

City of High Point

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



Meeting Minutes

Monday, September 19, 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

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

Combined Meeting; Tuesday, September 6th @ 4:45/5:30 p.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 Mayor Pro Tem Alexander to suspend the rules in order to take final action on these matters at tonight's meeting. [9-0 vote]**

Motion was then made by Council Member Sims, seconded by Mayor Pro Tem Alexander 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)

Condemnation - 817 Randolph Street - Grimes Avenue Extension Project**110188**

Council is requested to authorize the City Attorney's office to execute documents to begin condemnation proceedings on property located at 817 Randolph Avenue. Property is needed for the Grimes Avenue extension project.

James H. Morgan, owner of the property at 817 Randolph Street, addressed Council and wanted to go on record as contesting the condemnation of his property. He gave a brief history of the property and noted that he was initially contacted by Calvin Slade of the High Point Community Development Department. He explained he was initially sent an offer to purchase and a form for him to sign stating his agreement to sell the property for the appraised value. He asked his attorney to review it and his attorney rewrote the paper which he signed and forwarded to the city. Mr. Morgan expressed concerns that the city was expecting him to sign a statement that he would sell his property for the appraised value, not knowing what the appraised value was at that time. He noted that the city did present him with an offer, but he refused it and then the city came back and upped the offer and he came back with his figure and an agreement could not be reached.

At this time, Mayor Smothers asked JoAnne Carlyle, Assistant City Attorney, to comment. Ms. Carlyle explained that it did begin as a Community Development

matter and Mr. Slade's comments on behalf of the Community Development Department had nothing to do with the City Attorney's office taking the property for the extension of the street. She noted that while the negotiations with the Community Development Department were unsuccessful, the city tried through Henry Moon, the city's right-of-way agent, but he was also unable to come to an agreement with Mr. Morgan although the city did make him a reasonable offer for the property.

Mayor Smothers asked Ms. Carlyle if the City Attorney's office has heard from Mr. Morgan or his attorney since the letter was sent on August 10th and Ms. Carlyle replied that she has not.

Mike McNair, Director of Community Development, informed Council that a formal appraisal was done for the property and asked Calvin Slade of Community Development to report on the findings. Mr. Slade explained the intertidal appraisal was for \$19,500 and Mr. Morgan felt it was worth \$46,500, so the city came back with \$25,850 and Mr. Morgan presented a counter offer of \$40,466 and the city later determined the property had not been rented for two years, nor did it have utilities.

Mayor Smothers asked Mr. Morgan why he thought his property was worth more than the city's appraisal amount. Mr. Morgan explained he did attempt to make repairs to the property, but before he could complete the repairs someone stole all the windows from the structure and questioned how this could have happened without anyone noticing it. He noted because of this, he decided on his own to board up the property and wait until the conditions of the neighborhood improved and because the neighborhood conditions have improved with the new project in the area, he thought it was worth more than the city offered. He also noted he based his calculations on an income approach as opposed to the market value.

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

Adopted resolution authorizing the City Attorney's office to execute documents to begin condemnation proceedings on the property located at 817 Randolph Avenue.

Resolution No. 1682/11-33

Introduced 9/19/2011

Adopted 9/19/2011

Resolution Book Volume XVII, Page 33

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

Sole Source Recommendation - ICOP-SafetyVision LLC - Police Department

110189

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of equipment for the Police Department from ICOP-SafetyVision, LLC; and, approve the acquisition of the equipment and related services from ICOP-SafetyVision LLC in the amount of \$65,008.44 for the purchase of the in-car cameras.

Chairman Alexander explained this is a sole source recommendation for camera and software equipment for police cars and this would allow for thirteen additional cameras. Major Derek Stafford was present to address any questions and noted if this sole source recommendation is approved, there would be cameras in 59 cars.

Council Member Moore asked staff the benefit of these cameras and what the cameras allow the officers to do better than not having the cameras in the cars. Staff replied that the camera constantly records (audio and video) and it is a very useful tool that can be used and entered as evidence in court.

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

Approved an exception to the bid laws under the "sole source qualification" for the purchase of equipment for the Police Department from ICOP- Safety Vision, LLC; and approved the acquisition of the equipment and related services from ICOP- Safety Vision, LLC in the amount of \$65,008.44 for the purchase of in-car cameras.

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

NCDOT Municipal Agreement - 2012 Bridge Inspection Program**110190**

Council is requested to approve entering into a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to perform bridge inspections for the City of High Point.

Chairman Alexander noted the city's portion of this would be \$15,000 and the bridge inventory list was attached. According to the 2012 Bridge Inventory List, the total number of bridges requiring inspection is 25 and the three color-coded in orange are no longer available for federal funding if they have to be replaced, so these fall solely on the city for responsibility; however, all bridges coded in white do qualify. Council Member Corey asked if the city has qualified personnel to do the inspections or if the city has to rely on the Department of Transportation to do these inspections. Richard McMillan, Assistant Director of Public Services, explained that the Department of Transportation actually hires consulting engineers who specialize in structural engineering and they hire multiple consultants throughout the state so municipalities can actually piggyback on their work. He noted that although the city does have PEs on staff that are trained in structural analysis, getting time to do the inspections is an issue.

Mr. McMillan explained that in the past, the Department of Transportation has required these agreements to be on a two-year bridge inspection, but due to recent changes, it is now a ten-year agreement renewable every two years if both parties agree to participate meaning this particular agreement will be good for five more

cycles unless one or both parties agree not to participate.

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

Approved the Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to perform bridge inspections for the City of High Point.

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

Conveyance of Property - Brooks Avenue - Habitat for Humanity of High Point, Archdale and Trinity

110191

Council is requested to authorize the mayor to execute the appropriate documents to convey five (5) lots located at 1718, 1720, 1722, 1724 and 1728 Brooks Avenue to Habitat for Humanity of High Point, Archdale and Trinity. Conveying these lots will continue the infill housing development efforts in the Graves Avenue project.

Council Member Sims expressed concerns about putting single family housing units in this area because she felt the city should be looking at other types of housing (i.e. town homes, duplexes). She felt to put only single-family housing here does not make the highest and best use of the property that's available and given the close proximity to Washington Terrace Park, something different than single-family could be put in this area. Council Member Sims pointed out that Habitat was doing some things differently in Greensboro as it relates to building homes and they were building some town homes; she encouraged High Point to do the same. Mayor Smothers asked who would be responsible for managing the townhomes that are being built by Habitat in Greensboro and Mike McNair, Director of Community Development, stated he didn't think they had gotten to that level of detail yet.

Council Member Pugh suggested possibly there was a need to explore the availability of rentals. As a real estate professional, he was of the opinion that single family houses tend to maintain stronger, more stable neighborhoods and he wasn't sure about mixing up the uses. Mayor Smothers stated this varies by neighborhood and pointed out the residents in Macedonia wanted single family because it lent stability. Council Member Pugh encouraged Council to ride down Vail Street to see the new construction of single family homes that will be real productive for the south side community.

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

Adopted resolutions authorizing the mayor to execute the appropriate documents to convey five (5) lots located at 1718, 1720, 1722, 1724, and 1728 Brooks Avenue to Habitat for Humanity of High Point, Archdale and Trinity to continue in fill housing development efforts in the Graves Avenue project.

Resolution Nos: Introduced 9/19/2011
1683/11-34 - pg. 34
1684/11-35 - pg. 35
1685/11-36 - pg. 36
1686/11-37 - pg. 37
1687/11-38 - pg. 38
Resolution Book, Volume XVII

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)

Taxi Cab Insurance Requirements

110198 Consideration of adoption of resolution to change Taxi Cab Insurance rate limits to amounts of \$50,000/100,000/50,000.

Chairwoman Sims explained that after a lengthy discussion by the City Council on August 15, 2011, action was taken to reduce the commercial liability insurance limits for the taxi cabs at the request of Mr. Zubair Ali, owner of First Class Cab. At that time, action was taken to lower the limits to \$50,000/\$150,000/\$50,000, but it was later discovered that these specific limits of liability were not available which prompted another request from Mr. Ali for another reduction.

Mr. Ali explained that he did try to get insurance for the \$50,000/\$150,000/\$50,000 limits, but was told by his insurance agent that the North Carolina Reinsurance Facility program does not offer, nor will they honor this combination of coverage. Pat Pate, Assistant City Manager, noted they basically told him he would have to buy a policy at \$100,000/\$300,00/\$50,000 which is what the original requirements were.

Mayor Pro Tem Alexander noted that although he does realize the difficulties facing the cab companies, he does not see these amounts as adequate protection for the public and could not support it. Mayor Smothers shared these concerns, but pointed out when Mr. Ali came to Council, he indicated he was being faced with the potential of having to raise the rates just to be able to afford any insurance. Council Member Moore stated this would not be an easy decision to make because it does not address the bigger, long-term need which is increased demand for the service.

Council Member Henley asked how much of a savings the cab companies would realize with the reduction and Mr. Ali noted First Class Cab would save about \$8,000-\$10,000 a year.

Council Member Whitley suggested to include language in the motion that staff would

evaluate the accident data for taxi cabs in the next twelve months with a report back to Council to see if there is a need to reevaluate the commercial liability limits.

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

Adopted an ORDINANCE AMENDING TITLE 11, ENTITLED "LICENSING AND REGULATION," CHAPTER 2, ENTITLED "VEHICLES FOR HIRE," ARTICLES C, VEHICLE SPECIFICATIONS AND EQUIPMENT, OF THE CODE OF ORDINANCES, REVISED 1997 amending Section 11-2-31 Financial responsibility by changing the minimum commercial liability limits of \$50,000/\$150,000/\$50,000 to \$50,000/\$100,000/\$50,000 and requested that staff evaluate accident data for taxi cabs in the next 12 months with a report back to Council to see if there is a need to reevaluate it in one year.

Ordinance No. 6842/11-50

Introduced 9/19/2011

Adopted 9/19/2011

Ordinance Book, Volume XVII, Page 50

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

Votes: Aye: Mayor Smothers, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Alexander

Ordinance - Vacate/Close Dwelling (48 Hour Order) - 307 Greer Avenue

110199

Council is requested to adopt an ordinance ordering the inspector to effectuate a 48-hour order to vacate and close a dwelling located at 307 Greer Avenue belonging to David A. & Ellen R. Black.

Chairwoman Sims explained this dwelling is currently occupied according to the staff report and that some permits were pulled when it was vacant, but some individuals were allowed to occupy the structure while repairs were being done which prompted staff to issue a stop work order. Staff is requesting Council adopt a 48-hour order to vacate and close this unit. Mayor Smothers pointed out this is definitely a case where the property owner should be responsible for relocating the tenants.

At this time, Chairwoman Sims asked if the property owner would like to address Council.

David Black, the owner of 307 Greer Avenue, gave a brief history of the house and explained when he purchased the structure seven years ago, he had hopes of turning it into a group home, but the new regulations put in place by the City Council regarding the distance between group homes, now prohibits him from using it for this purpose. He informed Council that he has made some repairs/improvements to the structure. After receiving his 48-hour notice to vacate from the city, he has since contacted a

licensed electrician and felt he could complete the necessary repairs in 48 hours. He asked Council to allow him the opportunity to make the repairs.

Chairwoman Sims explained that the issue was not effecting the repairs, but that someone was occupying a structure that has been determined to be unsafe. She noted that Mr. Black did not pull the proper permits to make repairs for any type of structural, electrical, or plumbing work. At this time, she asked staff to report.

Katherine Bossi, Local Codes Enforcement Supervisor, clarified that Mr. Black did pull a permit in August of 2009 for repairs such as for cosmetic items and a Stop Work Order was issued by staff in September of 2009 because repairs were made to the structure beyond what the permit was issued for (electrical and mechanical work was being done without the proper permits). She noted that through a routine follow-up inspection on the building permit that MR. Black did obtain, staff then discovered the building was occupied and this led to their recent request for a 48-hour order to vacate and close. Ed Brown, Inspector, pointed out it did make for an unsafe situation because of the people living there and noted Mr. Black had ample notice that there was no occupancy permitted and there was a Stop Work Order in effect. He explained it would be virtually impossible for the property owner to make the necessary repairs in 48 hours and it could take months to make the repairs.

A discussion followed regarding the 48-hour notice and when the tenants would have to vacate. Staff clarified that it would be 48 hours after adoption of the order to vacate and close.

Chairwoman Sims asked Al Heggins, Director of Human Relations, to report on her conversations with the tenants. She was asked to get involved because the tenants do not speak English and she was serving as an interpreter and that was when she found out the family was being helped by Mr. Black because they were rendered homeless back in June. She noted that there were three children involved (2-month-old, 2-year-old, and a 4-year old) and they needed somewhere to go, but would like to remain in High Point.

Council Member Corey agreed that it would be difficult to do the repairs in 48 hours and asked if it would be possible to give the property owner a lengthier time and was informed that this would not be a possibility.

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

Adopted ordinance ordering the inspector to effectuate a 48-hour order to vacate and close the dwelling located at 307 Greer Avenue.

Ordinance No. 6843/11-51

Introduced 9/19/2011

Adopted 9/19/2011

Ordinance Book Volume XVII, Page 51

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 DEV & INFORMATION TECHNOLOGY COMMITTEE -
Council Member Whitley, Chair**

Committee Members: Sims, Henley and Moore

(all were present)

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

110192 Approval of a resolution of intent that establishes a public hearing date of Monday, October 17, 2011 at 5:30 p.m. to consider a request to abandon an unimproved unnamed right-of-way located along the west side of Council Street, between Quaker Lane and W. Ray Avenue.

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, October 17th at 5:30 p.m. to consider a request to abandon an unimproved, unnamed right-of-way located along the west side of Council Street, between Quaker Lane and W. Ray Avenue.

Resolution No. 1688/11-39

Introduced 9/19/2011

Adopted 9/19/2011

Ordinance Book Volume XVII, Page 39

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

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

110193 Approval of a resolution of intent that establishes a public hearing date of Monday, October 17, 2011 at 5:30 p.m. to consider a request to abandon a partially improved road right-of-way, known as Gaylord Court, located along the north side of Washington Street approximately 900 feet west of Eccles Pla

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, October 17, 2011 at 5:30 p.m. to consider a request to abandon a partially improved road right-of-way, known as Gaylord Court, located along the north side of Washington Street approximately 900 feet west of Eccles Place.

Resolution No. 1689/11-40

Introduced 9/19/2011

Adopted 9/19/2011

Resolution Book Volume XVII, Page 40

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

Ordinance - Rezoning Case 11-08 (Tract B) - Yean Leong Chu - Westchester Drive**110176**

A request by Yean Leong Chu to rezone approximately property from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (119 and 123 Westchester Drive).

This zoning proposal originally consisted of two separate developments, Tract "A" (Tokyo Express) and Tract "B" (proposed Waffle House). At the public hearing on August 15, 2011, the zoning request for Tract B was approved and the Tract A portion of the request was placed in the Planning, Economic Development & Information Technology Committee due to concerns voiced by Council that the overflow parking area would be a graveled lot rather than a paved area. At that time, the property owner was out of town and unable to attend the meeting and his representative wanted time to address this with his client. Since the August 15, 2011 meeting, the property owner has reviewed this issue and has offered a condition in their application to require all parking upon Tract A of Zoning Case 11-08 to be paved.

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

Adopted Ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CA-GB) District based on consistency with the city's adopted plans and the statements in the staff report.

Ordinance No. 6844/11-52**Introduced 8/15/2011****Adopted 9/19/2011****Ordinance Book Volume XVII, Page 52**

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

Pending Items**Part 150 Assessment Report****110038**

Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

MISCELLANEOUS**Reappointment - Library Board of Trustees**

110197

Council is requested to confirm the reappointment of Ms. Kay Anderson to the Library Board of Trustees. Appointment to be effective October 31, 2011 and will expire October 31, 2014.

Approved the reappointment of Kay Anderson to the Library Board of Trustees.

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

Appointments/Reappointments- Human Relations Commission**110201**

Council is requested to confirm the following appointments/reappointments to the Human Relations Commission.

Appointment of Brian Brown (Special Interest), who will be replacing Heidi Majors who is not eligible for reappointment. Appointment to be effective immediately and will expire 5/1/2014.

Appointment of Pam Sullivan (At-Large) to replace Keith Pemberton, who does not desire reappointment. Appointment to be effective immediately and will expire 5/1/2014.

Appointment of Farrah Rasool (At-Large) to replace Joseph Williams, who is not eligible for reappointment. Appointment to be effective immediately and will expire 5/1/2014.

Appointment of C. Jason Yates (At-Large) to fill the vacant At-Large seat. Appointment effective immediately and will expire on 5/1/2014.

Reappointment of Abay Gidey (At-Large). Reappointment to be effective immediately and will expire on 5/1/2014.

Since this matter did not originally appear on tonight's agenda, **motion was made by Council Member Sims, seconded by Mayor Pro Tem Alexander to suspend the rules to place this matter on the agenda for consideration. The motion carried unanimously.**

Approved the preceding appointments/reappointments to the Human Relations Commission.

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

Support for John Walser- ElectriCities Board**110210**

Council is requested to endorse John Walser for a weighted seat on the ElectriCities Board.

Since this matter did not originally appear on tonight's agenda, **motion was made by Council Member Sims, seconded by Mayor Pro Tem Alexander to suspend the rules to place this matter on the agenda for consideration. The motion carried**

unanimously.

Mayor Smothers informed Council she had received a letter from John Walser, Jr., Mayor of the City of Lexington asking for support for the weighted seat on the ElectriCities Board and explained she was seeking Council's support to cast the vote for him.

Council Member Henley asked if anyone else had requested an endorsement for this seat and the Mayor replied that no one else has asked for an endorsement.

Approved the endorsement and support of Mayor John Walser, Jr., to the ElectriCities Board.

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

PUBLIC HEARINGS ON ITEMS

Planning , Economic Dev & Information Technology Committee - Council Member Whitley Chair

Ordinance - Annexation ANX 11-03 - First Baptist Church of High Point

110200

A request by First Baptist Church of High Point to consider a voluntary contiguous annexation of approximately 16.71 acres lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (1214 & 1216 E. Fairfield Road)

The joint public hearing for this matter and related matters 110194 Land Use Plan Amendment 11-03- Rev. Paul T. Cao- E. Fairfield Road and 110195 Ordinance- Rezoning Case 11-09- Rev. Paul T. Cao- E. Fairfield Road was held on Monday, September 19, 2011 at 5:30 p.m.

Heidi Galanti of Planning and Development gave an overview of the staff report for Annexation 11-03.

Please refer to 110194 Land Use Plan Amendment 11-03 for discussion on this matter.

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

Adopted ordinance providing for the annexation of approximately 17.71 acres lying approximately 300 feet south of the intersection of E. Fairfield Road and Ingram Road. Annexation to be effective upon adoption.

Ordinance No. 6845/11-53

Introduced 9/19/2011

Adopted 9/19/2011

Ordinance Book Volume XVII, Page 53

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

Land Use Plan Amendment 11-03 - Rev. Paul T. Cao - E. Fairfield Road

110194

A request by Rev. Paul T. Cao of the Vietnamese Mission Church, representing the property owner First Baptist Church of High Point, to establish the future land use designation for approximately 16.71 acres from Undesignated to Low Density Residential. The property is lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (1214 & 1216 E. Fairfield Road).

The joint public hearing for this matter and related matters 110200 Ordinance-Annexation ANX 11-03- First Baptist Church of High Point and 110195 Ordinance-Rezoning Case 11-03- Rev. Paul T. Cao- E. Fairfield Road was held on Monday, September 19, 2011 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report for Land Use Plan Amendment 11-03.

Following the conclusion of the staff report, Mayor Pro Tem Alexander asked if there would be only one access point off E. Fairfield. Mr. Shannon explained that based upon preliminary discussions with the application, they are looking for initial access to be from Fairfield, but they may be considering an secondary access point that would be a driveway access point from Gate Street in the future depending on the success of their development. Mayor Smothers asked for a confirmation from staff that they would also be required to install sidewalks and Mr. Shannon replied in the affirmative.

Mayor Pro Tem Alexander expressed concerns about the possibility of the use of the driveway as a cut-through. Mr. Shannon pointed out there is sufficient public street access and if someone desired to go from Liberty to Fairfield, they could come up Gates and up to Ranchel Drive for access from Fairfield.

Chairman Whitley asked if there were any additional questions from the Council. There being none, he opened the public hearing and asked if there was anyone present who would like to speak regarding this request.

Paul Cao, the Vietnamese Mission Pastor who resides at 6203 Burton Court, Stoney Creek, explained his church was planning on building on the property within the next five years and asked for a favorable vote from Council.

Chairman Whitley asked if there were any additional comments in support of or in opposition to this 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 establishing the future land use designation for this property to a Low Density Residential land use classification which meets the goals and objectives of the Land Use Plan and it will be in harmony with the land use pattern of the surrounding area.

Resolution No. 1690/11-41

Introduced 9/19/2011

Adopted 9/19/2011

Resolution Book Volume XVII, Page 41

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

Ordinance - Rezoning Case 11-09 - Rev. Paul T. Cao - E. Fairfield Road

110195

A request by Rev. Paul T. Cao of the Vietnamese Mission Church, representing the property owner First Baptist Church of High Point, to rezone approximately 16.71 acres from the Residential Single Family - 9 (RS-9) District, in Guilford County's zoning jurisdiction, to a Residential Single Family - 9 (RS-9) District. The property is lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (1214 & 1216 E. Fairfield Road).

The joint public hearing for this matter and related matters 110120 Ordinance-Annexation ANX 11-03- First Baptist Church of High Point and 110194 Land Use Plan Amendment 11-03- Rev. Paul T. Cao- E. Fairfield Road was duly held as advertised on Monday, September 19, 2011 at 5:30 p.m.

Note: For comments made during the public hearing, please refer to 110194 Land Use Plan Amendment 11-03- Rev. Paul T. Cao- E. Fairfield Road.

Herb Shannon of Planning and Development gave an overview of the staff report.

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

Adopted Ordinance rezoning this property from the Residential Single Family-9 (RS-9) District, in Guilford County's zoning jurisdiction, to a Residential Single Family-9 (RS-9) District based on the findings in the staff report and consistency with the city's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest because: 1) Subject to approval of Land Use Plan Amendment Case 11-03, the request will be consistent with the Low Density Residential designation; 2) the requested RS-9 District zoning abuts existing City of High Point RS-9 District zoning, will continue the established residential zoning in this area and will result in a development pattern that will be compatible and in harmony with surrounding area; and 3) the request addresses Goals #2 and #5 of the Land Use Plan in that it will encourage development that enhances and preserves established neighborhoods and will promote an orderly urban growth pattern.

Ordinance No. 6846/11-54

Introduced 9/19/2011

Adopted 9/19/2011
Ordinance Book Volume XVII, Page 52

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

Text Amendment 11-08 - City of High Point - Temporary Off-Site Signs

110196

A request by the City Council (Planning, