

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*



Minutes

Monday, November 2, 2015

5:30 PM

Council Chambers

City Council

*William S. Bencini, Jr., Mayor
James C. Davis, Mayor Pro Tem
Latimer B. Alexander, IV, Cynthia Y. Davis,
Jason P. Ewing, Jeffrey J. Golden,
Alyce E. Hill, Christopher Williams,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Mayor Bencini called for a moment of silence; the Pledge of Allegiance followed.

Present 8 - Council Member Alyce Hill, Council Member Christopher Williams, Mayor Pro Tem James Davis, Council Member Jason Ewing, Council Member Jay Wagner, Council Member Jeffrey Golden, Mayor Bill Bencini, and Council Member Cynthia Davis

Absent 1 - Council Member Latimer Alexander

RECOGNITIONS AND PRESENTATIONS

There were no recognitions or presentations made at tonight's meeting.

PUBLIC COMMENT PERIOD**150271 Public Comment Period**

Louis X. Thibodeaux, 1242 Kensington Drive addressed Council regarding the Country Club/Dovershire stormwater improvements. He expressed concerns regarding flooding, bank erosion, silt/debris in the streets as a result during heavy rain storms. He felt Council should have a plan to resolve these issues before the project progresses any further and asked Council to find any additional funds that might be necessary to complete the project.

No one else spoke during the public comment period. Mayor Bencini closed the floor for public comment.

CONSENT AGENDA ITEMS

Chairman J. Davis announced that the Finance Committee met on Thursday, October 28, 2015 at 4:00 p.m. and recommended the following matters be forwarded to Council with a favorable recommendation (150336, 150337, 150338, 150339, 150340, 150343, 150344, 150345, 150346, and 150347).

Committee Member C. Davis asked that 150341 & 150342 be pulled from the Consent Agenda and placed under the regular agenda due to concerns that this equipment was not included in this year's budget.

Chairman J. Davis moved approval of all matters under the Finance Committee Consent Agenda with the exception of 150341 & 150342 to be placed under the regular Finance Agenda. Council Member Golden made a second, which carried unanimously.

Action on these matters will be reflected throughout these minutes as being made and seconded by the same persons.

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair**Committee Members: J. Davis, C. Davis, Hill, and Williams****(All were present)****150336 Contract - Yates Construction Company - Highway 66 Sewer System Improvements**

Council is requested to approve final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Sewer System Improvements.

Attachments: [1. Change Order - Deduct - Hwy 66 Sewer Improvements Project](#)

Approved final change order (deduct) documents to the Yates Construction Company contract for the Highway 66 Sewer System Improvements.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150337 Construction Maintenance Agreement - Daveler Drive

Approval of a North Carolina Department of Transportation (NCDOT) Construction Maintenance Agreement for the resurfacing of Daveler Drive in the amount of \$4,212.83.

Attachments: [2. Daveler Dr NCDOT Constrution Maintenance Agreement](#)
[2. Daveler Dr NCDOT Constrution Maintenance Agreement - Executed Copy](#)

Approved a construction maintenance agreement with NCDOT for the resurfacing of Daveler Drive.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150338 Disaster Related Debris Recovery Agreement- NCDOT

Council is requested to approve a Special Agreement with the NC Department of Transportation (NCDOT) for Disaster Related Debris Recovery Agreement.

Attachments: [3. NCDOT Agreement - Disaster Related Debris Recovery Agreement](#)
[NCDOT Agreement - Disaster Related Debris Recovery Agreement - Executed](#)

Approved special agreement with NCDOT for disaster related debris recovery.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150339 Transit Bus Replacement Order

Council is requested to award contract to New Flyer Industries for the purchase of fourteen (14) buses in the amount of \$6,862,109.73 to replace the current fleet what have met their useful life.

Attachments: [4. Transit Bus Replacement Order](#)

Awarded contract to New Flyer Industries for the purchase of fourteen (14) buses in the amount of \$6,862,109.73.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150340](#)

Purchase of Police Patrol Vehicles

Council is requested to approve the purchase of ten (10) new 2016 Dodge Charger marked patrol cars from Ilderton Dodge Chrysler in the amount of \$275,750.00. These new vehicles will be purchased using federally forfeited equitable sharing funds.

Attachments: [5. Purchase of Police Patrol Cars](#)

Approved the purchase of ten (10) new 2016 Dodge Charger marked patrol cars from Ilderton Dodge Chrysler in the amount of \$275,750.00.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150343](#)

Private Sale of Personal Property - VIP for VIP

Council is requested to adopt a resolution authorizing staff to proceed with the transfer of ownership of a 2001 Dodge truck and a 2008 Pace trailer to VIP for VIP (Vehicle Injury Prevention for a Very Important Person), a non-profit organization that teaches High School students the importance of being responsible drivers.

Attachments: [8. VIP for VIP Vehicle Transfer](#)

Resolution No. 1587/15-58

Introduced: 11-2-2015: Adopted 11-2-2015

Resolution Book Volume: XIX, Page 58

Adopted resolution authorizing staff to proceed with the transfer of ownership of a 2001 Dodge truck and a 2008 Pace trailer to VIP.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150344](#)

Interlocal Agreements with the NC Wildlife Commission

Council is requested to authorize staff to execute interlocal agreements with the NC Wildlife Commission for the purpose of construction, upkeep and routine maintenance of fishing piers located at the Arnold J. Koonce, Jr. City Lake and the Oak Hollow Lake.

Attachments: [9. Agreements with NCWC - Oak Hollow and City Lake Piers](#)

Approved interlocal agreements with the NC Wildlife Commission for the purpose of construction, upkeep and routine maintenance of fishing piers located at the Arnold J. Koonce, Jr. City Lake and the Oak Hollow Lake and authorize staff to execute same.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150345**Cigna Healthcare Contract Renewal**

Council is requested to authorize the City Manager to execute a twelve (12) month contract with Cigna Healthcare for healthcare coverage for city employees. Contract will be effective January 1, 2016 - December 31, 2016.

Attachments: [10. Cigna Contract 2016](#)

Approved a 12-month contract with CIGNA Healthcare (effective January 1, 2016 - December 31, 2016) for city employee healthcare coverage and authorize the City Manager to execute same.

A motion was made by Mayor Pro Tem J Davis, seconded by Council Member Golden, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150346**Budget Ordinance Amendment - Insurance Reserve Fund**

Council is requested to adopt an ordinance amending the 2015-2016 Budget Ordinance for the Insurance Reserve Fund.

Attachments: [11. Budget Ordinance Amendment - Insurance Reserve Fund](#)

Ordinance No. 7174/15-57

Introduced 11-2-2015: Adopted 11-2-2015

Ordinance Book: Volume XIX page 57

Adopted ordinance amending the 2015-2016 Budget Ordinance for the Insurance Reserve Fund.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Budget Ordinance amendment be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150347**FY 2015-2016 Furniture Market Funding Resolution**

Council is requested to Adopt a Resolution Authorizing the City of High Point to enter into an agreement with the North Carolina Department of Transportation (NCDOT) for transportation activities for the bi-annual International Home Furnishings Market relating to the demonstration grant in the amount of \$1,200,000 and authorize the City Manager or his designee to execute all agreements and contracts for same.

Attachments: [12. Furniture Market Funding Agreement - NCDOT](#)
[Signed Resolution Demonstration Grant-Furniture Mkt. Funding](#)
[NCDOT Furniture Market Funding Agreement - Executed Copy](#)

Approved agreements with NCDOT for the Demonstration Grant for the International Home Furnishings Market and authorize the City Manager or designee to execute same.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Golden, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote.

(Council Member Alexander was absent.)

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

[150348](#)

Facade Grant Incentives Guidelines

Council is requested confirm the Facade Grant Incentives Guidelines.

Attachments: [13. Facade Grant Guideline Revision 10.29.2015](#)

_____ Transcript _____

Chairman J. Davis: Finance Committee felt like that we needed all of council to hear some of these changes, so we did not put it on the consent agenda. Is staff here to talk about that and give us an update? Randy?

Assistant City Manager Randy Hemann: Mayor and Council members, you have that document before you. The real changes that were made. There were really four things that were done here. Number one, the language that applies to the four BIDs is in there and you should have maps of those four districts. So that defines the grant is tied to those districts.

Number two, there was clarification that the design must be included in the maximum grant amount. There was a question related to that and language was put in that hopefully makes that clear.

Number three, we removed language related to overlay zoning districts because it's not in the other two grant programs. It still applies and I'm sure that it will still be looked at, but we just removed that because it wasn't in the other two grant programs.

And the fourth thing was some general clean-up on the document that we re-formatted and cleaned it up. So those were most of the changes unless I missed something that JoAnne or Brent want to comment about.

City Attorney JoAnne Carlyle: It's like he said, just clean-up to make sure that we could put these in effect in the MSDs.

Chairman J. Davis: there was on other question that I don't remember....we talked about it, but I don't know that we clarified....I think Ms. Davis raised the point about the five members going to seven members like we did for the MSD. And we will have the five members in there and seven members will be appointed by the mayor and six council members. So is that still your concern?

Council Member C. Davis: Yes. I'd like to see that because Council needs to be aware of what's going on with the Facade Grant so that we're accountable to the constituents. That is one of the concerns that I do have.

Mayor Bencini: Correct me if I'm wrong, Mr. Hemann, but the grant review board reviews and recommends to Council, the Council takes the final action on this?

Council Member C. Davis: No.

City Attorney JoAnne Carlyle: that's one of the major differences is who appoints the committee members, number of committee members, and the action coming back for approval before the money is spent.

Mayor Bencini: and as recommended, staff would make the appointments to this because it's not felt by staff that this is a typical appointment that needs to have people that are trained.

Assistant City Manager Randy Hemann: That is correct. There are people trained in preservation and architecture that would be part of this. It was discussed a little bit at the Finance Committee meeting, but there was no motion or resolution to change it so staff did leave it as it was. But staff is certainly willing to do whatever the committee wanted or the board wants. Our recommendation was to leave it as it was.

City Attorney JoAnne Carlyle: Another point that the managers brought forward was the fact that Council already knows about the budgeted amount, so it's not like it's an unknown.

Council Member Ewing: And the parameters of it.

Assistant City Manager Randy Hemann: It is a grant program that you have to meet the guidelines. You either meet the guidelines or you don't and the committee, obviously, is there to determine if the guidelines are met. You've approved the guidelines, so the delegation of does this meet or not meet the guidelines is what you have delegated.

Council Member C. Davis: Well my argument would be. My concern, not argument as much, but my concern is that we have already had people take advantage of the facade grant without it actually being approved by this body, so we'll have to ratify those dollars. So technically we didn't even know that anyone had been allocated. So that gives us additional oversight. The committee can go ahead and do the job of the recommendations back to the council with the proper trained individuals sitting on those committees because we can take into consideration those that are recommended and then have a recommendation come back to Council because ultimately we are the ones responsible to the constituents for the use of tax dollars.

Chairman J. Davis: Randy, does the grant committee approve the recipients or does our core city administrator approve?

Assistant City Manager Randy Hemann: The grant committee does.

Chairman J. Davis: So the grant committee is the one who hears the grants and approves them?

Assistant City Manager Randy Hemann: Alright.

Chairman J. Davis: We have four grants tonight. Is there a committee already established for this budget year to do that?

Assistant City Manager Randy Hemann: There was a committee previously established I believe.

McCaslin: For the facade grants only. Not the other MSDs that you're talking about.

Chairman J. Davis: So we already had a committee for the facade grants for this budget year?

Council Member C. Davis: If we carry over from City Project.

Deputy City Manager Randy McCaslin: Well it's the same committee that we had. Now there have been some changes to that committee. There was a new committee appointed this year. It had some of the same members....

Chairman J. Davis: Is it last year's committee doing this year's? Is that what you're saying?

Deputy City Manager Randy McCaslin: No, it was a new committee appointed this year. It has some of the same people that were on it previous, but, again, we're trying to get people from certain professional categories to help make that decision and to make sure the guidelines are followed.

Chairman J. Davis: So any changes that Ms. Davis was talking about will be for next calendar year and not this year because we already have an established committee.

City Attorney JoAnne Carlyle: I'm under the impression whatever you decide tonight will go into effect whether it is to remain with this committee or if you make the changes then they will make the changes and that will continue to be for this year 2015-2016.

Deputy City Manager Randy McCaslin: The Finance committee said that they did not want to go back and change any of the facades that have currently been awarded, so we're going to ask you to confirm those tonight, but that process has already been gone through for this year.

Chairman J. Davis: What we said....we put a moratorium on any future ones, but we thought it would be fair since these were already approved to keep them in the pipeline.

City Attorney Joanne Carlyle: There are two actions that you guys need to take on the facade issue tonight. One is to take a look at the guidelines that are already on the agenda to confirm or make changes to that. And, two, you need to amend the agenda to add the ratification of those four that have already been paid out.

Chairman J. Davis: My only question isJeff, you made the motion originally for the membership to increase from 5 to 7.

Council Member Golden: That's correct.

Chairman J. Davis: Did you intend on that to be for all the committees? Or did you just...for the MSDs?

Council Member Golden: when I made that motion we were....at that time we were talking about the MSDs. We weren't talking about the facade grant at that time.

Council Member C. Davis: I did have some additional concerns that I'd like to bring before Council. I had a concern in regards to where a tenant may pursue a grant, but the application would be co-signed by an owner. I think that Mr. Davis and I had some conversation about we were under the impression that it was owners that would bring that forward. I'd like to see that if an owner has five properties in an area that qualifies instead of being able to do all five, do one within a 5-year period and then come back and reapply simply because it gives other business owners an opportunity to apply. And I'm just going down the document. Theon page 2 of the document on guidelines 1B it says applicable City of High Point zoning and overlays will be used as guidelines in making improvements. I just want to make sure that was pointed out there, that it does, in fact, still have overlays mentioned-maybe not to the degree. On page 3, number 5, the grant committee may judge property for an additional grant if.....I'd like more information on the extenuating circumstances an additional grant that may be awarded prior to the five-year limit that we put on it. So if you applied today, you'd have to wait five years, but under certain circumstances you could come back and get additional monies. Number 6 says under no circumstances shall the awards....I get that one, never mind, that one's okay.

I need a cap on number...criteria #3. Any project receiving a grant exceeding a grant total of \$10,000 or more shall require approval of both the grant committees or the city manager. Are we not going to place a cap on the ultimate period? And #5, it says projects of significant economic scale and exceptional architectural merit may be eligible for special consideration of enhanced financial participation. I'm not clear as to what dollar amount and where it would tie into #5.

Assistant City Manager Randy Hemann: There is no dollar amount tied to it.

Council Member C. Davis: Okay, so that's open-ended?

Assistant City Manager Randy Hemann: It is within the budget that's approved,

obviously. And what this board will approve.

Council Member C. Davis: The other concerns I had was on 3, still page 3, under Administration #2. It says review designed features with the applicant and applicant's designee and assist determination of proper design elements for the facade. I'm not sure that our grant administrator is qualified to do that portion; however, we do have staff that would. So maybe the verbiage should be changed to read something along the lines of our Planning & Development Department reviewing these design features because they are qualified to do that.

City Attorney JoAnne Carlyle: What page is that?

Council Member C. Davis: It's on page 3 under F administration #2. Maybe just change some wording there. And the other is...and I noted these as we already have staff that handle these, but I'm not sure so some clarity may be needed for me to understand. Number 3 says facilitate and coordinate the cities building permit process. We have staff that does that. And #4, assist and monitor construction activities and compliance. I don't feel that the grant administrator is qualified to do that, but we do have staff that is qualified to do that. So just some amendments in the language there that refers back to the Planning & Development Department. And those were the only notes that I had.

Chairman J. Davis: Alright, does anybody else have any other concerns? Some of those things that Ms. Davis brought up, what's your feelings on that, Randy? I guess my question is this the existing policy that we've had in place for the last few years? Have some changes been made recently?

Assistant City Manager Randy Hemann: Yeah, and like I said, the big change is put in the language that says this applies to the four Business Improvement Districts. You know the rest of these things were rather minor clarifications. It has been working for the last several years I understand.

Chairman J. Davis: the premise for this when I got on Council, it was \$25,000 and we saw the benefit of it and increased the budget to \$35,000 and now it's \$50,000. Certainly I want to get as many properties as possible. I think she brought up some very valid points in a couple of those things, but I don't really have a whole lot of heartburn over it. I think it's a good program.

Council Member C. Davis: Mr. Davis, how do you feel about number....page 3, under criteria #5 where it says projects with significant economic scale and exceptional architectural merit may be eligible for special consideration of enhanced financial participation? That's the one that's open-ended. There is no cap there.

Deputy City Manager Randy McCaslin: It is capped by the budget appropriation.

Council Member Golden: It's only \$50,000 there so, you know, if it exceeds that then

we don't be giving all that to that one owner. I don't really see us doing that.

Assistant City Manager Randy Hemann: I don't see that happening either. But I will say that if you have a spectacular project that might be a landmark building or a very visible building, this does offer just a little bit of flexibility. I don't know if...in the years....I'm obviously new here, but in year's past, have you seen an unreasonable project come forward with a high amount based on this language?

Council Member Wagner: No.

Mayor Bencini: No.

Assistant City Manager Randy Hemann: Then, maybe it's okay because ultimately we're all responsible for this and we will answer to you with anything that we bring forward. So, you know, I know it is a little bit open-ended, but the reason being if you have a great project, that you really need to get over the finish line, you know, that's what we as a city hopes to do. I would think.

Council Member C. Davis: and maybe we could add, just for argument sake, that it needs Council's approval when it goes over a certain amount. I mean that would satisfy in this particular item. But open-ended that way.

Chairman J. Davis: How many applications...

Council Member Ewing: I think you're adding more red tape. We talk about removing red tape and I know on here we're talking about eliminating our December 21st meeting, so what happens if on December 8th somebody has a project, then it has to wait until the middle of January to come before Council. I think you're just adding more....

Council Member Wagner: I think what we're really doing is more of a....once we approve an amount, then I think by putting the process in the hands of a grant committee, which is not inherently a political committee. It's a committee of professionals to make that decision. I think that will help preserve the objectivity of the process and make sure that the projects that are proposed have real merit. And to be perfectly honest with you, I think the more we can stay out of it, once we approve a budget line item, I think it's better really. I don't think we have to have our fingers in everything.

Chairman J. Davis: So how many applications have we received this year because the deadline has passed, I'm sure.

Assistant City Manager Randy Hemann: Well, you've got the four listed there, but we do have some folks....is Wendy in the audience? Don't we have some folks that are interested in projects right now?

Core City Administrator Wendy Fuscoe: They're interested in downtown.

Assistant City Manager Randy Hemann: But will they be doing improvements to the exterior? Any of those folks?

Core City Administrator Wendy Fuscoe: Yes. They're interested in the facade grant.

Council Member Golden: Did we exhaust the entire \$50,000?

Assistant City Manager Randy Hemann: No.

City Attorney Joanne Carlyle: I think another important point is to...I mean we're halfway through the period now and really what the managers are trying to do here is to just get something in place that would be kind of...I think Randy used the word limp along. You know to do it legally correct, and then come back and fine tune and bring something back to you guys.

Assistant City Manager Randy Hemann: Correct. And to answer Councilman Golden's question, the grants that we have right now-the four totaled a little more than \$21,000.

Council Member C. Davis: We still have \$28,000 left.

Council Member Golden: I've got one more question and this is just for down the road, but we didn't address if we had an owner with multiple properties. I know we said that you could only get a grant once in a five-year period for your property. But if you've got multiple properties, how many times can that one property owner apply and receive a grant? Or is there not a cap?

Deputy City Manager Randy McCaslin: Each property is treated separate, regardless of the owner.

Council Member Wagner: They'd have to apply for a different property, which is part of our goal.

Council Member Golden: Right. I understand that. Let's say I've got four properties and I want to use the entire \$50,000 for just my four properties and nobody else applies. We're okay with that? That's what I want to make sure that we're fine with that.

Council Member Wagner: The thing is about improving properties.

Council Member Golden: I mean I don't have a problem with it, but I want to make sure that we're all on the same page.

Council Member Wagner: If we get four improved properties...

Deputy City Manager Randy McCaslin: And remember that it is a matching grant. So

whatever the city puts up, you would have to match.

Council Member Wagner: I think the numbers on that....and Wendy, maybe you can chime in....way, way back there. Wasn't it like an 8:1 return?

Core City Administrator Wendy Fuscoe: Yeah, the first year it was as high as 15:1.

Council Member Wagner: 15:1, private to public.

Council Member C. Davis: Councilman Golden, I brought that up earlier when I first started reading, but I know all went on for some time. My concern is that if you have 5 properties, I apply this year for property 1, next year I apply for property 2, 3....you get the drift.

Council Member Golden: I'm okay with that because you are still improving a community. But I wanted to make sure that we, as a body, were okay with that.

Council Member C. Davis: Councilman Golden, myI brought that up earlier when I first started reading, but I know I went on for some time. My concern is that if you have five properties, I apply this year for property 1. Next year, I apply for property 2, 3....you get the drift...all the way down the line.

Council Member Golden: I'm okay with that, though, because you are still improving a community, but I wanted to make sure that we, as a body, was okay with that.

Council Member C. Davis: Well, that was my thought process or my concern for the people that I represent is that they see an opportunity for people not to be proactive or take any responsibility upon themselves to try to strive to do what they're able to do and come back and take advantage of dollars even though they may be able to do the thing that they ought to be doing. So that's the concern that those I represent do have.

Council Member Golden: I agree with the city manager. It's a match, so they are doing their part, so I just wanted to make sure that we were....

Council Member J. Davis: any other comments or questions from staff? Do I have a motion?

Council Member Williams: **So moved.**

Mayor Bencini: There's a motion, is there a second?

Council Member Wagner: **Second.**

Mayor Bencini: Motion and a second. Any further discussion? All in favor, say Aye. Aye.

Mayor Bencini, Chairman J. Davis, Council Members Golden, Williams, Hill, Wagner, Ewing: Aye.

Mayor Bencini: Opposed?

Council Member C. Davis: No.

Mayor Bencini: **That motion carries. [7-1 vote]** [C. Davis dissenting] [Council Member Alexander was absent]

[end of transcript]

Confirmed and approved the Facade Grant Incentives Guidelines.

