

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
AUGUST 1, 2016 – 5:30 P.M.**

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Bencini called the meeting to order and asked everyone to stand for a moment of silent prayer. The Pledge of Allegiance followed.

Upon call of the roll, the following Council Members were present:

Present: *Mayor William S. Bencini, Jr., Mayor Pro Tem Jeffrey Golden (Ward 1); and Council Members Cynthia Y. Davis (At-Large); Alyce Hill (Ward 3), Jay Wagner (Ward 4), James C. Davis (Ward 5) and Jason Ewing (Ward 6)*

Absent: *Council Members: Latimer Alexander (At-Large) and Christopher Williams (Ward 2)*

RECOGNITIONS AND PRESENTATIONS

160225 City Clerk Lisa Vierling Receives the "Order of the Long Leaf Pine" Award

On behalf of Governor Pat McCrory, Representative John Faircloth will present City Clerk Lisa Vierling with the "Order of the Long Leaf Pine" Award.

Mayor Bencini welcomed the Honorable Representative John Faircloth. On behalf of Governor Pat McCrory, Representative John Faircloth honored longtime High Point City Clerk Lisa Vierling with the prestigious "Order of the Long Leaf Pine" award.

Following the presentation of the award, Ms. Vierling shared some comments and expressed appreciation for the opportunity to serve the City Council and the citizens of High Point. She pledged to continue to bring the highest professional standards to the position of the City Clerk and hoped to do so without disappointment. [applause, standing ovation, photo op followed]

160226 Resolution Honoring Officer Robert Burchette

Mayor Bencini will present a resolution to Officer Robert Burchette in honor of his dedicated service to the High Point Police Department in recognition of his pending retirement effective August 31, 2016.

Note: A copy of the resolution will be attached in Legistar as a permanent part of these proceedings.

Mayor Bencini read a special resolution into the record and presented it to Officer Robert Burchette with the High Point Police Department. Officer Burchette will be retiring on August 31st after 26 years of service to the High Point Police Department. He was sworn in as a patrol officer on December 18, 1990 and has advanced through the ranks to his current position as Major Police Officer III. Officer Burchette has been instrumental as the city's Community Outreach Officer and has worked faithfully with the Community Outreach Program and the various neighborhood associations to educate the residents on ways to keep their neighborhoods safe. He has been attending City Council meetings for the past eight

years ensuring a safe environment for our elected officials, staff and other attendees. After the resolution was read and presented to Officer Burchette, Mayor Bencini presented him with a "Key to the City."

Officer Burchette shared some comments and expressed his appreciation for being provided with the opportunity to be a police officer in High Point. [applause, standing ovation, photo op followed]

160227 Proclamation - National Night Out

Mayor Bencini will present a proclamation designating Tuesday, August 2, 2016 as "National Night Out" in the City of High Point.

Note: A copy of the Proclamation will be attached in Legistar as a permanent part of these proceedings.

Mayor Bencini read the Proclamation into the record designating August 2, 2016 as "National Night Out" in the City of High Point and presented the Proclamation to Officer Jeff Boyd. [applause]

STRATEGIC PLAN UPDATE

160229 Strategic Plan Update

Code Enforcement/Blight

Mayor Pro Tem Golden provided a brief update on the Code Enforcement/Blight aspect for the Strategic Plan. He reported that three Code Enforcement Officer candidates have been selected pending background and reference checks. He shared the following statistics for July 2016 associated with code enforcement/blight:

34 Minimum Housing Complaints (down from 35 in June)
93 Active Minimum Housing Cases (down from 147 in June)
223 Active Back Log Cases (down from 241 in June)
3 Demolitions Scheduled (down from 5 in June)
1 Vacate/Close Order (0 from last month)
182 Public Nuisance Complaints (compared to 317 in June)
280 Active Public Nuisance Cases (down from 312)
66 City Abated Public Nuisance Cases (compared to 28 in June- positive trend)
77 Owner Abated Public Nuisance Cases (compared to 207 in June)
31 Vehicle Complaints (down from 34 last month)
196 Signs Collected (compared to 177 in June)

City Manager Greg Demko reported that the Center for Community Progress came to High Point on July 13th and 14th and conducted a workshop to assist the city in developing strategies to clean up blight.

Millennial Task Force

Council Member Ewing reported on the Millennial Task Force and shared they are looking at having a Millennial Task Force Retreat to brainstorm some additional things that they have been given initiatives on. He advised that he would bring this information back to Council in September. He also mentioned that the task force's homework assignment for their next meeting was to identify how some larger cities communicate most effectively with their Millennial population in hopes that High Point could incorporate some of the same.

PUBLIC COMMENT PERIOD**160228 Public Comment Period**

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards and presentations. Our policy states persons may speak on any item not on the agenda.

- Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.
- Persons addressing City Council are asked to limit their comments to 3 minutes.
- Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.
- If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

Thanks to everyone in the audience for respecting the meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

Note: This is a summary of the comments made during the Public Comment Period. The transcript of the full comments will be attached in Legistar as a permanent part of these proceedings.

The following persons addressed Council during the Public Comment Period:

Julius Clark, *addressed Council regarding the following:*

- *Veterans Day service scheduled for November 11th at 11:00 a.m.*
- *"Grief Across America" in High Point (wreath laying ceremony to honor veterans buried at the Greenhill Cemetery) and called for volunteers to help*
- *Questioned why Rosetta C. Baldwin Historical African-American Museum/Home has not been placed on the National Historic Register*
- *Questioned discriminatory practices in High Point*

Carl Vierling thanked the City Council for their support of the community gardens in and around High Point and reported that since Council approved the Adopt-a-Lot Policy, there have been at least 15 brand new community gardens started. He advised the community gardens are having a positive impact bringing the community together.

David Rosen, Vice Chair, Human Relations Commission, addressed Council regarding the following:

- Reorganization of the Human Relations Commission
- Ramadan Dinner very successful
- Forum hosted by Chief Shultz very positive and very well attended by about 150-200 people
- Attended a neighborhood association meeting which provided them an opportunity to hear from different neighborhoods and the Latino Family Center (listened to their concerns in hopes to take some back and put forth into action)
- Good things are happening, a lot of positive energy from people that sincerely care about High Point

Alice Wall, 4000 Whitetail Court, addressed Council regarding habitual, on-going noise disturbance (very loud music) next door at 4001 Whitetail Court.

Mayor Bencini asked the city manager and police chief to get with Ms. Wall to get more information regarding the matter.

Alfred Hinson, 1114 Tangle Lane, addressed Council on behalf of his sister-in-law Yvonne Bynum regarding the following issues:

Public Nuisance letter received as a result of kudzu that is on city property that they have continuously tried to remove, but have been unsuccessful and requested that the city go out and clean up the area around their property line. [address that they received letter for his property at 1197 Day Place]

Mayor Bencini asked that staff get with Mr. Hinson to look into the situation. Council Member C. Davis asked if the kudzu is on the city's property and encroached on their property, would the city take care of what has encroached. Mayor Bencini felt that was a valid question, but noted the city needs to investigate what is actually going on first.

Courtney Holder, 109-A Chestnut Drive, addressed Council on the following on-going concerns:

- Lives alone and has worked hard not to be dependent on other people
- Would like the freedom to continue to ride a bicycle anywhere in High Point
- Does not want to be assisted in any way and wants the freedom to leave and get back home without any bothers
- Solicited pointers on what could be done about the unwanted help and nosey people sticking their noses in her life and strangers encroaching on her

Hank Wall, 4000 Whitetail Court, addressed Council regarding the same noise violation issues that his wife spoke about earlier. He expressed dissatisfaction with the police department's response to their complaints and felt they should be citing the neighbor for violating the noise ordinance and assess penalties because the ordinance is not being

followed. He asked if there is a committee in place to handle this and Mayor Bencini informed him that the City Council is the committee and explained that the manager reports directly to Council with the police chief reporting directly to the manager. The Mayor encouraged Mr. Wall to come back before Council if they do not get some resolution to the matter.

Reverend Frank Thomas, 693 Mallard Landing Boulevard, in Winston-Salem, Pastor of the Mt. Zion Baptist Church at 753 Washington Street in High Point, expressed appreciation to Council for adopting the resolution to transfer surplus equipment with computers to Mt. Zion Baptist Church for their computer lab. He reported that the demolition is about to commence in their Fellowship Hall; they will be redoing their basement to create the computer lab and hoped the city would be willing to store the computers for a few days until the work is completed.

Mayor Bencini asked if there was anyone else present who desired to speak during the Public Comment Period. There being none, the Public Comment Period was closed.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member J. Davis, Chair

Committee Members: J. Davis, Alexander, C. Davis, Hill (All were present except Council Member Alexander)

160230 Contract - Purchase of Equipment - Excavator

Council is requested to award to contract to Kubota Tractor Corporation in the amount of \$102,176.24 for the purchase of a new Kubota excavator to be used by the Public Services Department.

Gary Smith, Fleet Services Director, advised the 2002 Gradall XL4100 is in need of replacement due to age and condition and noted staff is recommending the purchase of a new Kubota using the National Joint Powers Alliance (NJPA) contract. He explained how the Streets Division was using a 2002 Gradall that was taken out of service due to safety concerns. The mini excavator is \$102,176 which is \$255,000 less than the Gradall that they would have replaced it with. He pointed out with that price it includes the excavator, all of the manuals, factory warranty, training, and delivery. This funding was approved in the current year capital replacement plan with an estimated delivery of 60-90 days.

Council Member J. Davis asked about the Gradall having a bucket that tilts to clean the ditches out. He mentioned the specs for the excavator and asked if staff would be able to do the same type of work with this new piece of equipment as with the old and Mr. Smith replied that they would. Mr. Smith noted that they have a large and a small machine.

Council Member Ewing inquired about transporting the excavator. Mr. Smith replied that they have a truck, but not a trailer and plan to purchase a trailer when the Kubota is delivered. The estimated cost of the trailer was \$15,000 - \$16,000.

Approved contract with Kubota Tractor Corporation in the amount of \$102,176.24 for the purchase of a new Kubota excavator.

A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160231**Contract - Purchase of Equipment - Tandem Axle Dump Trucks**

Council is requested to award contract to Triad Freightliner in the amount of \$468,492.00 for the purchase of three (3) Freightliner tandem axle dump trucks to be used by the Street Division and Water and Sewer Division of the Public Services Department.

Mr. Smith reported that due to the age and condition of the existing trucks, staff is recommending the purchase of three tandem axle dump trucks piggybacking off the City of Greensboro's purchase. He explained that this bid was awarded last fall by the City of Greensboro and this truck is configured exactly in the same way to fit High Point's needs and the vendor was able to extend that same price to High Point. He pointed out that the Streets Division has two 2002 model II dump trucks that need to be replaced and noted that these would be sold on-line once the new ones arrive. He noted the Streets Division has a third truck that he would like to transfer to the Water and Sewer Division Plant to replace an older truck that they are using. The funding was approved in the current year capital replacement plan; estimated delivery is 150-180 days. Once the truck is purchased and delivered, they would schedule a time to have the plow and salt spreader installed.

Approved contract with Triad Freightliner in the amount of \$468,492.00 for the purchase of three (3) Freightliner tandem axle dump trucks.

A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160232**Contract - Purchase of Equipment- Truck Mounted Sewer Vacuum**

Council is requested to award contract to Rodders & Jets Supply, Inc. in the amount of \$359,121.61 for the purchase of a 2017 Freightliner with a Vacall Vacuum and declare the old truck as surplus and disposing through the online auction process.

Mr. Smith reported staff is recommending that the current sewer vacuum be replaced due to safety concerns and continuous maintenance issues and is recommending the purchase of a Vacall model using the National Joint Powers Alliance (NJPA) contract. Staff is also recommending that the old sewer vacuum be declared as surplus and disposed of through the on-line auction process. He advised that the Storm Water Division is currently using a 2007 model Sterling truck with a Vacall body that can be used to clean storm drains, storm drain maintenance, opening clog storm drains and staff is recommending the purchase of a Freightliner with a Vacall brand body. Mr. Smith stated that due to the cost of this truck (\$359,121.61) staff did its due diligence in making sure that it would work and fit the need. The funding was approved in the current year's capital replacement plan with an estimated delivery of 180 - 210 days.

Council Member J. Davis asked if there is a demand and need for this truck and Mr. Smith confirmed that there is and added that staff gets many calls during the day.

Approved the contract with Rodders & Jets Supply, Inc. in the amount of \$359,121.61 for the purchase of a 2017 Freightliner with a Vacall Vacuum and declared the old truck as surplus for disposal through the on-line auction process.

A motion was made by Council Member J. Davis, seconded by Council Member Hill, that this contract be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160233

Contract - Purchase of Equipment - Motorola Radio Equipment

Council is requested to award contract to Motorola Solutions, Inc., in the amount of \$454,277.49 for the purchase of radios to replace obsolete radios for the Police Department.

Communication Supervisor Lee Stanley with the Radio Shop explained that staff is recommending the purchase of 111 portable radios as part of its annual eight (8) year replacement cycle. He advised that these radios would be for the police department and would replace their older radio equipment.

Council Member J. Davis inquired if this was for equipment that the Police carry on their bodies or for their car equipment. Mr. Stanley advised that these would be for the portable radios that the police carry on their person. Member C. Davis asked about the age of the radios that are currently being carried. Mr. Stanley explained they are currently on a seven-year replacement cycle and the current radios would be obsolete as of 2018.

Approved contract with Motorola Solutions, Inc., in the amount of \$454,277.49 for the purchase of radios to replace obsolete radios for the Police Department.

A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160234

Municipal Maintenance Agreement - NCDOT

Council is requested to authorize the appropriate city official to execute a Municipal Maintenance Agreement with the North Carolina Department of Transportation (NCDOT) for snow and ice removal.

Terry Houk, Director of Public Services, discussed how Public Services removes snow and ice on City and State Highway System roads located within the municipal limits. He added how they primarily concentrate on the roads that are affected and identified in the snow routes. He pointed out that historically in the past they had an informal agreement with North Carolina Department of Transportation (NCDOT) for reimbursement for this service and the State has mandated that we now have a formal agreement. Public Service is recommending that Council approve the agreement with the appropriate City officials and/or city employee be authorized to execute the agreement.

Council Member J. Davis asked if City of High Point would be paid the same amount in the new agreement with the formal versus the informal agreement and Mr. Houk believed the City would actually get some money back. Mayor Pro Tem Golden raised the question as to which roads would be serviced first, the City's roads or the State roads. Mr. Houk explained

the City has snow routes that are identified and noted some of the State roads intersect with the City's roads and the City does those as well.

Approved the Municipal Agreement with NCDOT for snow and ice removal and authorized the appropriate City official to execute the agreement.

A motion was made by Council Member Davis, seconded by Council Member Davis, that this Agreement be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Mayor Pro Tem Golden, Chair

Committee Members: Golden, Alexander, Ewing, & Williams (All were present except Alexander & Williams)

160235 Renewal of Lease Agreement - West End Ministries

Council is requested to approve a three-year lease agreement with West End Ministries for the Bountiful Harvest Community Garden.

Mayor Pro Tem Golden announced that he had four items for follow up.

Director of Community Development Mike McNair reported on the lease with West End Ministries approved approximately a year ago for the "Bountiful Harvest" community garden. He was pleased to announce that they have been successful and they have requested a three-year lease instead of a one-year lease. Staff is recommending approval of the renewal of the lease.

Mayor Pro Tem Golden asked if there were any fruit trees planted. It was noted that there were cherry trees, pear, apple, and blueberry bushes along with blackberry bushes planted in the West End Community Garden.

Adopted the Resolution approving a three-year lease agreement with West End Ministries for the "Bountiful Harvest" community garden.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Hill, that this Resolution approving the renewal of the West End Ministries lease agreement be adopted. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

**Resolution No: 1634/16-34
Introduced 8/1/16; Adopted 8/1/16
Resolution Book Vol. XIX, Page 104**

160236 Policies for 2016 URGENT REPAIR Program

Council is requested to adopt (1) Procurement and Disbursement Policy 2016 Urgent Repair Program and (2) Assistance Policy Urgent Repair Program - 2016 Cycle.

Richard Fuqua, Affordable Housing Manager, reported that the City has been awarded \$100,000 from the North Carolina Housing Financing Agency to fund the City's Urgent

Repair Program and noted this is the third year that the City has received this award. He pointed out as a part of that award; the City is required to adopt a Procurement and Assistance Policy that is specific to that program. He reported with this program, it is meant to fund the repair of housing conditions that threaten the life and/or safety of the resident or provide the accessibility enhancements to those homes. He discussed how it is meant to provide assistance to households that are 50 percent of the median income or below. Staff is requesting Council's approval of these two policies.

Mayor Pro Tem Golden inquired about how the word is getting out to the public so that people will know they can apply for this funding. Mr. Fuqua responded that in the past they have placed ads in the newspaper and continue to work with sister organizations and they have made presentations to neighborhood leaders as well as various neighborhood associations to get more information out on the program. He also pointed out that one of the special populations this year is for the veterans and their intent is to reach out to them and to let them know about this opportunity and that this is an annual program. Mayor Pro Tem Golden asked if they do not use all the \$100,000 if it would carry over or if the City would lose the funding. Mr. Fuqua mentioned that in past years, they have been able to spend the monies and use the resources within the timeframe. Council Member C. Davis asked if the city adds an additional \$10,000 and Mr. Fuqua acknowledged that was correct.

Mayor Bencini expressed that he did have a conversation with Council Member Williams since he was unable to attend the meeting; he expressed some concern regarding also getting the word out to the public.

Approved the Procurement and Disbursement Policy- 2016 Urgent Repair Program and approved the Assistance Policy Urgent Repair Program- 2016 Cycle.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member C. Davis, that this Miscellaneous Item be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160237

Ordinance - Demolition of Dwelling - 816 Brentwood Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 816 Brentwood Street belonging to Derrick A. Knight.

Lori Loosemore, Local Codes Enforcement Supervisor, provided an update on the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

She reported this property was originally inspected on March 11, 2016 due to a fire that had occurred on August 27, 2015 which resulted in damage to the roof, rafters/sheathing/roof covering, damaged electrical system, damaged HVAC system, and damaged plumbing. She advised that they held a hearing that no one attended on June 16, 2016 and issued an Order to Repair or Demolish that expired on July 17, 2016. Ms. Loosemore did speak to owner after the notice was filed at which time the owner told her he could not attend the meeting due to being on the road, but he did not give her any indication that he would be making any repairs.

Adopted Ordinance ordering the inspector to effectuate the demolition of a dwelling located at 816 Brentwood Street.

Ordinance No. 7228/16-48**Introduce Date: 8/1/16 Adopted Date: 8/1/16****Ordinance Book Vol. XIX, Page 111**

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Wagner, that this Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160238**Ordinance - Demolition of Dwelling - 414 Hodgins Street**

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 414 Hodgins Street belonging to Leon McNeill.

Lori Loosemore, Local Codes Enforcement Supervisor, provided an update on the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Ms. Loosemore reported that the property on Hodgins Street was inspected on February 6, 2013 and had improperly/insufficient supported floor system sill, roof covering needs repair, rotten floor joist(s), holes in interior wall(s) and cracked/damaged foundation wall. She pointed out that the hearing was held on February 21, 2013 and the owner did not show up for the hearing but did speak to the inspector before the hearing and then met on the site to go over the violations. She reported that an Order to Repair or Demolish was issued on February 25, 2013 which expired on May 21, 2013.

Mayor Pro Tem Golden asked if Ms. Loosemore had any indication of the conversation that happened between the inspector and the owner and she did not, but she did attempt to reach out to the owner, but got a voice mail.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

Ordinance No. 7229/16-49**Introduced 8/1/16; Adopted 8/1/16****Ordinance Book Vol. XIX, Page 112****PROSPERITY & LIVABILITY COMMITTEE** - Council Member Ewing, Chair

Committee Members: Ewing, Hill, Wagner & Williams (All were present except Williams)

160239**Policy - Messaging on Publically Owned Utility Tanks**

Consideration of approval of policy on community messaging on publically owned utility tanks.

Council Member Ewing gave a brief overview on the proposed policy regarding messaging on publically owned utility tanks and asked that staff provide an update.

Assistant City Manager Randy Hemann discussed the proposed policy in further detail and advised that City Attorney JoAnne Carlyle received further information on a recent court ruling on governmental speech that resolves previous concerns. The Prosperity & Livability Committee asked that staff come up with a policy to bring to Council that creates guidelines

for display of governmental speech on elevated water tanks. People will make application to the City and then the City would evaluate the applications to ensure that the message is appropriate and the speech does not violate the Federal, State or Local law and communication conveys a government message. He pointed out the city would bear no cost in association with this; the applicant would have to pay to put the message up. He advised that this has been discussed with Terry Houk, Director of Public Services, to make sure that there are no problems related to the operation of the water tanks and staff does not believe that there will be any problems.

Council Member C. Davis advised that she had a constituent call her in regards to this; they did not have a problem with the tanks being used so much, but had questions about the rental aspect of it. She told them that the City could not "rent," but the applicant would be responsible for the painting and maintaining that. She asked how often the City typically paints the water tanks. She told the constituent that she thought they are generally painted every five years and wanted to report back with the right answer. Mr. McCaslin replied that the water tanks are painted every 10-15 years.

Council Member C. Davis then asked if for some reason they did not maintain the painting after receiving the notice from the city if the city would paint over it with the individual being responsible for reimbursing the city and what would happen if they did not follow through with the reimbursement. Ms. Carlyle explained there would not be a lien option and it would be treated as a breach of contract. She explained that it would allow the manager's office to monitor the applications. Ms. Carlyle and Council Member Hill agreed if the individual did not follow through the process the City could sue them to collect the debt and put a lien against on any property on that entity to recoup those costs and go through those procedures. Council Member Ewing reiterated the original question as to if we were painting the tanks every 10-15 years, and it would not need much upkeep outside of that timeframe. He continued if that individual decided not to reapply the City could choose to leave the message on the tank as long as the entity is still in existence until it needs to be repainted. Council Member C. Davis stated she was unsure how long they would need to maintain their logo due to sun fading, etc....and pointed out they would have to reapply every five years. She asked if we would continue to let it fade out for the other ten years. Council Member Ewing stated that the five-year period was just the application period and the color fastness; life expectancy could be part of the application process. Council Member C. Davis pointed out they would be abandoning it and would not be reapplying. Ms. Carlyle advised if it starts looking aesthetically displeasing, the City would certainly have the right to take action and fix it. She noted it brings up a good point and felt it was important that the City gets the right entity name so the City could execute judgment on the appropriate entity.

Council Member J. Davis mentioned that the city currently has three water tanks with one that is scheduled for demolition, which would leave two. He noted there is one on I-74 which has the City's logo with the other one located on Bridges Street which is the one that HPU has expressed an interest in over the last couple of years. He asked if this means that Council is making a policy for one water tank or if the City would allow people to remove the City's logo on the tank that's already on I-74 and put their logo on that tank also. Mr. Hemann replied that it is not the City's intent to remove its logo and noted the City has already had a non-profit ask about logo placement on the tank that is scheduled for replacement in the Oakhill community. Council Member J. Davis asked if the process would be opened up to everyone to make application and questioned how a decision will be made as

to who will be allowed to put up their logo. Mr. Hemann explained it would be an open process and Ms. Carlyle pointed out either way it would come back to Council.

Council Member J. Davis thought the policy gives the manager the discretion to review the applications and deem which ones to send to the Committee for approval. Council Member J. Davis explained it was an issue of transparency and he did not want it to look like the City Council adopts the policy and the university gets the first message on a water tank. Ms. Carlyle advised that when she added the language about the manager deeming the application complete and acceptable what she meant was the bare necessities (appropriate, not obscene, or defamatory) so she does not see them filtering a lot. Council Member Wagner felt it also bears mentioning that this is City speech, we are not giving the space on the tank to someone else to put their message on the tank--in essence, the City would be adopting their message as its own. He pointed out what is put on the tank would be the City speaking, not someone else. Mayor Bencini advised that it would be reflective of the elected body.

Council Member C. Davis brought up another question to ensure fairness to everyone and asked if some type of rotation policy might be needed. Mayor Pro Tem Golden pointed out this policy states that it can be renewed for five consecutive terms. Mr. Hemann advised the policy states that they may re-apply so it would come back to the City Council. Council Member C. Davis wanted assurance that all the applications are considered by the manager when referred to Council. Council Member Ewing also suggested that the long-term financial ability of the entity should be considered for maintenance, renewal purposes, etc....

Approved the Messaging on Publically Owned Utility Tanks Policy.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem Golden, that this Policy be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

GENERAL BUSINESS AGENDA

160241 Ordinance Amending Fire Prevention Code

Council is requested to adopt an ordinance amendment to update the Fire Prevention Code to the current 2012 NC Fire Prevention Code and appendices.

Fire Marshall Chris Weir is requesting that Council adopt the Ordinance Amending the Fire Prevention Code. He explained that the current one is out of date and they are looking to bring it in line with the 2012 NC Fire Prevention Code and appendices, which are the current State Code. He added that it was identified by the ISO Inspection as an area of improvement and also by the Commissioner of Fire Accreditation International.

Adopted an Ordinance Amending the Fire Prevention Code to the current 2012 NC Fire Prevention Code and appendices.

A motion was made by Council Member Ewing, seconded by Council Member C. Davis, that this Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

**Ordinance No. 7230/16-50
Introduced 8/1/16; Adopted 8/1/16
Ordinance Book Vol. XIX, Page 113**

160242

Human Relations Commission - Work Plan July 2016 - December 2016

Council is requested to approve the Human Relations Commission Work Plan for the period of July 1, 2016 - December 31, 2016.

Jeron Hollis, Communications & Public Engagement Director, reported that pursuant to the Ordinance, the Human Relations Commission is charged to bring their Work Plan to Council for approval every six months, and he advised that he is also seeking Council's approval of the Human Relations Commissions By-Laws. He then introduced Fanta Dorley, the Human Relations Manager, to provide a brief overview of the Work Plan items. He also recognized David Rosen, Vice Chair of the Human Relations Commission.

Ms. Dorley requested approval of the six-month Work Plan for the Human Relations Commission. She noted the items contained in the first Work Plan have been completed, so they are now ready to move forward with the next Work Plan. She advised they are also asking that the By-Laws be approved as amended in order to align these with the Human Relations Ordinance. She explained the changes were minimal and they wanted to make sure that the Standing Committees were reflective of the Executive, Interfaith and International Advisory Committee, as well as Section 9 to reflect that all changes and amendments to any By-Laws, etc.... has to be approved by Council.

Council Member C. Davis indicated that she received a copy of the printed By-Laws, but did not see any underscored areas or anything that indicated any changes. At this time, Ms. Dorley distributed a strike-thru copy of the By-Laws that identified the old versus new changes. At Council Member J. Davis' request, Ms. Dorley read the changes into the record as follows:

Ms. Dorley read the following:

Section I:

iv. Changed the reading to: "The provisions of channels of communication among diverse groups."

(instead of being redundant of Section V to state racial, ethnic and religious groups.)

Section VI: Reading Committees

Verbiage is directly copied from the ordinance to reflect the recommended standing committees.

(Changed from Executive Committees of Fair Housing, Education, Interfaith, International Advisory and Special Programs.)

Section IX:

To include the final sentence. The changes will be submitted to City Council for approval.

Council Member Wagner then MOVED ADOPTION of the Human Relations six-month Work Plan and the By-Laws. Mayor Pro Tem Golden made a SECOND.

For further discussion, Council Member C. Davis questioned the cultural diversity training and asked about new members coming on and them being able to obtain this training. She asked what timeframe the Commission has given in regards to training the new members as they rotate off. Ms. Dorley at the last Human Relations Commission, they discussed the establishment of an annual retreat in November so as old members rotate off and new ones come on, during the retreat they will review the Work Plan and establish a strategic plan to move forward.

Council Member C. Davis inquired about hosting a multi-cultural story-telling festival. She thought making this type of festival longer than one day and asked if it might be possible to carry it forward to encompass a couple of evenings because of the diversity of the city. Ms. Dorley welcomed Council Member C. Davis' idea and also invited her to be on this Committee to assist with the planning.

There being no further discussion, the MOTION carried by a 7-0 UNANIMOUS vote. [Council Members Alexander and Williams were absent]

160243**Contract Renewal - The Ferguson Group**

Council is requested to authorize the renewal of contract with The Ferguson Group (TFG) for the period of July 1, 2016 - June 30, 2017.

Council Member J. Davis asked about the percentage of their travel expenses, telephone calls, meals, etc..... compared to the basic contract. City Manager Greg Demko advised that it is a not-to-exceed \$5,000, so it is capped.

Approved the contract renewal with The Ferguson Group for the period of July 1, 2016 - June 30, 2017.

A motion was made by Council Member Ewing, seconded by Mayor Pro Tem Golden, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160244**Minutes to Be Approved**

- Prosperity & Livability Committee Meeting: Tuesday, July 12 @ 11:00 a.m.
- Finance Committee Meeting; Wednesday, July 13 @ 4:00 p.m.
- Manager's Briefing: Monday, July 18th @ 4:00 p.m.
- Regular Council Meeting: Monday, July 18th @ 5:30 p.m.

Approved the preceding minutes as submitted.

A motion was made by Council Member C. Davis, seconded by Council Member Wagner, that the preceding minutes be approved. The motion PASSED by a 7-0 unanimous vote. (Council Members Alexander and Williams were absent)

160030 Boards & Commissions - Vacancy Report

Attached is the current list of vacancies for all Boards & Commissions.

Note: This information is included for informational purposes only.

COUNCIL COMMENTS

Special Meeting to Conduct Annual Performance Evaluations for City Clerk, City Attorney and City Manager

Mayor Bencini announced that Council needs to consider and schedule a Special Meeting for a Closed Session to conduct the annual evaluations of the city clerk, city attorney and city manager. He suggested Tuesday, September 6, 2016 at 3:00 p.m. and asked for everyone to check their calendars to see if this date/time would work.

Sewer Odor in City Lake Restrooms near Pavilion #1

Council Member C. Davis: I was invited by a neighborhood association to go out to City Lake Park back in May or June. I'm looking to see if he's here. He's already gone. Anyway, I had to go to the ladies room. The bathrooms at City Lake Park absolutely reek of sewer. I think we've got a sewage problem out there. It stinks really bad and if they're the only bathrooms we have, I would like for us to figure out some way to add additional restrooms or something to lessen the use of that one facility for that big space. It was really bad. I mean it brought back childhood memories from generations of coalminers.

Council Member J. Davis: Which restrooms are you speaking of because the ones at Camp Ann are brand new and the building is new.

Council Member C. Davis: Over by Pavilion #1. The bathrooms there where the swimming pool is. The swimming pool is sort of down on the hill, down that way.

Council Member Wagner: Where the concession stand is where you buy the tickets?

Council Member C. Davis: I haven't gone there, but probably. I just went as far as the ladies room and had to hold my breath the whole time so I'm sure other people were feeling the same way.

Ingleside- Yard Waste Materials

Council Member C. Davis: The Ingleside yard waste materials.....I had someone call me today and I spoke briefly to the city manager and I believe Mr. Davis has had the same concerns, but some people that own property that rent their property who maintain those properties, getting rid of debris at Ingleside. There was a resident that called me earlier today who owns like 3.64 acres. He bought a used van from....I don't know....a U-Haul company or something. He made it his personal van. It does not have commercial tags. He was pulling a trailer behind it, took the debris where he cleaned off his 3.64 acres and was told because he owns rental property they couldn't be assured that all the debris came

from that one property so they wanted to charge the individual, but he assured me that it was from the larger parcel. So the concern I have is questioning our residents as to what they're doing on their own personal property and the disposal of their material. He sort of felt like he was being drilled and didn't feel that he should have been. I explained to him our policy and/or procedure for rental property and commercial what-not, but Mr. Davis and I spoke briefly earlier and thought maybe it was something we could put back in committee and discuss how people with multiple properties that are paying property taxes in the city, either a discounted rate or just looking at how we do that. Because if you own it, we want to encourage people to own property in the city and to maintain those properties. So maybe we can look at if you own multiple properties and you rent those properties in the residential homes. Maybe just looking at it, I don't know. I'm just throwing it out there.

Noise Ordinance

Council Member C. Davis: The Noise Ordinance was another hot topic. Just basically making sure that we don't ignore and I don't want to say that we are, but some people feel that we are ignoring the Ordinance as it's written. Maybe we need to be looking at that item and how we want to go about the enforcement aspect of it and make sure that we do those things that we say we're going to do because I can say that I was actually sitting in Mr. & Mrs. Wall's living room and I could hear the music. They had their TV turned up a little more than I would like it sitting there. We turn ours up fairly loud. So the sound that they were getting from the wall was significant. It can be very troublesome when you have lived somebody and invested and to know that there's something that can help mitigate the problem if we follow through on what it is that we say we're capable of doing. So I'd like to see us look at that. If there are changes that need to be made, then maybe bringing that back to a committee and having somebody look at how we want to do that. How many warnings do we get before we implement that sort of thing?

The violations over at the Shakes old building. Somebody called me very upset about the way that's looking over there and I did see the signs there, so I was thankful to see those. Do we have anybody interested in buying the Shakes? Do we have any update on that property at all? Do we know anything about the property any more than what Dorothy had intended it for?

Council Member J. Davis: Ward and Green. Shakespeare building.

Mayor Bencini: It's not the city's property.

Council Member C. Davis: I know, but there was some interest at some point so I didn't know if we knew anything else about it or not.

Council Member J. Davis: It's in foreclosure.

Council Member C. Davis: Another citizen called me today as a matter of fact while I was reading the packet and was concerned about seeing our crews cleaning up the medians. They love the medians, especially the ones there on MLK, the honorary section where the flowers and everything are. The debris is being swept out into the streets and they were sort of put off with the fact that citizens aren't allowed to put their debris and yard clippings or

whatever into the street and leave it there, so they'd really like to see our Parks & Rec be more conscientious when they're out mowing to clean up what is left.

Other than that, that's all I've got. I just wanted to make you aware of the things that were brought to my attention.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned 7:12 p.m. upon motion duly made by Council Member Ewing and second by Council Member J. Davis.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Maria A. Smith, Deputy City Clerk