

City of High Point

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



Meeting Minutes

Monday, May 2, 2011

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Present: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Henley, Council Member Whitley and Council Member Corey

Absent: Council Member Pugh

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

The minutes of the following meetings were unanimously approved as submitted upon motion by Mayor Pro Tem Alexander and second by Council Member Corey. [8-0 vote] [Council Member Pugh was absent]

Finance Committee; Monday, April 18th @ 3:30 p.m.

Combined Meeting; Monday, April 18th @ 4:45/5:30 p.m.

Planning, Economic Dev. & Information Technology Committee; Tuesday, April 29th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Corey, seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]**

Motion was then made by Council Member Corey, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]

Note: As a result of this action, there is no need for the Thursday morning meeting.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Alexander, Chair**

Committee Members: Whitley, Smothers and Corey

(all were present)

Contract - Bid No. 25 - Scale House & Maintenance Building - Kersey Valley Landfill**110079**

Award of contract for Bid No. 25 for Scale House & Maintenance Building for the Kersey Valley Landfill. Purchasing and Public Services recommend that contract be awarded to Fabco Construction, Inc., in the amount of \$511,000.00 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved contract with Fabco Construction, Inc. in the amount of \$511,000.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Contract - Bid No. 27 - Forrest/Farris Stormwater Improvements

110080

Award of contract awarding Bid No. 27 for the Forrest/Farris Stormwater Improvements. Purchasing and Public Services recommends that contract be awarded to Sealand Contractors Corporation in the amount of \$4,473,242.00 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved contract with Sealand Contractors Corporation in the amount of \$4,473,242.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Contract - Bid No. 28 - Entrance Facilities - Kersey Valley Landfill

110081

Award of contract for Bid No. 28 for Entrance Facilities for the Kersey Valley Landfill. Purchasing and Public Services recommends that contract be awarded to Triangle Grading & Paving in the amount of \$929,724.72 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved contract with Triangle Grading & Paving in the amount of \$929,724.72 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Purchase of Equipment for Street Department - Wheel Loader

110086

Council is requested to accept a quote in the amount of \$127,907.58 submitted by James River Equipment Company for the purchase of a new 2011 John Deere 524K Wheel Loader for the street department.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved purchase of a new 2011 John Deere 524K Wheel Loader in the amount of \$127,907.58 from James River Equipment Company for the street department from James River Equipment Company.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Citrix XenApp Computer System - Purchase of Additional Licensing

110082 Consideration of request from the Information Technology Services department to purchase 715 additional licenses in the amount of \$186,439.83 from NWN Corporation - Greensboro for the Citrix XenApp computer system.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved contract with NWN Corporation- Greensboro for the Citrix XenApp computer system in the amount of \$186,439.83 for the purchase of 715 additional licenses.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Parks & Recreation - Revised Fee for City Lake Swimming Pool

110084 Approval of recommendation by the Parks and Recreation Commission to establish a \$1.00 discount rate for group tickets at the City Lake swimming pool

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved a \$1.00 discount rate for group tickets for use of the swimming pool at City Lake Park.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

Budget Ordinance Amendment - Recognizing Structural Fund Changes

110059 Council is requested to adopt a technical budget ordinance amendment to recognize structural fund changes required by GASBS 54 and to appropriate reclassified revenues and related expenditures related to GASBS 54.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted technical budget ordinance amendment recognizing structural fund changes required by GASBS 54 and appropriating reclassified revenues and related expenditures related to GASBS 54.

Ordinance No. 6819/11-27 Introduced 5/2/2011
Adopted 5/2/2011
Ordinance Book Volume XVII, Page 27

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be adopted. The motion carried unanimously.

Guilford County - Interlocal Agreements - Tax Collection/Public Library/Animal Shelter

110085 Council is requested to approve interlocal agreements with Guilford County for (1) Tax Collection (2) Public Library and (3) Animal Shelter and Control Services.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved interlocal agreement with Guilford County for (1) Tax Collection; (2) Public Library and (3) Animal Shelter and Control Services.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley, that this matter be approved. The motion carried unanimously.

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council
Member Sims, Chair
Committee Members: Alexander, Douglas and Corey

(all were present)

Community Development and Housing Department - Annual Action Plan 2011-2012

110087 Council is requested to approve the Community Development and Housing Department's 2011-2012 Annual Action Plan. The department has completed necessary activities for preparation and submission of the Plan to the Department of Housing and Urban Development (HUD).

The public hearing for this matter was held on Monday, April 18, 2011 at 5:30 p.m.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Mayor Smothers extended compliments to the Community Development & Housing staff on a successful Community Development Day recently held this past Saturday in

recognition of National Community Development Week.

