

City of High Point

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



Meeting Minutes

Monday, November 3, 2008

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

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., John Faircloth; Michael D. Pugh; Bernita Sims; Lisa Stahlmann, and Ronald B. Wilkins were present.

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

Present: Council Member Whitley, Mayor Smothers, Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh, Council Member Sims and Council Member Stahlmann

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 Bencini, seconded by Council Member Stahlmann 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 minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Bencini and second by Council Member Stahlmann.

Finance Committee Meeting; Monday, October 20th @ 3:30 p.m.

Combined Meeting; Monday, October 20th @ 4:45/5:35 p.m.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair**

Committee Members: Bencini, Faircloth and Pugh

(all were present)

080190

Approval of contract awarding Bid No. 27 for the purchase of Garbage & Yard Waste Rollout Carts. Purchasing and Public Services recommends that contract be awarded to Rehrig Pacific Company in the amount of \$294,720.00, the lowest responsible and responsive bidder meeting specifications.

Chairman Whitley inquired about the pricing and about the existing inventory. Pat Pate, Assistant City Manager explained the prices for the cars would remain the same as in the past and would be sold to citizens for \$57 which includes delivery to the homes. Council Member Sims inquired about the status of ordering the new recycle totes and when they would be available. Mr. Pate replied they would be available as soon as Council approves this bid and staff plans on doing an addendum to it. Chairman Whitley also asked how the new carts would compare to the existing ones as far as durability. Chris Thompson, Director of Public Services, explained the carts were tested and passed the durability test.

There being no further discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved contract with Rehrig Pacific Company in the amount of \$294,720.000 for the purchase of garbage and yard waste rollout carts, which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Whitley that this matter be approved. The motion carried unanimously.

080294

Council is requested to authorize the City Attorney's office to proceed with the sale of city owned property located at 1601 Larkin Street to Ms. Dawn Hart.

Ms. Dawn Hart's daughter, Ms. Brandy Guthrie, was present to answer any questions Council might have.

Chairman Whitley asked if the city advertised for upset bids on this property. Mr. Henry Moon, Right-of-Way agent, replied in the affirmative and noted none were received. He also pointed out that this approval would be subject to the survey.

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

Approved the sale of this property and authorized the city attorney's office to proceed with said sale of property located at 1601 Larkin Street to Ms. Dawn Hart subject to the survey being done.

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

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair**Committee Members: Faircloth, Stahlmann, Pugh, and Wilkins****(all were present)****080295**

Council is requested to approve an amendment to the recently adopted ordinance for the removal of graffiti as recommended by the City Attorney, the Police Department and the Department of Inspections as an improvement for the efficient and effective enforcement of the ordinance.

City Attorney Fred Baggett explained that after Council adopted the previous ordinance, staff met regarding administration of the new one and felt some clarification was needed to alleviate any confusion. It would be an administrative enforcement adjustment and would help in making the ordinance better.

Ordinance No. 6587/08-72

Introduced 11/03/08

Adopted 11/03/08

Ordinance Book Volume XVI, Page 72

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

**PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members Alexander and Pugh**

(all were present)

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

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

**PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Faircloth, Sims, Stahlmann, and Whitley**

(all were present)

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

Exception to Water & Sewer Extension Policy (Davis- 1119 Pennywood Drive)

Mr. Robert F. Davis appeared on behalf of Mrs. Marie W. Davis regarding the exception to the city's water and sewer extension policy to connect to city sewer without annexation. He stated he was advised by planning staff that this matter would be on the Council's agenda tonight.

Mayor Smothers explained that the matter was not on Council's Agenda, but Council did get the memorandum from the planning director as a matter of notification of the exception. She further explained the memorandum did appear to be misleading, but assured Mr. Davis that TRC did recommend the connection to the city's sewer without annexation. The TRC decision to allow the extension would not be effective until the day after the next regular meeting of City Council, which is November 6th.

Glenn Chavis

Mr. Glenn Chavis appeared before Council and expressed concerns regarding the proposed ordinance regarding the prohibition of aggressive solicitation, urinating or defecating in a public place and possession or consumption of malt beverages and unfortified wine on streets and city property. He urged Council to be extremely careful with the wording because emergencies do happen and it could lead to the arrest of innocent citizens just trying to relieve themselves.

SHARE

Council Member Wilkins shared some before and after photographs of completely renovated homes located at 1011 and 1013 Ashbrook and commended Bill Waller with SHARE for his efforts in this endeavor. Mr. Waller informed Council that SHARE has renovated 45 properties in Macedonia and there were five builders and investors in that neighborhood now and noted the homes located at 1011 and 1013 Ashbrook had been condemned, so they were able to save them. SHARE has invested well over four million dollars in economic development in the Macedonia area. They are currently working on renovations in the Southside area as well as West End. Mayor Smothers congratulated Mr. Waller in his efforts and pointed out this was a tribute to what good sound housing can do.

Howard Harris, 610 W. Lexington Avenue, addressed Council regarding the following issues:

Stormwater: He couldn't understand why the City Council couldn't help the senior citizens with run-off water and wanted to where the stormwater revenues were going and where the bond money was being spent that was approved. He didn't understand why the larger projects were getting done, but none of the smaller ones.

Proposed Panhandling Ordinance: He noticed in the paper that Council Member Pugh has recommended a panhandling ordinance. He felt Council needed to put a

stop to those begging for money.

Hazardous Waste Disposal: He asked for a clarification from Council Member Alexander why it would the taxpayers would have to pay twice for this service because we furnish the trucks, gas, tow motors, employees, etc....and why city employees couldn't load it up and take it to Greensboro. Council Member Alexander explained that the county is charged with providing this service and their collection point is over in Greensboro which is paid for out of the county taxes. He noted that if the city also provides this service, the citizens would pay for it in the city taxes as well as the county taxes.

He expressed frustration that the city never has money to do anything with and always seem to be taxing the senior citizens to death. Council Member Sims informed Mr. Harris that this was discussed in the Public Services Committee and that it was not a dead issue.

Assistant City Attorney's position: He expressed dissatisfaction that the city made a new position for an assistant city attorney and hired one when the position was not needed. He asked about the increase in the salary (increased from \$80,000 in the budget to \$115,000 when hired) and wanted to know who was responsible for hiring the new person with a \$115,000 salary. Mr. Boynton explained that he hired the individual and the position was needed because the current city attorney would be phasing out into another responsibility and the complexity of issues the city has to deal with has grown to be much more difficult and complicated. He noted he approved the salary for the position because it was competitive and necessary for the job and the responsibilities and duties to go with it. Mr. Harris was informed that Council authorized the new position, but the city manager was responsible for hiring the individual and setting the salary within a salary range.

Council salary increase: He also wanted to know who increased the Council's salary \$200 a month. He felt this was wrong with the condition of the economy. Council Member Stahmann explained she requested the increase and made that motion.

Steve Rector, 318 Model Farm Road, addressed Council regarding issues with homeless folks in his neighborhood and that neighbors won't maintain their property. He explained he had talked with Katherine Bossi about the complaints and actually called the realty company for the property, Craven Johnson Pollock, 25 times to get some relief. He felt the people need to be made to mow their yards. He asked who was responsible to enforce the ordinances in the city and was informed that it would be the inspections department. Mr. Boynton agreed that something definitely fell from the cracks and asked Mr. Rector to provide the assistant city managers with the names, address and phone number of this property in question to get the issue rectified. Council Member Sims asked that the city manager keep Council updated regarding this matter.

Dick Hardwick, 223 Model Farm Road, also expressed concerns regarding the following issues:

Ditch: He complimented staff for the quick response from when he appeared six weeks ago, but noted that even though city crews came out to inspect his ditch, nothing has been done since then and was told that it would be taken under advisement. He reiterated that the ditch is not repairable and wanted to know who was in charge and wanted to know when the city was going to do something about his ditch. Mr. Boynton noted that ultimately he is responsible for it because city employees work for him and asked Pat Pate, Assistant City Manager, to get him the details so something could be done.

Hobos: He noted he was still encountering problems with the bums living behind their property and bothering people in their neighborhood. Mayor Smothers asked if they had posted "No Trespassing" signs on the property. Fred Baggett, City Attorney, explained that if the property is posted and someone trespasses, then they could call the police and it could be enforced. At this time, Council Member Pugh clarified that there was a 37-acre tract of land that runs parallel with Model Farm Road and Business 29 that lies between these two roads. It runs east and west, basically from Main Street all the way down to WGHP. He noted that Jerome Bolick owns the property and put a No Trespass letter into effect with the Police Department which expired and he later renewed it with a copy on file at the Police Department. He explained that it is posted, folks continue to stay there, but it's not being enforced. Mayor Smothers stressed the importance that a record be built on the complaints and also encouraged them to form a neighborhood watch for their neighborhood. Mr. Hardwick asked how many years would it have to go on because it has been going on for many years already.

Mohammad Rafaqat, 412 Evergreen Avenue, expressed concerns regarding the substandard condition of Evergreen and the street being too small to accommodate the additional traffic due to Bojangles. He explained that it creates a very dangerous situation for his six children who can't even play in the front yard. Council Member Faircloth suggested that this could possibly be discussed during the Transportation Committee Meeting this Wednesday at 9:00 a.m. and invited Mr. Rafaqat to attend.

Cindy Davis, 413 Evergreen Avenue, President of the Oakhill Neighborhood Watch, also reiterated concerns regarding speed traffic on Evergreen. She also cited concerns about the following:

*overgrown lot and ditch and 414 Evergreen
panhandling
public urination happening all over the city in prominent places
homeless population (need to be watchful)
rats on Burton*

She noted that in the future she would be submitting a petition to Council for consideration regarding Evergreen.

Mayor Smothers asked if there were any additional comments to be offered during the Public Comment period. There being none, the public comment period was closed, so Council could proceed with the scheduled public hearing on the proposed amendments to Section 12 "Offenses" of the City Code regarding the prohibition of aggressive solicitation, urinating and defecating in public place, and possession or consumption of malt beverages and unfortified wine on streets and city property.

PUBLIC HEARINGS ON ITEMS - 5:30 PM

080293

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 12-1-13 - Aggressive Solicitation Prohibited

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.

Mayor Smothers opened the floor for comments regarding the proposed revisions to the ordinance.

Kyle Farson, owner of 1st National Pawn Shop, addressed Council regarding major concerns with the homeless and encounters resulting in physical conflicts. He felt most are abusing the system. The widespread problem should be addressed and he felt the law enforcement doesn't know how to deal with the homeless and their excessive aggressiveness posing danger to him, his customers, employees, and his children. He explained they loiter in the shopping center parking lot outside his shop and continuously harass customers for money and cigarettes and get abusive when asked to leave. He noted this could prove to be a very intimidating situation for women with children and bags just trying to get into their cars.

Council Member Sims inquired as to if any individuals had been attacked by panhandlers and Mr. Farson replied that they had at least three times that he was aware of. She felt this was something the city should look into before making criminals of people who just need a bathroom and suggested the city work with the homeless coalition in an effort to develop some alternatives before adopting the revisions to the ordinance because there are folks on the streets all day long with no place to use the bathroom. Council Member Pugh explained the ordinance wouldn't be aimed at the homeless and noted a majority of them choose to live this lifestyle and have no desire to make things better and they choose not to stay in shelters because they don't want to give up their habits (drugs, alcohol use, etc....). Council Member Wilkins cautioned Council before adopting an ordinance of this nature and noted that the numbers were apt to increase due to the number of foreclosures, etc.... and informed Council Member Pugh he should be careful about the way he characterizes homeless people.

Council Member Pugh explained there were a great number of the businesses in South High Point in support of the revisions and felt they were necessary. He submitted a petition containing 42 signatures from business owners, managers, and citizens petitioning Council to adopt the revisions as submitted regarding aggressive solicitation, urinating or defecating on public places, and alcoholic beverage open container.

Mary Brown, 208-B Anaheim Street, expressed concerns with the revisions to the ordinance. She asked how it would affect ordinary citizens on the street and was worried that it could result in innocent citizens that might be arrested. Council Member Pugh explained this doesn't affect ordinary citizens, it would only affect a person engaging in aggressive panhandling and not backing off when asked to do so.

Ms. Brown asked about the defacing in the streets portion and acknowledged there was a homeless problem. She pointed out it would be problematic because there were very few places for them to go to use the bathroom and asked how this would be handled. Council Member Pugh explained he called a person in High

Point who runs a shelter and asked them if High Point needed another shelter and was told that High Point does not need any more shelters because there was adequate space and if they wanted to come there was room for them. Ms. Brown felt if the ordinance was passed, they needed to have provisions for them to have a restroom to go to relieve themselves. Council Member Sims felt the problem was larger than what could be discussed during the public hearing and at some point, the city needs to sit down and possibly have an update from the homeless coalition to see where they are, what provisions they've made, what conversations they've had and what's happening within that coalition. She stated Council could then look at how to enhance what they're already doing and possibly give some insight as to what's happening in the community. Mayor Smothers suggested that this be referred to committee, get input from the police department, and also need some indication how we can monitor areas identified where homeless congregate that don't go to the shelters.

Council Member Pugh noted that the issue of aggressive solicitation and urination or defecation are two separate matters. Ms. Brown explained that she has compassion for the homeless and their situation and that provisions should be in place for them.

Council Member Wilkins mentioned an incident where a business refused to allow him to use a public restroom and Council should think about who it will affect.

Mayor Smothers asked if there were any additional comments. There being none, the public hearing was closed.

Council Member Pugh moved to go ahead with the ordinance as presented and proceed tonight with the aggressive solicitation portion (Section 12-1-13) and refer the other two sections (Section 12-1-14; 12-1-4) to the Public Safety Committee. Mayor Smothers made a second to the motion.

Council Member Bencini offered a substitute motion to defer all the revisions to the ordinance to the Public Safety Commission. Council Member Alexander seconded the substitute motion.

Mayor Smothers called for a vote on the substitute motion which carried by a 6-3 vote as follows:

The Mayor asked that the one on aggressive solicitation be brought out as soon as possible. Council Member Whitley asked that it be a meeting of the whole Council. The Mayor suggested it be discussed during a manager's briefing. The city manager noted the next briefing would be on the 18th of November at 4:00 p.m. Council Member Sims pointed out this would be after the Council meeting. Mr. Boynton noted the meeting could be recessed until the briefing session in case there's any action by Council regarding this matter. Council Member Alexander asked that the police chief or someone from the police department be present

during the discussions. Council Member Pugh noted that the police chief asked him to introduce the revisions to the ordinance on the open container and public urination sections to give them an extra tool to do their job more efficiently.

Council Member Faircloth commended Council Member Pugh for bringing this up and agreed that problems exist, but felt that certain circumstances that were mentioned do not rise to a violation to which they're proposing. He felt clarification was definitely needed so Council could understand what's being voted on.

Transportation Committee Meeting

Chairman Faircloth announced there would be a Transportation Committee Meeting on Wednesday, November 5th at 9:00 a.m.

Library Annual Report

Mayor Smothers encouraged Council to review the Annual Report from the Library.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:25 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Mayor

Rebecca R. Smothers,

Attest:

Lisa B. Vierling, MMC
City Clerk