

**HIGH POINT CITY COUNCIL
SPECIAL MEETING
August 27, 2015 – 9:00 a.m.
COUNCIL CHAMBERS**

Present:

Mayor William S. Bencini, Jr.; Mayor Pro Tem James C. Davis (Ward 5); and Council Members Latimer Alexander (At-Large), Cynthia Davis (At-Large), Jeff Golden (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; Jeron Hollis, Communications & Public Engagement Officer; Al Heggins, Director of Human Relations; Tony Lowe Human Relations Program Coordinator; Lisa Vierling, City Clerk

Others Present:

Jim Morgan, Joe Blosser, Paul Lessard, Rev. Frank Thomas, Barbara Collins, David Miller, and others

News Media:

Jordan Green, *Triad City Beat*

Pat Kimbrough, *High Point Enterprise*

CALL TO ORDER

Mayor Bencini called the meeting to order at 9:05 a.m.

REGULAR AGENDA ITEMS

150276 Resolution- Say Yes to Education for Guilford County

Council is requested to adopt a Resolution in support of Say Yes to Education for Guilford County.

City Manager Greg Demko: Mr. Mayor and Council. This is a Resolution in Support of Say Yes to Education. As you are aware, Say Yes to Education is a national non-profit for college readiness for young people. It was a competitive process. Guilford County Schools competed and is a finalist. One of the requirements of Say Yes is to demonstrate the willingness of local governments to come together for a solution. They have referred an MOU to the cities, Guilford County Schools, Guilford County, etc... Mr. Gene Chasin, the COO, has addressed many of the questions and some of the concerns from the meeting last Monday. Also at that meeting which resulted in Council preferring to do the Resolution instead of the MOU. That's why the resolution is in front of you tonight. The resolution is for the City of High Point to agree to be at the table for discussions, to work with the City of Greensboro, Guilford County Schools, and

Guilford County. It doesn't commit us for any additional financial implications. Any changes would have to be a budgetary item to be approved by the City Council.

One of the other commitments is for the city managers to participate in various committees and for the Mayor of High Point to co-chair the Leadership Council.

Mayor Bencini: Thank you, Mr. Manager. Any questions for Mr. Demko?

Council Member Alexander: Well there were a couple of things in the resolution that I had pointed out that seemed to be in conflict with what was discussed. The fifth Whereas, which reads *"Through fundraising Say Yes and its local partners make it possible for a community's public high school graduates to receive full tuition scholarships to any in-state public college and university regardless of family income; said awards being granted after Pell grants and other financial aid have been taken into account"* that is different from the presentation that was given to us by Mr. Chasin. Clearly it says to any in-state public college and university regardless of family income. I was under the impression that if family income was under \$75,000 that was the case. If it was over \$75,000 then it was limited to \$5,000.

Mayor Pro Tem J. Davis: That was my understanding also.

Council Member Alexander: A lot of parts of this seem to change as time goes on and I don't know whether we're making a statement that's accurate here.

Mayor Bencini: Clearly, the Say Yes folks are going to have the say-so as to what the level of financial support is going to be and I don't think it's been clearly even necessarily decided yet by the Say Yes.

Council Member Hill: I believe that it has been decided. The distinction might be between public versus private university. There is one level of....if it's public university I believe it's for everybody. I think that the income distinction is only if you're attending a private university.

Council Member Alexander: I didn't see anything in this resolution regarding any private university. Everything I saw was in-state, public college and university.

Council Member Hill: There are private universities with whom Say Yes has contracted to give financial considerations for people coming out of the Say Yes program and that's what's that is referring to. We can get further information on that, but at the end of the day I think that that is just for background information. It doesn't change the city's obligation just to come to the table to discuss. So I'm not sure that it....

Mayor Bencini: It's not impactful to the city anyhow, I don't believe, Mr. Alexander.

Council Member Alexander: Well....

Mayor Bencini: I understand your concern over some inconsistencies there, but in terms of the obligation by the City of High Point, I don't think it changes.

Council Member Alexander: Well I just want to make sure that our citizenry who I believe values and embraces this out here know what it is that we're voting on. I also have spent some time looking at Buffalo and Syracuse and that kind of thing. You know this very clearly says this is going to cover tuition. It doesn't reference what the beginning of Syracuse and Buffalo both have, which it does not cover student fees, it does not cover room and board, it does not cover meal plans, it does not cover books, it does not cover transportation.

Mayor Bencini: Yeah, it's not the Morehead scholarship.

Council Member Alexander: Right, so when I look at our in-state schools because in-state is all that's here, you're looking at what Say Yes is going to do is fill the gap for ¼ to 1/3 of what the school says is the cost of a college education.

Council Member Hill: Sure, but that can be a deciding factor between whether a kid can go or not. I think the more important thing to look at is what it does do, not what it doesn't do. What it does do is it covers tuition and gives opportunities where there aren't opportunities and that's just the secondary education part. That's not even considering the services that it offers kids from kindergarten on up as they come through the school system.

City Attorney JoAnne Carlyle: I have a suggestion. I, too, share Council Member Alexander's concerns. When I sent what was deemed the final yesterday, for example the amount of funding that is raised through the community, I had originally received the amount of \$15,000,000, but when it came back from Mr. Chasin, it reflected \$25,000,000. So there's been a lot....in the Whereas paragraphs it is total reliance upon what Say Yes has provided to the city as to its factual basis. One way, if you guys want to go ahead and vote on this today, we could resolve that is I can preface the entire group of Whereases to say something along the lines that the city is informed from Say Yes....and that way what it does is it makes all that information that's contained in those sections, makes everyone clear that this part is what you have been told and that's what you're voting on with the assumption that those things are true.

The bullet points if you want to look at those, are pretty much detached from that because it's kind of like here's this pretty picture that we've painted of what we think it is, what it wants to be, and here's what we're going to do about that. At least that's one approach.

Mayor Bencini: I think that's a reasonable approach.

Council Member Alexander: Do we treat Say Yes as a non-profit under our current mix, or will they be separate? Because this Council has said that it wants to limit its non-profits to 1/3 of a cent on the property tax rate.

Council Member Hill: Well there's not a financial ask.

Mayor Bencini: There's no financial ask in here.

Council Member C. Davis: That's right.

Council Member Alexander: Oh, well I'll remind you of that the next meeting we have.

Mayor Bencini: That's fine.

Council Member Alexander: Because there will be expectations. It's mentioned employment and it mentioned a lot of other things. You go in and read Buffalo and Syracuse and that kind of thing. I mean there are real dollars that are going to be spent by the city over and above what it currently provides in the areas of parks and libraries and other things.

City Attorney JoAnne Carlyle: That was my extreme concern in the documents that we had received prior, both the MOU and the Resolution. They open the city up to exposures that were completely unknown. What we did by addressing this was we totally cut that off. We said basically that we are going to come to the table, look at this and it looks like we want to benefit as the rest of the county and the students and after that if there's any further participation other than having the manager attend those meetings, the mayor is now going to be a member of the committee. Any further participation and/or expenditures would come back to this Council for you guys to make a decision on that.

Council Member Alexander: Well, but I'd like to know the emotional feeling of the Council. Is this a separate entity, or is this lumped in with our non-profits?

Council Member Williams: It wouldn't be lumped in with the non-profits in my opinion because the form this is in right here, we were talking about the partnership, our influence.....we're not in a partnership with the non-profits that we've dealt with in that sense. We monetarily help them but not so far as having somebody at the seat at the table like this will be. And then the final say will come from this Council when it comes to whatever the changes and expenditures. So I think this is separate.

Council Member Alexander: So, we have an idea of the commitment we want to make to education.

Mayor Bencini: We are a participant to the degree to the bullet points at the very bottom of the resolution. That's what we are. We can say No all we want to down the road, but right now we need to say Yes.

Council Member C. Davis: And I sent an email out yesterday about 7:00, which no one responded to, stating please consider the last bullet change and I spoke with the city attorney and she told me it wasn't necessary, but I wanted to make sure that you all got the email because there was no response to it.

Please consider the last bullet change once more to say something along the lines of....

"stating the City of High Point has no monetary obligation to the Say Yes program beyond the services that we are currently providing within the city itself, which is something that we do in our budget because what they're asking from us is parks and rec, library, so if you wanted to change some kind of verbiage that way you could to meet Mr. Alexander's need that there is no monetary obligation beyond what we currently provide our citizens.

Joanne Carlyle: You know, right now you are not currently providing the Say Yes program anything. The Say Yes program has not been created, which is why I don't think that's necessary.

Council Member Wagner: I think the 5th bullet point covers that. It just says that regardless of what we do, you have to come back and ask permission.

City Attorney JoAnne Carlyle: That was my thought. I just wanted to put it back to you guys so you can see the program as it develops, whether that's what he wanted to participate in and whether or not you wanted to fund it.

Council Member C. Davis: The issue seemed to be the monetary obligation so I thought if we had that verbiage in there that that would fix the other concern.

Council Member Hill: Well it says any expenditures, so I think we're covered.

Council Member Wagner: To get back to the original point. I agree with Chris. At this point I don't think you treat it as a non-profit where we're going to have a certain amount of money dedicated to it every year. The way I see this is it's our agreement to agree to coordinate and work together and as to what coordinating and working together means in the future, that's kind of a fluid situation. If it's something that we're going to have to be flexible and respond to and we really don't know what that is yet. It's an agreement to participate and play nice.

City Attorney JoAnne Carlyle: In the original language, you guys will recall kept referencing that you would not have any other additional obligations other than what's currently available. But that was never described in anyway, so I didn't want you to be locked into something that was unknown.

Council Member C. Davis: For me, in regards to the non-profit consideration, if we're contributing to the non-profits that are partnering with Say Yes we can do that through our non-profit allocations indirectly supporting the Say Yes program, through the non-profit allocation consideration. So for me, we could address it through the non-profit allocation. It wouldn't be labeled Say Yes, but if a participant who was a member of the Say Yes program came and submitted an application, then we could certainly address it in consideration with other non-profit applications.

Council Member Ewing: I think that down the road it might be open for consideration to tie it to non-profits, but right now we don't know any value. If we have to increase say parks and rec service by 15%, you know we can take those dollars and even though it would be an in-kind allocation, key it into the non-profit category, but right now we don't know what any of those expenses are. I mean we're just outside the room listening.

Mayor Pro Tem J. Davis: You know Say Yes is not asking us for parks and rec. We keep talking about it. The city provides those services, but in no document that I've seen have they asked for parks and rec or library or theatre services. It's nutrition, legal services and mental health.

Council Member Alexander: They're asking for summer employment too.

Mayor Pro Tem J. Davis: So basically we're not agreeing to anything.

Mayor Bencini: We're agreeing to be a participant.

Mayor Pro Tem J. Davis: We're just saying that the community is behind it. We support it. We want to come to the table.

Council Member Golden: That's all we're doing.

Council Member C. Davis: So if we're all in agreement with that, I would call the question.

Mayor Bencini: Alright. Is there a motion?

Council Member Golden: So moved.

Council Member Wagner: Second.

Mayor Bencini: Any further discussion? All in favor, say Aye. Aye. Any opposed? [none] **That motion carries. [9-0 vote]**

City Attorney JoAnne Carlyle: I just want to make it clear for the record that I will add that language.

[end of transcript: Say Yes to Education]

Adopted RESOLUTION IN SUPPORT OF SAY YES TO EDUCATION FOR GUILFORD COUNTY.

Resolution No. 1476/15-47
Introduced 8/27/2015; Adopted 8/27/2015
Resolution Book, Volume XIX, Page 47

150277 Ordinance Revision- Human Relations Commission Ordinance
Considerations of revisions to Article A- Human Relations Commission Ordinance.

City Attorney JoAnne Carlyle: At our 8/17 manager's briefing, we discussed the Human Relations program and ordinance and talked about whether or not we needed any amendments to that ordinance and what the council's desire

The main gist and purpose to any modifications to this ordinance is to put the control regarding the commission who has authority under the statutes. You have the authority as the Council, the statutory authority, as to whether or not you have a Human Relations Commission or not. You have one in place and after that you direct that commission to do whatever it is that you see fit in accordance with the statutes. This ordinance that was passed out, the main change is it brings it back to Council and it's a lot more control.

You are also reducing the number of members from 13 – 9 and may want to have some conversation about that as to how that will be done. There has been some conversation in comparison with the proposed amendment to the current ordinance with regards to the appointment of the commission members. When the discussion came up about having certain members of the citizens, for example having someone from the realtors board, lawyer, there's really no difference in the old ordinance and the new ordinance language because the old ordinance language even though it listed those categories of interest and profession, it only said that you would endeavor to appoint those, which is about all you can do anyway. Now what we have is language that also says that you as a council will endeavor and do everything you can to make sure that your appointments are representative of the population of the City of High Point.

The terms will now be staggered. One of the requirements for the new membership is that they are a resident of the CHP. Not only are the members on there now, a majority of which have expired terms, but in addition to that a lot of them don't meet the residency requirement. If you choose to vote for this and change, the recommendation is to move as quickly as you can and go ahead and get that commission set up and I would appreciate council coming back with suggested members, the sooner the better if at all possible for your next meeting.

Mayor Bencini: Our next meeting is September 8th and I would hope that if we do adopt this, that everybody would bring a potential appointee.

Council Member Golden: Everybody won't have an appointee because some people are staying on, right?

City Attorney JoAnne Carlyle: That's something that you guys need to decide. You really do. That discussion needs to happen today because I would appreciate the direction and I'm sure the rest of the staff would. After today if that's the direction we're going, then let's move forward as quickly as possible and get that new commission set up so we don't hold anything that the Human Relations Program and the commission would be doing.

Council Member C. Davis: In regards to residents, we have annexed areas in Thomasville, etc.... that may touch into other cities. Those folks can still serve if they don't have a High Point, NC zip code.

Mayor Bencini: As long as they live in the city limits.

City Attorney Joanne Carlyle: It has come to our attention in dealing with the HRC that we really need more consistency so that we don't treat any of the boards any differently.

Council Member C. Davis: I've got a few things, but do you want to address Councilman Golden's question in regards to individuals that may still have terms?

City Attorney Joanne Carlyle: If I may.....don't lose that thought like I probably would, but if I may I'll just dash through a couple of the high points and then open it up for all the discussion. Another thing that is important to notice in this amendment is the committees. Council is going to be the one that will be responsible for appointing the committees for the Commission. The Commission will come to Council and say, hey we're looking at doing this and in order for this to be a success, we need a committee of citizens and then Council would be heavily involved in the appointments of those committees. The Commission can appoint its own sub-committees. For example, if it has to mediate or conciliate any hearings and that sort of thing, Council at that point does not appoint those sub-committees.

Another really key change in my opinion that brings us in line with the statute....we did not have anything in the ordinance before that mentioned encouragement of youth to become better trained and qualify for employment. That's very important with the involvement of youth and it brings us more in consistency with the statutes.

Mayor Bencini: And that wasn't part of the ordinance previously?

City Attorney JoAnne Carlyle: It was not. And I think you know, it just seems like we didn't have any direction with regards to what that Commission's role was with the youth. Clearly, the statute does define that. It leaves a lot of vagueness; it is very broad as far as what a Human Relations program is, which allows the Council of each city to mold that Commission to accomplish what your desires are. But clearly with regards to the youth.....

Mayor Bencini: It brings us more into consistency with the statute.

City Attorney JoAnne Carlyle: It does. Fair Housing, I brought to your attention there's a bill that has been passed. I can't remember what year it was, but nevertheless, in addition to that bill you have an ordinance section that allows fair housing hearings to be conducted by the Human Relations Commission. Both the statute, and of course it's not a local bill, it's a statewide bill and as I explained to you, it's very focused and it applies to us. But what that statute says is that, again, the authority for those fair housing hearings is with the Commission. And then after that, we have an ordinance that we have put in place based on that authority and then also states that the Commission is the one that hears those.

My recommendation would be after we take care of this ordinance today, obviously as closely related as the fair housing ordinance is, we need to take a look at that and make sure that we've got everything cleaned up there and make sure it's smooth.

Mayor Pro Tem J. Davis: We need to do that at a different time.

City Attorney Joanne Carlyle: You do need to do that. Yeah, that's going to be another....

Mayor Bencini: Another discussion.

Council Member Ewing: Unless, and reading through this, the only section that I really disagree with is the fair housing. Councilman Alexander made some comments last week in regards to us needing that function in order to qualify for certain allocations of HOME and CDBG dollars. And it's apparent through some information that we got this last week that that's not true. That it's not necessary in order to get any allocation and there's not been any grants.

Council Member Alexander: Well it's in our Action Plan. We have to submit an Action Plan each year and it is a key part of that Action Plan. Without the Action Plan in place, then these other flow through dollars don't qualify. So, while it may not necessarily be tied there, the Annual Action Plan that we put in place every year has to have certain components in it and one is fair housing.

Council Member Ewing: But the Action Plan can be amended, correct?

City Attorney Joanne Carlyle: Yes it can. And if you'll think of it this way, the statute allows you the authority to have a Human Relations Commission; you're not required to. So what that will do is cut out many cities for funds that they are currently able to get.

Mayor Pro Tem J. Davis: That's another discussion for another day.

Council Member Williams: Quick question. If we go ahead and move on this one, they can still operate as is until we.....

City Attorney Joanne Carlyle: No....and that's another thing too, the managers are going to be meeting to work with the Human Relations Department members to continue to just kind of get that program moving along as we try to fix what we can.

Mayor Bencini: Any other questions for our attorney?

Council Member C. Davis: No, I just have some comments in regards to the document itself, if now's the appropriate time.

Mayor Bencini: Sure.

Council Member C. Davis: There were a couple of suggestions that I had that I think could be elaborated upon or maybe the verbiage is there and I just didn't catch the verbiage because I'm not an attorney and I don't think like one. One of the suggestions I have is....the Commission shall make no demands on any department regarding participation, but include desired department's attendance or participation through the liaison, who will make the request known to Council and/or the city manager to ensure proper communication to said departments. That way, there's no breakdown of communication or expectation.

The other thought that I had was communications regarding changes and duties and responsibilities regarding the Commission shall come from the Council once said changes have been adopted by Council. Meaning that they are our board and we are the ones to be communicating to them either through our liaison or through the elected officials here.

I had a couple of other things that I had noted. On page 2, we have no member shall serve more than three consecutive terms. I would like to see that come down to two, but I do understand that the three is based on the two years staggered, which would give a total of six years, which is consistent with the three-year terms on Planning & Zoning and some of the other boards. But that was just a thought.

Sub-committees....I had a question there. The sub-committees the Commission may create, what is the duration or time limit for such committees? Are they indefinite, or do they have an expiration term period? An expiration date based on need? Those are just some of the questions that I had.

Regarding regularly scheduled meetings.....in the old one, it said they meet at the Municipal Building. In this one, it really doesn't say. I would like for us to consider the regular meetings being at the Municipal Building. Special Meeting locations may be used when appropriate, determined by function needs, etc.... and to ensure that proper notice is being given to the city clerk. But I think regular meetings of the Commission should be held here. It's not noted that way and it would be clear for our citizenry to know that regular meetings of the Commission are at the Municipal Building. Special meetings can be noted with special locations when needed for various reasons—whatever they may be.

Mayor Bencini: Any other comments? Is there a motion to adopt this ordinance?

Mayor Pro Tem J. Davis: Excuse me, is this the time that we should talk about the existing members and the change? Do we want to do that or do we want to do that after?

City Attorney Joanne Carlyle: Either.

Mayor Pro Tem J. Davis: Either or, for or after.

Council Member C. Davis: I would like some feedback at least from my colleagues in regards to anything that I just said. It seems that we are ready to move on and clearly one of your colleagues has questions that I would like for us to at least acknowledge that you heard what I said.

Mayor Pro Tem J. Davis: I do agree with regular meetings to be held here, either at City Hall or a city-owned facility.

Council Member Ewing: I don't know that at least a majority of our other boards and commissions state specifically where; it only states when they meet. I know CAC meets periodically at different places. Like the Library, obviously, they meet at the Library. But I think that the language in here is fine for me. The

meetings have to be properly noticed, so it's not like there are going to be clandestine meetings that nobody knows about.

Mayor Bencini: I'm not sure we need to require the location.

Council Member C. Davis: Well I was....the language is....my assumption for the language, am I correct Madam Clerk in regards to the way it was written before that it was noted....

City Clerk Vierling: For the existing ordinance, that is the way it was noted, yes.

Council Member Wagner: I think the way this is written provides flexibility. Because it's a public meeting, it's going to have to be noticed. You're going to have to stay where that meeting is. If you really want to know where the meeting is, it's really not hard to find out. I just think why not give them flexibility.

Council Member Golden: She had two other things she mentioned. You mentioned the sub-committees and putting a limit on how long they could keep going.

Council Member C. Davis: I didn't say put a limit. It was just a question. I don't know.

Council Member Golden: I would say they could....it was said earlier that we didn't have no authority in that so they can form their committees and leave them in place as long as they want to and I tend to agree with Jason on where they meet. As long as they give proper notice, they can meet anywhere they want to as far as I'm concerned.

Mayor Bencini: Well a sub-committee is not a legally constituted committee anyway.

Mayor Pro Tem J. Davis: I thought I heard JoAnne say that we have to approve.

Council Member Golden: Not the sub-committees.

Council Member Ewing: But it would still fall under, based on this, them coming back to us every six months with an action plan. If they have the intent to create a sub-committee to achieve a specific project or process, that is going to come through us anyway.

City Attorney JoAnne Carlyle: Right. Obviously with the reporting that's required here, if they come back and they have a standing sub-committee that you deem has been in place way too long, you have a voice in that.

Council Member Golden: My only concern is if we're going to this for this Commission, we need to get busy and require it from everybody.

Council Member Ewing: Personally I would like to see us tackle one commission or board a month in revising.

Council Member C. Davis: Which brings me to the emails that I sent out....

Council Member Ewing: And then we'll be done by budget next year.

City Attorney JoAnne Carlyle: What makes this Commission a bit different, except for like what you said while ago about making sure that they are a public body and they have to give notice. You know and it came to our attention that they were not doing that appropriately. Not every commission or board that you have is regulated by statute. We have some guidance from the State about this Commission so if you set that up, we've kind of got a little bit of guidelines. We don't have that with all of them.

Council Member C. Davis: I just wanted to clarify, Mr. Ewing, are you....I sent out a request to Council which no one responded to on the 21st where I stated, I believe Council needs to consider meeting jointly with boards and commissions to express our gratitude for their service and ensure clarity of our expectations regarding each perspective board and commission. This would be a great opportunity for Council to become more familiar with what each board does and their duties. So you are in favor of that?

Council Member Ewing: No, I think that's why we have liaisons.

Council Member C. Davis: I'm sorry, I thought you said meeting once a month with boards or commissions.

Council Member Ewing: No, I was discussing a revision of the governing document over each board or Commission and I think that it would be a good start for the liaisons to go back to the board in the next month or so, as management deems appropriate, and direct them to start looking at their governing documents. I know some have been reviewed more recently than others and start evaluating if they need to make changes and then we start evaluating what changes they recommend and sort of flush out all of the old and make sure it's all up-to-date and current.

Council Member C. Davis: Yeah. That was recommended some months ago. But I do think....my email, of course, is a separate matter, but I think that expressing our gratitude for our commissions and boards that they do a good job and becoming more familiar for those that may be new in what they do. I think that we're disconnected from the boards and commissions that we have and we

sometimes take for granted the work that they do and we don't have a clear understanding of what their expectations are. But anyway, call the question.

Council Member Wagner: Well I have a question actually, first, if you don't mind.

Council Member C. Davis: No, no.

Council Member Wagner: And it could be for the city attorney or the city manager. I don't know. Y'all feel free to jump in as you feel led. As to Ms. Davis' question regarding communication and coordination between departments, what is the current...how are we handling that currently? If the commission wants to coordinate something with another department in the city, how would that work?

Greg Demko: Pretty much, it should work. Cooperation among the department heads... and if there was a conflict try to resolve it.

City Attorney JoAnne Carlyle: I think I hear you saying can the commission reach out to a department head on its own. Is that right?

Council Member Wagner: Well, yeah. I mean like....

Greg Demko: Well then it should be coming through the city manager.

Council Member Wagner: Through you? Okay.

City Attorney JoAnne Carlyle: It would. Think of it this way, too. You've got the Council and a commission. That's a straight line relationship and then you've got the department, the manager and that's another straight line. And then between the department and the commission, you have that support. So it's going to be a combination. The commission members should not contact any department directors directly. You've got the liaison that should be coming back to you guys with any requests or projects or whatever.

Council Member Wagner: I mean that kind of sounds like what she said, that it would be liaison to Council and coordination....

Council Member C. Davis: But it's not clear in the document.

City Attorney JoAnne Carlyle: And that should be for everything. Every board. Every commission. It's the way it should function throughout the city.

Council Member C. Davis: I think it's an understood thing for some, but it's not clearly laid out for those who may be new, who may be getting this when they sign on. So, say after we get everybody or whatever happens and then, you know,

six years and everybody rotates off, make it extremely clear that, you know, you work in conjunction with and you can't demand participation by a department, but you can request that participation. I think it's something that should be inserted.

City Attorney JoAnne Carlyle: Well you've got your department person, too, that's going to be relaying information.

Council Member Wagner: Is that something that you think we could just handle as a memo from the manager to the department head?

City Attorney JoAnne Carlyle: From an attorney's perspective I would not recommend putting anything in writing because if you put it in writing for this one and put it in writing for that one and if you don't put it in writing for the third one, then there might be some confusion that the law doesn't apply to that one, when it does. We would have to put it everywhere. We would have to just sprinkle our ordinance with that same...

Council Member Wagner: I think it could be handled as direction from the manager.

Greg Demko: Yeah, administrative practice.

Council Member C. Davis: I just don't want there to be any confusion as to why somebody didn't show up if somebody asked them to show up and make sure that there's no ill-will or hurt feelings because no one has the authority to tell somebody to be there and to be present. I don't want that to be an issue.

City Attorney JoAnne Carlyle: You're going to have your liaison, your Council liaison, your department director that's going to your manager, unless something falls through the cracks and obviously it can.

Council Member C. Davis: Because participation should certainly occur. I just don't want anyone....

Council Member Wagner: And presumably it's going to be like Jason said brought to us and whatever the six-month plan is we should have advanced notice of whatever that thing is.

