

City of High Point

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



Meeting Minutes

Monday, October 17, 2011

4:45:00 PM

Council Chambers

*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, PLEDGE OF ALLEGIANCE

Present: Mayor Smothers, 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

Approval of the Minutes from Previous Meetings

Upon motion by Mayor Pro Tem Alexander and second by Council Member Corey, the following minutes were unanimously approved as submitted.

Finance Committee; Monday, October 3rd @ 3:30 p.m.

Combined Meeting; Monday, October 3rd @ 4:45 p.m.

Briefing Session; Thursday, October 6th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Sims, seconded by Council Member Corey 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 Corey that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Alexander, Chair
Committee Members Whitley, Smothers and Corey**

(all were present)

Budget Ordinance Amendment - 2011 Lead Hazard Control Grant Award**110213**

Council is requested to adopt an ordinance amending the 2011-2012 Budget Ordinance to appropriate funds in the amount of \$2,475,000 for the Federal Grant For Lead Hazard Control Grant Award.

This matter was discussed during a Finance Committee held prior to this meeting.

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

Adopted an ordinance amending the 2011-2012 Budget Ordinance appropriating funds in the amount of \$2,475,000 for the Federal Grant for Lead Hazard Control Grant Award.

Ordinance No. 6876/11-57

Introduced 10/17/2011

Adopted 10/17/2011
Ordinance Book Volume XVII, Page 57

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

Budget Ordinance Amendment - Correct Technical Presentation of the Annual Budget

110214 Council is requested to adopt an ordinance amending the 2011-2012 Budget Ordinance to correct the technical presentation of the annual budget ordinance as required by the Governmental Accounting Standards Board Statement (GASB) Statement 54.

This matter was discussed during a Finance Committee meeting held prior to this meeting.

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

Adopted ordinance amending the 2011-2012 Budget Ordinance to correct the technical presentation of the annual budget ordinance as required by the Governmental Accounting Standards Board Statement (GASB) Statement 54.

Ordinance No. 6877/11-58 **Introduced 10/17/2011**
Adopted 10/17/2011
Ordinance Book Volume XVII, Page 58

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

Rental Agreement - E-Z-Go Golf Carts

110215 Council is requested to authorize the City Manager and Financial Services Director to renew the rental agreement with E-Z-Go Golf Carts and PNC Equipment Finance LLC for golf carts for Oak Hollow and Blair Park golf courses for the next three year period.

Chairman Alexander noted there was some discussion regarding this matter in the Finance Committee meeting held prior to this meeting and whether or not the city was charging enough to be fully reimbursed for the cost of the golf carts.

Allen Oliver, Director of Parks & Recreation explained the city currently charges \$14 a round for use of the golf carts and nets around \$900,000 for the past three years so the city has enjoyed a profit. He also mentioned that due to the anticipated increase on the golf carts, staff will be reviewing the fees and proposing an increase. Mr. Oliver reported that this contract was put out to bid three years ago and it was a 9-year contract. The fleet is replaced every three years and the contract renews every three years.

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

Authorized the city manager and financial services director to renew the rental agreement with E-Z Go Golf Carts and PNC Equipment Finance, LLC for golf carts for Oak Hollow and Blair Park golf courses for the next three year period.

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

Final Promissory SFR Note with NC-DENR

110216

City Council requested to authorize the Mayor to execute the final Promissory Note Document with the NC Department of Environment and Natural Resources in the amount of \$1,307,509 and to accept the immediate loan indebtedness forgiveness of \$653,755 as part of the American Reinvestment and Recovery Act of 2009.

This matter was discussed during a Finance Committee meeting held prior to this meeting.

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

Authorized the Mayor to execute the final Promissory Note Document with the NC Department of Environment and Natural Resources in the amount of \$1,307,509 and to accept the immediate loan indebtedness forgiveness of \$653,755 as part of the American Reinvestment and Recovery Act of 2009.

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

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE -Council Member Sims, Chair

Committee Members: Alexander, Douglas and Corey

(all were present)

Ordinance - Demolition of Structure - 224 Hobson Street

110217

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 224 Hobson Street belonging to Clyde L. Brown and Emma B. Foushee.

Chairwoman Sims pointed out there were a few major violations as well as some minor violations and the property owner did not appear for the hearing, but let staff know that he was not financially able to repair or demolish the structure. The property owner was not present to offer any comments at tonight's meeting.

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

Adopted ordinance ordering the inspector to effectuate the demolition of a dwelling located at 224 Hobson Street.

Ordinance No. 6878/11-59**Introduced 10/17/2011****Adopted 10/17/2011****Ordinance Book Volume XVII, Page 59**

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

**PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair
Committee Members: Sims, Henley and Moore**

(all were present)

Resolution of Intent - Annexation 11-04 - City of High Point Fire Department

110218

Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 21, 2011 at 5:30 p.m. to consider a voluntary non-contiguous annexation of approximately 2 acres lying approximately 515 feet south of Bame Road (2127 Sandy Ridge Road - City of High Point Fire Station # 26).

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

Adopted Resolution of Intent establishing a public hearing date of Monday, November 21, 2011 at 5:30 p.m. to consider a voluntary non-contiguous annexation of approximately 2 acres lying approximately 515 feet south of Bame Road (2127 Sandy Ridge Road- City of High Point Fire Station #26).

Resolution No. 1692/11-43**Introduced 10/17/2011****Adopted 10/17/2011****Resolution Book Volume XVII, Page 43**

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

Ordinance - Amending Annexation Ordinance 11-01 - National Guard Armory

110219

Approval of an ordinance amending an approved annexation ordinance to correct a typographical error within the legal description. Annexation 11-01 was a voluntary contiguous annexation of approximately 18.55 acres lying at the western terminus of Armory Drive (3515 Armory Drive), also known as Guilford County Tax Parcel 0161164.

City Attorney Fred Baggett explained this was due to a simple mapping error and it would be best to adopt another revised ordinance to clarify it for the records.

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

Adopted ORDINANCE AMENDING ANNEXATION ORDINANCE 6829/11-37
EXTENDING THE CITY LIMITS OF THE CITY OF HIGH POINT.

Ordinance No. 6879/11-60

Introduced 10/17/2011

Adopted 10/17/2011

Ordinance Book Volume XVII, Page 60

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

PUBLIC HEARINGS ON ITEMS

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair

Resolution - Street Abandonment Case 11-06 - City of High Point

110220

A request by the Technical Review Committee to abandon an unimproved unnamed street right of way located along the west side of Council Street, between Quaker Lane and W. Ray Avenue.

The public hearing for this matter was held on Monday, October 17, 2011 at 5:30 p.m. as duly advertised.

Mark Schroeder with Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there was anyone present who like to comment in support of or in opposition to this street abandonment request. There being none, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Resolution authorizing the abandonment of an unimproved unnamed street right-of-way located along the west side of Council Street between Quaker Lane and W. Ray Avenue.

Resolution No. 1693/11-44

Introduced 10/17/2011

Adopted 10/17/2011

Resolution Book Volume XVII, Page 44

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

Resolution - Street Abandonment 11-07 - City of High Point

110221

A request by the Technical Review Committee to abandon a partially improved street right of way known as Gaylord Court, located along the north side of Washington Street approximately 900 feet west of Eccles Place.

The public hearing for this matter was held on Monday, October 17, 2011 at 5:30 p.m. as duly advertised.

Chairman Whitley explained that on September 27, 2011, the Planning and Zoning Commission continued the public hearing regarding the abandonment of Gaylord Court to their October 25, 2011 meeting. The decision to continue this case was made to allow the Pastor of abutting property, Mt. Zion Baptist Church, additional time to discuss the proposal with members of the congregation.

The Committee recommended continuance of the public hearing regarding this matter.

Continued the public hearing before the High Point City Council to Monday, November 21, 2011 at 5:30 p.m.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be continued for November 21, 2011. The motion carried unanimously.

For Information Only:

Proclamation: National Childhood Lead Poisoning Prevention Week

Mayor Smothers proclaimed the week of October 23 - 29, 2011 as National Childhood Lead Poisoning Prevention Week and noted it points out again that the city was fortunate to receive a \$2.475 million lead paint hazard removal grant and it's the second grant the city has received for this purpose. Mayor Smothers presented the resolution to the Community Development & Housing staff.

Update on Meredith Court Housing Case (Vacate & Close Ordered on 7/19/2011)

Council Member Douglas asked if staff could give an update on the Meredith Court apartments. Katherine Bossi, Local Codes Enforcement Supervisor explained the apartments are still vacant/secure with no permit activity and still under the same ownership. Mayor Pro Tem Alexander pointed out that state law allows the demolition of single-family structures that have been boarded up for over a year and asked if multi-family properties could also be included. City Attorney Fred Baggett stated he wasn't sure and would need to check to see whether it could possibly be extended to multi-family. Mayor Smothers suggested staff find out from the property owner as to their intentions for the property. Council Member Douglas felt it should be the will of the Council to act on this property in some kind of way because it was apparent that the property owner was not doing anything. He suggested the only two options at this point were for that the property could possibly be purchased by someone willing to bring it up to code and revitalize it in the community or to demolish it. Chairwoman Sims explained that it would be helpful to give the city's legal department some clear direction regarding the preferred ultimate outcome for the property. Council Member Douglas stated he would like to see the city staff find out the property owner's intentions and possibly give them some type of deadline to respond and then possibly the city could gain control over the property and possibly redevelop it similar to the other structures in the area.

Council Member Henley expressed concerns that multi-family doesn't come under a commercial designation in High Point and felt it would be helpful if the city has the same latitude and ability to demolish commercial properties to include multi-family

residential as some other municipalities do (i.e. Charlotte). He mentioned that Mr. Schwarz did leave him a voice mail on another matter, and offered to mention it to him when he returns his call. Mayor Smothers felt it would be best to allow staff to handle it.

There being no further discussion, the Mayor asked if staff could provide a report to the City Council prior to the next Council meeting.

Thi Van Vo (Redistricting)

Council Member Pugh pointed out that Mr. Thi Van Vo, who represents the Vietnamese population, was in attendance in hopes to offer comments regarding the redistricting maps. Mr. Vo was afforded an opportunity to speak.

Tho Van Vo, who resides at 1520 Southtree Lane in the Alley Jay area, addressed Council on behalf of his church, the Vietnamese Mission of First Baptist Church. He noted that most of their members were located on the southside in High Point and requested the zoning remain the same. Mayor Smothers explained the redistricting has nothing to do with rezoning and asked Mr. Vo to elaborate. Council Member Pugh pointed out that Mr. Vo was referring to the ward maps. The Mayor asked Mr. Vo if he has had an opportunity to look at the ward maps, offered him a copy and thanked him for coming.

Council Member Pugh asked Mr. Vo if he was aware of the hearing that was recently held at the Allen Jay Rec Center with regards to the maps and Mr. Vo replied that he heard some, but not much about it. He explained that he was asked by his pastor to attend this meeting to find out what was going on. Mayor Pro Tem Alexander asked Mr. Vo about what he felt the difference would be for this area of town being in Ward 2 as opposed to being in Ward 3. Mr. Vo responded by saying that he loves where he lives and has lived in this location for a long time in High Point and would like to keep everything the same way. Mayor Smothers informed Mr. Vo that the Council would not be physically moving anybody and it was the city's intent to keep the Allen Jay community together and not split it up.

Council Member Sims questioned Mr. Vo about his comment that he would like everything to stay the same and asked if he was referring to the person currently holding the seat in this ward or talking about the seat itself. Council Member Pugh expressed concerns that Mr. Vo was being interrogated and pointed out there have been no inquisitions of other folks about the specific reasons for supporting certain positions. Mr. Vo asked if he could have some additional time to research the matter and talk with the Vietnamese residents to get a better feel as to what their opinions might be.

Redistricting (all At-Large ward representation)

Council Member Pugh stated he would like to make a motion with regards to going to all At-Large ward representations. Mayor Smothers explained that Council did not discuss it fully other than to acknowledge the fact that it would require a filing in a Federal Court to opt out. She asked if it was the will of Council to have staff research this to get an approximate cost for the legal representation that would be required and

a proposed timetable that might evolve to accomplish this.

City Attorney Fred Baggett explained the slang term for this from the Voting Rights Act is "bailing out" and noted it would not bail out anyone from the Federal Voting Rights Act which was the basis of the 1985 lawsuit against High Point. He further explained that anyone could file a lawsuit whether under preclearance or not saying that the minority voting rights are being disparaged. He noted even if the city did opt to bail out and went to an At-Large system, an individual could still sue in Federal Court on the basis that they believe the minority voting strength was not protected. Mr. Baggett informed Council that while this would not insulate the city from a lawsuit similar to the one in 1985, it would take High Point out of pre clearance so it would not be an absolute guarantee.

According to Mr. Baggett, the city would have to file a motion in Federal Court in Greensboro that made the 1985 judgment to at least advise them that High Point is considering going back to an At-Large system to see if the courts want to look into the matter as part of its original decision in 1985/1985 and at this point it would be an unknown as to the preference of the Courts. He stated going to all at-large seats is a big step under the Voting Rights Act. Council Member Sims asked Mr. Baggett is the city chooses to go to an all at-large system and keep the plurality of the vote, if this would mean that the top vote getters would be the At-Large representation. Mr. Baggett replied in the affirmative. Council Member Sims expressed concerns about this pointing out it could mean effectively that there would be no minority representation on Council.

Council Member Pugh stated he would like to withdraw his motion if this was the case and that he would rather find a way to have more equal representation on Council since presently there are only two wards that require a majority of the minority with a possibility of one at-large which would make three and three out of eight was not equally proportioned. Council Member Sims felt it would be representative of the population just by looking at the numbers. Mr. Baggett stated he wasn't sure if the city could even come up with three majority African-American wards and all the wards be equal in population because it was challenging already to retain the two majority of the minority wards now because the neighborhoods are fast becoming more blended, integrated and less densely black or white.

A discussion followed regarding how citizens classify their race when answering the questions on the Census survey and how this could possibly skew the numbers.

Council Member Pugh felt additional clarification was needed regarding the redistricting maps. Mayor Smothers explained the public comment period would be open until October 31st and citizens were encouraged to submit their comments. She asked Council Member Pugh if he would like the city to advertise more and he responded that he would. Council Member Moore asked Mr. Vo what would be the most effective way for his community to be notified of the meetings and things concerning revisions to the redistricting maps. Mr. Vo replied that he could pass the information out to the community.

NCLM Annual Conference

Mayor Pro Tem Alexander reminded Council that the North Carolina League of Municipalities would be holding its annual conference in Raleigh on Sunday, October 23 through Tuesday, October 25th and encouraged Council to attend and offer support to him as he would be sworn in as the NCLM President. He shared that currently both he and Council Member Sims are on the NCLM Board of Directors and that Council Member Sims chairs the legislative action committee known as General Government. He also encouraged other Council Members to be active in the North Carolina League by participating and serving on the various committees.

Mayor Smothers congratulated Mayor Pro Tem Alexander. Mayor Pro Tem Alexander mentioned that since the 103 year formation of the North Carolina League of Municipalities, there have been three High Point elected officials to serve as president.

Mayor Smothers also encouraged attendance and support for Mayor Pro Tem Alexander and informed Council that a day trip was being planned for those interested in going.

ADJOURNMENT

The meeting adjourned at 6:00 p.m. upon motion duly made and seconded.