

**HIGH POINT CITY COUNCIL
REGULAR MEETING (VIRTUAL)
AUGUST 3, 2020 – 5:30 P.M.
COUNCIL CHAMBERS**

MINUTES

In order to maintain the health, safety, and well-being of our residents, staff, and the City Council, this meeting was conducted electronically. As part of the city of High Point's COVID-19 mitigation efforts, in-person attendance was not allowed at this meeting. Instead, the meeting was live-streamed and a link was provided to the public to listen to the meeting as it was being live-streamed.
www.HighPointNC.gov/VirtualPublicMeeting

VIRTUAL ROLL CALL, MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the virtual meeting to order at 5:47 p.m.

Note: The meeting was delayed due to the late adjournment of the Special Meeting that was held at 3:00 p.m. prior to this meeting.

The recitation of the Pledge of Allegiance followed a Moment of Silence.

The Mayor then called for a virtual roll call for attendance. The following council members were present (9):

Mayor Jay W. Wagner (physically present)
Mayor Pro Tem Christopher Williams- Ward 2 (physically present)
Council Member Tyrone Johnson- At Large (physically present)
Council Member Britt Moore- At Large (physically present)
Council Member Cyril Jefferson- Ward 1 (physically present)
Council Member Monica Peters- Ward 3 (physically present)
Council Member Wesley Hudson- Ward 4 (physically present)
Council Member Victor Jones- Ward 5 (remote participation)
Council Member Michael Holmes- Ward 6 (remote participation)

The following staff members were **physically present**:

Randy McCaslin, Interim City Manager; Eric Olmedo, Assistant City Manager; Greg Ferguson, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Lee Burnette, Director of Planning & Development; Herb Shannon, Planning & Development; Chris Andrews, Planning & Development; Travis Stroud, Interim Police Chief; Tad Kramp, High Point Police Department; Michael McNair, Director of Community Development & Housing; Kim Thore, Right-of-Way Coordinator; Mary S. Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

Others Participating in the meeting **remotely** were:

Brian Perrell, Miraje Properties, LLC; Wilford Yearn; Dennis Turner; Judy Stalder; and Scott Wallace

RECOGNITION OF INTERIM POLICE CHIEF

Interim City Manager Randy McCaslin recognized Chief Travis Stroud who was recently sworn in as Interim Police Chief due to the retirement of Police Chief Ken Shultz.

PUBLIC COMMENT PERIOD

2020-296 Public Comment Period

A Public Comment Period will be held on Monday, August 3, 2020 at 5:30 p.m. In order to maintain the health, safety, and well-being of our residents, staff, and the City Council, this meeting will be conducted electronically. As part of the City of High Point's COVID-19 mitigation efforts, in-person public attendance will not be allowed at this meeting. Once the City Council is in session, please use the following link to listen to the meeting live www.HighPointNC.gov/VirtualPublicMeeting

The public can submit comments by calling 336-883-3522 and leaving a message, or by emailing written comments to publiccomment@highpointnc.gov

Written comments can also be placed in the City of High Point's utility payment drop-boxes located on both sides of the Municipal Building located at 211 S. Hamilton Street in the Green Drive and the Commerce Avenue parking lots. Comments submitted will be forwarded to the Mayor and City Council and will be incorporated as a permanent part of the minutes from these proceedings.

The City of High Point's Public Comment Policy restricts comments to no more than three (3) minutes which will apply for the telephone message submission. Email submissions and written comments should be kept at 350 words or less. The deadline for submitting comments is Friday, July 31st at 5:00 p.m.

The City Clerk reported there were no comments received for the Public Comment Period.

FINANCE COMMITTEE - Council Member Moore, Chair

Committee Members: Moore, Holmes, Jones, and Peters

CONSENT AGENDA ITEMS

Council Member Britt Moore, Chairman of the Finance Committee, reported the Finance Committee did meet on as scheduled on Thursday, July 30th, and recommended that all matters on the Finance Committee be placed on the Consent Agenda with a favorable recommendation for approval.

Council Member Moore moved to approve all matters on the Finance Committee Consent Agenda. Council Member Hudson made a second to the motion. Following a roll call vote by the Mayor, the motion carried by the following unanimous 9-0 vote.

Note: Although one motion was made to approve/adopt these matters under the Finance Committee Consent Agenda, action on all of these matters will be reflected throughout the Consent Agenda portion of these minutes as being made and seconded by the same persons

2020-275 Ordinance - HPPD - Sale of Retired Police Badges

City Council is requested to approve the sale of retired police badges. A budget amendment to appropriate the funds will be brought forward once the proceeds from the sale of the badges are collected.

Approved the sale of retired police badges and adopted an ordinance amending the FY 2020-2021 Budget to appropriate the funds once the proceeds from the sale of the badges are collected.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

**Ordinance No. 7616/20-32
Ordinance Book, Volume XXI, Page 31**

2020-276 Bookmobile Donation - Growing High Point

City Council is requested to approve a donation of a surplus bookmobile to Growing High Point and authorize the appropriate city official to execute all necessary documents.

Adopted a resolution approving the donation of a surplus bookmobile to Growing High Point and authorized the appropriate city official to execute all necessary documents associated with the donation.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this matter be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

**Resolution No. 1930/20-19
Resolution Book Volume XX, Page 159**

2020-277 Contract - Sole Source - Eastside Wastewater Treatment Plant (ESTP) - Primary Sludge Pumps

City Council is requested to award a sole source contract to Penn Valley Pump, Co Inc. in the amount of \$32,790.00 for the purchase of an additional 6-inch Penn Valley Double Disc Pump.

Approved award of a sole source contract to Penn Valley Pump Co., Inc. in the amount of \$32,790.00 for the purchase of an additional 6-inch Penn Valley Double Disc Pump.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-278 Contract - James River Equipment - John Deere 672G Crawler Loader

City Council is requested to award a Sourcewell # 032119-JDC contract to James River Equipment in the amount of \$348,232 for the purchase of one (1) John Deere 672G crawler loader and declare the old loader as surplus and disposing through the online auction process.

Approved award of a Sourcewell contract to James River Equipment in the amount of \$358,232 for the purchase of one (1) John Deere 672G crawler loader and declared the old loader as surplus to be disposed of through the online auction process.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-279 Contract - Piedmont Peterbilt - Roll Off Container Truck

City Council is requested to award a NC Sheriffs' Association contract to Piedmont Peterbilt in the amount of \$179,898 for the purchase of a Peterbilt 567 truck with a Swap Loader SL520 hook lift system and declare the old truck as surplus and disposing through the online auction process.

Approved award of a contract through the NC Sheriffs' Association with Piedmont Peterbilt in the amount of \$179,898 for the purchase of a Peterbilt 567 truck with a swap loader hook lift system and declared the old truck as surplus to be disposed of through the online auction process.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-280 Contract - Sourcewell - Ascendum Machinery - Gradall Excavator

City Council is requested to award a Sourcewell contract to Ascendum Machinery in the amount of \$346,754.72 for the purchase of a Gradall XL3100V excavator and declare the old Gradall XL3100 as surplus and disposing through the online auction process.

Approved award of a Sourcewell contract to Ascendum Machinery in an amount of \$346,754.72 for the purchase of a Gradall XL3100V excavator and declared the old Gradall XL3100 as surplus to be disposed of through the online auction process.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

PLANNING & DEVELOPMENT - Mayor Jay Wagner

2020-281 Resolution of Intent - Annexation 20-05

Approval of a Resolution of Intent to establish a public hearing date of August 17, 2020, to consider a voluntary non-contiguous annexation of approximately 15.5 acres located along the south side of National Service Road, approximately 200 feet east of Sandy Ridge Road. The property is addressed as 8051 National Service Road and 2520 Sandy Ridge Road, and also known as Guilford County Tax Parcel Guilford County Tax Parcels 170819 and 170821.

Adopted a Resolution of Intent establishing the date of Monday, August 17, 2020 at 5:30 p.m. as the date and time to receive public comment regarding a voluntary non-contiguous annexation of approximately 15.5 acres located along the south side of National Service Road, approximately 200 feet east of Sandy Ridge Road, more specifically addressed as 8051 National Service Road and 2520 Sandy Ridge Road, and also known as Guilford County Tax Parcels 170819 and 170821.

