City of High Point

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

Minutes

Monday, May 19, 2014

5:30 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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

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

CONSENT AGENDA ITEMS

Chairman Moore announced that all matters on the consent Agenda were discussed in a Finance Committee Meeting held at 4:00 p.m. prior to this meeting. The Committee pushed these matters forward with a favorable recommendation for approval/adoption.

Council Member Moore moved to approve these matters. Council Member Mendenhall made a second to the motion, which carried by a 9-0 unanimous vote.

Note: Action on these matters on the Consent Agenda for the Finance Committee will be reflected throughout the minutes as being made and seconded by the same persons.

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

(all were present)

140133 **Budget Ordinance Amendment - Piedmont Triad Regional Water Authority**

Adoption of an ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of $445,560.00 for the Piedmont Triad Regional Water Authority (PTRWA) Hydro Lawsuit Settlement.

Attachments: Budget Ordinance Amendment - PTRWA

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

140134 **Contract - Bid No. 56 - Voltage Regulators**

Approval of contract awarding Bid No.56 for the purchase of twenty-one (21) voltage regulators. Purchasing and the Electric Department recommends that contract be awarded to HD Supply in the amount of $283,161.00 which is the lowest responsive and responsible bid meeting specifications.

Attachments: Voltage Reg Bid 56-042414

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

140135 **Contract - Arcadis - Country Club/Rockford/Westwood Stormwater Project**

Consideration and approval of contract to ARCADIS G & M of North Carolina, Inc., for the design and construction services of the stormwater improvements on Country Club Drive, Rockford Road and Westwood/Gatewood Avenue. Contract in an amount not to exceed $173,000.00.

Attachments: Contract - Arcadis- Rockford-Country Club Stormwater Project

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

140146 **Grant Application - Recreational Trails Program Grant - Deep River Greenway**

The Parks and Recreation Department is requesting City Council approval of the filing of the Recreational Trails Program Grant Application to help assist with the construction of the Deep River Greenway.

Attachments: Recreational Trails Grant Application Approval - May 2014

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that the filing of the Recreational Trails Program Grant Application be approved. The motion PASSED by a 9-0 unanimous vote.

140136 **Presentation of the Proposed 2014-2015 City of High Point Annual Budget**

The City Manager will present the proposed 2014-2015 City of High Point Annual Budget to City Council and ask Council to establish public hearing dates to receive comments on the budget for Monday, June 2nd at 6:15 pm and Thursday, June 5th at 9:00 am.

Attachments: Budget Public Hearing Notice 2014-15

Affidavit of publication - budget hearing

2014 - 2015 Budget Highlights

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, to establish public hearing dates to receive comments on the FY 2014-2015 Proposed Budget for Monday, June 2, 2014 at 6:15 p.m. and Thursday, June 5, 2014 at 9:00 a.m.. The motion PASSED by a 9-0 unanimous vote.

Pending Items

140101 **Property Tax Early Payment Reduction**

City Council is requested to ratify the reduction in the property tax early payment discount rate from 1.0% to 0.5%.

Attachments: Change In Property Tax Discount Rate

Note: This matter initially came before Council on April 21, 2014 and at that time, action was taken to table this matter at that time.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140137

Resolution of Intent - Street Abandonment Case 14-03

Approval of a Resolution of Intent that establishes a public hearing date of Monday June 16, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way lying along the north side of Vail Avenue, between George Place and Cassell Street.

Attachments: 02. ROI SA14-03

Resolution No. 1378/14-18
Introduced 5/19/2014; Adopted 5/19/2014
Resolution Book, Volume XVIII, Page 100

Adopted Resolution of Intent establishing a public hearing date of Monday, June 16, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way lying along the north side of Vail Avenue, between George Place and Cassell Street.

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

140138

Resolution of Intent - Street Abandonment Case 14-04

Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 16, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon an unimproved alley lying along the south side of W. English Road, between N. Lindsay Street and Oakwood Street.

Attachments: 03. ROI SA14-04

Resolution No. 1379/14-19
Introduced 5/19/2014; Adopted 5/19/2014
Resolution Book,Volume XVIII, Page 101

The Resolution of Intent establishing a public hearing date of Monday, June 16, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon an unimproved alley lying along the south side of W. English Road, between N. Lindsay Street and Oakwood Street.

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

140139

Comprehensive Planning Committee - Report of Meeting - May 8, 2014

Council is requested to confirm receipt of the report from the Comprehensive Planning Committee meeting held Thursday, May 8, 2014 at 9:00 a.m.

Attachments: Comprehensive Planning Committee Report - May 8 2014

Chairwoman Smothers explained a number of recent actions were taken during a Comprehensive Planning Committee meeting held on May 8, 2014, but need to be affirmed by Council because of the rules in place that prohibit action being taken by a Committee.

Washington Street Improvements: To direct staff to extend the area for streetscape improvements from Gaylord Court to the School and present the additional cost estimates.

PIT Project: To direct staff to contact the adjacent property owners for permission, if needed, to make such improvements and upgrades that are requires to ensure the public's safety. The designated amount for this was up to $25,000 and such work might include fencing, drainage issues, and electrical issues.

Parking Area @ Library : To seek a redesign of the parking area at the Library by a landscape architect with the aim of making it more attractive while still being user friendly to the Library building. Chairwoman Smothers added that this is not to say that Council totally disregarded what has already been proposed by Freeman-Kennett Architects, but desired an alternate plan for a redesign to try to preserve the parking closer to the building.

Approval of $35,000 in Non-Profit Funding for City Project (as recommended by the Non-Profit Funding Review Committee)

Affirmed actions taken on the preceding matters as recommended by the Comprehensive Planning Committee.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to affirm the Core City directives as presented by Chairwoman Smothers as a result of a Comprehensive Planning Committee meeting held on May 8, 2014. The motion carried by the following 8-1 vote:

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

Nay: 1 - Council Member Wagner

140152 **REORGANIZATION-CITY PROJECT/CORE CITY**

Consideration of reorganization of the City Project/Core City.

____________________Transcript__________________________

Chairwoman Smothers: Madam Mayor, I would like to ask the Council for a motion to suspend the rules to deal with the issue of the City Project and its organization within City Hall. That was also discussed at the committee meeting.

I move to suspend the rules.

Council Member Douglas: Second.

Mayor Sims: A motion and a second to suspend the rules for the purpose of considering an item that is not on our regular agenda, having to deal with the City Project Director. All those in favor, please signify by saying Aye.

Council Member Wagner: Can we have any discussion on that motion?

Mayor Sims: This motion is to suspend the rules and then the discussion comes after the suspension. So all those in favor of suspending the rules, signify by saying Aye.

Smothers, Sims, Moore, Golden, Douglas, Mendenhall, Wagner, Davis, and Ewing: Aye.

Mayor Sims: Any opposed? [none] **Motion PASSES**. [9-0 vote]

Chairwoman Smothers: And I have a motion that the city attorney has reviewed and made some suggestions as to reorganization, so the one I gave to the Mayor is no longer appropriate. And I will make that motion and then we will have the discussion after the motion, if that's in order.

I move that the Interim City Manager be directed to reorganize the City Project in Fiscal Year 2014-2015 annual budget, which will include developing a job description, grade classification and departmental assignment of the City Project Director by July 1, 2014 with an accompanying budget amendment.

Davis: **Second.**

Mayor Sims; I have a motion and a second. Is there any discussion?

Chairwoman Smothers: I'll give that to the clerk.

Mayor Sims: Very well. Go ahead.

Council Member Wagner: I don't think this motion, this action right now is proper. As a Council, we were not told this was going to happen tonight, nor were any representatives of City Project told that this was going to happen. They're not here to speak in favor or against it. This comes as a complete surprise and I think that this is a budgetary item that will be more properly handled as part of our budget review process in the coming weeks and taken care of as part of next year's budget. It's just not right to handle it right now without any comment from the public on it and done without the ability of City Project or any of their representatives to even know that it was going to happen.

Council Member Moore: I understand what you said there, but if I interpret this right, at this point anyway, it is a continuing process. It's not a final action as far as what it's going to look like through the budget process. So it looks to me like we're just asking the Interim City Manager to relook at some of those things and bring something back to us. Is that correct?

Chairwoman Smothers: It follows up the discussion that took place in the Comprehensive Planning meeting and one that has been on-going for months.

Council Member Mendenhall: I don't think it's anything new. We did talk about it. We talked about the job description. We talked about the placement of the staff position. We talked about all of that at the Committee meeting and members were there.

Council Member Moore: But it's asking for a recommendation to us for the information and what it would look like.

Mayor Sims: No, that's not quite what it says.

Council Member Wagner: That's not what it says?

Council Member Ewing: What was the date?

Chairwoman Smothers: July 21st.

Mayor Sims: The only recommendation…..now I'm looking at the previous motion, I'm not sure because I don't have that in front of me, but it has to do with departmental assignment. But I think the rest of it was pretty clear about what the Interim City Manager was being asked to do.

City Attorney JoAnne Carlyle: I don't want to speak to the intent of your motion; however, I believe it is asking for a recommendation. It's directing the Interim Manager to come back and report on the list that she went through, which would include reclassification of the City Project Director.

Mayor Sims: Read the motion again.

City Attorney JoAnne Carlyle: Reorganize the City Project in the FY2014-2015 annual budget, which includes directing the Interim City Manager to develop a job description, grade classification and departmental assignment of the City Project Director by July 21, 2014 with an accompanying budget amendment.

Mayor Sims: I don't see recommendation anywhere in there.

Council Member Moore: Well right there is the word "recommended."

Mayor Sims: Not that one. Forget that. It's the one she just read.

Council Member Golden: This one is null and void.

City Attorney JoAnne Carlyle: This does not tell him to reclassify. It tells him to take that….and my interpretation is….and, again, it's not my motion, so I don't want to put words in their mouth and if I am, just stop me. But my interpretation of it is it is directing the Interim Manager to do what he/she sees fit with regards to these subjects that have been listed. That does include reclassification of the City Project Director, job description, departmental assignment….all of those. They need to report back. I mean they are the ones that the manager has the authority by statute to make those decisions anyway.

Council Member Wagner: So is it a motion where we are telling the manager….we are asking the Interim City Manager to bring us a recommendation? Or is it a motion that is going to….where we are directing the city manager to take specific actions?

City Attorney JoAnne Carlyle: I will look to Ms. Smothers for clarification.

Chairwoman Smothers: I think the very motion itself, if not stated, it is certainly implied that change, if the motion passes, is anticipated. Now, it's left to the Interim Manager to define that change in terms of the reclassification of the job, the job description, as well as salary range and where it would fit within the structure of city government.

Council Member Ewing: We are not making that decision.

Council Member Mendenhall: We are directing him to make those decisions and bring them to us.

Council Member Moore: And bring them to us for approval, right?

Mayor Sims: It doesn't say that. It says as a part of the budget, so once you adopt that….

Chairwoman Smothers: No, Madam Mayor….it will have a budget amendment. That's in the motion.

Mayor Sims: I don't see it bringing a recommendation back to this Council.

Council Member Davis: We've already funded City Project by our vote tonight in the budget. We're just reclassifying a city employee-or the manager is.

Chairwoman Smothers: We're asking the Interim Manager to do that.

City Attorney JoAnne Carlyle: Perhaps you would consider adding the word, "any necessary budget amendments."

Chairwoman Smothers: Well, Ms. Carlyle, I think there's going to be….it's beyond necessary. The budget that we presented tonight has the City Project as a department. There is going to have to be a budget amendment to integrate it into some other department structure.

City Attorney JoAnne Carlyle: If that is indeed what the Interim Manager brings back, which is why I was saying what Mr. Davis just said…I think we've already approved something; therefore, there may be an amendment coming back or there may not be. That's all I was just pointing out. Again, it's not my motion. I'm just throwing that out for a suggestion.

Council Member Mendenhall: Well if it's not your motion, how come the motion was reworded?

City Attorney JoAnne Carlyle: Because in my legal opinion, Council cannot reclassify the director the way it was worded originally. That is a personnel action, which is by statute done by the authority of the manager.

Council Member Mendenhall: But Council can eliminate a department from the budget.

City Attorney JoAnne Carlyle: You can abolish an entire department. You can reorganize. You have great latitude there. When it comes to specific personnel and not just as it relates to a budget, you have the right to create. I'll quote you some of it….you have the right to create a department, reorganize the city as far as the chart goes, consolidate offices, positions, boards/commissions, create change them, rename them, but as soon as you step over in dealing with a certain individual or position, it becomes a personnel matter and that is what you hire your manager to do.

Chairwoman Smothers: And as I pointed out to Ms. Carlyle, where this gets to be a little bit sticky, is the fact that the department as presented in that budget is but one person. So, are you suggesting then that we just direct the Interim Manager to reorganize the department?

City Attorney JoAnne Carlyle: I don't have an answer to that question. Given that it's one individual, I really don't know how you could reorganize it.

Mayor Sims: The same way we created it.

Council Member Mendenhall: Eliminate it.

Council Member Golden: Is it okay for us to give that direction that she made in her motion for him to do that and come back to us?

City Attorney JoAnne Carlyle: You, as Council, can reorganize any department, consolidate, abolish, do any of that. It does make it complicated because when we refer to a department here, we're not really referring to a number of individuals. We're referring to one individual. I don't know how you can reorganize an individual.

Chairwoman Smothers: There's more in the department than an individual. There's $211,000 in that budget. In that department.

City Attorney JoAnne Carlyle: You're absolutely correct.

Mayor Sims: So would the appropriate motion be to abolish the department and have the Interim City Manager abolish that particular department and have the entity itself report under or create another position, have them somehow incorporate the Core City Project into another department and be done with it?

Council Member Mendenhall: Not the Core City Project.

Mayor Sims: Well the Core City Plan…..there's no such thing as the Core City Project. It doesn't exist. Put the Core City Project or the Core City Plan into another plan and be done with it and however he does it is up to him.

City Attorney JoAnne Carlyle: That would be a proper and legal motion to make.

Council Member Wagner: Well, again, I would just say that no matter what action we take tonight, the people that this is going to most affect have not been told that this was going to happen. They've not been given the opportunity to respond and even all of us here sitting at City Council did not know that this was going to occur tonight. I want to make that perfectly clear. This was not something that….this was something that only a portion of Council has discussed in advance of this meeting and if they're bringing this motion tonight, having not told all of us that this was going to happen and having not given us the opportunity to have the people here that this is going to affect. I don't think that's fair and I don't think that's right.

Council Member Mendenhall: I think this has been discussed. It was discussed in Ms. Smothers' committee meeting. It's been discussed for months, along with the leadership of the City Project and as far as I'm concerned, there's been ample notification that the intent of some members of this Council was to reorganize.

Council Member Wagner: Yeah, but the difference is….if I tell you, you know, one of these days I'm going to punch you in the head, but then I tell you in two seconds I'm going to punch you in the head, that's the difference.

Mayor Sims: The difference is also, Jay, you need to be prepared to get punched in the head at some point in time.

Council Member Wagner: Well, I've been prepared to get punched in the head for a long time.

Mayor Sims: But, I'm just saying that this conversation…..you were at that last meeting. This was probably the crux of just about everything that was discussed.

Council Member Wagner: I know and I wasn't happy about it then either.

Mayor Sims: It was about the City Project, the Core City Plan and how best to have the directives and what comes out of that implemented. So this is not a new discussion.

Council Member Wagner: Well the fact that it was going to happen tonight….

Mayor Sims: I don't think it's fair that not everybody at this table knew about it. I agree with you on that, but it should have been that type of discussion. But, by the same token, it's not new news. None of this is. And it's been played out all over the media and everywhere else over the last few months. This conversation about this position. The conversation about the City Project. All of this. So if there's something else….if you believe that having those individuals in this room is going to change the outcome of whatever it is that's decided, I think they're aware as well that this is what the conversation has been.

Council Member Wagner: I understand that. The fact is that they did not know this was going to happen tonight. There's not been proper communication among this group. This, in my opinion, is an underhanded thing that's going on right now and it's not right. It's not the way we ought to do business together. It's not the way we ought to treat each other as a Council and it's not the way we ought to treat the people in this city that have worked so hard to try to make this happen and exist to help us, okay? It only takes so long for you to get kicked in the head for you to sooner or later figure out who has been kicking you. And I just hope the citizens of this city figure out who is kicking them.

Council Member Mendenhall: Do we need a different motion, Madam Mayor?

Mayor Sims: Well, it's apparent that the motion that was made doesn't fly.

Chairwoman Smothers: Well do you want me to withdraw it?

Mayor Sims: Yes, please.

Chairwoman Smothers: **I withdraw it**. Who seconded it? Mr. Davis?

Mayor Pro Tem Davis: I think Foster and I both did. Do I need to second your motion to withdraw?

Chairwoman Smothers: No, you just need to agree.

Mayor Pro Tem Davis: **I agree.**

Chairwoman Smothers: Okay, did you just pass her a motion?

Mayor Sims: Yes.

Mayor Pro Tem Davis: Well, I just put something together based on what the conversation is.

Chairwoman Smothers: Well, then, try yours.

Mayor Pro Tem Davis: What do you think?

Mayor Sims: I think it captures…..don't ask me, ask the attorney.

Mayor Pro Tem Davis: **I move that this Council abolish the Department of the City Project in the 2014-2015 budget year and direct the Interim City Manager to develop a job description, pay grade and recommended departmental assignment as a Core City Coordinator which includes any budget amendments that might be necessary by July 21, 2014.**

Chairwoman Smothers**: Second.**

Council Member Ewing: You're essentially taking two actions, shouldn't there be two separate motions? One to dissolve and one to create?

City Attorney JoAnne Carlyle: Ummm, okay. If you move to abolish the department and you vote in favor of that, the department is gone, right? So at that point, there's no job description. Do you understand what I'm saying?

Mayor Pro Tem Davis: Yeah, but what I was trying to say is he would create a new job description, pay grade because we talked about a Core City Coordinator in the departmental assignment.

Council Member Smothers: That's why I said July 21st as a timeline so there could be that transition.

Mayor Pro Tem Davis: We still need somebody to work across Core City, you know all the different projects.

Council Member Golden: Can we not abolish it and just move it into another department?

City Attorney JoAnne Carlyle: You can do that. You can reclassify it. Reorganize it anyway you see fit.

Mayor Sims: We can? This Council?

City Attorney JoAnne Carlyle: You can as Council.

Council Member Mendenhall: Well I thought that's what our original motion tried to do and you said we couldn't do it.

Mayor Sims: That's what I thought too.

City Attorney JoAnne Carlyle: I apologize if I misunderstood or if I misspoke, but, no, you can abolish it. You can establish one. You can create it. Change the name. Reorganize it.

Mayor Sims: A department?

City Attorney JoAnne Carlyle: A department. The problem being is like Ms. Smothers alluded to earlier that this department has one individual and whether or not that actually creates or…..what happens with whatever you do, looks more and smells more like a personnel action. That's when it gets a little fuzzier and the authority crosses from the Council to the Manager. Does that….I hope I can…I'm trying my best to….

Chairwoman Smothers: The intent is not to abolish the individual. The intent is to change the nature of the job, which hopefully the individual will continue to do. Now, this is where the whole thing gets mired anyway. We get to talking about the individual and not the job itself. So whether you want to….

Council Member Ewing: Would it make more sense to create the Core City Coordinator position and leave it at that and then let the manager deal with the personnel piece of it and we can eliminate it as a budget line item over the next two weeks.

City Attorney JoAnne Carlyle: I really think that's what Mr. Davis' motion does. Is that a good interpretation?

Mayor Pro Tem Davis: That's what I'm trying to attempt.

City Attorney JoAnne Carlyle: I think he's fine doing that because I just wanted to make sure that my interpretation was the same as his.