Approved the Community Development and Housing Department's 2011-2012 Annual Action Plan to be submitted to the Department of Housing and Urban Development (HUD).

A motion was made by Council Member Sims, seconded by Mayor Pro Tem Alexander, that this matter be approved. The motion carried unanimously.

Pending Items

Ordinance - Vacate/Close Structure - 800 E. Commerce Street

110045 Council is requested to adopt an ordinance ordering the Inspector to effectuate the vacating and closing of a structure located at 800 E. Commerce Street belonging to Nathaniel E & Margaret G. Bolds.

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair

Pending Items

Part 150 Assessment Report

110038 Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

City of High Point Incentives Policies

110053 Council is requested to receive the following Incentives Policy Review Committee recommendations:

4) City of High Point Retail Incentives Policy [new]

Note: For Parts 1 and 3 of the Incentive Policies, please refer to Legislative Matter 110032.

This item was discussed in the Planning, Economic Development and IT committee meeting held Tuesday, May 17th at 9:00 a.m., and the committee recommended that the City of High Point Retail Incentives Policy be adopted as presented and placed on today's agenda for action.

Chairman Whitley announced that the retail portion of the Incentives Policy will be discussed during a Planning, Economic Dev. & Information Technology Meeting scheduled for Tuesday, May 17th @ 9:00 a.m.

PUBLIC COMMENT PERIOD - 5:15 P.M.

Gender Discrimination Grievance- Martha Younts (Fire Department)

Official action by the City Council prompted the need for a Legislative Matter to be

entered regarding this matter. Please refer to **110088 Release of Information- Deputy Chief Martha Younts- High Point Fire Department** for additional information/action regarding this matter.

Ashley Duncan, 1525 Landis Avenue, Charlotte, 28205, an attorney representing Martha Younts, addressed Council on Ms. Younts' behalf. She proceeded to read Ms. Younts' grievance against City Manager Strib Boynton alleging gender discrimination and proceeded to read subsequent responses. [the information submitted is hereby attached in Legistar as a permanent part of these proceedings].

Martha Younts, Deputy Chief- High Point Fire Department, who resides at 553 John Black Road in Lexington, also issued a statement of her recollection of incidents/conversations with the city manager over the past 12 years. [a copy of the transcript of Ms. Younts' comments is hereby attached in Legistar as a permanent part of these proceedings].

Concerns about the Community (crime rate, drug users/sellers, lack of jobs)

Antonio Richardson, who resides at 2713 Central Avenue in High Point, addressed Council regarding concerns he has about the community (i.e. crime rate, drug users/sellers, and lack of jobs). He asked if there was anything that Council could do to raise awareness in the city and possibly open up more incentives to get more jobs to come to High Point. Mayor Smothers pointed out POLO recently hosted a very successful job fair at Morehad Rec Center and 540 people showed up. She also explained a Job Center would be opening soon located on Idol Street which would house the Employment Security Commission, job training, and other services) in an effort to make the process more convenient and less stressful for those looking for job opportunities. She informed Mr. Richardson that there were some police officers in attendance of the meeting tonight and encouraged him to talk with them regarding his additional concerns about the crime rates and drug issues.

Council Member Moore mentioned that he did speak with Mr. Richardson on a couple of occasions and encouraged him not to become frustrated because it would take everyone working together and until systems/policies could be put back into place that rely more on the private sector--local, state or national government cannot create sustainable profitable jobs.

Council Member Sims mentioned that she and Assistant City Manager Pat Pate recently attended a private tour of the FedEx Ground facility located in the Triad Business Park. She noted they would soon be hiring about 500 people, but because of its location, transportation would be a challenge. She felt it would be a great place for residents to work, but somehow the transportation mechanism would need to be worked out--whether it would be with PART, High Point's or Greensboro's bus service. Mayor Smothers pointed out years ago that Jefferson Pilot provided transportation for their employees and they probably need to look at something like this to give people access to their facility. Council Member Douglas agreed that High Point definitely needs to invest more into its transportation system to continue offering companies incentives to bring jobs here. Council Member Whitley asked what PART was doing in this regard. Council Member

Sims explained PART has gone back and has been reexamining its routes to try to determine those that are no longer cost effective and to see if there's a need to possibly service other areas. She noted perhaps they probably need to look at some other outside-the-box type of transportation mechanisms and perhaps this could be a topic of conversation at the next PART meeting.

PUBLIC HEARINGS ON ITEMS (None Scheduled)

MISCELLANEOUS

Release of Information - Deputy Chief Martha Younts - High Point Fire Department

110088

Council is requested to authorize the City Manager to release information concerning Deputy Fire Chief Martha Younts' employment and the complaints she has raised, and the city council finds that release of such information is essential to maintaining public confidence in the administration of city services.

Since this matter did not originally appear on tonight's agenda, **motion was made by Council Member Whitley, seconded by Council Member Sims to suspend the rules relative to placing this matter on tonight's agenda for consideration. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]**

Council Member Whitley then moved that pursuant to state law, the city manager is hereby authorized to release information concerning Martha Yount's employment and the complaints she has raised, and the City Council further finds that release of such information is essential to maintaining public confidence in the administration of city services. Council Member Sims made a second to the motion which carried unanimously. [8-0 vote] [Council Member Pugh was absent].

Following the vote on the motion, Mayor Smothers asked City Manager Strib Boynton if he would like to comment.

Mr. Boynton offered his comments at this time. [a copy of the City Manager's statement on Deputy Fire Chief's Grievance dated May 2, 2011 is hereby attached in Legistar as a permanent part of these proceedings.]

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

Friends of John Coltrane - Request for Financial Assistance**110089**

Council is requested to consider a request submitted by the Friends of John Coltrane for financial assistance in an amount up to \$32,000.00 for the John Coltrane International Blues Jazz Festival which will be held in High Point on September 3, 2011.

Since this matter did not originally appear on tonight's Agenda, motion was made by Mayor Pro Tem Alexander, seconded by Council Member Corey to suspend the rules relative to placing it on tonight's Agenda for consideration. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]

Council Member Sims brought the request forward for funding up to \$32,000 to be used for marketing/advertising of the John Coltrane International Jazz Blues Festival to be held on September 3rd. She noted that there was money available in the Downtown Improvement fund that could possibly be used. Ms. Sims explained they are still in the process of raising funds and retaining sponsors for this event and if they end up with a profit, then the proceeds from the festival would go to benefit the restoration of the John Coltrane House and, assist the Arts Council with the John Coltrane festival workshop they have each year, and also to help BOTSO, LOTSO and NIA Community Action Center and they also plan to leave some seed money in place for funding next year's festival.

Council Member Whitley inquired about other dollars the organization might be projecting the city would have and asked if they included any in-kind services such as police, fire, parks and recreation other than the actual use of Festival Park for the event. Council Member Sims explained that there would be some security dollars included in the budget, but they were not necessarily looking at these dollars as in-kind, but as far as the park itself is concerned, the park has been included as an in-kind contribution to the festival. Council Member Whitley also asked about cleaning up after the event and Council Member Sims noted they planned to do this.

Mayor Smothers asked Council Member Sims if they meet or exceed their budget if they would be willing to reimburse the city for the money that they are being advanced and Council Member Sims stated there would not be a problem doing that. Council Member Douglas felt the city should offer its support to the festival and felt this was a small contribution the city could make at least until the festival gets off the ground since it was its first year. Council Member Corey pointed out that since they are asking for the money for advertising and marketing purposes, there is a requirement to have these funds available now.

Council Member Henley expressed concerns that a request of this nature would set a precedence for other organizers of events and was concerned about taking the funding from the Downtown Improvement Project line item and using it somewhere else. Council Member Whitley stated while he has nothing against the John Coltrane International Jazz Blues Festival, he could not support the request for funding at this time and level because the city hasn't given this kind of money to any other event in the City of High Point. Council Member Sims stated she certainly understood Council Member Whitley's concerns but when she looks at the commitment the city has made

to John Coltrane, who is a native son who has made many contributions to High Point, and the things the city is trying to do to promote tourism by bringing revenue into the city, the request for the funding is necessary. She reiterated they have no problems repaying the funds to the city should the festival make a profit as anticipated. Council Member Whitley felt the keyword was "tourism" and pointed out there is an organization in place to receive dollars from them. Council Member Sims offered assurances that they do plan to approach this entity again regarding funding and if they are successful in obtaining funds from them, they have no problem reimbursing the dollars back to the city. Mayor Smothers asked Council Member Sims if they were asking for a check for \$32,000 or what and Council Member Sims clarified they have no problems with invoicing based on the amounts they spend, but would defer to the city manager as to how it would work best.

Authorized the appropriation of up to \$32,000 to support the John Coltrane International Jazz Blues Festival.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Douglas, that this matter be approved. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Douglas and Council Member Corey
Nay: Council Member Moore, Council Member Henley and Council Member Whitley
Absent: Council Member Pugh

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:45 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk