City of High Point

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

Meeting Minutes

Thursday, March 18, 2010

9:00:00 AM

Council Chambers, City Hall

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, AND PLEDGE OF ALLEGIANCE

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

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

Note: Council Members Latimer Alexander and Michael Pugh we absent. Council Member Mary Lou Blakeney arrived late at 9:45 before the public hearings.

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

MOTION TO SUSPEND THE RULES

Motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims to suspend the rules in order to take action on items on the Addendum. The motion carried unanimously. (6-0 vote).

APPROVAL OF THE MINUTES

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

Finance Committee; Monday, March 1st @ 3:30 p.m.
Combined Meeting; Monday, March 1st @ 4:45/5:30 p.m.
Planning & Development Committee; Tuesday, March 2nd @ 2:30 p.m.
Manager's Briefing; Tuesday, March 2nd @ 4:00 p.m.
Public Safety Committee; Wednesday, March 3rd @ 9:00 a.m.

FINANCE COMMITTEE - Council Member Whitley, Chair

Contract Renewal - The Ferguson Group

100063 Council is requested to approve and authorize the City Manager to execute a one-year extension (April 1, 2010 to March 31, 2011) with the Ferguson Group to assist in securing federal funds and related legislative matters of interest to the City. No increase in current fees of $10,000 per month.

Council Member Faircloth commented that many do not fully understand the impact that these services have on the citizens of High Point, and felt that the return to the City is well worth the investment. Council Member Whitley voiced his agreement with Council Member Faircloth.

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

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

Purchase of Property - 904 & 906 Lindsay Street- Lindsay Street Widening Project

100064 Council is requested to authorize staff to proceed with the purchase of property located at 904 & 906 Lindsay Street in the amount of $111,700 belonging to Guilford Investments Properties, LLC. This property is needed for the Lindsay Street widening project.

Since this matter did not originally appear on today's Agenda, motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims to suspend the rules in order to take action on items on the Addendum. The motion carried unanimously. (6-0 vote).

Henry Moon, Right of Way Agent, remarked that this tract will finish out the acquisition of property on Lindsay Street and get the City closer to the goal of widening the street.

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

Liberty Property Trust - Reimbursement - Heron Place

100068 Approve reimbursement with Liberty Property Trust for improvements to Heron Place (city cost not exceed $105,000.00).

There were not comments or questions regarding this item.

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

Public Safety Committee - Council Member Faircloth, Chair

Ordinance - Vacate/Close Dwelling - 509 Chestnut Drive

100050 Council is requested to adopt an ordinance ordering the building inspector to effectuate the vacating and closing of a dwelling located at 509 Chestnut Drive, belonging to Carolina Bank.

A representative from Carolina Bank, James Watson, Vice President of the bank, explained to Council that Carolina Bank wants to insure the City that they are aware the house is a public nuisance and a general hazard, and it is their intent to rectify the situation as soon as possible by either repairing the house or demolishing it. Presently there are some items in the house, and two dogs. Access cannot be gained into the house to begin repairs until the premises are vacated and the dogs are removed from the property. Carolina Bank requests that the City issue an order to vacate the premises.

Ordinance No. 6679/10-27 Introduced 03/18/2010
Adopted 03/18/2010
Ordinance Book Volume XVI, Page 164

A motion was made by Council Member Faircloth, seconded by Council Member Bencini, that this matter be adopted. The motion carried by the following vote:

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

Ordinance - Vacate/Close Dwelling - 1221 S. Elm Street

100051 Council is requested to adopt an ordinance ordering the building inspector to effectuate the vacating and closing of a dwelling located at 1221 S. Elm Street belonging to Phy-Linda Investments.

There were no questions regarding this item.

Ordinance No. 6620/10-28 Introduced 03/18/2010
Adopted 03/18/2010
Ordinance Book Volume XVI, Page 165

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

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

Ordinance - Vacate/Close Dwelling - 2302 Dallas Avenue

100052 Council is requested to adopt an ordinance ordering the building inspector to effectuate the vacating and closing of a dwelling located at 2302 Dallas Avenue belonging to Star Lee.

There were no comments or questions regarding this item.

Ordinance No. 6681/10-29 Introduced 03/18/2010
Adopted 03/18/2010
Ordinance Book Volume XVI, Page 166

A motion was made by Council Member Faircloth, seconded by Member Douglas, that this matter be adopted. The motion carried by the following vote:

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

Ordinance - Vacate/Close Dwelling - 1208 Kimery Drive

100053 Council is requested to adopt an ordinance ordering the building inspector to effectuate the vacating and closing of a dwelling located at 1208 Kimery Drive belonging to Eugene Monk.

There were no comments or questions regarding this item.

Ordinance No. 6682/10-30 Introduced 03/18/2010
Adopted 03/18/2010
Ordinance Book Volume XVI, Page 167

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

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

Public Services Committee - Council Member Sims, Chair

Special and Planning Committee - Council Member Bencini, Chair

Resolution of Intent - Street Abandonment 10-04 - CHP

100054 Approval of a resolution of intent that establishes a new public hearing date of Monday, April 19, 2010, at 5:30 p.m. to consider a request to abandon an unimproved portion of Sheldon Court, lying south of Eugene Avenue between Fala Street and Prospect Street.

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

Resolution of Intent - Street Abandonment 10-05 - CHP

100055 Approval of a resolution of intent that establishes a new public hearing date of Monday, April 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way, unnamed alley (15 feet in width), lying east of N. Hamilton Street between Guilford Avenue and Louise Avenue.

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

Resolution of Intent - Street Abandonment 10-06 - CHP

100056 Approval of a resolution of intent that establishes a new public hearing date of Monday, April 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way (identified as "E. Commerce Street" on Plat Book 5 Page 327) lying north of Franklin Avenue between Brentwood Street and New Street.

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

Resolution of Intent - Street Abandonment 10-07 - CHP

100057 Approval of a resolution of intent that establishes a public hearing date of Monday, April 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way, identified as "10-foot Alley" on a map titled, "Johnson Place" as recorded in Plat Book 3 Page 10 lying south of E. Lexington Avenue between N. Main Street and Johnson Street.

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

Resolution of Intent - Street Abandonment 10-08 - CHP

100058 Approval of a resolution of intent that establishes a public hearing date of Monday, April 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way, identified as "Chester Street" on a map titled, "Clark - Lambeth Property" as recorded in Plat Book 6 Page 208 lying south of E. State Avenue between N. Hamilton Street and Johnson Street.

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

Resolution of Intent - Street Abandonment 10-09 - CHP

100059 Approval of a resolution of intent that establishes a public hearing date of Monday, April 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way identified as "Dedicated Right-of-Way" on a map titled, "Evermore Estates" as recorded in Plat Book 78 Page 16 lying north of Bowers Avenue between S. Scientific Street and Jamestown Road (private).

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

Minor Amendment to CUP 90-43 - Dr. Robert Bass

100060 Consideration of a Minor Amendment request to Conditional Use Permit 90-43, condition B-2., that will allow the applicant to remove and replace trees in the front yard of the property at 202 W. Lexington Avenue.

The current conditional use permit requires this property to maintain the large willow oak trees that are in the front yard of the property. The condition does not give any way out of the maintenance of the trees, will not allow him to take them down, and will not allow him to replace them. The trees are now beginning to die out. An arborist was called in to examine the trees, and his report recommend that the rear most trees are the worst of the three trees and should be removed. The tree closest to the street is healthy, and it could remain.

The new condition will require the property owner to retain at least two canopy trees in the front yard of the property, and believe this will continue the intent of the original condition.

Dr. Bass, the property owner was present to address council. Dr. Bass requested that he be allowed to take out all the trees. Dr. Bass felt that the third tree, which is the largest, would be the one to do the most damage should it come down. If he were to remove just the two trees, there would not be room to plant two in replacement.

Council Member Sims asked if there were any reason why they couldn't allow them to take all the trees. Bob Robbins advised that it would be council's decision if they wished to do that. Mayor Smothers stated that the concern is that it would look bare there. Council Member Faircloth felt that at some point the third tree would have to come down, and felt it would be easier to have the other two trees newly planted not be shaded by the larger tree to grow properly.

Council Member Faircloth made a motion, seconded by Council Member Bencini to approve the minor amendment with the inclusion that the property owner be allowed to remove all three of the trees in the front yard of the property at 202 W. Lexington Avenue.

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

MISCELLANEOUS

Resolutions - 2010 U.S. Census Data

100065 Council is requested to adopt two (2) resolutions referencing the 2010 U.S. Census Data as recommended by the NC League of Municipalities.

Since this matter did not originally appear on today's Agenda, motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims to suspend the rules in order to take action on items on the Addendum. The motion carried unanimously. (6-0 vote).

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

Joint Resolution - High Point City Council/Guilford County Board of Commissioners - Collective Bargaining by Local Governments

100066 Council is requested to adopt a joint resolution of the Guilford County Board of Commissioners and the High Point City Council concerning Collective Bargaining by Local Governments.

Since this matter did not originally appear on today's Agenda, motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims to suspend the rules in order to take action on items on the Addendum. The motion carried unanimously. (6-0 vote).

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

Joint Resolution - High Point City Council/Guilford County Board of Commissioners - Local Administration of ABC Stores

100067 Council is requested to adopt a joint resolution of Guilford County Board of Commissioners and the High Point City Council concerning Local Administration of ABC Stores.

Since this matter did not originally appear on today's Agenda, motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims to suspend the rules in order to take action on items on the Addendum. The motion carried unanimously. (6-0 vote).

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

PUBLIC HEARINGS

Planning & Development Committee - Council Member Bencini, Chair

Major Amendment to CUP 98-18 - Presbyterian Homes, Inc.

100061 a. A request by Presbyterian Homes, Inc. to amend Conditional Use Permit 98-18 pertaining to permitted uses, right-of-way dedication, vehicular access, pedestrian improvements, building setbacks and architectural design features. The site consists of approximately 153 acres lying along the west side of Sandy Ridge Road, approximately 1,600 feet north of Johnson Street.

b. A request by Presbyterian Homes, Inc. to amend the Unified Development Plan for Conditional Use Permit 98-18.

Herb Shannon presented the following staff report:

(insert report)

Transcript

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

Ordinance - Rezoning Case 10-02 - Charles W. Dowdy - Harvey Road

100062

a. Conditional Use Light Industrial (CU-LI) District.
A request by Charles Dowdy to rezone approximately 1.3 acres from the Residential Single Family-9 (RS-9) District to a Conditional Use Light & Institutional (CU-LI) District. The site is lying along the east side of Harvey Road, approximately 1,100 feet south of Riverdale Drive. This site is within the City of High Point Extraterritorial Jurisdiction (ETJ) area.

b. Conditional Use Permit 10-02
A request by Charles Dowdy for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses and development & dimensional standards.

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

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

SPECIAL RECOGNITION

Chris Thompson, Director of Public Services, recognized Bart Hepler, who was recognized at the American Water Works Association/Water Environment Association Conference this past fall and received the 2009 Golden Manhole Award.

ADJOURNMENT