

**HIGH POINT CITY COUNCIL
SPECIAL MEETING
FEBRUARY 7, 2022 – 3:30 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

MINUTES

NOTICE: Face coverings (face masks) are now required inside all public places/buildings throughout Guilford County. Please visit www.guilfordcountync.gov for additional information.

The Guilford County Board of Commissioners, serving in the role of the Guilford County Board of Health has re-instated its Mandatory Mask Policy effective at 6:30 p.m. on Thursday, January 13, 2022 for all persons in Guilford County, regardless of their vaccination status. Pursuant to the Guilford County Board of Health rule, individuals must wear face coverings when indoors in all businesses, establishments and public places. Failure to comply with the re-instated mask rule could result in leveraged civil penalties.

ROLL CALL

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

He then called the roll for attendance. The following council members were present:

Mayor Jay W. Wagner; Mayor Pro Tem Monica Peters, Ward 3 [arrived at 3:40 p.m.]; Council Member Britt Moore, At Large; Council Member Cyril Jefferson, Ward 1; Council Member Christopher Williams [arrived at 3:45 p.m.], Ward 2; Council Member S. Wesley Hudson, Ward 4; and Council Member Victor Jones, Ward 5

Absent:

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

Staff present:

Tasha Long Ford, City Manager; Greg Ferguson, Deputy City Manager; Eric Olmedo, Assistant City Manager; Jeron Hollis, Managing Director; JoAnne Carlyle, City Attorney; Angela Kirkwood, Director of Human Resources; Ryan Ferguson, Marketing Manager; Sandy Dunbeck, Economic Development Director; Lisa Vierling, City Clerk; and Mary S. Brooks, Deputy City Clerk

Also Present:

David Woodard, Attorney- Poyner & Spruill

PRESENTATION OF ITEMS

2022-51

Update- Personnel Resolution

Attorney David Woodard with Poyner & Spruill will be present to provide an update regarding the City of High Point's Personnel Resolution. Council is requested to adopt the Personnel Resolution

JoAnne Carlyle, City Attorney, advised that staff has been working with the city manager and the Human Resources Department to review the current Personnel Resolution (PR) to bring it up to date and reflect what is being done on a daily basis to improve it in every area possible. She then introduced David Woodard, outside legal counsel, to cover some of the key points of the revisions.

David Woodard, Attorney with Poyner & Spruill, spoke to the extensive review of the resolution; the analysis that was done; explained there have been many operational changes and changes in the law since the resolution was last reviewed in 2017; and the meetings that took place with the manager, the Human Resources (HR) Department, and executive team to ensure that the document operationally befits the organization and aligns with how the city currently operates.

Mr. Woodard then provided the following brief highlights regarding the changes to the Personnel Resolution.

Section 1. Organization of the Human Resources System

Identified roles of the main players of the Personnel Resolution (PR) which are the City Council, Manager's Office, and Human Resources Department. Cleared up some ambiguities and the authority noting that the City Council has the sole authority to amend, revise, adopt or not adopt the PR and any provisions within it. It specifies that any personnel policies adopted are in compliance and consistent with the PR and that the manager has the final authority on what to adopt, revise, or amend with respect to HR policies, with the input of the HR Department. Clarified that the HR Department's role is day-to-day enforcement and interpretation of the policies and the Personnel Resolution with regards to employees.

Sections 2 and 3. Classification Plan and Salary Plan

The changes in these sections were made largely to bring the PR consistency with current practices in the city. It is now clear that the City Council is responsible for setting budget; that any new positions, any eliminated positions must be approved by Council; the manager's office and the HR Department set up job descriptions, pay scales, pay rates, etc....for employees. Additional discretion was incorporated into the PR allowing hiring managers to set the starting salary between the base pay and mid-point, but beyond that, the manager's approval would be required to move forward. The old resolution states that a new hire must start at the bottom of the pay grade and this puts the city behind the curb on a competitive basis with other cities and private employers.

Section 4. Recruitment and Selection

This is the recruiting and hiring procedure that was amended in November and approved/voted on by Council in November and defines how jobs are advertised, types of recruiting efforts that would be used to help foster the city's Diversity, Equity, and Exclusion (DEI) initiatives.

Section 5. Conditions of Employment

Ambiguities were removed to ensure full consistency with current law and current employment laws. the most significant change in this section is it allows Council the ability to

relax residency requirements for hiring a manager, city attorney, or city clerk if circumstances warrant it with the same authority given to the manager for hiring deputy and assistant city managers if circumstances warrant relaxing the resident requirement.

Section 6. Holidays and Leave

Cleared up some ambiguities and inconsistencies ensuring that all leave policies and rights of employees while on leave are consistent with the FMLA (Family Medical Leave Act). Mr. Woodard noted that the city was being consistent on this, but the wording in the PR now makes it clear that employees on FMLA leave have the same rights and benefits up to the same level as all employees on any other kind of leave with the same applying for military leave.

Section 7. Employee Benefits

Notes the addition of Veteran's Day and Juneteenth to the holidays within the PR.

Section 8. Separation, Disciplinary Action, and Right of Appeal

Clarified that written warnings, things short of demotion, suspension, and termination are disciplinary actions and clarified the process the city will follow for imposing disciplinary action for affairs of personal conduct and job performance failures. The presumed steps that will be followed absent any extraordinary circumstances are verbal, written, final written, then termination.

Section 9. Grievance Procedure

Cleaned up the process followed and added some provisions dealing with grievances that might be filed against the HR Department to remove the potential or appearance of a conflict with the HR Department making an investigation within its own department. It clarifies that the manager's office will handle any complaints that come in about the HR Department and puts a two-step process in place for handling those claims; clarifies that complaints that come in from a direct report of the manager it will go to the city attorney, then to Council; all other complaints will go to HR and then to Council and in both cases, the Council will decide what action to take if it is about the manager's office.

Mr. Woodard reiterated the extensive work that went into the revisions to the PR and that the HR Department, manager's office, and the city attorney's office are all in agreement with the changes presented. City Attorney Carlyle shared this project has been on-going for a while and felt it was important that the new city manager be involved and play a role in the review process.

Ms. Carlyle entertained any questions and noted that Council could vote on the Personnel Resolution during this Special Meeting, or it could be added as an addendum for the Regular Meeting of City Council at 5:30 p.m.

Council Member Moore inquired about the terminology in Section 1 of the PR regarding the Council having the sole authority to create and eliminate positions and asked that "positions" be defined.

Mr. Woodard explained that would be any job that is included in the Classification Plan and further explained that discussion about new positions normally is done through the budget

process, but Council must approve funding for the position and once that is done, it would be up to the manager's office or HR to set the pay for whoever fills the position.

City Manager Tasha Logan Ford reiterated that this is typically done each year during the budget process and if there are any mid-year adjustments or new positions needed, then staff would bring that to Council mid-year for approval and noted that staff would not be able to create those positions internally without the Council being aware of the positions.

Mayor Wagner asked if there were any additional questions. Hearing none, Council Member Hudson proceeded with the following motion.

A motion was made by Council Member Jones, seconded by Council Member Hudson, to adopt the Personnel Resolution as presented. The motion carried by the following 6-0 unanimous vote:

Aye (6): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Jefferson, Council Member Jones, and Council Member Hudson

Absent (3): Council Member Holmes, Council Member Johnson, and Council Member Williams

Introduction of New Customer Service Director

Assistant City Manager Eric Olmedo introduced Jeremy Coble, the new Customer Service Director, and shared that he comes to High Point from the State of North Carolina where he was an assistant director of taxation and collections.

2022-52 American Rescue Plan Update

Staff will provide an update on the American Rescue Plan.

Assistant City Manager Eric Olmedo reported that staff did receive final guidance from the Department of Treasury on January 6th. He explained the ARP is a federal program that delivered \$350 billion to various states and local governments throughout the country in response to the COVID-19 emergency. High Point's allocation was \$22,699,511; half of this has already been received with the expectation that the remainder will be received by the end of this fiscal year. Mr. Olmedo shared that the eligible uses did not really change, but were re-categorized with the following four main categories:

- 1. Responding to the Public Health and Economic Impacts of COVID-19 (public health, assistance to households, assistance to small businesses, assistance to non-profits, aid to impacted industries, and public sector capacity);*
- 2. Premium Pay (which only applies to eligible workers performing essential work during the Pandemic);*
- 3. Infrastructure (i.e. water, sewer, stormwater, broadband)*
- 4. Government Services (revenue loss- High Point's revenue loss calculation was \$12.8 million).*

Regarding the infrastructure category, Mr. Olmedo explained that broadband is not really allowed by the state for local governments to do although High Point is participating in some

Guilford County efforts. Staff will provide an update on the broadband during Wednesday's Prosperity & Livability Committee on February 9th.

Mr. Olmedo advised there are a number of restricted uses and the funds cannot be used to offset a reduction in net tax revenue; make deposits into pension funds; for debt service or replenishing financial reserves; or satisfaction of settlements and judgments. He spoke to the big topic being program administration and how the funds come with many rules/regulations; that the city must obligate the funds by the end of 2024, and the funds must completely be spent by the end of 2026. He noted the Federal Uniform guidance is the rule overseeing all federal spending which is onerous and regulations must be followed and how the city must ensure that any partner agency receiving funds from the city is aware of the strict reporting requirements and regulations that must be followed. He also noted that the city could charge a part of the administration expenses to the grant allocation and that some municipalities are actually hiring positions to aid in administration of the grant funds.

Mr. Olmedo referenced the handouts placed on the dais identifying deferred capital projects that staff has now prioritized.

Note: The lists with the identified deferred capital projects will be attached In Legistar and incorporated as a permanent part of these proceedings.

The projects have been broken down into two priorities:

- 1. Deferred projects totaling about \$3.8 million (high priority items); and*
- 2. Deferred projects totaling a little over \$2 million (priority items that will be brought back in the 2023 budget as capital requests if not funded through the ARPA funds, in addition to other capital requests.*

At the conclusion of staff's presentation, staff entertained any questions.

Mayor Wagner asked if there is still an option to fund all of the deferred capital projects on both lists. Mr. Olmedo replied in the affirmative and spoke to that being staff's preference. City Manager Logan Ford noted staff would like to move on these as quickly as possible because so the items can be ordered and received in time to meet certain programmatic deadlines and due to the increased costs associated with the projects. She advised that staff's recommendation would be to fund the full list of capital items on both lists that were deferred from the budget discussions last year. Mayor Wagner pointed out these are not items on a wish list and items that would have to be paid for now or at a later time.

A motion was then made by Council Member Hudson, seconded by Council Member Moore, to approve the deferred capital projects on both lists.

For further discussion, Council Member Moore asked if the two positions for control inspector have been filled or if this was part of the need in order to fill the positions. Mayor Wagner pointed out this is actually for two vehicles for those positions. Mr. Olmedo confirmed that those are positions already authorized in this past year's budget.

Council Member Jefferson pointed out there are other items in terms of operations with regards to personnel throughout the city, the high vacancy rates in critical areas, and those

will need to be considered as well. He explained his hesitancy in voting on both lists now are the other big items that may need to be addressed regarding public hearing/economic things in the community through non-profit, etc....

He then offered a substitute motion to approve the high priority items (deferred capital projects identified on the first page) and come back with consideration of the other list after a report is received on the other operational items and after more information is obtained on what is going on in the community.

Mayor Wagner asked if there was a second to the substitute motion. Hearing none, **he noted the substitute motion failed due to the lack of a second.**

He then asked if there were any additional questions regarding the pending motion on the floor which is to approve both lists of deferred capital projects.

Council Member Jones stressed the importance in getting these items ordered for projects because of the rising prices and all that is going crazy with the economy. He voiced his support for the motion.

Mayor Pro Tem Peters voiced support for Council Member Jefferson but noted amendments could be made to the budget if necessary.

There being no further comments/questions, Mayor Wagner called for a vote on the motion to approve both lists of the deferred budget items to be funded with ARP funds.

The motion carried by the following unanimous 7-0 vote:

Aye (7): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Jefferson, Council Member Williams, Council Member Jones, and Council Member Hudson

Absent (2): Council Member Holmes, Council Member Johnson

2022-53 Update- MWBE (Minority/Women-Owned Business Enterprises)

Staff will provide an update on the MWBE Program.

City Manager Logan Ford advised that she has asked staff to update Council regarding this matter and discussion from the last meeting was focused on the disparity study and gathering additional information about what is currently being collected with the city's MWBE efforts locally. She explained that staff is in the process of gathering information from at least three cities: Winston Salem, Greensboro, and Asheville, to see what measures they were tracking prior to their disparity study; what changes were made; and what new information they were able to track once their disparity study was completed. She noted that once staff gets the information from all three cities, staff will bring the information back to Council for discussion.

Managing Director Jeron Hollis noted the goal is to have something back at the next Council meeting and reiterated the information will include what practices these cities had in place and what practices they changed after completing the disparity study.

Council Member Moore asked if the results would be in written form for Council and Mr. Hollis replied that they would.

Council Member Williams asked about the possibility of including a smaller municipality in the disparity study comparisons. It was noted that Asheville's population is less than High Point's (92,000 vs. 114,000). The city manager shared that the disparity study would be tailored to High Point's community, High Point's businesses, etc.... She spoke to the benefits to comparing smaller and larger municipalities; to the study being tailored to the community and the businesses in the community; and felt there would still be a lot learned from the larger municipalities. She noted if the city decides to move forward with the disparity study, it would be important to be mindful that the study would provide a starting point for any changes to the current program or practice. City Attorney Carlyle stated that it does give the legal grounds to make any changes.

To reiterate the city manager's point, Mr. Hollis noted that the prescription for one community might be different than another community and spoke to how the study/information is a reflection of what the community plans to do and how they want to move forward.

Council Member Hudson asked about the possibility getting statistics and the percentage of the entire pool of minority and women-owned businesses. Ms. Carlyle explained that the study would provide that information.

Council Member Jones asked about getting a copy of the disparity study from another city. The city manager pointed out some municipalities post their studies on their websites and staff would see what might be available.

2022-54 Closed Session- Personnel (N.C. General Statute §143-318.11(a)(6)) and Property Acquisition (N.C. General Statute §143-318.11(a)(5))

Staff is requesting that Council go into closed session pursuant to N.C. General Statute §143-318.11(a)(6) for personnel and pursuant to N.C. General Statute §143-318.11(a)(5) for property acquisition.

At 4:05 p.m., Council Member Moore made a motion to go into closed session pursuant to N.C. General Statutes 143-318.11(a)(6) for personnel and N.C. General Statute 143-318.11(a)(5) for property acquisition. The motion carried by the following 7-0 unanimous vote:

Aye (7): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Jefferson, Council Member Williams, Council Member Jones, and Council Member Hudson

Absent (2): Council Member Holmes, Council Member Johnson

At 4:56 p.m., Council reconvened into open session. Mayor Wagner announced there would be no action taken as a result of the closed session.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 4:56 p.m. upon motion by Council Member Williams and second by Council Member Moore.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk