the Transit side, totaling almost \$1.5 million. I will note that the local match for that is \$196,875—depending on the project we have anywhere from a 10-20% match. The state also provides matching funds. So, those are the total amounts but our local match, local commitment is much less.

On the Stormwater Capital side, the routine stormwater projects, this is kind of an annual maintenance account and as projects come up, Public Services kind of taps this fund to cover them and then some asphalt parking lot resurfacing at the Municipal Operations Center. And while that budget totals \$300,000, it's going to be shared between stormwater, water/sewer, and electric as they all have staff and employees down there at the MOC.

Moving on from Capital and turning to new positions, this table was shown in both presentations last week. I just wanted to kind of show it again. The new positions recommended in the budget, those first three lines, the city attorney's office and the fire positions, those are the General Fund positions. The other positions are funded by the Enterprise Funds for electric, water/sewer, solid waste, and stormwater. I'll also note again, the higher cost for the positions like water plant supervisor, the solid waste manager, the assistant superintendent, those have a vehicle that's part of those positions

duties, so the Year 1 cost is a little inflated. In Year 2, there would be no purchase of a vehicle and the price would go down.

So, just going through the funds and kind of highlighting a little bit of the justification for what those positions will be doing or what they're needed for. The two assistant city attorneys would assist with the growing workload of cases, review of regulations, review of North Carolina General statutes. The paralegal would provide legal research for the city attorney and the assistant city attorneys. The two fire battalion chiefs....so, currently the northside battalion chief is managing ten companies; the southside battalion chief is managing nine companies, so this current span of control does not comply with National Fire Standards. So, adding the two should get them closer to those standards and the positions would oversee the B and C shifts respectively.

Council Member Moore: Question. You used the term and I know the chief is here. You used the term that it would get us closer to those national standards. Will it get us to those national standards?

Fire Chief Tommy Reid: Anything that you manage, typically 1 to 7 with 5 being optimal. This would give us, obviously, I think each battalion chief would be three per shift and would have six, six, and seven. So, it helps us manage quite a bit. In reality, right now, on A shift, they have three battalion chiefs. We got one two or three years ago, but we never funded the B and the C shifts. It also increases our safety factor. You always have two frontline supervisors, one that's watching the safety aspect and one that's running the operation side. So, it puts us in compliance and puts us in line with what every other major municipality is doing.

Council Member Moore: Thank you.

Mayor Pro Tem Peters: I have a question, Steve. So, for the city attorney's office, will we now have six staff people in the attorney's office?

Meghan Maguire: Yes, those three, plus the three that we currently have.

Mayor Pro Tem Peters: Okay, because I thought....I knew that we were going to hire one assistant attorney and then a paralegal. I didn't know that it was two. Is that common within cities to have six people?

City Manager Tasha Logan Ford: It depends on workload.

Meghan Maguire: It's population too. You know, the bigger the city, obviously, the higher the workload. We did kind of a study and looked at that comparable population sized cities, they had staffs a lot larger than the three we have now.

Mayor Pro Tem Peters: Okay, so then we won't have a need to use any outside attorneys?

Meghan Maguire: No, we would still have a need probably for outside attorneys for specific matters, especially litigation, some appointment matters, things that cities always use outside attorneys for, but some of the work that's right now, going to outside attorneys would, perhaps, be able to go to these additional attorneys. It wouldn't be completely zero. No city, whether it be Charlotte that has a staff of about 40 attorneys, or Raleigh....every city still uses outside counsel for certain matters like litigation.

Stephen Hawryluk: Going to the positions in the other funds, in Water/Sewer, a water plant supervisor. So, there are new lead and copper testing regulations that are upcoming in the next few years, so this position would serve as the lead to make sure we meet those regulations. In Electric, an additional powerline technician and this employee would work between the transmission and distribution service crews. This work is actually currently being done by a contracted employee; however, at times, that staff is not always available. So, this just shifts the cost for the contract over to the cost for the position. In Year 1, it actually provides some savings to the Electric Fund. Over several years, that may get closer to even, but would depend on what the potential growth in the contract would be. But the availability would be much more reliable by having it as a department employee.

On the Stormwater side. The stormwater superintendent, this position would provide oversight of National Pollution Discharge Elimination System requirements, and also assist in responding to customer stormwater issues and complaints.

Then lastly, in Solid Waste, in Environmental Services, a grounds maintenance supervisor and three part-time groundskeepers. The maintenance supervisor would provide service and oversight of a crew, which is the three part-time groundskeepers, to serve the growing needs in the downtown area. A Solid Waste manager in this position would assist in managing the Solid Waste Divisions and helping with long range planning, organization, scheduling, staffing, budget management, other things that would come up for that position. Then an assistant solid waste superintendent would perform technical, as well as administrative work in overseeing operations at the Kersey Valley Landfill in addition to the Ingleside Composting facilities.

Moving on to the fee schedule.....

Council Member Moore: Before you go there, in a nutshell on all of those positions that you just described to us, what was the total number of positions?

Stephen Hawryluk: I believe there was 11 full-time and 3 part-time. Yes, 11 full-time and three part-time.

Council Member Moore: Thank you.

Stephen Hawryluk: First on the Fee Schedule I'm going to talk about water/sewer rates. The proposed budget proposes to increase the water/sewer rates by 4%. What's driving that increase are a couple of things: higher operating costs, costs for personnel, and also inflationary items such as chemicals, fuel, supplies, and also supporting the water/sewer

Capital Improvement Plan. So, we touched on the projects for the Pay-Go projects, but there are also projects that are funded by Revenue Bonds. Those come to Council as they are needed. And then water/sewer rates help pay down the Debt Service on those Revenue Bonds.

The increases also help with debt covenants. Increases have been kind of going on fairly regularly since early 2000s. They were deferred during COVID.

Next, moving on to the other changes to the Fee Schedule. So, I left a handout of the summary of Fee Schedule changes. So, this is like every fee that's proposed to be increased. The slides are going to do a little bit of high level instead of going into every single one that's increased. For those that aren't here and those that are listening online, we'll make sure that these are made available so that everyone has this information. The first on the Electric rates, this is a change from what was initially proposed. We got this information, the timing just didn't work in getting it into the proposed budget, but it's the consolidated residential rate. So, currently the city has six residential rates and the proposed rate schedule combines them all into one. It will be revenue neutral and, if approved, would be effective on October 1, 2022. There's no proposed changes yet on the industrial/commercial side. Those fees are still being studied by the rate consultant and when it is ready to be presented to Council, they will be.

So, just kind of going by department for fees, on the Fire side, there's new fees for fire inspections, fire permits, fire violations and service fees. These fees would solve compliance issues, hold citizens and businesses accountable or more accountable, and help recover costs. So, what we've done in the PowerPoint is just list a couple of examples of what we're talking about when we talk about these types of fees. Inspection fees for inspection of a daycare or a foster care, or a group home, that fee would be \$50. A routine inspection....the first inspection would be \$50; however, if staff has to come back for a reinspection, that fee will go up to \$100; another reinspection would then go up a little bit after that.

Violation examples, overcrowding violation. So, that could be \$100 per person, or a life safety violation over a one-year, two-year, or three-year period, you see they escalate as they go into overtime. Some examples of permits, blasting and explosives would be \$150 for one day; underground tank removal abatement and installation, that would be \$100 per tank. Then just on the service fees, on apparatus, vehicles, equipment, and personnel, an example of an engine company, that would be \$150 per unit per hour; the fee for a safety officer would be \$50 per unit, per hour; then responses to Haz Mat emergencies, if it was an engine ladder or rescue company response, the fee would be \$175 per hour and this would be charged in half hour increments after the first hour and then a full Haz Mat response would be \$350 per hour, also in half hour increments after the first hour.

Mayor Pro Tem Peters: *I have a question on that other fee schedule, if I could real quickly.....I know that some single-family homes will have multiple living in the home and I know that legally there's nothing we can do because if they're related, but is there any way that there could be a fee like if there's a certain amount of people per, like, only*

two bathrooms? Is there any way that we could kind of deter people doing that by adding a fee?

Stephen Hawryluk: *Like in what service? Electric fees....*

City Manager Tasha Logan Ford: *You're not talking about it being tied to a service, you're talking about just based on the number of occupants.*

Mayor Pro Tem Peters: *Yeah.*

City Manager Tasha Logan Ford: *There's not a structure in place for us to be able to do that.*

Mayor Pro Tem Peters: *The overcrowding could affect the toilet, the sewer, and all of that.*

Stephen Hawryluk: *Going to Parks & Rec, we tried to structure this on the slides by area or type. So, City Lake Park is the first one because there are a good amount of fee schedule changes or new fees that you'll see in the handout. So, there's changes to amusements such as rides, tickets, miniature golf. On the Marina side, some changes for canoe, fishing boats, or boats with a motor. As the renovations are complete, there's hope that there would be more meeting and event center rentals. There are new fees for that. These fees are for residential and non-residential. There's also some fee changes for park rentals, shelter rentals, the swimming pool, some changes to the general admission, season passes and pool rentals and, again, these are also on a residential and non-residential side. Then swim meets, there's also fees to have a swim meet at the location, so those are going up slightly as well.*

On our golf courses, Blair Park and Oak Hollow, the greens fees are increases anywhere from \$1 to \$3 and this depends on the fee. What I mean by depends on the fee, there's a different fee if you play 18 holes on a weekday versus 18 holes on a weekend, or if you walk on a weekend versus ride on a weekend, senior rates, junior rates, rates after 12 Noon. So, the specifics, again, are in the handout. And as play has increased at these courses, costs for maintenance have gone up, so this does help recover some of those costs at these locations.

Council Member Moore: *I'll just speak for myself. You can make more money if you can charge by the number of swings for rounds.*

Stephen Hawryluk: *On shelter rentals, there are increases or changes to rental fees at those locations listed. What recreation is attempting to do is get the fees where the cost is associated with the capacity of the shelter. There's also fee changes for rental of the mobile stage, the dump fee at the campground, use of the facility at the Roy Culler, Jr. Senior Center, and there's some changes at Washington Terrace Park including shelter rentals and the swimming pool.*

Touching on some of the other department fees that aren't as wide-ranging as recreation or fire, for Public Services, some increases to the cemetery fees, traditional burials, cremation urns, mausoleum crypt entombment. There's some others listed in the handout.

A new fee for the City Clerk's Office. Just a little bit of cost recovery for providing records on USB drives at \$5 per drive.

Kind of changing a little bit, on special events fees on police officers. Currently that fee is \$40 per officer, per hour, so the proposed change would kind of incrementally increase it based on rank at \$35 per officer or \$40 for a lieutenant rank and up, and then also \$50 for an officer, per hour if it was on a holiday.

Then last, at the Library. At the Farmer's Market, those are vendor registration fees, so for one week it would be \$15; for four weeks \$50; and for the full season, it would be \$200. A change in library cards. Currently if you live outside the county, you pay a \$40 fee. This would make library cards free to anyone with a photo idea and proof of a current address, and also some changes to overdue fines. Currently, if you're overdue, you pay 10 cents per item per day, so the proposal is to eliminate that, but then if an item ultimately is not returned, you'll be placed in "lost" status and your account will be charged the full cost of that item. And, then if you're over a certain amount of how much you owe, you cannot renew books, you cannot check out movies, you can't really do anything if you get to that status.

That's all on fee schedule changes. The next area is Community Agency funding.

So, this first slide kind of breaks down the full budget, the direct appropriations that the manager alluded to, and also the 1/3 of a penny allocation. So, you see those listed. I will note that on the 1/3 of a penny allocation, in the current year, that was about \$337,000, but with the reval and the increased value of one cent on the tax rate, we were able to increase that 1/3 of a penny to \$425,160.

Council Member Moore: *Can you go back one? Didn't we at one time, I see the Greensboro Swim program, didn't we have a program started up here in High Point that directly assisted and ran through our Y system or something at one time where we helped kids learn to swim? Did we not fund that at some point? Does anybody know?*

Eric Olmedo: *My memory serves that the Greensboro Swim Program also does programming at the YMCA as well. So, that's listed as Greensboro Swim Program, but they also do programming at the Hartley Y and I'm not sure about the Chavis Y.*

Mayor Wagner: *Verify that, but I think you're right. I think that program is run through that Greensboro Swim. Let's verify that, just to make sure. That was the money we gave....it was a collaboration between the High Point Swim Club and the YMCA and somebody in Greensboro and it was to teach every kid in the school system to swim.*

Eric Olmedo: *Correct.*

Stephen Hawryluk: The next few slides is a listing of agencies and the amounts they requested for FY 2022-2023. So, I'm not going to read through all of them. You can kind of see the cost range. So, the total requests of those non-direct appropriations total \$980,863. Showing again, the 1/3 of a penny allocation is \$425,160. The next steps for the community agency process, as has been done in the past, the applications would be reviewed by the Finance Committee; a recommendation would come out of that committee of the allocation of the 1/3 of a penny; and then Council would approve the full allocations for FY 2022-2023.

Then, next steps, this is just our current schedule. As we have it, tomorrow from 3:00 to 4:00 p.m. if necessary. The public hearing is scheduled for Monday's City Council Meeting. That meeting starts at 5:30. Then Thursday, May 19th and Monday, May 23rd from 3:00 to 5:00 p.m., again, if necessary.

I'll be happy to answer any questions that you all may have.

Mayor Wagner: Okay, the floor's open for council folks, do you have any questions for staff about budget for what we've heard today? Anybody listening online that has any questions?

Council Member Hudson: Yes, this is Council Member Hudson, and it's probably a question for Council Member Moore. How do we stand with the non-profit allocations and where are we at in that process?

Council Member Moore: They have not been brought before us yet, so, now that we've seen that, I haven't been notified that they're in process. So, this is the first on this cycle that I've known of it, so we will be getting on this very quickly.

Council Member Hudson: Thank you, Sir. That's the only question I had.

Council Member Moore: Going back to the overview from what was presented the other night. You know we're talking about revenue neutral versus the tax rate. Where do we stand with that, and the effects this had? I don't anybody questions the uncertainty and the stress that our economy has been under and the adjustments that we've made over the last few years trying to hit an ever-moving target. Revaluation just throws another wrench into it and you're going to get it whenever you do.

I would like to suggest and see if staff could maybe take a deeper dive as far as a number, just to see what it looks like. Because a lot of citizens, whether they're working or whether they're on a fixed income, or what-not, are struggling in a lot of areas. We have a responsibility, not only to run the city's finances correctly, but to deliver the services that the citizens expect and it's a complicated thing and, in my eyes, seems to have become even more complicated drastically in the last three years. With that being said, I would like to see if there could be, at least, an overview or a summary review type presentation of what things would look like if we came back at one or two cents off of that in addition to what's being proposed and seeing where we can strike that balance.

I would also know that we are not handicapped, but we work within the rules and regulations that all cities in the state do, and I know that we don't have the authority to do. But, I would like for staff to look into the possibility of, because I know government doesn't move real swift, but I would like to ask staff to look into the possibility of helping us craft and introduce a bill that would, and it probably couldn't come in the short session, so it wouldn't have a direct effect on this. But maybe it could set the seed for something going forward to where we get a partial exemption on property taxes for qualifying individuals. Perhaps capped by an amount for people over a certain age, 65 or whatever, based on the real value of their property and income limitations or something of that nature. I've heard the idea passed before, but nothing has ever seemed to come of it and I don't know that it would even get the votes to pass. But I would like to at least open that conversation. I'm pretty certain that would be something that would have to be done at the state level to take effect.

City Manager Tasha Logan Ford: *I think that there's some existing relief that is available for seniors and individuals at certain incomes. Maybe we can provide that. It's been in place for a little while and I don't know that people are necessarily aware of that option that's out there, but we can also make sure that information is available through the city's website too. I'll get a copy of that and make sure that's shared with Council, but there is some existence of, I believe what you're asking for, that's in place. But I don't think it's widely publicized. Let's look at what already exists there and see if there's another level you would like for staff to explore on that particular piece.*

Council Member Moore: *And you think that piece that you're referring to that's in existence is a statewide and it's not just be county?*

City Manager Tasha Logan Ford: *It's statewide.*

Mayor Wagner: *I don't know exactly what the criteria is, but you get a 50% reduction in the taxable value of your property if you qualify. I know it's come up in real estate transactions with me before where someone has the exemption is selling their property and we have to adjust sometimes the tax proration based on it not applying anymore. So, I do know it's out there.*

City Manager Tasha Logan Ford: *I believe it's called the Homestead Act if I'm not mistaken, but we'll get that information.*

Mayor Pro Tem Peters: *Let me ask you this question, Tasha. That made me think of something. So, if we approve the Fair Housing and I think it's on our agenda for Monday, would that person kind of be able to help navigate this with some of the citizens?*

City Manager Tasha Logan Ford: *Not directly, they are two separate issues, but I do think that on our city information where we're publishing our budget and what our tax rate is for the city, we could put the information to this particular act and that way people would be able to find the information. The Fair Housing issues and this are two separate*

things. But in terms of referral and information that we provide citizens, we can give them the information.

Mayor Pro Tem Peters: Okay.

Council Member Moore: Thank you.

City Manager Tasha Logan Ford: And on the, you know one thing that comes to mind because we're all so very mindful of what we're recommending with the tax rate and realizing all the things that our citizens are dealing with. You know, with last year, there was the decision that was made by Council to defer putting capital costs/capital equipment costs in the budget which is one of the reason why there is a bit of a jump in this year's budget. Among several, but that's one. But the reason that was done is for us to determine what money would be put back in Fund Balance as our budget manager spoke of earlier. But, then also, we knew that there might be the opportunity to use some of our federal money to help with our public safety salaries which is what we used this year to fund capital. That's another option that we could consider this year, but, again, we just realize that we know those costs are a part of what we need to do business, but that's one area that we could consider, reducing the amount of capital that we have in this year's budget. And based on what we're able to put back in our Fund Balance, based on how we perform this year, we may be able to bring more of those items back. We already have a list of about \$1,000,000 that we would like to bring back to you. But that's one area that we can evaluate and see what the impact would be on the tax rate. That's not a long-term solution because we will continue to have those capital needs to support operating. It's kind of a one-time thing that you could do to address the tax rate, but again you're going to have the same issue next year.

Council Member Moore: Right, well yeah. And we've done that, and we can get off in the weeds on a whole lot of reasons why and shutting down an economy doesn't help things much at all. You know, some of this maintenance that any sitting Council addresses through budgeting, it is based on decisions that may have been made by that Council or even ones that were in place a decade ago. So, I think.....where are we on the water, you know we've been on that 4% increase. Was it the Ferguson Group that did that?

Eric Olmedo: It's Davenport.

Council Member Moore: Davenport. Does that have a.....is that just a continual thing that they're recommending, or did that have a sunset in it?

Eric Olmedo: It did not have a sunset. It's a continual thing that is reviewed every year to determine, you know, future needs, so that we stay in compliance with our covenants on the bond issues. But there's not a sunset per se' on that.

Council Member Moore: And a lot of that, I mean, part of that is going back, because each of us know and it's been said over and over in the paper and everywhere else, with

the new growth and stuff, we're trying to bring up to par our infrastructure that's antiquated and outdated. That's part of that money as well, correct?

Eric Olmedo: *That's correct.*

Council Member Moore: *How do we assess how we're doing on catching up that that is supposedly outdated and behind?*

Eric Olmedo: *I think one metric is the number of water/wastewater spills that we have in that system that we have, and we track and when we meet with bond rating agencies, you know, that's one of those numbers that they look at. When we started with Davenport in 2004 I believe, I mean we were having tremendous numbers of wastewater spills, that kind of thing, which was really an indicator that said we need to address our system, we need to invest in our system. So, as those numbers have come down.....and of course that was over twenty years ago, so that infrastructure that was in place that was good twenty years ago is now needing to be replaced. So, it's a continual cycle.*

Council Member Moore: *Well, yeah, it is, and we also have to factor in, I guess, the positive pain that our city has experienced in growth and others haven't had that good fortune. So, just trying to balance the two out and catching up. Thank you for the discussion.*

Mayor Wagner: *Any other questions for staff? Okay, let's talk about whether we feel like we need to meet again tomorrow, or do you want to wait until after the public hearing which is Monday? Do we want to wait until after the public hearing on Monday, then possibly decide then whether we want to have two additional meetings? What are the thoughts of Council on that?*

Council Member Moore: *I think that sounds like a more prudent path.*

Mayor Wagner: *Than which one?*

Council Member Moore: *To wait until after the public hearing.*

Mayor Wagner: *Britt suggested that we wait until after the public hearing. Is there any objection to that?*

Council Member Hudson: *That seems to make sense to me.*

Mayor Pro Tem Peters: *I cannot be here on the 19th. I think that was one of the proposed dates.*

Mayor Wagner: *Will you be available remotely on the 19th?*

Mayor Pro Tem Peters: *Yeah.*

Mayor Wagner: *You can always listen. Any objection to that by any Council people or those that are online?*

[no objections voiced]

Mayor Wagner: *Alright, is there anything else while we're here folks? Okay, based on the agenda, we're limited to what's on the Special Meeting Agenda.*

Well, in that case, I'll entertain a motion to adjourn.

Council Member Moore: *So moved.*

Mayor Wagner: *Is there a second?*

Mayor Pro Tem Peters: *Second.*

Mayor Wagner: *There's a motion and a second to adjourn. All those in favor, please signify by saying Aye.*

*Is there anyone opposed? [none]. Okay, **that motion passes**, and we're adjourned.*

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

Respectfully submitted,

Jay W. Wagner, Mayor
City of High Point

Attest:

Lisa B. Vierling, MMC
City Clerk

**HIGH POINT CITY COUNCIL
REGULAR MEETING MINUTES
MAY 2, 2022 – 5:30 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

MINUTES

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:30 p.m. He called for a Moment of Silence; the Pledge of allegiance followed.

Upon call of the roll, the following Council Members were Present (9):

Mayor Jay W. Wagner; Mayor Pro Tem Monica Peters, Ward 3; Council Member Christopher Williams, Ward 2; Council Member Britt W. Moore, At Large; Council Member Tyrone E. Johnson, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member S. Wesley Hudson, Ward 4; Council Member Victor A. Jones, Ward 5 [arrived at 5:57 p.m.]; and Council Member Michael A. Holmes, Ward 6.

RECOGNITIONS AND PRESENTATIONS

2022-182 Proclamation - Abay Gidey - Human Relations Commission

Mayor Jay W. Wagner will recognize Abay Gidey's contribution to the Human Relations Commission and the City of High Point.

Mayor Wagner read the proclamation into the record commending Mr. Abay Gidey for his years of dedicated service to the City of High Point and recognizing his devotion to his family and fellow residents. Mr. Gidey's wife, Genea Dudley Gidey and his Sister-in-Law, Ursual Dudley Oglesby, were present to accept the proclamation.

[applause, photo op]

2022-183 Proclamation - Children's Mental Health Month

Mayor Jay W. Wagner will read a proclamation proclaiming May 2022 as Children's Mental Health Awareness Month in the City of High Point.

Mayor Wagner read the proclamation into the record proclaiming the month of May 2022 as Children's Mental Health Awareness Month in the city of High Point and called upon the citizens to increase awareness and understanding of mental illness, improve the array of mental health services for consumers of all ages, and ensure those who are struggling know they are not alone.

2022-184 Proclamation - Municipal Clerks Week

Mayor Jay W. Wagner will read a proclamation recognizing the week of May 1-7, 2022, as Municipal Clerks Week in the City of High Point.

Mayor Wagner read the proclamation into the record recognizing the week of May 1 - May 7, 2022 as Municipal Clerks Week in the city of High Point. Following the reading of the proclamation, he presented it to City Clerk Lisa Vierling and Deputy City Clerk Mary Brooks.

[applause, photo op]

2022-185 Proclamation - Public Service Week

Mayor Jay W. Wagner will read a proclamation recognizing the week of May 1-7, 2022 as Public Service Week in the City of High Point.

Mayor Wagner read the proclamation into the record recognizing the week of May 1 - May 7, 2022 as Public Service Week in the city of High Point and presented it to City Manager Tasha Logan Ford, who proudly accepted it on behalf of all city employees.

[applause, photo op]

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative**2022-205 Strategic Plan Update**

Council Member Chris Williams, Chairman of the Community Development Committee, will recognize staff to provide an update on the Strategic Plan regarding Blight Reduction. Council Member Michael Holmes, Chairman of the Marketing & Branding Task Force will provide an update on the Marketing & Branding Initiative.

Blight Initiative

Councilman Williams, Chairman of the Community Development Committee, provided an update on the housing activities for the month of April 2022 as follows:

Code Enforcement Activity	April 2022
Minimum Housing Complaints	16
Active Minimum Housing Cases	253
Cases before Council (demolition)	2
City demolished houses	1
Public Nuisance Complaints	113
Active Public Nuisance Cases	145
City Abated Public Nuisance Cases	5
Owner Abated Public Nuisance Cases	52

Zoning Complaints (vehicles, signs, etc..)	19
Active Zoning Cases	102
Signs Collected	225
Total Active Cases	500

Lori Loosemore, Code Enforcement Manager, shared that some property owners continue to repair houses to put back into the housing stock and that the Code Enforcement staff anticipates the number of public nuisance complaints to increase over the next several months due to the Spring growing season.

She then shared a success story and some before and after photos of a home located at 1004 Brentwood Street that was repaired by the owner and put back into the housing stock. She provided a brief history of the case and noted the property was actually sold twice; the first time in June 19, 2020; the owner did not make the repairs; sold again on January 20, 2021; that owner pulled the building permit on March 10, 2021 and recently received their Certificate of Occupancy.

Marketing & Branding Initiative

Council Member Michael Holmes, Marketing & Branding Task Force Chairman, reported that the city of High Point recently had the pleasure of hosting CivicBrand, the consulting firm that is leading the city's marketing and branding effort. While here, they were able to become involved in several events taking place during that time: opening weekend of the Rockers; tour at Congdon Yards, Stock & Grain at the Food Hall; and they were introduced to many other local stakeholders.

He noted that he, along with Ryan Ferguson and Melody Burnette had the opportunity to begin the documentation process of the branding effort; shared that a film documentary would be forthcoming, as well as Podcast called "That's My Point"; the website dedicated to the project, brandinghighpointn.com has been launched. He mentioned a very short survey that would be available on the website and encouraged everyone to visit the website and take the survey so that everybody's voice is heard in the message that comes out of the branding efforts. He relayed that they look forward to hearing from all corners of High Point on how to spread the message about all the great, positive things that are happening in High Point and the direction that High Point is headed.

PUBLIC COMMENT PERIOD

2022-206 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.

The following individuals spoke during the Public Comment Period.

Transcript

Melody Burnette: 1634 N. Main St., for every year in early May, our Visit High Point team asks our mayor to read the obligatory proclamation claiming this time as National Travel & Tourism Week; and we know that Mayor Wagner would have done a fantastic job lifting the industry and reading that proclamation; however, this year, we wanted to do something a little different and deliver that message very personally. We want to formally thank our city leaders during this most notorious time; May 1 - 7th as National Travel & Tourism Week; as this year's theme is #FutureOfTravel. Your leadership and partnership and sharing in our mission to position High Point as a vibrant destination that visitors will enjoy and that locals will want to promote, not only makes for a fruitful visitor economy, but also a great place to live. Thanks to our city council, our city leaders, our private businesses and investors, we're well on our way to have a solid local economy through the future of travel, benefitting our city on the move. In just two years, we're starting to see rebound stats that trend towards a strong economic tourism recovery that was once devastated by COVID-19, and 2020 Visit NC calculated the decrease of direct tourism spending by 47%; dropping Guilford County from the third largest county in State tourism spending to the fifth largest. The official 2021 economic impact numbers have not been formally announced by the state, we can currently trend a rebound where tourism occupancy tax are only two percent off from 2019, which was the best visitor economy year to date, totaling over \$1.7 million. We are experiencing more visitation from leisure travelers, trippers, a 200-mile drive market, youth and amateur sports education market, home furnishings business travel, and spectator event goers. Our ever-evolving High Point has the attention of small businesses, outside investors, curious visitors, and now, new talent that calls High Point home.

This Spring has been active as we just celebrated the opening of the Nido and Mariana Qubein Children's Museum just this weekend. It's only been open for three days and the positive reviews are off the charts online and through social media. Our office has been fielding those phone calls and locals and visitors who are eager to explore. HPU continues to set the bar high, growing the school's offerings to merit more direct tourism and economic impact that benefits our hotels, restaurants, and retail; their climatic impact, of course, this weekend will be commencement where we can expect over 10,000 attendees to sell out our hospitality partners for area celebrations. Earlier this spring, we hosted the NC Largest Rowing Event and NC Rowing Championship that brought close to 4,000 attendees; we hosted our annual spring High Point Market which is close to our 2019 registration numbers, and we also welcomed Ziggy's home to host 1,500 concert goers April 22nd to enjoy Blackberry Smoke, where 90% were from outside of High Point.

Council, leaders, I want to thank you for taking this bold position to make our city a destination. Thank you for taking the interest in our work seriously by attending our stakeholder meetings, by coming to our board committees. Thank you for supporting our industry partners like you did last week attending the J.H. Adams expansion. Thank you for liking and sharing on social media, and thank you for supporting our future of tourism as our High Point is very bright.

I cut out half this letter because I heard the beep.

Jackie Astrop: 3935 Fountain Village Lane. I noticed that Wynnefield is on here as rezoning for a particular parcel, which is behind my home and the address of that is 1559 Skeet Club Road. Since the actual plan that they have for that area is not on the agenda, but only the zoning portion is on the agenda, then I feel that I can talk about why I am here today. So Wynnefield has been trying to build income-based housing behind my residence for the past three years and twice it was rejected, but for some reason, this time, the Planning and Zoning Committee decided that, by unanimous vote, they agreed to have the particular apartment complex to be built.

When we met with Wynnefield Properties, they told us that it was going to be a 55 unit, 55 parking spaces, senior development. But when I read in the Enterprise on Sunday, there were going to be 72 units, 72 parking spaces; it's on 5.83 acres, and the space between our development, our townhomes, and the field in which they are proposing to purchase, would be this size, to where Mr. Holmes is sitting right here. That's the back of my patio with my fencing and it's only 50 feet from the actual townhome development. It would go all the way down the full side of the development. There would be....they said that they would leave the trees if they were six inches in diameter, but when I read that what they proposed to us in the paper was completely different, I felt that I had to voice my opinion on what makes it through the Planning and Zoning Committee. Why did they unanimously vote to have this particular development built in between two communities, one across the street that has only exit and entrance. My community only has one exit and entrance and everything on Skeet Club from Eastchester all the way down is one-way. I have to make a U-turn out of my development, a right turn out of my development, go down a block, make a U-turn, come back up to Eastchester, pass my house, just almost to get to the grocery store.

So, now you're going to add, according to what was in the paper, 77 more units of housing, 77 vehicles, and if it is for seniors who are 55 and older, 55 and older seniors work, they have vehicles, they drive. That particular area has two nursing homes, a retirement community, a daycare, an EMT emergency facility. How is it that they're going to be able to have all of this and keep the people in that community safe? The nursing home, the daycare, the retirement community-there's no.....the EMT also has to make a U-turn to get to wherever these facilities are when there's an emergency call. So, according to the first DOT plan from the State, there were supposed to have been soft medians for emergency vehicles, but they're not-they are all the same height. I have seen people cross over those medians with their cars, which is a very dangerous situation and when you're talking about three communities.....

Mayor Wagner: Your three minutes are up.

Jackie Astrop: Three communities make a U-turn out of the same development. That's going to create a major traffic problem. So, I just ask that you consider this before you make your approval of the Wynnefield Property and what they are planning on doing with it. Thank you.

Council Member Jones: Mr. Mayor, just for clarification. I know we're going to talk about this on the 16th, but this project was not denied twice in 2019 or 2020. The application was withdrawn in 2019 and due to COVID delays, it did not make the deadlines in 2020. So, it's never come before Planning and Zoning and it has never come before Council.

Mayor Wagner: Is there anyone else who would like to speak during Public Comment?

***Rachel Anderson:** My name is Rachel Anderson and I live at 706 Delmont Street.*

Mayor Wagner: Rachel, are you here for one of the items for public hearing?

Rachel Anderson: Yes.

Mayor Wagner: I would ask that you reserve your comments for that time then.

Rachel Anderson: I'm sorry, I didn't hear that part.

Mayor Wagner: We'll let you speak. You will get your chance. Is there anyone who would like to speak? Three minutes on anything not on the agenda for public hearing. Okay, then I'm going to close the public comment portion of our agenda.

[end of transcript]

FINANCE COMMITTEE - Britt Moore, Chair

Committee Members: Moore, Peters, Holmes, and Jones

2022-186 Contract-Sourcewell - Johnson Controls Security Solutions, LLC - Library Doors-Card Access Upgrade

City Council is requested to award a Sourcewell contract to Johnson Controls Security Solutions, LLC in the amount of \$97,705.31 for upgrades to Library emergency exit doors and staff only areas.

Lori Russell, Assistant Library Director, advised that the current emergency exits at the Library need to be upgraded due to the age of the building. She explained when the building was built in 1992, the emergency exits installed did meet the Building Code; however that is no longer the case. She spoke to how the current Building Code requires someone to stand at the door and hold door bars for 15 seconds which creates a very unsafe environment in the case of an emergency such as an active shooter. In addition to these 15 doors emergency egress doors, they are also asking that the same system be put on an additional 22 doors that have key pad access or are in need of key pad access; this brings the total up to 37 doors. A quote has been received from Johnson Controls in the amount of \$97,705.31 to do this work. Ms. Russell noted sufficient funds are available in the Library's budget from the State aid to public libraries grant.

There being no questions and/or comments, Council Member Moore moved approval to award a Sourcewell contract to Johnson Controls Security Solutions, LLC in the amount of \$997,705.31 for upgrades to the Library emergency exit doors and staff only areas. Council Member Holmes made a second to the motion. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-187 Contract - Furniture Market Transportation Grant Agreement - North Carolina Department of Transportation (NCDOT) - Public Transportation Division

City Council is requested to approve a grant agreement with the North Carolina Department of Transportation (NCDOT), Public Transportation Division to annually provide financial assistance to assist with transportation services during each of the bi-annual Furniture Markets and that the City Manager be authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation (NCDOT), Public Transportation Division.

Angela Wynes, Hi Tran Manager, explained this is a grant agreement with NC Department of Transportation (NCDOT) for Furniture Market funding in the amount of \$1.7 million to cover transportation services for the October 2022 and April 2023 Furniture markets. She noted this is an annual agreement with NCDOT that has a neutral impact on next year's city budget.

There being no questions and/or comments, **a motion was made by Council Member Moore, seconded by Mayor Pro Tem Peters, to approve a grant agreement with NCDOT, Public Transportation Division, to annually provide financial assistance to assist with transportation services during each of the bi-annual furniture Markets, and to authorize the City Manager to enter into a contract with NCDOT and execute all agreements and contracts with the NCDOT, Public Transportation Division. The motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-188 Contract-Change Order #2 - Garney Companies, Inc. - Richland Creek Sewer Outfall Aerial Sewer Pipe Replacement Project

City Council is requested to approve Change Order No. 2 to Garney Companies Inc. in the amount of \$119,670.04 for additional construction materials and work outside of the scope of the original contract for the Richland Creek Sewer Outfall Aerial Sewer Pipe Replacement Project.

Robby Stone, Director of Public Services, advised this is for consideration of Change Order No. 2 to the Garney Companies contract for the Richland Creek Sewer Outfall. He pointed out Change Order No. 1 was for a time extension and explained the contract was awarded to Garney in August 2021; the amount of that contract was just over \$16 million; this sewer outfall conveys approximately five million gallons of sewage per day to the Eastside Wastewater Treatment Plant; the scope of this project was to replace 16 aerial crossings totaling about 5,600 feet with new 48-inch diameter pipe; this change order includes altering the pipe's saddle design with materials for a shorter lead time while adding additional protective coatings to the saddles; funds are available in the current budget..

Council Member Moore inquired about the progress of the project and Mr. Stone replied that the project is moving along as planned.

A motion was made by Council Member Moore, seconded by Mayor Pro Tem Peters, to approve Change Order No. 2 to the Garney Companies, Inc. contract in the amount of \$119,670.04 for additional construction materials and work outside of the scope of the

original contract for the Richlands Creek Sewer Outfall and Aerial Sewer Pipe Replacement Project. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-189 Contract - Baker Underground Inc. - Waterview Pump Station Improvement Forcemain Extension Project

City Council is requested to award a contract to Baker Underground Inc. in the amount of \$2,767,305 for the construction of the Waterview Pump Station Improvement Forcemain Extension project and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Robby Stone, Public Services Director, advised that the current Waterview Pump Station was constructed in 2007 to replace an older, smaller station that was to be in conflict with the proposed NCDOT widening of Skeet Club Road and with the recent completion of the forcemain replacement along Skeet Club Road and the 2017 installation of a third pump which provided the ability to increase the pumping capacity of the station, but the current receiving gravity sewer along Eastchester Drive limits the ability to achieve the station's full pumping capacity. The proposed project will relocate the Waterview forcemain discharge to the Penny Road Outfall near the intersection of Penny Road and Sunnyvale Drive and will require installation of approximately 5,545 LF of 16-inch forcemain and approximately 245 LF of gravity sewer beginning at the intersection of Highway 68/Skeet Club/Wendover Avenue and terminating at the Penny Road outfall.

The project was put out to bid and bids were opened on April 20, 2022; five bids were received and Baker Underground, Inc. was the lowest bidder.

There being no questions and/or comments, a motion was made by Council Member Moore, seconded by Council Member Jefferson, to approve award of a contract to Baker Underground, Inc. in the amount of \$2,767,305 for the construction of the Waterview Pump Station Improvement Forcemain Extension project and to authorize the appropriate City official and/or employee to execute all documents. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-190 Authorize Write-off of Delinquent Utilities Accounts Receivables

City Council is requested to authorize the Financial Services Director to write-off \$839,525 for original billings from the fiscal year 2017-2018.

Bobby Fitzjohn, Director of Financial Services, explained this is an item that is brought to Council annually that authorizes staff to write off delinquent utility accounts; staff still attempts to collect these debts using a variety of methods available, including the NC Debt Setoff Program in connection with the NC Department of Revenue; the city's Customer Service Department's efforts maintain an impressive 99.5% collection average; staff is

recommending approval to write-off \$839,525 for original utility billings from FY 2017-2018.

A motion was made by Council Member Moore, seconded by Council Member Jones, to authorize the Financial Services Director to write-off \$839,525 for original billings from the fiscal year 2017-2018. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-191 Authorize Write-off of Delinquent Miscellaneous Accounts Receivables

City Council is requested to authorize the Financial Services Director to write-off \$992 for prior years original billings through the fiscal year 2017-2018:

Landfill fees \$328.00
Miscellaneous Water & Sewer AR \$443.00
Total \$992.00

Bobby Fitzjohn, Director of Financial Services, offered apologies for bringing a \$992.00 item to Council to be written off the books; noted in the future, staff would consider combining these with the utility write-off; this authorizes staff to write of \$992.00 in miscellaneous receivables from the 2017-2018 fiscal year.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to authorize the Financial Services Director to write-off \$992.00 for prior years original billings through FY 2017-2018 for the following:

Landfill fees\$328.00
Miscellaneous Water & Sewer account receivables \$443.00
Total.....\$992.00

The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-192 Resolution - Sale of City Owned Property - 210 Jay Place, (Parcel No. 192976)

Council is requested to adopt a resolution accepting the offer of \$12,000.00 and authorizing the sale of property at 210 Jay Place, (Parcel No. 192976) through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Kim Thore, Right-of-Way Coordinator, advised the city has received a bid of \$12,000 for a city-owned property located at 210 Jay Place and asked that Council approve the sale of the property through the upset bid procedure as outlined in N.C. General Statute 160A-269.

A motion was made by Council Member Moore, seconded by Mayor Pro Tem Peters, to authorize the sale of city-owned property at 210 Jay Place through the upset bid procedure

of N.C. General Statute 160A-269 and to direct the City Clerk to publish the required public notice of the proposed sale in accordance with N.C. General Statute 160A-269. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2052/22-26

Resolution Book, Volume XXI, Page 97

2022-193 Resolution - Donation of Real Property- Estate of John David Haworth, Sr. - 800 Woodbury Street

City Council is requested to adopt a Resolution to accept the donation of real property located at 800 Woodbury Street, from the Estate of John David Haworth, Sr. (Deceased), contingent upon the City being able to confirm ownership and obtain proper title insurance on the Property.

Kim Thore, Right-of-Way Coordinator, advised the administrator for the estate of John David Hayworth, Sr. and the property owner of 800 Woodbury Street has offered to donate this property to the City. Staff is recommending approval.

A motion was made by Council Member Moore, seconded by Council Member Johnson, to accept the donation of real property located at 800 Woodbury Street, from the Estate of John David Haworth, Sr. (Deceased), contingent upon the City being able to confirm ownership and obtain proper title insurance on the property. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Resolution No. 2052/22-26

Resolution Book, Volume XXI, Page 97

2022-194 Easement - North Carolina Department of Transportation (NCDOT) - 4501 Johnson Street

City Council is requested to approve an easement dedication to North Carolina Department of Transportation (NCDOT) on property owned by the City, located at 4501 Johnson Street for a temporary drainage easement.

Kim Thore, Right-of-Way Coordinator, advised that the NC Department of Transportation (NCDOT) is requesting the City grant a temporary drainage easement at the corner along the front of a city-owned vacant property at 4501 Johnson Street for the widening of a portion of Johnson Street and Sandy Ridge Road. The easement will be needed for extra work for a drainage construction in the existing right-of-way.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve an easement dedication to the N.C. Department of Transportation (NCDOT) on property owned by the City, located at 4501 Johnson Street for a temporary drainage easement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-195 Resolution - Sale of City Owned Property - 229 Windley Street, (Parcel No. 175647)

Council is requested to adopt a resolution accepting the offer of \$4,000.00 for a City owned vacant lot located at 229 Windley Street, (Parcel No. 175647) through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Kim Thore, Right-of-Way Coordinator, advised that the City has received an offer of \$4,000.00 from the Assemblies of Christ Church Ministries for a city-owned lot at 229 Windley Street. Staff is requesting approval of the sale of this property through the upset bid procedure.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to adopt a resolution accepting the offer of \$4,000.00 for a city-owned vacant lot located at 229 Windley Street (Parcel No. 175647) through the upset bid procedure outlined in N.C. General Statute 160A-269 and to direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C. General Statute 160A-269. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Resolution No. 2054/22-28
Resolution Book, Volume XXI, Page 99**

COMMUNITY DEVELOPMENT COMMITTEE - *Council Member Williams, Chair*
Committee Members: Williams, Hudson, Jefferson, and Johnson

2022-198 Ordinance - Demolition of Dwelling - 900 Anderson Place

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 900 Anderson Place belonging to Emis Chirinos.

Councilman Chris Williams, Chairman of the Community Development Committee, noted that staff has requested this matter be placed on the Pending List in the Community Development Committee.

A motion was made by Council Member Williams, seconded by Council Member Moore, to place this matter on the Pending List in the Community Development Committee. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council

Member Jones, and Council Member Holmes

2022-199 Ordinance - Demolition of Dwelling - 1222 Carter Street

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1222 Carter Street belonging to Syed S. & Rafia S. Mehdi.

Lori Loosemore, Code Enforcement Manager, advised a complaint was received on October 22, 2019 regarding the condition of the house; a hearing was held on November 6, 2019 and no one appeared; an Order to Repair or Demolish was issued on November 20, 2019 with a compliance date of December 23, 2019; there were some notification issues because a QuitClaim deed was issued transferring the property to Ms. Mehdi and she passed away; there was a Lis Pendens recorded; staff has talked with Mr. Mehdi and he was aware of the issues with the house; staff has had several conversations with him and he indicated an interest in making the repairs; staff talked to him in February 2022 and he said he had a contractor who would be going out and giving him a quote to make the repairs; he requested that staff email him a list of the violations. Ms. Loosemore shared some pictures of what the house looked like. There are no delinquent property taxes on the property.

Council Member Williams asked if there was anyone present who would like to speak regarding this matter. Hearing none, he proceeded with the following motion.

A motion was made by Council Member Moore, seconded by Council Member Hudson, to adopt an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1222 Carter Street. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7818/22-39
Ordinance Book, Volume XXII, Page 135**

2022-164 Ordinance - Demolition of Dwelling - 524 Roy Avenue

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 524 Roy Avenue belonging to Sonia Elizabeth Portillo.

Council Member Williams, Community Development Chair, advised that staff has requested this matter be pulled and returned to staff.

A motion was made by Council Member Williams, seconded by Council Member Moore, that this matter be removed from the Agenda. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

PROSPERITY & LIVABILITY COMMITTEE - Council Member Hudson, Chair
Committee Members: Hudson, Holmes, Jefferson, and Peters

2022-197 One High Point Commission - Consideration of Candidates for Appointment

City Council is requested to consider the One High Point Selection Committee's selected candidates for appointment to the One High Point Commission. The Mayor is requested to establish the time and date for the first meeting of the Commission as per the One High Point Commission Resolution.

Council Member Wesley Hudson, Chairman of the Prosperity & Livability Committee, asked the One High Point Selection Committee members present in the audience to please stand and be recognized [applause]. He then acknowledged Managing Director Jeron Hollis, and asked him to provide the report to Council regarding the One High Point Commission Selection Committee's recommendations for appointments to the One High Point Commission.

Mr. Hollis spoke to the next steps in the One High Point Commission process that commenced in May 2021. He stated that many discussions, revisions, resolution outlines have taken place; that the resolution calls for a selection of nine residents and two alternates by the selection committee, as well as two appointees to the One High Point Commission from the NAACP and two from the City Council. The selection committee forwarded the following nine residents for consideration for appointment to the One High Point Commission: Joseph Alston, Dawn Alston-Paige, Lovelle McMichael, Megan Oglesby, Dories Patrick, Janet Riley-Wright, Robert Sims, Bridgett Tolliver, Robert Williamson

Additionally, the following two individuals are being recommended for appointment as non-voting alternates to the One High Point Commission: Willie Davis and Constance Reynolds.

The following two individuals are being forwarded for appointment at the recommendation of the NAACP High Point Branch as their representative: Courtney Alston Wilson, Charles Hinsley

The following two Council Members: Michael Holmes (Ward 6) and Tyrone Johnson (At Large).

Staff is requesting Council's acceptance and approval of the appointments of these individuals to serve on the One High Point Commission and that the Mayor also establish the date and time for the first meeting of the One High Point Commission. Mr. Hollis noted these recommendations for appointments to the One High Point Commission are being forwarded within the time frame established in the One High Point Commission Resolution that was adopted on February 7, 2022.

At the conclusion of the report, Mr. Hollis entertained any questions.

Council Member Jones asked for an explanation of the role of the non-voting alternates. Mr. Hollis explained the non-voting alternates would be two members from the community that would fill in in the event that one of the nine members selected would not be able to

participate and would be unable to fulfill the assigned duties for whatever reason. He also added that the expectation for the non-voting alternates would be for them to stay abreast and apprised everything going on with the Commission. He advised that the non-voting members would become voting members in the absence of one of the original nine appointees.

Mayor Wagner inquired about the number of applications received and was informed there were about 21.

Per the One High Point Commission Resolution, Mayor Wagner established the following date/time for the first meeting: Thursday, June 2, 2022 at 6:00 p.m. in city hall.

He asked if there were any additional questions/comments. Hearing none, he entertained a motion.

A motion was made by Council Member Hudson, seconded by Council Member Holmes, to accept the One High Point Commissions' list of selected candidates for appointment to the One High Point Commission. The motion carried by the following 9-0 unanimous vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner

2022-200 ROW Encroachment - RE-22-0010

A request by Peters Holdings LLC to install a 4-foot high fence within the Emerywood Drive right-of-way. The site is located at the corner of Forest Hill Drive and Emerywood Drive (909 Forest Hill Drive).

Chris Andrews, Interim Director of Planning and Development, reported that Peters Holdings LLC is requesting permission to allow the installation of a 4-foot aluminum fence with four entry columns within the Emerywood Drive right-of-way. The Technical Review Committee reviewed this request and determined that the proposed encroachment would not affect public safety or interfere with any maintenance on Emerywood Drive. Staff recommends approval of the requested right-of-way encroachment with the conditions depicted on the easement exhibit drawings.

Following staff's presentation, Mayor Wagner asked if there were any questions/comments. Hearing none, he proceeded with the following motion.

A motion was made by Mayor Wagner, seconded by Council Member Hudson, to approve the Right-of-Way Encroachment (RE-22-0010) as requested by Peters Holdings LLC to install a 4-foot high fence within the Emerywood Drive right-of-way at the corner of Forest Hill Drive and Emerywood Drive (909 Forest Hill Drive). The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

PUBLIC HEARINGS**2022-201 Ordinance- Wynnefield Properties, Inc. - Zoning Map Amendment 22-06**

A request by Wynnefield Properties, Inc. to rezone an approximate 5.8-acre parcel from a Conditional Use Office Institutional (CZ OI) District and the Residential Single Family - 3 (R-3) District to a Conditional Zoning Office Institutional (CZ OI) District. The site is lying along the east side of Skeet Club Road, approximately 240 feet north of Fountain Grove Drive (1559 Skeet Club Road).

The public hearing for Zoning Map Amendment 22-06 was held on Monday, May 2, 2022 at 5:30 p.m. as duly advertised.

Transcript

Mayor Wagner: *We have two items on for public hearing. Both are regarding Wynnefield Properties. The first one will be the case on Skeet Club Road. I will open the public hearing and recognize Herb Shannon of our staff for a presentation. After that, we will hear from the applicant, and then the floor will be open to the community for comments.*

Herb Shannon: *Herb Shannon, Senior Planner with the Planning and Development Department. I will provide you with a summary of this case and the staff recommendation. This is a request to rezone a 5.8-acre parcel from the current Conditional Use Office Institutional (CZ OI) District and the Residential Single Family-3 (R-3) District to a Conditional Zoning Office Institutional (CZ OI) District. The site is located along the north side of Skeet Club Road, approximately 240 feet north of Fountain Grove Drive. The primary intent of this application is to update zoning conditions that were established on this property when it was initially annexed and established city zoning in 1993.*

I would note for the members of the public, this request did not trigger a requirement for a Traffic impact analysis study and anytime there is a request for a use that's going to have residential uses, we include in the staff report and that's in the table, impacts from schools and we forwarded that information to Guilford County Schools Facilities Management and the information in that report as the school impact is directly from Guilford County Schools.

In the early 1990s, this parcel formed a northern edge of the city limits in this area. At that time, the only adjacent development was the Birchwood single-family subdivision to the west. The rest of the land abutting this site were undeveloped. During the past 29 years, the city limits have been extended northward to Gallimore Dairy Road and to I-40. I would also note in 2000 as part of the Land Use Plan evaluation, the land use designation for this site was updated. This site was previously designated for industrial use. The Land Use Plan was updated for it to be designated for office-type use. You can see that area highlighted in blue where the zoning site was located and part of a larger area in 2000 when the Land Use Plan was changed from Industrial to Office.

With the surrounding lands now zoned and developed to support a variety of residential and office related uses, the applicant is requesting rezoning to develop the site with a multi-story, multi-family use. Although that is their intent, any time there is a zoning application, staff looks at all uses that are permitted in that zoning district unless uses are specifically prohibited or the applicant offers conditions to prohibit that use. So, we looked at this for the applicant's proposal is for multi-family, but we also looked at the other uses that are permitted in the OI District. The current OI District on this site allows a wide variety of institutional, healthcare, social service,

personal service, and residential uses at a density up to 16 units per acre. All these uses are currently permitted on the site today.

The primary changes with these updated zoning conditions are as follows:

- 1. In 1993, there was no standards in the Development Ordinance regarding exterior lighting. With the adoption of the 2017 Update to the Development Ordinance, there are now standards for exterior lighting that are more stringent than those previous conditions, so those previous lighting conditions are being removed and the current standards of the Ordinance will be met.*
- 2. Permanent landscaping. The current zoning approval only had a provision for higher landscaping standards along the western boundary of the site. With this updated zoning proposal, the applicant has offered a condition for higher landscaping to provide it around the perimeter of the site and they've also included a condition that 50% of that planting material is to consist of evergreen materials.*
- 3. As far as building height, the Development Ordinance permits a building height of 50 feet for the abutting single-family developments to the west and allows a height of up to 80 feet for the Office Institutional zoning to the north and east even though they're developed with residential uses. The applicant is requesting to remove the current condition regarding a restriction to a one-story height restriction. I would note that we do not use the term, one-story anymore because that is very imprecise, and you could have a situation where you could have a one-story structure that is the same height as some of the surrounding uses. Yes, you're not going to do a residential structure that high, but the Office Institutional District allows office uses/institutional uses and other uses which could have heights of 30-40 feet depending on how they're constructed.*

Under this application, the applicant has offered the same height restrictions as the abutting single family and that is a condition that they have proposed to limit building heights to 50 feet to match the abutting limits of the single-family development to the west.

Key items to point out from the Staff Analysis and Findings:

As for compatibility with the surrounding area, this site is part of a larger 60-acre area that is designated by the Land Use Plan for Office. This zoning request does not introduce any land uses that are not currently allowed and allowable uses of the OI District are compatible with the surrounding area which is a mixture of Office, townhomes, single-family, and life care, assisted living.

As conditioned the building height will be as permitted on the adjacent single-family parcels and they have offered conditions for a higher landscaping to help with compatibility of surrounding uses.

Also required standards of the Development Ordinance pertaining to landscaping/screening of trash receptables, and exterior lighting will further mitigate the impacts.

As I previously noted, a Traffic Impact Analysis was not required. The Transportation has looked at this and noted no transportation issues and I will also note that the recent upgrade of Skeet Club Road from two lanes to four lanes will also assist with any traffic impacts.

Finally, as far as mitigating impacts to adjacent properties, the zoning request does not change the current allowable uses and the applicant has offered conditions pertaining to the building

height and landscaping to mitigate any negative impact to adjacent property owners. Therefore, the Planning and Development Department is recommending approval of this request to rezone this site to a Conditional Zoning Office Institutional District. The Planning and Zoning Commission reviewed this request at their April 26th public hearing and recommended approval by a vote of 9-0. The commission stated that the request is consistent with adopted policy guidance because the site is within an area along the Skeet Club Road corridor that is classified by the Land Use Plan as Office and the allowable uses and density of the proposed Office District are supported by adopted policy guidance established for this area. Furthermore, the commission stated the request is reasonable and in the public interest because the requested CZ OI District does not change allowable uses or density. Furthermore, the conditions offered by the applicant and the standards of the Development Ordinance provide greater lighting, landscaping standards, and allows the development to be similar as to what is permitted on adjacent lands.

That is a quick summary. I would note about the prior application, just as a matter of clarification, the 2019 application was submitted for this site. That did proceed to the Planning and Zoning Commission and at that time they recommended denial, but it was withdrawn prior to going to City Council. As Council Member Jones has noted, the previous request was right when the COVID situation started, and they withdrew that request after several of the public hearings were postponed.

That is a quick summary of this application. Are there any questions of staff at this time?

Council Member Moore: Herb, this is Councilman Moore. What is the threshold or requirement when a project comes in that triggers a TIA?

Herb Shannon: I'll let the Transportation Department address that information.

Greg Venable: Greg Venable, Interim Transportation Director for the City of High Point. The number of trips are 150 trips in the peak hour like 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

Council Member Moore: 150 trips?

Greg Venable: 150 trips in the peak hours.

Council Member Moore: And that wasn't recognized here as needed?

Greg Venable: It was not.

Council Member Moore: Thank you.

Mayor Wagner: Any other questions for staff before we hear from the applicant? Okay, Mr. Stone.

Craig Stone: Thank you council members. My name is Craig Stone with Wynnefield Properties, 5614 Riverdale Drive, Jamestown. Thank you for the opportunity to present Walnut Ridge. This proposal is currently proposed up to 84 units. I think when we did present to the local community folks, we did present up to 84 units. You may be aware in the past, we have presented and been involved working with the community with Admiral Pointe, Addington, Kirkwood, Hartley, Avondale, and Abbey. Those have went through a competitive financing process that is dictated as we have moved through, there has been adjustments. So, in this case, it was proposed up to 84

units per acre and then that was shown to the community when we presented that. I did hear earlier mention of 55. I think that maybe we target folks who are 55 and older, that may be where the number 55 came up. I'm not sure, but I think it was presented actually a little bit more than what was mentioned earlier at 84 units. It will likely go down from there.

As you know, we have done a number of properties in the community. One of the things about this particular community in this particular location, we sought counsel and talked to local folks a number of different times. The original applications were for family. That was one of the concerns. This particular application is for elderly. We are proposing, while there is a height, that we asked and worked with staff on of I believe 50 feet. Our actual application and design is two-story. So, one of the things as we've moved through the process, we've tried to make adjustments and do different things to this particular application and hope that certainly it is a little bit better than what was initially presented. This would amount to a 13-million-dollar investment and a continuation in affordable in the community, something that a lot of the studies have shown there's overwhelming need for.

As you know, we use brick, hearty plank materials, mostly siding, metal stairs and those kinds of things. I hope the architectural design and long-term durability of the products proposed are ones that meet all of the standards and is something that everyone can be proud of in the community. I'm not sure what other questions there may be at this point. I want to present myself and see if I could answer any questions at this time.

Mayor Wagner: Any questions for the applicant?

Council Member Jones: How many units were we at in 2019? It was One hundred eighty something, right?

Craig Stone: I think maybe we started off at 120 with an application as a family community. This one is up to 84. The process is going through right now. It likely could go to 60 units, but we do have it proposed for up to 84 units.

Council Member Jones: I believe the previous plan you had had more of the dwellings towards the exterior of the property with parking internally.

Craig Stone: One of the things that moving from a family design to an elderly design, it allowed us to go as best as possible loading towards the center of this particular parcel, so there would be parking and then buffers and then we've also indicated that whatever over six inches in gauge materials, plant material that's there, trees, we would keep those.

Mayor Wagner: Any other questions?

Council Member Moore: Any other major changes? I think you've gone through them, but from your 2019 design, I know you got a lot of feedback and you didn't get through P & Z, but it's my understanding that you made substantial changes based on what was asked of you from the community.

Craig Stone: We did make substantial changes. I would say the most significant change was moving from a family to an elderly. I think there were some questions about children and things of that nature. In doing so, as moving to an elderly, it changed the design and changed a number of different things which, you know, eliminated a number of concerns. One thing that I would point out, connectivity to any of the adjacent residential parcels, the only connectivity is to Skeet

Club Road and, you know, it's not up to us. We have a current proposed design, but that design must go through the regular TRC process with staff. It goes through DOT and those types of things and as those checks and balances come out, you know, it'll be vetted and each of the departments will have input related to it.

Council Member Jones: *Mr. Stone, you went from a three-story to a two-story as well, though, right?*

Craig Stone: *We did. We went from three stories to two.*

Council Member Jones: *That was one of the main objections in 2019 was that you had two-story houses, and all those neighborhoods over there in Fountain Village all of a sudden they're looking out their back yard and there are three-story structures. I think one lady even commented that they would be looking right in my windows. I think Wynnefield did a great job with the feedback accommodating those concerns.*

Mayor Pro Tem Peters: *Tell me if this is correct or not. I did talk to somebody on P & Z just to kind of ask about and his comment was that by law, you're required to say 55 and up, you can't just randomly say 63 and up. It has to be 55 and up. But the majority of the residents that he's found in those elderly areas are around 75. Would you find that to be accurate?*

Craig Stone: *You know, I wouldn't.....we have a number of independent living communities that are targeted to 55 and older. You actually could be a fully handicapped individual and be younger than 55 technically, but we see an age range all over the place. We have, for Admiral Pointe, which is not too terribly far from this location, I think 1,500 people on a wait list. So, it's a very diverse age population of folks. We see everything from 55 and older.*

Council Member Holmes: *So, would you say because you have a wait list, you're able to determine your median age from the current wait list that you have?*

Craig Stone: *No, because the need is so overwhelming it's really, by the time you go through Fair Housing compliance and everything, really it's more indicative of who comes in first more so than a complete population. We have some communities that have one particular age population and another community that may have another. It's really, there's just not enough housing.*

Council Member Holmes: *In order to meet the compliance requirement for housing, in one of those developments, you have to list that you meet the certain age requirement, correct?*

Craig Stone: *Correct.*

Council Member Holmes: *So, from the data that you collected from your applicant pool of 1,500, you should be able to determine your median age of the wait list?*

Craig Stone: *We do not take that data and then correlate that, whether it be age or a number of demographics. From a Fair Housing standpoint, something it's something that we've not ever really done, so I don't have the data. It's not something that we would readily collect. You may be able to, but I'm not sure legally, but we just don't take it and correlate it.*

Council Member Holmes: *How long ago did you meet with the surrounding residents?*

Craig Stone: *It's been within the last couple of months, and we gave the report to staff in March.*

Council Member Holmes: *What was the feedback recently? I mean did you find support, opposition, or what was the.....*

Craig Stone: *Obviously, in an event like that there are folks that are asking questions and there are a number of folks that had questions and concerns that live in the area and certainly respect those and I would say there were a number of folks that did have questions because this particular parcel sat here for some time and they wanted it to develop in one pattern. So, what we do is affordable housing and what we do is, you know, this particular use type, so we're seeking that and trying to serve the folks that we serve. We've tried to accommodate and answer the questions and do design work as we moved through the process starting off with the family community and do the best we can. But, at the same time, we would like and want to seek to serve the folks that we work with.*

Council Member Holmes: *So, are there any plans to take the most recent suggestions from the citizens and incorporate that into maybe adjustments, if that's possible?*

Craig Stone: *Well, I think the process and how rigorous the TRC and all of the departments in what they go through, whether it be traffic. Traffic, we don't have direct access to any of the residential uses in the area. So, there's not us directing towards any residential use, it would be to Skeet Club and the Transportation Department gets involved. It's not up to us. What we submit, we start off and then it goes through and then they will make suggestions. I'm not sure, to be honest, a small trigger of this would be that a TIS would be amenable, but that's something that could come through the process and there may be other items related to maybe say a slowdown lane or those types of things. So, I think that the plan as proposed accommodates a number of those things to the point that we can. There's a point where we can't accommodate all of those things and we would certainly respect that. I mean if it is ultimately to develop what our intended use is at this site versus another, we're not going to be able to accommodate that. But I think a lot of the other items that have been talked about whether it be stormwater management, whether it be traffic, whether it be a number of different things. We either have contemplated those in the proposed plan or know that as it moves through the process, those things will either be looked at or addressed and they're not just completely up to us as the applicant.*

Mayor Wagner: *Any other questions for the applicant?*

Council Member Williams: *Just for clarity, this is income based?*

Craig Stone: *So, this would be similar to Admiral Pointe, Kirkwood, Hartley, Avondale, and Abbey. We have an application in with NC Housing Finance Agency for 9% tax credits.*

Council Member Williams: *Basically, all working individuals?*

Craig Stone: *Some folks call it work force housing, its low-income housing tax credit under the Section 42 tax credit at the IRS. It's technical, but yes.*

Council Member Williams: *Kind of a redefined affordable housing. That's what I'm trying to get to.*

Mayor Wagner: *Anyone else? Thank you, Mr. Stone.*

Craig Stone: Thank you.

Mayor Wagner: Is there anyone else?

Herb Shannon: Just a clarification for Council and for the members of the public, the applicant has noted their intent on how they wish to develop the project as far as age limit. I would note that our Development Ordinance does not specify that. We just have multi-family and we do not base zoning on age limits of residents because we can't enforce that. Also, just note the concept plan that the applicant submitted to the residents during their citizen's information meeting, and that report is within your staff report. It's in the back of the staff report. That is illustrative. There is no binding plan on the site because things may move around, so I just wanted to make sure everyone was aware of those two key factors that, as far as zoning purposes we would just consider this a multi-family use.

Mayor Wagner: Thank you, Mr. Shannon, for that clarification. Is there anyone here that would like to speak for or against this item?

Jackie Astrop: What was the question?

Mayor Wagner: Is there anyone here who would like to speak for or against this item. I think we've already heard from you.

Jackie Astrop: I'd like to speak again.

Mayor Wagner: No, that's fine.

Jackie Astrop: I can't speak again?

Mayor Wagner: No, once you have your chance to speak.

Would you like to speak? You can come forward and give us your name. Give us your name and address.

Jackie Astrop: I'd like to speak again. I only got three minutes.

Mayor Wagner: We generally give people one opportunity to speak.

Barbara Moreno: My name is Barbara Moreno. I'm here on this property and the next one, so I don't have to say the same thing. I don't think the council has enough information to make an informed decision. It's bouncing from a small amount, a small society to something that's huge. I mean the number of units have grown. Even Sunset, it's 2.1 acres and it's my understanding it keeps growing. It's now 54 units. That's the backside of the hospital.

Mayor Wagner: This property is on Skeet Club Road, Ma'am.

Barbara Moreno: Well, okay. Well, that's all I'll say. I just don't think you all have enough information and I think more of the public needs to know about it because this has not been before the public, except what's been brought up today. That's what I wanted to say.

Mayor Wagner: *I think there was a hand in the back. Yes m'am if you'd like to come forward and give us your name and address for our record.*

Brenda Myers: *My name is Brenda Myers and I live in one of the developments right up next to where this property is.*

Mayor Wagner: *Can we have your actual address for the record?*

Brenda Myers: *4201 Somma Court, 27265. Mayor and City Council Members, Wynnewood representatives and citizens of North High Point that live in this area, I'm here to let you know that I oppose the Wynnewood development in any form. It is slightly better to know that it is for senior citizens but you are still not addressing our concerns.*

One, it is a very small piece of property. I understand at first you wanted to put 84 apartment units. I believe now that it's 74 but I haven't heard the final word. Either way, both are way too much for that small piece of land. If you had 74 units, then that means 74+ cars will have to exit this property and turn right onto Skeet Club in order to go to Highway 68 or the Harris Teeter shopping center. They have to go down to the stop light at the next development which is my development, and make a U-turn and then go back. You can't turn left out of that development, you have to turn right. The road construction on Skeet Club has concrete islands which is why you can't turn left, you have to go down to a stop light and make a U-turn. That's 74+ cars making a U-turn in front of our development. Sorry, I just got off work and I got here late. Give me a minute.

Two, the lighting in the parking lot of your development will have to be bright to meet safety concerns. That destroys the peace of my development. We like the pole lights we have throughout the neighborhood. Your lighting will disturb our peace.

Three, the noise level will be higher.

Four, crime. That many more people will raise the crime rate as more people will come to our area. Crime was almost non-existent when I built my house and moved in 28 years ago. The more the people that came, the higher the crime rate went. We have had break-ins, assaults, people checking cars during the middle of the night to see if they can find one unlocked so they could steal from it, and all of this. A lot of us have security cameras and we have this on film on the security cameras.

I find that my neighbors are very good people, but criminals look for a dense population as their odds of finding someone to rob are higher. What are you going to do to prevent more crime? I built my home 28 years ago when it appeared additional development would be along the same lines and I am disturbed that you are enforcing me to sell my home because your development is not what we envisioned when we moved here. I always thought that when we elected a representative to represent us and our feelings, they spoke for us. I am disappointed in all of you if you pass this. Thank you.

Mayor Wagner: *Is there anyone who hasn't spoken who would like to speak? Yes Sir.*

John Burdette: *My name is John Burdette. I live at Birchwood Gardens cluster homes. It's the adjacent property to the left where you see Anji Court. It was presented to the people here, which you're not seeing a lot of representation from our area. My neighborhood is elderly people. It was presented to them as an elderly community that's coming in. Which we know something is*

going to go on this property at some point. I don't think things are being taken into consideration. One thing we asked for was fencing. You know we asked, give us a privacy fence. The way the property is going to set up, they're going to keep six-inch trees on the part by Fountain Village. We have no six-inch trees. You pull up to us, your headlights are right in our door. People are looking in our doors. So, I'd like to....if they're going to do it, put a fence up and give us some kind of privacy. Keep people from wandering from there into our yards, into our houses. We have enough traffic anyway with people coming off of Skeet Club taking a short cut through the field and coming through our private community. That's one aspect.

Traffic, like the lady mentioned, coming out of this property here. The only way you can go is you can turn right. You've got to make this U-turn. So, they're talking about elderly, handicapped people and 74 more cars coming around having to make that U-turn and come back. One of the things, I think, the traffic department hasn't taken into consideration is there's another development that's back behind us now. There's another 80 some houses they've added into there. So, that's additional traffic that's coming out of Birchwood. So, Birchwood is getting pretty congested right now. Not only because of that but people living on Fountain are having to come back down and circle around to come to Birchwood so they don't have to make that crazy U-turn. That U-turn is ridiculous-fire trucks, everybody else trying to make that corner. It's a bad situation. I don't think they're taking the full impact to traffic that we're seeing and they really need to look at it heavier. I mean it is a dangerous situation. I don't know if they need to....if the traffic department needs to put them an access or a light or something else to turn and come off of that area.

Everybody in the meeting that I attended, they presented it. I mean everybody in there asked about, you know, fences make good neighbors. You know we asked about fencing on the side of it to protect our homes, to keep people from wandering, and that is really.....I don't think that's a lot to ask for. I mean Mr. Peters is getting a four-foot fence. Give us a six-foot fence to keep people from looking in our doors. I mean you've got 84 more units coming in here that they're presenting, and give us some protection. I know people over at Fountain would like the same thing, they would have something in there to keep people from wandering into their backyards. It's two steps away and you're into their porch. So, thank you.

Mayor Wagner: Anyone else? Okay, with that I'm going to close the public hearing and I'm going to make a motion for approval of item 22-06. Is there a second?

Council Member Hudson: Second.

Mayor Wagner: There's a motion and a second for approval of the item. Is there any discussion?

Council Member Jones: *Yeah, I'd like to make a point that this development was highly opposed in 2019 by a lot of residents there. I got hammered with phone calls, emails, and everything about it. I communicated everything with Mr. Stone about their concerns. I'll paraphrase it, but he said, you know, when we build a product, we want to be welcomed to that community. So, they went back to the drawing board, withdrew their application, went back to the drawing board, came back with a similar product which is still not very well-received. So, when Council Member Holmes and I had our Town Hall on April 11th, it was very highly attended-it was the most highly attended Town Hall I've ever had. There was quite a few of the main, if you look in the notes on the agenda, the people that signed in the neighborhood meetings, several of them were there at the meeting that Wynnefield had and they were at the town hall. And that was on our agenda, so people knew that we were going to discuss that. We went through several agenda items, but when we go to that item, I said, guys, I'm here to represent you and if you guys do not want me to*

support this let me know now. But, talking to the main players that kind of have a pulse on the community there, Mike and I asked them and they said, no, with the change of it being for seniors, the three-story to two-story, all the units being on the inside of that tract, and all those changes, you know, we're actually okay with it. And that was what they said in the news interviews and everything. So, there's always going to be opposition to everything, and I hear those statements and emails and I emailed back and forth with Ms. Jackie about this as well. Something is going to be developed there at some point and I think this, out of all the things that have been proposed for that site, has the least change to the composition of that area, so based on the feedback I've gotten from emails, phone calls, and our Town Hall, I think a majority of the neighbors there do support this project coming in there.

Mayor Wagner: Let me also state and jump in that my motion also includes the adoption of the reasonableness and consistency statement made by the Planning and Zoning Board. I know that's a requirement.

Mayor Pro Tem Peters: If I could make one comment real quick. So, last week I went to the NC League of Municipalities and just so you know, that cities across North Carolina and actually across the Nation whether they're 1,500 in population or 500,000, have a lot of the same issues and concerns. And one that we listened to from mayors and council members from all over North Carolina is that one of the best things that we can do as council members is listen to our planning departments because they know how to create mixed-use spaces, so that we make the best bang for our bucks in the city and can keep your taxes low. So, just know, that we encourage our planners to think outside the box and do what's best for our city. That's all.

Mayor Wagner: Mr. Holmes.

Council Member Holmes: Councilman Jones is exactly right. We did.....at our Town Hall, we did have this discussion but I think there's also some very glaring questions that we have to answer. There's some very compelling arguments about the flow of this traffic and I don't know if this was covered, if this was addressed. How deeply did these concerns get discussed with the citizens of the area? I mean we're talking about numbers of people that have only one way to turn, a U-turn to get through. I can't see how that doesn't cause some type of issue. I mean I don't see how it doesn't. So, you know, even though there's some support and we talked about it, I do think this needs to be looked at. I think this needs to be looked at deeper and more thoroughly because we're talking about adding additional people and additional cars and additional traffic, additional.....and I don't know if we've done anything with the current structure of the road to accommodate that. I'm looking at these concerns and I'm looking at it myself and I don't see what we've done to mitigate those things and I think we need to have this discussion. I don't know what the traffic department missed. I don't know what they missed or if there's anything missed, I don't want to assume that there was. But these are very compelling arguments that these citizens have made. And, you know, I think they deserve at least some type of consideration on what they're going to do. I understand that this land is going to be developed, but it shouldn't be developed at the detriment of the people who currently live there in terms of their quality of life and the way they travel.

Mayor Wagner: I see Mr. Venable already approaching. I know that the widening of Skeet Club Road was a State DOT project and they designed the road. That's my understanding. But if you would speak not only to that, but also to the safety issue regarding having to go right and make a U-turn.

Greg Venable: Obviously, the road was just completed, the project was just completed not long ago. It was widened from a two-lane facility, no curb and gutter, to a four-lane median divided. So, when you have a median divided facility, you don't want to have full movement access points all along the corridor because it's unsafe to have those kinds of movements without signals and things like that than it is to have that median there. What the project does is it does push people, makes people make a right turn coming out of their developments at some locations. And you want to have those full movements and when I say full movement, you can have full access on all sides of the intersection. You don't have those spaced out appropriately so that there's not issues in the future as well. DOT, this project has been going on for a long time and they did a lot of study on that. They located those full movement access points at appropriate locations. I know there was some concern about this intersection there at Birch Garden with those U-turns there. I think NCDOT put up, there was a question about fire trucks and things like that, they installed truck U-turns at certain locations to push those larger vehicles to the larger intersections.

When the applicant came in, they did not reach the number of trips that we talked about before for a TIA. There are options for those neighborhoods, with this site excluded, all those adjacent neighborhoods do have other means of access going back through the neighborhoods to come out at different intersections as well.

Council Member Holmes: Mr. Venable, when the DOT did this project, I know they take into account surrounding residential areas, was this proposal available for them to consider when this began? During the time of the development, did this proposal come up? Was there any recalculation based on any new housing or respective housing down the road?

Greg Venable: No. So, when this development came through, the design of it was already complete. But the number of units, this is a low number. It's a multi-family development which has less trips than like a single-family would. So, the impacts.....they've already widened the road, so really there's not a whole lot they can do above and beyond what they've already done.

Council Member Holmes: So, you don't think if this was proposed prior to the design being complete, it would have changed their calculation any?

Greg Venable: Not as far as, you know, people making that right turn out of the development. I think there's a condition for a right turn lane as well, so they are going to be required to put in a right turn lane into the development to get people off the roadway. But, yeah, for people coming out and making the right out, there's not a whole lot you can do for that. And like I said, that's a safer movement to go down to a signal and make that U-turn across four lanes of traffic than making a left turn out of the development.

Council Member Jones: Mr. Venable, if this were a bigger development in that same location, you'd still have a right-in and right-out because of the design of Skeet Club right there?

Greg Venable: Yes.

Jackie Astrop: *I can't hear what you said.*

Council Member Jones: *Because somebody's phone is going off and that's why. My point being whether this is 70 units or 700 units, the access point because of the design of Skeet Club would be right-in, right-out no matter what. So, to Michael Holmes point, is there any more that we could do to mitigate any traffic impacts and there is not. So, I think we definitely have to listen to those concerns but it's not like we're putting a shopping center, and as you said, multi-family is less trips than single-family residences. I hear those concerns, but I have to weigh these factors in and I think this final plan is the most acceptable plan that went through the process and put before this Council. Skeet Club is finally done. It wasn't done in 2019 when all the people were saying Skeet Club's already a nightmare, well it's not a nightmare anymore. So, I think we're at the point now that we can accept the little bit of traffic it's going to create which is not going to be much with these 70 units.*

Council Member Holmes: *Question. Under current zoning, Mr. Shannon, under current zoning, is there anything that would go there, and I know this is not something that the citizens want to hear, but we have to look at this. Is there anything that would go there that would be worse than this? [laughter]*

Herb Shannon: *I would just state that the current zoning allows multi-family up to 16 units per acre now. You can do office use. You can do minor retail, not more than 4,000 sq. ft., you can do social service facilities.*

Mayor Wagner: *It could be office up to 80 feet?*

Herb Shannon: *Office. The current zoning has single-story limitations but you could have an office use with high ceilings that could be 30-40 feet high.*

Mayor Wagner: *I thought you said something about 80.*

Herb Shannon: *I noted the abutting lands to the east that are zoned Office Institutional, the OI District allows up to 80 feet with additional setback.*

Council Member Holmes: *I'm sorry, I just wanted to make sure that we put in perspective what this is versus what could come. I know this is a tough situation and I know this is really hard, but this land could be developed for something that you may like less than this. I really hope that you all take that into consideration and I know that's cold comfort, but that's just the reality.*

Council Member Moore: *I think, Mayor, we're dealing with growing pains a good/bad problem. I live down off of Skeet Club and I have most of my life, but the design of that road and if you do much traveling into our neighboring cities and anywhere that's got a pulse and a life—which is a good thing—they're designing these roads for those types of turns. The property, you know, I used to hunt and fish a lot of that area as a kid, ride*

bikes around it and what not, but the property just on the other side of Deep River Rec Center that's been there a long time, it's for sale too. When it comes up and gets developed, they're going to have the same ingress/egress assignments that the rest of them do and it's followed that pattern all the way down Skeet Club Road. So, I hope that Mr. Stone will try to address the concern as much as he can going through the process of the respect of the people's privacy and the lighting and the noise ordinances and all of that. I feel like you've done that in other properties that you have developed, so I hope you will continue to take that into consideration and continue to be someone that is open and communicating with the folks if they reach out to you.

Council Member Holmes: Mr. Mayor, I think we've got a hand over in the corner.

Unidentified person in audience: I just wanted to....I'm a school teacher, so I can speak loud enough.

Mayor Wagner: Ma'am, can you tell us what you want to say because I've closed the public hearing.

Unidentified person in audience:so many things have been said, but there is one problem that you want to look at [inaudible, did not come to the podium]

Council Member Hudson: I'd like to tag onto what Britt said, the properties that you have developed so far have been top rate, I appreciate the work that you and Wynnefield have done. It gives me confidence in this property as well and I hope you will take the concerns at heart and knowing your other properties, I'm sure that you will.

Mayor Wagner: Any other comments from Council? Hearing none, **there is a motion and a second for approval of this item. All those in favor of Zoning Map Amendment 22-06, please signify by saying Aye.**

Mayor Wagner, Mayor Pro Tem Peters, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes: Aye.

Mayor Wagner: Is there anyone opposed? Okay, that motion passes unanimously.

A motion was made by Mayor Wagner, seconded by Council Member Hudson, to adopt an Ordinance providing for the rezoning of an approximate 5.8-acre parcel located along the east side of Skeet Club Road, approximately 240 feet north of Fountain Grove Drive, specifically addressed as 1559 Skeet Club Road, from a Conditional Use Office Institutional (CZ OI) District and the Residential Single Family – 3 (R-3) District to a Conditional Zoning Office Institutional (CZ OI) District, and to adopt the following Consistency and Reasonableness Statements:

“That Zoning Map Amendment 22-06 is consistent with the City’s adopted policy guidance because the site is within an area along the Skeet Club Road corridor that is classified by the Land Use Plan as Office. The allowable uses and density of the proposed CZ-OI District are supported in adopted policy guidance established for this area. The Commission also stated that the request is reasonable and in the public interest because the requested CZ-OI District does not change allowable development density or allowable uses. Furthermore, conditions offered by the applicant and standards of the Development Ordinance provide greater lighting and landscaping standards and allows development similar to what is permitted on adjacent lands.”

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7819/22-40

Ordinance Book, Volume XXII, Page 136

2022-202 Ordinance- Wynnefield Forward, LLC. - Zoning Map Amendment 22-07

A request by Wynnefield Forward, LLC to rezone approximately 2.1 acres from the Residential Single Family - 5 (R-5) District and the Office Institutional (OI) District to a Conditional Zoning Residential Multifamily - 26 (CZ RM-26) District. The site is located east of Carrick Street, between Sunset Drive and W. Ray Avenue.

The public hearing for this matter was held on Monday, May 2, 2022 at 5:30 p.m. as duly advertised.

Transcript

Mayor Wagner: *The next item on the agenda is Zoning Map Amendment 22-07. This is Wynnefield Forward, LLC and the site is located around Carrick Street, between Sunset Drive and W. Ray.*

The public hearing for this matter is open.

Herb Shannon: *Herb Shannon with the Planning Department, once again. This is a request to rezone this 2.1- acre site from its current Residential Single Family - 5 (R-5) AND Office Institutional (OI) District to a Conditional Zoning Residential Multifamily - 26 (CZ RM-26) District. As you previously noted, the site is located east of Carrick Street, between Sunset Drive and W. Ray Avenue. This site is part of a block that abuts the Lindsay Street office corridor. The applicant is requesting rezoning to support development of a multi-family development. Included with this application is a Conditional Zoning Ordinance in which the applicant has offered conditions pertaining to building height, lot combination, and sidewalk/pedestrian access. This request did not trigger the requirement for a Traffic Impact Analysis and we do have information included in the staff report as to impacts from Guilford County Schools.*

This site is located within the Core City area. It’s at the northwest edge of the hospital area noted as the Medical District in the Core City Plan. It’s also abutting a residential area that’s also classified as a residential area in the Core City Plan to the west of Lindsay Street. The Plan speaks to enhancing qualities of residential neighborhoods, but it also encourages a wide range of housing types at high to moderate densities and higher density housing should be located closer to Mixed Use Centers in the downtown areas and key corridors.

I would also note that the site has a Land Use Plan designation of Office. This is a copy of the Land Use Plan for this area. The area that's highlighted in blue is designated as Office. That permits a wide range of Office Institutional and Residential uses. The area that's highlighted in yellow is the residential neighborhood that the Core City Plan notes and the Land Use Plan notes as a low-density residential area. As you can see, the block in which this site is located is entirely designated as office by the Land Use Plan.

To mitigate impacts, the developer has offered conditions to limit building height where they've offered a condition to restrict building heights to 50 feet to match the abutting single family as long as those single-family homes remain on this parcel. As you can see, the eastern half of this block fronts along Lindsay and is developed with Office use. You have the zoning site and then the three remaining parcels that the applicant was unable to acquire as part of this zoning application. Because of those remaining parcels and our negotiated conditions with the applicant, they've offered a condition that as long as those homes remain that the building height be restricted to 50 feet. That's the maximum height of that single-family district. If those homes are no longer used for single family, then they can go to the maximum height allowed by the Office Institutional District.

Key items to note from the Findings in our Analysis. As far as compatibility with the surrounding area, the requested multi-family zoning will act as a transition between the office and business uses along the Lindsay Street corridor and the residential neighborhoods lying west of Carrick Street. As conditions, allowable building heights will be similar to what is permitted on those adjacent single-family parcels.

In regards to mitigating impacts, standards of the Development Ordinance pertaining to landscaping, screening of trash receptacles, exterior lighting, and landscaping around the parking lot will assist to mitigate impacts on adjacent properties and the fact that you have public streets that help separate this site from the abutting neighborhood will also provide additional separation between this site and those neighborhoods to the north and to the west.

Finally, there were questions and concerns raised at the Planning & Zoning Commission regarding stormwater runoff. This site is within the Yadkin-Pee Dee non-water supply area. If development, grading, or site improvements exceed one acre in area, then the stormwater regulations would require the applicant to provide stormwater run-off controls where they would have to mitigate their impervious coverage. I would note when this issue came up in the Planning & Zoning Commission, they only have to mitigate their stormwater run-off. They will not be required to address stormwater run-off that are generated from adjacent sites and all that land from Main Street was developed prior to our current standards. Main Street is a ridge line, so everything does flow westward. So, you do have that stormwater issue from development that took place prior to our current standards, but the applicant would have to address their impacts.

Finally, as far as support of change in the area, the Land Use Plan does support the office-type development and higher intensity residential in this area as do policies in the Core City Plan which supports higher intensity residential housing close to the downtown area and key corridor streets. Thus, staff is recommending approval of the request for the Conditional Zoning Residential Multi-Family - 26 zoning on this site. The Planning and Zoning Commission reviewed this application at their April 26th public hearing and recommended approval by a vote of 9-0. The Commission is forwarding you a consistency statement that the request is consistent with adopted policy guidance because the proposed RM-26 District is supported by the Land Use Policies of the Community Vision Growth Statement, the Land Use Plan, and the Core City Plan.

The Commission also stated that the request is reasonable because the zoning request includes most of the western half of this block and is situated within a portion of the Core City where adopted policy guidance supports office or higher density residential uses to provide a wide range of housing opportunities.

That's a brief summary of this request from staff. Are there any questions?

Mayor Wagner: Any questions for staff?

Council Member Holmes: The stormwater run-off, my understanding is there are issues with flooding in this area.

Herb Shannon: The neighbors had expressed concerns with flooding in this area.

Council Member Holmes: Any plans in the development to address that? Is that something that with the expansion of the impervious surface, is that going to exacerbate this problem?

Herb Shannon: As far as future plans, I don't know if there's anyone here from Public Services. I know that's something that the Public Services Department has been looking at in this area. The applicant, if they obtain approval, when they go through the site plan review process through our Technical Review Committee, they will have to address their impervious coverage, so any new impervious coverage on this site if they have grading or development more than an acre in area, they will have to address their new impervious coverage from their development.

Mayor Wagner: And our regulations require anything to be captured on-site. So, they would be required to meet that standard.

Council Member Hudson: It actually is an improvement over what exists now because we don't have a catch basin, so it would be an improvement over that problem.

Mayor Wagner: Thank you, Mr. Shannon. Mr. Stone, welcome back.

Robby Stone: Thank you for allowing me to speak concerning Market Square. As proposed, this is a 52-unit elderly community: 26 one-bedroom, 26 two-bedrooms. This would amount to roughly right now about an 11-million-dollar investment on this particular site in this area. Similar in design, architecture, materials, textures as to some of the other developments that we've done throughout the community.

There was a number of concerns related to stormwater that exists currently and also traffic that were brought up. And one thing that I would say, some council members may remember Kirkwood Crossing that we developed. This was a concern for that particular parcel. That particular parcel as it was before we developed that site, was creating similar off-site and other uses. Off-site is not able to do the same things, but our development, since that time, has mitigated some of the concerns that were coming from our site. So, this particular site has some topography movement on it. Some of the folks that spoke around adjacent to this particular site. My understanding is from Public Works that there is planned activity down from this site, located down gradient from this site. Our particular design, as folks know, as you move through this process and disturb more than one acre, we will be required to go through a process that deals with the water as it is on this particular site, whether that be through retention systems, cistern, things of that nature. In most cases, because this currently is not dealing with that water in any manner, it does become an improvement and it is something that helps the area. I think that there

are other things that are being addressed in this area certainly off-site. And we can't address items off-site, but as it relates to this particular parcel adjacent to the doctor's office and the single-family uses that currently has no storm retention features designed in it; it's just standard elevation and topography as it exists today. We would be required to go in and deal with what we're creating, you know, as far as additional stormwater issues and mitigate that and would be required to deal with that on-site. That's not up to us. We submit, through our architecture and engineering design plans and specifications that go through a process that all of the departments look at and the departments approve them and get certification. So, I feel confident that, through this process, those are items that will be looked at and addressed and it won't be up to just us. As we submit through our engineers and through our architects how that's dealt with, it will be required through a pretty rigorous process that ties into state requirements and other things like that.

As it relates to traffic, this is a 52-unit elderly community. I do not believe this particular site, as it's currently contemplated, would generate a TIA. It could as it moves through the process. That's another thing that the Transportation Department and staff could ask to be done and any other features that it might require whether that be speed bumps inside and those kinds of things. But those are things, that there's a very thorough process that staff goes through that we're required to meet and we will propose something. But, again, it's not up to us.

So, I don't know if that answers some of the questions and I think there are some folks that are here tonight. If there's other questions that we can answer. But I wanted to present myself if there was. This, again, is similar in fashion financing-wise and target population as our last proposal. So, I'd like to answer any questions if there are any.

Council Member Moore: *If I remember from the past, this is Councilman Moore, the waiting list that you referred to through the years, and I'm sure we're not catching up on it, all you've got to do is pick up the paper. You, obviously, you know we have constitutional rights, you can't limit the applications that come into you geographically or any other way, can you?*

Craig Stone: *No, at Addington and Admiral, we opened the doors and within three months had over 3,000 applicants. Now, we stop at a point so that we're not taking application fees and things like that and we have Fair Housing standards and those kind of things that we have to maintain those lists and do, but the need is overwhelming.*

Council Member Moore: *I get it, but I guess my point being is that if the housing Feds would give the local people a little more leeway, we could try to attack a little bit of the problem that we have in our area within a certain parameter, but, I guess constitutionally that doesn't pass muster.*

Craig Stone: *One thing I would add, the North Carolina Housing Finance Agency has a process. We are involved in that process via the QAP that they put out. It is likely, with cost increases, but because of COVID, their normal application output would be 40-45 awards. This year I doubt that that's 20-25 because of doubling of costs. The need is overwhelming. Mike McNair and his department, I think, more than 5,000 it's quite a bit more than that as far as need goes. And we're talking about 52 apartments here. So, there's not enough tools for affordable housing.*

Council Member Moore: *Right, I get it, but like I said, I just think if the whole thing was reshaped a little bit then maybe local communities could address their local community issues and everywhere across the country. That is what it is.*

Craig Stone: *I do agree that if we had more tools we could use.*

Mayor Wagner: *Any other questions for Mr. Stone? Thank you, Mr. Stone. Hang around, we may have more questions.*

Craig Stone: *And we do have some bond applications coming.*

Mayor Wagner: *Okay, several people signed up to speak and I will take them in the order that they were listed on the sheet, but if you didn't get a chance to sign up I will open the floor in case anyone else would like to speak on this item as well. The first one is Greg Adzima. Welcome back to city hall, Greg. Greg used to work for us at one point.*

Greg Adzima: *Thank you City Council and Mayor for your time today. My name is Greg Adzima and I live at 800 W. Ray Avenue and I've been a 34-year resident on W. Ray Avenue and many of you know me for 12 years on the Board of Adjustment and various other city items. I'd like to start with the info session that the developer put forth for this property. It was somehow announced, but it was before the sign went up announcing the property and it was before the sign went up for Planning and Zoning and it was before the sign went up for City Council. So, I'm not sure how anybody would have gotten their information really.*

This property is not congruous with the neighborhood. The next four blocks has properties up to five acres in size and we are talking 78 bedrooms, probably 100 people and 100 cars on two acres. I'm sure some of you folks live on two acres or have two acres near you. How would you like 100 cars and 100 people on that? We don't want that.

Obviously, it's not currently zoned for this development. We mentioned traffic issues in some previous discussions. Obviously, that many cars and people are going to increase the traffic on W. Ray Avenue which has gone up quite dramatically in the last 30 years as have the speeds.

The developer said that they would mitigate flooding, but I will say that this area floods very often, especially at the corner of Rotary and W. Ray Avenue. I personally waded up past my knees to help emergency vehicles, ambulances, and policemen get out of there because they had been stuck. How would you like to be in an ambulance stuck in there? Maybe you're dying on the way to the hospital. Not a good thing because this is a major cut through to the hospital. This is a direct route to the emergency room and, you know, the city's slogan, "creating the single most livable safe prosperous community in America," none of that applies to this. This is an over-burdened piece of property at two acres and it makes absolutely no sense for this area to be developed in this manner. I mean we're talking multiple, multiple. The previous development we're talking about has maybe a 13-14 units per acre. This one has 26 units per acre. Just think of what one acre is. Twenty-six apartments, probably 40 people and 40 cars on it. You might as well live in New York City. There's a lot of us folks that came to High Point because it was not New York City. We like it the way it is. Thanks.

Mayor Wagner: *Thank you, Greg. Rachel Anderson.*

Rachel Anderson: *Hello, my name is Rachel Anderson and I live on 706 Delmont Street. It is my first house and I love it. It's a work in progress, but that's a fun bit. If it's alright, could I pass you guys this. I put out a petition, and as you can see, there's a copy for each of you. And they have their addresses there and every single person who signed is going to be affected by this project-like they're within three blocks away.*

Firstly, I would like to....I already did that, sorry. Please note that all the addresses will be ones that will be directly influenced by the proposed development. The total number is 50. I actually have more, but that was before I was getting them to put down addresses and I wasn't able to get back in touch with everybody. I've had a great deal of pleasure of meeting a good deal of my neighbors while putting this together. All individuals and families who invested into this city when we decided to make High Point our home. Each name and address is a person who thought it was worth their time to voice their concerns and opinions about this proposed project.

The most talked about was water drainage, or in many cases, the lack thereof. Our neighborhood streets and homes have been subjected to increasing levels of water and flooding. Much of which head straight towards us from downtown and the hospital. The area that the construction is proposed upon is one of the last substantial green places that separates us from that wash of concrete. It absorbs a substantial amount of water. There's also a gulley in the center that would have to be filled in which would further increase the land's ability to actually stop that flow. It would be ridiculous and short-sided to approve any construction until the drainage issue in our neighborhood has been properly addressed. It will result in property damage. It's already happening now and it's worst. And, again, this property will deal with the water that falls on it, not the stuff that it's absorbing now. So, all that's still going to go down towards us. It also has the potential for bodily harm when ambulances have to re-route to avoid flooded streets or simply get stuck in them.

To ask us to accept these risks to ourselves, our loved ones, and our property is unreasonable at best. Furthermore, to do so in the face of the concerns of so many names in front of you borders on unconscionable. Another concern of many is the parking. Fifty-two parking spaces for 52 units, half of which will be two-bedroom is not possibly going to contain the amount of vehicles or staff for this development and doesn't even take into consideration any visitors that they would have. Some single units will have two occupants and the possibility of two vehicles. Two bedrooms even more. Parking is already slim in this area on regular days, not even considering the added traffic and parking concerns during Market, which, of course, we're right up against.

For myself, personally, I would have no problem with this project if the infrastructure in place could handle it and if the plans made sense. Unfortunately, they don't and until they do, I cannot. In closing, no construction should be thoughtfully endorsed without a good groundwork in place to support it. This project has needed the actual pipes or community's support to make it a solid or considerable choice at the moment. Again, I would like you to take a look at the names and addresses in front of you and ask if our concerns for our homes and the quality of our lives that we live in them is worthy of your consideration. Also, like the previous development that was talked about, this one is right up against the street. And, again, three stories high, and one of the suggestions we have on there is the possibly downgrading it to 16-R instead of 26 and just lowering it so that's a little bit more reasonable for our neighborhood because that's going to be right up against our street and everywhere. Thank you so much for your time. I really appreciate it. Thank you.

Mayor Wagner: Cameron Ledbetter.

Cameron Ledbetter: Hello, my name is Cameron Ledbetter. I also reside at 706 Delmont Street. Also, I'd like to thank Tyrone Johnson and Michael Holmes for being the only members of this committee to answer my email on this subject. One of the concerns that I've seen that hasn't been brought up yet is that in the plans listed, that's been shown by Wynnefield Properties, they have the building, the setback for the building in the plans as presented, shows a 10-foot setback from the street for a 50-foot-tall structure. Ordinance Number 7626-1708 that was passed, I believe,

on January 17, 2017, states that for RH-26 zoning that it would need to have a setback of 20 feet and if you're looking at the plans as presented, you literally can't move a building that size 20 feet without having to be on top of someone's house. So, it's already not up to code for the zoning that's been requested. Which is not a good sign, generally. Once again, 78 tenants, at least 52 parking spaces. I'm just not seeing it.

Also, one thing that has been brought up is that, well, it was brought up a good bit about there being screened in dumpsters, also within those plans it is one recycling dumpster and one regular waste dumpster for 78+ people. That's not enough capacity. So, basically, in order to still maintain that would mean that Waste Management routes would have to be increased there which, obviously, is going to have its own problems as well.

As far as traffic, yeah, it's really annoying when traffic backs up and, yes, that will be a big issue considering that the main entrance on Sunset is just up from the traffic circle. During Market, it already backs up past Ray and just across Lindsay right at the intersection is already where those paramedics actually stage their trucks for dispatch. So, backing up further can cause some serious problems there.

Hold on, I'm sorry. Oh yeah-traffic. If you've actually gone down Sunset, just past Currick and Delmont, you probably have noticed that there's an extreme sight distance right there. So, if you have cars coming in and out from that entrance, it's a pretty tight street and there's really not anywhere to swerve as it is, you're going to end up having wrecks at that entrance basically like both coming in off of Lindsay and going towards Lindsay. It doesn't make sense to have cars going in and out of there that much, given the site distance.

I swear, I'm trying to keep it down to things that have not been overly discussed. I know your time's valuable. Also, for a three-story senior building, it seems kind of crazy to have six handicapped parking spaces and no elevator in the plans. I'm not really sure how that's supposed to work. And, once again, with it not having proper offset from the street, the reason why, because they're in place and I'm sure you know, has to do with fire ladders and being able to have enough distance from buildings to get up to higher floors, so there's issues there as well.

Let's see. Oh yeah-power grid strain. So, a lot of the presentations I've been seeing have to do.....seem to be really, really heavy on the idea that the infrastructure in place already is doing great, and in reality, it's not. Once again, if you visited the site, you'd know. Those roads are already crumbling. If you bring in that much heavy construction equipment that's required to go up a three-story building, they will crumble further in pretty short order. One thing that you don't seem to really notice that much, I guess, is that we actually experience a ton of power outages in the area. Seventy-eight seniors in a building, many of whom would end up because also prioritizing people with disabilities, rely on medical devices. So, that site is actually on a separate grid from the hospital which is set up to handle those kinds of devices in case of power outages. We see a lot of power outages in the area already. It seems like it would be a strain on the power system.

Let's see.....mostly I'm just suggesting that the rezoning instead be for RH -16. It seems like this type of project could be done pretty easily within that zoning if it met the requirements for it. Even in the article in the High Point Enterprise, Wynnefield even alludes to the fact that it's a very tight fit because it doesn't fit. I also keep hearing, well, there's commercial here that could be, you know, 80 feet tall. It isn't. Those commercial properties, those offices are converted one-story cottages. We're not talking about having a smooth transition between a big, booming commercial there with tall buildings down to single-family. This would be the towering structure

in the area. It just seems like whatever is convenient, things are well planned out and it will go great and whenever anything is brought up, it's up in the air, the city will figure it out. I just don't have the confidence with this.

Additionally, it's also where I keep hearing about how great their current sites are managed. Quick Google search, the reviews say completely otherwise. They tend to all have the same kind of issues, primarily with waste management. I've seen probably at least about one quarter or more of the complaints are there's trash piled up everywhere. Even more if you include pest control issues that come from that. I just do not have faith in this project. Period. And I think it's just reckless to go forward with it as it is currently planned. Thank you.

Mayor Wagner: Thank you, Mr. Ledbetter. Is there anyone else present who would like to speak regarding this item? You've already had your chance.

Unidentified person in audience: The only thing I want to say is we didn't even know about it.

Mayor Wagner: If you're going to speak, you have to come forward to the podium and give us your name and address please. Thank you.

Terry Currie: I didn't really plan on coming up here, but my name is Terry Currie. I sent y'all and email, 401 Colonial Drive. We didn't even know about this. I think Mr. Ledbetter didn't even get the letter about the meeting until the day after and it was only 300 feet that they sent out letters to. I heard about it a week ago and I came to the Planning meeting. So, there would have been a lot more people here had they known about it, to voice their concerns and I'm worried about the traffic. Being so close to Lindsay with the entrance and exit, the only one going in and off the street. So, I mean if you could expand the time some more people could voice their concerns. It would really help. Thank you.

Council Member Moore: Can I ask her a question? When did you get notification?

Terry Currie: I never got notification. I'm on the corner of Delmont and Colonial.

Council Member Jones: It's outside the radius to be contacted.

Council Member Moore: Just outside.

Terry Currie: But it affects me dramatically.

Council Member: I'm sure. Thank you.

Mayor Wagner: Before she steps down, Mr. Shannon, can you state what the requirement is for notification to the neighborhoods.

Herb Shannon: We notify all the property owners within 300 feet of the property.

Mayor Wagner: To your knowledge, has the applicant complied with that? The city gives notification.

Herb Shannon: Yes, and we provide that list to the applicant for doing their citizen information meeting.

Terry Currie: And when did you get your notification?

Cameron Ledbetter: For the Planning and Zoning meeting, just barely within the time requirements.

Rachel Anderson: And two of our neighbors who moved in this year were on the street and they didn't get anything. We're the only reason they knew it.

Mayor Wagner: There's a list in your packet of everyone who received notification.

Terry Currie: Thank you.

Mayor Wagner: Anyone else who would like to speak?

Unidentified person: I'd just like to say I'm at 406 Sunset and I never got notice.

Council Member Moore: I've got one quick question for Mr. Shannon. Who determines the 300 feet? Is it city ordinance?

Herb Shannon: State statutes require notification of property owners within 100 feet. The city Development Ordinance, we have higher standards and we've upped that to all property owners within 300 feet.

Council Member Moore: Thank you. I wanted that kind of rhetorically for the record and for that to be known by the neighbors.

Rachel Anderson: My neighbors didn't get it. They are, like, on the same street as me. They are within the 100 feet.

Mayor Wagner: Okay, with that I'm going to close the public hearing. I think a lot of what has been brought up, I think everybody needs to understand the process of what we're doing. What we're being asked to do is to determine whether the new zoning is correct, okay? We're asked to rezone the property. We're not here to approve their site plan. We're not here to approve what they are planning to do with it. I don't know if....Mr. Stone....I don't know if his company actually owns the property. Do you actually own this property?

Craig Stone: I have an option contract.

Mayor Wagner: So, this property could be sold to someone else. It could be redeveloped in another way. So, all we're asked to do is approve the request for rezoning. As far as where the building is built on the property, whether they have to put in stormwater controls, whether they have to put in a turn lane, you know, or what they might have to do to address any kind of transportation issues, those are things that are handled after the fact through our technical review process with the city because, the developer, when they come back, they have to produce their site plan, they have to produce their plans to the city for approval and all of those things go through the Technical Review Committee. They review those and they determine whether what's been proposed meets the requirements of our ordinances. So, a lot of the things that were brought up are things that, really, we can take into account, but are really things that if the zoning is approved would be handled once an actual plan is produced and filed with the city. With regard to the stormwater, that's one thing that's been brought up over and over, as Mr. Shannon stated,

they are required that if they are going to disturb more than one acre of land, that they have to put in stormwater controls. That will control....every drop of rain that hits that development has to be controlled. It is related to impervious surface, and they will have to catch and retain that water on that site. Now, our experience typically has been that whenever we have new developments that go into an older area that's experiencing or has experienced some sort of stormwater problem, usually the new development makes it better. Because what you have right now is roughly two acres where there are no stormwater controls and if, in the future, this is developed, you'll have two acres where there are stormwater controls. I have one question, though, for our staff and I don't know if Robby Stone is still here or somebody. One of our stormwater projects was that lower area. Ray Street I believe. Has that project been completed or is that still in the works?

Eric Olmedo: I don't believe it's been started.

Mayor Wagner: Okay, any timeframe on that?

Eric Olmedo: Not to my knowledge.

Mayor Wagner: Anyway, I want to get that out there before we continue so that folks will have a better understanding of, really, what our role is at this current phase. It's really just a question of zoning.

So, with that and to keep things moving, I'm going to make a motion for approval of this item and I'm going to state in my motion for approval that I will adopt a reasonableness and consistency statement as stated by the staff in the staff report.

Council Member Johnson: Second.

Mayor Wagner: And there is a second for that motion. So, now the floor is open for Council for discussion or any questions you might have. The public is closed. Does anyone have any questions for staff or comments?

Council Member Holmes: No, I guess this is for Mr. Stone. I see here that there was a suggestion for alternate zoning to RH-16. Was that discussed in your meeting with the residents about maybe lowering the density requirement for some of these concerns that they had?

Craig Stone: Alternate zoning was not discussed and one thing I would add, in addition to the notifications, we placed a rather large sign on the site as notification to the community of the proposed development as well, so that it would be front and center and publicly seen. But there was no discussion of alternate zoning.

Council Member Holmes: I'm sorry, Mr. Stone, I'm just kind of looking in the packet. It said in the notes that it was proposed, so I'm just trying to make sure that.....

Mayor Wagner: Does that ring a bell with you, Mr. Shannon?

Council Member Holmes: Herb, is that to your recollection that that was discussed by the citizens?

Herb Shannon: *Well, the citizen's information meeting, that is not something that staff attends. That's not a city function. The purpose of that is to allow the applicant and the neighbors to discuss the property and proposal upfront so that the public hearing is not the first time they are hearing about it. Now, that issue was raised by one of the residents at the Planning and Zoning Commission meeting, but staff was not at the citizen's information meeting so I just have to go by what was in there report. The property owner did make that recommendation for the P & Z to consider, but the P & Z's recommendation was to bring it forward with a Conditional Zoning RM-26 District.*

Mayor Pro Tem Peters: *I have a question. So, if the rezoning passes and then the site plan is turned in and they have to obey all the different ordinances and stuff, I'm sure at that point, the citizens will get invitations to come and see the site plan and if.....*

City Attorney JoAnne Carlyle: *No.*

Mayor Pro Tem Peters: *Okay, then I don't know. But, if it doesn't meet the ordinances would the applicant have to reduce the number of dwellings?*

Herb Shannon: *The first part of your question....if it's approved, it's considered a permitted use. The review through the technical review process, that's not a public hearing where the citizens come and have input. As far as when it goes through the technical review process, the staff will not approve it unless it meets all ordinance requirements. So, if there's some issue with parking, density, setback do not meet that requirement, then we will deny the plans.*

Council Member Holmes: *So, none of the current design or request from the applicant were rejected by P & Z 100 percent in line with what the zoning request is?*

Herb Shannon: *The key issue to look at in the staff report is the Conditional Zoning Ordinance. That is what the P & Z and the City Council is asked to approve. Those are going to be the higher zoning standards. There was no....the site plan that is in the citizen's information packet, that is illustrative. It has not gone through the complete formal review process and as I previously noted, this is not a binding site plan so things may move around.*

Mayor Wagner: *Anyone else with any questions for staff or the applicant? Any comments? I'll make a couple more comments. I think....I'll allude to something that Mr. Moore said on our previous case, as growing pains I think that's something that we are experiencing as a city and a lot of other cities, and, again, I'll allude to what the Mayor Pro Tem said as well. As the areas where we live continue to urbanize a little more, these are the types of projects that we're going to see. They are going to be a lot more infill projects that are calling for a lot more density. Density is not necessarily a bad thing. If we can provide services to a greater....first of all, we have a huge need for housing of all types. Not just in High Point, but really in our state and our region—probably all over the country, there's a huge need for housing. The greater density allows the city to provide services to a greater number of people at a lower cost, which, long term means lower taxes for all of you. It also, you know, putting more units on a smaller area of land also produces a greater value per acre for that property which allows the city to collect more property taxes and, again, puts less stress on your tax rate. And it provides needed housing for people who need to have it. But it is growing pains because the closer you live to the middle of the core of the city, the more pressure you're*

going to see in the own experience, I have a multi-family development one block east of my house. It's been there for 80 years, I think. I think it was built in the 40s. I have another multi-family development two blocks to the northeast of my house that's probably been there since at least the 50s I would think. It's not something that I even think about on a daily basis. It's there. They're both there and they've always been there and I haven't seen any sort of detriment to my property values or traffic or anything. And they are both much bigger than this, much bigger than this. As the city continues to grow, these are the types of developments that we're going to have to be dealing with, I think, as we transition to a more urban style of living. So, that's kind of my two cents. I will be supporting this. I know it's a tricky little piece of property, but generally multi-family is.....the proper place for multi-family is a transitional use and this is a piece of property that's between office and single family. I mean, I think it fits that as a transitional use.

Anybody else have any comments before I call for the vote?

Council Member Moore: I want to just say one more thing. I believe it was Mr. Ledbetter, is that correct? You spoke very well. You look about half my age and you made some good points about the infrastructure and the density and we, as this council and any council that's going to come after us, is going to be faced with the perpetual burden of upgrading and making better the infrastructure that's under us because our city...I think we're probably a little ahead of Greensboro and Winston in a lot of ways. But our infrastructure in certain parts of the city is aging. There's no question. So, you make that a good point and that's certainly a priority for this Council and staff. As we budget, we're facing the same thing, the area in which you live was platted and developed long before the standards that are in place now to help. And some of the area by today's standard probably wouldn't have been developed in the way that it developed now because of the issues of the concerns of the water and that kind of thing. We're dealing with the same thing, you may have read in the paper, at Foxwoode Meadows across from the Oak Hollow Dam there at Eastchester. So, those things changed in the 70s and new standards have been put in place, but, unfortunately, this council and any other council has to deal sometimes with things that were put in place that we had nothing to do with. So, we're kind of balance that ball between quantity and quality and hopefully we get it right more times than we get it wrong. But I think our staff will do a good job in following this through the TRC and through the planning and development. As far as your one comment, I'll make this and I'll be quiet. Again, I mentioned that you're about half my age. I do use Google sometimes too, but I trust them about as far as I can throw them. So, most people that make comments in that type of arena are ones that have a complaint and you don't often get praise for something done right. But I can promise you that Mr. Stone will work diligently with staff and he will be available to probably answer your call if you call the office and he'll get back to you as it goes through. I will be supporting this and I'm trusting that it will be good for long term long after I'm gone. Thank you for being here and for sharing your heartfelt well-researched thoughts—all of you.

Mayor Wagner: Anyone else who would like to speak? There is a motion and a second for approval of this item. If there's no further discussion, then all those in favor of approval, please signify by saying Aye.

Mayor Wagner, Mayor Pro Tem Peters, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes: Aye.

Mayor Wagner: *Is there anyone opposed? Okay, that motion passes unanimously. [9-0 vote]*

A motion was made by Mayor Wagner, seconded by Council Member Jefferson, to adopt an Ordinance providing for the rezoning of approximately 2.1 acres from the Residential Single Family - 5 (R-5) District and the Office Institutional (O-I) District to a Conditional Zoning Residential Multifamily - 26 (CZ RM-26) District. and to adopt the following Consistency and Reasonableness Statements:

"That Zoning Map Amendment 22-07 is consistent with the City's adopted policy guidance because the proposed RM-26 zoning is supported by land use policies in the Community Growth Vision Statement and the Land Use Plan and the Core City Plan. Furthermore, the zoning request includes most of the western half of this block and is situated within a portion of the Core City Area where adopted policy guidance documents support office or higher density residential uses to provide a wide range of housing opportunities."

The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

Ordinance No. 7820/22-41

Ordinance Book, Volume XXII, Page 137

GENERAL BUSINESS AGENDA

2022-203 Establish Budget Public Hearing - Monday, May 16, 2022, 5:30pm

City Council is requested to establish the Budget Public Hearing for Monday, May 16, 2022, at 5:30 pm and establish the following dates for City Council budget work sessions.

- Wednesday, May 11, 2022, 3-5 pm
- Thursday, May 12, 2022, 3-4 pm (if necessary)
- Thursday, May 19, 2022, 3-5 pm (if necessary)
- Monday, May 23, 2022, 3-5 pm (if necessary)

The public hearing for this matter was held on Monday, May 2, 2022 at 5:30 p.m. as duly advertised.

Stephen Hawryluk, Budget and Performance Manager, provided a brief overview of the Proposed FY 2022-2023 Budget.

He spoke to the challenge of preparing the budget due to COVID-19 and the variants; how there's a new normal that everyone is having to deal with; how that new normal affects the city's daily delivery of services; supply chain issues regarding timing of equipment/vehicle orders; inflation (costs much higher than originally anticipated); trying to factor these into department budgets so they can continue to deliver services that they're used to delivering; there is a major impact of fuel prices; the challenges associated with the retention and recruitment of employees; the drastic impact that the Guilford County tax revaluation would have on every citizen; continuation of the restoration of budgets to pre-pandemic levels.

He reported the total budget for all funds proposed for the FY 2022-2023 budget is \$464.3 million and shared a pie chart showing the percentages of all funds. He noted that the purchase of wholesale power is the largest expenditure, which equates to about 20% of the entire budget. Looking at the total revenues and comparing the proposed budget to last year's adopted budget, he noted that charges for services is the largest revenue category which is made up of electric fund revenues, water/sewer revenues, solid waste revenues--charges for services from the Enterprise Fund.

Mr. Hawryluk advised that the proposed budget reduces the tax rate by three cents to 61.75 cents per \$100 valuation; a proposal for a 4% increase in water/sewer rates; several fee schedule changes; new fees for fire inspections, fire permitting, and fire violations, etc...; some increased fees for cemeteries, library, and a fee for USB drives in the City Clerk's office for public records requests. He stated that the proposed budget does not recommend any increases to electric rates, stormwater fees or landfill and garbage collection fees.

Regarding the property tax rate, Mr. Hawryluk noted that one cent is equivalent of \$1.27 million and explained that the property tax rate is divided between the Debt Service Fund and the General Fund; the debt service fund remains at 3.4 cents allocation to it and the three cent reduction is effective in the General Fund going from 61.3 cents to 58.35 cents. He further explained that because this is a revaluation year, the city would need to publish a revenue neutral tax rate which is a tax rate that would produce the same revenue if no revaluation occurred, but still assumes natural growth. He advised the current tax base, which at a current rate produced a current levy of about \$66.9 million and noted that it would require a revenue neutral tax rate of 52.97 cents taking into consideration the proposed tax base, tax rates, etc..... and the average growth of 1.87 cents.

Regarding the Guilford County revaluation, he pointed out a house valued at \$150,000, under the new proposed rate, would be paying almost an additional \$187 annually or \$15 monthly. He explained that the annual/monthly change would be indicative of the value of the property and how it changed in the reval which would vary from homeowner to homeowner.

Sales tax revenues are growing and have been growing throughout the year; the current year projections have the city ending the year at a little over 11% as compared to the end of 2021, which is over \$2.6 million; staff's projections for 2022-2023 assume a 4% growth above the projected year and staff feels this is a very conservative estimate.

On the expenditure side, Mr. Hawryluk noted that personnel services make up about 33% of the total budget and increasing almost \$12.9 million or 9% due to the 2.5 percent cost of living adjustment for employees and the increase to the minimum hourly rate to \$15 an hour. The salary changes proposed in the FY 2022-2023 Budget are:

- Average 3% mid-year merit pay adjustment (\$1.86 million);*
- Increased city match for 401K/457 contributions from 1% to 3% (effective January 1, 2023) (\$786 thousand);*
- Increased employer contribution to the Local Government Employees' Retirement System (LGERS) (\$2.03 million);*

- Increased employer costs to city health plan (no increase to employee contribution) (\$1.64 million).

He reported that several benefits were researched during the budget process as to what the benefit would be to the employee, the fiscal impact, and how the city of High Point compares to other municipalities. The three specific benefits that were researched were the city matched 401K/457 contributions; paid parental leave; and an employee health clinic. He reiterated that the budget proposal does include the city's match increase from 1% to 3% for 401K/457, but does not include the paid parental and employee health clinic benefits.

There are 11 full-time and 3 part-time new positions included in the budget at a total cost of \$1,203,707.00. In addition to these new positions that are additions to the employee count, nine full-time and two part-time titles are proposed; management and staff will look at identifying and repurposing vacant positions to lessen the fiscal impact.

On the operating side for expenditures, fuel is a huge driver impacting the budget; the proposed budget restores the fire apparatus replacement program suggesting a dive truck and engine be replaced; these were deferred during COVID; staff was able to fund some fire vehicle replacement as part of the critical items that were deferred during last year's budget when that was approved back in February; the proposed budget also includes an additional \$1 million for fleet vehicle and rolling stock replacements.

On the capital side, the budget restores general capital to about \$2.55 million; \$1.4 million of that is funded by the General Fund; there is one project that has shared funding through some of the Enterprise Funds; that is going from zero to \$1.4 million; which is a big driver of the increase in capital.

Mr. Hawryluk noted the budget document notebooks for Council could be picked up in the manager's conference room. He concluded his presentation with the following proposed dates for the upcoming budget work sessions:

- Wednesday, May 11th from 3:00 - 5:00 p.m.
- Thursday, May 12th from 3:00 p.m. - 4:00 p.m. (if necessary)
- Thursday, May 19th from 3:00 p.m. - 5:00 p.m. (if necessary)
- Monday, May 23rd from 3:00 p.m. - 5:00 p.m. (if necessary)

Regarding a question that was asked in the Special Meeting held earlier at 3:30 p.m. on the street resurfacing budget, staff replied that the total resurfacing budget for FY 2022-2023 is \$3.3 million which is the same budget as in the current year; noted that it was increased in FY 2021, but remains the same for FY 2023.

Mayor Wagner asked if there were any questions for staff regarding the proposed budget. Hearing none, he proceeded with the following motion.

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Peters, to establish a public hearing date on the budget for May 16th at 5:30 p.m.; and established the following dates for City Council Budget Work Sessions: Wednesday, May 11th (3-5 p.m.); Thursday, May 12th (3-4 p.m.) (if necessary); Thursday, May 19th (3-5 p.m.) (if necessary); and Monday, May 23rd (3-5 p.m.) (if necessary).

The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-214 Purchase of Property- 300 A Oak Street and 331 W. Russell Avenue

Staff recommends City Council approve the purchase of the properties located at 300 A Oak Street and 331 W. Russell Avenue at a purchase price of \$3,000,000 and to authorize the mayor to execute the agreement.

Mayor Wagner moved to suspend the rules to place this matter on tonight's agenda for consideration. Council Member Hudson made a second to the motion which carried by the following 9-0 unanimous vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

A motion was then made by Mayor Wagner, seconded by Council Member Moore, to approve the purchase of the properties located at 300 A Oak Street and 331 W. Russell Avenue at a purchase price of \$3,000,000.00 and to authorize the mayor to execute the agreement. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-215 Grant Project Ordinance Amendment

Council is requested to approve an ordinance amending the Grant Project Ordinance for the American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds for the purchase of property at 300 A Oak Street and 331 W. Russell Avenue for development of a small-scale manufacturing facility.

Mayor Wagner moved to suspend the rules to place this matter on tonight's agenda for consideration. Council Member Hudson made a second to the motion, which carried by the following 9-0 unanimous vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Peters, to adopt a Grant Project Ordinance Amendment that would authorize the use of ARPA funds for the purchase of the property at 300 A Oak Street and 331 W. Russell Avenue in the amount of \$3,000,000.00. The motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

2022-204 Minutes To Be Approved

April 13, 2022 Prosperity & Livability Committee Meeting Minutes @ 9:00 a.m.

April 14, 2022 Finance Committee Meeting Minutes @ 4:00 p.m.

April 18, 2022 Special Meeting Minutes @ 4:00 p.m.

April 18, 2022 Regular Meeting Minutes @ 5:30 p.m.

April 20, 2022 Public Safety Committee Meeting Minutes @ 4:00 p.m.

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

Aye (9): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, Council Member Jones, and Council Member Holmes

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 11:19 p.m. upon motion duly made by Council Member Jefferson and second by Council Member Moore.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: One High Point Commission Roster Updates

From: Jeron Hollis – Managing Director

Public Hearing: N/A

Meeting Date: June 6, 2022

Advertising Date: N/A

Advertised By: N/A

Attachments: None

PURPOSE:

To update the list of One High Point Commissioners and alternates that was approved by the City Council on May 2, 2022.

BACKGROUND:

On May 25, 2022, One High Point Commissioner Megan Oglesby sent an email to the City Clerk and the Managing Director, stating her intent to resign from the One High Point Commission. Consistent with the One High Point Commission resolution, an alternate must be selected to replace the commissioner. In addition, a new alternate must be named.

Based on voting totals for applicants, Constance Reynolds would be next in line to replace the resigning commissioner. Based on those same totals, Brenda Deets would be next in line as the replacement alternate.

BUDGET IMPACT:

None

RECOMMENDATION / ACTION REQUESTED:

Staff is requesting that the City Council accept the resignation of the resigning commissioner (Megan Oglesby), and to approve the new commissioner (Constance Reynolds) and alternate commissioner (Brenda Deets) for the One High Point Commission.

FINANCE COMMITTEE
Chaired by Council Member Moore
Committee Members: Moore, Holmes, Jones, and Peters
MAY 12, 2022 – 4:00 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

MINUTES

CALL TO ORDER

Chairman Moore called the meeting to order at 4:02 p.m.

Following roll call by Chairman Moore, the following Committee Members were **Present (4)**:

Chairman Britt W. Moore
Committee Member Monica Peters [arrived at 4:10 p.m.]
Committee Member Michael Holmes
Committee Member Victor Jones

Staff Members Present:

Tasha Logan Ford, City Manager; Eric Olmedo, Assistant City Manager; Meghan Maguire, Assistant City Attorney; Bobby Fitzjohn, Director of Financial Services; Stephen Hawryluk, Budget & Performance Manager; Kevin Rogers, Fleet Services Director; Tyler Berrier, Assistant Director Electric Utilities; Noelle Wilson, Communications Specialist; Kim Thore, Right-of-Way Coordinator; Greg Venable, Interim Transportation Director; Sandy Dunbeck, Economic Development Director; Trevor Spencer, Engineering Services Director; Lisa Vierling, City Clerk

PRESENTATION OF ITEMS

2022-219 Contract - WESCO Distribution, Inc. - Warehouse Stock - Underground Cable
City Council is requested to award a contract to WESCO Distribution, Inc. in the amount of \$384,315.00 for the purchase of five (5) various underground cable types used by Electric Utilities to replenish warehouse stock.

Tyler Berrier, Electric Utilities Assistant Director, advised that staff is requesting authorization to purchase five (5) various underground cable types commonly used by the Electric Utilities Department for regular warehouse stock.

Chairman Moore inquired about the supply chain. Mr. Berrier replied that the timing in getting the items in depends largely on the type of material and advised the biggest thing is the price increases.

Committee Member Jones moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 3-0 unanimous vote:

Aye (3): Chairman Moore, Committee Member Holmes, and Committee Member Jones

Absent (1): Committee Member Peters

2022-220 Contract - WESCO Distribution, Inc. - Residential Voltage (120/240V) Transformers (25kVa)

City Council is requested to award a contract to WESCO Distribution Inc. in the amount of \$113,221.80 for the purchase of (20) twenty transformers to be installed around the city electric footprint on various projects.

Tyler Berrier, Electric Utilities Assistant Director, explained that due to supply chain shortages, the Electric Utilities Department is in need of smaller, residential style transformers and was contacted by WESCO, who had procured some surplus production slots for an electric utility on the west coast, Pacific Gas and Electric (PG&E). These units are being offered as surplus production slots from Pacific Gas & Electric. These units are currently being bid with 70-80 week lead times with prices that are double what the current units are being offered at.

Chairman Moore inquired about the estimated delivery time for the transformers; Mr. Berrier replied they should arrive in August.

Committee Member Holmes moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Jones made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 3-0 unanimous vote:

Aye (3): Chairman Moore, Committee Member Holmes, and Committee Member Jones

Absent (1): Committee Member Peters

2022-221 Resolution - Housing Authority of High Point Multifamily Housing - Amended - Revenue Bonds for Daniel Brooks Phase I

City Council is requested to adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Housing Authority of the City of High Point in an aggregate amount of not to exceed \$14,000,000 of Multifamily Housing Revenue Bonds for Daniel Brooks Phase I.

Eric Olmedo, Assistant City Manager, advised the Housing Authority has requested approval for a revised not-to-exceed amount for the bond issuance for the Multifamily Housing Revenue Bonds for Daniel Brooks Phase I. The previous not-to-exceed amount was \$11,000,000; the Housing Authority is now asking for a not-to-exceed amount of \$14,000,000 for the bonds that will be issued for this project; this action does not impact the city's

participation of the \$6.5 million for the project; the city is the overseeing authority which requires approval by Council; the increase is necessary due to cost increases; and the Housing Authority intends to issue bonds this Summer.

Committee Member Jones moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 3-0 unanimous vote:

Aye (3): Chairman Moore, Committee Member Holmes, and Committee Member Jones

Absent (1): Committee Member Peters

2022-222 Budget Ordinance - Purchase of Property 300A Oak Street & 331 W. Russell Avenue

City Council is requested to adopt a budget ordinance to appropriate \$3,000,000 for the purchase of property at 300A Oak Street and 331 W Russell Avenue for development of a small-scale manufacturing facility.

Stephen Hawryluk, Budget & Performance Manager, advised this budget ordinance is needed for the purchase of property located at 300 A Oak Street and 331 W. Russell Avenue in the amount of \$3,000,000. He noted that the City Council approved \$3,000,000 in ARP funds for this property purchase on May 2, 2022 and the amendment creates a project in the Capital Project Fund.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 3-0 unanimous vote:

Aye (3): Chairman Moore, Committee Member Holmes, and Committee Member Jones

Absent (1): Committee Member Peters

2022-223 Contract - High Point Convention & Visitors Bureau FY 2022-23

City Council is requested to approve the FY 2022-23 Convention and Visitors Bureau budget and authorize the City Manager to execute a contract with the High Point Convention and Visitors Bureau for FY 2022-23.

Stephen Hawryluk, Budget & Performance Manager, noted that Melody Burnett, Executive Director for Visit High Point, made a presentation regarding their budget before City Council during a Special Meeting held on Wednesday, May 11th. This is an annual item brought forward as part of the annual budget process.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Jones made a second to the motion.

Following a roll call vote by Chairman Moore, the motion carried by the following 3-0 unanimous vote:

Aye (3): Chairman Moore, Committee Member Holmes, and Committee Member Jones

Absent (1): Committee Member Peters

2022-224 Approval- FY 2022-2023 Annual Budget for the Market Authority

Council is requested to approve the FY 2022-2023 Annual Budget for the Market Authority.

Stephen Hawryluk, Budget & Performance Manager, reported that Mr. Tom Conley, Executive Director of the High Point Furniture Market Authority made a presentation on their proposed FY 2022-2023 Annual Budget at the Special Meeting of the City Council held on Wednesday, May 11th. He noted that the Furniture Market Authority's draft budget will be considered by the Furniture Market Executive Committee on June 4th.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-225 Budget Ordinance - Community Development Block Grant - Cares Act Funds

City Council is requested to appropriate a special allocation of Community Development Block Grant (CDBG-CV) funds awarded under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be used to prevent, prepare for, and respond to the coronavirus pandemic.

Stephen Hawryluk, Budget & Performance Manager, advised the June 2021 amendments were approved for the 2019 Annual Action Plan and Consolidated Plan; however, the budget ordinance was never adopted reflecting the amendment. He explained the budget amendment would appropriate the funds; this is all federal money; and no local money is involved.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-226 Budget Ordinance - Fleet Services - Excavator Replacement for Water/Sewer Mains Division

City Council is requested to approve the excavator for surplus, appropriate \$77,000 from the sale of the equipment, and utilize the proceeds for a replacement excavator for the Water/Sewer Mains Division.

Stephen Hawryluk, Budget & Performance Manager, advised this is surplus to appropriate \$77,000 for the sale of equipment and to utilize the proceeds for a replacement excavator for the Water/Sewer Mains Division.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-227 Capital Project Ordinance - Burton/Washington GO Bond Projects

City Council is requested to adopt a budget ordinance to appropriate \$10,605,259 for the Washington Street and Burton Avenue projects funded by 2019 voter approved general obligation bonds.

Bobby Fitzjohn, Director of Financial Services, advised that the city sold General Obligation Bonds authorized by the 2019 referendum totaling \$10,605,259 on April 19, 2022. This appropriates the proceeds for the approved transportation improvements, including the Washington Street and Burton Avenue projects, which are currently in the engineering phase and construction bids are anticipated in FY 2022-2023.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-228 Capital Project Ordinance - Eastside UV Disinfection

City Council is requested to adopt a budget ordinance to appropriate \$7,980,726 for the Eastside UV Disinfection project and cost of issuance related to the 2022 Combined Enterprise System (CES) Revenue Bond issuance.

Bobby Fitzjohn, Director of Financial Services, explained this Capital Project Ordinance would appropriate the proceeds not previously appropriated from the 2022 Revenue Bonds that were just issued. It will appropriate \$7,980,726 for the Eastside UV Disinfection project which is currently in the design phase with construction expected in FY 2022-2023.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 19, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Peters made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-229 Budget Amendment to Record Issuance of Series 2022A, 2022B, and Series 2022C General Obligation Bonds

City Council is requested to approve a budget amendment to record the issuance of Series 2022A, 2022B, and 2022C General Obligation Bonds.

Bobby Fitzjohn, Director of Financial Services, explained this will help in the recordation of the cost of issuance for the General Obligation Bonds that were just issued, as well as the ABC General Obligation Bond Series. He pointed out the interest rates have been challenging and the 2022C bonds would have been closer to 1% but ended up at 1.96%.

Committee Member Holmes asked if the city is breaking even and Mr. Fitzjohn replied that the city has more cash than assets but admitted that it is tough compared to where the city could have been a few months ago.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-230 Resolution - Sale of City Owned Property - 1100 Jefferson Street

Council is requested to adopt a resolution accepting the offer of \$13,000.00 and authorizing the sale of the Property located at 1100 Jefferson Street, (Parcel No. 174217) through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Kim Thore, Right-of-Way Coordinator, advised that Pedro Solis has offered a bid of \$13,000 for a city-owned vacant lot located at 1100 Jefferson Street (Parcel No. 174217) which is approximately 14,375 square feet or 0.33 acres in size. This property will be sold through the upset bid process as outlined in North Carolina General statute 160A-269.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Peters made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-231 Resolution - Rescind Resolution Authorizing Condemnation to Acquire an Easement - 302 Montlieu Avenue (Qubein Avenue)

City Council is requested to adopt a resolution rescinding the February 7, 2020 resolution authorizing condemnation to acquire an easement in connection with the Montlieu Avenue Improvement Project located at 302 Montlieu Avenue (Qubein Avenue).

Kim Thore, Right-of-Way Coordinator, advised the owner sold the property and the city was able to reach the new owner and get the easement needed, so staff is recommending the Resolution Authorizing the Condemnation to Acquire an Easement for 302 Montlieu Avenue (Qubein Avenue) be rescinded.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-232 One NC Grant - Amada America, Inc. - Performance Based Incentives

City Council is requested to approve the pass through grant of \$50,000 in One North Carolina Incentive Funds to Amada America, Inc..

Sandy Dunbeck, Economic Development Director, explained this is a pass-through incentive grant from the State of North Carolina that would be passed on to Amada America based on performance based benchmarks and paid out accordingly.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Holmes made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2022-233 Resolution of Support - Metal Works of High Point - Building Reuse Grant

City Council is requested to adopt a resolution of support for Metal Works of High Point being awarded a Building Reuse Grant from the State of North Carolina.

Sandy Dunbeck, Economic Development Director, explained that Metal Works of High Point has applied for a building reuse grant with the State of North Carolina which is currently under consideration. If the City of High Point concurs, the State requires adoption of a Resolution of Support. This will be a pass-thru grant as well.

Chairman Moore pointed out Metal Works is a local small manufacturing company.

Chairman Moore moved to forward this matter to the City Council with a favorable recommendation and place it on the May 16, 2022 City Council Finance Committee Consent Agenda for approval. Committee Member Jones made a second to the motion. Following a roll call vote by Chairman Moore, the motion carried by the following 4-0 unanimous vote:

Aye (4): Chairman Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

PUBLIC HEARINGS**2022-234 Public Hearing - Metal Works of High Point - Performance Based Incentives - High Point Economic Development (EDC)**

City Council is requested to authorize performance-based incentives for Metal Works of High Point in the amount of \$75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Sandy Dunbeck, Economic Development Director, advised this would be the required public hearing for consideration of performance-based incentives to Metal Works in the amount of \$75,000 for building upfit incentives. The public hearing is scheduled before the City Council on Monday, May 16, 2022 at 5:30 p.m.; company officials will be present at the public hearing to make a presentation on their request; the project would produce 20 jobs above the county's average wage; Metal Works of High Point is a local homegrown company.

2022-235 Public Hearing - Ecolab - Performance Based Incentives- High Point Economic Development (EDC)

City Council is requested to authorize performance-based incentives for the project of up to \$414,863 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives

Sandy Dunbeck, Economic Development Director, advised this is for a project as proposed by Ecolab; the public hearing is scheduled for Monday, May 16, 2022 at 5:30 p.m.; Ecolab representatives will be at the public hearing to report on their project; this would be a new location for them in High Point off of North sandy ridge Road; this would be the first project to kick off that part of the industrial park; the company proposes to invest \$27,800,000 in the project at a project cost of over \$93,000,000 and is asking for \$414,863 in incentives.

2022-236 Public Hearing - Proposed FY2022-23 City of High Point Annual Budget

Monday, May 16, 2022 at 5:30pm is the date and time established to receive public comments on the proposed FY2022-2023 City of High Point Annual Budget.

Stephen Hawryluk, Budget & Performance Manager, advised as part of the process for adoption of the proposed FY 2022-2023 Annual Budget, a public hearing is required. The public hearing is scheduled before the City Council on Monday, May 16, 2022; notice of the public hearing was advertised; and Mr. Hawryluk reviewed the methods for the public to provide comments if they are not able to attend.

ADJOURNMENT

The meeting was adjourned at 4:28 p.m. upon motion by Chairman Moore and second by Committee Member Holmes.

Respectfully Submitted,

Britt W. Moore, Chairman
Finance Committee

Attest:

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Conveyance of Property to Habitat for Humanity – 803 Amos Street and 803 Vail Avenue

From: Michael E. McNair, Director
Community Development & Housing

Meeting Date: June 6, 2022

Public Hearing: Not Required

Advertising Date:
Advertised By:

Attachments: Area map
Design rendering
Resolution – 803 Amos Street & 803 Vail Avenue

PURPOSE:

In order to continue infill housing development efforts in the Core-City, Community Development & Housing seeks Council approval to convey the following lots to Habitat for Humanity in the Southside community.

- 803 Amos Street
- 803 Vail Avenue

The conveyance will facilitate affordable housing in accordance with HUD regulations and serve a public purpose.

BACKGROUND:

This will be the first properties conveyed to Habitat in the Southside community. They expect to get underway with construction on site in July.

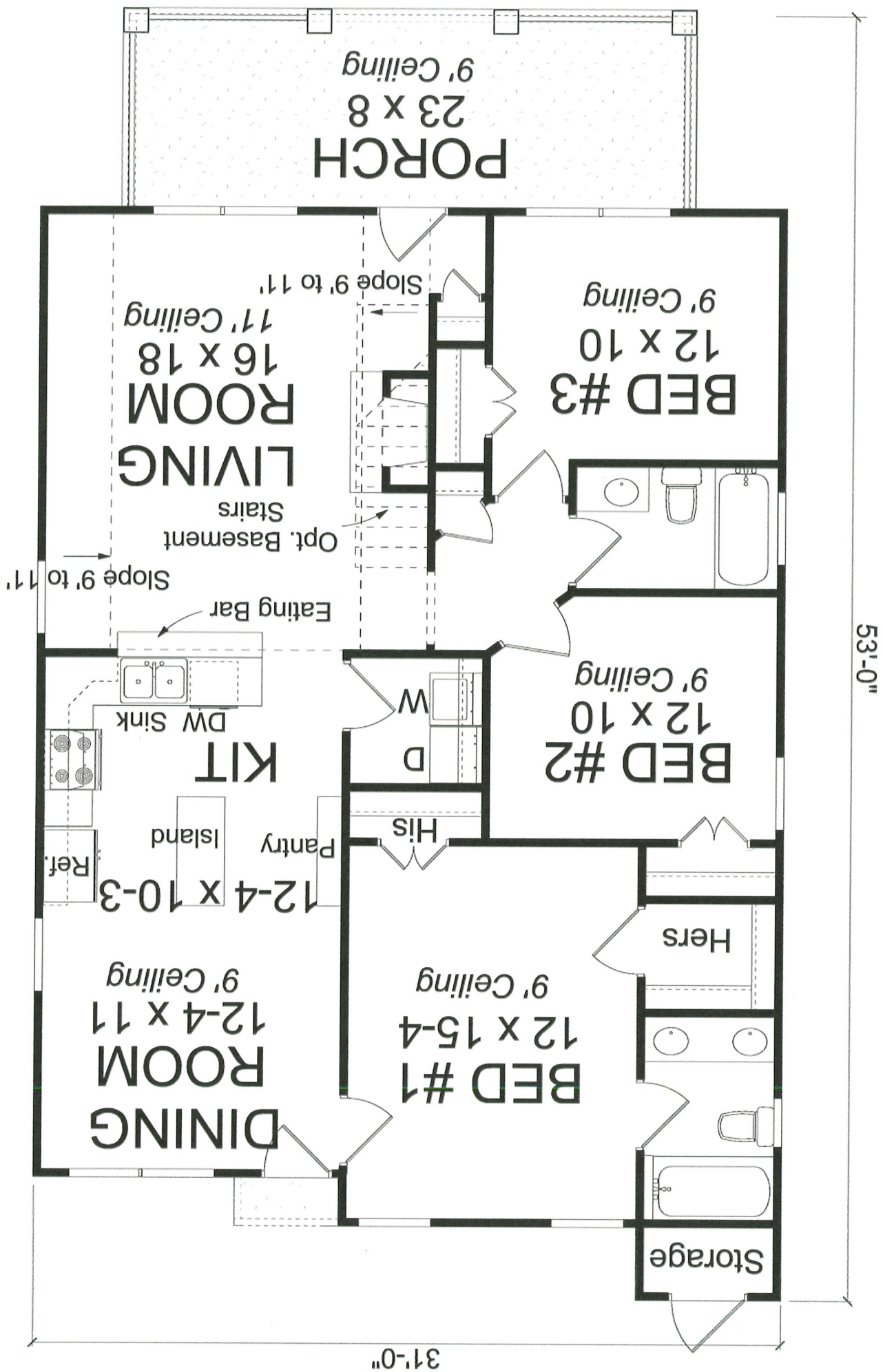
Budget Impact:

There is no budget impact for the conveyance. A contract with Habitat will be prepared and processed.

Recommendation: The Community Development and Housing Department recommends approval of a resolution conveying the property to Habitat and that the appropriate City official and/or employee be authorized to execute all necessary documents.







**RESOLUTION of the HIGH POINT CITY COUNCIL
APPROVING CONVEYANCE
OF REAL PROPERTY
TO A NONPROFIT CORPORATION**

WHEREAS, the City of High Point owns the real property located at 803 Amos Street, described in Deed Book 6762, Page 77 and 803 Vail Street, described in Deed Book 6479, Page 39 of the Guilford County Registry (“Properties”); and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation which carries out a public purpose, in lieu of or in addition to the appropriation of funds; and

WHEREAS, the City of High Point has negotiated with Habitat for Humanity for High Point, Archdale and Trinity, Inc. (“Habitat”) and the parties agree that the consideration of the conveyance of the above properties will be for the public purpose of furthering the mission of providing low to moderate, owner-occupied housing in the City of High Point.

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 Properties located at 803 Amos Street, described in Deed Book 6762, Page 77 and 803 Vail Street, described in Deed Book 6479, Page 39 of the Guilford County Registry.

2. The consideration of the conveyance is Habitat’s agreement to use these properties only for the public purpose of furthering the mission of providing low to moderate, owner-occupied housing. If for any reason the properties cease to be used for a “public” purpose, the properties shall revert back to the City of High Point. A statement to this effect shall be placed in the deed of conveyance.

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

ADOPTED this the 6th day of June, 2022.

CITY OF HIGH POINT

By

Mayor Jay W. Wagner

Attested to:

Lisa Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Resolution of Intent for a Voluntary Contiguous Annexation

Annexation 22-03 (*Apple Rei Fund LLC and the heirs of Grady and Wilma Saferight et al*)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: June 6, 2022

Public Hearing: No

Advertising Date: Not applicable

Advertised By: Not applicable

Attachments: A. Resolution of Intent for Annexation 22-03
B. Map of property proposed to be annexed

PURPOSE:

Approval of a Resolution of Intent that establishes a public hearing date to consider a voluntary contiguous annexation request.

BACKGROUND:

Resolution of Intent for Annexation 22-03 is enclosed.

BUDGET IMPACT:

There is no budget impact associated with the adoption of this resolution.

RECOMMENDATION / ACTION REQUESTED:

Staff requests City Council set a public hearing date of Monday, July 18, 2022, for this request.

PUBLISH ONCE: Monday, June 27, 2022

**RESOLUTION TO ESTABLISH A
PUBLIC HEARING DATE FOR
VOLUNTARY CONTIGUOUS ANNEXATION
(AN-22-03)**

WHEREAS, the City Council has been petitioned to annex the property of Apple Rei Fund LLC and the heirs of Grady and Wilma Saferight et al. The proposed annexation site is approximately 37.3 acres located northwest of the intersection of Harvey Road and Jewel Avenue, lying between Harvey Road and the eastern terminus of Shorewell Drive. The annexation site is addressed a 5306, 5306-R1 & 5306-A Harvey Road and 5308-R1 & 5308-R2 Harvey Road, and also known as Guilford County Tax Parcels 161076, 161060, 161086, 161087 & 161098.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-31;

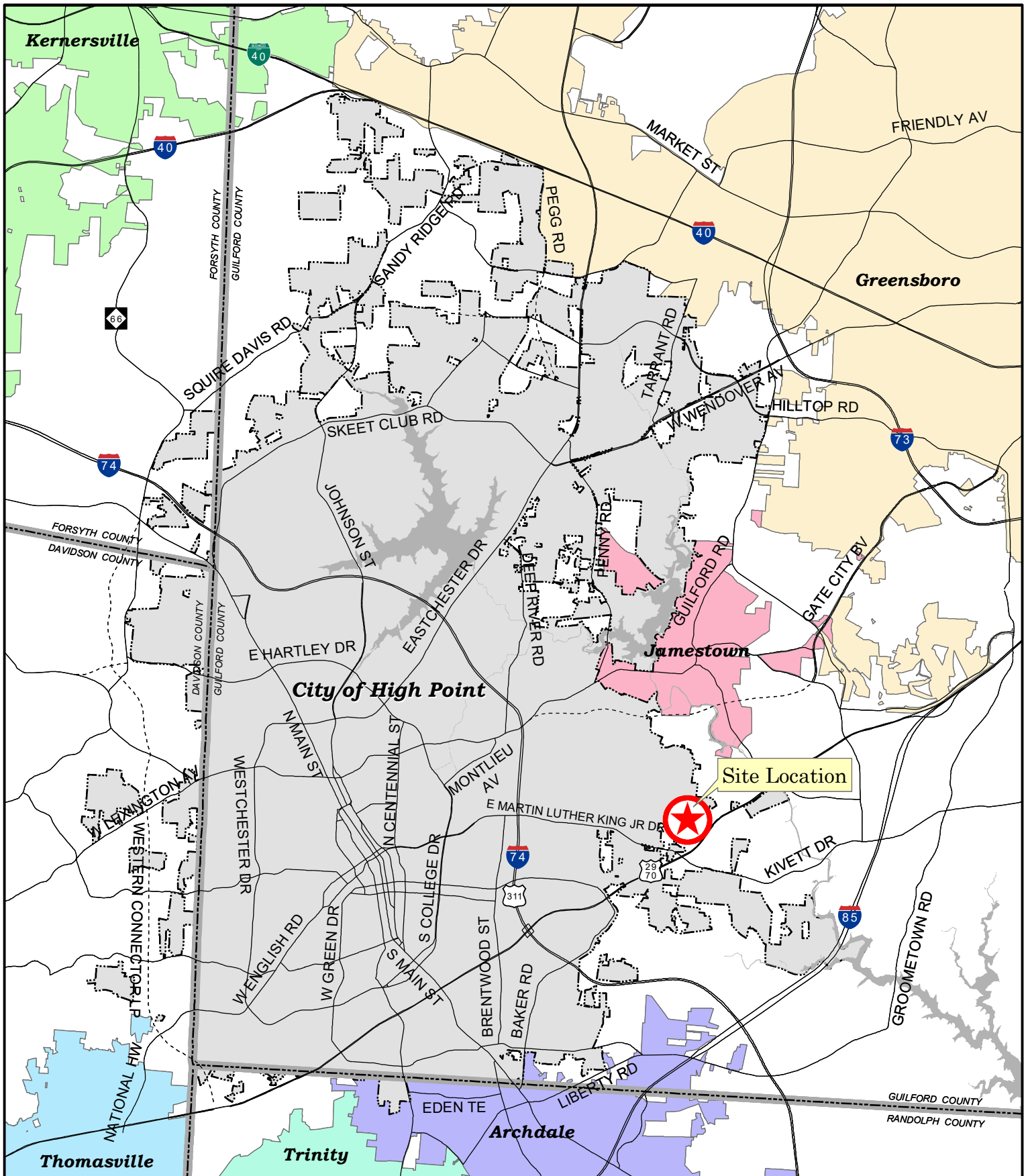
NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Monday, July 18, 2022, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need special accommodations, please call (336) 883-3124 or 711 for the Telecommunications Relay Service.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately. Further information pertaining to this request is available at the Planning and Development Department in Room 316 of the Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina, (336) 883-3328.

By order of the City Council,
This the 6th day of June, 2022

Lisa B. Vierling, City Clerk



ANNEXATION REQUEST: AN-22-03

**Applicant: Grady W. & Wilma H. Saferight
and Apple Rei Fund LLC**
Area: 37.30 acres

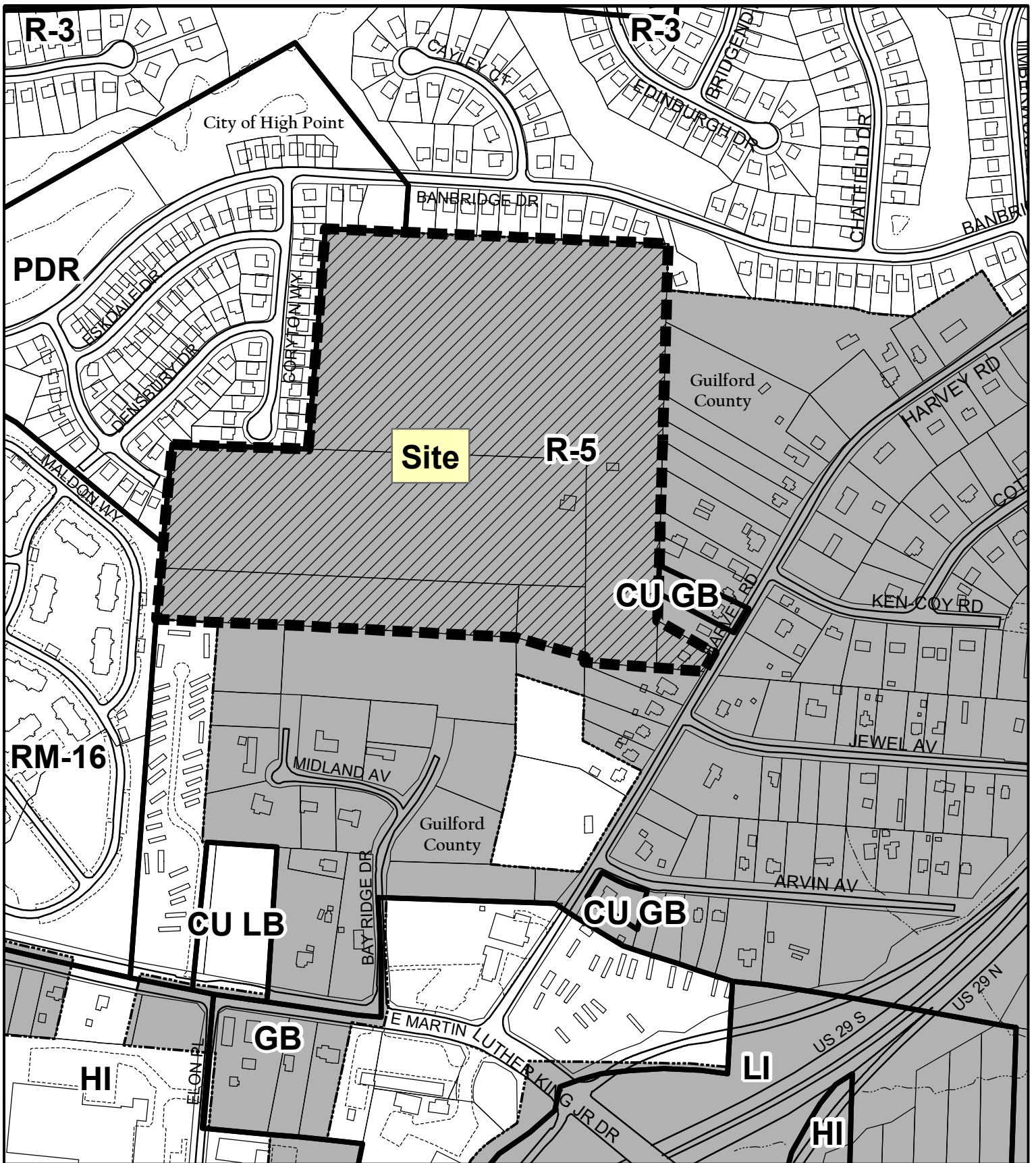
**Planning & Development
Department**

City of High Point



Scale: 1"=8,500'

G:/Planning/Secure/BAC/ANX/
2022/MXD/AN-22-03-VicMap



ANNEXATION REQUEST: AN-22-03

**Applicant: Grady W. & Wilma H. Saferight
and Apple Rei Fund LLC**

Area: 37.30 acres

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point



Scale: 1"=400'

G:\Planning\Secure\BAC\ANX\2022\MXDs\an22-03-NM

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance to Demolish – 2315 E. Green Dr.

From: Michael E. McNair, Director
Community Development & Housing

Meeting Date: 6/6/2022

Public Hearing: No

Advertising Date:

Advertised By:

Attachments:

- A. Staff report
- B. Ordinance to Demolish
- C. Photos
- D. Maps

PURPOSE:

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 2315 E. Green Drive.

BACKGROUND:

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 2/24/2022. No action occurred by the compliance date of 3/23/2022. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

BUDGET IMPACT:

Funds are available in the Department budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the adoption of the requested ordinance to demolish this single family dwelling and all outbuildings on the property.

PENDING ACTION:

The ordinance becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.

**COMMUNITY DEVELOPMENT AND HOUSING
CODE ENFORCEMENT
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

2315 E. Green Dr.

OWNER:

Rosalva M. Turcios

**REASON FOR
INSPECTION:**

Inspector observed condition of the property

**FIRST
INSPECTION:
2/4/2022**

Summary of Major Violations
1. Repair or replace roof system
2. Repair or replace collapsing foundation
3. Repair or replace collapsing walls throughout
4. Repair or replace collapsing ceiling throughout
5. Repair or replace floor system throughout the

**HEARING
RESULTS:
2/23/2022**

Jose Martinez, brother of the owner, appeared for the Hearing. Mr. Martinez stated they are planning to demolish the property but that it would be summer before they have the money. He also asked for a list of contractors. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)
ISSUED:
2/24/2022**

Order to Repair or Demolish
Date of Compliance 3/23/2022

APPEALS:

None

**OWNER
ACTIONS:**

None

ADDITIONAL:

On May 24, 2022, the inspector spoke to Mr. Martinez by telephone to ask when they expect to demolish the house. He stated they are trying to sell the property.

ORDINANCE

AN ORDINANCE REQUIRING THE BUILDING INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

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 code of Ordinances: and, Article 19 of Chapter 160A of the General Statutes of North Carolina.

PROPERTY LOCATION

2315 E. Green Dr.

OWNER (S)

Rosalva Martinez Turcios
708 Vickery Dr.
Charlotte, NC 28215-2128

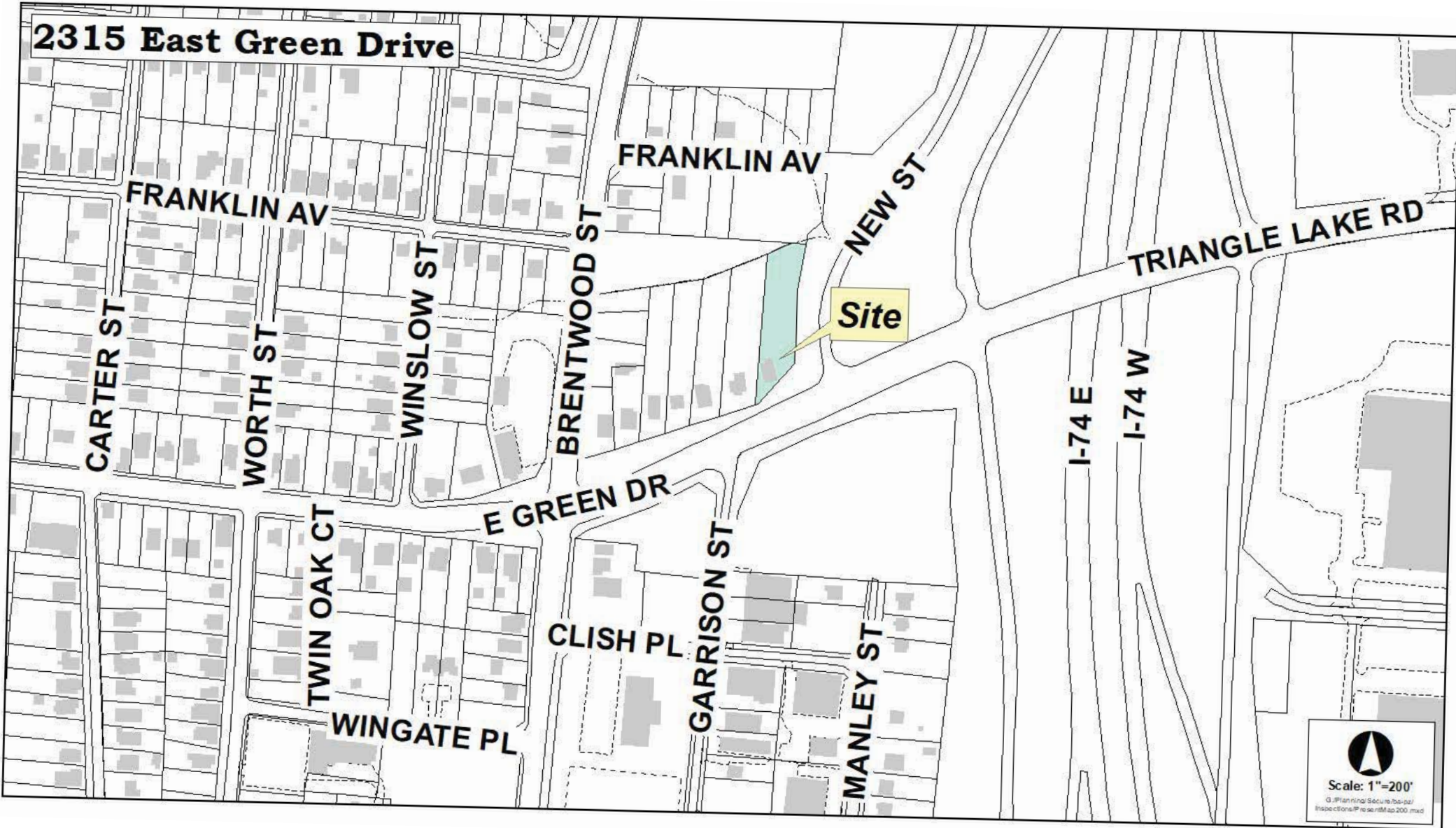
SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 6th day of June, 2022

Lisa B. Vierling, City Clerk

2315 East Green Drive



FRANKLIN AV

Site

NEW ST

TRIANGLE LAKE RD

I-74 E

I-74 W

E GREEN DR

CLISH PL

GARRISON ST

MANLEY ST

WINGATE PL

TWIN OAK CT

WINSLOW ST

WORTH ST

FRANKLIN AV

CARTER ST

Scale: 1"=200'
G:\Planning\Secure\ba-pz\inspections\PresentMap200.mxd



24 May 2022



24 May 2022



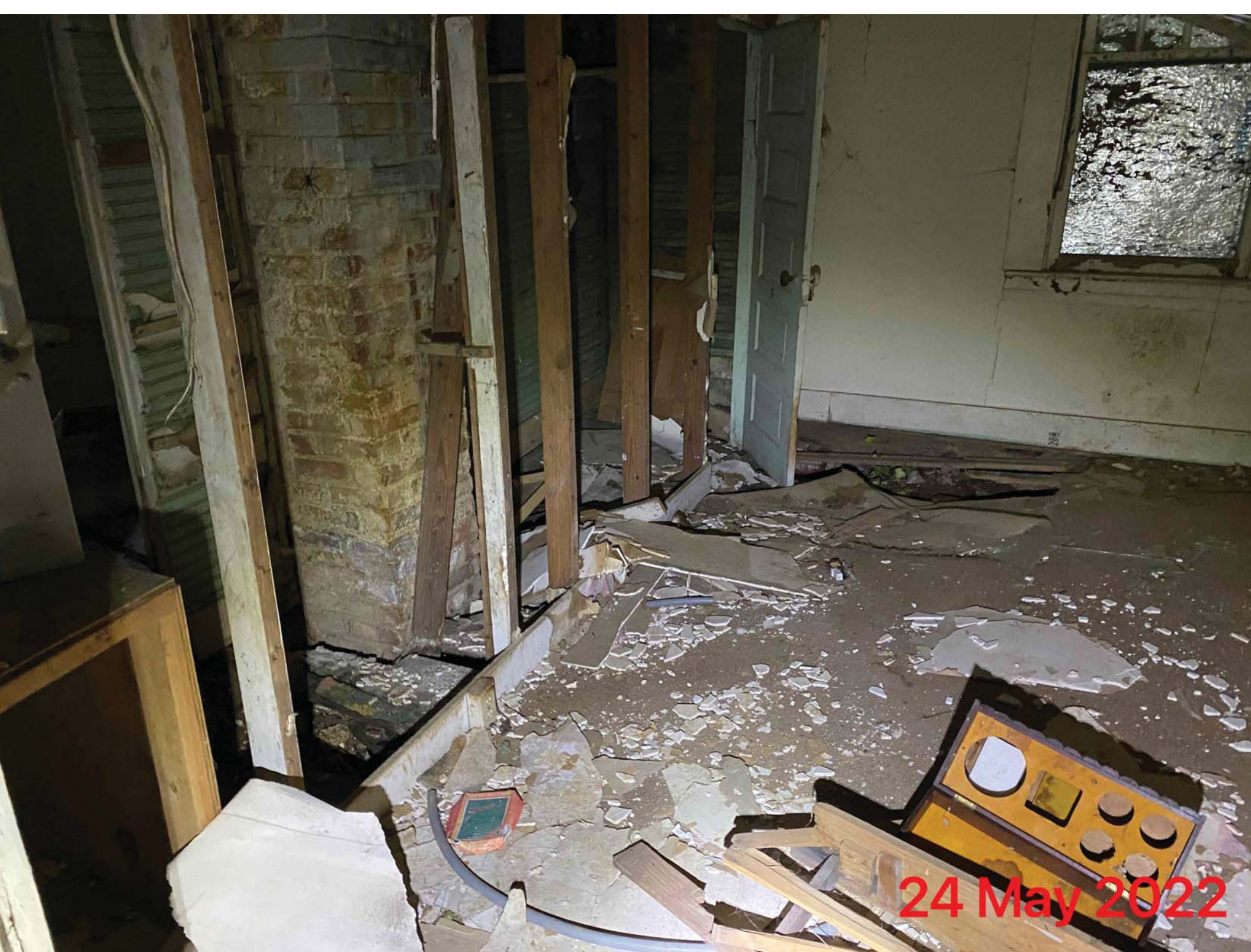
24 May 2022



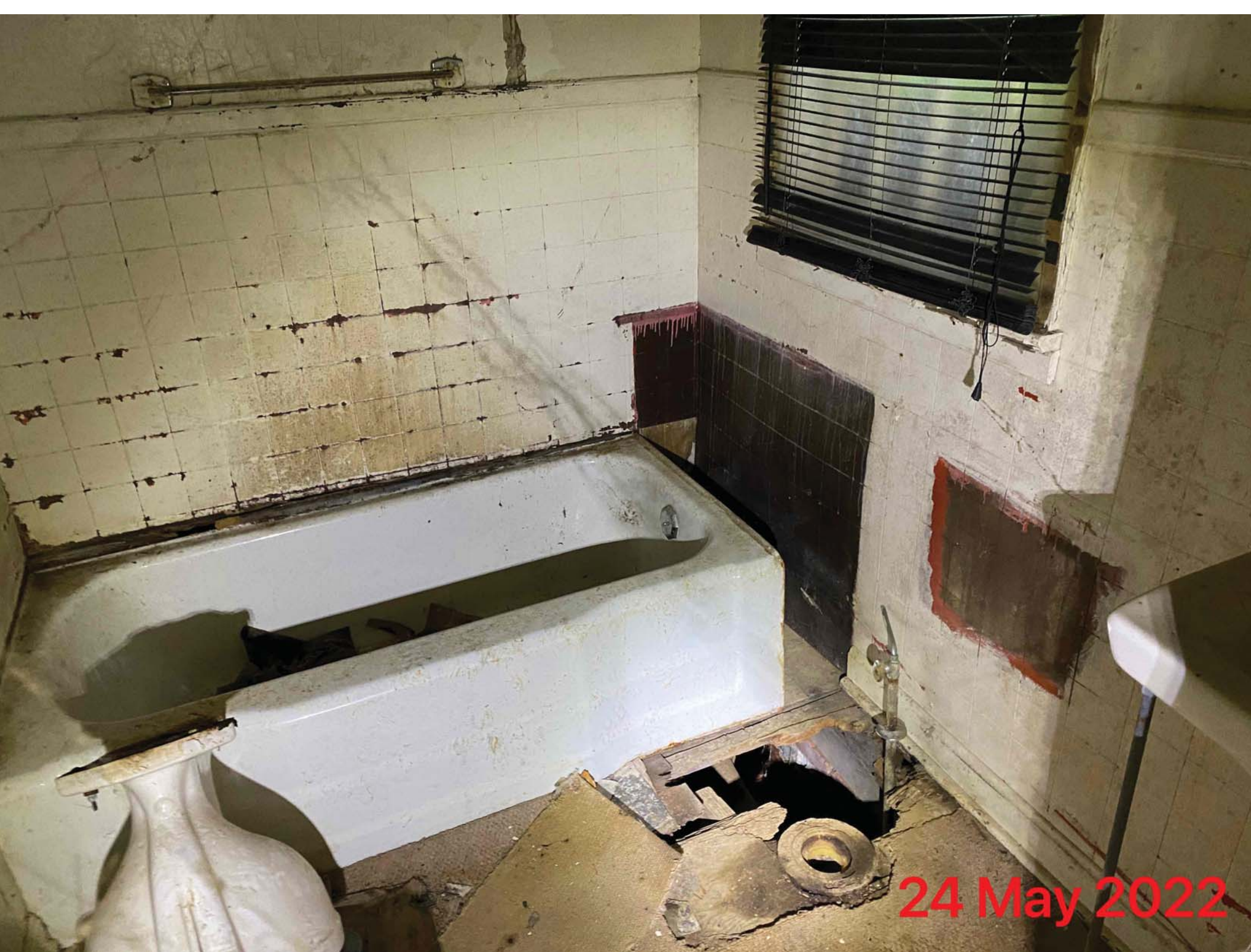
24 May 2022



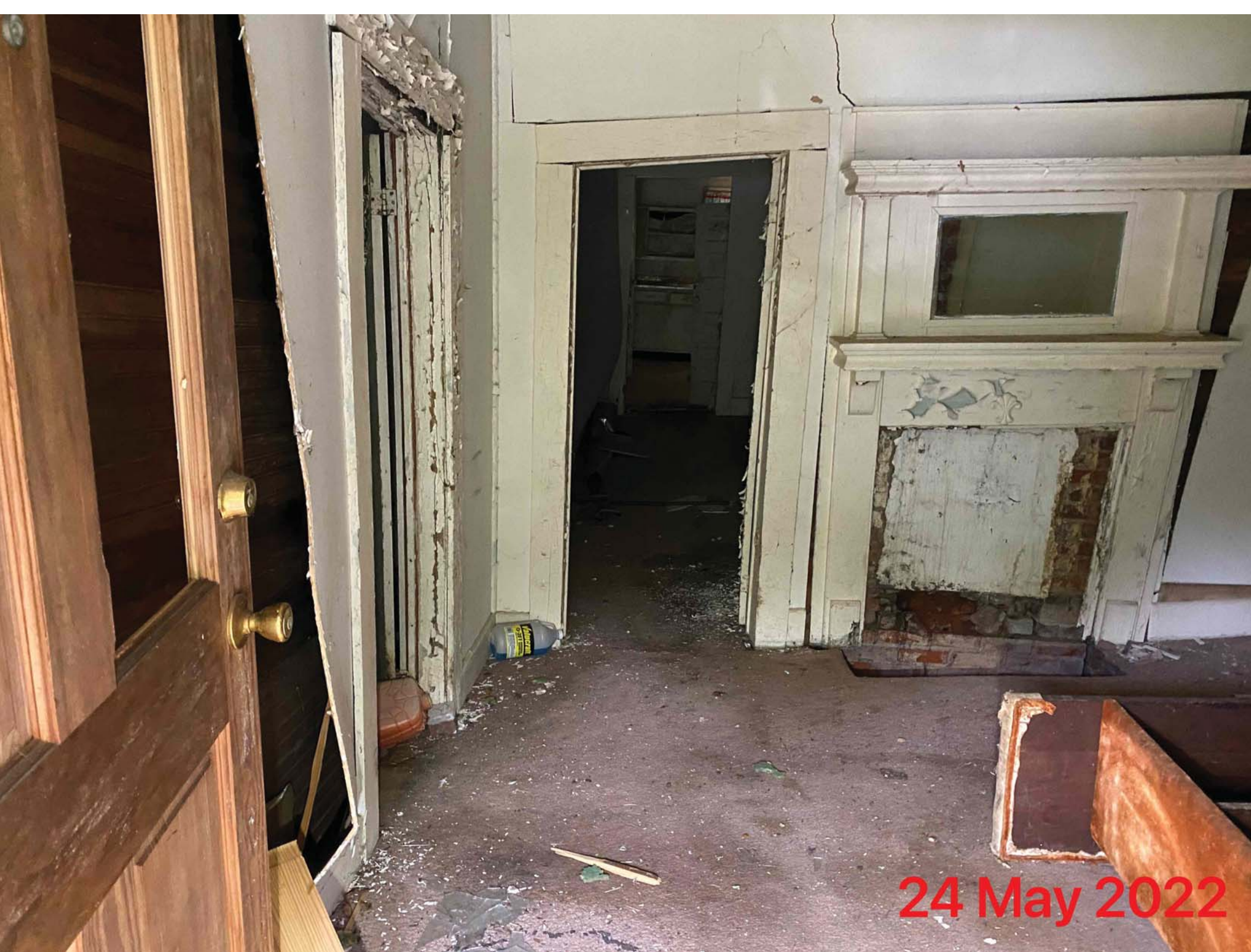
24 May 2022



24 May 2022



24 May 2022



24 May 2022



24 May 2022



24 May 2022



24 May 2022



June 6, 2022

To: Greg Ferguson, Deputy City Manager

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

Subject: Strategic Update on Code Enforcement Activity for May 2022

This report summarizes Code Enforcement activity for the month of May. During this period Local Codes Enforcement (LCE) staff processed 16 new minimum housing complaints; 198 new public nuisance complaints and collected 413 signs. Additionally, during the month of May:

- LCE staff recorded 25 zoning complaints.
- A total of 311 Public Nuisance cases were abated (70 - City abated and 241 - owner abated).
- There are 8 properties with Ordinances to Demolish passed but the owners are taking steps to repair. Work is underway at 1004 Prospect St, 524 Roy Ave, 1113 Jefferson St, 337 Wingo St, 2206 Gable Way, 210 Underhill St, 524 Cross St & 1139 Pennywood Dr.
- There are 5 properties with contracts to demolish.
- There are 4 properties that scheduled for bid requests.
- Two inspectors did work a Saturday in May and collected 55 signs. Additionally, the Local Codes Section dedicated 2 hours one afternoon and collected 222 signs (after Primary Election)
- One inspector position remains open.
- During the report period there were 544 total active cases:
 - o 233 active minimum housing cases
 - o 216 active public nuisance cases
 - o 95 active zoning cases

Please see the attachment containing a table summarizing detailed activity and pictures.











25 May 2022



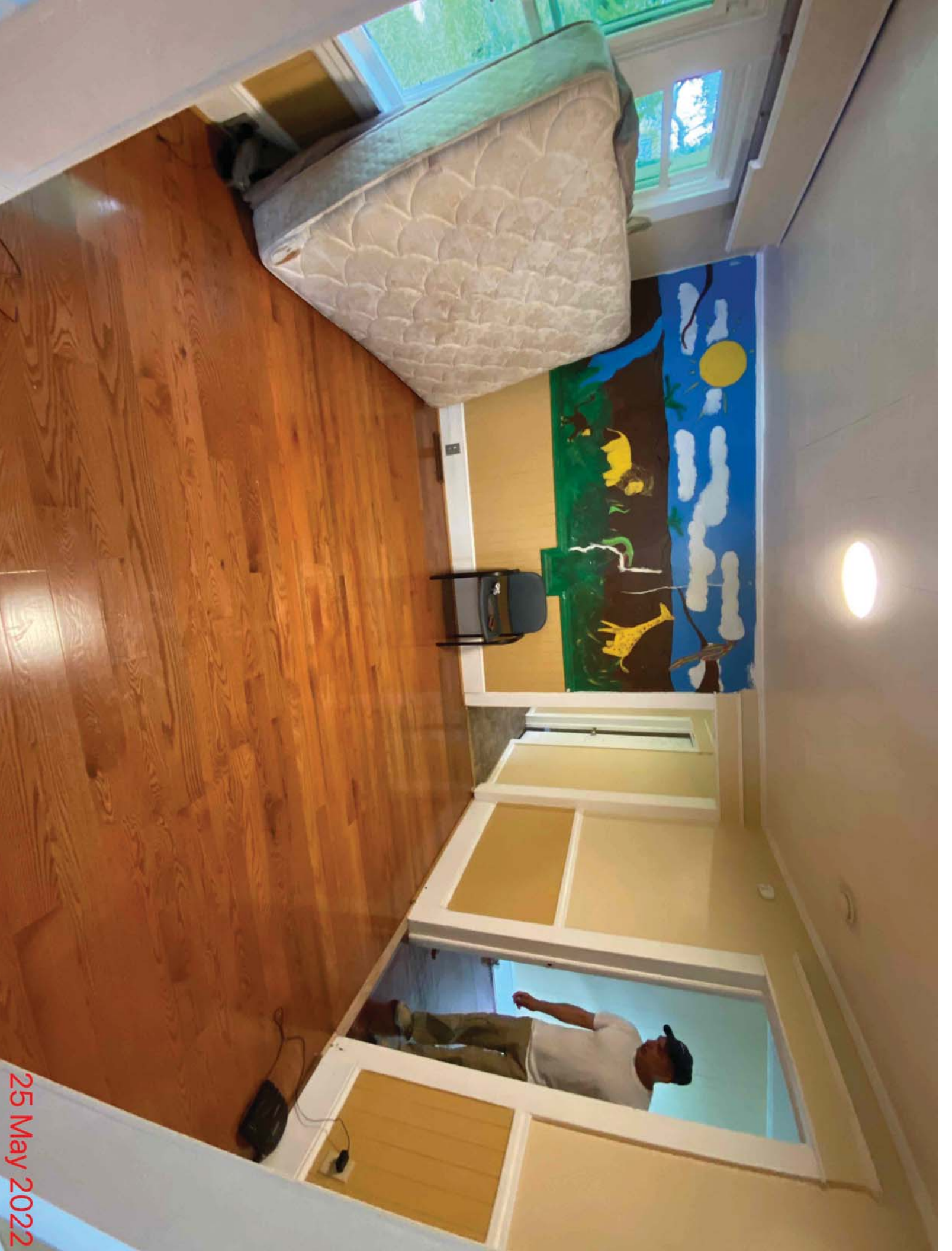
25 May 2022



25 May 2022



25 May 2022



25 May 2022



25 May 2022



25 May 2022



25 May 2022

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance to Demolish – 1006 Meadowbrook Blvd.

From: Michael E. McNair, Director
Community Development & Housing

Meeting Date: 6/6/2022

Public Hearing: No

Advertising Date:

Advertised By:

Attachments:

- A. Staff report
- B. Ordinance to Demolish
- C. Photos
- D. Maps

PURPOSE:

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 1006 Meadowbrook Blvd.

BACKGROUND:

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 12/9/2020. No action occurred by the compliance date of 1/11/2021. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

BUDGET IMPACT:

Funds are available in the Department budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the adoption of the requested ordinance to demolish this single family dwelling and all outbuildings on the property.

PENDING ACTION:

The ordinance becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.

**COMMUNITY DEVELOPMENT AND HOUSING
CODE ENFORCEMENT
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

1006 Meadowbrook Blvd.

OWNER:

Estate of Ladoska R. Small

**REASON FOR
INSPECTION:**

Inspector observed condition of the property

**FIRST
INSPECTION:
3/25/2019**

Summary of Major Violations

1. Repair or replace roof covering
2. Repair or replace ceiling material throughout
3. Repair or replace floor covering throughout
4. Repair or replace wall material throughout

**HEARING
RESULTS:
11/3/2020**

No one appeared for the Hearing. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)
ISSUED:
12/9/2020**

Order to Repair or Demolish
Date of Compliance 1/11/2021

APPEALS:

None

**OWNER
ACTIONS:**

None

ADDITIONAL:

Guilford County property taxes delinquent for 2021 in the amount of \$516.55.

On 10/18/2021 the inspector spoke with a possible buyer. On 11/16/2021 the prospective buyer called the inspector and advised he would not be purchasing because the owners can not obtain a clear Deed for the property.

On 2/2/2022 and 3/8/2022 the local codes inspector called Mr. Glen Robbins (fiduciary for the Estate) and left a message stating the case is being considered for City Council and to return his call.

ORDINANCE

AN ORDINANCE REQUIRING THE BUILDING INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

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 code of Ordinances: and, Article 19 of Chapter 160A of the General Statutes of North Carolina.

PROPERTY LOCATION

OWNER (S)

1006 Meadowbrook Blvd.

Estate of Ladoska R. Small
c/o Glen E. Robbins
7842 Woodpark Dr.
High Point, NC 27265

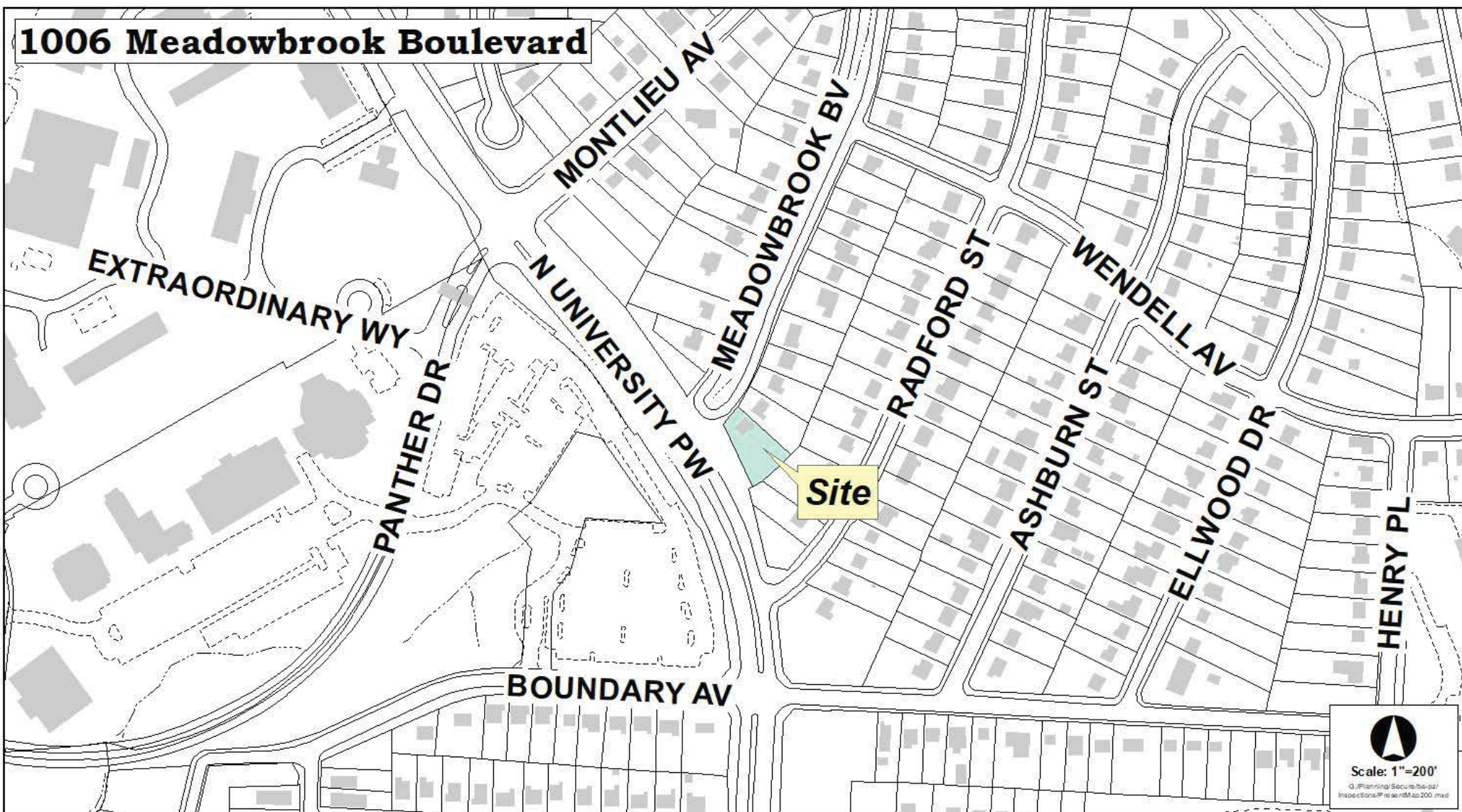
SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 6th day of June, 2022

Lisa B. Vierling, City Clerk

1006 Meadowbrook Boulevard





26 May 2022



26 May 2022



26 May 2022



26 May 2022

Office of the Mayor
City of High Point
North Carolina

Proclamation...

WHEREAS, knowledge of homeownership will serve to educate our citizens to the home buying process and promote Community Development programs; and

WHEREAS, the High Point Housing Coalition recognizes that homeownership is an important part of the American dream; and strengthens families and encourages residents to take pride in their neighborhoods and to take an active role in their community; and

WHEREAS, the High Point City Council has empowered the Community Development & Housing Department and its community partners to supply the community with decent, safe, and sanitary affordable housing opportunities throughout High Point through the provision of rehabilitation, down payment and closing cost assistance to meet the needs of low to moderate income persons; and

WHEREAS, during this time of constricted Federal contributions the challenge of meeting the needs for safe, sanitary, and decent housing stock continues to grow as evidenced by increased cost, housing problems, and deteriorating housing stock; and

WHEREAS, the Housing and Urban Development Department has declared the month of June 2022 as **NATIONAL Homeownership Month**, and have called upon the citizens to build a more hopeful society and recognize the importance of expanding ownership of homes across our great Nation;

NOW THEREFORE I, Jay W. Wagner, Mayor of the City of High Point, do hereby proclaim the month of June 2022 as

“HOMEOWNERSHIP MONTH”

in the City of High Point, North Carolina, and I call upon all our citizens to join me in this worthy observance.

**WITNESS my hand and the Corporate Seal of
the City of High Point, North Carolina, this 6th
day of June 2022.**

Jay W. Wagner, Mayor

CITY OF HIGH POINT

AGENDA ITEM



Title: Public Transportation Agency Safety Plan

From: Angela W Wynes

Meeting Date: June 6, 2022

Public Hearing: N/A

Advertising Date /

Advertised By: N/A

Attachments:

1. Public Transportation Agency Safety Plan
2. Annual Review Notes and Updates 2022

PURPOSE:

As a recipient of Federal Transit Administration (FTA) funds, the City is required to comply with 49 CFR Part 643, Public Transportation Safety Plan. One of the requirements is an annual review of the plan and if necessary, update information based on current procedures and practices. Each year recipients must certify annually that they have a compliant safety plan as a condition of receiving ongoing federal funds.

BACKGROUND:

The Transit Safety Officer has reviewed the current PTASP that was approved in November 2021, and made minor changes detailed in the document entitled "Annual Review Notes and Updates 2022."

BUDGET IMPACT:

There is no budgetary impact.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends that City Council approve the updated PTASP as submitted and authorize the Mayor to sign the document.



High Point Transit System

City of High Point, North Carolina

Public Transportation AGENCY SAFETY PLAN

VERSION 2.0
JANUARY 1, 2022

Prepared By:
K&J Safety and Security Consulting Services, Inc.
3257 Elcano Lane
Cantonment, FL 32533



Approvals

The SMS Implementation Plan has been reviewed and authorized by the following individuals:

Ms. Angela Wynes

Transit Manager / Accountable Executive

Brandon Parker

Chief Safety Officer / SMS Manager

Mr. Keith Craven

Assistant Transit Manager / Assistant SMS Manager

Vacant

Transit Supervisor

Vacant

Paratransit Supervisor

Mr. Tim Arnold

Transit Maintenance Supervisor

Transit Agency Information

High Point Transit System
716 W Martin Luther King Jr. Drive
High Point, North Carolina 27262
(336) 8889-7433

City Council	Hon. Jay W. Wagner	<i>Mayor</i>
Accountable Executive	Angela Wynes	<i>Transit Manager</i>
SMS Manager	Brandon Parker	<i>Transit Safety Officer</i>
Assistant SMS Manager	Keith Craven	<i>Assistant Transit Manager</i>
Modes	Bus and Paratransit	<i>Fixed-Route, Bus Paratransit</i>
FTA Funding Types	5303, 5307, 5309, 5337, and 5339	<i>Urban Area and Advanced Mobility Capital Investments State of Good Repair Bus and Bus Facility Program</i>

Document Control

No.	Modification / Edit	Page	Section	Name	Initials	Date
1	Original Public Transportation Agency Safety Plan Document			Angela Wynes, Transit Manager		
2	Annual Review. Updated. Reference Word Document "SMS Annual Review and Updates 2022"			Brandon Parker		2/21/22
3	Removed D. Martin & J. Wiley	i		Angela Wynes		05/19/22
4						
5						
6						
7						
8						

Table of Contents

Approvals.....	i
Transit Agency Information	ii
Document Control	iii
Table of Contents.....	iv
List of Tables	vii
List of Figures	vii
PTASP Certification	viii
SAFETY MANAGEMENT POLICY STATEMENT	ix
Acronyms.....	xi
Definitions	xiv
Referenced Documents	xix
Part A: Program Overview	20
1.0 Introduction.....	20
2.0 Purpose and Scope	21
3.0 Program Administration	22
3.1 <i>PTASP Schedule</i>	22
3.2 <i>Document Control and Updates</i>	22
3.3 <i>Authority</i>	23
4.0 System Overview.....	24
4.1 <i>Vehicle and Facilities</i>	26
4.2 <i>Rolling Stock</i>	27
Part B: Safety Performance.....	28
5.0 Safety Performance Targets	28
5.1 <i>Fatality Rate</i>	30
5.2 <i>Injury Rate</i>	30
5.3 <i>Safety Event Rate</i>	31
5.4 <i>Security Incident Rate</i>	31
5.5 <i>System Reliability</i>	32
6.0 Metropolitan Planning Organization	32
6.1 <i>HPMPO History</i>	32
6.2 <i>HPMPO Responsibility</i>	33
Part C: Safety Management Policy.....	34
7.0 Safety Management Policy Statement	34
7.1 <i>Safety Goals</i>	36
7.2 <i>Safety Objectives</i>	36
8.0 Accountabilities and Responsibilities	37
8.1 <i>Accountable Executive</i>	38
8.2 <i>SMS Manager</i>	38
8.2.1 <i>Transit Safety Officer</i>	39
8.3 <i>HPTS Management Team</i>	41

8.4 SMS Key Staff.....	42
8.5 Transit Safety Officer	47
8.6 Operations and Maintenance Personnel	47
8.7 Contractors	48
9.0 Employee Safety Reporting Program.....	48
9.1 Committee Structure	49
10.0 Integration with Emergency Management & Public Safety	51
10.1 Emergency Preparedness Responsibilities	51
10.2 Evaluation of Emergency Management.....	53
10.3 Meetings with External Agencies.....	55
10.4 Emergency Procedures.....	55
10.5 Emergency Training	55
11.0 Safety Management Policy Communication.....	56
Part D: Safety Risk Management	57
12.0 Safety Hazard Identification	58
13.0 Safety Risk Analysis & Evaluation	58
13.1 Hazard Categorization	58
14.0 Safety Risk Mitigation	61
15.0 Safety Risk Management Tracking	62
15.1 Hazard Prioritization.....	62
15.2 Hazard Acceptance.....	63
16.0 Hazard Notification	63
16.1 Notification of Unacceptable Hazards.....	63
16.2 Fatalities & Serious Injuries.....	63
17.0 Cooperation / Coordination with CHP	63
18.0 Hazardous Materials Program	63
Part E: Safety Assurance	64
19.0 Safety Performance Monitoring & Measuring.....	64
19.1 Safety Data Acquisition and Analysis	64
19.2 Investigations of Safety Events	66
19.3 Safety Rules Compliance	68
19.4 Inspection and Maintenance Program.....	70
19.5 Training and Certification Reviews	72
20.0 Corrective Action Plans	73
20.1 Monitoring and Tracking	73
20.2 Verification and Closure of CAPs.....	73
21.0 Drug and Alcohol Program.....	74
21.1 Program Monitoring.....	74
22.0 Procurement.....	74
Part F: Safety Promotion	76
23.0 Competencies and Training	76
23.1 Designated Personnel.....	76
23.2 HPTS Personnel	77
23.3 Contractors	77
23.4 Training Record Keeping.....	77
24.0 Safety Communication.....	78

Appendix A: HPTS Organizational Chart.....79

 Appendix A.1 HPTS Management Structure.....80

 Appendix A.2 HPTS Operations Structure81

 Appendix A.3 HPTS Fixed Route Structure82

 Appendix A.4 HPTS Paratransit Structure83

 Appendix A.5 HPTS Maintenance Department Structure.....84

List of Tables

Table 1: PTASP Management Schedule	22
Table 2: Agency Profile	25
Table 3: HPTS Fleet Count	27
Table 4: Safety Performance Indicators	29
Table 5: Fatality Rate by Mode	30
Table 6: Injury Rate by Mode	31
Table 7: Safety Events Rate by Mode	31
Table 8: Security Incidents Rate by Mode	31
Table 9: System Reliability Rate by Mode	32
Table 10: SMS Program Goals	36
Table 11: SMS Program Objectives	36
Table 12: SMS Committee Structure	50
Table 13: Emergency Preparedness Matrix	52
Table 14: Severity Categories	59
Table 15: Probability Categories	59
Table 16: Fixed-Route Rules and Procedures Review Schedule	68
Table 17: Paratransit Rules and Procedures Review Schedule	69
Table 18: Equipment Inspections	71
Table 19: PTSCTP Required Curriculum	76

List of Figures

Figure 1: “Current” Rate Equation	29
Figure 2: HSEEP Exercise Cycle	54
Figure 3: SRM 4-Step Process	57
Figure 4: Safety Risk Matrix	60
Figure 5: NIOSH Hierarchy of Controls	61

PTASP Certification

This Agency Safety Plan (PTASP) was drafted by the High Point Transit System through collaboration with K&J Safety and Security Consulting Services, Inc.

The following signatures provide certification that this Agency Safety Plan (PTASP) complies with 49 CFR Part 673, for a Small Bus Agency.

1. Signature by the Accountable Executive			
	Angela Wynes Transit Manger / Accountable Executive		Date of Signature
2. Approval by the High Point City Council			
	Honorable Jay W. Wagner Mayor		Date of Approval
3. Certification of Compliance with 49 CFR Part 673			
	Brandon Parker Transit Manager / SMS Manager		Date of Certification

The following documents are “incorporated by reference” and available for review by authorized parties at the High Point Transit System’s Headquarters:

- 1) City of High Point Continuity of Operations / Broad Avenue Terminal – December 1, 2016
- 2) City of High Point Safety Program Book – January 2011

HIGH POINT TRANSIT SYSTEM SAFETY MANAGEMENT POLICY STATEMENT

The mission of the High Point Transit System (HPTS) is to provide a safe and reliable transportation service for the public, healthful and safe working conditions for all HPTS employees, and to comply with all applicable Federal, State, and local laws and regulations.

HPTS is fully committed to SMS and to providing its customers with a safe transportation service, maintaining a strong safety culture, and providing a working environment that ensures the safety and health of its employees and protects the environment. HPTS is further committed to developing, implementing, maintaining, and continuously improving its processes to ensure that all transit service delivery activities occur under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting the established standards. As such, HPTS is placing the management of safety as one of the core business functions of the organization, across all modes of transportation.

It shall be the responsibility of management at all levels of the organization, as well as employees in each division to be accountable for delivery of the highest level of safety performance, beginning with the Transit Manager (TM). Therefore, HPTS is committed to achieving the following objectives:

1. **Supporting** the SMS and the management of safety by providing appropriate resources to support an organizational culture that fosters safe operational practices, encourages effective safety reporting and communication, and actively manages safety with the same attention to results as that given to the other management systems of the Agency;
2. **Integrating** the management of safety as part of the primary responsibilities of all HPTS managers and employees.
3. **Clearly Defining** accountabilities and responsibilities of all employees and managers alike to uphold the organization's safety performance goals and performance of the Safety Management System (SMS).
4. **Establishing and Operating** a Safety Risk Management process allowing for hazard identification, analysis, and risk evaluation utilizing an employee reporting program as a principal source for information gathering.
5. **Prioritizing** the elimination or mitigation of calculated identified safety risks created by operating conditions or activities, to a level consistent with the Agency's acceptable level of safety performance.
6. **Ensuring** that no action will be taken against any employee who discloses a safety concern through an employee safety reporting program unless disclosure indicates through the investigative process and beyond a reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed.
7. **Complying** with, or exceeding when possible, legislative, and regulatory requirements and standards.
8. **Ensuring** sufficiently trained and knowledgeable human capital is available to implement the various SMS processes, including as part of service delivery operations.
9. **Ensuring** all employees are provided with adequate and appropriate safety-related information and training, competent in safety management processes and subject, and allocated only tasks commensurate with their skills.
10. **Establishing and Measuring** safety performance against data-driven safety performance indicators and targets.

HIGH POINT TRANSIT SYSTEM SAFETY MANAGEMENT POLICY STATEMENT

11. **Continuous Improvement** of safety performance and the SMS through management processes that ensure appropriate safety risk management, assurance, and promotion activities are identified, implemented, and effective.
12. **Ensuring** externally supplied systems and services to support HPTS operations are delivered in a manner to meet safety performance standards
13. **Defining** processes to address conditions when disciplinary actions will be exempt based on the actions of an employee, in support of promoting a positive safety culture.

To implement this Agency Safety Plan (PTASP), HPTS's employees and contractors must focus on the following Safety Management System components:

- **Safety Management Policies** to guide the development, implementation, and maintenance of the SMS processes.
- **Safety Risk Management** process for identifying hazards and analyzing, assessing, and mitigating safety risk to the lowest reasonable level.
- **Safety Assurance** to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the Authority meets or exceeds its safety objectives through the collection, analysis, assessment, and trending of information.
- **Safety Promotion** to support SMS, including safety communications and training.

This policy statement will be reviewed and updated to align SMS processes with ongoing and evolving safety performance goals and objectives.



Angela Wynes

Transit Manager

High Point Transit System

August 2020

Acronyms

AAR	After-Action Reports
ACSE	American Society of Safety Engineers
ADA	Americans with Disabilities Act
AE	Accountable Executive
ANSI	American National Standards institute
APTA	American Public Transit Association
ASTM	American Society for Testing and Materials
AVL	Automatic Vehicle Locator
BMP	Bus Maintenance Plan
CAP	Corrective Action Plan(s)
CCB	Change Control Board
CCR	Configuration Change Request
CFR	Code of Federal Regulations
COOP	Continuity of Operations Plan
DBE	Disadvantaged Business Enterprise
DHS	Department of Homeland Security
DoD	United States Department of Defense
EMA	Emergency Management Agency
EMP	Emergency Management Program
EPA	Environmental Protection Agency
ERP	Emergency Response Plan
ESRP	Employee Safety Reporting Program
EX	Emergency Exercise
FAMP	Facilities Management Plan
FLSC	Fire Life Safety and Security Working Group
FSE	Full-Scale Exercise
FTA	Federal Transit Administration
GPS	Global Positioning Satellite
HPMPO	High Point Metropolitan Planning Organization
HPTS	High Point Transit System
HSEEP	Homeland Security Exercise and Evaluation Program
IAPP	Internal Audit Program Plan
ICS	Incident Command System
ID	Identification
ISA	Internal Safety Audit
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
ITP	Individual Training Program
KPI	Key Performance Indicators
MAP-21	Moving Ahead for Progress in the 21 st Century
MBE	Minority Business Enterprise
MIL-STD	Military Standard
MPO	Metropolitan Planning Organization
MSDS	Material Safety Data Sheets
MSF	Maintenance and Storage Facility
MTM	Manager of Streetcar Maintenance

N/A	Not Applicable
NFPA	National Fire Protection Association
NIOSH	National Institute for Occupational Safety and Health
NPTSP	National Public Transportation Safety Plan
NSC	National Safety Council
NSP	National Safety Plan <i>also see NPTSP</i>
NTD	National Transit Database
NTI	National Transportation Institute
NTSB	National Transportation Safety Board
O&M	Operation and Maintenance
OEM	Original Equipment Manufacturer
OMP	Operations and Maintenance Plan
OSHA	Occupational Safety and Health Administration
PHA	Preliminary Hazard Analysis
PM	Preventative Maintenance
PMI	Preventative Maintenance Inspection
PMMS	Preventative Maintenance Management System
PPE	Personal Protective Equipment
PRO	Pre-Revenue Operations
PTASP	Public Transportation Agency Safety Plan
PTSCTP	Public Transportation Safety Certification Training Program
QA	Quality Assurance
QC	World Safety Organization
SA	Safety Assurance
SDS	Safety Data Sheet <i>also see MSDS</i>
SGR	State of Good Repair
SIT	System integration testing
SME	Subject Matter Expert
SMS	Safety Management System
SOP	Standard Operating Procedures
SPC	Safety Performance Criteria
SPI	Safety Performance Indicators
SPT	Safety Performance Targets
SRA	Safety Risk Analysis
SRCP	Safety Rules Compliance Program
SRL	Safety Risk Log
SRM	Safety Risk Management
SSC	Safety and Security Certification
SSCP	Safety and Security Certification Plan(s)
SSEPP	System Security and Emergency Preparedness Plan
SO	Safety Officer
SSPP	System Safety Program plan
TAM	Transit Asset Management Plan
TSA	Transportation Security Administration
TSO	Transit Safety Officer
TTX	Tabletop Exercise
TVA	Threat and Vulnerability Analysis

U.S.C.	United State Code
UASI	Urban Area Security Initiative
UC	Unified Command
VRM	Vehicle Revenue Miles
WBE	Woman Business Enterprise
WSO	World Safety Organization

Definitions¹

Accident: An event that involves any of the following:

1. A loss of life.
2. Report of a serious injury to a person.
3. A collision of public transportation vehicles.
4. A runaway train (N/A to HPTS).
5. An evacuation for life safety reasons; (N/A to HPTS) or
6. Any derailment of a rail transit vehicle (N/A to HPTS).

Accountable Executive: A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

Administrator: The Federal Transit Administrator or the Administrator's designee.

Collision: All collisions between a rail transit vehicle and another rail transit vehicle; all collisions resulting in substantial property damage, serious injury, or fatality.

Configuration Management: A process to assure that all documentation that describes a system and its various components is current and reflects the actual functional and physical characteristics of the system throughout its life cycle.

Contractor: An entity that performs tasks required on behalf of the oversight or rail transit agency. The rail transit agency may not be a contractor for the oversight agency.

Corrective Action Plan (CAP): A plan prepared by an RTA that describes the actions it will take to correct, eliminate, mitigate, or control hazardous conditions.

Derailment: A non-collision event in which one or more wheels of a rail transit vehicle unintentionally leaves the rails. Two-Hour Accident notification is required anytime there is the derailment of a rail transit vehicle at any location, at any time, whatever the cause.

Emergency: A situation, which is life threatening or which causes damage on or in any RTA facility, right-of-way or vehicle.

Equivalent Authority: An entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's Public Transportation Agency Safety Plan.

Evacuation: A condition that occurs when persons depart from transit vehicles or facilities for life safety reasons, including self-evacuation.

Event: Any Accident, Incident, or Occurrence

Fatality: A death or suicide occurring at the scene or within 30 days following the accident; excludes deaths resulting from illness or other natural causes and criminal homicides that are not related to collisions with a rail transit vehicle.

¹ Definitions are referenced from 49 CFR Part 673

Findings of Non-Compliance: Those instances where the RTA's SSPP, SSP/SEPP or supporting documents and manuals do not meet state or federal requirements, or in cases where internal practices do not follow the RTA's own plans or procedures.

Findings with Recommendation: identify conditions, practices, or procedures that are undocumented, inconsistently applied, or are non-existent despite being important to safety and security of the transit system. Industry best practices and gaps or deficiencies in the RTA's policies, procedures, or in the implementation of policies and procedures may also be accounted for.

FTA: The Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard: Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Hazard Analysis: A systematic analysis performed to identify hazards and establish requirements for their elimination or control.

Hazardous Condition: A condition that may endanger human life or property (formally called "unacceptable hazardous condition")

Hazardous Material: Any commodity or product identified or regulated by the United States Department of Transportation in title 49 CFR Parts 171 -179 which may be transported under restricted conditions.

Incident: An event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Individual: A passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

Injury: A human condition of the magnitude requiring medical treatment or transport to a health care facility for medical treatment.

Investigation: The process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

Life Safety Reasons: A situation such as a fire; the presence of smoke or noxious fumes; a fuel leak; a vehicle fuel leak; an electrical hazard; a bomb threat; a suspicious item or other hazard that constitutes a real or potential danger to any person.

Life Cycle: The course of developmental change, which a transit system passes through from its inception to its retirement and disposal

National Public Transportation Safety Plan: The plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

New Start Project: Any rail fixed guideway system funded under FTA's 49 U.S.C. 5309 discretionary construction program.

NTSB: The National Transportation Safety Board is an independent Federal agency that conducts accidents investigations across several transit disciplines.

Observations: Consist of concerns that do not warrant a formal Finding. Observations may include site-specific or non-systemic deficiencies found. Alternately, Observations may highlight the RTA's practices deemed commendable by FDOT.

Occurrence: An Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Office of Transit Safety and Oversight (TSO): The FTA office that administers a national transit safety program and program compliance oversight process through adherence with legislative, policy and regulatory requirements as established by FTA.

On-Site Safety Audit: a formal, comprehensive, on-site examination by the Oversight Agency of a transit agency's safety practices to determine whether they comply with the policies and procedures required under the transit agency's SSPP.

Operator of a Public Transportation System: A provider of public transportation as defined under 49 U.S.C. 5302(14).

Passenger Operations: The period of time when any aspect of the transit agency's operations are initiated with the intent to carry passengers.

Performance Measure: An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance Target: quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration (FTA).

Person: A passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

Public Transportation Agency Safety Plan: The documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

Reportable Accidents: accidents which exceed the thresholds which are associated with the operation and maintenance of transit vehicles.

Risk: The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation: A method or methods to eliminate or reduce the effects of hazards.

Rolling Stock: A wheeled vehicle operating on roadways.

Safety: Freedom from harm resulting from unintentional acts or circumstances.

Safety Assurance: Processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Management Policy: a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

Safety Management System (SMS): The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Management System (SMS) Manager: HPTS Transit Manager, Transit Safety Officer or an equivalent.

Safety Performance Target: A Performance Target related to safety management activities.

Safety Promotion: A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety and Security Audit: A formal, comprehensive, internal on-site examination by the transit agency of all or part of a systems safety and security practices conducted annually to determine whether they comply with the policies and procedures required under the system's SSPP and SEPP.

Safety Related Activities: An activity that performed in a prescribed manner to assure that the transit agency meets its stated safety goals and objectives. Typical examples include designing, acquiring, constructing, inspecting, testing, operating, maintaining, repairing, modifying or extending those elements of the public transit agency that are important to preventing or mitigating accidents.

Safety Risk Assessment: The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management: A process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

Security: freedom from harm resulting from intentional acts or circumstances.

Security and Emergency Preparedness Plan (SEPP): a document developed and adopted by the agency describing its security policies, objectives, responsibilities, and procedures of HPTS.

Serious Injury: any injury which:

1. Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received.
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage.
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

Small Public Transportation Provider: A recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State: A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair: The condition in which a capital asset is able to operate at a full level of performance.

Substantial Damage: Any physical damage to transit or non-transit property including vehicles, facilities, equipment, rolling stock, or infrastructure. Substantial damage includes damage which adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, rolling stock, or infrastructure requiring towing, rescue, onsite maintenance, or immediate removal prior to safe operation. Substantial damage excludes damage such as cracked windows, dented, bent or small punctured holes in the body, broken lights, mirrors, or removal from service for minor repair or maintenance, testing, or video and event recorder download.

System Safety Program Plan (SSPP): A document developed and adopted by the transit agency, describing its safety policies, objectives, responsibilities, and procedures. Until one year after the issuance of 49 CFR Part 673 (July 2020) as a final rule, the SSPP shall take the place of the PTASP required under 49 CFR 674.

System Security and Emergency Preparedness Plan (SEPP): a document, similar to the SEPP, developed and adopted describing its security policies, objectives, responsibilities, and procedures of fixed-route and paratransit systems.

Transit Agency: An operator of a public transportation system.

Transit Asset Management Plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

Transit Safety Officer: An adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Transit Safety Officer should not serve in other operational or maintenance capacities, unless the Transit Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Vehicle: Any rolling stock of a public transportation system, including but not limited to passenger and maintenance vehicles.

Referenced Documents

	Document Name	Version
1.	Transit Operators Handbook	2018
2.	Paratransit Operators Rules and Regulations	2018
3.	Drug and Alcohol Policy	2020
4.	City of High Point (CHP) Safety Manual	2011
5.	Facility Maintenance Plan	2019
6.	Vehicle Maintenance Plan	2019
7.	Hazard Communications	2011
8.	Transit Asset Management Plan	2020

Part A: Program Overview

1.0 Introduction

Modern safety management practices that systematically and proactively identify factors contributing to unsafe events and prevent or minimize the likelihood of their occurrence have proven effective in addressing similar concerns in other transportation industries. Such practices call for setting safety goals and objectives, defining clear levels of accountability and responsibility for safety, establishing proactive approaches to managing risks and hazards in the day-to-day activities, risk-based resource allocation, monitoring and evaluating performance towards goals, and continuous learning and improvement. Safety management is based upon the idea that safety is not an absolute condition; there will always be hazards and risks in public transportation. However, the traditional approach of primarily reacting to accidents by prescribing measures to prevent recurrence alone will not contribute to sustaining and improving public transportation safety. The need for a new approach to addressing public transportation safety has become especially urgent considering high-profile transit (primarily rail) accidents.

To advance a comprehensive approach to safety decision-making and progress modern safety principles, the Federal Transit Administration (FTA) adopted a Safety Management System (SMS) model to developing and implementing the National Safety Program initial established by the Moving Ahead for Progress in the 21st Century Act (MAP-21). The requirements to implement an SMS was first introduced by the FTA in 2016 through the publication of the National Public Transportation Safety Plan (NPTSP) defined in 49 Code of Federal Regulation (CFR) 670. Two (2) years following the release of 670, the FTA published 49 CFR 673, which states that “any State, local governmental authority, and any other operator of a public transportation system that receives Federal financial assistance under 49 U.S.C. Chapter 53” shall develop a Public Transportation Agency Safety Plan (PTASP).² This includes recipients or sub-recipients of financial assistance under 49 U.S.C. § 5307 that operate a public transportation system.

The NPTSP now serves as the basis for establishing a safety program that includes safety performance standards, SMS guidelines, best practices, and technical assistance.

The High Point Transit System’s (HPTS) Public Transportation Agency Safety Plan (PTASP) is thus developed to meet the following requirements:

- FTA required practices pursuant to 49 CFR 673
- FTA requirement to set safety performance targets based on the performance measures in the National Safety Plan (NSP) pursuant to 49 CFR 670

These publications establish the minimum content and required elements detailed in this PTASP, including but not limited to SMS principles and methodology, and the components of Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion, as well as the various sub-components of an SMS.

² 49 CFR 673.1(a)

2.0 Purpose and Scope

This PTASP has been developed to encompass the following modes of transportation at HPTS:

1. Fixed-Route Bus
2. ACCESS Paratransit.

Per the National Safety Plan (49 CFR 670), and 49 CFR 673, the HPTS is formally adopting the processes and standards of SMS. The SMS is appropriately scaled to the size, scope, and complexity of the agency based on the SMS assessment and implementation strategy identified in the SMS Assessment / Analysis Report and SMS Implementation Plan. Copies of these documents can be available upon request to HPTS's Transit Manager / Accountable Executive.

SMS is a formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards. The process offers a means to reduce the potential for public transportation accidents by integrating safety into all aspects of a transit system's activities, including planning, design, construction, operations, and maintenance.

SMS builds on the public transportation industry's three (3) decades of experience with system safety by bringing management processes, integrated data analysis, and organizational culture more squarely into the industry's overall risk management framework. SMS is a management approach that provides processes that ensure each public transportation agency, no matter its size or service environment, has the necessary organizational structures, accountabilities, and policies and procedures in place to direct and control resources to manage safety optimally. When systematically applied, the SMS approach provides a set of decision-making tools that allow transit agencies to prioritize safety and establish sound transit asset management when making informed operating and capital investment decisions.

SMS combines established system safety engineering principles with advanced organizational management techniques, and supports continuous improvement in safety performance through a positive safety culture founded on four (4) key components and 11 sub-components:

Safety Management Policy

- 1.1. Safety Management Policy Statement
- 1.2. Safety Accountabilities and Responsibilities
- 1.3. Integration with Public Safety and Emergency Management
- 1.4. SMS Documentation and Records

Safety Risk Management

- 1.1. Hazard Identification and Analysis
- 1.2. Safety Risk Evaluation

Safety Assurance

- 1.1. Safety Performance Monitoring and Measurement
- 1.2. Management of Change
- 1.3. Continuous Improvement

Safety Promotion

- 1.1. Safety Communications
- 1.2. Competencies and Training

Requirements for an agency to adopt an SMS were effective on July 19, 2019, when the prior regulations, 49 CFR 659, were superseded by 49 CFR 673: Public Transportation Agency Safety Plan. The new rule requires public transit agencies to develop and implement a PTASP using the four (4) components of SMS. Through 49 CFR 673 and section 5329(d)(1) of title 49, U.S.C., requires each transit agency that receives certain FTA funding to certify that it has established a comprehensive PTASP.

3.0 Program Administration

The following section will describe how HPTS will maintain SMS documentation and ensure all SMS documentation will be maintained for no less than three (3) years after this PTASP has been approved. Other critical processes supporting the SMS, but not specific to the PTASP are included within those process specific documents.

3.1 PTASP Schedule

The following schedule will be used to ensure the PTASP is implemented, reviewed, and maintained in accordance with federal requirements.

Table 1: PTASP Management Schedule

Milestone	Schedule
PTASP Initial Certification	<i>November 18, 2020</i>
Annual Revisions	<i>February 28</i>
Ongoing Revisions	<i>30 Days prior to effective date</i>
Pre-Revenue, Capital Projects	<i>180 Days Prior to Revenue Service</i>

3.2 Document Control and Updates

Based on the requirements of 49 CFR Parts 673, HPTS is required to submit upon request its PTASP to the FTA. All operating rules, procedures, and materials referenced in the PTASP should also be submitted along with the PTASP to ensure an efficient and complete review of the safety program.

The TSO³ will develop and manage the review processes of the PTASP in coordination with other key staff members. It will be the TSO's responsibility to ensure proposed changes from the findings and recommendations of internal safety audits, incident, accident and hazard investigations, corrective action plans, changes in regulations, system modifications and expansions, transit industry advancements, technology advancements and changes in operating conditions are incorporated, as needed.

3.2.1 Annual Revisions

Per the FTAs requirements, HPTS will review the PTASP at least annually and make any modifications as needed to ensure that the plan is current and accurate. HPTS will retain a current PTASP version and provide upon FTA request. Each updated draft PTASP should include a

³ The TSO role and functions will be accomplished by the AE/Transit Manager and Assistant Transit Manager until the TSO position is filled.

summary identifying and explaining the changes. No changes to the PTASP should also be indicated in the review and approval process.

This PTASP will be updated as relevant organizational or process changes occur and at a minimum annually.⁴ In addition, HPTS will maintain its PTASP in accordance with recordkeeping requirements⁵ and will maintain its relevant SMS documents and those referenced herein for a minimum of three (3) years after they are created.

3.2.2 Ongoing Revisions

The PTASP is a living document that governs safety compliance for HPTS Fixed-Route Bus, and Paratransit systems including meeting all internal and external requirements. As such, changes to the operating system may require changes to the PTASP. Changes may also be required from external audit findings, internal reviews, investigations, or changing trends in safety and security data and information analysis.

Revisions to the PTASP initiated by HPTS will be retained in compliance with the recordkeeping requirements.

3.3 Authority

HPTS is the public transportation provider for the City of High Point. As a public transit provider in the state of North Carolina, HPTS transports customers within the City limits of the City of High Point, within Guilford County, on fixed-route buses and paratransit vehicles. The system is governed by the High Point City Council.

3.3.1 Federal Transit Act

In response to congressional concern regarding the potential for catastrophic accidents and security incidents on rail transit systems, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) added Section 28 to the Federal Transit Act (codified at 49 U.S.C. Section 5330). This section requires the FTA to issue a rule creating the state-managed oversight program for rail transit safety and security.

The FTA published the revised Rail Fixed Guideway Systems: State Safety Oversight Rule on April 29, 2005, codified as 49 CFR Part 659, subsequently referred to as State Safety Oversight Rule. Only those states with RFGPTS meeting the definition specified in Part 659 was required to comply with the FTA's State Oversight Rule revisions. On March 16, 2016, the FTA published a new State Safety Oversight Rule, 49 CFR 674, which went into effect on April 15, 2016. Three (3) years after this date, on April 15, 2019, Part 674 went into effect, superseding 49 CFR 659.

Public transportation safety requirements are defined in 49 CFR 673, requiring HPTS to develop a PTASP by July 20, 2020, with FTA enforcement activity *extended until July 21, 2021* (due to the COVID-19 pandemic). which further requires the Rail Transit Agency (RTA) to establish and implement an SMS. The PTASP and any subsequent updates are to be signed by the Accountable Executive and approved by the High Point City Council, and subsequently certified annually by the HPTS. Further requirements of part 673 require compliance with the minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C).

⁴ 49 CFR 673.11(a)(5)

⁵ 49 CFR 673.11(c)

3.3.2 Accountable Executive

The Accountable Executive for HPTS is the Transit Manager. The Accountable Executive is the single identifiable person who:⁶

- Has ultimate responsibility for carrying out the PTASP of a public transportation agency.
- Responsibility for carrying out the agency's Transit Asset Management Plan; and
- Control or direction over the human and capital resources needed to develop and maintain both the agency's PTASP and Transit Asset Management (TAM) Plan.

In addition to these responsibilities, the Accountable Executive is accountable for ensuring that the agency's SMS is effectively implemented. Additionally, the Accountable Executive must ensure action is taken, when necessary, to address substandard safety performance of the agency. The TM/Accountable Executive may delegate specific safety responsibilities; however, they are ultimately accountable for the agency's safety performance.

3.3.3 Transit Safety Officer

HPTS's Transit Safety Officer (TSO) is designated by the Accountable Executive as the SMS Executive, and holds a direct line of reporting to the TM/Accountable Executive.⁷ Overall, the TSO/SMS Manager has the authority and responsibility for the day-to-day implementation and operations of the SMS program. Due to the size of the organization, the SMS Manager does maintain oversight of HPTS's security functions as well, as authorized by FTA guidance.

4.0 System Overview

The HPTS Transit System (HPTS) is a municipal transit service established in 1975. It provides transit service within the city limits of High Point, North Carolina. A division of the City's Transportation Department, the transit system is governed by the Mayor and City Council of High Point. The day-to-day operation of the transit system is the responsibility of the Transit Manager who reports to the Transportation Director. Until July 1, 2015, the City passed operating assistance funding through to Davidson County and Guilford County, NC for demand-responsive and deviated fixed-route services. The population of the HPTS service area is approximately 114,227.

HPTS directly operates fixed-route and paratransit service. HPTS operates a network of twelve (12) fixed bus routes with a timed-transfer network oriented at HPTS's Broad Avenue Terminal. Bus service is provided weekdays from 5:45 a.m. to 6:35 p.m. Saturday service is operated from 8:45 a.m. to 5:15 p.m. There is no service on Sundays. HPTS's ADA complementary paratransit service, known as ACCESS, is operated during the same days and hours of service as the fixed-route service.

The base adult fare is \$1.25. A reduced fare of \$0.60 is offered to senior citizens (60 years or older), persons with disabilities, and Medicare cardholders during all hours. The fare for ADA paratransit service is \$2.50.

HPTS operates a fleet of 17 buses for fixed-route service. HPTS also has a fleet of six light transit vehicles that are operated for ACCESS service. The Operations Center is located at 716 West

⁶ 49 CFR 673.23(d)(1)

⁷ 49 CFR 673.23(d)(2)

Martin Luther King, Jr. Drive in High Point. Service is oriented around the Broad Avenue Terminal located in downtown High Point. Both of these facilities were constructed with FTA assistance.

In addition to directly operating HPTS, the City provides funding for the Piedmont Authority for Regional Transportation (PART) regional express bus service for people traveling between High Point, Greensboro, and Winston-Salem. PART Express travels between each city's downtown transit center to the PART Regional Hub. From the regional Hub, PART shuttles provide a link for passengers to get to work or other destinations in and around the airport area and Piedmont Center. These complimentary shuttles are provided Monday through Friday.

The City's National Transit Database Report for fiscal year (FY) 2021 provided the following financial and operating statistics for its fixed-route and ADA complementary paratransit service:

Table 2: Agency Profile

Operating Statistic	Fixed-Route Service	ADA Complementary Paratransit Service
Unlinked Passengers	627,120	11,154
Revenue Hours	21,767	6,566
Operating Expenses	\$2,589,065	\$538,090

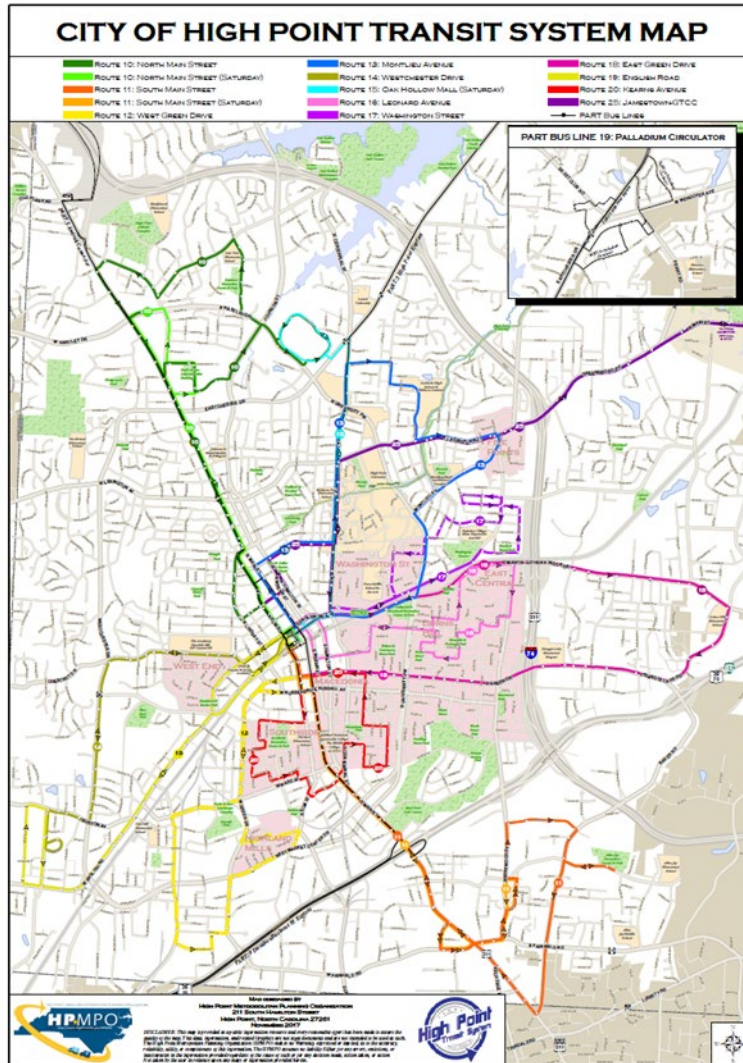


Image 1: HPTS System Map

4.1 Vehicle and Facilities

High Point Transit utilizes four (4) facilities to support its operations.

Administrative offices, employees' lounge, training/conference room, money counting room, vehicle maintenance bays and mechanical work areas, and parts storage rooms occupy the largest of the three main facilities, the Administration Building. Detached from it is a vehicle wash bay that is located near the Administration Building and at the back of the property, adjacent to the bus parking lot. A third building has 6,000 square feet of space (3,000 square feet of offices and 3,000 square feet of open space for warehousing) and is used by HPTS for the paratransit operations offices and has a small meeting room/employee lounge, file storage, and a fitness center and shower room. The warehouse spaces house larger spare parts items, tires, and miscellaneous equipment.

The fourth facility is the Broad Avenue Terminal.

All of the facilities are brick construction.

A chain-link fence surrounds the premises of the Administration Building and the Wash Bay. Automated gates were installed in Spring 2020 allowing only authorized vehicles access.

HPTS currently has three (3) physical locations for providing operations and service:

1. **Administrative Building – 716 West Martin Luther King Drive, High Point, NC**
2. **Paratransit Operations Center – 718 West Martin Luther King Jr Drive, High Point, NC**
3. **Broad Street Terminal – 201 West Broad Street, High Point, NC**

4.2 Rolling Stock

HPTS has a total of 30 vehicles within its asset inventory. The fleet count is in the table below, and is inclusive of out-of-service vehicles:

Table 3: HPTS Fleet Count

Vehicle Type	Count
Bus Fixed-Route	17
ACCESS Paratransit Vehicles	6
Service Vehicles, Non-Revenue	7

Part B: Safety Performance

MAP-21 transformed the means by which transit agencies monitor and improve their overall performance by establishing safety management structures and asset management program. Through the establishment of goals, measures, targets and plans, performance management refocuses the attention of agency leadership on accountability and transparency, which improves decision-making capabilities through performance-based planning. By defining attainable Safety Performance Targets (SPT), HPTS will increase its capacity to monitor and evaluate its safety performance, which will facilitate more effective resource investments.

5.0 Safety Performance Targets

HPTS's SPT are based on the Safety Performance Criteria (SPC) defined by the NSP as required in 49 CFR 670, Subpart D.⁸ In addition to the requirements set forth in the NSP, the safety performance targets for System Reliability correlate to the requisites identified in 49 CFR 625 for the agency TAM, which is further referenced in the NSP. In accordance with 49 CFR 670, the following Performance Criteria are measured:

- 1. Fatalities**
- 2. Injuries**
- 3. Safety Events**
- 4. Security Incidents** (*Additional HPTS Performance Target*)
- 5. System Reliability**

To define SPT rates, HPTS must first identify its Safety Performance Indicators (SPI). SPIs are specific data points that must be monitored to track the agency's overall safety performance. SPIs illustrate the ability for HPTS to fulfil its SPTs. Data sets that support performance metrics include, but are not limited to:

⁸ 49 CFR 673.11(3)

Table 4: Safety Performance Indicators⁹

Safety Performance Target Criteria	Safety Performance Indicators	SPI Examples (rates)
1. Fatalities Total number of reportable fatalities and rate per total vehicle revenue miles, by mode.	A. Bus Fatalities B. Paratransit Fatalities C. Employee Fatalities	a) <i>Suicides</i> b) <i>Workplace Accidents</i> c) <i>Collisions</i>
2. Injuries Total number of reportable injuries and rate per total vehicle revenue miles, by mode.	A. Bus Passenger Injuries B. Paratransit Passenger Injuries C. Employee Injuries	a) <i>Onboard vehicles</i> b) <i>Within a facility/station</i>
3. Safety Events Total number of reportable safety events and rate per total vehicle revenue miles, by mode.	A. Fixed-Route Events B. Paratransit Events	a) <i>Collisions</i> b) <i>Fire/Smoke</i> c) <i>Evacuations</i>
4. Security Incidents Total number of reportable security incidents and rate per total vehicle revenue miles, by mode.	A. Fixed-Route Incidents B. Paratransit Incidents	a) <i>Assaults</i> b) <i>Larceny</i> c) <i>Robbery</i>
5. System Reliability Mean distance between major mechanical failures, by mode.	A. Fixed-Route Failures B. Paratransit Failures	a) <i>Vehicle failure</i> b) <i>Other System Failures</i>

For all SPT rates, the total number of events will be multiplied by 100,000 Vehicle Revenue Miles (VRM). then divided by the total number of VRMs traveled in the previous year. Therefore, the equations to determine the event rate is as follows, unless otherwise specified below:

Figure 1: “Current” Rate Equation

$$\text{MODE EVENT RATE} = \frac{\text{EVENT COUNT} \times 100,000 \text{ VRM}}{\text{TOTAL NUMBER OF (MODE) REVENUE MILES}}$$

Once the actual event rate is established, HPTS will use any of the following strategies to establish the initial SPT per the NSP:

1. Five -Year Trends
2. Number and Rate Reduction
3. Benchmarking

⁹ The thresholds for *reportable* fatalities, injuries, and events are defined in the NTD Safety and Security Reporting Manual

Due to past system practice of data collection at the HPTS, the development of historical statistical SPTs for HPTS vehicles will not provide meaningful data trends because the system has not tracked data in this manner previously. As such, HPTS will begin benchmarking their data on a quarterly basis and begin annual comparison of their data points to the same quarter previous year. Data recording, tracking, and monitoring would continue until HPTS establishes two (2) complete years of data. For Bus and Paratransit services, a number and rate reduction will be used to establish an SPT per event type. In other terms, HPTS may establish a percentage threshold for event reduction, determined through organizational goals and objectives.

SPTs will be made available to state agencies upon request to assist in planning processes. This includes members of the Metropolitan Planning Organization (MPO). The Accountable Executive and SMS Manager will coordinate, to the greatest extent possible, with the MPO staff to review HPTS's SPTs in support of transit improvement efforts.

5.1 Fatality Rate

A reportable fatality is a death due to a:

1. Collision, including suicides
2. Fire
3. Hazardous Materials Spill
4. Act of God (i.e. hurricane, earthquake)
5. Other safety events

Fatalities that occur because of illnesses or other natural causes - including individuals who are found deceased, are not reportable and are thus are not required to be measured as part of the Safety Performance criteria.

Table 5: Fatality Rate by Mode

Fatality Rate	Count <i>(Total)</i>	Total VRM 2021	Current <i>(See equation above)</i>	Target 2022 <i>(See equation above)</i>	Variance <i>$\frac{\text{Target Rate}}{\text{Current Rate}}$</i>
Bus Fixed Route	0	322,818	0	0	0
ACCESS Paratransit	0	48,934	0	0	0

5.2 Injury Rate

An Injury is defined as harm to a person, requiring that person to be transported from the scene of an incident to a hospital or medical facility for treatment. This includes any damage or harm to persons that requires immediate medical attention away from the scene because of a reportable event must be reported as an injury. Reportable events further require monitoring of serious injuries as well as injuries where an individual seeks medical care several hours after an event, or in the days following an event. The Injury Rate is thus based on NTD Reporting Criteria.

Table 6: Injury Rate by Mode

Injury Rate	Count <i>(Total)</i>	Total VRM 2021	Current <i>(See equation above)</i>	Target 2022 <i>(See equation above)</i>	Variance $= \frac{\text{Target Rate}}{\text{Current Rate}}$
Bus Fixed Route	2	322,818	.62	.67	1.08
ACCESS Paratransit	0	48,934	0	0	0

5.3 Safety Event Rate

A Safety Event, also referred to as an Event, is defined as any Accident, Incident, or Occurrence. The *Safety Event Rate* by mode is calculated using the following equation:

Table 7: Safety Events Rate by Mode

Safety Events	Count <i>(Total)</i>	Total VRM 2021	Current <i>(See equation above)</i>	Target 2022 <i>(See equation above)</i>	Variance $= \frac{\text{Target Rate}}{\text{Current Rate}}$
Bus Fixed Route	0	322,818	0	.67	0
ACCESS Paratransit	0	48,934	0	1.27	0

5.4 Security Incident Rate

A Security Incident is defined as any incident of intentionally causing harm, injury, or death of another person and/or causing physical harm to property. The *Safety Event Rate* by mode is calculated using the following equation:

Table 8: Security Incidents Rate by Mode

Security Incidents	Count <i>(Total)</i>	Total VRM 2021	Current <i>(See equation above)</i>	Target 2022 <i>(See equation above)</i>	Variance $= \frac{\text{Target Rate}}{\text{Current Rate}}$
Bus Fixed Route	0	322,818	0	.67	0
ACCESS Paratransit	0	48,934	0	0	0

Note: Although not specifically required by 49CFR670 and 673 the HPTS is including the Security Incident Rate Table as a Safety Performance Measure, as a significant and important measure to monitor.

5.5 System Reliability

Safety and performance of the HPTS are collectively dependent, in part, on the condition of its assets. When transit assets are in a state of disrepair, the likelihood of consequential event occurring increases, as well as the likely impact against the system. Therefore, system reliability metrics illustrates the relationship between safety and the asset condition. The data collected for system reliability should support and provide input into HPTS's TAM.

System Reliability is thus calculated through the following equation:

$$\text{SYSTEM RELIABILITY (BY MODE)} = \frac{\text{REVENUE MILES OPERATED (BY MODE)}}{\text{NUMBER OF MAJOR MECHANICAL FAILURES}}$$

Table 9: System Reliability Rate by Mode

System Reliability	Count (Total)	Total VRM 2021	Current (See equation above)	Target 2021 (See equation above)	Variance $= \frac{\text{Target}}{\text{Current}}$
Bus Fixed Route	15	322,818	21,521	112,695	5.24
ACCESS Paratransit	1	48,934	48,934	39,416	.81

6.0 Metropolitan Planning Organization

HPTS will coordinate with the High Point Urban Area Metropolitan Planning Organization (HPMPO) by making its safety performance targets available to aid in the planning process.¹⁰

6.1 HPMPO History

The first thoroughfare plan for the High Point area was adopted in 1962. It was based on a 1960 origin and destination study and included High Point, Jamestown, Archdale, and part of Guilford County.

In 1965, comprehensive planning was formalized by a Memorandum of Understanding between High Point, Jamestown, Guilford County, and the North Carolina State Highway Commission, in cooperation with the United States Department of Commerce Bureau of Public Roads, which established a Technical Coordinating Committee.

The High Point Urban Area Thoroughfare Plan was updated in 1968 and revised in 1977, based on a 1973 origin and destination study. A Thomasville Thoroughfare Plan was developed in 1969.

In the 1970's, Archdale, Thomasville, Davidson County and Randolph County were formally added to the High Point Urban Area MPO, the City of High Point was designated as the lead planning agency, and a Transportation Advisory Committee was established.

¹⁰ 49 CFR 673.15

The High Point Urban Area Thoroughfare Plan was updated in 1980, revised in 1982 and updated again in 1989. Since that time, the City of Trinity was added to the MPO in 1999 and Forsyth County was added in 2003.¹¹¹²

6.2 HPMPO Responsibility

The High Point Urban Area Metropolitan Planning Organization (HPMPO) is responsible for an on-going, cooperative effort by local, state, and federal governments to do the following:

- Identify transportation needs by analyzing existing conditions and trends and make projections of future changes.
- Provide a factual basis for public policies and goals to meet the needs of people and their organizations.
- Prepare a plan in which streets, public transit, highways and other means of moving people and goods are properly related to plans and programs for the physical, social, economic and environmental development of the High Point urban area.
- Maintain a continuing, cooperative and comprehensive planning process that will enable plans to be kept up-to-date to meet changing conditions and enable the region the qualify for federal transportation funds¹³.

MEMBER JURISDICTIONS

- Archdale
- Denton
- High Point
- Jamestown
- Lexington
- Thomasville
- Trinity
- Wallburg
- Davidson County
- Forsyth County
- Guilford County
- Randolph County
- NCDOT Divisions 7,8,9

¹¹<https://www.highpointnc.gov/268/HPMPO-History>

¹² 49 CFR 673.15(b)

¹³<https://www.highpointnc.gov/261/HPMPO>

Part C: Safety Management Policy

Component 1 of the SMS structure is the Safety Management Policy.¹⁴ The Safety Management Policy is the keystone of HPTS's SMS and provides direction for effective Safety Risk Management, Safety Assurance, and Safety Promotion. Per 49 CFR 673, HPTS must establish the following sub-components of the Safety Management Policy:

- 673.23(a) Safety Management Policy Statement.
- 673.23(a) Organizational Accountabilities and Responsibilities.
- 673.23(b) Employee Reporting Program
- 673.11(6)(b) Integration with Public Safety and Emergency Management
- 673.23(d) Accountabilities and Responsibilities
- 673.31 Documentation and Recordkeeping

The Safety Management Policy thus assists in assuring management's involvement and commitment to the SMS and agency-wide safety improvement, by laying out the policies and procedures required to carry out the SMS. This is only accomplished through a clearly defined statement that defines the organizational structures, effectively identifies accountabilities, and SMS planning efforts.

HPTS's Safety Management policy will be communicated throughout the organization.

7.0 Safety Management Policy Statement

The mission of the High Point Transit System (HPTS) is to provide a safe and reliable transportation service for the public, healthful and safe working conditions for all HPTS employees, and to comply with all applicable Federal, State, and local laws and regulations.

HPTS is fully committed to SMS and to providing its customers with a safe transportation service, maintaining a strong safety culture, and providing a working environment that ensures the safety and health of its employees and protects the environment. HPTS is further committed to developing, implementing, maintaining, and continuously improving its processes to ensure that all transit service delivery activities occur under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting the established standards. As such, HPTS is placing the management of safety as one of the core business functions of the organization, across all modes of transportation.

It shall be the responsibility of management at all levels of the organization, as well as employees in each division to be accountable for delivery of the highest level of safety performance, beginning with the Transit Manager (TM). Therefore, HPTS is committed to achieving the following objectives:

1. **Supporting** the SMS and the management of safety by providing appropriate resources to support an organizational culture that fosters safe operational practices, encourages effective safety reporting and communication, and actively manages safety with the same attention to results as that given to the other management systems of the Agency;
2. **Integrating** the management of safety as part of the primary responsibilities of all HPTS managers and employees.

¹⁴ 49 CFR 673.23

3. **Clearly Defining** accountabilities and responsibilities of all employees and managers alike to uphold the organization's safety performance goals and performance of the Safety Management System (SMS).
4. **Establishing and Operating** a Safety Risk Management process allowing for hazard identification, analysis, and risk evaluation utilizing an employee reporting program as a principal source for information gathering.
5. **Prioritizing** the elimination or mitigation of calculated identified safety risks created by operating conditions or activities, to a level consistent with the Agency's acceptable level of safety performance.
6. **Ensuring** that no action will be taken against any employee who discloses a safety concern through an employee safety reporting program unless disclosure indicates through the investigative process and beyond a reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed.
7. **Complying** with, or exceeding when possible, legislative, and regulatory requirements and standards.
8. **Ensuring** sufficiently trained and knowledgeable human capital is available to implement the various SMS processes, including as part of service delivery operations.
9. **Ensuring** all employees are provided with adequate and appropriate safety-related information and training, competent in safety management processes and subject, and allocated only tasks commensurate with their skills.
10. **Establishing and Measuring** safety performance against data-driven safety performance indicators and targets.
11. **Continuous Improvement** of safety performance and the SMS through management processes that ensure appropriate safety risk management, assurance, and promotion activities are identified, implemented, and effective.
12. **Ensuring** externally supplied systems and services to support HPTS operations are delivered in a manner to meet safety performance standards
13. **Defining** processes to address conditions when disciplinary actions will be exempt based on the actions of an employee, in support of promoting a positive safety culture.

To implement this Agency Safety Plan (PTASP), HPTS's employees and contractors must focus on the following Safety Management System components:

- **Safety Management Policies** to guide the development, implementation, and maintenance of the SMS processes.
- **Safety Risk Management** process for identifying hazards and analyzing, assessing, and mitigating safety risk to the lowest reasonable level.
- **Safety Assurance** to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the Authority meets or exceeds its safety objectives through the collection, analysis, assessment, and trending of information.
- **Safety Promotion** to support SMS, including safety communications and training.

The signed Safety Management Policy Statement can be found on Pages ix and x of this PTASP.

7.1 Safety Goals

The goal of this PTASP is to establish processes and procedures of the SMS that will support the efforts of the organization to provide reliable service. The processes defined in the PTASP will ensure programs effectively address, manage, and monitor safety performance efforts throughout the four (4) components of SMS.

HPTS has established three (3) goals to optimize the SMS and manage its safety risks across all two (2) modes of transportation. These goals aim to certify compliance with the Safety Performance Targets. As the SMS programs matures, the goals and objectives of the Agency may change to accommodate the changing environment.

Table 10: SMS Program Goals

No.	Goal	Responsibility
1.	Establish and maintain a strong SMS across each mode of transportation operated by HPTS that will sustain a safety culture permissive of effective communications, continuous improvement, and risk reduction.	-TM -TSO -Key Staff
2.	Integrate Safety Risk Management processes into organizational efforts, programs, and procedures in an effort to identify, analyze, evaluate, and mitigate hazards to the lowest practical level in an effort to meet Safety Performance Targets.	-TM -Key Staff -Managers / Supervisors -Front Line Staff -Contractors
3.	Establish and maintain a high level of safety for Bus and Paratransit services, consistent with industry practices and all applicable requirements.	-TM -TSO -Key Staff -Managers / Supervisors

7.2 Safety Objectives

HPTS's safety objectives provide greater insight to the safety goals defined above. The objectives will further support HPTS's ability to achieve the SPTs. The objectives will be reviewed and updated annually or as needed.

Table 11: SMS Program Objectives

No.	Objective
A.	Support the SMS and the management of safety by providing appropriate resources to support an organizational culture that fosters safe operational practices, encourages effective safety reporting and communication, and actively manages safety with the same attention to results as that given to the other management systems of the Agency
B.	Integrate the management of safety as part of the primary responsibilities of all HPTS managers, supervisors, and employees
C.	Define accountabilities and responsibilities of all employees and managers alike, to uphold the organization's safety performance goals and performance of the SMS

D.	Establish and operate a Safety Risk Management process that allows for hazard identification, analysis, and risk evaluation utilizing an employee reporting program as a principal source for information gathering
E.	Prioritize the elimination or mitigation of calculated, identified safety risks created by operating conditions or activities to a level consistent with the agency's acceptable level of safety performance
F.	Ensure that no action will be taken against any employee who discloses a safety concern through an employee safety reporting program, unless disclosure indicates through the investigative process and beyond a reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed
G.	Comply with, or exceed when possible, legislative, and regulatory requirements and standards
H.	Ensure sufficiently trained and knowledgeable human capital is available to implement the various SMS processes, including as part of service delivery operations
I.	Ensuring all employees are provided with adequate and appropriate safety-related information and training, competent in safety management processes and subject, and allocated only tasks commensurate with their skills;
J.	Establishing and Measuring safety performance against data-driven safety performance indicators and targets;
K.	Continuous Improvement of safety performance and the SMS through management processes that ensure appropriate safety risk management, assurance, and promotion activities are identified, implemented, and effective
L.	Ensure externally supplied systems and services to support HPTS operations are delivered in a manner to meet safety performance standards
M.	Define processes to address conditions when disciplinary actions will be exempted based on the actions of an employee, in support of promoting a positive safety culture.

8.0 Accountabilities and Responsibilities

This section describes the integration of safety throughout the HPTS's two (2) modes of transportation: Fixed-Route Bus, and Paratransit. It will describe the accountabilities and responsibilities of the Accountable Executive, the TSO, the Leadership Team, and key staff, for their respective departments. Ultimately, the management of safety is an agency-wide function that encompasses all departments and is supported by all departments. All employees play a part in safety, including management and front-line employees.

The organizational charts are located in Appendix A.

8.1 Accountable Executive¹⁵

The Accountable Executive for HPTS is the Transit Manager and is the single identifiable person who:

- Has ultimate responsibility for carrying out the PTASP of the HPTS
- Communicating the Safety Management Policy to all employees and contractors
- Responsibility for carrying out the agency's Transit Asset Management Plan; and
- Control or direction over the human and capital resources needed to develop and maintain both the agency's PTASP and TAM
- Ensuring adequate resources are available to support the SMS Program
- Continuous monitoring of the SMS program
- Supporting the Employee Safety Reporting Program

In addition to these responsibilities, the Accountable Executive is accountable for ensuring that the agency's SMS is effectively implemented. Additionally, the Accountable Executive must ensure action is taken, when necessary, to address substandard safety performance of the agency. The TM/Accountable Executive may delegate specific safety responsibilities; however, they are ultimately accountability for the agency's safety performance.

8.2 SMS Manager

HPTS has designated the Transit Safety Officer as the SMS Manager and the Assistant Transit Manager as the Assistant SMS Manager for the Agency. The SMS Manager will be responsible for oversight of the transit agency's safety function, including, but not limited to:

- Overseeing hazard management practices
- Overseeing transit agency accident investigations
- Coordinating with the CHP Health and Safety Department
- Communicating with leadership and the City Council
- Overseeing the transit agency's safety certification
- Managing internal safety audit programs
- Overseeing the development, implementation, and continuous improvement of SMS processes and activities
- Communicating SMS implementation progress and challenges to the Transportation Director

As part of the SMS implementation process, HPTS SMS Manager, with assistance of the Assistant SMS Manager, will also act in the capacity of the SMS Project Manager to oversee the implementation process. In this role, the SMS Manager will provide leadership of cross-functional groups and support the Accountable Executive's goals and objectives. Responsibilities include the daily management of the transit agency's SMS function during SMS implementation, including, but not limited to:

- Serving as the agency's SMS Subject Matter Expert
- Coordinating Key Staff to support SMS implementation

¹⁵ 49 CFR 673.23(d)(1)

- Procuring technical resources for SMS implementation
- Socializing SMS activities with agency executives and staff as necessary
- Communicating SMS implementation progress and challenges to the management team
- Facilitating the development, implementation, and continuous improvement of SMS processes and activities

8.2.1 Transit Safety Officer

HPTS's Transit Safety Officer¹⁶ is designated by the Accountable Executive as the SMS Manager, and holds a direct line of reporting to the TM/Accountable Executive.¹⁷ Overall, the SMS Manager has the authority and responsibility for the day-to-day implementation and operations of the SMS program and generally does not serve in other operational or maintenance capacities. Due to the size of the organization, the SMS Manager does maintain oversight of HPTS's security functions as well, as authorized by FTA guidance.

Roles and responsibilities of the TSO for Safety and Security include:

- Overseeing the safety risk management process
- Overseeing accident/incident investigations
- Ensuring coordination with other High Point Departments during all applicable program processes, including, but not limited to triennial audits, annual plan certification, CAP
- Communicate and coordinate with other HPTS Leaders and City Departments to ensure continuous safety improvement
- Overseeing safety and security certifications
- Exercise the authority to suspend unsafe operations, as necessary
- Advising the TM, the Safety Committee and other managers, and staff as appropriate, concerning safety and regulatory compliance analyses SMS
- Implement policies and programs that ensure all aspects of the agency are effectively and successfully operating under the overarching umbrella of SMS, and supports the goals, objectives and mission of the System
- Coordinate safety activities and develops programs to support Safety Assurance practices
- Advise and coordinate with all divisions to ensure that all safety and environmental related activities conducted by the divisions are performed in accordance with the PTASP and in compliance with applicable codes and regulations to include implementing the requirements detailed in MAP-21 regulation and 49 CFR Part 673
- Provide analyses of key issues and policy decisions
- Provide direction for Safety Risk Management efforts, safety and environmental policy development, comprehensive accident investigations, compliance reviews, engineering, industrial hygiene studies, and comprehensive occupational safety and environmental management programs
- Establish and maintain effective communication, liaison, and cooperative relationships with federal, state, and local governmental agencies
- Provide oversight of compliance with the standards and regulations
- Assist in the development of effective safety and environmental training and education programs for employees, and as required, for the general public, and contractors.

¹⁶ Pending filling of the Transit Safety Officer position, current vacant and held by the Transit Manager

¹⁷ 49 CFR 673.23(d)(2)

- Supporting the develop and management of HPTS's SMS, by providing technical assistance to identify trends in implementation success and program monitoring
- Supporting the development and monitoring of HPTS's Safety Assurance function, including identification, and updating of safety performance measure thresholds required in the NSP.
- Conducting comprehensive analyses to determine if safety risk mitigations are implemented, adhered to, appropriate, effective, and sufficient in addressing the potential consequences of identified hazards and vulnerabilities
- Working collaboratively with HPTS personnel, including managers, supervisors, and frontline staff to identify, analyze, mitigate, and track hazards for rail, bus, and paratransit services
- Working closely with the SSOR and SSOB to identify, analyze, track, and mitigate safety/security issues
- Preparing safety risk analyses to identify trends in safety data that will inform management on means of improving safety strategies of the organization
- Collaborating with HPTS personnel to provide data that will inform the Agency's TAM and State of Good Repair (SGR) objectives
- Supporting the compilation and reporting of safety critical data to oversight authorities including, but not limited to FTA, and the NTD
- Coordinating with all operating departments of HPTS, encompassing Fixed-Route, and Paratransit, to document and track safety events.
- Actively monitor and participate in workplace safety observations, inspections, audits, and other activities designed to support safety oversight and safety performance monitoring of the transit agency's operations and maintenance activities
- Preparing presentations, technical reports, and analyses to department leadership and safety committees illustrating trends in safety and security data as well as the maturity of the SMS
- Producing safety metrics on a monthly basis, or as needed/requested by HPTS management staff and the SMS Steering Committee
- Participating as a member of the Safety Audit team in the administration and execution of the Internal Safety Audit program to ensure adherence to the PTASP, Security and Emergency Preparedness Plan (SEPP), and System Security and Emergency Preparedness Plan (SSEPP), federal, state and local regulations, industry standards and HPTS policies and procedures
- Performing field observations to ensure compliance with safety policies and procedures
- Developing, updating, and maintaining databases relating to SMS programs
- Documenting and monitoring lessons learned from past projects, accidents, incidents, and other relevant safety events to ensure mitigations remain effective and similar scenarios do not repeat
- Managing the tracking and disposition of all HPTS CAPs
- Coordinate with maintenance supervisory personnel to develop and implement a quality assurance (QA)/quality control (QC) program for routine maintenance and Preventative Maintenance Inspection (PMI) activities
- Ensuring adequate response to all incidents, including implementation of the COOP

During the implementation of the SMS, the TSO/SMS Manager will hold the following responsibilities:

- Coordinate with Key Staff to support SMS implementation

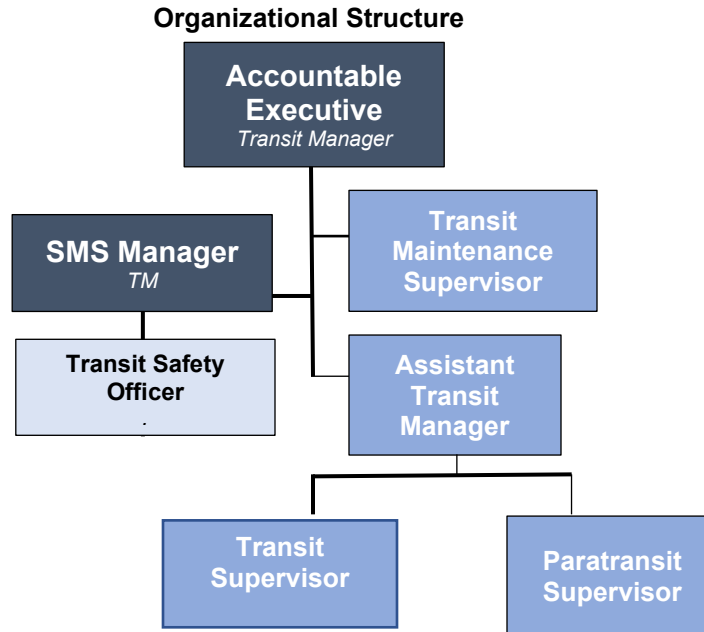
- Facilitate the development, implementation, and continuous improvement of SMS processes and activities
- Procure technical and personnel resources for SMS implementation
- Socialize SMS activities with agency managers and staff as necessary
- Communicate SMS implementation progress and challenges

The TSO will rely on the Subject Matter Experts (SME) of each unit to support the development and integration of SMS into the agency that is appropriately scaled and sized to meet the needs of the organization.

8.3 HPTS Management Team

HPTS's Management Team is comprised of the following individuals:

- Transit Manager
- Assistant Transit Manager
- SMS Manager / Transit Safety Officer
- Transit Supervisor
- Transit Maintenance Supervisor
- Paratransit Supervisor



The Management Team will support the TSO/ SMS Manager by ensuring safety management practices are incorporated into the agency's operational areas. This includes maintaining accountability for safety performance of their divisions as well as establishing and maintaining clear lines of safety communication to front line staff by means of the SMS Key Staff identified below. Responsibility of the Management Team further includes reasonably designating representatives from operations, maintenance, and other revenue service support functions to serve as SMS Key Staff. Doing so depicts management's oversight of the safety management process, which will entice greater support and training opportunities for staff.

8.4 SMS Key Staff

SMS implementation requires a multi-disciplinary approach involving representatives from the various divisions of HPTS that are familiar with their department's process and practices. SMS Key Staff, including managers, supervisors, and specialists will serve as the subject matter experts representing their department's during the SMS implementation. Their responsibilities include providing insight on how to adapt existing departmental practices to work in concert with the SMS. This will include identifying departmental data and information resources to support the SMS Steering Committee's objectives, as well as ongoing SMS decision making processes. Ultimately, their responsibility will be to identify and provide concerns and solutions for SMS implementation that ensures the program works in tandem with the departmental practices and duties. SMS Key Staff will include, but is not limited to, the following job functions:

Operations

Maintenance

Marketing and Public Outreach

Information Technology

Planning and Scheduling

Human Resources

Finance, Grants, and Procurement

Data Analyst

Safety and Security

Included in the key staff framework are members whose functions include finance, procurement, and budget. SMS implementation requires management's commitment to the proper allocation of resources that support the SMS. Therefore, members from finance and procurement, as well as other key departments, will continuously monitor the needs of the program, assess potential impacts of the SMS to the organization, and support budget monitoring activities throughout implementation and maturity.

The roles identified above may be held by single individuals at HPTS under their normal job duties and responsibilities. A detailed list of SMS Key Staff is illustrated in Figure 2 below.

8.4.1 Assistant Transit Manager

HPTS's Assistant Transit Manager reports the Transit Manager and is responsible for all fixed-route bus and ACCESS paratransit operations. The Assistant Transit Manager is responsible for ensuring proper and safe conditions exist throughout the HPTS fixed-route bus and ACCESS paratransit system by providing safe working conditions for all transit employees. The Assistant Transit Manager's safety responsibilities include, but are not limited to the following:

- Managing all fixed-route bus operations personnel, including supervisors, operators, run dispatchers, and specialists
- Managing all ACCESS paratransit operations personnel, including supervisors, operators, run dispatchers, and specialists
- Developing and implementing SOP for fixed-route bus operations
- Developing and implementing SOP for ACCESS paratransit operations
- Ensuring personnel are fully trained in and comply with HPTS fixed-route bus and ACCESS paratransit rules, procedures, bulletins, and other directives
- Ensuring adequate capital and personnel resources are allocated to accomplish safety and security goals and objectives of operations activities
- Supporting internal safety audits and other Safety Assurance functions
- Coordinating with the TM and TSO to ensure that all personnel fully document safety, security, and emergency management activities, events, occurrences, and tasks, and that reports on these activities are properly delivered to the TSO
- Ensuring the compliance and cooperation of all management staff with all HPTS fixed-route bus requirements
- Track and maintain data that supports Safety Risk Management and Safety Assurance components of the SMS
- Reviewing, revising, and updating fixed-route bus and ACCESS paratransit rulebooks and SOPs to ensure compliance with current operating conditions, in coordination with the SMS Steering Committee
- Developing, reviewing, and maintaining the operational rules compliance program
- Support, develop, and maintain employee reporting programs for operations employees to report safety events, hazards, and other safety concerns

8.4.2 Transit Maintenance Supervisor

HPTS's Transit Maintenance Supervisor reports to the Transit Manager and is responsible for all facility and vehicle maintenance. The Transit Maintenance Supervisor performs difficult skilled mechanical and technical work in supervising the servicing and maintenance of a variety of

automotive, heavy and specialized equipment; does related work as required. Work is performed under general supervision. Supervision is exercised over all automotive shop personnel.

The Transit Maintenance Supervisor's safety responsibilities include, but are not limited to the following:

- Plans, assigns and supervises the work of mechanics and other workers based on priority of work and available resources
- Monitors preventive maintenance reports and prepares service/repair orders
- Maintaining accurate records of all inspections, maintenance work, work orders, special maintenance activities, and responses to emergencies and accidents/incidents
- Assisting in developing Preventive Maintenance Inspection procedures and ensuring that introduction of new equipment or policies conform to configuration management standards and meet all safety and security requirements
- Gives technical advice and assistance to mechanics and attendants and supervises work on difficult jobs and inspects jobs for adherence to standards
- Answers incoming telephone calls and complaints
- Maintains individual vehicle/equipment records, files copies of completed service/repair orders and stores requisitions, etc., in appropriate files
- Inspects work in process and upon completion
- Manages the ordering of parts and maintains inventory of garage supplies
- Supervises and often performs facility maintenance tasks
- Oversees special projects such as vehicle and maintenance purchases, facility renovations and major repairs
- Selects, trains, motivates and evaluates assigned personnel; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline
- Maintains the computerized maintenance system and promotes the full use of all of the functionality available within the system
- Monitors radio communications during route times and ensures that all operator inquiries related to the mechanical operation of the vehicle are responded to immediately
- Ensures that all work is performed in accordance with OSHA and City Safety Standards and Policies
- Ensuring the physical security is maintained of all facilities
- Ensuring maintenance facilities are properly equipped for emergency response
- Ensuring maintenance activities for HPTS fixed-route bus and paratransit feed into the Safety Risk Management and Safety Assurance components of the SMS by coordinating with management, staff, supervisors, and operators
- Tracking and identifying KPIs to monitor safety performance and address State of Good Repair requirements as defined in the TAM
- Ensuring all maintenance personnel know and implement all safety, security and emergency management programs, plans and procedures
- Ensuring adequate resources are available to respond to all safety events, including implementation of the COOP for operations and maintenance personnel
- Continuous monitoring of the SMS program
- Supporting the Employee Safety Reporting Program

8.4.3 Transit Supervisor

The HPTS's Transit Supervisor reports to the Assistant Transit Manager and oversees and supervises daily fixed-route transit operations; provides responsible staff assistance to the Assistant Transit Manager; Work is performed under the regular supervision of the Assistant Transit Manager. Supervision is exercised over assistant transit supervisors, transit operators and transit customer service specialists.

The Transit Supervisor's safety responsibilities include, but are not limited to the following:

- Oversee and supervise daily fixed-route employees; lead and participate in the more complex and difficult work of staff including ensuring transit operations are in compliance with the federal Americans with Disabilities Act (ADA)
- Participate in the selection of assigned staff; train assigned employees in their areas of work including methods, procedures and techniques of safe transportation operations
- Maintain attendance, discipline and other personnel records on employees; conduct employee evaluations; investigate, prepare, and conduct counseling and initiate disciplinary as required
- Schedule assigned employees for regularly scheduled and special service
- Ensure customer service specialists maintain facility cleanliness, manage passes and monies, and provide timely and accurate information to the public
- Verify the work of assigned employees for accuracy, proper work methods, techniques and compliance with applicable standards and specifications; Inspect operator uniforms
- Assist with the preparation, distribution and collection of fare boxes
- Participate in the development of policies and procedures; monitor work activities to ensure compliance with established federal and state laws and regulations, and city policies and procedures; make recommendations for changes and improvements to existing standards and procedures
- Respond to and investigate complaints from the general public regarding fixed-route operations; resolve problems in a timely and efficient manner
- Investigate accidents and review accident reports for employee' responsibility
- Coordinate the maintenance, repair and installation of bus route signs, fixtures, benches, and shelters at bus stops
- Develop and distribute announcements and brochures to promote transit services
- Supervise operators and ensure compliance with schedules
- Inspect buses for damages and required maintenance
- Assist with travel training and orientation to riding the bus for new riders
- Oversee route changes or additions due to inclement weather conditions, road closings, or occurrences
- Prepares and maintains various reports
- Assists with other related transit duties as assigned
- Ensures that all work is performed in accordance with OSHA and City Safety Standards and Policies
- Continuous monitoring of the SMS program
- Supporting the Employee Safety Reporting Program
- Assist with ensuring the physical security is maintained of all facilities
- Assist with ensuring all HPTS facilities are properly equipped for emergency response

- Ensuring operations activities for HPTS fixed-route bus feed into the Safety Risk Management and Safety Assurance components of the SMS by coordinating with management, staff, supervisors, and operators

8.4.4 Paratransit Supervisor

The HPTS's Paratransit Supervisor reports to the Assistant Transit Manager and performs responsible technical and clerical work in planning, organizing, coordinating, monitoring and managing the direct operation of the Paratransit operations while ensuring full compliance with Americans with Disabilities Act (ADA) and paratransit rules and regulations. Paratransit operations includes both complimentary ADA service as well as general demand response service for the elderly and services outside the ADA area; does related work as required.

The Paratransit Supervisor's safety responsibilities include, but are not limited to the following:

- Supervises staff including prioritizing and assigning work, conducting performance appraisals, enforcing policies and procedures, making hiring decisions, conducting training, and making disciplinary decisions and recommendations
- Manages the paratransit reservations, scheduling, and dispatching. Troubleshoots issues and concerns with staff. Ensures service compliance with local, state and federal rules and regulations including the Americans with Disabilities Act
- Responsible for the eligibility process to include reviewing applications and conducting in-person and functional assessments as necessary
- Establish policies and procedures for Paratransit operations
- Manage and foster the Paratransit operation's safety efforts and programs; Investigate, prepare reports, and follow up regarding paratransit accidents; Perform post-accident and post-incident risk management activities
- Prepare monthly reports to include ridership, operating statistics for inclusion in local, state, and federal reports
- Participates in the preparation of the annual operating budget, including conducting analysis and forecasting operating revenue
- Manages customer service for paratransit responding to service inquiries and customer complaints. Ensures appropriate investigation and response to issues and problems. Documents resolutions within customer comment software
- Mediates sensitive issues involving paratransit clients using application of pertinent local, State and Federal rules, regulations and laws governing paratransit services
- Coordinate paratransit vehicle maintenance with the Maintenance Supervisor
- Fills in for paratransit services coordinator as necessary to include taking reservations, scheduling, and dispatching trips, recording, and posting operating data including trips, time, mileage, and ridership
- Develops recommendations relating to transportation services
- Coordinates special service activities and requirements with outside agencies; Determines community needs for special services
- Develops marketing programs and strategies for paratransit services
- Drives paratransit trips as needed
- Assists with fixed-route operations as needed
- Other duties as assigned

- Ensures that all work is performed in accordance with OSHA and City Safety Standards and Policies.
- Developing and implementing SOPs consistent with safety standards and SMS principles
- Ensuring personnel are fully trained in and comply with HPTS's paratransit rules, procedures, bulletins, and other directives
- Ensuring adequate capital and personnel resources are allocated to accomplish safety and security goals and objectives of operations activities
- Overseeing HPTS scheduling efforts to ensure maximum safety is achieved for operators and patrons
- Supporting internal safety audits and other Safety Assurance functions
- Coordinating with the TSO to ensure that all personnel fully document safety, security, and emergency management activities, events, occurrences, and tasks, and that reports on these activities are properly delivered to the TSO
- Tracking and maintaining data that supports Safety Risk Management and Safety Assurance components of the SMS
- Reviewing, revising, and updating paratransit rulebooks and SOPs to ensure compliance with current operating conditions, in coordination with the SSRC
- Developing, reviewing, and maintaining the operational rules compliance program
- Support, develop, and maintain employee reporting programs for operations employees to report safety events, hazards, and other safety concerns

8.4.5 Other SMS Related Key Functions

Other Key Functions required to successfully support the HPTS SMS Program include:

- Human Resources
- Information Technology
- Procurement
- City Safety and Health (General and Construction Occupational Safety and Health)

These above SMS support functions although included in the duties of the High Point Transit System staff are generally supported and resourced by other City of High Point departments.

8.5 Transit Safety Officer

The Accountable Executive has delegated authority to the TSO to develop, implement, and maintain the PTASP in accordance with applicable federal and state regulations and guidelines. Under this direction, policies, procedures, and plans are developed in direct support of the PTASP. This responsibility is shared across HPTS under the authority of the TSO. The TSO will support the efforts of each division, who are independently responsible for supporting the SMS initiatives and implementing cohesive safety and security processes.

8.6 Operations and Maintenance Personnel

Operations and maintenance personnel are responsible in the course of their normal duties for complying with and implementing all HPTS rules and procedures as follows:

- Reporting any safety condition to the on-duty supervisor and/or the safety department
- Contributing ideas and suggestions for improving the safety of conditions or procedures to their immediate supervisor, who will follow up with the Safety and Security Department
- Using individual knowledge and influence to improve safety performance

- Attending safety training and safety meetings
- Reporting accidents and injuries to supervisory and management staff immediately
- Reporting any suspicious activity, persons, or objects observed
- Abiding by the safety rules and regulations
- Having regard for the safety of fellow workers and clients at all times

It is the responsibility of each employee to abide by all rules and regulations and to comply with all laws pertaining to safety and health in the workplace. Safety becomes a shared responsibility between management and the employee and working safely is a condition of employment.

8.7 Contractors

HPTS may retain the services of outside contractors to assist with various aspects of the system's operations and maintenance. All contractors are subject to the requirements of this PTASP and all applicable requirements. The TSO, or their designee will conduct periodic reviews of contractor onsite work practices to ensure compliance with the HPTS's PTASP.

HPTS will require each contractor to assign safety and quality assurance functions to its personnel working on the HPTS property. Based upon the scope of the project the TSO may recommend the assignment of a dedicated contract employee to carry out these tasks. Contractor personnel will work in cooperation with the TSO and conduct a variety of activities in support of this plan, including:

- Reviewing the Original Equipment Manufacturer (OEM) submittals and specifications
- Developing a safety training program for their contractor personnel
- Maintaining compliance with occupational safety standards and guidelines
- Reporting on any and all activities as required by the TSO or HPTS personnel
- Conducting any required safety or security activity deemed necessary by the TSO or HPTS personnel
- Maintaining records consistent with Safety Risk Management and Safety Assurance components

9.0 Employee Safety Reporting Program

HPTS has established a process that allows all employees, including relevant contract employees, to report safety conditions to senior management.¹⁸ This program is intended to help the Accountable Executive, TSO, and key staff obtain important safety information throughout the agency. The defined Employee Safety Reporting Program (ESRP) is aimed at building a greater level of trust, which will improve HPTS's ability to learn about safety conditions and make meaningful change in collaboration with frontline staff. Therefore, HPTS is committed to ensuring that no action is taken against an employee who discloses a safety concern through an employee safety reporting program, unless disclosure indicates through the investigative process and beyond a reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed.

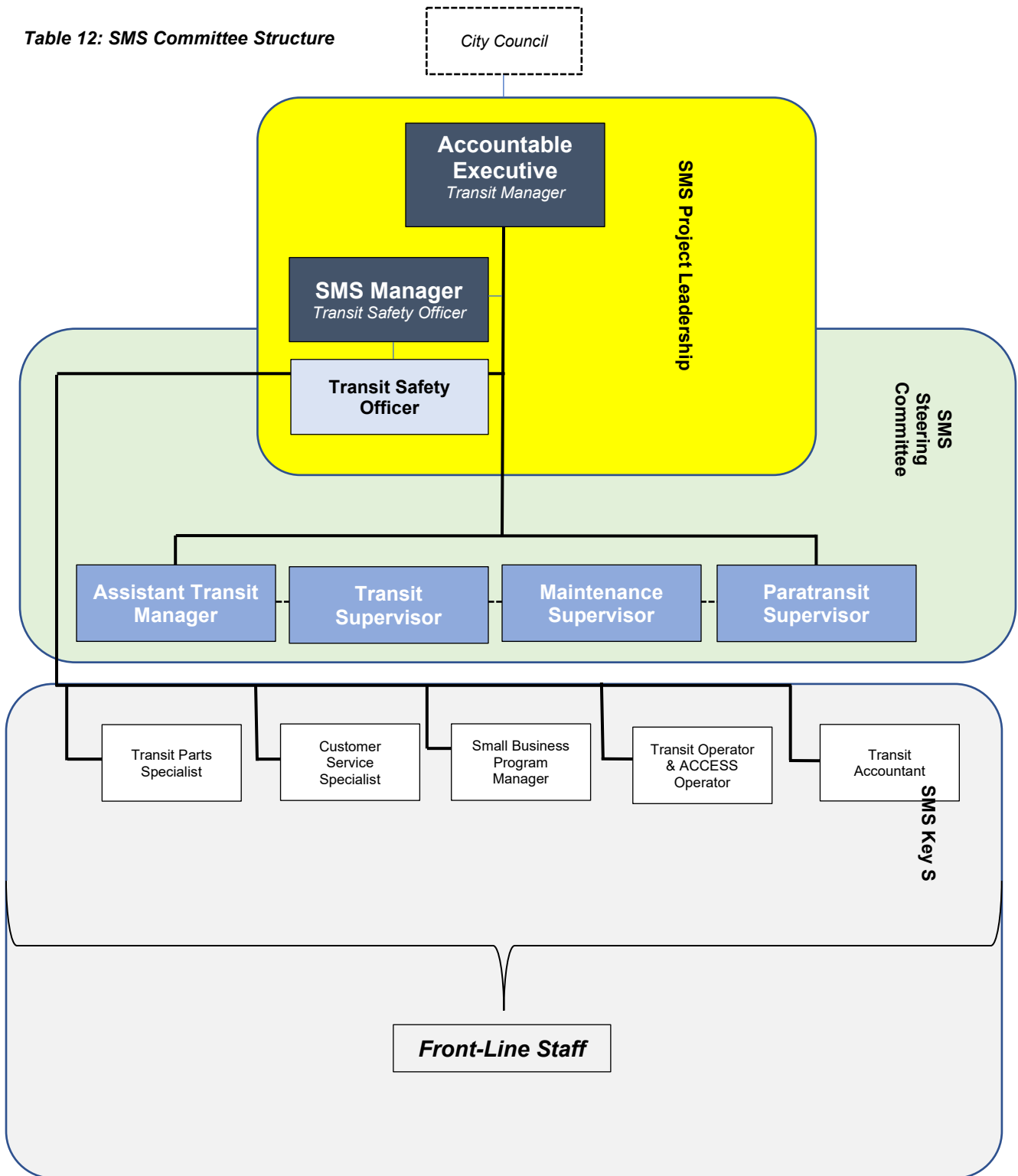
HPTS uses its safety committee structure and electronic safety suggestion reporting to allow employees to report safety concerns and suggestions.

¹⁸ 49 CFR 673.23(b)

9.1 Committee Structure

HPTS's SMS committee structure provides an open forum for safety concerns to be communicated, or reported, from the frontline staff through to managers and up towards the Accountable Executive. Similarly, this structure allows management to more uniformly communicate safety and security topics through the organization. The figure below provides the hierarchy of the committee structure, which provides a mechanism for employees to report safety and security concerns.

Table 12: SMS Committee Structure



9.1.1 HPTS SMS Steering Committee

HPTS has started up the SMS Steering Committee working in concert with the Transit Manager's Leadership Team meetings. The committee will be comprised of the six (6) managers/supervisors/representatives of fixed route, paratransit, and maintenance. The members should have the experience and knowledge to provide valuable input to directing the HPTS's safety strategies by identifying the appropriate safety performance metrics and objectives. Also sitting on the committee should be the Transit Safety Officer to ensure continuity of information is passed through the SMS Steering Committee.

To ensure SMS is effectively implemented to meet the demands of the organization, the SMS Steering Committee will share a common purpose, while managing the unique needs of each of their departments. More importantly, the Steering Committee will actively support the SMS Manager while the SMS Manager simultaneously supports the needs of the organization's operations. This configuration of the project's framework allows key resources to be allocated to the implementation process to meet the program's demands.

9.1.2 Safety Committee

The Safety Committee is being established in coordination with the SMS Steering Committee and will be chaired by the Transit Safety Officer / SMS Manager. Members of the Safety Committee includes the SMS Key Staff who will further manage implementation within their respective departments.

The Safety Committee will discuss cross-departmental SMS implementation progress, issues, and goals with the primary mission of promoting SMS to the front-line staff level. By comprising the committee of the divisional managers, the Safety Committee will be able to demonstrate the commitment of management to SMS compliance. The Safety Committee will provide updates to the SMS Steering Committee, at least monthly or as needed.

10.0 Integration with Emergency Management & Public Safety

This section describes the process used by HPTS to coordinate emergency management activities, which include meetings with external agencies, emergency planning processes, including emergency exercises, After-Action Reports (AAR) and implementation of findings, revision and distribution of emergency response procedures familiarization training for public safety organizations, and employee training.

Detailed emergency preparedness activities for fixed-route and paratransit systems can be located in the *HPTS System Security and Emergency Preparedness Plan Version 1, May 3, 2019*.

10.1 Emergency Preparedness Responsibilities

The Accountable Executive has designated the TSO as the Emergency Preparedness point of contact for the development and implementation of the HPTS Emergency Management Program (EMP). The TSO has been granted the authority to utilize HPTS resources to develop the Security and Emergency Preparedness Program and to monitor its implementation, and to ensure attainment of security and emergency preparedness goals and objectives.

Since the High Point Transit System is an entity of the City of High Point, the HPTS is a component of the City Plan. The City of High Point, High Point Transit System Safety and Health Manual Subject: Emergency Action (January 2011) is hereby incorporated by reference and available for review by authorized parties.

Tasks have been identified to provide direction in implementation of the SSEPP. These tasks are on-going and are considered minimum requirements. Tasks are identified in the matrices below. Also identified are the organizational / participant responsibilities for each task. The table follows the roles and responsibilities found in section 3.3.2 of the SSEPP. The organizational/participant responsibilities for each task, as designated by the following code:

- P** Primary Task Responsibility
- S** Secondary or Support Responsibility
- R** Review/Comment Responsibility
- A** Approval Responsibility

Table 13: Emergency Preparedness Matrix

Task	TM	TSO	Steering Comm	CHP	Frequency
Conduct Emergency Preparedness Training		P	S	S	As Required
Attend UASI/EMA Meetings		S		P	Monthly
Develop Emergency Response Plans	A	P	R	P	As Required
Review Emergency SOPs		S/R	S/R	R	As Required
Review Emergency Management Trends		P			Daily
Develop Emergency Operations Plans	A	P	S	S	As Required
Review Current Incidents	R	P	S		Daily
Ensuring Integration in the City/County's ERP		P		P	Yearly
Conduct Internal Training Audits	R/A	P	P/S/R		Monthly
External Audits	R	P	S	S	As Required
Emergency Exercises	S	P	S	S	Annually
Liaison with Public Safety Agencies	S	P			Daily

10.2 Evaluation of Emergency Management

HPTS, in cooperation with the CHP, will evaluate its emergency management function by implementing a comprehensive drill and exercise program in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). The program will organize various emergency response agencies to critique emergency preparedness activities by simulating scenarios involving HPTS various system components, including infrastructure, vehicles, facilities, and equipment. Drills and exercises HPTS will incorporate include, but are not limited to, the following:

1. **Tabletop Exercise (TTX):** A TTX is intended to generate discussion of various issues regarding a hypothetical, simulated emergency. TTXs can be used to enhance general awareness, validate plans and procedures, rehearse concepts, and/or assess the types of systems needed to guide the prevention of, protection from, mitigation of, response to, and recovery from a defined incident. Generally, TTXs are aimed at facilitating conceptual understanding, identifying strengths and areas for improvement, and/or achieving changes in perceptions.
2. **Drills:** A drill is a coordinated, supervised activity usually employed to validate a specific function or capability in a single agency or organization. Drills are commonly used to provide training on new equipment, validate procedures, or practice and maintain current skills. For example, drills may be appropriate for establishing a community-designated disaster receiving center or shelter. Drills can also be used to determine if plans can be executed as designed, to assess whether more training is required, or to reinforce best practices. A drill is useful as a stand-alone tool, but a series of drills can be used to prepare several organizations to collaborate in a Full-Scale Exercise (FSE).
3. **Full-Scale Exercise (FSE):** FSEs are typically the most complex and resource-intensive type of exercise. They involve multiple agencies, organizations, and jurisdictions and validate many facets of preparedness. FSEs often include many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command (UC). In an FSE, events are projected through an exercise scenario with event updates that drive activity at the operational level.

HPTS will conduct one of the above types of emergency preparedness activities at least once annually. The Agency may also implement other drills and exercises defined in the HSEEP framework and will utilize the exercise methodology illustrated below.

Figure 2: HSEEP Exercise Cycle

Exercise program should be based on a set of strategic, high-level priorities selected by HPTS's SMS Steering Committee. These priorities guide the development of exercise objectives, ensuring that individual exercises build and sustain preparedness in a progressive and coordinated fashion. Exercise program priorities are developed at the Training and Exercise Planning Workshop (TEPW).

10.2.1 After Action Reports

An evaluation will be completed after each exercise to provide HPTS personnel the opportunity to assess the capabilities needed to accomplish a mission, function, or objective. This will be completed through the AAR, which will document key information related to evaluation. The length, format, and development timeframe of the AAR depend on the exercise type and scope. The focus of the AAR is the analysis of core capabilities and will include the following sections:

- Exercise name
- Type of exercise
- Date of the exercise
- Location(s) of the exercise
- Participating organizations
- Mission area(s)
- Specific threat or hazard
- A brief scenario description
- The name of the exercise sponsor and Point of Contact.
- Analysis of Core Capabilities
- Corrective Action Plan(s), as necessary

CAPs will be developed and monitored in accordance with Section 22.

10.3 Meetings with External Agencies

In addition to the SMS Steering and Safety Committee, the TSO will participate in a variety of committees and groups, within the CHP and external agencies to maintain open lines of communication with Public Safety agencies

10.4 Emergency Procedures

HPTS's Emergency Procedures are contained in the bus, and paratransit SOPs, and the various rulebooks. Initial documents will be reviewed as indicated in the proceeding sections and will be evaluated at least annually per HPTS procedures. Emergency procedures will also be evaluated after any event and after the Drills and Exercise program. The TSO will distribute updated documents to the appropriate divisions, personnel, and if necessary, external public safety agencies.

10.5 Emergency Training

Emergency training is the responsibility of the HPTS TSO. The SOPs and operating rules have been developed to provide a basis for training of all employees in their security related responsibilities. All operations and maintenance personnel are required to undergo emergency response training to ensure they have a thorough understanding of their roles and responsibilities during an emergency. At a minimum, training is provided to HPTS employees based on job description and function. HPTS personal are also trained for specific threats such as workplace violence and active shooter situations.

Ad-hoc training for internal or external personnel may be performed at the discretion of the TSO, should the need arise, depending on local or international events of a security or emergency response nature, response to a specific credible threat to the system, required corrective action, program enhancement or any other appropriate reason at any time.

10.5.1 Familiarization Training

Periodic, but at least biennially, familiarization and refresher training is provided by HPTS to local emergency response personnel. This training, which is in addition to scheduled tabletop exercises and drills, has included some printed takeaways, covering vehicle access, vehicle emergency equipment, and communications.

11.0 Safety Management Policy Communication

In accordance with 673.29(b), HPTS will ensure that all employees are aware of any policies, activities, and procedures that are related to their safety-related roles and responsibilities. Safety communications may include information on hazards and safety risks that are relevant to the employee's role and responsibilities; explain reasons that HPTS introduces or changes policies, activities, or procedures; and explain to an employee when actions are taken in response to reports submitted by the employee through the employee safety reporting program.

Part D: Safety Risk Management

The FTA's 673 rule requires HPTS to develop and document in its PTASP, a process to identify and resolve hazards for new starts projects, extensions, or modifications of existing systems, operational or environmental changes, or from hazards discovered from employee reports, public complaints, reviews, audits, inspections, and investigations

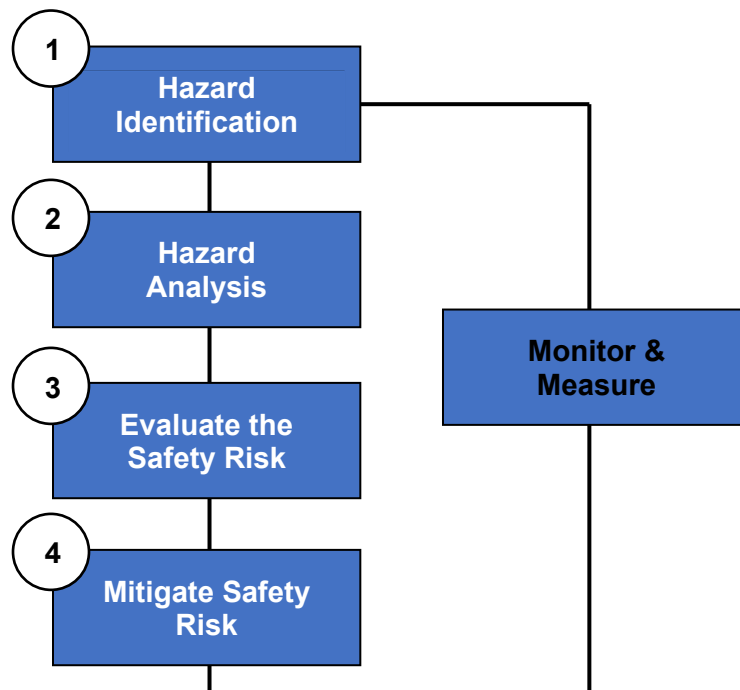
Safety Risk Management (SRM) is an essential process within HPTS's SMS for identifying hazards and analyzing, assessing, and mitigating safety risk. The SRM component has two (2) major sub-components

1. Hazard Identification and Analysis, and
2. Safety Risk Evaluation and Mitigation

The SRM process and its sub-components provides a formal process to systematically identify, evaluate, and mitigate potential hazards associated with the construction, maintenance, and operation of HPTS operating systems for patrons, employees, and the general public. Known hazards are categorized as to their potential severity and probability, analyzed for potential impact, and resolved by design, procedure, warning device, or other methods so they fall within a level of risk acceptable to the HPTS. This process provides HPTS's management team and the necessary information to prioritize decision making efforts.

The following figure provides an illustration of steps used in Safety Risk Management process:

Figure 3: SRM 4-Step Process



The proceeding sections document the risk management process and HPTS's approach to hazard investigations, including the notification and investigation requirements.

12.0 Safety Hazard Identification

49 CFR Part 673 requires transit agencies to establish methods or processes to identify hazards and consequences of hazards. A hazard will inform the agency of what is wrong, while a consequence identifies what could happen. When the HPTS properly identifies and clearly defines hazards, the organization can more easily identify potential consequences that will help management allocate safety resources based on safety risk.

HPTS must include data and information provided by the FTA (e.g., Safety Bulletin, General Directives, Special Directives or Notices). HPTS will also consider outputs of Safety Assurance (SA) activities, such as employee safety reporting programs, event investigations, monitoring of operations and maintenance procedures, or system changes, as sources for hazard and consequence information. HPTS will also consolidate consequence and hazard information in one location for easier sorting and analysis to share information and enable analysis.

HPTS uses a variety of methodologies in identifying hazards on the system, including, but not limited to:

- Employee or patron reports
- Near miss/close call events
- Special/Capital projects/construction activity
- Drills and exercises
- New systems testing
- Safety data trend analysis
- Event investigations
- Discussions and deliberations from safety committee meetings
- Reports from operations and maintenance personnel
- Results from rules compliance checks and evaluations
- Analysis of maintenance data
- Results from facilities and vehicles inspections
- Findings from internal safety and security audits

13.0 Safety Risk Analysis & Evaluation

Hazards which are not resolved at the operating, maintenance, or other front-line department level are appropriately investigated by the TSO, assisted by the responsible operations and maintenance department. Investigation findings are documented and reported to the safety committee. Those issues that the safety committee are unable to resolve are escalated to the SMS Steering Committee through the TSO for resolution.

13.1 Hazard Categorization

This involves categorizing identified hazards in terms of each one's severity or consequence and its probability of occurrence. The United States Department of Defense (DoD) Standard Practice for System Safety, Military Standard (MIL-STD) 882 Version E, establishes system safety criteria guidelines for determining hazard severity and probability and is the standard relied on by the HPTS in its hazard identification and resolution process.

The hazard severity categories listed below provide the qualitative indication of the relative severity of the possible consequences of the hazardous conditions. HPTS assigns hazard categories based on the "worst-case" event.

Table 14: Severity Categories

Description	Score	Mishap Result Criteria
Catastrophic	1	Could result in one or more of the following: death, permanent total disability, irreversible significant environmental impact, or monetary loss equal to or exceeding \$2 Million.
Critical	2	Could result in one or more of the following: permanent partial disability, injuries or occupational illness that may result in hospitalization of at least three personnel, reversible significant environmental impact, or monetary loss equal to or exceeding \$1 Million but less than \$2 Million.
Marginal	3	Could result in one or more of the following: injury or occupational illness resulting in one or more lost workday(s), reversible moderate environmental impact, or monetary loss equal to or exceeding \$250,000 but less than \$1 Million.
Negligible	4	Could result in one or more of the following: injury or occupational illness not resulting in a lost workday, minimal environmental impact, or monetary loss less than \$250,000.

Once a hazard's severity has been determined, the analysis will consider the probability, or likelihood the consequences will exist if the hazard is not corrected or controlled. The susceptibility of a location to a hazard occurring is measured using the following table.

Table 15: Probability Categories

Description	Score	Specific Individual Item	Fleet or Inventory
Frequent	A	Likely to occur often in the life of an item.	Continuously experienced
Probable	B	Will occur several times in the life of an item.	Will occur frequently
Occasional	C	Likely to occur sometime in the life of an item.	Will occur several times
Remote	D	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur
Improbable	E	So unlikely, it can be assumed occurrence may not be experienced in the life of an item.	Unlikely to occur, but possible
Eliminated	F	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.

Together, the hazard severity and probability properties measure the Safety Risk Score and the priority for applying control measures. Using this scale, the TSO, with approval of the Transit Manager, will examine, quantify, and resolve the hazards based on the severity of a potential outcome and the likelihood that such an outcome will occur.

Figure 4: Safety Risk Matrix

Severity Probability	Catastrophic 1	Critical 2	Marginal 3	Negligible 4
A - Frequent	1A	2A	3A	4A
B - Probable	1B	2B	3B	4B
C - Occasional	1C	2C	3C	4C
D - Remote	1D	2D	3D	4D
E - Improbable	1E	2E	3E	4E
F - Eliminated	Eliminated			

1A, 1B, 1C, 2A, 2B	High	Unacceptable
1D, 2C, 3A, 3B	Serious	Undesirable, management's decision is required
1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B	Medium	Acceptable, with review by the SSRC
4C, 4D, 4E	Low	Acceptable, without review by the SSRC
F	Eliminated	Eliminated

The results from using the Safety Risk Matrix will then be used to determine whether a hazardous condition should be eliminated, controlled, or accepted. Hazards rated as or “High” must be addressed to control or eliminate the risk to the lowest practical level through the processes defined in section 14.0. Hazards classified as “Serious may be tolerable if it can be demonstrated that its occurrence is highly improbable.

High/Unacceptable: The risk cannot remain and must be mitigated through the HSSRC. The Safety Risk Analysis (SRA) and subsequent analyses will present options for elimination or reductions of high risks.

Serious/Undesirable: The risk should be reduced if at all practical to do so with support from the SSRC. The Safety Risk Analysis (SRA) and subsequent hazard analyses will provide options, where possible, to reduce risks.

Medium/Acceptable, With Review: The risk is can be acceptable after review by management and the SSRC. The Safety Risk Analysis will recommend either that the hazard be left as is or be acted upon to further reduce risk. The OSSRC makes final determination.

Low/Acceptable: The risk is acceptable as is and does not require further review. The Safety Risk Analysis will not recommend any action be taken to address a low risk. Final determination is made by the TSO.

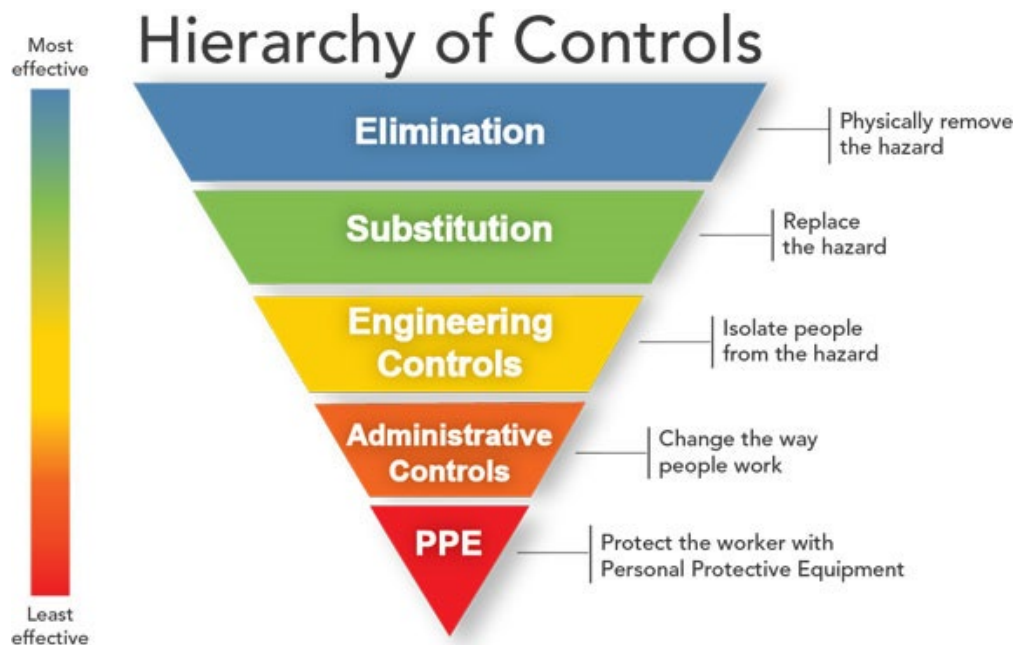
Eliminated: The risk no longer exists.

14.0 Safety Risk Mitigation

49 CFR 673 requires transit agencies to establish methods or processes to identify mitigations or strategies necessary, as a result of agencies' safety risk assessment, to reduce the likelihood and/or severity of the consequences. The goal of risk mitigation is to reduce the assessed risk rating to an acceptable level; however, mitigations do not typically eliminate the risk entirely. HPTS will consider input from SMEs from different departments to ensure that the selected safety risk mitigation is appropriate. Input from multiple sources can help prevent unintended effects, including new hazards.

Hazard control process will follow the Hierarchy of Controls as defined by the National Institute for Occupational Safety and Health (NIOSH).

Figure 5: NIOSH Hierarchy of Controls



A combination of controls may be used when no single method fully protects the system or components of the system.

Elimination or Substitution: While most effective at reducing hazards, these methods tend to be the most difficult to implement in an existing process. The core methodology between elimination and substitution is the separation of the hazard from the system or sub-system either by means of removal or modification/replacement. These steps are most effectively implemented at the early stages of a process, and if the process is still at the design or development stage, elimination and substitution of hazards may be inexpensive and simple to implement.

Where some hazards are inherent and cannot be eliminated completely through design, they should be substituted, if possible, to reduce the risk to the lowest acceptable level. This can be accomplished by incorporating, as necessary, fail-safe devices and principles in design, incorporating high-reliability system components, and using redundant or backup hardware and software devices.

Engineering Controls: This methodology is designed to remove the hazard at the source, before it comes in contact with the worker. Well-designed engineering controls can be highly effective in protecting workers and will typically be independent of worker interactions to provide this high level of protection. The initial cost of engineering controls can be higher than the cost of administrative controls or Personal Protective Equipment (PPE), but over the longer term, operating costs are frequently lower, and in some instances, can provide a cost savings in other areas of the process. Examples include reducing exposure to noise through redesigning equipment or infrastructure or increasing air circulation to eliminate heat related stress of workers and patrons.

Administrative Controls and PPE: Administrative controls and PPE are frequently used with existing processes where hazards are not particularly well controlled. Administrative controls and PPE programs may be relatively inexpensive to establish but, over the long term, can be very costly to sustain. Administrative controls essentially change the way people work. This method limits exposure to the hazard rather than removing it. Similarly, PPE does not eliminate hazards and may result in workers being exposed if the equipment fails.

Therefore, these methods for protecting workers have also proven to be less effective than other measures, requiring significant effort by the affected workers. As such, Administrative Controls and PPE should be used as a last resort if the other methodologies are not feasible

15.0 Safety Risk Management Tracking

When a potential hazard is identified, it will be added to HPTS's Safety Risk Log (SRL). The SRL will contain, at a minimum:

- Safety risk description
- Immediate mitigation (if needed)
- Origin of safety risk
- Date safety risk was identified
- Responsible investigator or committee leader
- Safety risk analysis results
- Proposed CAP(s) including all relevant information
- Date safety risk closed

15.1 Hazard Prioritization

All hazards will be prioritized based on the Safety Risk Score calculated during the Analysis and Evaluation process. The score is achieved by combining the Severity rating with its Probability. The greater the score, the higher the hazard's prioritization. Hazard ranked as High/Unacceptable or Serious/Undesirable should be mitigated first, with High/Unacceptable ranking as the greatest. Prioritizing risks will support management in the decision-making process by elevating the hazards and vulnerabilities that need immediate attention to the forefront for action.

15.2 Hazard Acceptance

If it is not possible to reduce a hazard by any means, a decision must be made to accept the hazard or to dispose of the system. This decision is made by the TM, as the AE. The TM has final signatory authority for hazard acceptance. As in all other hazard management activities, full documentation of hazard acceptance will be maintained by HPTS's TSO.

16.0 Hazard Notification

Unacceptable, or High, hazardous conditions must be reported to the TSO and TM/AE. Additional hazards identified by HPTS may also be reportable to the TSO.

16.1 Notification of Unacceptable Hazards

Unacceptable hazardous conditions must also be reported to the TM/AE immediately upon discovery.

16.2 Fatalities & Serious Injuries

The HPTS TSO, TM/AE, and Assistant Transit Manager will be notified immediately of any accidents, incidents, and/or events that involve any HPTS employee / vehicle / and/or occur on HPTS property.

17.0 Cooperation / Coordination with CHP

HPTS employees are expected to cooperate and coordinate, as necessary, with the City of High Point agencies, including police, fire, medical and other city, state, and federal entities investigating an Accident / Incident / Event / Injury within their respective jurisdiction.

Incident / Accident / Event / Injury reports will be completed and submitted, by all involved and witnessing employees to the appropriate supervisor immediately following such Incident / Accident / Event / Injury, provided the employee is physically able to complete the report. If the employee is unable to complete the Incident / Accident / Event/ Injury report immediately following the Incident / Accident / Event / Injury, the report must be filed as soon as possible.

Reports should be inputted in the HPTS TrackIt System.

18.0 Hazardous Materials Program

HPTS will minimize and control the generation of hazardous waste and pollutants to protect the environment. All HPTS activities must comply with applicable federal, state, and city environmental protection laws.

HPTS must follow the City of High Point's Safety Program Manual. The Hazard Communication Policy is included in the CHP Safety Program Manual (January 2011). All employees complete the training programs within the CHP Manual upon employment and annually. These training programs are completed by computer-based training.

Part E: Safety Assurance

Safety Assurance is Component 3 of the SMS framework. It is the process within HPTS's SMS that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the HPTS meets or exceeds its safety objectives through the collection, analysis, and assessment of information. This section will describe the activities HPTS will use to monitor its system for compliance with, and sufficiency of, the agency's procedures for operations and maintenance. Furthermore, during these processes HPTS will review system functions to identify safety risk mitigations that may require further improvements or are functioning as intended.

19.0 Safety Performance Monitoring & Measuring

Safety Performance Monitoring and Measuring activities are aimed at the quantification of HPTS's safety effectiveness and efficiency during service delivery operations. This is accomplished through a combination defining and tracking SPI to measure HPTS's ability to meet its SPTs. This is a continuous process that aims to provide feedback to the SMS on how well safety performance targets are being met. The data used to monitor and measure the SPT will be supplemented by information collected from SMEs and data input from this process will be reviewed, monitored, and analyzed for trends through various lenses of HPTS's operations (i.e. by mode, department, location, line, day of the week, time of day, employee, etc.). Reports will be then developed, as necessary and provided to HPTS's management staff for review and identification of mitigation if required. Specific SPTs are defined in Part B, Section 6 of this PTASP.

19.1 Safety Data Acquisition and Analysis

It is critical to safety assurance at HPTS that safety-related data is acquired from various sources. Furthermore, analysis and distribution of that data to HPTS management and staff is also critical to ensuring safe operation and performance. Trend analysis is performed on the acquired data as a means of identifying trends in accidents and occupational injuries in order to develop and implement corrective action to predict and prevent further occurrences.

Safety data is collected from numerous sources by HPTS. Sources include but are not limited to the following:

Accident Statistics	Maintenance Records
Accident/Incident Reports	NTSB Reports
Claims Reports	Occupational Injury Reports
Customer Feedback	Public Comment / Concerns
Daily Activity Logs	Inspection Reports
Drills and Exercises	Rules Compliance Program
Drug & Alcohol Testing	Safety Meetings and Committees
Employee Reporting Program	Security Reports
First Responders	Supervisor Logs
Internal Audits	

Safety data analysis also involves obtaining technical information from external sources for use in identifying trends and developing and implementing corrective actions. Sources for such data include but are not limited to the following:

- Peer agencies
- American National Standards Institute (ANSI)

- American Public Transportation Association (APTA)
- American Society for Testing and Materials (ASTM)
- Department of Homeland Security (DHS)
- Environmental Protection Agency (EPA)
- Federal Transit Administration (FTA)
- Municipal Statutes and Public Laws
- Safety Data Sheets (“SDS”)
- National Fire Protection Association (NFPA)
- National Transportation Institute (NTI)
- Occupational Safety and Health Administration (OSHA)
- Transportation Security Administration (TSA)
- Other transit systems

Other data sources, standards and guidelines will be identified, as they are applicable to the analysis being conducted. The TSO is responsible for ensuring that appropriate and adequate safety data collection is maintained for the operations and maintenance activities and adequate analysis is performed on the data, shared appropriate system-wide and acted upon to predict and prevent adverse events for safety assurance purposes.

19.1.1 Access to Data

All departments are charged with providing analysis of internal data as requested by the TSO. The data is indicated in the table above. Please note this is not an exhaustive list, but simply a basic guideline. The TSO will ensure that each department is aware of the data that it is required to collect, analyze and subsequently provide to the TSO for review, further analysis, and corrective action. Data from individual departments will be made available to the TSO upon request and similarly, the TSO will distribute any data analysis as appropriate to the applicable division(s).

19.1.2 Data Analysis

The TSO will delegate to the Safety Data Analyst the responsibility to track safety-related data to identify trends, including those related to hazards. The data analysis process will involve collaborating with SMEs and the Safety and Security Officers. Identified trends for all data are then analyzed and/or investigated by the TSO or their designee with the cooperation of the appropriate department(s) to determine causal factors.

19.1.3 Safety Performance Indicators

SPI are quantifiable parameters used for monitoring and assessing safety performance and SPT. SPIs should be clearly defined with input on what the indicators are based on data and information provided by the SMEs. More importantly, SPIs should be quantifiable, and measured by using the data provided in Section 5.0. There are two (2) common types of indicators:

Lagging Indicators: Data related to things that have already happened. HPTS will define lagging SPIs using historical data of negative outcomes, such as accidents, incidents, and occurrences.

Leading Indicators: Measure conditions that have the potential to become or contribute to a negative outcome before the outcome occurs. Leading indicators can be very valuable because will allow HPTS to monitor precursors to events and offer the opportunity to act before something bad happens.

HPTS will use both lagging and leading indicators to measure and monitor its safety performance and feed the SPTs.

19.2 Investigations of Safety Events

The investigation process is a critical component of the SA function of the SMS and is one (1) indicator to measure safety performance success.

HPTS shall investigate any reportable Accident or Unacceptable hazardous condition, as well as any other safety events as deemed necessary by the agency. The investigation will be documented in a final report that includes a description of investigation activities, findings, identified causal factors, and CAP(s) as necessary. At the discretion of the HPTS management, the final investigation report will be separated in two parts as follows:

- Description of investigation activities, investigation findings, and determination of the most probable cause and additional contributing causes
- Recommendations to prevent recurrence and a corrective action plan, if required

HPTS will investigate Safety Events as summarized below:

1. Each Transit Agency investigation shall be documented in a final report that includes a description of investigation activities, findings, identified causal factors, and CAP(s) as warranted.
2. The investigation report shall be submitted to the TM and TSO within three (3) calendar days following completion of the investigation.
3. HPTS shall provide quarterly status reports to the SMS Steering Committee that document investigation activities and findings.

19.2.1 Investigation Procedure

At a minimum, an investigation must determine the facts relative to the cause of the event, including the identification of causal factors. The investigation must document specific actions that should be taken to prevent or reduce the likelihood further occurrences.

The on-scene investigation will focus on the following tasks:

1. Evaluate the accident scene to determine what occurred, document the final uncontrolled position of employee, type and severity of injury, position of vehicles and equipment involved, and any other relevant situational data
2. Evaluate the accident scene to determine any mechanical, physical, and environmental conditions that may have contributed to the accident/incident
3. Conduct interviews of persons essential to the investigation of the incident, such as the vehicle Operator, witnesses, injured persons, Supervisors, and dispatchers
4. Evaluate what job the employee was performing or assigned to, and whether or not the employee was properly trained and qualified to perform the duty assigned at the time of the accident and incident
5. Make a preliminary assessment whether an unsafe action or unsafe condition contributed to the accident and incident
6. Determine what personal protective equipment was required for the job being performed, whether it was being worn, and whether it was in good condition and proper for hazard protection

The investigator is responsible for the initial investigation of all non-criminal incidents, unless directed otherwise by the TM / ATM / TSO. This includes obtaining information required for the preparation of the Preliminary Investigation Report. In situations where a serious crime has occurred or where HPPD has selected to assume jurisdiction, the investigator will work closely with HPPD personnel to ensure the scene is secured and information is exchanged appropriately. The investigator shall focus on, at a minimum:

- Interviewing employees, witnesses, and passengers.
- Focusing on conditions and hazards that caused accident.
- Collecting and protecting or directing the collection and protection of all physical evidence. This might include the presence, absence and description of skid marks, condition of the road, and other road defects, traffic control signals and devices, area speed limit signs, and other warning or control signs or devices for vehicular traffic;
- Examining the operating compartments, working environments, and other environmental conditions involved with the operation of the system leading to the event's occurrence.
- Ensuring that a description of the event is recorded. Required documentation includes photographs, measurements, and sketches at a minimum. Other documentation should be obtained to the greatest extent possible.

At an accident/incident scene, upon being briefed by personnel already on the scene, the TSO may assume command of HPTS activities, working closely with the Incident Commander and other HPTS responders and response personnel from High Point or area emergency response agencies. Depending on the severity of the accident or incident, the TSO may remain in command of the situation until the scene is cleared.

Based on the above information, the investigator will complete and submit the initial investigation report within twenty-four (24) hours to the TSO or their designee, as necessary for review. The investigator shall assist, as directed by the TSO, in completing any follow-up investigation, as necessary.

19.2.2 Investigator Qualifications

The TSO is trained on basic investigation processes and procedures for both modes of transportation. Under conditions where TSO functions change, training for personnel will include review and understanding of existing procedures, as well as other industry courses relevant to incident investigations, including those required under 49 CFR 672 as defined in Part F of this PTASP.

19.2.3 Investigation Reports

The final report includes the following information, at a minimum:

- 1. Investigation Report General Outline**
 - a. Event description
 - b. Notification, Incident Response, and Incident Command
 - c. Initiating Event
 - d. Immediate Corrective Actions
 - e. Operator Information – Fatigue Evaluation and Training
 - f. Investigation
 - g. Operator event report
 - h. Field supervision report
 - i. Employee record/history

2. Post-Accident Safety Inspection

- a. Video analysis
- b. Communications analysis
- c. Findings, Potential Causal Factors, and Recommendations (CAPs)
- d. Investigator
- e. Date of Report
- f. Distribution

19.2.4 Internal Notifications

HPTS employees are required to make a verbal report to Dispatch immediately of all events, followed as soon as practical by written reports. HPPD covers accident response in detail.

Since each accident and incident may be different, the process and task detailed in this document will not necessarily be applied to, nor required for, every investigation. That decision is based upon experience and good judgment of Management.

19.3 Safety Rules Compliance

Operational rules and procedures are contained in the HPTS Transit Operator Handbook – 2018 and Paratransit Operator Rules and Regulations Manual - 2018. Additional procedures (i.e. SOPs, and plans, programs, and other documentation) are developed to support all operations as needed. These procedures are generally developed and maintained by the respective department. Other safety rules, processes, and practices may be contained in these procedures.

19.3.1 Review of Rules and Procedures

Operational rules and procedures are contained in the HPTS Transit Operator Handbook – 2018 and Paratransit Operator Rules and Regulations Manual - 2018. Additional procedures have been or are being developed in support of transit operations. Rulebooks and procedures are maintained by the departments to which they apply.

The following table provides a schedule for when rules and procedures, by mode, are reviewed and revised, if needed, and with whom the responsibility lies. Other rules and procedures may be reviewed but are not listed below.

Table 16: Fixed-Route Rules and Procedures Review Schedule

Procedure(s)	Freq.	Responsibility
Vehicle PMIs	Triennially	Maintenance Supervisor
Operating Rulebook	Annually	Transit Supervisor
Supervisor SOPs	Annually	Assistant Transit Manager

Table 17: Paratransit Rules and Procedures Review Schedule

Procedure(s)	Freq.	Responsibility
Vehicle PMIs	Triennially	Maintenance Supervisor
Operating Rulebook	Annually	Paratransit Supervisor
Dispatchers SOPs	Annually	Assistant Transit Manager
Supervisors SOPs	Annually	Assistant Transit Manager

Responsibilities may be delegated by the responsible party, as appropriate.

Any changes to operating procedures, rulebooks, or maintenance plans with safety implications will be reviewed by the TSO for approval. Upon approval, changes are made, and the rulebook is signed and distributed by the Assistant Transit Manager. Individuals receiving a new or revised Rulebook are required to sign, date, and return a form indicating receipt.

All HPTS employees and contractors are responsible for knowing and abiding by the rules and procedures of the agency and for its appropriate implementation at all times while on duty. HPTS employees must know and follow the rules when on HPTS property.

19.3.2 Safety Rules Compliance Program

The Safety Rules Compliance Program (SRCP) is the process used by HPTS to develop, maintain, and ensure compliance with rules and procedures having a safety impact, including identification of operating and maintenance rules and procedures subject to review; techniques used to assess the implementation of operating and maintenance rules and procedures by employees. There are three (3) fundamental outputs for the SRCP:

1. Measure the effectiveness of supervision relating to implementation of operating and maintenance rules
2. Documentation of results
3. Incorporation of findings into the SRM

Supervisory and management personnel will be required to make periodic checks of employees to ensure compliance with the Rulebook and relevant procedures. Management personnel are also expected to observe inspections during daily operations and on-the-job training for all employees.

The following techniques will be used to monitor compliance for operations and maintenance personnel.

- A. Assessment of Operations Personnel:** Periodic operational checks are made in the field by Supervisors including but are not limited to the following:
- Speed Checks
 - Observation of safety vehicle operations
 - Proper use of safety devices
 - Observation on the use of safety devices
 - Wheelchair securement practices
 - Wheelchair ramp operations

Periodic spot checks are made when requested or deemed necessary by management. The TSO may conduct random safety checks that include but are not limited to the following:

- General vehicle operations
- Attention to duty
- Signal compliance
- Door operations

B. Assessment of Maintenance Personnel: The Maintenance Supervisor enforces rules and procedures by observing and monitoring employee and contractor performance in shops and yard. Rules and procedures monitored and observed for compliance include but are not limited to the following:

- General safety
- Proper use of tools, equipment, and machinery
- Proper use of personal protective equipment
- Fire Life safety
- Materials handling and storage
- Quality Assurance activities

The Maintenance Supervisor also conducts follow-up activities following any non-compliance as a technique to ensure reinstruction of employees has resulted in compliance with maintenance rules.

C. Supervisory Personnel: Periodic reviews of Leads are performed by their respective supervisor and shall include required supervisory activities defined in the Rulebook and procedures, as well as the individual's job description and the safety and security requirements outlined in this plan.

Follow-ups will occur periodically following a finding of rules/procedure non-compliance.

19.3.3 Documentation

Supervisory personnel are primarily responsible for formally documenting procedures and rules observed for compliance. Violation(s) are to be documented and brought to the attention of managers and the TSO who will ensure that appropriate documentation is maintained. Records of rules and procedures violations are maintained by each department and copies will be submitted to the TSO for continued review and monitoring.

Formal ride checks are documented on the appropriate forms or means (tablets) and copies are provided to the ATM and TSO. Formal weekly and monthly reports, as appropriate, on rules and procedure compliance will also be provided by supervisors to the TSO.

19.4 Inspection and Maintenance Program

HPTS facilities, vehicles, and terminals, are inspected at regular intervals per procedures provided in maintenance plans. Maintenance records are maintained by the Maintenance Supervisor and Transit Parts Specialist.

Critical items/conditions disclosed during inspection are repaired immediately or taken out of service until work can be performed. Non-critical items/conditions are cycled through the work order process. Inspection notes recorded on checklists are given to the Maintenance Supervisor for review and filing. When reports of defects or problems are reported from other sources, they

are responded to, inspected, and followed up via immediate repair, work order, or out-of-service status per criticality and crew availability.

19.4.1 Facility Inspections

An essential element of the HPTS SMS is regular inspection of facilities to ensure safe and effective operation. The TSO will work closely with the Maintenance Supervisor to ensure that appropriate checklists and procedures are in place to monitor fire/life safety, industrial, and occupational safety requirements are met.

19.4.2 Equipment Inspections

Equipment inspections are performed according to OEM requirements and recommendations, statutory requirements, industry best practices, equipment conditions and use and other applicable requirements.

Table 18: Equipment Inspections

Equipment	Typical Items Inspected/Tested
Non-Revenue Vehicles	Cars and light trucks, emergency generators, and forklifts
Revenue Vehicles	Wheelchair ramps, interior lighting, communication equipment, ADA equipment, exterior lighting, gauges

19.4.2.1 Vehicle Maintenance Inspections, Bus

HPTS maintains and inspects its vehicles in accordance with the Vehicle Maintenance Plan (VMP) The VMP is designed to guide for actions within the Maintenance Department. As new technologies are phased into HPTS, it may become necessary to institute new personnel training, and changes to this plan. The plan will serve as the primary policy for the Maintenance Department and will be used to guide Vehicle Maintenance employees in safe and efficient maintenance practices and provide a high level of customer service. The plan will be utilized as a guide in making decisions on a daily basis and may be updated as required.

All fleet vehicles, both revenue and non-revenue, are incorporated into the preventative maintenance inspection interval. Inspection tasks and intervals will be structured around the manufacturer's published recommendations and updates. The Maintenance Supervisor may approve additional tasks and increased intervals based upon trend analysis, information from OEM providers and other transit maintenance professionals, and experience of maintenance mechanics / technicians. The Maintenance Supervisor manages the preventative maintenance inspection program, assigns mechanics to PM inspections and ensures all PM services are completed and all mechanical repairs possible are completed during the inspection shift.

19.4.3 Inspection Checklists

The TSO will work closely with maintenance department to ensure that appropriate checklists and procedures are in conformance with fire/life safety, industrial safety, and occupational safety requirements. The Maintenance Plans describes all inspection and maintenance programs that are currently in effect. Inspection checklists pertaining to specific system elements are contained in relevant maintenance plan.

19.4.4 Corrective Actions

Findings identified during maintenance audits/inspections are recorded and monitored until resolved and closed in accordance with the SRM and CAP processes. Hazards that require coordination across departments or additional resources are addressed by the TSO. In addition, the managers / supervisors will formally notify the TSO upon identification of a hazardous condition. Unresolved hazardous conditions may be submitted to the TSO / TM for review, analysis, and resolution.

19.5 Training and Certification Reviews

Compliance with training requirements is assessed by the TSO on an on-going basis. Assessments of compliance are based on student course evaluations, instructor course evaluations, and an annual management review of courses for content and relevance. All recommendations for changes in course content or delivery mechanism will be approved of the TSO and appropriate manager as appropriate prior to any substantial changes.

20.0 Corrective Action Plans

HPTS will identify whether a CAP is needed under two (2) conditions:

1. During the investigation of an Accident/Incident to avoid or minimize the reoccurrence of the investigated event or address a related, systemic problem
2. To correct safety risks

HPTS will develop a formal CAP to correct those elements or activities identified as deficient. Within the CAP, HPTS will include the following information:

- The hazard or programmatic deficiency.
- Action taken to correct the hazard
- An implementation schedules
- The individual(s) and department(s) responsible for the implementation
- Interim/short-term steps taken while awaiting implementations of long-term mitigations

20.1 Monitoring and Tracking

HPTS maintains a CAP tracking log that provides pertinent information on specific CAPs. The log contains the following information:

- Identify noted deficiency/finding/hazard
- Date corrective action plan was opened
- Process, plan, or mechanism to address and resolve deficiency
- Timeframe for implementation of each part of the plan
- Department(s) and person(s) who will be responsible for implementation
- Source of the CAP
- CAP tracking ID
- Line for TSO approval and date of approval
- Proposed implementation date, including interim milestone date(s) as appropriate
- Actual implementation date (once approved and completed)
- Issues preventing resolution
- TSO verification that CAP was implemented
- Other critical information, as appropriate

The TSO will submit the CAP log to the SMS Steering Committee monthly and shall provide information of monthly updates progressing towards closure.

20.2 Verification and Closure of CAPs

The respective HPTS supervisor will submit verification to the TSO for any CAP proposed for closure. Information regarding the closure must be included in the CAP Log and include any additional actions that were implemented to complete the CAP. Verification documentation may include:

- Photographs
- Receipt of new or revised document
- Work order or similar document showing full completion

21.0 Drug and Alcohol Program

HPTS is dedicated to providing safe, dependable, and economical transportation services to its customers. HPTS employees are a valuable resource and it is also our goal to provide a safe, healthy, and satisfying working environment for our employees. In meeting these goals, it is our policy to:

- Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner.
- Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse.
- Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances.
- Encourage employees to seek professional assistance when substance abuse adversely affects their ability to perform their assigned duties.

In accordance with *49 CFR 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations*, and *49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs* the City of High Point maintains a written policy that documents its substance awareness programs which are compliant with 49 CFR 40 and 655 to ensure employee fitness for duty, and to protect our employees, passengers, and the general public from the risks posed by the use of alcohol and prohibited drugs. The City of High Point Drug and Alcohol Policy is also intended to comply with and incorporate 49 CFR Part 32, The Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA, including the reporting of employees convicted of criminal drug offenses that occur in the workplace.

HPTS's Drug and Alcohol Policy applies to all safety-sensitive transit system employees as identified and described below as well as paid part-time employees and contractors, when performing safety-sensitive duties.

Safety-Sensitive Employees and Applicants for Safety-Sensitive Positions covered by this Policy include those who:

1. Operate a revenue service vehicle, including when not in revenue service
2. Operate a non-revenue service vehicle when such is required to be operated by a holder of a commercial driver's license
3. Control the movement/dispatch of a revenue service vehicle
4. Perform maintenance on a revenue service vehicle or equipment used in revenue service
5. Carry a firearm for security purposes

21.1 Program Monitoring

HPTS's Drug and Alcohol Testing Program is administered by the City of High Point. Implementation details are contained in CHP Drug and Alcohol Policy. The TSO will monitor the implementation of this program for compliance and will conduct a formal internal audit of the program at least once on a 3-year cycle. The TSO will review all updates to HPTS's Drug and Alcohol Policy.

22.0 Procurement

HPTS must ensure that its designated purchasing agent obtains supplies, materials and equipment that meet or exceed required standards. Purchasing procedures for both formal and informal bidding will be documented based on the City of High Point's requirements. Procurements of new equipment, materials and supplies are first reviewed by the user department in conjunction with the TSO to ensure safety within the HPTS system.

For the procurement of outside contract work, all contracts must stipulate that all work, materials and equipment used in the project are subject to adequate inspection and testing in accordance with accepted standards and that the contractor must provide the necessary testing and inspection services required by the manufacturer and the contract.

To ensure inclusion of the HPTS safety program, HPTS will provide a copy of this PTASP to all contractors and/or subcontractors, who are obligated to adhere to its provisions during all stages of their work assignments. HPTS will also require safety plans of its contractors, which will be reviewed and approved by the TSO prior to award of any contract.

It is also the policy of HPTS to obtain Safety Data Sheets (SDS) for all samples and products for prior approval before samples or products are accepted for review and/or use. The designated purchasing agent is required to make every possible effort to preclude the introduction of unauthorized, hazardous materials and supplies, as well as defective or deficient equipment into a project.

Part F: Safety Promotion

Part F of this PTASP outlines the processes in which HPTS will promote both SMS practices and safety throughout a transit agency. As part of 49 CFR Part 673, this section will discuss the following two (2) sub-components of Safety Promotion:

- Competencies and training
- Safety communication

23.0 Competencies and Training

HPTS provides training in safety, operations, and maintenance to ensure that employees are qualified to perform their tasks safely. Safety training is also integrated into operations and maintenance training as a means of informing employees about hazards associated with their jobs and the appropriate methods for controlling these hazards. HPTS's training programs are based on industry requirements, standards, and recommendations. Training methods include classroom lecture, written materials, video presentation, hands-on training, and assessment of knowledge and skills. There are training programs for operators and maintainers. Training programs include classroom instruction, with lesson plans and manuals. Testing is conducted as necessary to ensure training effectiveness.

23.1 Designated Personnel

HPTS encourages participation and completion of the prescribed courses in 49 CFR Part 672. Although not required by 49 CFR 672 for agencies that do not operate a transit rail mode, this training is encouraged. Completion of these courses afford an individual the opportunity to complete the Individual Training Program (ITP), also referred to as the Public Transportation Safety Certification Training Program (PTSCTP). HPTS personnel that may consider this course of study include employees and contractors whose job function is directly responsible for safety oversight of HPTS. More specifically, this includes personnel whose primary job function includes the development, implementation and review of this PTASP. These individuals include:

- Transit Safety Officer
- Safety contractors

Additional designated personnel may be identified as the SMS continues to mature. Courses for designated personnel include:

Table 19: PTSCTP Required Curriculum

Course Name	Methodology	Duration
SMS Awareness	e-Learning	1 Hour
Safety Assurance	Virtual Classroom	2 Hours
SMS Principals for Transit	Virtual Classroom	20 Hours
Bus System Safety	Classroom	36 Hours
Effectively Managing Transit Emergencies	Classroom	32 Hours
Fundamentals of Bus Collision Investigation	Classroom	36 Hours

23.2 HPTS Personnel

HPTS uses safety training programs that are integrated into operations and maintenance training as a means of informing employees about hazards associated with their jobs and the appropriate methods for controlling these hazards. As such, safety training is incorporated into three (3) types of curriculums:

1. Initial Training
2. Periodic Training
3. Retraining

Training mechanisms may involve classrooms, field exercises, and drills. HPTS is currently reviewing other means for providing training, including more virtual programs.

23.2.1 HPTS Fixed Route and Paratransit

Operations and maintenance personnel performing safety-related work are trained, qualified, and certified in accordance with all regulatory requirements and industry standards. The following are some of the areas of focus:

- **Safety and Security Training:** Training is consistent with the employee's responsibilities to includes safety and security overviews, incident/accident investigation, report requirements, emergency preparedness, and hazard identification.
- **Operator Training:** The Assistant Transit Manager and Transit / Paratransit Supervisor is responsible for operator training that Includes standard bus operating procedures, defensive driving, common bus emergencies, passenger relations, workplace violence, active shooter response, and emergency communication
- **Maintenance Training:** The Maintenance Supervisor is responsible for the training of maintenance personnel. Training for bus maintenance personnel consists of instruction in maintenance best practices/industry standards, maintenance policy/procedures, and hazard materials control.

23.3 Contractors

All HPTS contractors doing work at HPTS facilities are required to be knowledgeable of, instructed in, and follow the necessary rules and procedures to ensure safety. It is HPTS's policy that all contractors must comply with all of the requirements of the PTASP and all relevant regulations pertaining to workplace safety.

In the event that a contractor or contractor employee is required to work on HPTS property under operating conditions, training requirements will be defined in the contract. HPTS rules and procedures will be applied without exception to all members of the contractor's work force affected. Contractors will be provided HPTS procedures and are expected to follow these procedures.

23.4 Training Record Keeping

HPTS training records will be recorded and maintained in the user's department as well as Human Resources.

24.0 Safety Communication

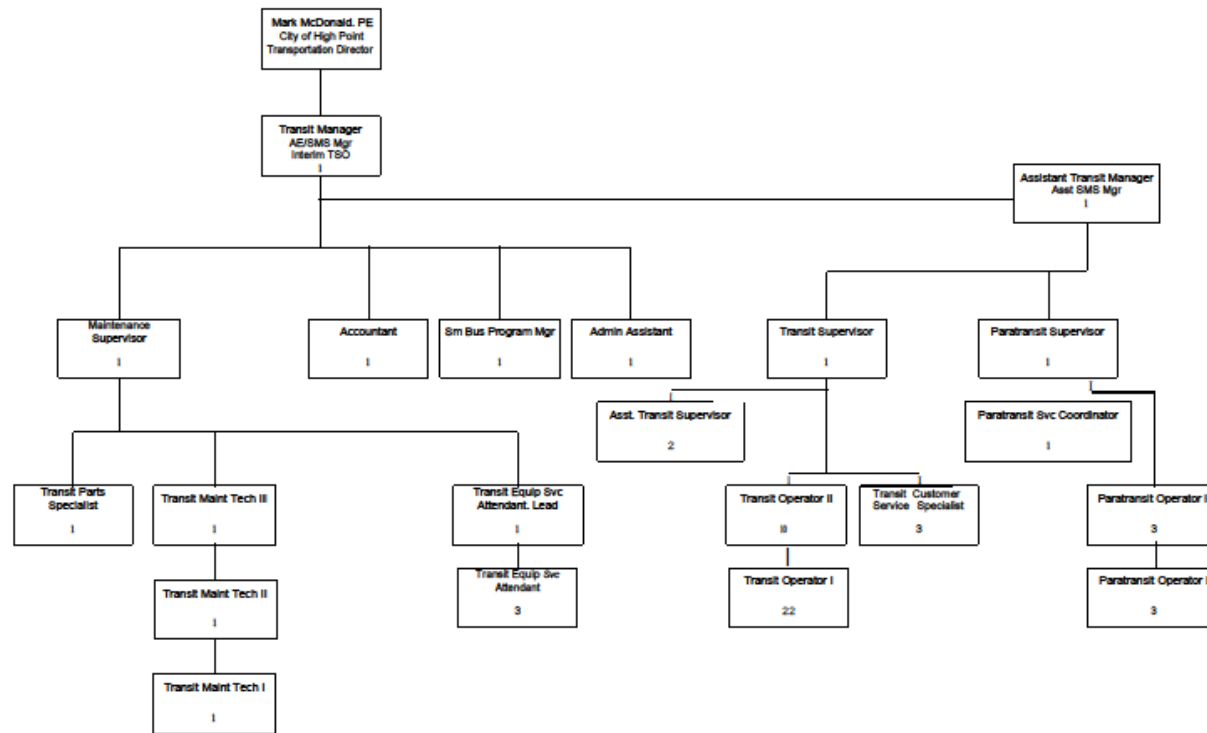
Communicating with frontline employees about safety and security is crucial in establishing a positive safety culture. Effective safety communication makes personnel aware of safety priorities and initiatives and ensures that feedback is captured and acted upon as appropriate. HPTS will focus on relaying safety-related information on a regular basis, focusing on raising awareness of potential safety risks and progress of the agency's safety programs. Accomplishing this will encourage employees to report concerns and demonstrates management commitment to both the employees and the agency's safety performance objectives. In accordance with 673.29(b), HPTS also will ensure that all employees are aware of any policies, activities, and procedures that are related to their safety-related roles and responsibilities.

Communication of safety programs, including SMS initiatives and achievement of SPTs, Goals and Objectives will be led by the TSO in coordination with managers and supervisors. Mechanisms for communication include, but are not limited to:

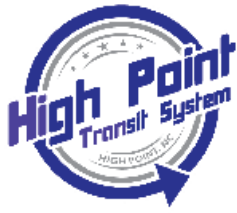
- Employee Reporting Program
- Safety Committee
- Training
- HPTS Policies and Procedures
- CHP Safety Program (i.e. Right to Know, HAZCOM)

Safety communications will include information on safety risks that are relevant to the employee's role and responsibilities, explain reasons that a transit agency introduces or changes policies, activities, or procedures, and explain to an employee when actions are taken in response to reports submitted by the employee through the employee safety reporting program.

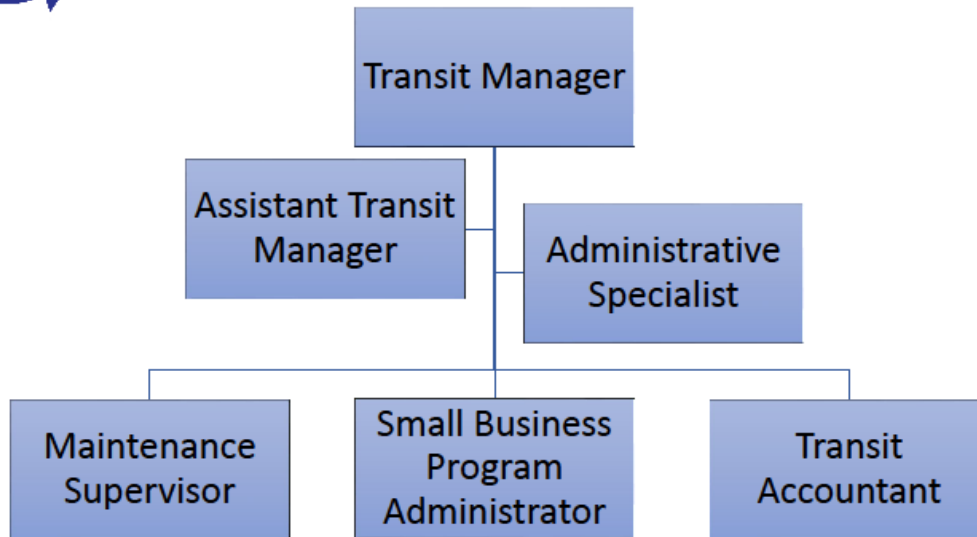
Appendix A: HPTS Organizational Chart



Appendix A.1 HPTS Management Structure



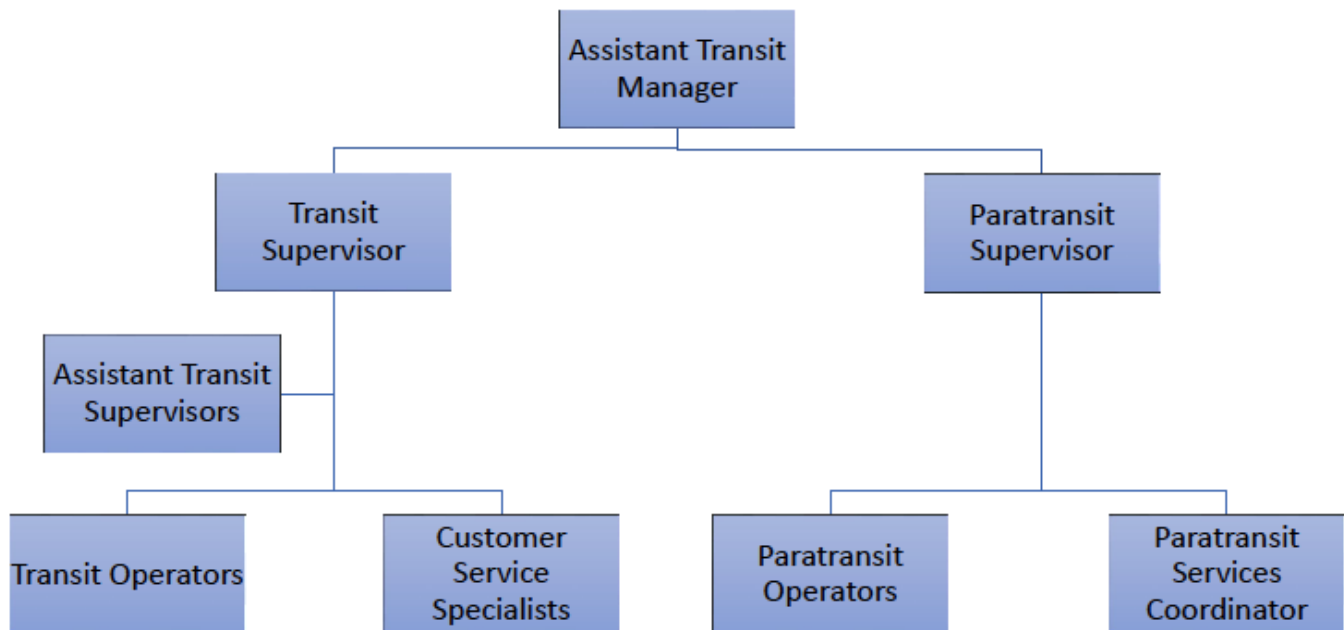
HIGH POINT TRANSIT SYSTEM



Appendix A.2 HPTS Operations Structure



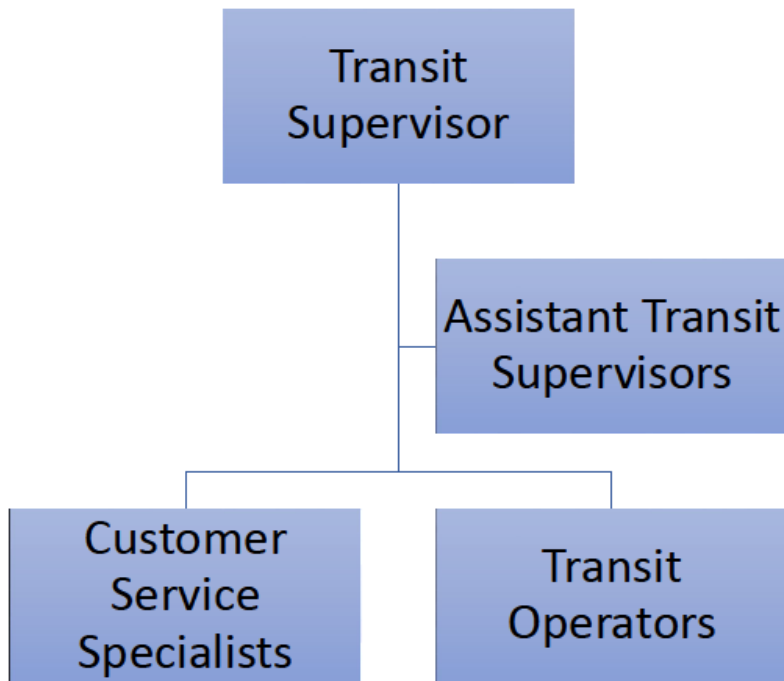
HIGH POINT TRANSIT SYSTEM OPERATIONS



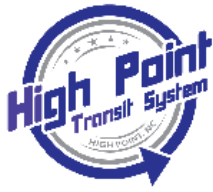
Appendix A.3 HPTS Fixed Route Structure



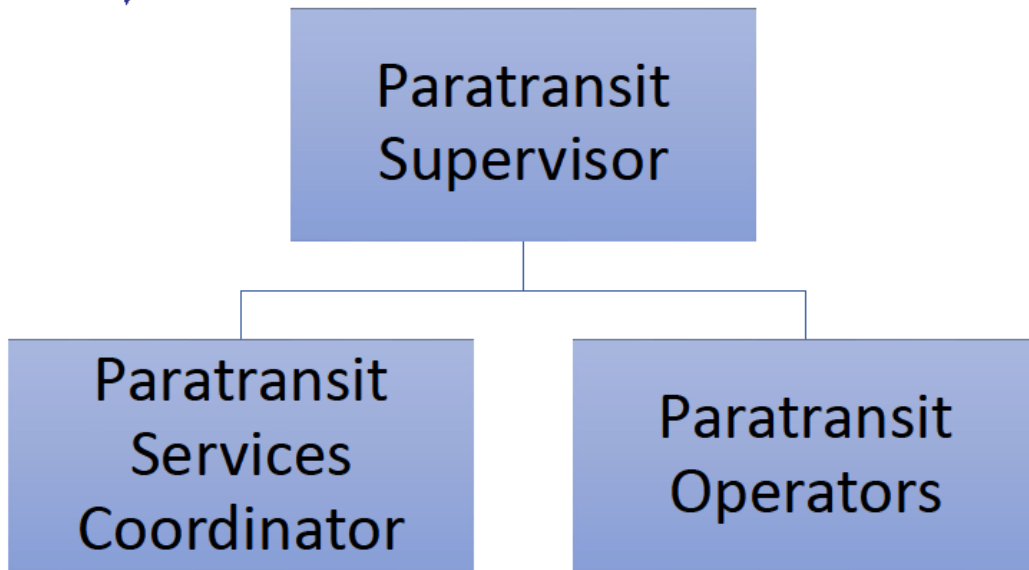
HIGH POINT TRANSIT SYSTEM FIXED ROUTE



Appendix A.4 HPTS Paratransit Structure



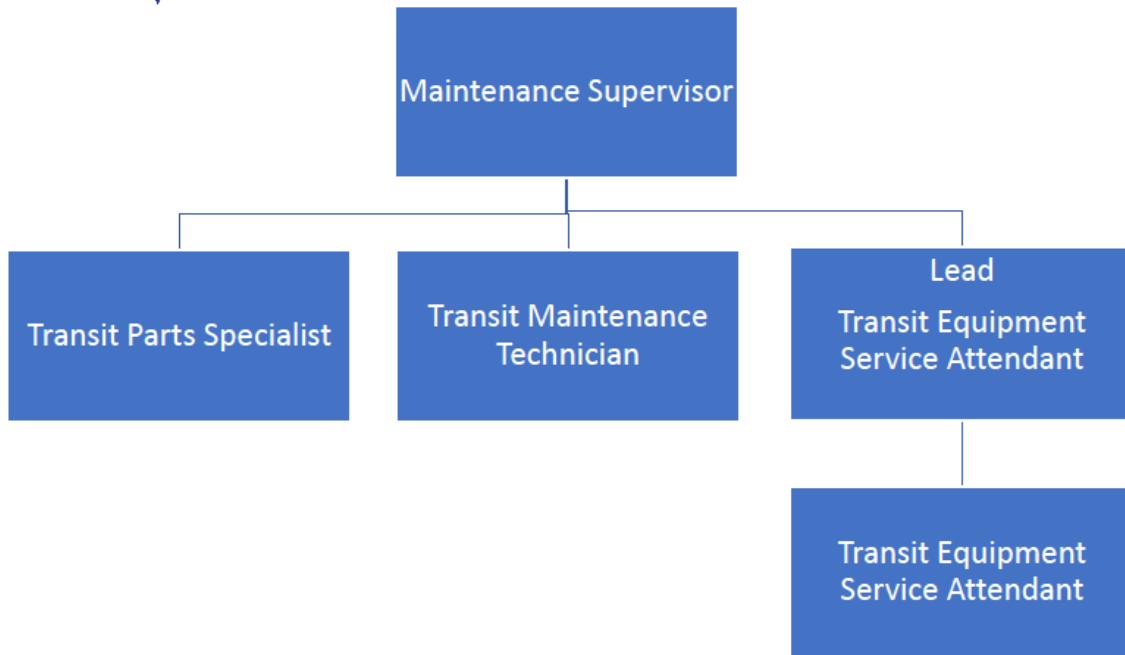
HIGH POINT TRANSIT SYSTEM PARATRANSIT



Appendix A.5 HPTS Maintenance Department Structure



HIGH POINT TRANSIT SYSTEM MAINTENANCE DEPARTMENT



SMS Annual Review Notes and Updates 2022

- Updated title page with correct year and version
- Added Brandon Parker to signature page as Chief Safety Officer/SMS Manager page i
- Updated page i Transit Supervisor signature line to state Des'Tri Martin
- Added Brandon Parker to Transit Agency Information page ii
- Page viii added Brandon Parker as SMS Manager
- Page 22 PTASP Initial Certification Date changed to November 18, 2020 to match date original copy was signed off.
- 3.3.1 page 23 updated the enforcement date to July 21, 2021
- Updated to current population total of High Point, NC to 114,227
- Page 24 states we operate 17 fixed routes. Corrected this to state 12 fixed bus routes.
- Updated page 24 hours of operation from 7:30 PM to 6:30 PM
- Table 2 on page 25 update operating expenses
- Updated Safety Performance Tables for FY2022 pages 30-32
- Updated page 35 incorrect page numbers listed for Safety Management Policy Statement. ix and x are correct page numbers.
- Updated 8.2 on page 38 SMS Manager to state Transit Safety Officer is designated as SMS Manager.
- Updated 9.0 on page 48 to include we have an electronic reporting system in place
- Updated Table 12 on page 50
- Changed the count in 9.1.1 on page 51 from 7 members to 6 per table 12
- Removed "new position" from 9.1.1
- Safety Committee Chaired by Assistant Transit Manager changed to Transit Safety Officer page 51
- Page 73 20.0 "HPTS will identify whether a CAP is needed under three (3) conditions". Only lists 2. Corrected this error.
- Removed sections referencing Management of Change and Continuous Improvement as this agency is exempt from these requirements.
- Add TSO to chain of command chart.