



**MANAGER'S BRIEFING SESSION
HIGH POINT MUNICIPAL BUILDING
JANUARY 4, 2016 – 3:30 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

MINUTES

Present:

Mayor Bill Bencini; Mayor Pro Tem Golden (Ward 1); and Council Members Cynthia Davis (At-Large); Chris Williams (Ward 2); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6) (joined the meeting at 3:40 p.m.); Latimer Alexander (At-Large) (joined the meeting at 3:40 p.m.)

Absent:

Council Member J. Davis

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; Eric Olmedo, Budget and Performance Manager; Jeron Hollis, Communications & Public Engagement Director; Loren Hill, Economic Development Director; JoAnne Carlyle, City Attorney; Lee Burnette, Planning & Development Director; Jeff Moore, Director of Financial Services; Mike McNair, Director of Community Development; Heidi Galanti, Senior Planner; Marty Sumner, Police Chief; Major Kenneth Shultz; Maria Smith, Deputy City Clerk; Lisa Vierling, City Clerk

Others Present:

Judy Stalder (TREBIC), Janicia White, Laura Vuncannon, P. Sheryl, William McNeil, McNeil Planning Solutions, and Juanita Saunders

News Media:

Pat Kimbrough, High Point Enterprise

Note: The following handouts were distributed and will be attached as a permanent part of these proceedings:

- *Creating a Community Focus on Domestic Homicide Prevention*
- *City of High Point New Development Ordinance Summary (Zoning, Environmental & Subdivision Regulations)*
- *Presentation/UPDATE HIGH POINT*
- *City of High Point New Development Ordinance Summary*
- *Request for Applications: Technical Assistance Scholarship Program (Exploring More Effective and Innovative Approaches for Tackling Vacancy and Abandonment in Your Community)*
- *FY 2016-2017 City Council Budget Review Schedule*

1) Presentation on the Police Department's Domestic Violence Program

Chief Marty Sumner provided an update to Council on the Domestic Initiative, which has been on-going since its inception in 2009. He explained the offender focused domestic violence approach does the following:

- Protects most vulnerable women from most dangerous abusers
- Takes burden of addressing abusers from women and moves it to state/police
- Focuses deterrence, community standards, outreach and support on most dangerous abusers
- Counters/avoids "experiential effect"
- Takes advantage of opportunities provided by "cafeteria" offending
- Avoids putting women at additional risk

He advised that through some extensive research with The University of North Carolina at Greensboro (UNCG) that these current offenders do have extensive records. This research also revealed that many of these are "cafeteria" offenders which means they just do not commit domestic, they commit other types of violence and offenses and that would be something they could leverage to their advantage. The definition of domestic violence has been expanded to now include intimate partner violence. More of these incidents are being reported than five years ago. Chief Sumner noted that they are trying focus on the chronic offender. He also pointed out more incidents have been reported than five years ago and some of the non-chronic offenders were not being reported to the police department.

Chief Sumner then reviewed the High Point Model outlining what happens with the different layers of offenders: the most dangerous offenders, repeat offenders, offenders with first charge and focuses on victims, response, prosecution, deterrence, intervention and prevention. They were clearly identified by the research, and he proceeded to share the Victim's Triangle of Harm. He reported they prosecuted the most dangerous on charges they already had pending and found a way to lock them up. He advised over the last several years, they have had three face-to-face full community/police call ins for the repeat offender group and applied deterrence to them. In addition to that, at every first charge a detective reviews the criminal record before they get out of jail and identifies the exposure to the offender (custom notification- which is new to this operation). He noted the real intervention is whether or not they can stop it before the real cycle sets in. The offenders are then issued letters (a watch list letter, which is a warning, courtesy

letter) letting the offenders know they have a Domestic Violence Task Force and these things are treated separately and differently than other departments. He shared the purpose of this is if they put them on notice ahead of time, they will avoid some of their behaviors. Every two weeks, the IPV Taskforce meets and Chief Sumner noted these meetings are broadly attended and shared the groups that are involved: High Point Police, District Attorney's Office, Victim Services, Offender Services, Research Partners. He advised in this process, there are Victim's Advocates with Family Service, some with the courts, who are simultaneously working on additional things that can be done to help the victim that has not been done before, particularly with the ones that have the most exposure to become a homicide victim. He noted some of these things are cocooning with the Victim's Justice Center and Legal Aid playing a big role in this.

