

# City of High Point

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



## Minutes

**Monday, October 15, 2012**

**4:45 PM**

**Council Chambers**

## **Committee of the Whole**

*Rebecca R. Smothers, Mayor  
M. Christopher Whitley, Mayor Pro Tem  
Latimer B. Alexander, IV, 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**

Upon call of the roll, the following Council Members were present. Mayor Smothers offered the invocation; the Pledge of Allegiance followed.

**Present** 9 - Mayor Rebecca Smothers, Council Member Latimer Alexander, Council Member Britt Moore, Council Member Bernita Sims, Council Member Foster Douglas, Council Member Michael Pugh, Council Member A.B. Henley, Mayor Pro Tem Christopher Whitley, and Council Member James Corey

**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 Alexander, seconded by Mayor Pro Tem Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried by a unanimous 9-0 vote.

Motion was then made by Mayor Pro Tem Whitley, seconded by Council Member Alexander that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

This action cancels the meeting scheduled for Thursday, October 18, 2012 at 9:00 a.m.

**PRESENTATION OF ITEMS****CLOSED SESSION- ATTORNEY/CLIENT PRIVILEGE & ECONOMIC DEVELOPMENT**

A motion was made by Council Member Alexander, seconded by Mayor Pro Tem Whitley to suspend the rules to enter into closed session. The motion carried unanimously. [9-0 vote]

At 4:46 p.m., Council Member Alexander made a motion to go into closed session pursuant to N.C. General Statute 143-318.11(a)(3) to consult with the city attorney in order to preserve the attorney-client privilege between the attorney and the City Council and N.C. General Statute 143-318.11(a)(4) to allow staff to brief Council on a potential economic development project. The motion was seconded by Mayor Pro Tem Whitley and carried unanimously. [9-0 vote]

Upon reconvening into open session at 5:35 p.m., the Mayor announced there would be no action taken as a result of the closed session.

**FINANCE COMMITTEE**

Chaired by Council Member Alexander.  
Committee Members Whitley, Smothers, Corey

(all were present)

[120266](#)

**Budget Ordinance Amendment - Police Expenditures - Democratic National Convention**

Adoption of a budget ordinance amendment to appropriate funds in the amount of \$177,896.00 from the Charlotte-Mecklenburg Police Department for reimbursement expenses related to the Democratic National Convention.

**Attachments:** [Budget Ordinance Amendment- Police Reimb DNC.pdf](#)

**Ordinance No. 6957/12-73  
Introduced 10/15/2012; Adopted 10/15/2012  
Ordinance Book, Volume XVII, Page147**

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted ordinance amendment appropriating funds in the amount of \$177,896.00 from the Charlotte- Mecklenburg Police Department for reimbursement expenses related to the Democratic National Convention.

**A motion was made by Council Member Alexander, seconded by Council Member Sims, that this budget ordinance amendment be adopted. The motion PASSED by an unanimous vote.**

[120267](#)

**On-Call Testing Services - Professional Engineering Firms**

City Council is requested to approve the recommendations list of qualified professional engineering firms to provide various materials testing services on an on-call basis; and authorize the City Manager to execute related Master Professional Services Agreements with the qualified firms.

**Attachments:** [On Call Materials Testing Services.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved the recommendations list of qualified professional engineering firms to provide various materials testing services on an on-call basis; and

authorized the City Manager to execute related Master Professional Services Agreements with the qualified firms.

**A motion was made by Council Member Alexander, seconded by Council Member Sims, that this Contract be approved . The motion PASSED by an unanimous vote.**

[120268](#)

**Contract - OneSource - LaserFiche Imaging System**

Council is requested to authorize staff to enter into a contract with OneSource in an amount not to exceed \$399,837.00 for the LaserFiche Imaging System project.

**Attachments:** [Contract - One Source - LaserFiche Imaging System.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Authorized staff to enter into a contract with OneSource for an amount not to exceed \$399,837.00 for the LaserFiche Imaging System Project.

**A motion was made by Council Member Alexander, seconded by Council Member Sims, that this Contract be approved . The motion PASSED by an unanimous vote.**

[120269](#)

**Contract - RedMark - Accela Land Management System**

Council is requested to authorize staff to enter into contract with RedMark Technologies, Inc. in an amount not to exceed \$497,440.00 for the implementation of the Accela Land Management System for the Planning and Development Department.

**Attachments:** [Contract - RedMark - Accela Land Management Project.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Authorized staff to enter into a contract with RedMark Technologies, Inc. for an amount not to exceed \$497,440.00 for the implementation of the Accela Land Management System for the Planning and Development Department.

**A motion was made by Council Member Alexander, seconded by Council Member Sims, that this Contract be approved . The motion PASSED by an unanimous vote.**

[120273](#)

**Resolution- "Hold Harmless" Reimbursement of Funds**

Council is requested to adopt a resolution urging the North Carolina General Assembly to restore "hold harmless" payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace "hold harmless" payments, as envisioned in 2002 when reimbursements to local governments were repealed.

**Attachments:** [Hold Harmless Resolution 2012](#)

**Resolution No. 1263/12-64**

**Introduced 10/15/2012; Adopted 10/15/2012**

**Resolution Book, Volume XVII, Page 113**

**Since this matter did not appear on the agenda, motion was made by Council Member Alexander, seconded by Mayor Pro Tem Whitley to suspend the rules to add it to the agenda so it could be considered. The motion carried unanimously. [9-0 vote]**

Chairman Alexander noted this resolution was read into the record during the Finance Committee meeting held at 4:00 p.m. prior to this meeting. He explained the "hold harmless" funds were instituted in 2002 to make up for a loss of revenue as a result of action by the State that originally had a 10-year sunset period making the assumption that sales taxes would rise for the 122 municipalities and 17 counties that would be affected. He noted the impact to the City of High Point on this would be a loss of approximately \$565,000 in revenue or 2/3 of one cent on the property tax rate, which would be a deficit going into next year. The resolution will be forwarded to the North Carolina League of Municipalities, as well as the Guilford Delegation asking them to make all efforts to lobby for this in the 2013 session of the General Assembly.

Mayor Smothers pointed out this goes back to the lack of dependability of what has been termed state-shared revenue that has been in jeopardy over the years and continues to erode.

Adopted the Resolution of the High Point City Council Concerning Loss of "Hold Harmless" Reimbursement Funds.

**A motion was made by Council Member Alexander, seconded by Mayor Pro Tem Whitley, that this Resolution be adopted . The motion PASSED by an unanimous vote.**

## **PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE**

*Chaired by Council Member Sims  
Committee Members Alexander, Douglas, Corey*

*(all were present)*

There were no matters on today's agenda for consideration by the Public Safety & Community Development Committee.

## **PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE**

*Chaired by Mayor Pro Tem Whitley  
Committee Members Sims, Henley, Moore*

*(all were present)*

## **Pending Items**

[120240](#)**Uptown Suburbs National Register Historic District**

Consideration by the City Council and reception of public comment regarding the nomination application for the Uptown Suburbs National Register Historic District, which includes the neighborhoods of Emerywood, Sheraton Hill, The Parkway and Roland Park, and a portion of North Main Street and Johnson Place.

**Attachments:** [Uptown Historic District.pdf](#)

This matter has been pending since September 17, 2012.

Chairman Whitley pointed out this matter was placed on the pending list in his Committee due to some questions that were raised. He reported that the Planning, Economic Development & Information Technology Committee met on October 2, 2012 to discuss this matter and staff did not foresee any potential problems, nor have any other property owners commented with the exception of one property owner that inquired about whether she lived in the proposed district.

Council Member Alexander pointed out this matter was going forward regardless of Council's action and questioned why this was even on the agenda. He asked if it would be possible to just remove it from the agenda.

Bob Robbins of Planning and Development, confirmed that the North Carolina Registry Advisory Committee did meet to consider this on Thursday, October 11th and the only way the nomination could be rejected would be through a majority of the property owners included within it. He explained the reason it goes before the local governing body is because: 1) High Point is a Certified Local Government (CLG) community; and 2) Because of that, they solicit comments from the local governing body.

Mayor Smothers also questioned the purpose of it coming back to Council since action has already been taken on it by the North Carolina Registry Advisory Committee. Council Member Sims pointed out this is part of the process and felt Council should take action on it. The Mayor asked staff if there were some monies involved and Mr. Robbins noted this was done with a grant of \$15,000 with a city match of \$18,000 for a total of \$33,000. Chairman Whitley suggested situation involving matching grants like this be evaluated in the future since the city is required to put in matching dollars without having a say. Mayor Smothers agreed with Council Member Sims and pointed out since Council did have additional questions and regardless of the fact that action has already been taken by the North Carolina Registry Advisory Committee, it still should be sent forward.

At this time, **Chairman Whitley moved to suspend the rules so this matter could be brought out of pending and acted on. Council Member Sims made a second to the motion which carried unanimously. [9-0 vote]**

**Chairman Whitley then made a motion to place this matter on Thursday's**

agenda with a favorable recommendation. Council Member Henley made a second to the motion.

Council Member Alexander offered a substitute motion to remove this matter from Council's agenda. Mayor Smothers asked if there was a second to the substitute motion. There being none, the substitute motion died from the lack of a second.

Mayor Smothers then called for a vote on the original motion, which carried by the following 8-1 vote:

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

**Aye:** 8 - Mayor Smothers, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Mayor Pro Tem Whitley, and Council Member Corey

**Nay:** 1 - Council Member Alexander

#### [120246](#)

#### **Ordinance - Text Amendment Case 12-02 - The City Project, Inc.**

A request by The City Project, Inc. to amend Section 9-2-2 *Definitions*, Table 4-7-1 *Permitted Use Schedule*, and Table 5-6-1 *Off-Street Parking Requirements*, with respect to Video Sweepstakes Establishments.

**Attachments:** [TA12-02 Staff Report.pdf](#)

*Note: This matter has been pending since September 17, 2012 and placed in the Planning, Economic Development & Information Technology Committee at that time.*

### **PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**

### **PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE**

*Chaired by Mayor Pro Tem Whitley  
Committee Members Sims, Henley, Moore*

*(all were present)*

#### [120270](#)

#### **Resolution - City of High Point - Street Abandonment Case 12-08**

A request by the Technical Review Committee to abandon a portion of an unnamed public alley located from the north of the rear property line of a parcel identified as 108 Garner Place, northward to the terminus of the alley.

**Attachments:** [Street Abandonment SA12-08.pdf](#)

**Resolution No. 1261/12-62  
Introduced 10/15/2012; Adopted 10/15/2012  
Resolution Book, Volume XVII, Page 111**

The public hearing for this matter was held on Monday, October 15, 2012 as duly advertised.

Herb Shannon of Planning and Development provided 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 would like to comment in support of or in opposition to this street abandonment request. There being none, the public hearing was declared 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 a portion of an unnamed public alley located from the north of the rear property line of a parcel identified as 108 Garner Place, northward to the terminus of the alley.

**A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this Resolution be adopted . The motion PASSED by an unanimous vote.**

[120271](#)

**Resolution - City of High Point - Street Abandonment Case 12-09**

A request by the Technical Review Committee to abandon an unnamed public alley located north of Richardson Avenue, being further described as the public alley east and abutting property indentified as 600 N. Main Street.

**Attachments:** [Street Abandonment SA12-09.pdf](#)

**Resolution No. 1262/12-63  
Introduced 10/15/2012; Adopted 10/15/2012  
Resolution Book, Volume XVII, Page 112**

The public hearing for this matter was held on Monday, October 15, 2012 as duly advertised.

Herb Shannon of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Chairman Whitley asked about the location of the property line and if this right-of-way is currently being used as a driveway. Mr. Shannon replied that he did not think the property owner was using it as a driveway, but was using it to store the trash receptacle/recycle bin there. Council Member Henley also questioned whether or not this is being used as a driveway and asked if the portion extending out into the BB&T parking lot had previously been abandoned. Mr. Shannon replied that this portion was abandoned several years ago.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment in support of or in opposition to this street abandonment request. There being none, the public hearing was declared 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 a portion of an unnamed public alley located north of Richardson Avenue, being further described as the public alley east and abutting property identified as 600 N. Main Street.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this Resolution be adopted . The motion PASSED by an unanimous vote.

## **ANY OTHER NEW BUSINESS**

### **Pending Items**

**120249**      **Appointment - Boards & Commissions - Parks & Recreation Commission**  
Council is requested to confirm the reappointment of James Davis to the Parks and Recreation Commission. Reappointment to be effective immediately and will expire July 1, 2015.

*Note: This matter has been pending since September 17, 2012.*

## **APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**

**120272**      **Approval of the following Minutes:**  
Joint Meeting of the HP City Council and the Planning and Zoning Commission held Tuesday, September 25th @ 2:00 p.m.  
Finance Committee meeting held Monday, October 1st @ 4:00 p.m.  
Combined Meeting held Monday, October 1st @ 4:45/5:30 p.m.  
Planning, Econ Dev & IT Committee meeting held Tuesday, October 2nd @ 9:00 a.m.

**Attachments:**    [September 25 2012 Joint Meeting.pdf](#)  
[October 1 2012 Finance Committee.pdf](#)  
[October 1 2012 High Point City Council Combined Meeting.pdf](#)  
[October 2 2012 Planning, Economic Dev. & IT Committee.pdf](#)

Approved the minutes of the preceding meetings.

A motion was made by Council Member Whitley, seconded by Council Member Corey, that this Miscellaneous Item be approved . The motion PASSED by an unanimous vote.

## **BOARDS AND COMMISSIONS VACANCY REPORT**

[120229](#)

### **Boards and Commissions - Vacancies**

Attached is the current list of vacancies for all Boards and Commissions.

**Attachments:** [term expirations 2012 December 3 2012 packet \(2\).pdf](#)

*This information is being provided to Council for update purposes only.*

### **For Information Only:**

#### **PROCLAMATION- NATIONAL LEAD POISONING PREVENTION WEEK**

Mayor Smothers read a proclamation into the record proclaiming the week of October 21 - 27, 2012 as National Lead Poisoning Prevention Week. Mike McNair, Director of Community Development and Housing and Barbara Frye, representing United Way of Greater High Point and the Lead Safe High Point Initiative, were both present to accept the proclamation.

#### **Status Report- Underground Utility Lines**

Council Member Henley asked if the city manager could provide a status report on burying the underground utility lines in the near future.

## **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:

\_\_\_\_\_  
Lisa B. Vierling, MMC  
City Clerk