A motion was made by Council Member Williams, seconded by Council Member Wagner, that the Facade Grant Incentive Guidelines be approved. The motion carried by the following 7-1 vote:

Aye: 7 - Council Member Hill, Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, and Mayor Bencini

Nay: 1 - Council Member Davis

Absent: 1 - Council Member Alexander

150365

Ratification/Approval of the Award for 2015 Facade Grants

Council is requested to ratify the approval of Facade Grants awarded pursuant to the City of High Point's Facade Improvement Plan as follows:

<u>Recipient</u>	<u>Property Address</u>	<u>Award</u>
Dave Riedlinger	107 West Lexington Avenue	\$6,928.21
Jackie Haizlip	616 Washington Street	\$4,835.00
Dr. Raja	1421-1419 South Main Street	\$8,500.00
Randall Sage	1301 South Main Street	\$975.00
Total		\$21,238.21

Since this matter did not originally appear on tonight's agenda, **a motion was made by Council Member C. Davis to suspend the rules in order to add it to the agenda for consideration. Council Member Ewing made a second to the motion. The motion carried by an 8-0 unanimous vote. (Council Member Alexander was absent.)**

_____ Transcript _____

Chairman J. Davis: Mr. Mayor, we have four grant recipients and **I HEREBY MAKE A MOTION TO RATIFY THE APPROVAL OF THE Facade GRANTS**

**AWARDED PURSUANT TO THE CITY OF HIGH POINT'S FAÇADE
IMPROVEMENT PLAN AS FOLLOWS:**

David Reidlinger, 107 W. Lexington Avenue.....	\$6,928.21
Jackie Haizlip, 616 Washington Street.....	\$4,835.00
Dr. Raja, 1421-1419 S. Main Street.....	\$8,500.00
Randall Sage, 1301 S. Main Street.....	<u>\$975.00</u>
Total.....	\$21,238.21

City Attorney Joanne Carlyle: If you will, just put that motion in a holding pattern and motion to amend the agenda to add that for the ratification of those four. And you need to have a 2/3 vote to add it.

Chairman J. Davis: So what you're saying is we need to suspend the rules to add this motion to the agenda?

Mayor Bencini: We have a motion **to suspend the rules**.

Council Member C. Davis: **So moved.**

Council Member Ewing: **Second.**

Mayor Bencini: All in favor, say Aye. Aye. [all] Opposed? [none]

Chairman J. Davis: I'm not going to repeat the motion, but **I MOVE TO APPROVE.**

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

Council Member Wagner: **Second.**

Mayor Bencini: Is there any further discussion?

Council Member C. Davis: I'd just like to say that we passed it in June as a holder and I am somewhat disappointed that monies were allocated out prematurely, but I will support it.

Mayor Bencini: Thank you, Ms. Davis. Any further discussion? [none] All in favor, say Aye. Aye. [all] Any opposed? [none] **That motion carries. [8-0 vote] [Council Member Alexander was absent]**

[end of transcript]

Ratified the approval of the preceding Facade Grants awarded pursuant to the City of High Point's Facade Improvement Plan.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, that this be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150341**Purchase of Electric Department Aerial Bucket Truck**

Council is requested to approve the purchase of a 125' Aerial bucket truck from Scott Powerline & Utility Equipment in the amount of \$540,000.

Attachments: [6. Aerial Bucket Truck Purchase - Electric Department](#)

This matter was discussed during a Finance Committee meeting held on Thursday, October 28th. Committee Member C. Davis questioned why this purchase was not included in the budget. Although, she had no concerns with replacing the truck due to its age, she did express concerns about having to do a budget amendment for this purchase.

For this reason, this matter was pulled from the Finance Committee consent agenda and placed under the Finance Committee regular agenda.

Approved contract with Scott Powerline & Utility Equipment in the amount of \$540,000.00 for the purchase of a 125-foot Aerial bucket truck.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150342**Budget Ordinance Amendment - Electrical Aerial Truck**

Council is requested to adopt an ordinance amending the 2015-2016 Budget Ordinance to appropriate funds in the amount of \$540,000 for an electric aerial truck replacement.

Attachments: [7. Budget Ordinance Amendment - Electric Truck](#)

Ordinance No. 7175/15-58

Introduced 11-2-2015: Adopted 11-2-2015

Ordinance Book Volume XIX, Page 58

This matter was discussed during a Finance Committee meeting held on Thursday, October 28th. Committee Member C. Davis questioned why this purchase was not included in the budget. Although, she had no concerns with replacing the truck due to its age, she did express concerns about having to do a budget amendment for this purchase.

For this reason, this matter was pulled from the Finance Committee consent agenda and placed under the Finance Committee regular agenda.

Adopted ordinance amending 2015-2016 Budget Ordinance appropriating funds in the amount of \$540,000.00 for an electric aerial truck replacement.

A motion was made by Mayor Pro Tem J Davis, seconded by Council Member C. Davis, that this Budget Ordinance Amendment be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

Pending Items**150284 Budget Ordinance Amendment- Little Red Schoolhouse**

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

Attachments: [Little Red School House Agenda Item REVISED 10 1 15](#)

Note: This matter has been pending since September 8, 2015.

At the October 28th Finance Committee Meeting the Finance Committee directed staff to put together a matching grant proposal for the Little Red Schoolhouse project outlining the phases.

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE -
Council Member Golden, Chair
Committee Members: Golden, Alexander, Ewing, & Williams
(All were present except Alexander.)

150349 Modification to Homebuyer Assistance Program

Council is requested to approve modifications to the Homebuyer Assistance Program as approved by the NC Housing Finance Agency.

Attachments: [Modification to Homebuyer Assistance Programs](#)

Mike McNair, Director of Community Development & Housing advised that the NC Housing Finance Agency has announced a new down payment assistance program that provides \$15,000 down payment assistance per income eligible household regardless of loan size (maximum purchase price of \$245,000). The program is only available in five counties: Cabarrus, Cumberland, Guilford, Johnson and Mecklenburg with the funding source being the NC Hardest Hit Fund. Staff is proposing to modify the City of High Point's down payment assistant programs to emulate and leverage the state's new Down Payment Assistance Program. He pointed out the State has been offering forgivable loans, while the City has been offering payback loans. He noted where the income requirements are compatible, the State's and the City's Down Payment Assistance Programs could be bundled together and if they are not compatible, the City could still offer \$7,500 to middle-income buyers. Mr. McNair advised that the City's program is known as the Core City Homebuyer Assistance Program. The State's program can be used anywhere in Guilford County, while the City's only applies to housing stock located in the Core City. Mr. McNair pointed out that someone looking at housing stock in the Core City would also be able to tap into the State's down payment assistance program.

Council Member C. Davis inquired about the amount of money available for these loans: \$120,000 available in General Fund dollars; and approximately \$100,000 budgeted for the Federally funded Homebuyer Assistance Program. According to the money available, approximately 15 homebuyers could take advantage of this opportunity. Council Member C. Davis asked if this money could be used for additional housing projects should nobody take advantage of the programs. Mr. McNair explained it would have to be used on some kind of housing activity and shared that staff is trying to promote home ownership in the Core City at Council's direction, so they would continue to use those funds to either provide down payment assistance, or they could offer additional contracts with Habitat.

Chairman Golden pointed out the disparity in the qualifying income guidelines between the City and the State. Mr. McNair explained that the City uses HUD income guidelines, while the State does not. He pointed out the City's guideline is about \$15,000-\$20,000 lower than what the State is using and noted there are situations where one could qualify for one and not the other. The State's program is only for existing housing stock, while the City's program allows it to be used for new construction as well as existing housing stock located within the Core City.