He reported that two years ago, Guilford County was identified as the #1 in the State for domestic violence homicides, and six years since the Domestic Violence Initiative, High Point has only had two homicides that were domestic related and this proves the Initiative is accomplishing what they set out to do. He conveyed that victim harm is when reports of injuries occur and this has been decreasing every year over the last three years. He shared one of the things that came up in all the research, it was noted that it was split racially (black and white) about 50/50 across the City and it was not concentrated in specific areas, but statistics showed that the low income or minority have a higher chance being a victim of a homicide. He reported that not only did they prevent homicide like they were trying to, they actually impacted the part of the community that was most exposed, and this was rare.

At this time, Council Member Alexander asked if they had reached out to the healthcare community, specifically the emergency rooms because they might be a first contact for a victim. Chief Sumner replied that the ER Supervisor serves on the IPV Taskforce.

The Chief mentioned another thing that has been getting a lot of attention is the numbers show only a few repeat offenders after getting these levels of attention. He noted that due to the drop in repeat offenders and the decreased number of offenders graduating through the system, over the last six months they have had difficulty even putting together a call-in. He stated this Domestic Violence Initiative is changing how this whole community responds to domestic violence and has almost got domestic violence related homicides to stop, lowered harm and the offenders are positively responding.

He also shared that the report from UNCG would be released soon that includes a full evaluation, a peer review by the COPS office and this report will provide the data that shows that this intervention was responsible for the decline in numbers, etc... He noted it also covers the Lexington, North Carolina Police Department's application of this as they were trained by the High Point Police Department and they are getting the same results.

Chief Sumner mentioned there is a group who has approached him that has an interest in doing a full length, one-hour documentary and they would like to highlight this work and hopefully this would come in 2016. He also reported the Office of Violence Against Women has seen the High Point Police Department's work on domestic violence prevention and would like to partner with the National Network for Safe Communities and the High Point Police Department to offer grants to replicate this work nationally this year. They would like to pick three competitive sites

and want full technical assistance and training done by the High Point Police Department. They will bring people here to High Point; and will contract with the City for our people to do the training. He pointed out this could be a federal, national model by in the next couple of years.

C. Davis asked the following questions:

1. *What are the hotline hours at the PD?*

Chief Sumner replied that there is no hotline at the police department; they do not do victim services at all. He noted Family Service provides a hotline that is available 24 hours.

2. *What is the response time when they get these calls?*

The Chief responded that domestic violence is a priority call and if it is in progress two officers are dispatched immediately with the average priority response time being five minutes to get to the scene.

3. *Are the police officers that respond to the calls able to hand the victim any information that can use as resources?*

Chief Sumner explained there is a state-mandated sheet containing information that the officers hand the victims on the scene and also give referrals to Family Service. He further advised if the victim is high enough up on the threat level, Family Service or somebody from the victim service side will actually make contact with the victim. He explained that they have found that some of the victims are not as likely to take advantage of the services when it happens, so the follow-up later is very important and they get better results.

4. *How do you follow-up if it's the next day instead of the same night? Do you have a process in place for the follow-up?*

Chief Sumner shared that the detectives check with Family Service to make sure they know who the victim is, to make sure they have a contact number, and if they cannot get a hold of somebody there, they can let the police department know and they can give them a referral for the next day.

Council Member Alexander asked if High Point has a battered women's shelter. Chief Sumner replied in the affirmative and noted there is also a separate facility for those women with children and they also have the option to take somebody to Greensboro, Lexington, but sometimes it is even better to get them out of town for emergency shelter services.

He concluded his presentation by stating that this work proves that the whole system can be changed to hold the offender accountable and this could be done without creating additional harm.

Council Member C. Davis then asked the Chief about his staffing situation and if he feels he has enough staff to do what needs to be done at the Police Department. Chief Sumner stated that he actually needs more staff, but this would be a discussion for a briefing.

Council Member Golden asked the following questions:

1. *Do you just turn them over to Family Service and call the next day to see if everything is okay?*

Chief Sumner noted they make sure the victim gets notice of what the services are, what the offender will be told and reiterated that everything they do is focused on the offender.

