

City of High Point

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



Meeting Minutes

Thursday, July 21, 2011

9:00:00 AM

Council Chambers, City Hall

*Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Alexander extended an invitation to Council Member Pugh to do the invocation. Council Member Pugh offered the invocation; the Pledge of Allegiance followed.

Present: Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Council Member Whitley and Council Member Corey
Absent: Mayor Smothers

REGULAR MEETING ITEMS**PLANNING, ECONOMIC DEVELOPMENT AND INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair****Resolution - Street Abandonment 11-03 - High Point University****110151**

A request by High Point University to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

Chairman Whitley noted the public hearing regarding this street abandonment request was held on Monday, July 18th at 5:30 p.m. and was continued at that time. He opened the floor for comments.

Don Scarboro, Vice President for Community Relations, High Point University, who resides at 1108 Ferndale Blvd, addressed Council on behalf of the university on this matter. He expressed appreciation to Council for reviewing the information and at Council's direction, they met with the Technical Review Committee and the Fire Department and reviewed the different aspects relating to the abandonment of Fifth Street and the impact it would have on Mr. Barnes. He informed Council that the university would like to remove the barrier that was mentioned at the meeting on Monday night and keep the street open. The university will monitor it with the university's security force and not with a fence or a gate, but it would remain a private street.

Council Member Sims recognized Mr. Barnes, who was in the audience and asked him if he had any questions or comments regarding the agreement that has been reached and he responded that he did not.

Following Mr. Scarboro's comments, Chairman Whitley asked if there were any additional comments. There being no one else present to speak regarding this matter, the public hearing was closed.

Adopted the resolution abandoning an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue to include retention of the ?????? easements???????

Resolution No. 1679/11-30**Introduced 7/18/2011****Adopted 7/21/2011****Resolution Book Volume XVII, Page 30**

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

City of High Point Incentives Policy - Job Creation Policy (new)

110152 Council is requested to receive the following Incentives Policy Review Committee recommendations:

2) City of High Point Job Creation Incentives Policy [new]

For Part 1 (Industrial Incentives Policy) and Part 3 (Incentives Map) refer to Legislative Matter 110032 (action taken March 21, 2001). For Part 4 (Retail Incentives Policy) refer to Legislative Matter 110053 (action taken June 6, 2001).

Chairman Whitley explained this matter appeared on Monday night's Agenda and went back to the Planning, Economic Dev. & Information Technology Committee on Tuesday, July 19th and the Committee recommended it be brought to Council for action. He asked if there were any questions from Council regarding the Job Creation Policy. There being none, he proceeded with a motion.

Approved the Job Creation Policy.

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

Technical Review Committee Appeal - Word of Life Tabernacle

110128 Consideration of an appeal of the Technical Review Committee's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan located at the northwest corner of Deep River Road and Gordon Road.

Chairman Whitley explained this matter was further discussed during a Planning, Economic Dev. & Information Technology Committee meeting held on Tuesday, July 19th and the Committee decided to show the church some relief. One was to eliminate the sidewalk off of Gordon Road and the other was for the church to either build the northern section or the southern section with crosswalks with the decision as to the best scenario to be worked out between staff, TRC, the church and its representatives.

Although it may not be deemed a financial conflict of interest, Chairman Whitley felt it was appropriate for Council Member Douglas to disclose that he is a member of Word of Life Tabernacle. Council Member Douglas felt it was unnecessary because it was not a conflict of interest and he did not lobby any Council Members. He explained he treated this request as if it was a request brought to Council by any other church and felt his being a member of the church was irrelevant. Chairman Whitley reminded Council Member Douglas that he did lobby him on sidewalks specifically at this location a couple of months ago. Council Member Douglas pointed out they also discussed other locations.

Council Member Douglas felt there wasn't any clear criteria met as far as the equal or

better performance was concerned and noted it has not been proved that the church had prior knowledge that they needed to install sidewalks. He also felt the church was due special consideration of this requirement due to the topography and it being in a flood plain.

At this time, **Council Member Douglas made a motion that the sidewalk ordinance requirements be waived for the church. Council Member Pugh made a second to the motion.**

For further discussion, Council Member Sims pointed out that there was a set of blueprints submitted to the city that clearly indicated that states sidewalks would be there and the church acknowledged this by signing the blueprints. She felt the compromise to eliminate the requirement for a sidewalk on Gordon Road and for the church to put in sidewalks on either the southern or northern portion and letting the Greenway take the place of actually installing a full sidewalk more than meets a compromise on the requirements to ensure that the church is not unduly impacted by having to put in \$60,000+ in sidewalks. In addition, she reiterated the need for a review of the existing sidewalk ordinance. She explained that she could not support Council Member Douglas' motion to waive the requirements for sidewalks because everyone else has had to abide by the very same requirements. Council Member Corey felt the lack of sidewalks characterizes the city and didn't think it was a wise decision to waive the requirement for sidewalks. He stated he could not support the motion either with a blanket waiver because of the precedent that it would set.

At this time, Pastor Ronald Diggs, was afforded the opportunity to speak.

Pastor Ronald Diggs, Pastor of Word of Life Tabernacle, who resides at 5805 Harriett Court in Summerfield, approached the podium. He informed Council that the church was not trying to shirk its responsibility to put in sidewalks and he had no knowledge of Council Member Douglas' motion. Pastor Diggs was offended that Chairman Whitley prefaced the discussion with a request that Council Member Douglas disclose he was a member of the church and he wanted to confirm his integrity as well as that of Council Member Douglas. Pastor Diggs explained the church wants clarity and closure quickly on the matter and questioned why the church was being forced to put in a sidewalk almost 40-feet up a sloped hill in an area that's prone to flooding. He pointed out all the other sidewalks coming in from Eastchester all the way down to their property were anywhere from one foot to three feet at the most. He commented that if the church is made to put in sidewalks, then the church should not be held responsible for any flooding that might occur and asked the City Council to go on record accepting any responsibility in the case of flooding in the area.

Mark Schroeder of Planning and Development explained there is flexibility as far as the design and placement of the sidewalk and if the sidewalk is placed outside of the right-of-way due to the topography or slope, then it would be necessary to put the sidewalk in an easement so the city could maintain it.

At this time, Council Member Pugh noted someone else in the audience wanted to comment.

David Wilson, 2408 Central Avenue, addressed Council. He clarified that he did not know the property owners, but felt sidewalks were part of public transportation and should be built on public right-of-way in areas that need sidewalks. He asked the City Council to grant the church an exemption and that the 2003 Sidewalk Ordinance be reviewed and to place public transportation it is needed and practical.

At this time, **Chairman Whitley offered a substitute motion to allow TRC the flexibility to evaluate the location of the sidewalk, whether it's a northern or southern sidewalk, the location of the crosswalks and that the Planning, Economic Development and Information Technology Committee also review and reevaluate the sidewalk ordinance. Council Member Moore made a second to the substitute motion.**

For further discussion, Council Member Pugh felt the city was setting a precedent and should hold anybody and everybody to the same standards. He stated he could not support the substitute motion because he didn't feel it was right to subject these standards on the church when it wasn't really clear to him that the church was even aware they would be required to put the sidewalks in when they started their expansion. He agreed that Council should revisit the sidewalk ordinance.

Council Member Sims asked for clarification that the substitute motion would also include elimination of the sidewalk requirement on Gordon and Chairman Whitley agreed for this to be included in his substitute motion. Council Member Moore concurred and asked about the Certificate of Occupancy for the church. The city manager noted that staff is aware of this and will double check to make sure everything is in order so they can get the Certificate of Occupancy issued.

Mayor Pro Tem Alexander called for the question on the substitute motion. The substitute motion carried by a 6-2 vote as follows:

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

Votes: Aye: Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Douglas and Council Member Pugh
Absent: Mayor Smothers

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 9:30 a.m. upon motion duly made and seconded.

Respectfully Submitted,

Latimer B. Alexander, IV
Mayor Pro Tem

Attest:

Lisa B. Vierling, MMC
City Clerk