

City of High Point

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



Meeting Minutes

Monday, December 7, 2009

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Mayor Smothers led the invocation; the Pledge of Allegiance followed.

Present: Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Alexander and second by Council Member Sims.

Finance Committee; Monday, November 16th @ 3:30 p.m.

Combined Meeting; Monday, November 16th @ 4:45/5:30 p.m.

Planning & Development Committee; Tuesday, November 17th @ 2:30 p.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Alexander and seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]**

Motion was then made by Council Member Alexander, seconded by Council Member Whitley that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

Note: As a result of this action, there is no need for the Thursday morning meeting.

PRESENTATION OF ITEMS

FINANCE COMMITTEE - Council Member Whitley, Chair
Committee Members: Bencini, Douglas and Alexander

(all were present)

Budget Ordinance Amendment - Railroad Crossing & Roadway Improvements**090291**

Council is requested to adopt a Capital Project Ordinance Amendment for North Carolina Department of Transportation (NCDOT) funds in the amount of \$434,215 for Railroad Crossing and Roadway Improvements.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Capital Project Ordinance Amendment for North Carolina Department of Transportation (NCDOT) funds in the amount of \$434,215 for railroad crossing and roadway improvements.

Ordinance No. 6658/09-58

Introduced 12/07/09

adopted 12/07/09

Ordinance Book Volume XVI, Page 143

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

NCDOT Municipal Agreement - Bridge Inspection Program

090292

Council is requested to approve a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to perform bridge inspections within the City of High Point.

This matter was briefly discussed during a Finance Committee Meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved Municipal Agreement with the NC Department of Transportation (NCDOT) to perform bridge inspections within the City of High Point.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

Contract - Engineering Design Services - ARCADIS - Stormwater Improvements - Hamilton/Montlieu

090293

Council is requested to approve contract with ARCADIS for engineering design services for stormwater improvements for the Hamilton Street/Montlieu Avenue drainage basin in the amount of \$210,000.00.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved contract with ARCADIS for engineering design services for stormwater improvements for the Hamilton Street/Montlieu Avenue drainage basin in the amount of \$210,000.00.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

Contract - Bid No. 14 - Railroad Crossing Rehabilitation

090294

Approval of contract awarding Bid No. 14 for Railroad Crossing Rehabilitation. Purchasing and Engineering Services recommend that contract be awarded to Yates Construction in the amount of \$434,215.05 which is the lowest responsible and responsive bidder meeting specifications.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved contract with Yates Construction for railroad crossing rehabilitation in the amount of \$434,215.05 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

Interlocal Agreement - Purchase of Water Treatment Chemicals**090299**

Council is requested to authorize staff to enter in to an interlocal purchasing agreement with the cities of Greensboro and Burlington for the purchase of water treatment chemicals.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved Interlocal Agreement between the City of Greensboro and City of Burlington for the purchase of water treatment chemicals.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

Resolution - American Recovery and Reinvestment Act (ARRA) - Recovery Zone Bonds**090304**

Consideration of a resolution regarding the American Recovery and Reinvestment Act (ARRA) of 2009 for recovery zone economic development bonds.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption. The Committee recommended related matter **090305 Resolution- American Recovery and Reinvestment Act (ARRA) - Recovery Zone Facility Bonds to Guilford County** to remain in the Finance Committee.

Adopted resolution designating recovery zone and continued study of recovery zone economic development bonds.

**Resolution No. 1567/09-95
Adopted 12/07/09**

Introduced 12/07/09

Resolution Book Volume XVI, Page 209

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Resolution- American Recovery and Reinvestment Act (ARRA) - Recovery Zone Facility Bonds to Guilford County

090305 Consideration of a resolution regarding the American Recovery and Reinvestment Act (ARRA) of 2009 for recovery zone facility bonds designated for allocation to Guilford County.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter remain in the Finance Committee for further discussion.

No action taken at this time. Matter to remain in the Finance Committee.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be referred to the Finance Committee. The motion carried unanimously.

Pending Items

Revised Economic Incentive Policy

090050 Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Ordinance - Vacate/Close Structure - 513 Amos Street

090300 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 513 Amos Street belonging to Robert and Willie Mae Millis.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 513 Amos Street. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 513 Amos Street.

Ordinance No. 6659/09-59

Introduced 12/07/09

Adopted 12/07/09

Ordinance Book Volume XVI, Page 144

A motion was made by Member Faircloth, seconded by Council Member Alexander, that this matter be adopted. The motion carried unanimously.

Ordinance - Vacate/Close Structure - 1606-B West Avenue

090301

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1606-B West Avenue belonging to Rashan Patterson.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1606-B West Avenue. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Katherine Bossi reported that after receiving a complaint from the tenants, inspections made the initial inspection on November 24th and there was no heat in the structure at that time and at that time, they issued an order to repair due to unsafe equipment which essentially is a 48-hour notice with a compliance date of November 30th. The property owner has not obtained any permits, nor have the repairs been made.

Council Member Sims asked how long the tenants could stay in a structure without any heat. Ms. Bossi explained the typical ordinance to vacate is for 30 days. Fred Baggett, City Attorney, further explained that the period of time is discretionary and could be acted on earlier. Council Member Alexander stated he would like to charge back to the landlord any costs the city incurs such as lodging costs in the interim. Mr. Baggett advised there would be no effort and no basis to do this at this time. Council Member Alexander suggested possibly having a local bill introduced so the city could recoup costs.

Cathy Gray, Community Development and Housing, responded to the process for the 48-hour notice. She explained that once Inspections notifies her of the 48-hour notice, she immediately contacts the tenants and tries to find temporary lodging for them in a hotel and then she assists them in finding a place on their own by referring them to different places (i.e. public housing or to some private property managers).

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1606-B West Avenue.

Ordinance No. 6660/09-60

Introduced 12/07/09

Adopted 12/07/09

Ordinance Book Volume XVI, Page 145

A motion was made by Member Faircloth, seconded by Council Member Douglas, that this matter be adopted. The motion carried unanimously.

Ordinance - Demolition of Structure - 1211 Leonard Avenue

090302

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1211 Leonard Avenue belonging to Marvin & Sandra Garrett, Christopher & Ondrea Dwiggins.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1211 Leonard Avenue. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1211 Leonard Avenue.

Ordinance No. 6661/09-61

Introduced 12/07/09

Adopted 12/07/09

Ordinance Book Volume XVI, Page 146

A motion was made by Member Faircloth, seconded by Council Member Alexander, that this matter be adopted. The motion carried unanimously.

Ordinance - Demolition of Structure - 1213 E. Russell Avenue

090303

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1213 E. Russell Avenue belonging to Guillermo R. Shelton.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1213 E. Russell Avenue. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Prior to action being taken on this matter, City Attorney Fred Baggett, updated Council on a recent change to the state law that has affected how the inspections department handles vacate and close orders. He explained now, staff must find conditions exist that put the occupants in imminent danger before they can order it closed based on the condition of the structure and whether there are disabled or juvenile minor children who live there.

Chairman Faircloth asked if anyone was present who would like to offer comment

regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1213 E. Russell Avenue.

Ordinance No. 6662/09-62 Introduced 12/7/09
Adopted 12/7/09
Ordinance Book Volume XVI, Page 147

A motion was made by Member Faircloth, seconded by Council Member Whitley, that this matter be adopted. The motion carried unanimously.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present)

There were no matters appearing on tonight's Agenda for consideration by the Public Services Committee.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Blakeney, Pugh, Sims and Faircloth

(all were present)

Resolution of Intent - Annexation 09-04 - Green/Henson

090295

Approval of a Resolution of Intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a contiguous annexation of approximately 1.3 acres. The proposed annexation site is lying along the east side of Dilworth Road, approximately 600 feet north of the Skeet Club Road. The site is addressed as 204 Dilworth Road, and is also known as Guilford County Tax Parcel 17-94-6952-0-1219-00-015.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to solicit public comment regarding a contiguous annexation of approximately 1.3 acres of property on Dilworth Road belonging to Willie and Janice Green, Patty Green Henson and Bobby Henson.

Resolution No. 1568/09-96 Introduced 12/7/09
Adopted 12/7/09
Resolution Book Volume XVI, Page 210

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Resolution of Intent - Street Abandonment 09-23 - City of High Point

090296 Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way located on the south side of Monnell Drive between First and Second Streets.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider public comment regarding a request to abandon an unimproved portion of an unnamed right-of-way located on the south side of Monnell Drive between First and Second Streets.

Resolution No. 1569/09-97

Introduced 12/7/09

Adopted 12/7/09

Resolution Book Volume XVI, Page 211

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Resolution of Intent - Street Abandonment 09-24 - City of High Point

090297 Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Riding Lane" on Plat Book 20 Page 22) located between Dogwood Circle south of Dogwood Court.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider public comment regarding a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Riding Lane" on Plat Book 20 Page 22) located between Dogwood Circle south of Dogwood Court.

Resolution No. 1570/09-98

Introduced 12/7/09

Adopted 12/7/09

Resolution Book Volume XVI, Page 212

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Resolution of Intent - Street Abandonment 09-25 - City of High Point

090298 Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Horney Street" on Plat Book 14 Page 52) located between Bridlewood Avenue and Buena Vista Avenue, lying east of Skeet Club Road.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Horney Street" on Plat Book 14 Page 52) located between Bridlewood Avenue and Buena Vista Avenue, lying east of Skeet

Club Road.

Resolution No. 1571/09-99

Introduced 12/7/09

Adopted 12/7/09

Resolution Book Volume XVI, Page 213

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

Ordinance - Text Amendment 09-12 - City of High Point re Market Overlay District

090283

A request by the Planning and Development Department to amend Chapters 1, 4 and 5 of the Development Ordinance to establish the Market Overlay District.

Continued the public hearing for this matter to Monday, December 14, 2009 at 3:00 p.m. (This will actually be an adjourned session for the City Council to consider some other matters as well).

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be continued for December 14, 2009. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley
Recused: Council Member Bencini

Ordinance - Rezoning Case 09-10 - City of High Point - Market Overlay District

090284

A request by the City Council to apply the Market Overlay District to approximately 249 acres in downtown High Point.

Continued the public hearing for this matter to Monday, December 14, 2009 at 3:00 p.m. (This will actually be an adjourned session for the City Council to consider some other matters as well).

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be continued for December 14, 2009. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley
Recused: Council Member Bencini

University Area Plan - City of High Point

090251

A request by the City of High Point for consideration of the University Area Plan.

Chairman Bencini explained this matter was discussed during a recent Planning and Development Committee meeting and due to concerns about the wording it is being forwarded to the full Council without a recommendation from the Planning and Development Committee.

Heidi Galanti of Planning and Development noted that the Planning and Development committee did meet on December 17th and reviewed requested changes in the wording that staff made as a result of the committee meeting held on September 22nd. Changes were also reviewed that were made by the Planning and Zoning Commission at their respective September 29th public hearing. She referred Council to the hand-outs and noted the revisions made by the Planning and Zoning Commission are shown as strike-thrus with the added text highlighted in yellow. There were two main areas of concern identified:

1. The use of "strongly discouraged" when referring to splitting sub areas; and
2. Whether or not new campus development "should" or "must" be contiguous to campus.

Council Member Alexander expressed strong concerns regarding the lack of a revision to the map/plan to include the areas outside of the University Area Plan to include the property the University has recently purchased that will be used for student housing. Ms. Galanti explained that the plan was already well on its way to adoption when the sale of the property occurred and staff felt comfortable sending the plan forward for adoption as presented because it could be revised at a later date if needed. Council Member Alexander explained that as an elected official, it was a little embarrassing and uncomfortable for him not to be able to answer questions from residents about the university's acquisition of property. Mayor Smothers noted it would be best to refer the residents to the university to get answers to their questions. Council Member Whitley pointed out that the university does have the same rights as any other citizen to purchase property.

Council Member Faircloth felt there was some redundancy on pages 46 and 47 of the plan and felt the adoption of the wording under policy 3.6 leaving out the strike-thru wording would suffice and take away the argument about whether it would be strongly "encouraging" or "discouraging." Council Member Sims felt there were times that redundancy could be a good thing because it further reinforces the point and addresses an area that may not necessarily be addressed. Council Member Faircloth explained the whole point of the discussion was because some felt the wording was confusing. Council Member Sims pointed out it wasn't necessarily a matter of not understanding as it was wanting the language to be a little stronger so that prompted the discussion around "must" and "should" in the plan. She added that she was one that expressed concerns about the wording, but would be willing at this point to accept the "should" wording.

Ms. Galanti explained that Policy 3.6 is a general policy for the whole area and page 47 refers to the temporary edge area and describes specifically situations when creating a temporary edge so the two are completely separate issues and there was no redundancy. Mayor Smothers suggested the wording be changed in a positive manner (i.e. "encourage" rather than "discourage") because it would provide direction.

At this time, Council Member Sims moved to accept the language as proposed by the Planning & Zoning Commission regarding the portion of the plan that speaks to the temporary edge area (highlighted in yellow). Council Member Douglas made a

second to the motion. The motion carried unanimously. [9-0 vote]

Council Member Whitley then moved to approve Policy 3.6 and read the following change into the record:

"New campus development should be contiguous to the existing campus and consist of an entire sub-area. However, if a partial rezoning of a sub-area is requested, then a site plan must be submitted along with the rezoning request that demonstrates how the impacts on adjacent properties will be mitigated." Council Member Bencini then made a second to Council Member Whitley's motion. The motion carried unanimously. [9-0 vote]

Mayor Smothers then asked for a motion to adopt the whole plan.

Council Member Whitley moved to place the University Area Plan on Thursday's Agenda with a favorable recommendation for adoption. Council Member Bencini made a second to the motion which carried unanimously. [9-0 vote]

Adopted Resolution Adopting the University Area Plan.

Resolution No. 1572/09-100 **Introduced 10/19/09**
Adopted 12/07/09
Resolution Book Volume XVI, Page 214

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Bencini, that this matter be approved. The motion carried unanimously.

PUBLIC COMMENT PERIOD - 5:15 P.M.

Special Recognition: Council Member Sims

Keith G. Pemberton, 2975 Shadyview Drive, High Point addressed Council with greetings from the High Point Chapter of Beta Kappa Kappa (a community based organization). At the next Council meeting, they plan to have 14 high school students attend for special recognition.

Mr. Pemberton then presented an award to Council Member Sims who was recently voted by their organization as "Citizen of the Year." He explained that every year, an outstanding citizen is recognized for his/her experience and success in serving the community. Council Member Sims thanked Mr. Pemberton and the local Chapter for the award and noted they do a tremendous amount of work in the community and the Mayor recently proclaimed this past weekend as Beta Kappa Kappa Chapter weekend when they had their 6th district council (North and South Carolina) meeting in High Point.

For Information Only:

Mayor Smothers recognized Preston and Grant McMillan, sons of Richard McMillan, Asst. Public Services Director, who are in attendance working on their Citizenship in the Community merit badges. They are from Troop 942 (Calvary Baptist Church in Winston Salem)

Proclamation- National Homeless Persons

Mayor Smothers presented a proclamation to Steve Key proclaiming December 21, 2009 as NATIONAL HOMELESS PERSONS' MEMORIAL DAY in High Point. Mr. Key extended a personal invitation to each Council Member to join them for the dinner scheduled for December 17th at Showplace at 6:00 p.m.

Meeting Reminders:

Public Safety Committee

Chairman Faircloth announced that the Public Safety Committee would meet on Wednesday, December 9th

CLOSED SESSION- ECONOMIC DEVELOPMENT

At 5:45 p.m., Council entered into Closed Session pursuant to N.C.G.S. 143-318.11(a) (4) to discuss Economic Development incentives for a proposed project upon motion by Council Member Alexander and second by Council Member Sims. The motion carried unanimously. [9-0 vote]

Upon reconvening into open session at 6:00 p.m. with an announcement that no action would be taken as a result of the closed session, the meeting was adjourned to Monday, December 14, 2009 at 3:00 p.m.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

ADJOURNMENT