2. *Is the Police Department's part finished once the referral is done?*

The Chief replied that if a charge is made, they still try to stay in contact with the victim because of court and the victim is still a witness for the State, but as far as services, they do not provide direct services through the Police Department. He pointed out one of the purposes of this initiative is to better coordinate all the services. He advised that Guilford County/Greensboro now have a Family Justice Center and he has been in conversations with them about having them possibly expand in High Point, consolidate and have one location.

Council Member C. Davis asked how High Point's Family Justice Center is working and if annual reports are available as to how many people are serviced, etc.... The Chief noted that the numbers indicate it is doing very well with a lot of traffic, but pointed out it is supported by the County. Regarding the reports on services, the Chief believed this information is available, but he was not sure if this information is published.

City Manager Greg Demko commended Chief Sumner and others for the work that has been done to pioneer this effort. Chief Sumner stated that the City should take pride in this work because there was nothing in the country as comprehensive as this.

Reception for Gart Evans

Chief Sumner reminded Council about the reception for Gart Evans this afternoon. Mr. Evans has volunteered for 35 years as a volunteer police officer.

2) Presentation on the Proposed Next Development Code

Lee Burnette, Director of Planning and Development reported this is one of two main projects that the Planning Department has been involved with over the last several years. He reminded Council that at the end of 2007 when the Core City Plan was adopted, one of the major recommendations that came out of that was that the regulations needed to change as part of those recommendations to encourage the type of development in the plan. As a result the city staff pursued an opportunity to do an ordinance assessment and went through a process to revise and

review the current Development Ordinance. As part of this assessment, several things were identified that needed to be changed in order to bring it in alignment with the Core City Plan. He explained the recession in 2009 halted this project due to the unavailability of funding for it. As a result, staff pursued a Community Challenge Planning Grant from HUD on two occasions; being unsuccessful the first time, but end up with a grant award to do the Development Ordinance rewrite the second time. Additional funding for this project was provided by the City. The project started in 2012 and the City hired a consultant, Clarion, to assist the City in the process. He reported that the project really got started in 2013 with the creation of an Advisory Committee that was very integral in going through the Development Ordinance rewrite as the consultant made the changes.

Several public information meetings were held throughout this process with one recently being held on the draft public hearing document. Staff recently held an orientation with the Planning & Zoning Commission and Mr. Burnette advised the purpose of this meeting is to orient Council, then move towards adoption.

He then recognized Heidi Galanti, with Planning and Development, to review and update Council on the scopes of changes proposed in the new Development Ordinance.

Ms. Galanti pointed out this document represents the consensus opinion of an 18-member Advisory Committee, of which four Council Members participated, and while every member did not agree with all the changes 100%, this was a consensus and best representation of the group. She advised the document was placed in Dropbox in November and distributed a hard copy of the new Development Ordinance to those Council Members that did not serve on the Advisory Committee.

She noted the overall name for the Development Ordinance rewrite project was Urban Placemaking to Develop and Transform the Economy of High Point, which was funded by a Federal HUD grant, took three plus years to compete, public hearing draft is available for review with the public outreach and adoption process underway.

The Project Themes identified were:

- Increase User-and Customer-Friendliness
- Implement Core City Plan
- Protect/Revitalize Neighborhoods
- Promote More Livable Development in Greenfield Areas
- Add Flexibility and Incentives

Ms. Galanti explained these five themes were established at the beginning of the process for such things as enhanced structure and organization, clarification and codification of the development review procedures, recognition of urban character, encouraging more mixed uses, allowance for sensitive in-fill and redevelopment, addition of a neighborhood conservation overlay district as an option, reduction in parking standards and allowing alternate forms of compliance.

She pointed out there are detailed headers that make it easy to find the section someone is searching for. There is a larger use of graphics to help illustrate the concepts and standards in

the document. Overall, they reduced the size of the document by about 100 pages from the current Development Ordinance. They have reorganized and reformatted it to increase user friendliness with hyperlinks being provided throughout the document. They have incorporated regulations to enhance development opportunities, especially within the Core City and after adoption, the document will be maintained on-line in a searchable format, as well as a printable PDF format.

She then reviewed some of the key changes contained in the ten chapters of the document.

CHAPTER 1: GENERAL PROVISIONS

1. Expansion of the purpose and intent statements
2. Describes in greater detail the relationship of the city's adopted policy guidance to the Development Ordinance
3. Establishes Development Guide and describes its purpose and contents
4. Establishes transitional provisions
5. Includes table summarizing how the current zoning districts will be translated to the new zoning districts
6. Includes vested rights provisions

CHAPTER 2: ADMINISTRATION

- Sets out a summary table of procedures
- Describes powers, duties, composition, and rules of procedures for the city's review authorities
- Establishes standard review procedures
- Broadens pre-application and neighborhood meeting provisions
- Adds new procedures
- Codifies several procedures already in use by the City
- Removes minor subdivision, minor site plan, and replaces IMUD with Multiple-lot development type

CHAPTER 3: ZONING DISTRICTS

- Consolidation of all district provisions into a single chapter
- Revision of district names
- A new district layout
- Consolidation of residential districts from 12 to 6
- Consolidation of business districts from 12 to 9
- New average lot area standards
- Contextual lot dimension and setback options in Core City
- Simplification of street setbacks
- Removal of building coverages

CHAPTER 4: USES

1. Consolidation of use provisions into a single chapter
2. New set of use classifications to define and describe use types
3. A simplified use classification system that no longer relies on SIC codes
4. Conversion of many uses types into a major or minor category

5. A general reduction in the number of use standards
6. Many more uses allowed by-right instead of as a special use
7. Districts allow a wider variety of uses by-right
8. Separate accessory uses standards
9. Separate temporary use standards

CHAPTER 5: DEVELOPMENT STANDARDS

5.2 Zone Lot & Access Standards

- Street access standards (dead end streets, private streets, multiple lot development, etc...)
- Cross-access between parking lots (commercial and industrial development fronting a thoroughfare)

5.4 Off-Street Parking and Loading

- Reduced parking amounts
- Organized by use classification
- New bicycle parking requirements
- Simplified loading requirements
- Greater flexibility

5.5 Landscaping Standards

- New species diversity requirements
- Greater ability to group or cluster material (better design)
- New standards for planters, options for urban areas
- Increased credit for existing vegetation- incentives to save
- New comprehensive parking lot landscaping provisions (perimeter screening, island plantings, shading, space from lights to limit conflict)
- Greater flexibility (smaller landscape yards in Core City, alternative landscape plan, shaded areas, substitution)
- Provisions for maintenance and disincentives for removal

5.6 Screening

- Consolidated standards for solid waste facilities, loading, ground-based mechanical equipment

5.7 Signage

- Reformats current standards- no substantive changes

5.9 Sidewalks

- Consolidated set of standards into one section (applicability, exemptions, standards, fee-in-lieu)

5.10 Exterior Lighting

- Limits light 'trespass'; standards for specific uses

5.11 Fences

- Carries forward current standards, but clarifies prohibited materials
- Finished side requirement

5.12 Open Space

- Applied to more intense single-family subdivisions, attached residential, multi-family, and planned development
- Amounts similar to Greensboro UDO
- Indicates the features counted or not counted as open space

5.14 Development Types

- Standards applied holistically to different forms of development
- Standards are mandatory, use of development types is optional
 - Conservation Subdivision (AGR and R-3 districts only)
 - Corner Retail (RM-26 and TO districts only)
 - Large Retail (>50,000 square feet single tenant; >150,000 square feet multiple tenants)
 - Multiple Lot Development (formerly IMUD)
 - Pocket Neighborhoods (Dore City only)

5.15 Sustainability Incentives

- Allows increased development intensity for inclusion of sustainable development features (an extra 2 units/acre, additional building stories, reduction in minimum parking, additional sign area or height)
- Sustainable features
 - Energy conservation
 - LEED Certification
 - Water Conservation
 - Building Configuration
 - Site Configuration

CHAPTER 6: ENVIRONMENTAL STANDARDS

- Carries forward current standards for:
 - Public trees
 - Watershed protection
 - Soil/Erosion/Sedimentation
 - Flood Damage Prevention

CHAPTER 7: SUBDIVISION STANDARDS

- Carries forward current Subdivision Standards
- Revised Financial Guarantees (including warranty provisions)
- HOA Requirements
- Greenway Dedication Requirements
- Codified Public Land Dedication Procedures

CHAPTER 8: NONCONFORMITIES

- Adds sections on applicability, purpose, authority, determination of a nonconformity, and authorization for maintenance
- Clarifies standards on continuation, conversion, expansion, and cessation of nonconforming uses (including special standards for several uses (market showrooms, adult businesses, etc...))
- Additional clarity for nonconforming signs

CHAPTER 9: ENFORCEMENT

- Lists specific violations
- Identifies parties responsible for violation
- Describes enforcement procedure in detail
- Sets out full range of remedies
- Incorporates civil penalties for soil erosion and sedimentation control
- General civil penalties were increased

CHAPTER 10: MEASUREMENT AND DEFINITIONS

- General rules for interpretation
- Rules of Measurement
- Summary of Table of Encroachments
- Table of Abbreviations
- Definitions
- Index

Ms. Galanti advised that staff held some general public meetings at the Library on December 3 and 10 and also met with the Planning & Zoning Commission in December and conducted a work session. The public hearing before the Planning & Zoning Commission has been scheduled for February 9th, and it will be the only matter on the agenda. She reported that Mr. Burnette recommended they hold the public hearing, have some discussion, but hold off on making their recommendation until their regular meeting that will be held on February 23rd. She advised that following the Planning & Zoning Commission meeting, Council would then hold a public hearing (sometime in the Spring). She noted that at the same time, staff will ask the Council to initiate a rezoning process because the text is one piece and the zoning map is the second piece. She further explained that following the adoption by the City Council and after the effective date, staff will be requesting other mapping changes that will be necessary as a result of policy documents that have recommended zoning changes in areas where Land Use Plan amendments have been approved. Staff anticipates public hearings on the zoning map changes to take place in the summer, with an anticipated effective date for the Development Ordinance in the Fall.

She shared that the information/documents for the Development Ordinance Rewrite are located on the city's website at www.highpointnc.gov/plan/dorewrite.

Following the presentation, staff entertained questions from Council.

Council Member Alexander asked if they looked at the building height in certain districts because High Point has been restrictive on building heights. Ms. Galanti replied that they did look at building height with all dimensional standards and upped the height or eliminated the height in some of the more intense districts.

Mr. Burnette advised that staff was asked during the process of the rewrite to do a dual ordinance that would basically allow for a choice between a property owner/developer to utilize either ordinance during a limited period of time whether it be six months or one year. He noted that staff is still looking at the details of this and it will probably be forwarded as part of their recommendation when it comes to the Council for adoption.

City Manager Demko asked what impact the lot reductions and the zonings and the permitted uses by right versus special use would have on developers and users. Ms. Galanti noted it would be more user-friendly, easier and have more flexibility. Mr. Demko felt that this would help fix the image and the stigma of the City's plan review and building inspection piece.

Mr. Burnette added that by consolidating the number of uses means in many cases that if somebody wants to go from one use to another use, they do not necessarily have to go through a rezoning to do it. This will result in a time/money savings.

Mayor Bencini asked about the reduction of pages in the New Development Ordinance as compared to the existing Development Ordinance. Ms. Galanti noted the pages were reduced from 631 to 544. Mr. Burnette pointed out the font size was also increased.

Mr. Demko noted they left enough in the new Development Ordinance to control the quality of the developments and shape the community the way the City desires, while leaving the flexibility in for people that own properties to get development done. He asked how staff could accelerate the process for the changes in the maps that are necessary. Ms. Galanti replied that staff is already doing some of the background work and would expedite it as quickly as they could, but the City Council would need to adopt the text first, which is anticipated to be effective in the fall.

Mr. Burnette further clarified that the map changes are relatively limited and basically involves the PI (Public Institutional) District and where it goes from one district to two districts and is separated out. He noted the other one is the Washington Street District, currently an overlay zone and going to a base zone.

3) Center for Community Progress

Mike McNair advised Council that the Center for Community Progress was soliciting applications for this program and reminded Council that they should have received an email several weeks ago regarding this. He explained this is a technical assistance scholarship program designed to allow cities to submit an application, compete with other cities to get technical assistance in working through some of the issues with some of the properties and various studies, etc.... He reported that staff plans to apply and noted the submission date is January 21st.

At this time, Bill McNeil explained the concept is an innovative way of coordinating code enforcement with other neighborhood revitalization efforts and processes with hopes that the

technical assistance would bring in examples of how code enforcement and work force development has worked and how the school improvement efforts to step up the quality of schools are working along with and coordinated with code enforcement.

Mr. McNair informed Council that they anticipate awarding this grant by the end of March, but in the meantime, staff would continue to pursue other activities as well.

4) FY 2016-2017 Budget Review Schedule

Eric Olmedo, Budget & Performance Manager provided an update on the budget calendar since Council last met. He explained the schedule was updated at Council's direction to change the meetings to the Thursday of Council meeting weeks. He pointed out there was a duplication of the Police Department presentation on the schedule, but he quickly made a manual adjustment. Mr. Demko reminded Council that the first meeting is scheduled for this Thursday, January 7th from 3:00 p.m. to 5:00 p.m.. At these meetings staff will provide background information on the various departments. He reiterated that Council would have some tough decisions moving forward as to how they want to operate and reshape the community and staff would be asking for Council's direction as to either ratify current operations, or to adopt new policies moving forward.

Mr. McCaslin asked Council to please keep in mind that in addition to these pre-budget meetings, the Manager's Briefings would be held to keep Council abreast on other topics as well. Council Member C. Davis asked about the status of the free WiFi that Steve Lingerfelt, Director of Communications and Information Services alluded to in a previous meeting. Mr. Demko replied that this would be covered during a future pre-budget meeting.

5) Skeet Club Transmission Project

Transcript

Mayor Bencini: Greg, can you or somebody from staff give us an operational update on what's going on with the implementation of the 100 kV lines, particularly as it is happening out on Skeet Club?

Deputy City Manager McCaslin: We will be mobilizing this week. They are actually mobilizing today, getting the foundations poured for those 100 kV poles. The Council has approved earlier this year, the foundation bids of \$400 some thousand and also purchased the poles sometime back in March and it seems like the foundations were approved in September. Council has approved both of those actions and those actions.....we'll be moving forward with those starting this week. I'll be happy to answer any other questions that you have, but we are locating those poles on DOT right-of-way. DOT and the city signed a Municipal Agreement sometime in 2012 or 2013 that said DOT would be responsible for getting all the right-of-way for not only the road improvements, but also the utility relocations. And DOT has done that or is still in the process of doing that. We will be....we have the authority to go ahead and put in our poles as they have been planned since the early 2000s....2006 or something like that. This is the final segment for connection of a multi-year plan of connecting our substations by 100,000 volt lines. We've connected most of the substations. We are now connecting this final segment that

will be running....We completed the section going up Johnson from the Oakview substation on Johnson Street and it goes up to the intersection of Skeet Club and Johnson Street. We have completed the section on Barrow Road running from the Barrow Road substation down to Skeet Club and there is one missing segment and that is along Skeet Club and that will be the final segment of that particular project that has been in the works since early 2000.

Council Member C. Davis: I received several telephone calls from people out that way and they were....some of the comments that I got or concerns that I received was they don't understand why some of the other elected officials haven't gone to bat for them to have those poles put on the historical side versus on the north side because of the existing poles that are already there. And I shared with them that I was under the impression that it was due to the height, size and width of those poles and then there was also some comments about compensation for those individuals on the opposite side of the street and did we compensate them or did NCDOT compensate them? Who compensated them for the right-of-way? I don't know, but that was something that was brought up in some of the telephone calls I've had.

There were some other concerns about the costs for doing it underground. I was given one number and then another number of \$3.6 and then if we can space it out. Have we tried to be good neighbors I guess is the question that I'm asking because they don't feel like we have been and I don't know because some of the conversations that have been had, I haven't been privy to and some of the other members of Council haven't, so I don't know how to answer those questions when they contact me, but those are concerns that I have received. So have we done our due diligence to try to place the poles where the existing poles are or gap it further between or is that a possibility at all.

Deputy City Manager McCaslin: The plans were designed I think in '06 that put those poles along the north side. The project coming up Johnson Street and the project coming down Barright-of-way Road were planned with the poles being on the north side. Is it possible to move it to the south side? Yes, it would be possible, but we'd have to go back and do more engineering work and we'd have costs associated with the pole realignments, etc... I mean there would be an additional cost associated with it and this has been our plan since '07 and DOT has known that since '07.

City Attorney Carlyle: We'd still have the obstacle of the historic property over there.

Deputy City Manager McCaslin: And DOT would have to acquire some additional right-of-way for utility easements on the south side that they don't currently own for us to have the authority to do that.

Council Member Williams: I've received the same phone calls and emails along the lines that she's talking about. How muchhave they reached out to you and if they have, how long ago are we talking that the neighbors who were questioning these issues because I've got stuff all over the place. One of them was even talking about how one of the poles was placed before the land was purchased or was acquired from NCDOT. I mean I've heard all kinds of different things, that's why I'm asking. Have we reached out to these people?

Deputy City Manager McCaslin: We met with the property owners on numerous occasions and we've explained it. DOT has explained that we have the authority to locate those poles where they are being located. We actually moved, reengineered two pole locations at the request or trying to be good neighbors, for one of the property owners out there. So we actually reengineered that part of it. We've done everything that we're supposed to do throughout this process.

Council Member C. Davis: I know that I've had a conversation with Mike Mills in regards with the historical property and he said that NCDOT doesn't have an issue with us placing them there and John Faircloth....I've spoken with John and he actually told me that he had gone to bat and that the City had decided to move forward instead of looking at that historical property.

City Attorney Carlyle: We've looked at it up one side and down the other. We actually began our investigation and research trying to move the poles to see whether we could do that before the property owners got involved in looking at that. We've also had conversations with John Faircloth. We have never and I have requested from Day 1 if we can get across the street on that historical property, then somebody with some authority in Raleigh tell us that we can do it and let's start looking at it. That was months and months ago. When my office couldn't tie up any more time in researching that, I reached out to the attorneys or we thought they were the attorneys at the time for the property owners and said, "you know, this is really your dog in this fight. You guys need to look at this. It's in your clients best interest." But come to find out, I don't think that firm was retained at that time. I think they were just recently retained, maybe within the past month, maybe six weeks ago.

Council Member C. Davis: I know that one of the individuals that had called me that I spoke with said that during one of the meetings that Mr. Faircloth was in, along with some other staff members that were there, that the attorneys of the property were supposed to be contacted and was given a letter that no meeting would be had or held beyond the conversations that had already been transpired. So from what they were telling me is that they didn't get their attorneys in here because they were denied that.

City Attorney Carlyle: They had representation at the very first meeting, a good six months ago, maybe more.

Deputy City Manager McCaslin: It was back last Spring.

Council Member C. Davis: I'm just conveying what was shared with me through phone calls and phone conversations. Again, I wasn't privy to these other meetings or the information, so I just wanted to make sure that you guys knew what I heard seeing how the topic came up.

Deputy City Manager McCaslin: I will tell you that, you know, if you've been out there which I'm sure you have, and looked at the properties, the north side of the road the houses are much farther back from the road than on the south side. If we were to move the poles to the south side, we're right up in people's front yards, much closer to the houses than we would be on the north side.

Council Member C. Davis: Yeah, I think their bigger concern wasn't so much that, I think they were concerned about compensation and about it being on the land versus being underground to keep the aesthetics of where they live and what they own eye appealing and what-not.

Deputy City Manager McCaslin: And if Council wants to put four million dollars and take the lines and put it underground at one thousand dollars a foot.... because if you take a 100 kV line, you've got to encase it in concrete to put it underground. So if you want to put that burden on our rate payers—a four percent increase to cover that cost—then we can do it.

Council Member C. Davis: Well, again, the other concern that they expressed, and I'm just reiterating what was said through phone conversations or what-not, was the existing poles on the opposite side of the street are already there, so that was their thing, we've already got the poles there.

Deputy City Manager McCaslin: They'll go away.

Council Member C. Davis: So that was the concern.

Deputy City Manager McCaslin: The poles, lines and all the utilities will be on one side of the street.

Council Member C. Davis: But I can reiterate that they don't feel that the City is being good neighbors to them, at least in the telephone conversations that I've had. I don't know about Chris' conversations, but they certainly wanted us to extend and ask for additional time so that they could see if they could work something out monetarily or otherwise. But that's all I know about the subject.

Council Member Wagner: DOT did the right-of-way acquisition, right?

Deputy City Manager McCaslin: DOT did the right-of-way acquisitions. They are the ones that decided the compensation and paid off on it.

Council Member C. Davis: So they did pay?

Deputy City Manager McCaslin: Yeah.

Council Member C. Davis: Okay, I didn't know that.

Council Member Williams: That's what I was saying. I got the same word that some action was taken before the compensation was taken care of. Like I said, just by phone conversations, he was saying that construction started and apparently according to them, DOT had told the City that no one was paid yet, but they had already started construction.

City Attorney Carlyle: Well, you know, the condemnation procedure, the way we do it, we actually....in fact, I think there are some questions about Model Farm tonight that I might answer for you guys. But what happens is we go ahead, we try to negotiate an amount. When we file a

condemnation lawsuit, the moment that we file at the courthouse, we have the right to be on the property. When we file that, we also deposit a check with the Clerk of Court at that point in time. So that money is sitting there for that person to come and pick it up whenever they want to. If they disagree with the amount, that's when we continue into mediation or a lawsuit and go back and forth about the actual value.

Council Member C. Davis: How do we get that value, JoAnne? How do we go about that?

Council Member Wagner: The government can take it and put the money in escrow with the Clerk and then you argue about money later.

City Attorney Carlyle: We rely on people with expertise on that. Our right-of-way people have a lot of experience doing that and they reach out to others as they do to. They do comps. I can't really speak much more to the specifics, but I rely on them for that. And then if you go through a lawsuit, we usually will hire an appraiser, a professional appraiser, at that time if we feel it is necessary.

Deputy City Manager McCaslin: As far as you're trying to work with the property owners, like I said earlier, we met with them the first time right after Greg started, so it was in February or March of 2015. Council approved those foundations for those poles on September 23rd. We haven't done anything since September 23rd until this week in an attempt to work with them.

Council Member C. Davis: I remember approving the poles, but the telephone conversations that some of us have had was that they knew about the widening, but they didn't know about the poles. They knew about the widening.

Deputy City Manager McCaslin: They met with us in February and they knew about it.

Council Member C. Davis: Well, I'm saying, this is what they were telling us. I'm not trying to argue with that. I'm just trying to share what I was told through the telephone conversations.

Mayor Pro Tem Golden: That's what I get. I get, you know, that we didn't tell them how extensive the project was because they went along with it, but now they feel like we threw stuff in at the last minute.

Deputy City Manager McCaslin: We didn't have those right-of-way conversations. We signed a Municipal Agreement with DOT and they were to acquire all the right-of-way.

Mayor Pro Tem Golden: So it's possible that DOT did not have these conversations?

Deputy City Manager McCaslin: We were not present. I do not know what DOT told them, but DOT was aware of our plans and knew what our plans were.

Council Member Wagner: Typically, my experience....I've done a lot of right-of-way work for DOT and my experience with DOT has been that they sit down with them and they show them the drawings of the project.

Mayor Pro Tem Golden: Even more extensive than what we would have done?

Council Member Wagner: Well, I don't know what we do, but that's what DOT does.

Mayor Pro Tem Golden: Well, that's what I get. They just feel like we....

City Manager Demko: But there have been several meetings that we have had. We had the head of the State Right-of-Way in one of the meetings to talk to the interested parties up on Skeet Club as well. Who's got authority and who doesn't? I can recall several different meetings and several different phone conversations. Decisions are decisions and some people aren't going to like it.

6) NLC Conference- Request for Cancellation

Council Member Alexander mentioned several Council Members are registered to attend the National League of Cities Conference in Washington, D.C. on March 9-12th and he discovered that the Federal House will not be in session and that he did not believe Senator Burr would be present either because he would be campaigning in his district with an election being one week away. He felt for these reasons, Council might consider cancelling the plans to attend this year, but stressed that attending the NLC Conference does provide a great opportunity and adds value for the City, but the timing was an issue.

He asked if there was any consideration by Council to cancel. Council Member C. Davis asked if they would have training opportunities at the NLC Conference. Mr. Demko replied there would be and felt Council should take advantage of these training opportunities.

7) 2017 Municipal Election Schedule

Council Member C. Davis asked about the upcoming 2017 Municipal Election and when the run-off (primary) would be. Council Member Wagner suggested that the city clerk obtain a schedule from the Board of Elections and send it to Council.

Prior to adjournment, Council recognized Pat Kimbrough's birthday.

There being no further discussion, the meeting adjourned at 5:04 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Maria A. Smith
Deputy City Clerk