

**MANAGER'S BRIEFING SESSION
JUNE 1, 2015 – 4:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

MINUTES

Present:

Mayor Bill Bencini; Mayor Pro Tem James Davis (Ward 5); and Council Members Latimer Alexander (At-Large), Cynthia Davis (At-Large), Jeff Golden – (arrived at 5:00 p.m. during discussion of Public Records Requests) (Ward 1); Chris Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4) and Jason Ewing (Ward 6)

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; JoAnne Carlyle, City Attorney; Eric Olmedo, Budget and Performance Manager; Laura Altizer, Senior Budget Analyst; Roselyn McNeill is Budget Analyst; Loren Hill, President- High Point Economic Development Corporation; Angela Kirkwood, Director of Human Resources; Lee Tillery, Parks & Recreation Director; Lee Burnette, Director of Planning and Development; Jeron Hollis, Communications Officer; Lisa Vierling, City Clerk; Tom Vincent, Deputy City Clerk

Others Present:

Judy Stalder; *TREBIC*

News Media Present:

Pat Kimbrough, *High Point Enterprise*

Note: All hand-outs distributed at this meeting will be attached as a permanent part of these proceedings.

Parks and Recreation

City Manager Greg Demko reported that he received questions from Council regarding the number of parks owned by the city, their intended use, and the level of activity. Lee Tillery, Parks and Recreation Director, explained that sometimes the number of parks gets skewed because a lot of different areas such as open space gets counted in the total park numbers. The City has about 44 parks and those parks range from about 10 mini-parks (.5 to 3 acres), 14 or 15 neighborhood parks and then moves up in complexity to community parks and regional and urban parks. Regional and urban parks are where special facilities fit in like the Blair Park Golf Course, Oak Hollow Golf Course and the campground. Last year \$2.7 million was budgeted for maintenance which encompasses staff and benefits. He added the P & R Department has roughly 44 employees that take care of the maintenance, mowing and maintenance/lining of the ball fields.

Mayor Pro Tem Jim Davis said he was looking through the budget and was asking about the smaller parks and how utilized they were and asked Mr. Tillery if he felt all these parks were needed and if any cost savings would be realized if any were eliminated.. Mr. Tillery replied that it depended on which parks, acreage and complexity. He explained the mini-parks are very minimal as far as maintenance goes and added that the bulk of the money is spent on parks with athletic fields, lights and a lot more infrastructure. The City would not save a lot of money by closing a smaller park. City Manager Greg Demko asked if there was a policy about how far apart parks are. Mr. Tillery said there is a master plan that identifies holes and gaps. Mayor Pro Tem Jim Davis asked how much Parks and Recreation spends on upkeep on medians and added he thought it was unusual that Parks and Recreation did that maintenance rather than the Transportation Department. Mr. Tillery said it was part of the \$2.7 million he quoted earlier. Mayor Pro Tem Davis said Eric Olmedo's presentation of City's comparable to High Point showed High Point to have a comparatively large number of parks. Mr. Davis said he was looking at parks, the Museum and the Human Relations Department because these are three departments that cities the size of High Point usually do not have.

Council Member Wagner said one of Parks and Recreation's objectives was to increase golf play at Oak Hollow and wanted to know what the plan was for that. Mr. Tillery said they were trying to incorporate a more global aspect as far as recruiting people to come to High Point to play golf. He noted a few years ago Oak Hollow was rated one of the best public courses in North Carolina. Mr. Tillery shared the City was using software to promote it on the Golf Channel. Council Member Wagner asked if the baseball fields in the parks were being used to their full capacity. Mr. Tillery said youth baseball has changed, but the fields still get a lot of use. Council Member Ewing asked if in-kind services were accounted for in the budget. Mr. Tillery replied in that they were.. A brief discussion followed regarding solicitation of funds from civic groups to help replace/repair the train at City Lake Park.

Permitting Fees

Lee Burnette, Director of Planning and Development, distributed the following information:

- *the fee schedule with comparisons of existing and proposed fees,*
- *comparisons with other jurisdictions,*
- *information on how fees are calculated, and*
- *the existing fee schedule.*

He noted the fee schedule is to become effective with Accela going on line to the public. Mr. Burnette explained the Department was restructuring its fees particularly as it related to permits. Most of the fees are flat and for the most part they are revenue neutral. Mr. Burnette explained Accela would allow the City to issue one permit for a construction project rather than the usual four or five. City Manager Greg Demko noted a big piece of it was using the tools the system provides in an effort to be more efficient. He added that staff was not looking for any decisions on revised fee schedule; this information was basically for review purposes.

Council Member Ewing asked how the new proposed fee structure compared to neighboring jurisdictions and the comparison cities used in the budget presentation. Mr. Burnette said a document distributed previously compared the City's fees to Winston-Salem, Greensboro and

Guilford County and said High Point's fees were similar. Mr. Burnette explained the cost to the City was based on the number of inspection trips staff had to make. He hoped to get nine months to a year of data from Accela to see what the costs actually are. Council Member Ewing asked if there was a generally increased percentage with the new fee structure. Mr. Burnette said the residential fees were the same or a little bit lower and commercial was the same, but increased when you got to a certain size. He said the last couple years the Department has received about \$900,000 for inspection fees and permits and expects that remain about the same. Mr. Burnette said they are down to \$30,000 a year in planning fees but expects to see that increase. There was some discussion about the downturn in subdivision plans and Mr. Burnette said he expected subdivision permitting to increase in the future.

Mayor Bencini asked if there was going to be a Land Use Plan Update. Mr. Burnette said one was needed and staff had discussed making some changes. He said once Accela is put aside and the Development Ordinance rewrite is put aside, he would like to look at revising the Land Use Plan.

Council Member Ewing asked if the abatement fee could be used to help clean up some areas of the City that had not been kept up well. Mr. Burnette said it was an administrative fee and it was a legal question of how much could be tacked on.

Convention and Visitors Bureau (CVB) and Market Authority

Eric Olmedo, Budget and Performance Manager, distributed copies of the Market Authority's and CVB's budget and the CVB Strategic Business Plan. He pointed out the Market Authority budget has the direct revenue that flows through the City to them is the Showroom License, their portion of the Occupancy Tax, and the \$1 million contribution the City does every year. Mr. Olmedo said out of the Market Authority's \$5.2 million budget almost \$3 million comes through the City. Overall, their budget is dropping by approximately \$168,000.

Mr. Olmedo said the CVB receives \$1.6 million dollars from the City of High Point. Their total budget is \$7 million. He noted their revenues and expenditures are increasing by almost \$96,000 this year. Deputy City Manager Randy McCaslin said he met with the CVB today and reported they had spent some of their fund balance the previous year because of the move to the Chamber. He added they have a policy of keeping 50% of the Occupancy Tax in their budget as a fund balance and over the next few years they will be paying themselves back for the money they took out of the fund balance. City Manager Greg Demko asked Council to let him know if they wanted representatives from the CVB or Market Authority to come in and answer any questions.

Public Records Requests

City Attorney JoAnne Carlyle distributed a memo she drafted regarding Public Records, which outlined basic procedures staff uses to determine whether or not a record is a public record. She explained there are two different issues going on with public records currently: 1) staff is getting public records request in daily that must be responded to and spending an inordinate amount of time processing the requests; and 2) the lack of any kind of policy addressing public records. She asked Council for direction.

Ms. Carlyle explained that the custodian of the record is actually the person that either creates or receives the record and informed Council that a question has come up as to whether or not an individual custodian can redact a record/document. She explained the individual is about the only person that can redact their own document because the custodian is the only person/individual that knows and understands what is actually personal information, what is actually private information and what is actually considered to be a public record. She then recited N.C. General Statute 160A-171 which provides that the city clerk is the custodian of all city records, responsible for all the official records of the unit (minutes and ordinances) rather than literally requiring the clerk to be responsible for all records within each department. She stressed that generally the individual that received or created the record is the custodian of that record and that the custodian has the legal responsibility to provide access. She also reiterated that personal records (not related to the transaction of public business) are not public records, even if they were created using government resources and the reverse is also true....records created on a personal computer/equipment may be public records and therefore must be released.

She advised that when a public records request comes in, staff goes through the following basic procedure questions:

- 1. Does a record exist that corresponds to the request? If no, STOP. If yes....#2.*
- 2. Is the record made or received in the transaction of public business? If no, STOP. If yes....#3.*
- 3. Is there an exception that applies? If no PROVIDE RECORD. If yes, #4.*
- 4. Does the exception apply to the entire record or only certain information and does it prohibit disclosure of deny right of access? If prohibited, do not release. If a portion is prohibited or is not a public record, REDACT AND PROVIDE. If no right of access exists, but the release is not prohibited by law, then city policy and practice prevails.*

Ms. Carlyle also reiterated the fact that if a record requested does not exist, staff has no obligation to create another record.

Council Member Cynthia Davis suggested some kind of fee structure and if this could possibly be discussed during the budget reviews. Ms. Carlyle explained that the City does not have the capability of charging unless it is something that will cost a lot of money to produce and noted that the state law does not permit charging for labor/manpower. She reiterated that the custodian of the record is the one responsible and if something was redacted or something did not get released that should have been, there are mechanisms in place for that such as a motion to compel/show cause and some type of mediation.

She asked Council if they want as a policy the attorney and/or clerk to have to vet every public record request that comes through, or put the onus on the custodian of the record, rather than having them relying on the attorney and/or clerk to produce it for review. Mr. Demko noted his observation over the past two and a half months has been that there has been an inordinate amount of requests that have come through, more so than he has seen in other organizations. He reiterated that the statute does allow fees or charges, but it is limited with the bulk of it being the cost of copying.

There being no further discussion, the meeting adjourned at 5:15 p.m. upon motion duly made and seconded.

Respectfully Submitted,

*Lisa B. Vierling, MMC
City Clerk*