Council Member Mendenhall: Did Mr. Davis get a second?

Chairwoman Smothers: Yeah, I seconded it.

Mayor Sims: So, is that motion the motion?

Council Member Golden: That motion is the motion.

City Attorney JoAnne Carlyle: That's the motion.

Mayor Sims: Okay. **I have a motion and a second that Council abolish the current department of City Project in the 2014-2015 budget year and direct the Interim City manager to develop a job description, pay grade, and recommended departmental assignment for a Core City Coordinator which includes any budget amendments that might be necessary by July 21, 2014.**

Any additional questions/concerns/discussion? All those in favor signify by saying Aye.

Smothers, Sims, Golden, Douglas, Mendenhall, Davis and Ewing [7]: Aye.

Mayor Sims: Any opposed?

Wagner and Moore: No. [2]

Mayor Sims: Raise your hand… Noes. The motion passes. [7-2 vote].

[Council Member Wagner grabs his things and proceeds to leave the dais]

Chairwoman Smothers: Would you like to be excused Mr. Wagner?

Council Member Wagner: [inaudible]

Chairwoman Smothers: I didn't hear what he said.

Cynthia Davis: He said he didn't want to be excused.

Chairwoman Smothers: Oh, he didn't want to be excused. Well, there's an item on here under the public hearings that he needs to be excused from because he has a conflict.

Mayor Pro Tem Davis: That applies to me too.

Chairwoman Smothers: Yes Sir. He reminded me of that before we left….

Mayor Sims: Well the public hearings don't start until 6:15. You have finished your portion, is that right?

Chairwoman Smothers: I certainly hope so.

[end of transcript]

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this matter be approved. The motion carried by the following 7-2 vote:

Aye: 7 - Mayor Sims, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Mayor Pro Tem Davis

Nay: 2 - Council Member Wagner, and Council Member Moore

Pending Items

140110 **Ordinance - Annexation Case ANX14-03 - Michael & Tonya Curtis**

A request by Michael & Tonya Curtis to consider a voluntary contiguous annexation of approximately 1.6 acres. The area to be annexed is lying along the south side of Tangle Lane, approximately 1,900 feet west of Penny Road. **The public hearing on this item was held Monday, April 21st and City Council delayed action at the May 5th meeting to allow the petitioner additional time to consider if he wanted to proceed with the request for annexation or withdrawal of the request.**

Attachments: Michael Curtis - Annex 14-03
Curtis Annexation (Tangle Lane) Carl Wright handouts
Michael Curtis - Annex - 14-03 Additional Information
Curtis - June 2 email
Annexationn 14-03 - Curtis - recorded

Herb Shannon of Planning and Development informed Council that staff did receive an email from the property owner, Mr. Michael Curtis, asking that his annexation request be continued to June 2, 2014 because his attorney could not be present at tonight's meeting.

Continued Annexation Case ANX14-03 to June 2, 2014.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this matter be continued to June 2, 2014. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - 6:15 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140140 **Ordinance - Gary Walter Idol and Pamela Idol - Annexation Case ANX14-04**

A request by Gary Walter Idol and Pamela Idol to consider a voluntary non-contiguous annexation of an approximately 1.5 acre parcel lying along the east side of NC Highway 66, approximately 1,175 feet north of I-74.

Attachments: 04. Anx14-04_Staff_Report
Annex 14-04 - Carolina Investment Properties - Recorded

Ordinance No. 1758/14-36
Introduced 5/19/2014; Adopted 5/19/2014
Ordinance Book, Volume XVIII, Page 90

Note: Council Member Wagner left the meeting after a vote was taken on 140152 Reorganization- City Project/Core City, but did not ask to be excused.

Chairwoman Smothers moved to recuse Council Members Wagner and Davis from voting on this matter and related matter 140141 Ordinance- Carolina Investment Properties, Inc.- Amendment to Zoning Case 14-01 due to a conflict of interest. Council Member Mendenhall made a second to the motion, which carried unanimously.

The public hearing for this matter and related matter **140141 Ordinance- Carolina Investment Properties, Inc.- Amendment to Zoning Case 14-01 Ordinance- Gary Walter Idol and Pamela Idol- Annexation Case ANX14-04** was held on Monday, May 19, 2015 at 6:15 p.m.

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

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment. There being none, the public hearing was closed.

Abigaile Pittman, 210 Louise Avenue, was present on behalf of Robin Team, Manager of Carolina Investment Properties, who was not able to attend tonight's meeting. She explained Mr. Team could not get a signed contract for the purchase of this property until after action was taken on the first two requests (150066 Ordinance- Richard E. Idol, et al- Annexation Case ANX14-01; and 140068 Ordinance- Carolina Investment Properties, Inc.- Zoning Case 14-01), and this request would add an additional 1.5 acres to the overall acreage. She pointed out that none of the conditions were changed.

Chairwoman Smothers asked if there was anyone else who would like to comment. There being none, she declared the public hearing closed.

Adopted Ordinance providing for the voluntary, non-contiguous annexation of an approximately 1.5 acre parcel lying along the east side of NC Highway 66 approximately 1,175 feet north of I-74.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Annexation Ordinance be adopted. The motion carried by the following 7-2 vote:

Aye: 7 - Mayor Sims, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

140141 **Ordinance - Carolina Investment Properties, Inc. - Amendment to Zoning Case 14-01**

A request by Carolina Investment Properties, Inc. to amend Conditional Zoning Case 14-01 to:

a. Add approximately 1.5 acres; and

b. Rezone approximately 1.5 acres from a Residential Single Family-20 (RS-20) District, within Forsyth County's zoning jurisdiction, to the Conditional Zoning Light Industrial (CZ-LI) District of Zoning Case 14-01.

The property is lying along the east side of NC Highway 66, approximately 1,175 feet north of I-74 (2775 Highway 66 South). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: 05. Amend CZ14-01 Staff Report

Adopted CZ Ordinance 14-01 (05-19-14)

Ordinance No. 1759/14-37
Introduced 5/19/2014; Adopted 5/19/2014
Ordinance Book, Volume XVIII, Page 91

Note: Council Member Wagner left the meeting at 6:05 p.m., after a vote was taken on 140152 Reorganization- City Project/Core City, but did not ask to be excused.

Chairwoman Smothers moved to recuse Council Members Wagner and Davis from voting on this matter and related matter 140141 Ordinance- Carolina Investment Properties, Inc.- Amendment to Zoning Case 14-01 due to a conflict of interest. Council Member Mendenhall made a second to the motion, which carried unanimously.

The public hearing for this matter and related matter **140140 Ordinance- Gary Walter Idol and Pamela Idol- Annexation Case ANX14-04** was held on Monday, May 19, 2015 at 6:15 p.m.

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

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment. There being one, the public hearing was closed.

Adopted Ordinance amending Conditional Zoning Case 14-01 to add approximately 1.5 acres, and rezone approximately 1.5 acres from a Residential Single Family-20 (RS-20) District, within Forsyth County's zoning jurisdiction, to the Conditional Zoning Light Industrial (CA-LI_ District of zoning Case 14-01 based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this matter be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Sims, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

140142 **Ordinance - Hartley Ridge, LLC - Zoning Case 14-04**

A request by Hartley Ridge, LLC to rezone approximately 10.6 acres from a Conditional Use Residential Multifamily 12 (CU RM-12) District to a Conditional Zoning Residential Multifamily 12 (CZ RM-12) District. The site is lying south of W. Hartley Drive and east of Ingleside Drive. **(Petitioner is requesting that this item be**

withdrawn)

Attachments: 06. Z14-04_Withdrwal Memo to City Coucnil

Note: Council Member Wagner left the meeting at 6:05 p.m. and was not excused. Pursuant to N.C. General Statute 160A-75, although he was not physically present when the vote was taken and did not ask to be properly excused, his vote will be recorded as an affirmative vote.

Chairwoman Smothers pointed out that the applicant has asked that Rezoning Case 14-04 be withdrawn.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Rezoning Case be withdrawn. The motion PASSED by a 9-0 unanimous vote.

140143 **Ordinance - International Market Centers - Text Amendment Case 14-04**

A request to by International Market Centers to amend Section 9-5-16 of the Development Ordinance to allow video wall signs in the Central Business (CB) zoning district. **Public hearing on this item was continued to the June 2nd meeting to allow time for written confirmation that the High Point Theatre would have access to this advertising equipment.**

Attachments: 07. TA14-04_Staff Report
IMC - Video Wall Letter
Adopted Text Amendment Ord (TA14-04)

Note: Council Member Wagner left the meeting at 6:05 p.m. and was not excused. Pursuant to N.C. General Statute 160A-75, although he was not physically present when the vote was taken and did not ask to be properly excused, his vote will be recorded as an affirmative vote.

The public hearing on this matter was held on Monday, May 19, 2014 at 6:15 p.m.

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

Following the presentation of the staff report, Chairwoman Smothers asked if there were any questions of staff.

Chairwoman Smothers presumed IMC could have additional signs on their other properties. Mr. Robbins explained they could if it is considered a different zoning lot. Staff felt this amendment would address the sign that has already been installed on front of the IMC building and with the specific requirements, they felt the signs would not become a problem for traffic in the area. Staff is recommending approval of the text amendment. Mr. Robbins explained that the Planning and Zoning Commission, at its April 22nd meeting, also recommended approval of the text amendment by a 4-2 vote and the two members that voted in opposition noted concerns as to the fairness of limiting this type of sign only to market showroom uses; they felt they should be allowed in any business in the CB District that would meet the qualifications to use the signs. He further explained staff is of the opinion that it would be good to start with a more restrictive amendment if Council so chooses, but they were not adverse to allowing it throughout the CB District.

Chairwoman Smothers asked if they plan to take down the other signs that cover the IMC building with the passage of this text amendment. Mr. Robbins pointed out all other signs are legal signs and noted due to the size of the building, there is an enormous amount of signage that is permitted under the Development Ordinance, so staff is attempting to limit the size of these signs and only allow one that would be counted within their allotment.

Mayor Pro Tem Davis asked if this would affect the Theatre from putting up a sign for advertising purposes since this is a shared building and stated he did not want to restrict the city-owned Theatre from being able to benefit from this sign. Mr. Robbins explained nothing would prohibit the Theatre and IMC from coming up with an agreement to share use of the sign. He asked staff to share some of the concerns that came out of the Planning and Zoning Commission meeting. At this time, Cynthia Davis, Chair of the Planning and Zoning Commission, explained they did not feel like those four weeks used for a test case would be a good example of how these signs would be utilized making their impact uncertain.

Council Member Ewing asked if this sign was put up and used during the last Furniture Market and staff replied in the affirmative. Mayor Sims asked staff if any other business within the Showroom District could put up a similar sign. Mr. Robbins explained any showroom could if they qualify and pointed out those properties located on a corner would be required to abide by a 25-foot separation from the corner. Mayor Sims expressed concerns that these signs could possibly dominate the downtown area. Mr. Robbins noted these are fairly expensive signs and this would be a deterrence. She asked staff to share the reason why they felt it should be restricted to showrooms. Mr. Robbins explained staff felt like it would be best to test out regulations in a smaller area, rather than expanding it to other areas which might result in a greater number. He noted that staff is not against opening it up to the CB District if this is what Council desires.

At this time, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment.

Charity Belton, a resident at 226 Hobson Street, a business owner at Creative

Niche, and Event Coordinator/Manager for the Ritz Theatre in the Washington Street area, addressed council. She expressed concerns that these signs would be restricted to showrooms only and shared that they have already started a fundraiser that would fund a sign for the Ritz Theatre to advertise those who are renting spaces in the Theatre as well as community events. Council Member Mendenhall pointed out that since the Ritz is located on a corner, this could affect placement of a sign. Ms. Belton agreed this is another concern and based on the restrictions, she could not envision another place they could put a sign and she requested Council consider opening it up to businesses other than limiting it to showrooms only.

Mr. Robbins clarified that the 25-foot separation is from intersecting streets and not the building (i.e. if a building sits in the middle of a block, the sign would have to be 25 feet off the corner of the building.

John Emery, representing IMC at 209 S. Main Street, addressed Council. He explained the sign serves two purposes: one, it is an informational sign for buyers to give them information on food, entertainment, seminar options, etc....; and two, it would create some excitement so they can keep market goers enthusiastic and provide their advertisers an opportunity to get their message out there to increase showroom traffic and build brand awareness. He reported that he has already talked with Dave Briggs, Director of the High Point Theatre, and they have a "hand-shake" agreement that the Theatre can use it anytime it is not being used by IMC. He offered an apology for putting the sign up without a permit, and explained IMC thought the contractor had taken care of it. He noted that as soon as they discovered they did not have a permit, they immediately came to talk with staff and started the process to make it right.

Council Member Moore felt there should be a written agreement between the IMC and the Theatre on opportunities for use of the sign. Mr. Emery felt it would be a great thing for the Theatre to use their sign and noted he absolutely had no issues with that. He stated he did not have any problems with a written agreement. Chairwoman Smothers asked Mr. Emery if IMC would take exception to postponing this matter for a couple of weeks to allow the city to get whatever needs to be done to make it allowable for IMC to promote the Theatre with use of the sign and to take Ms. Belton's concerns into consideration about potentially opening this up to other businesses. Mr. Emery cited no problems with the delay.

Council Member Moore asked how this issue with signage might relate to the recent request that was made by Dan O'Shea with Fairway signs regarding billboard signs. Mayor Sims noted Mr. O'Shea has already provided all the information to the city and it is up to Council as to whether this is something they want to consider. She felt like Mr. O'Shea's request got lost in the shuffle and asked if it might be possible to revisit the whole situation with the billboards in another Comprehensive Planning Committee meeting; Chairwoman

Smothers agreed.

Continued the public hearing for this matter to June 2, 2014.

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

Other Businesss

Comments by Julius Clark

Council Member Douglas pointed out that there was someone in the audience who would like to address Council. Mayor Sims explained the Council's Public Comment period is generally the 1st Monday of each month. Mr. Julius Clark shared that he may not be at that meeting, so he wanted to take advantage of this opportunity.

Mr. Clark expressed appreciation to each Council Member for their service to High Point. He explained that although he has not agreed with everything that has taken place with this administration, there have been moments that he has experienced disgust, embarrassment and has been downright ashamed of behaviors and decisions that have been made. But through all of this, he has tried to find some common ground of reason for such behavior. He went on to say that it has been an honor and privilege for him to serve on the High Point Preservation Commission these past four years, working beside a fine and capable staff. He mentioned that it has been very gratifying for him to have been afforded the opportunity to preserve High Point's greatest treasure (Rosetta C. Baldwin Museum), but expressed disappointment that he would not be able to see the home of Rosetta C. Baldwin at 1408 R. C. Baldwin Avenue receive the distinction of being on the National Register of Historical Places. He believed this could still happen with Council's assistance and directive.

He stated after watching and reading many of the issues concerning the vision of High Point, he could say the one thing that must remain true is the voice of all the people, not just a few. He commented about the IGNITE High Point and the Core City project plan and asked for clarification of the original intent because there are a lot of areas that represent the core area of High Point. He suggested dropping the 'I" and "G" in IGNITE because the I stands for "individualism" and the "G" stands for "greed" and replacing the "I" and "G" with an "U" for unilateral, representing equal disbursement of service and resources spelling "UNITE." He shared it is his hope that the current leadership would be looked upon as one of sound, moral principal, uprightness, honesty and sincerity and took an opportunity to thank City Manager Strib Boynton for his many years of service to High Point. He encouraged Council to seriously look at newly appointed Interim City Manager Randy McCaslin as High Point's next city manager because he felt he is very capable of handling the job.

Mr. Clark concluded his comments by mentioning a conversation he had with Lee Burnette, Director of Planning and Development, regarding an issue dealing with Baldwin's Chapel and concerns with the inspectors. He took exception to a remark made by Mr. Burnette and hoped he would revisit the comment.

Request from Council Member Douglas for a Forensic Audit

Council Member Douglas suggested a forensic audit be done of all city departments due to the pending retirement of City Manager Strib Boynton, who as been city manager for over 16 years. He felt it would be good to know what the fiscal condition of the city is in and felt this would ensure a clean and thorough audit for the Interim City Manager and incoming City Manager. He reiterated his concerns as well those of Council Member Golden and Mayor Pro Tem Davis and Cynthia Davis that have been voiced regarding the recent grievance occuring over a review of the P-card usage and felt these items should be thoroughly reviewed for oversight to ensure a clean and thorough audit of the P-card system. He also noted that the manager's American Express account has yet to be reviewed by City Council full and felt review of those transactions should be cleared through an audit as well to ensure that there is no oversight of city funds as Council is not privy to the city manager's expenditures. He suggested these charges be reviewed by the City Council on a monthly basis.

Mayor Sims explained that in the past, Council has talked about the ability of the current auditing firm to do this, but it would require instruction by the City Council to make it happen. She asked if there were any additional comments. Council Member Golden stated in his profession, these audits are automatically done with a change in leadership and he just assumed this would be the case for the city. Mayor Sims explained that the city does do a required annual audit regardless of whether there is a change in city managers or not and felt Council could certainly engage the same audit firm to expand the scope of what they are engaged to do. She asked for clarification from staff on this.

Jeff Moore, Director of Financial Services, explained the firm of McGladrey Pullen has been engaged by Council to conduct the Annual Financial and Compliance Audit for FY ending June 30, 2014. He reported that in the course of a recent discussion with the auditors, he shared that he did let them know of Council's concerns and questions regarding the P-card program and let them know there may be a request for some focused investigation into the city's policies and practices. He mentioned the required meeting for the communication between the auditors, executive team, and the governing body has been scheduled for the first week in June. Mr. Moore explained a forensic audit is specifically designed for accounting for transactions, or auditing of transactions with the intent to find a misdemeanor of a fraudulent transaction that has occurred. He noted this would be beyond the scope of what McGladrey has been engaged for and would require the city to negotiate a separate price for it, which is estimated to be around $150,00-$200,000. He pointed out there are other auditing firms that would also be interested in providing this service and if this is the desire of Council, staff would seek proposals and bring that back to Council for action.

Council Member Smothers suggested an invitation be extended to Council Member Douglas and others who might have an interest in attending the meeting with the auditors to express their concerns for a clearer understanding of both their ability and to seek what other guidance they can give. Mayor Sims asked when the meeting would take place and Mr. Moore explained the meeting has been scheduled for Thursday, June 5th at 10:00 a.m. following the public hearing on the budget.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140111 **Boards and Commissions - Vacancy Report**

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

Attachments: Vacancy Report

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

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

140144 **Minutes to be approved**

Comprehensive Planning Committee Meeting: April 29th @ 8:30 a.m.
Finance Committee Meeting: Monday, May 5th @ 4:30 p.m.
Regular Council Meeting: Monday, May 5th @ 5:30/6:15 p.m.
Comprehensive Planning Committee Meeting: Thursday, May 8th @ 9:00 a.m.
Community Housing and Neighborhood Development Committee Meeting: Tuesday, May 13th @ 10:00 a.m.

Attachments: April 29 2014 Comprehensive Planning Committee
May 5 2014 Finance Committee
May 5 2014 High Point City Council
May 8 2014 Comprehensive Planning Committee
May 13 2014 Comm. Housing & Neighborhood Dev. Committee

Note: Council Member Wagner left the meeting at 6:05 p.m. and was not excused. Pursuant to N.C. General Statute 160A-75, although he was not physically present when the vote was taken and did not ask to be properly excused, his vote will be recorded as an affirmative vote.

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

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that these minutes be approved as submitted. The motion PASSED by a 9-0 unanimous vote.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:15 p.m. upon motion duly made by Council Member Smothers and seconded by Council Member Mendenhall.

Respectfully Submitted,

____

Bernita Sims, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk