City of High Point

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

Meeting Minutes

Monday, January 5, 2009

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., Mary Lou Andrews Blakeney, Foster Douglas, John Faircloth; Michael D. Pugh; Bernita Sims; were present.

Mayor Smothers offered 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

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Bencini, 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 Whitley, seconded by Council Member Sims 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.

The following minutes were unanimously approved as submitted upon motion by Council Member Whitley and second by Council Member Alexander.

Finance Committee; Monday, December 15th @ 3:30 p.m.
Combined Meeting; Monday, December 15th @ 4:45/5:30 p.m.
Planning & Development Committee; Tuesday, December 16th @ 2:30 p.m.
City Manager's Briefing Session; Tuesday, December 16th @ 4:00 p.m.

PRESENTATION OF ITEMS

080343 Approval of contract awarding Bid No. 32 for the purchase of transformers to replenish the warehouse stock. Purchasing and the Electric Department recommends that contract be awarded as follows: Pauwels Transformers, Inc. in the amount of $131,677.00 and HD Supply (GE) in the amount of $96,756.00 for a total contract of $228,433.00.

Garey Edwards, Director of Electric Utilities advised that they opened bids on December 3rd, and recommend going with the low bidder of Pauwels Transformers for the bulk of the transformers. Hughes Supplies was not the low bidder for the submursible type transformers, the low bidder was Richardson & Associates, who supplies a Howard transformer which the City has tried several times and have had numerous problems with them. Mr. Edwards recommended not using Richardson, and stated that he had checked with two other cities and they had had the same problems and removed them from their bidders list.

Council Member Whitley made a motion, seconded by Council Member Bencini to place this matter on Thursday's agenda with a favorable recommendation to approve the purchase of transformers from Pauwels Transformers, inc. in the amount of $131,677.00 and HD Supply (GE) in the amount of $96,756.00 for the total contract amount of $228,433.00, which are the lowest responsive bidders meeting specifications. The motion carried unanimously (Vote 9-0).

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

080344 Adoption of an Ordinance Amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of $45,000 for additional funds for the Lead Hazard Control Project.

There were no questions or comments regarding this matter.

Committee Chair Whitley made a motion, seconded by Council Member Sims to place this matter on Thursday's agenda with a favorable recommendation for adoption of an Ordinance Amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of $45,000.00 for additional fund sfor hte Lead Hazard Control Project. The motion passed unanimously. (Vote 9-0)

Ordinance No. 6600/09-01 *Introduced 1/5/09*
Adopted 1/5/09
Ordinance Book Volume XVI, Page 85

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

080345 Adoption of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of $17,453.00 to support and develop programming for the Roy B. Culler Senior Center.

Committee Chair Whitley made a motion, seconded by Council Member Bencini to place this matter on Thursday's agenda with a favorable recommendation for adoption of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of $17,453.00 to support and develop programming for the Roy B. Culler Senior Center.

Ordinance No. 6601/09-02 Introduced 12/15/08
Adopted 12/15/08
Ordinance Book Volume XVI, Page 86

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

090002 Approval of contact awarding State Contract bid for the purchase of 3 new light transit vehicles to replace the old fleet of vans used for Dial-A-Lift services. Purchasing and the Transportation Department recommends that contract be awarded to Interstate Transportation Equipment (State Contract Vendor) in the amount of $134,373.78.

Council Member Alexander asked if they bought as many vehicles as they anticipated. Angela Wynnes advised that they actually had budgeted to purchase three vehicles, but were looking to purchase a different type of vehicle and the type of vehicle they were wanting to purchase, FTA does not allow that as a purchase using federal funds so they had to purchase a different type of vehicle.

Committee Chair Whitley made a motion, seconded by Council Member Bencini to place this item on Thursday's agenda with a favorable recommendation to approve a contract awarding State Contract bid for purchase of three new light transit vehicles to replace the old fleet vans used for Dial-A-Lift services to Interstate Transporatation Equipment in the amount of $134,373.78.

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

090003 Council is requested to approve contract in the amount of $628,100.00 with Hazen and Sawyer, P.C. for engineering services related to the Phase 2 Upgrade of the Westside WWTP.

Committee Chair Whitley made a motion, seconded by Council Member Bencini to place this item on Thursday's agenda with a favorable recommendation to approve a contract in the amount of $628,100 with Hazen and Sawyer, P.C. for engineering serves related to Phase 2 Upgrade of the Westside WWTP. Motion passed unanimously (Vote 9-0).

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

090004 Council is requested to approve contract with Garner-Brown Architects, PA in the amount of $90,750.00 for the architectural services for the Fire Maintenance Facility located on Fisher Street.

Tim McKinney explained that this is an improvement to a roughly 10,000 square foot addition on the back side of Station 4. The two adjoining properties on each side have already been purchased for the drive thru. This will be an entrance type connection rather than built to the back of the station.

Committee Chair Whitley made a motion, seconded by Council Member Bencini to place this item on Thursday's agenda with a favorable recommendation for approval of a contract with Garner-Brown Architects, P.A. in the amount of $90,750.00 for the architectural servics for the Fire Maintenance Facility located on Fisher Street. Motion passed unanimously. (Vote 9-0)

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

PUBLIC SAFETY COMMITTEE -Council Member Faircloth, Chair

090001 Consideration of ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 415 A & B White Oak Street belonging to Kingston Investments, LLC.

Katherine Bossi reported that after they had received a complaint from the tenant on the property, they made the first inspection on December 15, 2008 and found the one major violation of a broken sewer line and raw sewage in the basement. This does effect both the A and B units of this duplex. A 48 hour order to repair unsafe equipment was issued with a compliance date of December 17th. There has been no response from the property owner, no repair permits have been issued. Each side of the duplex was inspected and there is also a separate order on each side in addition to the 48 hour, which will be a 30 day repair vacate for numerous other violations.

Council Member Alexander asked what will become of the tenants of the property. Ms. Bossi stated that they will immediately get in touch with the tenants and provide them with contact of Kathy Gray in Community Development for relocation.

Mike McNair, Director of Community Development advised that the tenants will get a moving expense which will be sufficient to cover their move.

The tenant from Unit B, Marcella Gomaz, was present and advised that monthly since July of last year she had contacted the landlord to repair her apartment, and no repairs have been made.

Committee Chair Faircloth made a motion, seconded by Council Member Aledander to place this matter on Thursday's agenda with a favorable recommendation to adopt an ordinance ordering the housing inspector to effecutate the vacating and closing of a dwelling located at 415 A & B White Oak Street. Motion passed unanimously (Vote 9-0)

Ordinance No. 6602/09-03 *Introduced 1/5/09*
Adopted 1/5/09
Ordinance Book Volume XVI, Page 87

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

Pending Items

080300 Council is requested to adopt an amendment to the High Point Code of Ordinances to create a new Section 12-1-15, Article 12, Chapter 1 entitled Presence of Registered Sex Offenders in City parks and City recreation centers prohibited.

080320 Monday, November 3, 2008 at 5:30 p.m. is the date and time established by City Council to receive public comments on the following changes to the High Point Code of Ordinances:
A new section 12-1-14 - Urinating or Defecating on any public place
Amendment to section 12-1-4 - Possession or consumption of malt beverages and unfortified wine on streets and city property. (this matter was split out, please refer to Matter #090052.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

090005 Shahnaz Khawaja representing the Muslim Community on the Human Relations Commission has missed more than three consecutive HRC meetings and is being recommended by the High Point Human Relations Commission for removal pursuant to the existing attendance policy.

Council Member Bencini made a motion, seconded by Council Member Alexander to suspend the rules for consideration removal of th Human Relation Commission Commissioner. The motion passed unanimously. (Vote 9-0)

A motion was made by Council Member Pugh, seconded by Council Member Sims to remove Shahnaz Khawaja according to the High Point Human Relations attendance policy, due to the fact that he his missed more that three consecutive HRC meetings. Motion passed unanimously. (Voe 9-0)

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

090006 HUMAN RELATIONS COMMISSION

Upon recommendation by Director Al Heggins and the Human Relations Commission, the following appointments/ reappointments are being recommended for appointment:

Courtney Michelle Holder to fill the unexpired term of Tania Castillero-Hoeller who has resigned. Ms. Holder will fill a Special Interest slot on the commission representing persons with disabilities. Appointment to be effective immediately and will expire on May 1, 2010.

Rick Johnson to fill the unexpired term of Shahnaz Khawaja who is being recommended for removal. Mr. Johnson will fill a Special Interest slot on the commission representing affordable housing. Appointment to be effective immediately and will expire May 1, 2009.

Keith Pemberton to fill the unexpired term of Margaret King who has resigned. Mr. Pemberton will be an At-Large appointment on the commission. Appointment to be effective immediately and will expire on May 1, 2011.

Michael Prioleau to fill the unexpired term of Paul Siceloff who has resigned. Mr. Prioleau will fill a Special Interest slot on the Commission representing workforce development. Appointment to be effective immediately and will expire on May 1, 2009.

Martha Younts to be reappointed as as a city staff liaison to the Human Relations Commission. Reappointment effective immediately and will serve until replaced.

ABC BOARD

Reappointment of Elizabeth Koonce to the ABC Board. Appointment effective immediately and will expire November 15, 2011.

BOARD OF ADJUSTMENT

Appointment of Jim Corey as an alternate on the Board of Adjustment. Appointment to be effective immediately and will expire July 1, 2011.

LIBRARY BOARD

Reappointment of Martha Younts to the Library Board of Trustees. Reappointment effective immediately and will expire October 31, 2011.

Council Member Bencini made a motion, seconded by Council Member Alexander to suspend the rules for appointments to the Human Relations Commission. The motion passed unanimously. (Vote 9-0)

Mayor Smothers noted that they have been given an updated list on Boards and Commissions, and called attention to the fact that there are two vacant alternate positions on the Board of Adjustment.

Council Member Sims stated that she has contacted an individual that she felt would be a good alternate member, and requested that that person go ahead and submit an application.

Council Member Sims made a motion, seconded by Council Member Pugh to recommend the reappointment of Elizabeth Koonce to the ABC Board. Motion passed unanimously. (Vote 9-0)

Council Member Fairlcoth made a motion, seconded by Council Member Alexander, to recommend the appointment of Jim Koury as an alternate member to the Board of Adjustment. Motion passed unanimously (Vote 9-0)

A motion was made by Council Member Pugh, seconded by Council Member Sims to appoint Courtney Michelle Hunter to fille the unexpired term of Tania Castillero-Hoeller, that will fill a special interest slot representing persons with diabilities; the appointment of Rick Johnson to fill the unexpired term of Shahaz Khawaha which will fill a Special Interest slot on the commission representing affordable housing; the appointment of Keith Pemberton to fill the unexpired term of Margaret Kin, who will be an At-Large appointment; the appointment of Michawl Prioleau to fill the unexpired term of Paul Siceloff who will fill a special interest slot on the Commission representing workforce development. The motion passed unanimously. (Vote 9-0)

Council Member Alexander made a motion to reappoint Martha Younts to the LIbrary Board. The motion passed unanimously. (9-0 Vote)

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

090007 Consideration of adoption of a proposed Policy for Public Comment Period.

Council Member Bencini made a motion, seconded by Council Member Alexander to suspend the rules for consideration of adoption of a proposed Policy for Public Comment Period. The motion passed unanimously. (Vote 9-0)

Council Member Bencini made a motion, seconded by Countil Member Alexander to adopt the rules for the Public Comment Period to be held on the first Monday of the Regular City Council Meeting Schedule to begin at 5:15 p.m. The motion passed unanimously. (Vote 9-0)

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

Briarwood Avenue Petition

Jim Fitzgerald, 3805 Briarwood Avenue stated that he and his neighbors have submitted a petition to the City of High Point concerning 3807 Briarwood Avenue. Mr. Fitzgerald stated that he would like to see his neighborhood cleaned up. Mr. Fitzgerald stated that there is a dispute between him and his neighbor.

Katherine Bossi advised that the have been out to check the property at 3807 Briarwood to inspect it and met with the property owner and addressed some of the concerns that had been voiced in the past to the Inspections Department. They also went out today and identified an issue with the fence, there is a section of fence that the owner is working on that is not in compliance with the requirements for a fence for a swimming pool. He has been made aware of what needs to be done and in the meantime he needs to put up a protective barrier to keep people from getting to the pool.

Council Member Pugh asked about several blue tents that the property owner that were being used as car shelters. Ms. Bossi stated that they have checked the vehicles through DMV to make sure all were property tagged and licensed, it appears that one may have expired, which a property owner is allowed to have one disabled vehicle.

Council Member Alexander stated that he has received several complaints regarding people who do auto repair work at their homes. Ms. Bossi stated it is not a violation if the home owner owns the car to do repairs. If there are engines and auto parts scattered across the property that falls into a public nuisance violation to have the storage of the auto parts there. Ms. Bossi stated that it is difficult to prove there is a shade tree mechanic doing car repairs on other cars.

Nancy Jefferson, 3804 Briarwood Avenue stated that the main thing is that they are not talking about one car, but six to nine cars at a time. Ms. Jeffers stated that they will call and complain about the cars and they do get moved, and a few days later they get moved right back. A trailer has been parked in the street and has stayed there at one point for two or three months.

Council Member Bencini asked the City Attorney to review the ordinance regarding accessory buildings and look at how that may compare to these tent structures.

Council Member Alexander felt that the number of cars that can be parked at a single family home should be addressed.

Glen Chavis, 137 Orville Drive stated that he understands what the Council is trying to accomplish, but stated he resents Council telling him how many cars he can own, and if he could park those cars on his property in his driveway it is his business.

Council Member Sims stated that one of the issues is the diversion of stormwater or the way the water comes off the swimming pool, and at one time water was run to the back of the property to a storm drain, apparently the water now flows into the neighbor's back yard, and asked if water can be diverted this way. Chris Thompson responded that if it's a storm drain it is probably because it is running to the lower point, if it is coming from a pool the City's policy recommends that it be tied back to the sanitary sewer, but that is only a recomendation.

Edith Fitzgerald, 3805 Briarwood Avenue, commented that there are three tents in the yard. Ms. Fitzgerald stated that there are nine vehicles in the yard that have been there for a long time. Ms. Fitzgerald stated that she has problems with water running onto her property from Mr. Houston's drainage from his swimming pool.

Mr. Fitzgerald submitted photos for the Council to look at.

Gary Houston, 3807 Briarwood Avenue addressed Council and stated that he has tried very hard to comply with City ordinances. Mr. Houston advised that the Fitzgerald's have violated the City Code with regards to a sign that was in their yard advertising mortgage services, and stated that they have to be threatened before they will correct their violation. Mr. Houston stated there are currently four vehicles in his driveway, a vehicle in his back yard, a ski boat in his front driveway.

Mr. Houston stated that there is a feud going on between him and his neighbors which originated regarding a tree which his neighbors wanted to cut down, and since that time the feud has escalated. Mr. Houston also cited a problem with barking dogs from his neighbor's yard.

Mayor Smothers stated that City Council cannot mediate a neighborhood spat. The City will enforce the ordinances that they have, which is all they can do.

Council Member Sims requested that the City send a formal response to the petition and letter that was submitted to the city that basically states what the City is not responsible for. Mayor Smothers stated that the City can get a report on the storm water issue and continue to monitor the cars in the yard, but felt monitoring cars is an abuse of City tax dollars. Council Member Pugh requested that the City look into the tent situation.

Mayor Smothers closed the public comment period.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:15 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers,

Mayor

Attest:

Dawn J. Sparks, CMC