A motion was made by Mayor Wagner, seconded by Council Member Moore, that this Resolution of Intent be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

**Resolution No. 1931/20-20
Resolution Book Volume XX, Page 160**

PUBLIC HEARINGS

Prior to the staff presentations on Planning & Development public hearing matters on the agenda, Mayor Wagner explained that based on the legislation currently in place for remote meetings, the City Council cannot vote on these matters for a period of 24 hours after the public hearing is held. He advised that public comments regarding these matters could be submitted during the 24-hour period and Council would reconvene on Wednesday, August 5, 2020 at 5:30 p.m. to take action on the public hearing items.

2020-282 Miraje Properties LLC - Annexation 20-01

A request by Miraje Properties LLC for a voluntary contiguous annexation of an approximate 4.9-acre parcel located along the south side of Boulder Road, approximately 430 feet east of Tarrant Road. The site is addressed as 1091 Boulder Road and is also known as Guilford County Tax Parcel 154708.

*The joint public hearing for this matter and related matter **2020-283 Zoning Map Amendment 20-06** was held on Monday, August 3, 2020 at 5:30 p.m. as duly advertised.*

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report on both matters, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon explained that staff would be doing a combined presentation on this matter and related matter 2020-283 Zoning Map Amendment 20-06; however, a separate vote on each matter would be required.

Miraje Properties LLC has submitted a voluntary contiguous annexation petition for an approximate 4.9-acre parcel located along the south side of Boulder Road, approximately 430 feet east of Tarrant Road, specifically addressed as 1091 Boulder Road and known as Guilford County Tax Parcel 154708. Mr. Shannon reported that there is no change of use and no new development proposed for this site. The applicant is requesting the annexation in order to have access to city utilities. Adjacent lands to the west of Tarrant Road were annexed in 1998; land to the north were annexed in 2002; and land to the south was annexed in 1999. Mr. Shannon reported that this request represents a logical progression of the city's Annexation Policy in this area and the site is generally surrounded by city limits and city service vehicles are already active in the area.

Staff has determined that the request is reasonable and in the public interest because the LI District will permit the current industrial use on the property and it is compatible with previous zoning approvals grants in this area along Boulder Road. Staff recommends approval of the request to rezone this site to a Light Industrial District. The application was reviewed by the Planning & Zoning Commission at their June meeting and they recommended approval by a 7-0 vote.

Following the staff's presentation on the staff report, Mr. Shannon entertained questions.

Council Member Moore inquired about what is currently on the property and Mr. Shannon replied there is a building contractor with an office building and a contractor storage area at the rear of the site. He noted that the applicant has noted that even though they have almost five acres, the stream and steep topography in the rear restricts the land for any future

expansions. Mayor Wagner asked if there were any additional questions for staff. There being none, he asked if the applicant would like to speak.

***Brian Perrell** (participating remotely), reported that he is the owner of Maraje Properties located at 1091 Boulder Road in Greensboro, NC. He confirmed that the information that was presented in the staff report by Herb Shannon was accurate and advised the reason for their request was to tie on to city utilities.*

Mayor Wagner asked if there were any questions for the applicant. Hearing none, he thanked the applicant for presenting and reminded everyone that the public hearing would remain open for 24 hours for additional public comments to be received on the request and noted the Council would take action on this request at an Adjourned Session scheduled for Wednesday, August 5, 2020 at 5:30 p.m.

2020-283 Miraje Properties - Zoning Map Amendment 20-06

A request by Miraje Properties to rezone an approximate 4.9-acre parcel from the Light Industrial (LI) District, within Guilford County's zoning jurisdiction, to the Light Industrial (LI) District. The site is located along the south side of Boulder Road, approximately 430 feet east of Tarrant Road (1091 Boulder Road). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matter 2020-282 Annexation 20-01 was held on Monday, August 3, 2020 at 5:30 p.m. as duly advertised.

*Note: For specific comments made during the public hearing on this matter, please refer to **2020-282 Annexation 20-01**.*

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report on both matters, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon explained that staff would be doing a combined presentation on this matter and related matter 2020-283 Zoning Map Amendment 20-06; however, a separate vote on each matter would be required.

Mayor Wagner reminded everyone that the public hearing would remain open for 24 hours for additional public comments to be received on the request and noted the Council would take action on this request at an Adjourned Session scheduled for Wednesday, August 5, 2020 at 5:30 p.m.

2020-284 Wilford Yearns and Mary Puckett - Annexation 20-02

A request by Wilford Yearns and Mary Puckett for a voluntary contiguous annexation of approximately 2.5 acres located along the east side of Hickwood Road, approximately 210 feet north of Willard Road. The site is addressed as 2302 and 2304 Hickwood Road and also known as Guilford County Tax Parcels 187191 and 187192.

The public hearing for this matter was held on Monday, August 3, 2020 at 5:30 p.m. as duly advertised.

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

This is a request from Wilford Yearns and Mary Puckett for a voluntary contiguous annexation of approximately 2.5 acres located along the east side of Hickswood Road, approximately 210 feet north of Willard Road, addressed as 2302 and 2304 Hickswood Road, more specifically known as Guilford County Tax Parcels 18791 and 187192.

Mr. Shannon advised that this property is within an unincorporated enclave within the city, but it is generally surrounded by the city limits. The site is within the city's Extraterritorial Zoning Jurisdiction (ETJ) and the city does have control of the zoning. Mr. Shannon reported there are no changes proposed for the zoning of this site and noted that city services are already present in this area. The request does represent a logical progression of the city's annexation policy in this area and the annexation of this site will not impact the city's ability to provide services.

Following staff's overview of the staff report, Mayor Wagner asked if there were any questions. Hearing none, he asked if the applicant would like to speak regarding this matter.

***Wilford Yearns** (participating remotely), owner of the property and a resident at 532 Hillwood Court in Greensboro, North Carolina, advised that he is asking for the annexation in order to access water/sewer service from the City of High Point and noted he was available to answer any questions.*

Mayor Wagner asked if there were any questions. Hearing none, he thanked Mr. Yearns for his participation, reminded everyone that the public comment period would remain open for an additional 24-hour period following the public hearing and that Council would take final action on this matter during an Adjourned Session of City Council on Wednesday, August 5, 2020 at 5:30 p.m.

2020-285 Dennis Andrew Turner - Annexation 20-04

A request by Dennis Andrew Turner for a voluntary contiguous annexation of an approximate 0.31-acre parcel located along the east side of Giles Street, approximately 270 feet south of E. Fairfield Road. The site is addressed as 105 Giles Street and also known as Guilford County Tax Parcels 158355.

The public hearing for this matter was held on Monday, August 3, 2020 at 5:30 p.m. as duly advertised.

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

The property owner, Dennis Andrew Turner, has submitted a voluntary contiguous annexation of an approximate 0.31-acre parcel located along the east side of Giles Street, approximately 270 feet south of E. Fairfield Road, specifically addressed as 105 Giles Street and specifically known as Guilford County Tax Parcel 158355.

Mr. Shannon reported there is an existing single-family home on the property and the applicant/property owner is requesting annexation in order to have access to city utilities. The site is located within the city's Extraterritorial Zoning Jurisdiction (ETJ) where the city has zoning control. The zoning of the property is currently designated as Transitional Office and no changes in zoning are proposed. City service vehicles are already in the area and staff has determined that this represents a logical progression of the Annexation Policy for the area and it will not negatively impact the city's ability to provide services.

Following staff's presentation, Mayor Wagner entertained any questions of staff. Hearing none, he asked if the applicant would like to speak.

***Dennis Turner** (participating remotely), property owner at 105 Giles Street, stated he was available for any questions.*

Hearing none, Mayor Wagner thanked Mr. Turner for his participation, reminded everyone that the public comment period would remain open for an additional 24-hour period following the public hearing and that Council would take final action on this matter during an Adjourned Session of City Council on Wednesday, August 5, 2020 at 5:30 p.m.

2020-286 Keystone Group, Inc. - Zoning Map Amendment 20-07

A request by Keystone Group, Inc. to rezone approximately 114.79 acres from the Planned Unit Development - Residential (PDR) District to an amended Planned Unit Development - Residential (PDR) District. The site is lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road.

The public hearing for this matter was held on Monday, August 3, 2020 at 5:30 p.m. as duly advertised.

Herb Shannon, Senior Planner with the Planning & Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

This is a request by Keystone Group, Inc. to rezone approximately 114.79 acres located along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road from the Planned Unit Development - Residential (PDR) District to an amended Planned Unit Development - Residential (PDR) District.

Mr. Shannon advised this application proposes to amend conditions of a previously approved Planned Unit Development, the Northborough subdivision which was granted a Planned Unit Development - Residential (PDR Zoning District) approval in 2016 prior to adoption of the current Development Ordinance. This is an approximate 413-acre site located in the northwestern portion of the city's planning area. He advised that the previously adopted PDR District included a Master Plan and zoning conditions that would allow up to 300 dwelling units to consist of a mixture of single-family, twin homes, and townhomes and the applicant has requested to amend the previous approval to increase the development from the approved 300 dwelling units to 402 units. The adopted Land Use Plan classifies this area as low-density residential and the requested amendment to go from 300 to 402 units would increase the density from the current 2.6 units per acre to 3.5 units per acre. All conditions from the previous zoning approval will be transferred over to the updated amendment with the only change being the number of maximum units (increase from 300 to 402 units).

Mr. Shannon shared the initial Master Plan that was submitted when the property obtained its initial planning and development approval and noted the layout is still the same with a primary entrance off Boylston Road with various tracts as follows:

- ✓ Tract A; 12 acres (up to 40 units; club house; single-family units- no changes)
- ✓ Tract B; 24 acres (applicant has offered to reduce the allowable dwelling units to 96; development on this tract almost complete; single-family homes)
- ✓ Tract C; 11.9 acres (up to 80 units- no changes from the previous approval)
- ✓ Tract D; 13.8 acres (up to 110 units- single family/townhomes- no changes from previous approval)
- ✓ Tract E-1 and E-2; 24.5 acres (single-family or townhome development; up to 160 units in both of these tracts- no changes)
- ✓ Tract F; 3.9 acres (fully built out with townhomes; initially proposed 30 units, but are only getting 28 units).

In looking at the entire site which includes 90 acres within individual tracts, Mr. Shannon noted the remaining 24.4 acres consist of road right-of-way and environmentally sensitive areas that will be in a common area tract. He pointed out there is a perennial stream that runs from the north/south direction in the middle of this site with a flood zone associated with it, but those areas remain undeveloped and will be part of the common area.

Mr. Shannon noted when all the units for the individual tracts are added up, it totals about 540 units, but the developer had proposed that for flexibility because the site's topography challenges, but regardless of how the numbers add up, the condition they have offered will not exceed 402 units.

For public informational purposes, Mr. Shannon made reference to the transportation and school impact information from Guilford County that was included in the staff report. He explained when the site initially obtained zoning approval in 2016, a Transportation Impact Analysis was done that was based on 450 units being developed on the site. In 2015, the applicant submitted a request for annexation and rezoning with 450 units proposed; however, that proposal was withdrawn and was not approved.

The applicant's current proposal for 300 units does not change any of the previously adopted transportation improvements which were:

- ✓ A turn lane installed at Boylston Road;
- ✓ Connections to Sweet Meadow Road to the east and Quail Meadow Lane
- ✓ No construction traffic through Sweet Meadow or Quail Meadow

Mr. Shannon shared the following key items to note that are contained in the staff analysis.

As far as compatibility with the surrounding area, the requested amendment does not change any of the approved compatibility findings.

- ✓ There is no change in the type of uses.
- ✓ There is no change in the development standards for the various tracts (the only change will be the increase from 300 to 402 units).
- ✓ There is no change in the tract configuration.
- ✓ As far as environmental impacts, there is no change in the flood plain area that is being reserved for a common area.
- ✓ As far as the improvements, the connections to those abutting streets have been noted. There are three access points into the site and the turn lane on Boylston Road has been installed.

Staff is recommending approval of this request to amend the rezoning to add a condition for additional dwelling units. The Planning & Zoning Commission reviewed this request at their June meeting and also recommended approval by a vote of 6-1 and the commissioner who voted in opposition cited the reason as being uncomfortable with the requested 25% in density. Mr. Shannon reported there were four comments received from the public for this zoning matter at the Planning & Zoning Commission meeting and those comments were to:

1. *Postpone the hearing until it could be held in person.*
2. *Traffic concerns with increased traffic*
3. *Recommended development to reduce the number of homes and add more common area to accommodate storm drainage.*
4. *Stormwater runoff concerns*
5. *Concerns that the request is inconsistent with the character of surrounding properties.*

Following the presentation of the staff report, Mr. Shannon entertained any questions for staff.

Regarding the last traffic study, Council Member Jefferson asked if the Traffic Impact Analysis (TIA) that was initially done in 2016 is still valid for the current proposal. Mr. Shannon noted that not much has changed since the TIA was done and pointed out the key thing to note is it was based on 450 units and even with the new proposal, they have not reached the limits the TIA was based upon.

Council Member Moore asked if the only entrance and exit to the development would be off Boylston Road. Mr. Shannon replied that their primary entrance will be from Boylston Road and there is a public street connection to the east which heads back to Boylston Road. He noted there is an existing rural subdivision to the east where there is a public street stub where they have made two connections that are now in place.

Mayor Wagner asked if there were any additional questions for staff. Hearing none, he asked if anyone would like to speak on behalf of the developer.

***Judy Stalder** (participating remotely), 3735 Admiral Drive, spoke on behalf of the developer/applicant and recognized Scott Wallace from Keystone Group, who had joined the meeting and was also participating remotely.*

Ms. Stalder reported that the Northborough Subdivision is already under construction and once they started the project, they discovered that the property could support a little more density while still retaining the massive amounts of open space to protect the creeks and leave the market demand for balanced housing, personal outdoor space, and common area. She also advised that as they move forward, the number of homes being built is tied to the market demand as well as hidden obstacles they find in the field. Ms. Stalder pointed out this request is to increase the overall density of the property by a little less than one unit an acre which will allow some flexibility with the density being adjusted by the tracts. She reiterated that the maximum number will not increase in any tract and the change is in the overall numbers of homes that can be built with the number of homes permitted on all tracts adding up to about 516. They are proposing the possibility of 402 homes with the density staying within the 3-5 units per acre recommended by the Land Use Plan and the actual density will be about 3.5 homes per acre. She explained that property owners who have already purchased in the development will not experience any increased density in their immediate neighborhood as a result of this request.

Regarding the neighborhood informational meeting, Ms. Stalder reported that they were not able to meet in person due to the COVID restrictions in place, but they did send out information to the neighbors and the neighbors that contacted them were the owners of the large tracts adjacent to the property.

Ms. Stalder asked for a favorable vote from Council for this request to allow some flexibility as Keystone builds this community in High Point.

Mayor Wagner asked if there were any questions.

Council Member Moore asked the applicant if there is currently a bridge over the stream in Tracts E-1 and E-2. Ms. Stalder replied, "not yet."

The Mayor asked if there were any additional questions. Hearing none, he thanked Ms. Stalder for her participation, reminded everyone that the public comment period would remain open for an additional 24-hour period following the public hearing and that Council would take final action on this matter during an Adjourned Session of City Council on Wednesday, August 5, 2020 at 5:30 p.m.

2020-287 City of High Point - Text Amendment 20-02

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance to correct errors, provide consistency, and make revisions related to state legislation.

The public hearing for this matter was held on Monday, August 17th at 5:30 p.m. as duly advertised.

Chris Andrews with the Planning and Development Department, provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Andrews advised that this text amendment does include a variety of changes that were identified by staff and those changes necessitated by recent changes in state legislation. He further explained that most of these changes were identified by staff, are errors/omissions, clarification of the existing terms, or wording changes. He advised that these changes mainly consist of changes that are required due to the adopted state legislation. He referenced information in the staff report containing details of the proposed amendment by section and topic and states the reason for each of those changes and those that are necessitated by state legislation.

He spoke to how these proposed amendments continue staff's efforts to make the Development Ordinance more user-friendly, more consistent in its formatting, language and terminology and more error free. Staff recommends approval of this request. The Planning & Zoning Commission reviewed the request at their June 25th meeting and also recommended approval of the text amendment by a 7-0 vote.

Following the presentation of the staff report, Mayor Wagner asked if there were any questions of staff.

Council Member Jefferson asked if there is a special metric used by staff to determine and measure what makes things more user-friendly. Mr. Andrews replied that they don't necessarily use a metric, but noted that staff does meet often to discuss issues that come up from questions that citizens have asked about the ordinance, or questions that come up during the plan review process for planned subdivisions, etc..... He advised their goal is to have an ordinance that is less confusing and easier to understand for the development community and the citizens.

Council Member Jefferson asked if any non-trained development eyes review these recommendations besides the planning staff. Mr. Andrews replied that this text amendment was reviewed outside of the Planning Department and by the Planning & Zoning Commission and has been sent out for public review as well.

Mayor Wagner asked if there were any additional questions. Hearing none, he reminded everyone that the public comment period would remain open for an additional 24-hour period following the public hearing and that Council would take final action on this matter during an Adjourned Session of City Council on Wednesday, August 5, 2020 at 5:30 p.m.

GENERAL BUSINESS AGENDA

2020-288 A+ Yellow Taxi - Suspension of certificate of public convenience and necessity

A hearing will be held on the matter of the suspension of certificate of public convenience and necessity of A+ Yellow Taxi before the High Point City Council during their August 3rd, 2020, regular meeting at 5:30 p.m. in the City Council Chambers.

Transcript of Discussion

Interim City Manager Randy McCaslin: *Mr. Mayor and members of Council, as relayed to you in my email last the city and state law authorizes the city to.....authorize a franchise....the city is authorized to approve franchises for cab companies. Outlined in that ordinance and in the state law there are certain requirements that you have to make to continue the franchise. One of those is to submit to inspections with the Police Department. We have with us tonight Officer Tad Kramp and also our Chief. I assume Tad is going to take care of the information. He will present. This is the first time we've had a hearing like this in my time for the city. Tad will present his information that comes from his investigation. You also have the owners of A+ Cab that's here to present their information and then it will be up to Council to make a determination whether or not you suspend their ability to operate or allow them to continue to operate.*

Officer Tad Kramp: *I'm officer Tad Kramp with the Police Department. I've been with the Police Department for 22 years. I've been acting or was appointed by the Chief of Police as the Taxi Inspector as the city ordinance requires, for almost seven years now, which actually reminds me that our new Chief needs to appoint me as well. We'll handle that.*

During the course of my seven years as being Taxi Inspector, there's quite a bit of history and I'm going to try to keep it as brief as possible. I believe it was in 2013-2014, we came before the City Council. State law allowed for taxi companies to lower the liability insurance limits that they were required to carry. The city ordinance was still well above what the new state law allowed them to carry and during that time, Council voted to reduce the liability limits down to \$50,000/\$100,000/\$50,000 as opposed to what the state required at the time which was \$30,000/\$60,000/\$25,000. So, it was still above the minimum that the state required, but it was a significant reduction from what had previously been required. And this was done in an effort to assist the taxi companies, to save them a little bit of money to help them operate a little more easily. I did recommend in favor of that.

To bring you up-to-speed on where we are today. In March I received some information that A+ Taxi had a vehicle that is no longer operable, but their tag was good and had a vehicle that was operable, but had not been through any city inspections for quite some time because they couldn't get it to pass inspections. So, the company elected to take the good tag off the wrecked taxi and put it on the cab that couldn't pass inspection and put it out there to operate. I've had occasion to stop the vehicle and I confirmed that the tag that was on the vehicle did not match the vehicle

in question or the taxi in question. That taxicab was towed and I seized the tag that didn't belong on that vehicle.

After that, I explained to them that they were going to have to produce their paperwork and I was going to be watching them much more closely with their paperwork to make sure that none of these errors were being overlooked. I say error, giving them a slight benefit of the doubt, but in this case it was pretty obvious that they took the tag off of one vehicle and placed it on the other intentionally. The very next time that that company renewed their license plates, I required them to produce for me the insurance paperwork to prove that they have all the limits. And they did produce paperwork to show that the taxis they wanted renewed met the city ordinance standard of \$50,000/\$100,000/\$50,000 limits and that was in mid-March. Shortly thereafter, I heard, but was unable to confirm that there was some other swapping around of things. Things weren't.....they were dropping one of the vehicles that they had just gotten the paperwork on, they were intending to use the paperwork to get a tag that they could put on a different vehicle because the vehicle that they were trying to put it on ended up breaking down. I was not able to confirm that any of that information was true or that any of that stuff took place.

Moving forward into June, on June 26th I was informed by a patrol officer that one of the taxis had crashed into a parked vehicle at 5:00 in the morning and that that taxicab driver was found to be impaired. He was arrested for DWI and he was found to have a blood alcohol concentration of almost double the legal limit and he was operating a taxi for the taxi company. In looking at that particular driver, I also discovered that not only had he been impaired that night, but his permit to operate a taxi had been expired for over two years and the company had been allowing him to work for them with a taxi permit that was expired for over two years. That, in and of itself, is a violation of the ordinance because the city ordinance requires the taxi company to be responsible for all their employees.

Shortly thereafter, there were a couple more taxis that they were wanting to put on the road and they requested their paperwork to get the tag, which is something that I have to sign off on for every tag that they get renewed and when they produced the insurance paperwork, I noticed that the insurance paperwork showed that their limits now were \$30,000/\$60,000/\$25,000, which at the time was what I believed to be the minimum standard for the state and in doing some research, I discovered that those limits had actually been changed in 2018 and I wasn't even aware of it. So, the new state limit is actually \$100,000/\$300,000/\$50,000 and our city ordinance is well below what the state minimum is. I did a little research and I contacted the insurance company and I found that on April 8th, one of the owners from the company contacted the insurance company and requested that they change all the limits down to the minimum \$30,000/\$60,000/\$25,000 which is the minimum for any passenger vehicle, non-taxi cab-any passenger vehicle in the state. It was their request to have those changed. In looking at the August 8th that change was made, it was in very close proximity to me notifying both taxi companies that due to COVID, I would not be conducting taxi inspections. The Furniture Market had been cancelled and the taxi inspections would typically go along with the Furniture Market and we were going to be postponing indefinitely until we knew where things were going to be with COVID. So, I found it extremely curious that right around the same time that I notified them that they were not going to be inspected, they changed their limits to well below what the city ordinance requires.

When that particular cab was presented to me, I explained to them that their limits were well below the city ordinance and the state law and that they were going to have to up their limits prior to getting the tag paperwork. I denied their request to get the tag paperwork for that particular vehicle based on the fact that it did not have enough insurance and I explained that to

them. That was on Friday, July 3rd right before the 4th of July weekend and I had a feeling that that particular taxi was going to be used over the weekend. So, I sent out an email to the Police Department saying if you happen to see taxi number so and so out and about, it does not have valid registration on it and it should not be operating as a taxi. It was on the 4th of July, I believe it was around Noon on Main Street, one of the officers who was working found that taxicab that happens to be a Mercury Grand Marquis with a license plate from a different taxi cab which was a Ford Crown Victoria operating on Main Street as a taxicab. At that point, he notified me. I came in on the following Monday, completed the initial report, contacted the Interim City Manager explaining to him the contents of the investigation, where they were and I requested exploring a suspension and we're bringing it before Council for your consideration and revocation.

Mayor Wagner: *Any questions for the officer?*

Council Member Moore: *You said at Noon on Main Street. Was that vehicle taken out of service at that point?*

Officer Kramp: *It was towed at that point and the license plate was taken off of it at that point.*

Council Member Hudson: *That vehicle was not registered as a taxi at all?*

Officer Kramp: *That vehicle had not been added to the company. It had been marked up, but it had not been added to their fleet. They had been requesting the paperwork to add it to the fleet, but they stuck a tag from one of their other vehicles, inoperable vehicles, that is in their fleet.*

Council Member Jefferson: *You mentioned there were responses to a number of other items. Did they respond at all to this most recent one?*

Officer Kramp: *When I went to the company to inform them of the collection of violations, their initial response in regards to the DWI and driver was that's on them. I tell them that they are supposed to follow the law and I tell them that they are supposed to keep up with their permits, but it's up to them to actually keep up with their own permits. I explained to the company that's not how this works, you're the owner of the company, they work for you and you are responsible for their actions. You are responsible for whether they are permitted or not. And as far as the registration issues, they tried to explain to me that the insurance hiccup was an error on the part of the insurance company, which I had already confirmed through the insurance company that they had contacted them requesting the change in limits. I have been told and I believe Ahmad will probably speak to that Ahmad was out of the country at the time. There are three owners: Zubair Ali is one of the owners, he is not present tonight, and then Khurshid, and Ahmad was out of the country and Zubair made the change while he was out of the country. I have found through my dealings with the company that most of the issues that I have with the company tend to revolve around Zubair and Zubair's inattention to the things that he's supposed to be paying attention to and a very hands-off approach. Although he does seem to be the one who is most in charge of the company and the one that I deal with the most. But he tends to take the approach that that's on the driver and that's just my name on the cab.*

Council Member Jefferson: *Was there a response for the 4th of July incident?*

Officer Kramp: *The situation.....it turned into Zubair attempting to argue with me and I explained to him that this was a matter that would go before the City Council. There was no direct addressing of the 4th of July incident. It went very quickly to he was the victim of several*

hit and runs that the Police Department has refused to investigate on his property and that the other companies do bad things too. Everything but taking any type of responsibility.

Council Member Holmes: *Was the assertion by Mr. Zubair that the drivers are independent contractors and he acts as a broker? Is that his assertion of company structure?*

Officer Kramp: *No, his statement was that he instructs the drivers that they are supposed to follow the laws and it's not his responsibility that they choose not to. It was never a statement of he was an independent contractor, he was operating a cab. It was an A+ Yellow cab. There are some independent owner-operators that do own their own taxi and operate under the name of other companies, but in this case, this is an A+ Yellow cab-owned taxicab. It was an employee of the company who was operating that cab and was impaired and crashed on duty.*

Council Member Holmes: *Okay, thank you.*

Mayor Wagner: *Anyone else on Council with questions?*

Council Member Johnson: *You mentioned that he or she, the driver, was impaired. I would say that once that driver leaves the station, okay, they can stop somewhere and unfortunately get a drink or whatever. Okay, they should not do that, but there is no way for them to know that. Unless there is an accident or a stop.*

Officer Kramp: *I can't speak for exactly how the company operates, whether the driver goes in and out of the office throughout the night. I can speak for he was not permitted to be a taxi driver for more than two years and still allowed to work for the company. My overall dealings with the company has always been what the driver does when they leave here is not my problem. The ordinance makes it pretty clear that they're operating a company and every driver is their problem and they are, in fact, responsible for whatever their driver's activities are. He's clearly taking a hands-off it's not my problem attitude and is it possible that he left that night and went and got drunk and the company could have never known that? It's possible. It's not exactly consistent with my dealings with the company as far as, yeah we know our guys don't really do what they're supposed to do but that's not my problem.*

Council Member Peters: *So, you mentioned earlier that one of the partners was here to speak. Is that correct?*

Officer Kramp: *There are two of the owners here.*

Council Member Moore: *That one car that had the DUI incident, was it also under a wrong tag?*

Officer Kramp: *Actually, that one, the officers checked the tags specifically against the VIN number and that one was correct; it was properly registered. At the time of the crash, it was underinsured, but it was properly registered.*

Council Member Johnson: *And they would have known what the limits were?*

Officer Kramp: *They brought me paperwork in April or in March that had the proper limits and there was absolutely nothing between March and April when they reduced the limits that had changed to allow them to believe that there was a reason they were allowed to change. My feeling is that they knew that there wasn't going to be inspections because of COVID, and they*

decided that at least for that period of time, they were going to operate with minimal insurance and try to save some money at least for that period of time. Their intention may have been to bump the coverage back up before the next round of inspections, but they got caught beforehand. I double checked all the paperwork in March, and it matched our city ordinance, which is actually below what it should be. But they did know what it was supposed to be. They have been operating at that level for a number of years and it even took an act of Council to change it the first time. So, there was no act of Council that would have given them the right to change it after that.

Mayor Wagner: *Anyone else with a question?*

Council Member Jones: *What is the process for them to get back in business?*

Officer Kramp: *At this point, they have brought everything up to compliance. Their insurance is not only compliant with.....it's actually exceeding our current city ordinance and is in compliance with the state law. To the best of my knowledge, all the vehicles that they are operating are operating with the proper tags. So, they have brought everything into compliance. As far as.....you know, it's up to Council to decide whether or not they're allowed to continue to operate or if they are going to have some period of probation. This is not something that we've dealt with in my 10 years....7 years, as the Taxi Inspector. I'm in uncharted waters as the Taxi Inspector. I do know there was a direct and intentional violation of the ordinance and I felt that it was important enough that it needed to come before Council. Where it goes from here, I don't know.*

Council Member Johnson: *So, you said at this point they have cleared everything up?*

Officer Kramp: *They have got their insurance back to what it was supposed to be. They meet the state requirements now, which I believe we're going to try to amend the ordinance to bring that up to compliance with the state minimum. So, they have brought theirs up to compliance and to the best of my knowledge, they are fully in compliance.*

Council Member Peters: *What about the guy that got arrested for the DWI?*

Officer Kramp: *It's still pending.*

Council Member Peters: *Okay, but is he still an employee?*

Officer Kramp: *I'm not sure.*

Council Member Johnson: *If I can comment to that. I spoke with the owners. That person, and I know you guys will probably....and this is Councilman Johnson. He is no longer with the cab company working as an employee. So, he's no longer with the company. That was one of my first questions. I wanted to know if the person was still working for them.*

Council Member Jefferson: *Mr. Mayor, I have another question, but not for Officer Kramp. Madam Attorney, as far as the city goes and liability events that occur, we have a responsibility to authorize and approve these kinds of things and then to do the opposite, but we can get into some hot water. Is that potential there whenever....because it's not a city entity, but it is a city-approved entity that they're not doing, that gets us in trouble, gets us into litigation.*

City Attorney JoAnne Carlyle: From the perspective of receiving the evidence that Officer Kramp has provided you and I presume, too, that you're going to have some questions for the company representatives themselves. That's a decision that you have to make, whether or not you feel comfortable enough with the correction that they've done.

Council Member Jefferson: I guess my question is, let's say we move forward and just hypothesize and knowing the history of what's happening, go out next week and something happens that could lead to litigation. How much of that can fall back on us?

City Attorney Carlyle: I don't think there's a clear answer to that. I really don't. Again, I think you have to take into account the facts, especially as they are proposed by Officer Kramp and by the company. I mean you've already heard testimony from Officer Kramp that it seems that they were already aware of what the requirements were and they had taken some actions that were in opposition to that. They had a driver that, perhaps, was irresponsible whether they knew about it or not, they still have responsibility for that because he is an employee or a contractor of that company. So, there's some buffer there, but again, you just have to take all the facts into account and decide whether you want to allow them to continue, suspend, or, you know, terminate.

Council Member Moore: Officer, did I hear you say that the multiple directed and intentional violations....this has apparently been a pattern. I made some notes....you said in 2013-2014 these started?

Officer Kramp: 2013-2014 is when we came before Council and had the insurance limits lowered. That's just giving you some background and some history. The entire time that I have worked as the Taxi Inspector, I encounter former employees. I get tips. I get, you know, this is going on and that is going on. Most of which I'm not able to substantiate whether it's going on at night and I just don't work at night. The vast majority of the Police Department does not get into taxi monitoring. So, they pull over a taxicab that looks like a Crown Vic. It may be a 2007 Crown Vic tag on a 2006 Crown Vic and the officer may not catch it in the process of issuing a ticket. And, they may fix it before it inspections roll around and I may never substantiate that. So, in my seven years, I have received a lot of information that I have not been able to substantiate. Starting this past March, I saw it on the road after receiving some information that that particular cab had the wrong tag on it. I was able to pull it over and I was able to substantiate that. From that point forward, I started watching their paperwork a lot more closely and that's what brought the insurance irregularities to my attention. And then the DWI on top of that. So, it's a series of things that have happened in the last few months while I've been watching very closely, but it's also in line with things that I have been hearing for a while that

I've not been able to substantiate prior to March.

Mayor Wagner: Anyone else? Thank you, officer. Okay, we'll now hear from the owners of the company. If you will come forward. Give us your name and address for our record. You will need to come forward to the podium so that folks listening online can hear you through the microphone.

Ahmad Nawaz Khan: Hi, my name is Ahmad. And what the officer was saying was saying, I have got everything fixed now. So, it just happened one time. I do understand that. I apologize for the tags. The guy that was arrested for the drunk driving is no longer with us. The insurance thing, I fixed it. I have papers showing the \$300,000/\$100,000/\$300,000/\$50,000/\$100,000. So, I do apologize for the tag issues.

Council Member Peters: *May I ask a question?*

Mayor Wagner: *Yes.*

Council Member Peters: *So, how do you see moving forward to be able to work with the officer? Because it sounds like he's not really been.....*

Ahmad Nawaz Khan: *I take responsibility for this but I was not here. So, now I'm here. So, I will take care of that. I do need a chance. If you have any complaint.*

Council Member Peters: *And, you understand the importance of the ordinance is to keep the citizens safe and the importance of having the correct tag?*

Ahmad Nawaz Khan: *Yes, I do. Everything is fixed now.*

Mayor Wagner: *Do you dispute any of the facts that the officer gave us? Are any of those facts he gave us untrue?*

Ahmad Nawaz Khan: *Ah, yeah.*

Mayor Wagner: *Okay, what do you dispute that he's told?*

Ahmad Nawaz Khan: *He was talking about the insurance things because I was not here. One of my partners say he did call or something and something happened. I get calls and I fix it already. My limit and everything were high.*

Mayor Wagner: *What about all these other allegations?*

Ahmad Nawaz Khan: *I fixed it already. I've got it right here.*

Council Member Moore: *You realize that some of the allegations are putting our public citizens at risk. Do you understand that?*

Ahmad Nawaz Khan: *Yeah, but I did not do that because the guy left from the office at 5:00 in the morning.*

Council Member Moore: *I'm not talking about the DUI. I'm talking about the entire list of allegations. You put a non-inspected car on the road. Do you understand that?*

Ahmad Nawaz Khan: *Yeah, I do understand. It happened one time. Yeah, I apologize for that.*

Council Member Moore: *It sounded like it might have happened more than one time.*

Ahmad Nawaz Khan: *No, it was one time. I'm sorry, I was not here. I guess one or two times.*

Council Member Moore: *So, how many partners do you have?*

Ahmad Nawaz Khan: *Three.*

Council Member Moore: And at any time are all three of you out of the country at one time?

Ahmad Nawaz Khan: Na. Two stay here and one leaves. I'm the main one so I can take care of the things now.

Council Member Moore: Unless you're out of the country.

Ahmad Nawaz Khan: Yeah, even if I leave the country, I can take care of this thing now because it has never happened before to my knowledge.

Council Member Moore: And when your drivers.....you hire your drivers, correct? And you had one that was driving for two years that wasn't authorized?

Ahmad Nawaz Khan: That driver was in and out most of the time. So, he comes and goes and something like that, but I don't know that much.

Council Member Moore: I'm Councilman Moore for those that are listening in.

Council Member Jefferson: Mr. Ahmad, do you mind if I ask a couple of questions? My name is Councilman Jefferson. I'm curious, in regards to you all's hiring practices, you mentioned a number of times the responsibility falling on your drivers. What sort of process and methods do you use to ensure that you are hiring responsible employees? What sort of vetting are you doing? What's your selection process for picking good employees?

Ahmad Nawaz Khan: They bring us a permit from the city. That's how we can do it because they have a valid permit. So, they sign the paper and we give them a cab. We don't have anything where we can check the record or anything because they come through the city.

Council Member Jefferson: And what's your, if any, do you have some sort of disciplinary policy in place where if they....for example, the gentleman, if someone doesn't have the permits in order or someone is doing something wrong, what's your disciplinary action?

Ahmad Nawaz Khan: We don't give them a cab.

Council Member Jefferson: You just don't give them a cab?

Ahmad Nawaz Khan: Na, if they don't have a permit, we don't give them a cab.

Council Member Jefferson: And, Mr. Manager, it looks like this letter was sent on July 24th, but have they officially been out of operation yet, have they?

Interim City Manager McCaslin: If I'm not mistaken, they were out of operation for about a day because of the required five-day notice that's in the ordinance.

Council Member Jefferson: Do you know your anticipated loss of earnings over like a day or a week? Like, let's just say, this goes south and you're suspended for I don't know how long, how much money would you lose out on? Do you know?

Ahmad Nawaz Khan: I have no idea about that. But most of the time, if it's happened, especially if I know we're going to lose the contract with the City of High Point, we're going to

lose out on picking up the senior citizen people, the ones that go to the hospital and everything like that. So, we probably are going to lose them and they are probably going to have a hard time too. I got this paper from the hospital and they were saying that they do need us and they need a cab because they go three times a week or two times a week for dialysis and they don't have any vehicles, they use my vehicles.

Council Member Jefferson: *Mr. Mayor, I have one final question.*

Mayor Wagner: *You have the floor.*

Council Member Jefferson: *In a four-month span it looks like you guys were cited twice for having a vehicle that didn't have the correct registration on it. I understand what you said about irresponsible drivers, but putting a vehicle out on the road, that's the business owners, right? To decide what vehicles are going to be used. Is that decided by the business owners?*

Ahmad Nawaz Khan: *Yes.*

Council Member Jefferson: *Tell me this. If we decide to let you stay in business, are you going to do it again?*

Ahmad Nawaz Khan: *Na. I'm going to make sure that no more cars or illegal vehicles are on the road.*

Council Member Johnson: *This is Councilman Johnson. How would you ensure going forward that the registration/tag or registration plate violation does not happen again?*

Ahmad Nawaz Khan: *It's not going to happen because I'm going to check it every day.*

Council Member Johnson: *And you were not doing that before?*

Ahmad Nawaz Khan: *No, we were not doing that before. But I will make sure. I will check out everything on my own.*

Council Member Johnson: *To ensure that that does not happen again, you all are actually physically checking that to make sure before the taxi goes out?*

Ahmad Nawaz Khan: *Yeah.*

Council Member Peters: *If I could just make a comment. This is Councilwoman Peters. First of all, I want to thank Inspector Kramp and I know that must be very frustrating and I appreciate your diligence to keep our citizens safe. Then, to Ahmad, I just want you to understand the importance of the safety of our citizens and that you have to abide by those ordinances. Mayor Wagner, I'm just curious if you would consider, if we can do....to make everyone happy, maybe a 3-month probation period where they could work, but make sure that they're doing things the right way.*

Mayor Wagner: *I'm not sure that under the city's ordinance whether a probationary period is allowed.*

City Attorney Carlyle: *I believe it is.*

Council Member Jefferson: *Could we hear from Officer Kramp?*

Council Member Hudson: *The purpose for a probationary period anyway is if they pass the probationary period, they would retain their license anyway and if they fail, again, they would come before us anyway. So, it really doesn't serve a purpose. We either let them continue working or remove their license. If they have an offense, it comes back to us automatically.*

Mayor Wagner: *Before we get into that debated, does anyone have any more questions for the owner?*

Council Member Johnson: *I do.*

Mayor Wagner: *Okay, go ahead.*

Council Member Johnson: *I'm Councilman Johnson. How long have you guys been in business?*

Ahmad Nawaz Khan: *Thirteen years.*

Council Member Johnson: *And, within the 13 years, it's just these grievances?*

Ahmad Nawaz Khan: *Right. We was doing very well before, but somehow we made some mistakes here. I'm going to make sure no more mistakes are made.*

Mayor Wagner: *Any more questions for the owner, so he can sit down, and we can debate among ourselves. Okay, thank you.*

Okay, moving forward, what we ought to do is have some kind of a motion to debate. Does anyone have a motion on this item?

City Attorney Carlyle: *Mayor, if I could just make a statement for the record before we have a motion to vote. I just want to point out that although the letter actually referenced the incorrect ordinance, you've heard evidence tonight and based on Officer Kramp's testimony, and you've heard from the manager and also the fact that the business owners have showed up. Everything was followed correctly. It was actually Chapter 12 and Chapter 11 was referenced in the notice, but everything else was followed correctly and everything was done correctly. I just wanted that in the record. It was just a typo.*

Council Member Johnson: *It was a typo. Okay.*

Council Member Jefferson: *Mr. Mayor, I want to make a motion, but I need to ask a question of Inspector Kramp. It's a capacity question. It's interesting about what Councilwoman Peters brought up about some sort of probationary period, which I think alludes to what Councilman Hudson was saying in that if they offend another time, we'll just bring it right back. What I'm curious about is your capacity to maybe keep up with that stuff. I know there's a number of companies in our city, and you know, I imagine you're the only taxicab inspector, right?*

Officer Kramp: *I am.*

Council Member Jefferson: So, you've got a number of things that you've got to be looking out for. What's your capacity, I guess, to give a more direct and more cautionary oversight for them?

Officer Kramp: I am in the Traffic Division. I'm one of the six active officers in the Traffic Division and on the March date, I was in the middle of investigating the fatality that took place on Martin Luther King Drive which was a second degree murder fatality and I had to put a second degree murder fatality on hold because I saw a taxi cab that I knew had a bad tag on it and I knew there was a good chance that it might get fixed before I saw it again. I have many duties above and beyond taxi inspector and a lot of what doesn't get substantiated is because I'm also the one who's going to Walmart taking the crash calls in the Walmart parking lot. I'm going to various neighborhoods addressing speeding complaints in various neighborhoods. It is one of a lot of hats that I wear and to put some form of probation on them that requires me to focus even more attention on them than I am currently am able to pulls me away from many other duties as well.

Council Member Jefferson: That's what I was curious about.

Mayor Wagner: My question is for the attorney. I'm looking.....the copy of the ordinance is our packet. I'm looking for the section on what we're allowed to do with this and it seems to me that we just have a choice of suspending, revoking, or allowing them to continue.

City Attorney Carlyle: It sounds like, though, I mean looking at it, you can suspend up to 30 days.

Mayor Wagner: The manager can suspend up to 30 days, pending our decision. That's what it says.

City Attorney Carlyle: Right. So, that's very similar to what might be considered a probationary period, I guess.

Council Member Peters: Well, I know that Officer Kramp said that he had complaints previously, but he was not able to substantiate them. I understand that. So, I want to support staff, but then, again, after 13 years of business and their first problems started in March that is recorded. You know March, April, May, June, and July and we're right in the middle of this COVID stuff. I mean I just can't imagine. I would like to allow him to try to do the correct things and let his business remain. I mean a lot of those folks at Yellow Cab, I mean now with our Transit down, you know a lot of those folks that need to get to their doctor appointments and stuff that don't have cars. It's a tough spot.

Council Member Johnson: I would have to agree with Councilwoman Monica as well. They have worked on the issues. They've corrected the issues. They do have a plan going forward to ensure that this does not happen again. I mean if they came in here and said they did not have a plan, I would immediately say let's suspend it completely. But they've come in here with a plan. I would agree with Councilwoman Monica that we proceed with allowing them to operate their business.

Mayor Wagner: Is someone willing to make a motion so we have something legitimate to debate?

Council Member Jefferson: *Mr. Mayor, I'll make a motion and I want to preclude my actual action of the motion with an explanation.*

I'd like to make a motion that given that we have a responsibility to all of High Point's residents to ensure good responsibility amongst all businesses and folks who operate and that we've heard from Inspector Kramp over a number of concerns and that, yes, we heard about the driver stuff, but there's also company stuff, but also considering that this is a small business that's been operating for 13 years. They have families to feed and things to keep up. I'm thinking that if given some time to really focus and ensure that stuff is tight, to ensure that you've got your disciplinary policies in place, maybe some hiring stuff, to really look at that stuff.

I'm actually making a motion of at least a one-week suspension to focus on that stuff because at this point there's no way that Officer Kramp is going to be able to....if he's one of six in our Traffic Division, I mean, I just heard about something crazy on 68 a couple of weeks ago where someone died in a crash. I can't imagine asking him to try to keep a lid on this every single day, but I imagine that at least a one-week period gives the business owner time to focus. We're not revoking and they can come right back after one week. That would be my motion.

Mayor Wagner: *We have a motion to suspend their license for a period of one week.*

Council Member Hudson: *Do we have the option? Do we have the liberty to give the time?*

City Attorney Carlyle: *I believe the way it's phrased you would actually be giving the manager the authority to do that.*

Council Member Hudson: *I'll second the motion.*

Council Member Jefferson: *So, wait. Does that mean that I have to.....does that my motion automatically goes 30 days or can it still be one week?*

City Attorney Carlyle: *It can be up to whatever time period. You would revoke as a City Council, but if there is going to be a suspension, you're going to give that authority to a manager.*

Council Member Hudson: *The manager picks the time?*

City Attorney Carlyle: *No, you can pick the time I believe. It's up to 30 days.*

Mayor Wagner: *He has the authority to revoke it up to 30 days pending our decision and if our decision is to suspend it for seven days, then they're suspended for seven days. When the seven days run out, they can restart.*

City Attorney Carlyle: *That's the authority that the manager has.*

Council Member Jefferson: *So, what do I need to amend my motion?*

Same motion, but authorizing the city manager to do it for those seven days.

City Attorney Carlyle: Yes.

Mayor Wagner: Okay, so that's an *amended motion*.

Council Member Hudson: I'll *second* that.

Mayor Wagner: So, there's a motion to authorize the manager to suspend the license for one week and that motion has been seconded. Is there any debate on this motion?

Council Member Hudson: I would say that I did second it, but changing plates on a car, that's not a mistake. That is blatant disregard for the law. There's no excuse for doing that. It's blatantly disregarding the law and to do it twice. That's blatant. And that's the only time that you actually caught them. So, the fact that you catch someone doing it, I assume other things are happening. So, the fact that that's so blatant makes me, perhaps, not as forgiving as the others. My first thought was to revoke their license and I appreciate a suspension, but I'm not happy about it.

Mayor Wagner: I will kind of echo what you're saying. I would lean towards....if we're going to suspend, I would lean towards a longer period of time than just a week, but I would say that regardless of the suspension I want our Police Department and Taxi Inspector to keep an eye on this company and report back to us quickly if there's any more issues because we do have a responsibility and a duty to the public to make sure that franchises that we grant to an entity to provide a public service that they're going to be safe and that they're going to be respectful of the law. It sounds to me like we have a company that's not just making mistakes. This is a situation, at least in the past, where we've had a willful disregard of the statutes and safety concerns in our city. So, anyone else like to speak on this matter before we vote?

Council Member Jefferson: Mr. Mayor, I know I've already been vocal, but if you guys will just entertain me. We completely support small businesses, but we also have to support the safety. I mean we do want to be the single, most livable safe and prosperous community in America. So, for us, you know we're trying to support a small business and give you a chance for a week to focus on your business before you start back up again. But we're also expecting Officer Kramp that any infraction that comes back to us, because I guarantee you if I gave a week, there's plenty of folks leaning towards much more than a week. So, we fully support small businesses. The safety of our citizens is so important. I encourage and implore you and beseech you not to allow someone like another driver's responsibility to be a cop out. It's your business. That driver's name is not on the taxicab, A+ is and if A+ is your brand, I would take responsibility for your brand.

Council Member Johnson: I'm Councilman Johnson. I would agree and echo Councilman Jefferson with the week suspension just to make sure that you are vetting your drivers correctly. I do support A+. I do support small business. I do believe that we, in High Point, do need it and I'm not saying that you all knew about the changing of the registration plates. I'm not saying that you didn't know. But it has happened and you do have a plan of action and need to make sure that does not happen. So, we wouldn't want the

officer to come back in here next month or the month after and say they have the same problem because I'm going to look at you and say did you have a plan in place.

If this week passes, if the suspension passes, with the one week, I do want you to take the time, you and the other two owners take the time to look at the drivers that you currently have, okay, because they represent you and you represent them. When you're out on the road, you're representing yourself and you're representing the City of High Point and we want you to do it the correct way, the correct way. Thank you.

Mayor Wagner: *Okay, last chance. Anyone else?*

Officer Kramp: *May I add one thing?*

Mayor Wagner: *Yes.*

Officer Kramp: *Neither company has been inspected since last fall right before Furniture Market in the fall. The April inspections were suspended. If Council would like for me to do so, I could arrange for inspections to take place at the end of the week. They would have a week of non-operation to get their stuff in order and before they return to business, I can put them through my normal inspection process. In theory, they should be bringing me well tended to vehicles that are all proper and before they resume operation, we can put the sticker on the window that says at least from this point everything is where it should be and I can also reach out to the other company as well and let them know of the same inspection period and I will set aside a day to where I can conduct my taxi inspections on both companies and renew all of their stickers like I would have normally done back in April for those of you who would be teetering between suspension or revocation or no action, that could help to ensure that they've got their ducks in a row before they go back to work.*

Council Member Moore: *I appreciate you saying that. This is Councilman Moore. I wasn't teetering, I was on the side of revoking, but if that is something that you feel can be done, I concur with Councilman Hudson and I said it earlier, I mean the changing of the tags, that wasn't by accident. And I don't know, it doesn't sound like they have a staff of 30 or 40, so I have a hard time understanding that the owner didn't know what was happening. So, if you, as the law officer and the professional, feel that would meet the need and help us to support local, small business then I certainly don't have a problem with that.*

Mayor Wagner: *I'm going to recognize the attorney because I can tell she's got something to say.*

City Attorney Carlyle: *Thank you so much. So, I think we should also maybe add in the motion the effective date. The effective date would be tonight, starting tonight because Officer Kramp and/or Manager McCaslin will need to give a written order and they'll need to reflect in that the effective time and that way we will go ahead and clear on record.*

Mayor Wagner: *Okay.*

Council Member Jefferson: *I will amend it but, I do have a question because he did add that component where he would do the inspection. If they don't pass the inspection seven*

days from now, are we....what is it going to be, is it like another seven days before each inspection?

Officer Kramp: *I will inspect each vehicle and any vehicles that don't meet inspection, I can do a report on and you can receive a report that says all of their vehicles came through and everything was met or four of their vehicles came through and were good and three of them were not. The ones that are not will not be able to operate, but the ones that do pass inspection would then, at the end of suspension, be able to operate and just like any other suspension or any other inspection process, the ones that don't pass inspection aren't allowed to operate until they are corrected and do pass inspection.*

Council Member Jefferson: *Okay, so it's not an all or nothing?*

Officer Kramp: *No, unless you chose to make it an all or nothing. The way in envision it is at the end of any suspension, we would conduct the inspections and the vehicles that pass inspection can go back to work and any vehicles that don't pass inspection.....*

Mayor Wagner: *That's the law anyway.*

Officer Kramp: *Exactly. I'm not asking for anything beyond what we would normally do anyhow with an inspection. We just haven't had one. We missed April and if it makes anybody feel better about letting them go back to work, we can make sure that we do an inspection as they are getting back up and running.*

Council Member Jefferson: *So, I would amend my motion to add the effective date so that the suspension starts, I guess, right at this time, August 3rd and does not come off until the end of business August 10th. Is that how to technically say it?*

Mayor Wagner: *End of business.*

Council Member Jefferson: *So, just literally, seven days straight to the hour I guess.*

Mayor Wagner: *7:20 p.m.*

Council Member Jefferson: *So, 7:20 p.m. on August 10th.*

Mayor Wagner: *Wait a minute, he's amended his motion, do you renew your second?*

Council Member Hudson: *Yes, I renew my second.*

Council Member Johnson: *What about....they're out there now, right? So, we're going to tell them that the people that you've got in your taxi.....*

Council Member Jones: *Would we consider making it effective tomorrow? That way anybody that's currently working on the clock right now can finish out their shift?*

Council Member Johnson: *We can do it tomorrow and let them finish up a day with what they have because if they are already out there taking people where they need to go, we're going to tell them that they can finish the trip.*

Mayor Pro Tem Williams: *Let them finish the trip and come on back because the sooner we get them off, the sooner we can get them back on.*

Mayor Wagner: *He's not out there pulling them right now anyway.*

Council Member Johnson: *That's the point. I want them to stay in order. If we say 7:20 or whatever time.*

Council Member Jefferson: *That means as soon as we leave here, they'd have to all drivers off the road asap.*

Mayor Wagner: *Alright, are we ready to vote? Ms. Peters has stepped out. I'll call her name last. The motion is to suspend for one week through 7:20 p.m. of August 10th. Alright, Councilman Holmes, how do you vote?*

Council Member Holmes: *Aye.*

Mayor Wagner: *Councilman Johnson?*

Council Member Johnson: *Aye.*

Mayor Wagner: *Councilman Moore?*

Council Member Moore: *Aye.*

Mayor Wagner: *Mayor Pro Tem Williams?*

Mayor Pro Tem Williams: *Aye.*

Mayor Wagner: *Councilman Hudson?*

Council Member Hudson: *Aye.*

Mayor Wagner: *Councilman Jones?*

Council Member Jones: *Aye.*

Mayor Wagner: *Councilman Jefferson?*

Council Member Jefferson: *Aye.*

Mayor Wagner: *The mayor votes Aye. Councilwoman Peters, how do you vote?*

Council Member Peters: *Aye.*

Mayor Wagner: *Okay, that motion passes by a vote of 9-0.*

A motion was made by Council Member Jefferson, seconded by Council Member Hudson, to authorize the city manager to suspend A+ Yellow Cab's license for a 7-day period from August 3, 2020 until August 10, 2020 at 7:20 p.m. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-294 Ordinance - Changes to City of High Point Code of Ordinances - Taxicab Service

City Council is requested to adopt an Ordinance amending Chapter 2- Taxicabs, Article C, Vehicle Specifications and Equipment. Section 11-2-31 Financial responsibility of the City of High Point Code of Ordinances.

Taxi Inspector, Officer Tad Kramp, advised the city's current ordinance reflects \$50,000/\$100,000/\$50,000 as the insurance limits and per N.C. General Statute 20-280, the minimum the state now requires is \$100,000/\$300,000/\$50,000. He noted the amendment would bring the city ordinance in compliance with state law.

Adopted an Ordinance amending the City of High Point Code of Ordinances, specifically Chapter 2- Taxicabs, Article C, Vehicle Specifications and Equipment, Section 11-2-31 Financial Responsibility to reflect the limitations of \$100,000/\$300,000/\$50,000 as required by state law.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this matter be adopted. Following a roll call vote by the Mayor, the motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

**Ordinance No. 7623/20-39
Ordinance Book Volume XXI, Page 38**

2020-295 Appointment to Planning & Zoning Commission (Mark Morgan)

Council is requested to confirm the appointment of Mark Morgan to the Planning & Zoning Commission as Councilwoman Monica Peters' Ward 3 appointee. Appointment to be effective immediately and will expire June 30, 2023.

Approved the appointment of Mark Morgan to the Planning & Zoning Commission as Councilwoman Monica Peters' Ward 3 appointee. Appointment to be effective immediately and will expire on June 30, 2023.

A motion was made by Council Member Peters, seconded by Council Member Johnson, that this matter be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-298 Appointment to Parks & Recreation Commission (Lauren Britton)

To confirm the appointment of Lauren Britton as Council Member Hudson's Ward 4 appointee on the Parks & Recreation Commission. Ms. Britton will fill the unexpired term of Todd Nifong, who has resigned. Appointment to be effective immediately and will expire on July 1, 2021.

Approved the appointment of Lauren Britton to the Parks & Recreation Commission as Council Member Hudson's Ward 4 appointee. Appointment to be effective immediately and will expire on July 1, 2021.

A motion was made by Council Member Hudson, seconded by Council Member Jefferson, that this matter be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

2020-289 Minutes To Be Approved

Community Development Committee Minutes; July 14th @ 4:00 p.m.
Prosperity & Livability Committee Minutes; July 15th @ 11:00 a.m.
Finance Committee Minutes; July 16th @ 4:00 p.m.
Special Meeting Minutes of City Council; July 20th @ 3:30 p.m.
Regular Meeting Minutes of City Council; July 20th @ 5:30 p.m.
Adjourned Session Minutes of City Council; July 22nd @ 5:30 p.m.

Approved the preceding minutes as submitted with a correction to the July 15, 2020 Prosperity & Livability Committee Minutes to reflect the correct spelling of Patrick Harman's name.

A motion was made by Council Member Moore, seconded by Council Member Peters, that this matter be approved. The motion carried by the following vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes.

ADJOURNMENT

At 7:28 p.m., Council recessed this meeting until August 5, 2020 at 5:30 p.m. in order to take action on the public hearing items that were heard at tonight's meeting.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, City Clerk