City Attorney JoAnne Carlyle: And the good thing about that is that is that it won't go so long with it going array before you're able to catch it and do something about it.

Council Member Wagner: I'm comfortable with that.

Council Member C. Davis: Thank you. Thanks guys.

Council Member Ewing: I do have one more thing and I just thought of...and it goes back, again, to the fair housing piece that we're going to discuss at a later time. I remember Ms. Heggins had mentioned last week about being certified to handle fair housing and if we change the commission to new people, should we add language in here that there has to be a certain number of them certified to handle fair housing for us to do so?

City Attorney JoAnne Carlyle: I wouldn't recommend that. I would let them take a look at it. I presume that there's going to be some necessary training, but I would let them come to you guys with a proposal on how they think it would best fit whatever that group is.

Mayor Pro Tem J. Davis: Well, everybody knows my position on that. I think that we, you know, if we adopt this today, we need to have that discussion.

Mayor Bencini: We need to review the whole fair housing thing. Alright, any further discussion? **Is there a motion to adopt this revised ordinance.**

Council Member Alexander: **SO MOVED.**

Mayor Bencini: We have a motion, is there a second?

Council Member Hill: **SECOND.**

Mayor Bencini: **We have a motion and a second. All those in favor, say Aye. Aye. [all] Opposed? [none] That motion carries. [9-0 vote]**

Thank you.

Bernita Sims [in the audience]: Mayor Bencini can I say something?

Mayor Bencini: I'm sorry, Ms. Sims, this is not a public hearing.

Bernita Sims: I just want to ask a question regarding the opportunity for public input on discussion around the ordinance.

Mayor Bencini: Well, again, Ms. Sims, it's not a public hearing and we've not finished all of our discussion today. So we're going to continue our discussion about populating the newly organized Commission. The question comes down and I think Mr. Golden brought it up, about what to do with the current eligible members of the Commission as to whether they will continue to serve on this newly constituted Commission or if we will find all new members. And it really comes down to, I think, to possibly a couple of items. First of all, two options. Do we want to keep those folks in place if they desire to stay in place, or do we want to make them go through the process of re-applying for positions on the Commission?

Council Member Alexander: I mean, well with this ordinance, it clearly says that each member at the dais has one person and we need to know from the clerk who is potentially eligible to serve on that Commission that's currently on that Commission. And should anyone at the dais want to select that person, then that's fine. But the ordinance that just passed says that each member at this dais has one to choose. So the decision's been made. You have one to choose. Please give us the information of who's eligible and should any one member decide that I want this person and I want that person, then it gets populated that way. But the ordinance says that we have nine and so everybody's got a choice.

Council Member Ewing: I have no problem....I think there were three that were eligible. I have no problem if the three want to continue to serve, but I think they need to be one of our appointees and in order to do that it needs to go through the....

Mayor Pro Tem J. Davis: I disagree with that. I think we have an opportunity to put nine new people on there and I looked at the three that are eligible. Their terms expired in May 2014, so they've been serving an additional year and a half without being reappointed. I have a real problem not keeping up with that. The other thing is, you know, we've all received emails and we've seen media reports and we've heard from other different people. There was an article just recently in the paper where the chair talked about if we adopted this ordinance they cannot be autonomous anymore. I have an issue with that because this board has always been an advisory board to Council and that way of thinking is why we're sitting here adopting a new commission today. So I would think that we thank everybody for their service and we start with nine fresh, new people.

Mayor Bencini: I don't think it's fair to those that are eligible, though, to dismiss them without the opportunity for them to reapply. Now I'm not saying that we need to force anybody on Council to select one, but I don't think it's fair to eliminate their potential on-going service.

Council Member Wagner: I think at this point, anyone can apply for those nine seats and it's at the discretion of the nine people sitting here who you want to appoint. If three of the nine of us want to reappoint those three, that's in our discretion. I don't think legally we can ban three people from serving.

Mayor Bencini: Nor do we want to. I don't see what the point would be.

Council Member Golden: We've got three that's currently serving and still eligible. What about people that just came off that's eligible for reappointment? How many of them do we have?

City Attorney JoAnne Carlyle: That just came off that's eligible?

Council Member Alexander: Well I just think we need to say there are approximately 110,000 people that can serve.

Council Member Golden: It looks like we purposefully are taking this document and using it to eliminate all the people on that Commission for whatever reason and it looks a little shady to me.

Council Member Wagner: I think as of right now, you know, like I guess there's a time period between now and the next meeting whenever we want to repopulate this Commission for people that are interested to apply.