Since the State's program far exceeds what the City is doing or could do, Council Member C. Davis suggested saving the City's dollars. Mr. McNair reminded Council that the funds do expire and noted the issue becomes whether Council desires to have an incentive for Core City ownership and if so, it would be enticing to have something that's greater than what's available outside the Core City. Council Member C. Davis questioned the reasoning behind the money being forgivable instead of paid back and Mr. McNair explained that staff's reasoning was to match the State's program because they felt those out in the market place that would like to take advantage of these opportunities would choose a forgivable loan versus a loan that would have to be paid back.

Staff is asking Council for authorization to move forward in making this modification to the City's Down Payment Assistance Program.

At this time, Council Member Golden moved approval of the modifications to the City's down payment assistance programs and that the appropriate City official and/or employee be authorized to execute all necessary documents, to line up with the State's DPA Program which would make the loans forgivable after five years. Council Member Williams made a second to the motion.

For further discussion, Council Member C. Davis asked if Council moves forward with this and if the \$7,500 offered by the City for the Core City could also be partnered with the \$15,000 from the State for a total of \$22,500. Mr. McNair replied that was correct.

There being no further discussion, the motion carried by a 7-1 vote as follows:

A motion was made by Council Member Golden, seconded by Council Member Williams, that this matter be approved. The motion carried by the following 7-1 vote:

Aye: 7 - Council Member Hill, Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, and Mayor Bencini

Nay: 1 - Council Member Davis

Absent: 1 - Council Member Alexander

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner,

Chair

Committee Members: Wagner, C. Davis, J. Davis & Golden

(All were present)

150350

Resolution of Intent - Annexation Case ANX15-08

Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 16, 2015, at 5:30 p.m. to consider a voluntary non-contiguous annexation request. The proposed annexation site is approximately 114.79 acres, and lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road. The property is addressed as *8809, 8813 & 8819-R1 Boylston Road*, and is also known as Guilford County Tax Parcel 0169014, 0169013 and 0168988.

Attachments: [Resolution of Intent ANX15-08](#)

Resolution No.: 1589/15-60

Introduced: 11-2-2015: Adopted 11-2-2015

Resolution Book Vol: XIX, Page # 60

Adopted Resolution of Intent of establishing of a public hearing date of Monday, November 16, 2015 at 5:30 p.m. to consider a voluntary non-contiguous annexation request of approximately 114.79 acres lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150351

WI High Point Landfill, LLC - Watershed Variance

A request by WI High Point Landfill, LLC for a major watershed variance to disturb an existing perennial and intermittent stream buffer as classified by the Department of Natural Resources Division of Water Quality. The buffer disturbance exceeds five percent (5%) of the stream; therefore, local and state (Environmental Management Commission) review is required. The site is located at 5830 Riverdale Road, which is lying along the west side

of Riverdale Drive approximately 1/4 mile south of E. Kivett Drive. The site is also known as Guilford County Tax Parcel ID 0213048.

Attachments: [5830 Riverdale Watershed Variance](#)

Chairman Wagner: The next item is a Watershed variance case. It looks like Mr. Schroeder is up for that.

Mark Schroeder: Good evening Mayor, Council. I'm Mark Schroeder with the Planning and Development Department. We don't see these that often, so I'll dive shallow. If you want to go deeper, we can go deeper.

We have a request by the property owner Waste Industries High Point Landfill LLC for a major watershed variance. This is their property. It's approximately 154 acres. Just to get your bearings....this is Kivett. This is Riverdale Drive. You've got Kachette over here....and then just off the edge is Kersey Valley. Within the last couple of years, the current owner purchased the property and doing their due diligence, what they evaluated was is the construction debris landfill permitted by the city? Yes it is. Do they have state permitting to create this landfill? Yes they do. But then doing further environmental assessments, they discovered the existence of the stream. Herb, if you want to go ahead and put the plan up....

The existence of the stream, which is shown here on the bottom of the map, through various determinations of the state and local employees, it's a classified stream from this point to the south. This greatly impacts the desired proposal, which is to create the landfill as shown. This being the High Point fill and then it slopes off in these directions. The blue is their current landfill as it exists. With the restrictions that are in place from the local zoning approval, they cannot expand the landfill beyond this point. This is the watershed critical area, Tier 3. Also, they have some buffer requirements to the west. This is our city landfill here and then as you can see, the property owner or limits is up here. So really the only logical expansion is in this direction and I did refer....there are some....they provided a table as to the impact. If they avoided all of the environmental features that are identified on this map, it would be a 70% loss of their permitted capacity. If they did some other minimization, it would be 45% and then lastly avoidance of the stream itself and the buffer would be a 19% loss.

Now after looking at those options, they still felt it was desirable to pursue a variance through the CHP, which has a major watershed variance and it requires your recommendation of approval and then it goes to the Environmental Management Commission for their consideration. Basically, the stream buffer we're talking about....or the stream itself is 394 feet in length and then the buffer is accumulatively zone 1 and 2 is about 40,000 sq. ft. The applicant outlined findings of fact, which is required for us to consider as part of granting a major watershed variance. These are:

That there are practical difficulties or unnecessary hardships that would prevent the compliance with this ordinance. The variance is in harmony....general harmony with the general purpose and intent of the ordinance and preserves its spirit. And lastly, the

public safety and welfare is assured in granting the variance will do substantial justice.

The Watershed Review Committee looked at the arguments from the applicant and found that they did satisfy those findings of fact. We met in late August and then again in September in consideration of those. And therefore, we recommend approval of the variance and then sending it on to EMC based on the following conditions:

- That a more detailed site plan be approved through our land development process;
- That they obtain the applicable 404 and 401 permits from the State and Federal agencies;
- That we reserve the right to approve the compensatory mitigation based on the disturbance of this stream

Herb, if you want to show them a couple of other pictures. They are in your packet as well. The beginning of the stream is shown right here. Photo 11 and herb if you just want to go to that. Most of these pictures, there is no water present in the streams, but it is a classified stream. A little bit further south of the stream. This is within the impact area. There is some water present in this particular picture. That's a little further south again. And then the last pictures there....this is actually below the impact area where the definition of the stream may not be as evident, but it's fanning out into a wetland.

Mayor Bencini: It's basic surface water run-off when it appears without rain, there's no water in it?

Mark Schroeder: Correct. From below the impact area, there is groundwater recharge where it's continuously wet.

Mayor Bencini: and you mentioned compensatory, I guess the sort of pay to play.....you have to approve it, but who sets that amount?

Mark Schroeder: it's a set amount by the linear foot, but it's not an unsubstantial amount. It's \$300,000. The applicants are here if you need any more details.

Mayor Bencini: and that compensatory.....when the city receives those, what happens to those funds?

Mark Schroeder: They're expended locally for stream....specifically for stream mitigation projects. So we would get public services, Derrick Boone's folks, on the hook to identify a stream preferably right in line with 300-400 feet.

Mayor Pro Tem J. Davis: Mark, what happens if they grade that site? Then the existing stream is still there below the property line, correct?

Mark Schroeder: That's correct. Herb, if you want to go back....I know this is somewhat hard to visualize, but this is an existing pond. Right here is the toe over their

fill that they need to do to create this construction debris landfill. Then there's another proposed sediment, water quality pond here. It will discharge right at this point and effectively all the run-off coming off this hill will be introduced back into the stream channel at this point. They did look at some scenarios and that's some of the deeper information. If they did an avoidance of the stream and still meet the required treatment of that run-off, essentially, according to the applicant and the professionals involved, the hydrologists, the stream wouldn't be a classified stream in a matter of years. And then they could pursue just filling it in. This way they do have the assurance that...if this all gets approved, they have the assurance that they can do this and they're willing to pursue the variance, pay the fees and move forward.

Mayor Pro Tem J. Davis: Do they have plans now to go ahead and expand the landfill currently? Or is that just sometime in the future?

Mark Schroeder: This is where the current stream is now and yes it is the desired lifespan of the landfill.

Mayor Pro Tem J. Davis: I know you said that earlier, but I mean they don't have any plans to start grading once they get this approved next month to expand the landfill. That will be five years from now. Just whenever the need arises?

Mark Schroeder: Correct. This major variance will take another nine months to process through the state.

Mayor Bencini: Any further questions?

Council Member C. Davis: Can you explain the process by which they're going to assure that the water is not contaminated as it moves down?

Mark Schroeder: As far as....this landfill represents a build upon area of 4% of the total property. They are required by our local ordinance, which is approved by the state, to capture that run-off in these water quality controlled devices. There will be one here. There currently is one here. So all the run-off from the existing landfill is captured and treated and released.

Mayor Pro Tem J. Davis: This landfill, isn't this the one that's just the building materials?

Mark Schroeder: That's correct. It's just the construction debris. They have a recycling center up here and an office. This is their existing facility, recycling center and then the landfill itself for whatever they can't recycle.

Council Member C. Davis: So how is the water treated to ensure that it's not contaminated because we're talking about water and we're talking about people. So how is itI guess I'm not following with how we're going to make sure that the water is safe. Even though they have these retention ponds to hold and house that

water, I'm still concerned about the contaminants because even though it's construction debris, it's various types of construction debris.

Mark Schroeder: I'll let the applicant speak to your question directly regarding the landfill. Our local regulations requiring the buffering of this stream is primarily for surface water run-off. Once this landfill is capped and has 18 inches of soil and it's just a grass hill, that surface run-off will be treated by our local required retention ponds and they're designed to remove the heavy metals and other nutrients before introducing into the stream. In regards to the landfill, I'd probably defer to the applicant.

Chairman Wagner: Any other questions for Mark? [none] Okay, thank you Mark.

I'd like to go ahead and hear from the applicant and then we'll open the floor to any public comments. If you'd like to come forward. If you'll come forward and give us your name and your address for our record please. It will be helpful.

Stacey Smith : My name is Stacey Smith. I'm an engineer with Smith, Gardner, Inc. My home address is 200 Mill Creek Drive, Fuquay-Varina, NC. To answer your question. Landfills are monitored in a number of ways through the state permit. So this site here was studied intensively before it was developed and we do that in multiple stages. The initial stage was a site plan in which we do groundwater review, geology, hydrogeology, etc... to make sure that it's sufficient. So as the site continues to develop, there's a groundwater monitoring network that is placed around the landfill that is monitored twice per year to ensure that there's nothing that could seep or get into the groundwater. And, again, this is a construction/demolition/debris landfill, so it's not the same as some of the other waste that we deal with.

In addition to the operations of the facility, it's operated in such a way that we manage the stormwater run-off by placing a cover. So the waste that's put in the facility, we cover it with soil so that it separates the potential of stormwater and carrying any sort of potential contaminants off and then all of that is routed to the stormwater basins. The stormwater basins also have a series of permits under NPDES and we monitor it for suspended solids, oils, grease and other things. So it's heavily monitored. That's the main way that we identify if there's ever any problems with the facility and then if it triggers an exceedance or anything like that then we go into an investigation to fix that. And that's kind of the backend, more-or-less, of the operations and maintenance of the facility day-to-day looks for any other potentials of erosion, sediment, you know potential other groundwater issues that are all visible. So it's a heavily monitored site, Division of Waste Management with NCDEQ, they also inspect the site.

Council Member C. Davis: How often do they inspect? I know you said that you inspect two times per year. How many times do they inspect?

Stacey Smith: I can't speak to a regular interval. I can say typically they see sites a couple of times a year in addition to reviewing our reports that we submit to them as well.

Council Member C. Davis: Thank you.

Chairman Wagner: Does anyone else have any questions of the applicant? [none]
Okay. Thank you very much. Is there anyone else from your group that would like to speak? [none]

Is there anyone here who would like to speak in favor of this request? [none]

Okay seeing none, is there anyone here that would like to speak in opposition? [none]
I'll open the floor to council for any additional comments then. [no further comments]

Chairman Wagner: **I WILL MAKE A MOTION TO APPROVE THIS VARIANCE SUBJECT TO THE CONDITIONS, THE 3 CONDITIONS LISTED BY STAFF.**

Council Member Ewing: **Second.**

City Attorney Carlyle: And also making the findings of fact that are set forth.

Mayor Bencini: We have a motion, is there a second? Any further discussion? [none]
All those in favor, say Aye.

Bencini, J. Davis, Golden, Williams, Hill, Wagner, and Ewing: Aye.

Mayor Bencini: Opposed?

Council Member C. Davis: No.] [7-1 vote] [Council Member Alexander was absent]

[end of transcript]

City Council recommended favorably based on the Findings of Fact and conditions recommended by the Technical Review Committee that this Major Watershed Variance be forwarded to NC EMC for their consideration.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem Davis, that staff forward this Major Watershed Variance to the NC EMC with a favorable recommendation based on the Findings of Fact and conditions as recommended by the Technical Review Committee. The motion carried by the following 7-1 vote:

Aye: 7 - Council Member Hill, Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, and Mayor Bencini

Nay: 1 - Council Member Davis

Absent: 1 - Council Member Alexander

PUBLIC HEARINGS[150352](#)**Resolution - City of High Point - Street Abandonment Case 15-09**

A request by the Technical Review Committee to abandon excess right-of-way from a former cul-de-sac, along the north and south side of Whitney Court.

Attachments: [Staff Report SA15-09](#)

Resolution No. 1592/15-63

Introduced: 11-2-2015: Adopted 11-2-2015

Resolution Book, XIX, page 63

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150353](#)**Resolution - City of High Point - Street Abandonment Case 15-10**

A request by the Technical Review Committee to abandon an unimproved right-of-way (10-foot wide alley) lying at the western terminus of Sunview Avenue, and along the south side of Sunview Avenue

Attachments: [SA15-10 Staff Report](#)

Resolution No. 1593/15-64

Introduced: 11-2-2015: Adopted 11-2-2015

Resolution Book, XIX, page 64

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that this Resolution be adopted. The motion PASSED by an unanimous 8-0 vote. (Council Member Alexander was absent.)

GENERAL BUSINESS AGENDA[150354](#)**Resolution - Multifamily Housing Revenue Bonds - Park Terrace Apartments**

Approval by the City of proposed issuance by the Housing Authority of the City of High Point of up to \$5,000,000 in Multifamily Housing Revenue Bonds (Park Terrace Apartments), Series 2015 as required by Internal Revenue Code.

Attachments: [Resolution- Multifamily Housing Revenue Bonds - Park Terrace Park](#)
[Resolution- Multifamily Housing Revenue Bonds - Park Terrace Park - signer](#)

Resolution No. 1590/15-61

Introduced: 11-2-2015: Adopted 11-2-2015

Resolution Book, XIX, page 61

Adopted RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY KNOWN AS PARK TERRACE APARTMENTS (PHASE III) IN THE CITY OF HIGH POINT, NORTH CAROLINA AND THE FINANCING THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$5,000,000.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Golden, that this Resolution be adopted. The motion PASSED by an unanimous 8-0 vote. (Council Member Alexander was absent.)

[150364](#)

Resolution - High Point Housing Authority - Modification to Deed Restriction

Council is requested to adopt a Resolution authorizing the Mayor to execute the necessary documents approving the modification of deed restrictions for real property near 906 Asheboro Street and 815 Randolph Street conveyed to the Housing Authority of the City of High Point.

Attachments: [HPHA - Resolution - Quit Claim Deed Amendment](#)

[Resolution - HPHA - Conveyed Property - Remove Restrictions](#)

Resolution No. 1591/15-62

Introduced: 11-2-2015 Adopted 11-2-2015

Resolution Book, XIX, page 62

Council Member C. Davis moved to suspend the rules to add this matter to tonight's agenda. Council Member Ewing made a second to the motion to suspend the rules, which carried unanimously. (8-0 vote) [Council Member Alexander was absent].

Adopted **RESOLUTION OF THE HIGH POINT CITY COUNCIL APPROVING THE MODIFICATION OF DEED RESTRICTION IN REAL PROPERTY CONVEYED TO THE HOUSING AUTHORITY OF THE CITY OF HIGH POINT.**

A motion was made by Council Member Golden, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150355](#)

Federal Agenda 2015

Council is requested to approve the 2015 Federal Agenda proposed by The Ferguson Group.

Attachments: [2015 Federal Agenda](#)

Mayor Pro Tem J. Davis questioned the compost facility that was on the 2015 Federal Agenda. Mayor Bencini explained that it was probably included because the City has a mulch plant since The Ferguson Group is looking for the availability of funds.

Approved the 2015 Federal Agenda as proposed by The Ferguson Group.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, to approve the 2015 Federal Agenda. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150356](#)

Appointment - Boards & Commissions - Historic Preservation Commission

Council Member Latimer Alexander is recommending the appointment of Benjamin Briggs to the Historic Preservation Commission as his At-large appointment. Appointment to be effective immediately and will expire July 1, 2016.

Attachments: [Appointment - Benjamin Briggs - Historic Preservation Commission](#)

Approved the appointment of Benjamin Briggs to the Historic Preservation Commission.

A motion was made by Council Member C. Davis, seconded by Council Member Wagner, that the preceeding Appointment be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150357](#)

Appointment/Reappointments - Boards & Commissions - Library Board of Trustees

Council Member Alyce Hill is recommending the appointment of Ann Lynch (Ward 3 appointment); Council Member Alexander is recommending the reappointment of Yvonne Matloza (Alexander At-large appointment) and Council Member Jeff Golden is recommending the reappointment of Yvonne Short (Ward 1) to the Library Board of Trustees.

Attachments: [Appointments - Library Board of Trustees](#)

Approved the appointment of Ann Lynch, and the reappointment of Yvonne Matlosz and Yvonne Short to the Library Board of Trustees.

A motion was made by Council Member Williams, seconded by Council Member Ewing, that the preceeding Appointment/Re-appointment be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150358](#)

Appointment - Boards & Commission - Citizens Advisory Commission

Council is requested to confirm the appointment of Elizabeth Dennis to the Citizens Advisory Commission as Council Member Jim Davis' Ward 5 appointment. Appointment is effective immediately and will expire May 31, 2016.

Attachments: [Appointment - Elizabeth Dennis - CAC Ward 5](#)

Approved the appointment of Elizabeth Dennis to the Citizens Advisory Commission.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, that the preceeding Appointment be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150359](#)

Appointment - Boards & Commissions - Theatre Advisory Board

Council Member Latimer Alexander is recommending the appointment of Clay Fielding to the Theatre Advisory Board as his At-large appointment. Appointment to be effective immediately and will expire June 1, 2018.

Attachments: [Appointment - Clay Fielding - Theatre Advisory Board](#)

Approved the appointment of Clay Fielding to the Theatre Advisory Board.

A motion was made by Council Member Davis, seconded by Council Member Wagner, that the preceeding Appointment be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150360](#)

Appointments - Boards & Commissions - Human Relations Commission

Council Member Cynthia Davis is recommending the appointment of Mehmet Cakel to the Human Relations Commission as her At-large appointment.

Attachments: [Appointment - Mehmet Cakal - Human Relations Commission](#)

Approved the appointment of Mehmet Cakal to the Human Relations Commission.

A motion was made by Council Member Wagner, seconded by Council Member Williams, that the preceeding Appointment be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150361](#)

Confirmation of Human Relations Commission Appointments

Council is requested to confirm the following appointment and terms to the Human Relations Commission:

One-Year Terms:

Mehmet Cakal - **Chairman** (C Davis At-Large)

Bobby Davis - **Vice Chair** (Alexander At-Large)

Fatih Oguz (J Davis Ward 5)

Two-Year Terms:

Jason Yates (Golden Ward 1)

Latishia Bahena (Williams Ward 2)

Jenn Brandt (Mayor At-Large)

Three-Year Terms

Lisa Duke (Ewing Ward 6)

David Rosen (Wagner Ward 4)

Ralph Rodland (Hill Ward 3)

Attachments: [Human Relations Commission Appointments and Term of Service](#)

Council Member Golden stated he did not have any problems with the appointments, but questioned when the chair and vice chair were determined. It was noted that this was determined when the City Council met on October 12, 2015 for Ethics Training. At that time, the names were placed in a container and randomly drawn for expiration assignments, and it was determined that the two At-Large appointees would be chair and vice chair and it was done with the premise that the next time the board would choose it's own.

Confirmed the preceding appointments to the Human Relations Commission.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that the preceeding Appointments to the Human Relations Commission be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

[150362](#)

Change in Meeting Schedule

Council is requested to consider a change in the Regular Meeting schedule to cancel the Monday, December 21st, 2015 Regular Council meeting due to the holiday schedules.

Approved a change in the Regular Meeting schedule to cancel the Monday, December 21, 2015 Regular Council meeting due to the holiday.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem J. Davis, to approve a change in the regular meeting schedule canceling the December 21, 2015 regular Council meeting due to the holiday schedule. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150363

Approval of the Minutes of Previous City Council Meetings

Briefing Session; September 21st @ 3:30 p.m.

Finance Committee; September 30th @ 4:00 p.m.

Briefing Session; October 5th @ 4:00 p.m.

Regular Council Meeting; October 5th @ 5:30 p.m.

High Point City Council Special Meeting (Ethics Training); October 12th @ 9:00 a.m.

Community Housing & Neighborhood Development Committee; October 13th @ 10:00 a.m.

Approved the preceding minutes as submitted.

A motion was made by Council Member C. Davis, seconded by Council Member Wagner, that the preceeding minutes be approved. The motion PASSED by an 8-0 unanimous vote. (Council Member Alexander was absent.)

150270

Boards and Commissions - Vacancy Report

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

Attachments: [term expirations 2012 December 3 2012 packet \(2\)](#)

Note: This information is included for informational purposes only.

MISCELLANEOUS

Reimbursement Schedule- Development Incentive Grant

_____Transcript_____

Council Member Golden: The other thing....if I can bring your attention to something that we approved at the last meeting and we were supposed to have some discussion on the reimbursement for our MSDs. I want to make an amendment if we can. I guess we need to talk about it first. We've got a reimbursement schedule of 100%/80%/60-40-20 and I want to propose that we have a reimbursement of 50-40-30-20-10 instead of the 100%.

Mayor Bencini: Did we already approve it?

Council Member Golden: We did, but we had some.....that's why I had her bring out the minutes. We had some confusion about what we was voting on at the time. I know I did and I think a couple of others did too. And we were actually supposed to talk about this particular portion and we never talked about it.

City Attorney Joanne Carlyle: Is the question, did we vote on the incentives for the MSDs for all of them, or voting on the MSDs, or

Council Member Golden: Well, I know when I made my motion, we were talking about the five members versus the seven members. The question was asked, are we voting on both of these and I think I might have inadvertently said yeah we're voting on both of these, but we didn't talk about that formally.

City Attorney Joanne Carlyle: I know for sure because I've gone back and reviewed it and Lisa's even listened to the audio and verbatim transcribed the minutes. Because you're right, Ms. Davis had mentioned changing the number of the committee. There was a motion sort of floating around, I don't remember how formal it was at that point for the approval of the MSDs, then you came back in and said....and this is my poor summary....that you, you know, wanted to make the motion. I think Jim had made the....

Council Member Ewing: I made the initial motion and then Jeff made a substitute motion to change the body from five to seven.

City Attorney Joanne Carlyle: Right. And I looked at you, that's why I looked at you and I said that is for both of them and yes, that we were voting on both of them. So the vote was kind of a tag-along to him because I remember saying something about, you know, is there going to be a friendly amendment and I actually thought....looking back, too, I was expecting Cynthia to come back with something because I looked....

Council Member C. Davis: Actually in the minutes I said what about the other item.

City Attorney JoAnne Carlyle: And didn't you say sly as snot or something?

Council Member C. Davis: Yeah.

City Attorney Joanne Carlyle: Okay, so because remember that's when she asked straight out did we just vote on the MSDs and I said yes and that's when she said that was sly as snot.

Council Member C. Davis: There were conversations....Jason and I were having a conversation and Latimer and Jeff were having conversation, so there were like three or four conversations going on at the time. So are you asking to do an amendment?

City Attorney JoAnne Carlyle: Does that answer your question at all?

Council Member Golden: I actually have got a request, but I think if the numbers aren't right, we might have to have a vote on it. I just want to make an amendment to the reimbursement schedule.

Mayor Bencini: If we've already voted this way, would not the proper thing to be to take it back to....it came from the P & L committee and initiate conversation about it at the P & L committee and let them recommend or not recommend a change and handle it at a separate item at that time?

City Attorney Joanne Carlyle: Do that portion of it. If you guys wanted to tweak it.

Council Member Golden: Do we have to go back to Committee, or can we just have staff...

Mayor Pro Tem J. Davis: Well any member that was....

Mayor Bencini: You're talking about a motion to reconsider and you can't do that unless it's at the same meeting when the action was taken.

City Attorney Joanne Carlyle: A motion to reconsider would be out of order right now.

Mayor Bencini: You can't do the motion to reconsider. We could bring it back through, but it's probably going to have to go back through the committee process I would think.

Council Member Golden: Is that correct?

City Attorney JoAnne Carlyle: Yes. There is no way-it would be completely out of order for this council to consider a reconsideration of the approval of the MSDs and the number of committee members. That was clearly what that motion was that was voted upon that night. Now could you go back and look at....as the mayor has just mentioned....and tweaking it some if you guys feel like it needs more review. But maybe so. But it's not as clear as a reconsideration.

Mayor Pro Tem J. Davis: do you have to have a motion to put that back into consideration for the P & L committee?

Council Member Golden: I mean I'm okay with the entire document except for that part.

Mayor Pro Tem J. Davis: Could he make a motion to put that on their agenda and then we vote on that?

Council Member Wagner: We'd have to suspend the rules first.

City Attorney Carlyle: Yeah, you do. And I think you'd be okay doing that if you wanted to minorly tweak it. It's just that you obviously cannot do a reconsideration of the motion that was made in that vote. This is splitting hairs a little, but I think that if you have a reason to go back and suspend the rules and put it on for a vote.

Council Member Ewing: Would we have to go through the whole process, or could I just tell Randy....

City Attorney Carlyle: You guys need to vote on it. I think you guys need to take action tonight because right now you've got something in place that is the opposite of what you'd like to see happen. So if this council doesn't take any action, that's just going to sit there.

Council Member Golden: So we just need to suspend the rules and go ahead and take action on that one item?

City Attorney Carlyle: Make it specific, that you guys send it back to P & L for consideration, study that and come back to Council.

Mayor Bencini: Is it okay if Councilman Golden just asks Councilman Ewing to have a discussion about it in the P & L Committee and a recommendation and then if they recommend not to do it, all it takes is two council members to put it back on the agenda at some point, I guess.

Mayor Pro Tem J. Davis: Well, whether they recommend it or not, it still comes to council, so they could come with a recommendation for approval or not.

City Attorney Carlyle: And I guess...Madam Clerk weigh in. I'm having a little bit of heartburn that you could have one or even two council members taking action on something that the whole has already voted on. That's the only little.....

Council Member C. Davis: Well he's requesting an amendment to a document....

City Attorney Carlyle: You're absolutely right. I've already played it out. It's got to come back to you either way.

Council Member Golden: Like Jim just said....can we just make a motion to suspend the rules and vote on it right now?

Mayor Bencini: You can vote to send it to the committee, you can't vote to pass it.

Council Member C. Davis: With your recommendations to the committee.

Mayor Pro Tem J. Davis: **I move that we suspend the rules.**

Council Member Golden: **Second.**

Mayor Bencini: We have a motion to suspend the rules and a second. All in favor, say Aye. Aye. [all]

Opposed? [none] **That motion carries.**

Mayor Bencini: We'll have a motion and then we'll discuss it because I'm not really sure I understand the objection at this point.

Council Member Golden: **I'D LIKE TO MAKE A MOTION THAT WE PUT THE REPAYMENT SCHEDULE FOR THE MSDS BACK INTO COMMITTEE TO POSSIBLY CHANGE THEM FROM THE CURRENT 100/80/60/40/20 FORMAT TO A 50/40/30/20/10 % FORMAT.**

Mayor Bencini: let me ask you this Mr. Golden. Would you consider having the committee take a look at it for something that moves in that direction, but not a definite amount?

Council Member Golden: I'd like to send it down there like that and then they can discuss it and if they adjust it, then it will come back to us and we'll just deal with it then. But I'm giving them something to start with. If that's okay.

Mayor Pro Tem J. Davis: **ALRIGHT, THEN I'LL SECOND HIS MOTION.**

Mayor Bencini: We have a motion and a second. Now let's get back to what it is that you're proposing.

Council Member Golden: I don't like the repayment schedule. I don't like the 100% out the gate. I just feel like it will take the city too long to recoup some of that funding and I think we can accomplish the same thing with a lower reimbursement schedule.

Council Member Ewing: The grant disbursement, which the first year right now is 100% of the improved tax amount that we are not receiving at that point. Okay.

Council Member C. Davis: What that does is allows us to keep the majority of those taxes in house versus returning based upon improvement. That's basically what we're looking at.

Council Member Golden: Is that okay, Mr. Mayor?

Mayor Bencini: That's Okay if that's what they want to talk about it.

Council Member Golden: That's all we need to do and Jason will take it from here, right?

City Attorney Carlyle: Right.

Mayor Pro Tem J. Davis: If you've got five votes.

Mayor Bencini: Again, I don't want to make a decision on something that I don't quite understand.

Council Member Golden: All you're making a decision on is they can go back and discuss it and bring it back.

Mayor Pro Tem J. Davis: He wants to go from a 100% to a lower amount. He said 50%.

Council Member Wagner: Basically cut the reimbursement in half.

Mayor Pro Tem J. Davis: This is just for the additional improvements.

Council Member Wagner: Tax on the additional improvements.

Council Member C. Davis: Right.

Council Member Golden: And we were supposed to discuss it before we voted on it and we never did.

Ewing: I'm okay with it coming back to committee for discussion.

Mayor Bencini: Very good. Any further discussion? [none] All those in favor of sending this back to committee with a lower amount per Mr. Golden's motion say Aye. Aye. [all] Opposed? [none] That motion carries. [8-0 vote] [Council Member Alexander was absent]

[End of Transcript]

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:55 p.m. upon motion duly made by Council Member Wagner and second by Council Member Ewing.

Respectively Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

