City of High Point

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

Meeting Minutes

Monday, October 20, 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 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 Simsi, seconded by Council Member Alexander 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 Sims, seconded by Council Member Alexander 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 Wilkins and second by Council Member Alexander.

Finance Committee Meeting; Monday, October 6th @ 3:30 p.m.
Combined Meeting; Monday, October 6th @ 4:45/5:35 p.m.
Planning & Development Committee; Tuesday, October 7th @ 9:00 a.m.
Manager's Briefing Session; Tuesday, October 7th @ 4:00 p.m.

PRESENTATION OF ITEMS

FINANCE COMMITTEE - Council Member Whitley, Chair

080267 Approval of contract awarding Bid No. 17 for the purchase of a Underground Line Truck for the Electric Department. Purchasing and the Electric Department recommends that contract be awarded to Piedmont Ford Truck in the amount of $184,806.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for the purchase of a Underground Line Truck to be awarded to Piedmont Ford Truck in the amount of $184,806.00 which is the lowest responsible and responsive bidder meeting specifications.

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

080283 Approval of award of contract for Bid No. 25 for the purchase of a Directional Drilling Machine. Purchasing and Fleet Services recommends that contract be awarded to Vermeer Mid Atlantic, Inc. in the amount of $171,742.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for the purchase of a Directional Drilling Machine to Vermeer Mid Atlantic, Inc. in the amount of $171,742.00 which is the lowest responsible and responsive bidder meeting specifications.

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

080284 Approval of contract awarding for Bid No. 28 for the painting of a 5 MG and 10 MG Water Storage Tanks at the Ward Water Plant. Purchasing and Public Services recommend that contract be awarded to Municipal Tank coating and Sandblasting, Inc, in the amount of $91,200.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for the [aomtomgp f a 5 MG amd 10 MG Water Storage Tank at the Ward Water Plant to Municipal Tank Coating & Sandblasting, Inc. in the amount of $91,200.00, which is the lowest responsible and responsive bidder meeting specifications.

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

080285 Council is requested to authorize the City Attorney's office to begin condemnation Proceedings on the following properties:

Abram M. Bradley and wife Lois Bradley	561 S. Bunker Hill Road

Bessie Idol, Heirs 910 S. Bunker Hill Road

Fred J. Mabe and wife, Doris T. Mabe	8839 Boylston Road
Tony G. Idol and wife, Katherine P. Idol Ricky S. Idol and wife, Patricia L. Idol	8834 Boylston Road
Brian Andrew Farah, and wife Nadine Faarah	8755 Bame Road
Vernida R. Atkins and JoAnne Atkins Chadwick	9058 Stack Road
David Jerold Stack and wife, Violet A. Stack,	9005 Stack Road

These properties are needed for the Northwest Sanitary Sewer and Greenway Project. Each property owner was mailed a certified letter giving them 30 days notice of our intention to begin condemnation proceedings. Attached are copies of maps showing each area in question.

Council Member Whitley asked if there was anyone present that would like to address Council regarding this matter.

Tony Idol, 8834 Boylston Road, spoke in opposition to the condemnation. Mr. Boylston felt that the sewer line coming through his property opens his property up to further trespass and four-wheeler traffic. Mr. Idol stated that the compensation proposed is adequate for the sewer right of way or the greenway. Mr. Idol felt his property value is diminshed because it restricts what can be done with it in the future and provides open access to even more trespass.

Abram Bradley, 561 S. Bunker Hill Road, spoke in opposition with his main concern of the greenway giving uncontrolled access to his property. Mr. Bradley felt the procedure in which the City takes the property is unfair. Mr. Bradley did not understand why there was acquisition for the greenway at this time when that project is not projected to be planned until about 2013. Mr. Abram stated that the area he lives is in designated as a future growth area for High Point, and suggested that the procedure for communicating with the residents of this area is not open and beneficial and encouraged the Council to work better with the members of this community to see this area succeed in the future.

Fred Mabe, 8839 Boylston Road also spoke in opposition to the condemnation. Mr. Mabe had concerns regarding the greenway running through his property. Mr. Mabe felt it was unfair that the greenway property stays in his name and he pays the taxes on it.

Mayor Smothers commented that Mr. Bradley had made an important point regarding communication with the residents. Mayor Smothers felt it was important that prior to the development of any greenway project that is going to be going along this sewer line that there be some understanding on the part of the property owners who are adjacent to it as to what the policies the City will have in maintaining it and also providing a certain amount of security in that area. Mayor Smothers felt there was a lot of difference between a greenway that goes through a populated area versus the greenway in this area.

Council Member Faircloth stated that this appears to the community as a matter of convenience to the City to get the greenway rights at the same time as the sewage rights, and stated he would not support it if it includes the greenway at this point.

Council Member Pugh also stated that he could not support it with the greenway attached to it.

Mayor Smothers asked since the notification came to the residents with the sewer easement and then the greenway development, and if the City would be able to come back in the future if that particular mention to the greenway did not exist. Mr. Baggett stated that no they could not come back in the future and clarified that an easment is a use of property for a particular purpose, and this is a combination *of uses and if it does not say greenway on it we do not have the right to use the property for that purpose in the future. If the greenway portion of this were removed, the City would have to come in at a later date and purchase right away again for the purpose of greenway.*

Henry Moon, Right of Way Agent, stated that there was a public hearing on this project that was held before they began talking with any of the property owners and at that time it was pointed out that this would be a joint use, a greenway and a sanitary sewer easement, and also pointed out where they anticipate where certain water lines would go in the future as need developed. There are 20 parcels on this project and there are five that have not settled.

A motion was made by Council Member Whitley, seconded by Council Member Bencini, to place this matter on Thursday's agenda with a favorable recommendation to authorize the City Attorney to begin condemnation proceedings, and that prior to the development of the greenway project that is going to be going along the sewer line that there be some understanding between the City and the the property owners who are adjacent to it as to what the policies the City will have in maintaining it and also providing a certain amount of security in that area.

A substitute motion was made by Council Member Pugh to approve the condemnation proceedings with the exclusion of the greenway acquisition. The motion died on the lack of a second.

The Mayor then called for the vote on the original motion. The motion passed on a vote of 7 - 2, Council Members Faircloth and Pugh voting in opposition.

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

Votes: Aye: Council Member Whitley, Mayor Smothers, Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Sims and Council Member Stahlmann
Nay: Council Member Faircloth and Council Member Pugh

080286 Consideration of adoption of a policy statement for the protection of personal identifying information (identify theft prevention program) as mandated by the Federal Trade Commission (FTC).

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

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

Adopted policy statement for the protection of personal identifying information as mandated by the Federal Trade Commission.

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

080290 Adoption of an capital project ordinance amendment for supplemental funding for the Willard Dairy Road Widening Project.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior 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 supplemental funding for teh Willard Dairy Road Widening Project.

Ordinance No. 6585/08-70 *Introduced 10/20/08*
Adopted 10/20/08
Ordinance Book Volume XVI, Page 70

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

080291 Approval of contract awarding Bid No. 26 for Eastchester Drive/Willard Dairy Road Intersection Improvements. Purchasing and Engineering Services recommend that contract be awarded to Mainline Contracting in the amount of $798,519.80 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for Eastchester Drive/Willard Dairy Road Intersection Improvements to Mainline Contracting in the amount of $798,519.80, which is the lowest responsible and responsive bidder meeting specifications.

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

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

080248 Consideration and approval for revisions to the City of High Point's Solid Waste Collection and Disposal Ordinance.

Council Member Sims advised that this item was discussed at a Meeting of the Whole which was not attended by all council members, although copies showing the revisions were provided to all who were not able to attend. Council Member Sims asked if there were any questions from anyone who was not able to attend that meeting regarding these suggested changes.

Council Member Whitley advised he was not able to attend that meeting and stated that he is still not in agreement with not allowing the additional trash bags beside the existing toters of those who are not on the type of service of the one armed trucks, and recommended that before the committee proceeds that the department be directed to implement that exact service to all citizens of High Point to get some idea of how they feel about not being able to have extra bags. Council Member Stahlmann supported Council Member Whitley's recommendation. Council Member Sims advised that this is what they are doing, and said at the last meeting there was considerable discussion regarding the bags and the fact that there would be some unhappy customers if they went totally and immediately to that particular part of the ordinance, so they realized that thre would be an acclomation period that would be necessary when this process begins.

Pat Pate advised that they did go out and did a survey over the two week period to see how many people were using that extra service and having to set out an extra bag and how it was working. 2.9% of the homes surveryed had to use extra bags. Mayor Smothers noted that this survery did not break out how many of the homes were rental properties versus homeowners, and felt that the unslightly trash that they have seen has generated the need for enforcement with the toters because the City's service is being abused. Council Member Whitley restated that they need to get on record how many rental properties there are in the City and have some kind of record who they can go back to when loose trash is placed on the curb in front of these homes. Council Member Sims stated that this was part of the discussion as well.

Council Member Sims stated that there will be a notification period of what the new ordinance is and not leave the trash on the side of the road. It was recommended that each home could have two carts per household if they were generated additional garbage that required extra bags.

Pat Pate advised that over the next several months they will be putting information out to the public regarding the new ordinance.

Council Member Whitley stated that they need to get feedback from the remainder of the public not on the automated routes. Council Member Whitley further stated that there are areas of town in which he sees weekly homes with additional bags of trash. Council Member Sims stated that in the discussion the focus was about the unbagged loose trash on the curb, and felt that at some point they need to have something in place that puts more efficiencies in the trash collection process, and stated that they need to move to the point where they are using the one manned *trucks for picking up garbage.*

Council Member Whitley stated that currently they are not efficient and are using the one armed trucks up and down the streets when fuel is high, and still have the exact same number of men on the trucks. Mr. Whitley felt that as soon as they brought these trucks on those positions should have been eliminated and said that would be his next recommendation.

Pat Pate advised that the way they staged the implementation process for this that as they go to automated trucks the two positions that man the back of the truck would be elimnated from the route. On a staged implementation they felt they would be able to accomodate reducing the workforce without having to actually fire people due to the high turnover rate in this department.

Richard McMillan said that the first four positions that have been eliminated from the trucks have been placed on recycling trucks. Recycling loads have increased and there is a need for more than one man on the back of a recycling truck.

Council Member Whitley requested that they be provided with the total overall staffing of what the trucks should require. City Manager Stib Boynton said that they will begin work on getting all this information together and present it to Council.

Council Member Puge commented that if the City were more diligent in its recycling efforts a large majority of the extra bags at the curbside could be eliminated, and emphasized how important it is to recycle.

Council Member Whitley stated that he will not support the revised ordinance, and felt that .5 cent or less is worth the impact to the citizens of the City.

Council Member Sims made a motion, seconded by Council Member Alexander that this matter be placed on Thursday's agenda with a favorable recommendation for adotion of the revisions to the City's Solid Waste Ordinance. The motion passed on a vote of 7 - 2, Council Members Bencini and Whitley voting against the motion.

Ordinance No. 6586/08-71 *Introduced 10/20/08*
Adopted 10/20/08
Ordinance Book Volume XVI, Page 71

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

Votes: Aye: Mayor Smothers, Council Member Wilkins, Council Member Alexander, Council Member Faircloth, Council Member Pugh, Council Member Sims and Council Member Stahlmann
Nay: Council Member Whitley and Council Member Bencini

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

080287 Approval of a resolution of intent that establishes a public hearing date of November 17, 2008 to consider a request by Hunter Farms, Inc. for the abandonment of a 50-foot wide improved portion of right-of-way, known as Montgomery Street, between E. Dayton Avenue and Irbywood Avenue.

Adopted Resolution of Intent establishing public hearing date of November 17, 2008 to consider a request by Hunter Farms, Inc. for the abandonment of a 50-foot wide improved portion of right a way known as Montgomery Street between E. Dayton Avenue and Irbywood Avenue.

Resolution No. 1459/08-101 *Introduced 10/20/08*
Adopted 10/20/08
Resolution Book Volume XVI, Page 101

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

080288 Consideration of a proposed interim land development policy for the northwest portion of the city's planning area.

Since this matter was discussed at a previous Planning & Development Committee meeting, there was no further discussion or questions from Council regarding this item.

Council Member Bencini made a motion , seconded by Council Member Stahlmann to place this matter on Thursday's agenda with a favorable recommendation for approval of the interim land development policy for the northwest porton of the city's planning area.

Approved the interim land development policy for the northwest porton of the city's planning area.

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

080292 Consideration of the following appointments to Boards and Commissions:

Board of Adjustment
Appointment of Ozzie Hough from an alternate member to a regular member. Mr. Hough to fill the expired term of Marie Stone. Appointment effective immediately and will expire July 1, 2011.

Appointment of Allan Tarbell from an alternate member to a regular member. Mr. Tarbell to fill the expired term of Dusty Leonard. Appointment effective immediately and will expire July 1, 2011.

Historic Preservation Commission
Reappointment of Julius Clark, Diane Peace and Shane Brown to HPC. Reappointments effective immediately and will expire October 17, 2011.

A motion was made by Council Member Faircloth, seconded by Council Member Sims to place this matter on Thursday's agenda with a favorable recommendation for approgalce of the appointment of Oxxi Hough to the Board of Adjustment, the appointment of Allan Tarbell tot he Board of Adjustment, and the appointment of Julius Clark, Diane Peace, and Shane Brown to the Historic Preservation Commission. The motion unanimously passed on a vote of 9-0.

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

PUBLIC HEARINGS ON ITEMS

080289 Consideration of a joint annexation agreement between the City of High Point and the City of Greensboro that replaces the existing annexation agreement.

Bob Robbins, Planning and Development Administrator, advised that the City has been working with the City of Greensboro to establish a new annexation agreement. This new 30 year agreement would replace the existing agreement and expire in 2038.

The annexation agrement boundary is similart to the original agreement, except for two areas, in the vicinity of Boulder Road and Chimney Rock Road, Greensboro would gain an approximate 69 acre area. Near the intersection of Gallimore Dairy Road and Pegg Road, High Point would gain an approximate 35 acre area.

Council Member Faircloth asked about the difference in the sizes of the two area and what the justification was for the difference in the land sizes. Mr. Robbins stated that the area coming into High Point is land that will be corporate park or LI Restricted Industrial area and it is a tract of land that is tied into two other tracts that are already within the City's annexation agreement area, so it makes sense to bring this piece in. The difference in the acreage is a lot of the area that is in the Greensboro side of the annexation agreement will be used for roadway right or way and for uses that are associated with Martin Marietta and quarry uses. High Point feels that in terms of the ultimate value of the land the two areas are equal.

Council Member Bencini opened the public hearing. There being no one to speak in support or opposition to the agreement, Council Member Bencini closed the public hearing.

Council Member Bencini made a motion, seconded by Council Member Faircloth, to place this matter on Thursday's agenda with a favorable recommendation for approval. The motion passed unaminously by a vote of 9-0.

Approved the joint annexation agreement between the City of High Point and the City of Greensboro which replaces the existing Joint Annexation Agreement entered into December 20, 1988.

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

Roll Call: 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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

____

Rebecca R. Smothers, Mayor

Attest:

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Dawn J. Sparks, CMC
Deputy City Clerk