Mayor Pro Tem J. Davis: My point is we just recently appointed two people to this board, who both live outside the city limits. So by adopting this today, they are coming off that board. They've been on the board less than three months and we have three other individuals that's been serving for a long time that for some reason were never reappointed and have been serving for a year and a half at the will of Councils because they've not been reappointed. So if you're going to talk about fairness, the two that because of this change today can't serve after three months, they can say it's not fair to me.

Council Member Golden: I think that they should continue to serve on that board until their term is up and then they adopt this. You know, they are already on there. We can't go retro and kick people off because we decided to make changes to the ordinance.

Council Member Alexander: Well, that's what we did.

Council Member Golden: Yeah, that's what you did.

Mayor Bencini: And we did it under the advisement of our attorney.

City Attorney JoAnne Carlyle: And we can legally do that.

Council Member Golden: That don't make it right.

Council Member Alexander: That's what we did.

Council Member C. Davis: Well, I would like to say that the individuals that haven't been reappointed...where I served on Planning & Zoning, I can certainly attest that I didn't get reappointed when I was supposed to get reappointed and there was effort made to have me reappointed and it was the privilege of members of Council to replace, or reappoint whoever they wanted and that's what they chose to do because I was not reappointed. Was I extremely upset? You can bet I was. We have a similar situation going on now that is under consideration, but you know the reappointment lag that Council has had over many years...we need

to fix that as this Council and be proactive to ensure that when somebody's term expires that we are quicker to reappoint or to replace them.

Mayor Bencini: I don't disagree, but all my years on this Council and my years at Guilford County, this is a problem for every elected board...to try to keep all the boards and commissions up-to-date. It's an extremely difficult thing, obviously, because I've never seen an elected board that's been able to do it.

Council Member C. Davis: Well I just know that there was an earlier situation where some of us were told that certain individuals would be serving. So some of us had to make accommodations to ensure that that occurred. So I think that we need to, as a body, to ensure that we either say if someone is eligible to continue to serve they continue, or we take the position that each one of us has the same rights, the same privileges to replace, remove or reappoint whomever we feel. I think it's something that needs clarity. It's something that needs a definitive answer. To pick and choose early on and then to take a different stance later, I think is very confusing.

Council Member Ewing: We have.....there's a definitive answer in our ordinance, isn't there?

Council Member C. Davis: But it doesn't apply to everyone, Jason.

Council Member Ewing: It's our appointment and Council has to approve each appointment that each one of us makes, so somebody could say that they didn't get their appointment through, but it's still up to all nine of us to vote on each appointment.

Council Member C. Davis: Well that's true, but that's not the situation.

Council Member Alexander: Mayor, motion to ADJOURN.

Council Member C. Davis: I don't think the conversation is over.

Mayor Bencini: A motion to adjourn?

Council Member Alexander; Yes, Sir.

Mayor Bencini: And why would you want to adjourn?

Council Member Alexander: Because I have a job and we can sit here all day....

Mayor Bencini: The only thing we've got to do is make a decision, Mr. Alexander, about what happens to these eligible folks.

Council Member Alexander: We just adopted an ordinance that addressed that.

Mayor Pro Tem J. Davis: I MAKE A MOTION TO HAVE EVERYBODY REAPPLY IF THEY WANT TO CONTINUE SERVING AND IT'S UP TO THE NINE MEMBERS OF THIS COUNCIL.

Mayor Bencini: Is there a second?

Council Member Wagner: I'll SECOND it.

Mayor Bencini: Any further discussion? [none] All in favor say Aye.

Mayor Bencini, Mayor Pro Tem J. Davis, Council Members C. Davis, Alexander, Hill, Wagner, and Ewing: Aye.

Mayor Bencini: Opposed?

Council Members Golden and Williams: No.

Mayor Bencini: How many Noes? Jeff and Chris.

[7-2 vote] [Council Members Golden and Williams dissenting].

[end of transcript- Revisions to Human Relations Program and Commission Ordinance]

Adopted Revisions to Article A- Human Relations Program and Commission Ordinance, and

Approved the motion to have the Human Relations Commissions to reapply if they desire to continue serving, with all appointments being up to the nine members of the City Council.

Ordinance No. 7168/15-51
Introduced 8/27/2015; Adopted 8/27/2015
Ordinance Book, Volume XIX, Page 51

ADJOURNMENT

The meeting **ADJOURNED** at 10:00 a.m. upon motion duly made by Council Member Wagner and seconded by Mayor Pro Tem J. Davis.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk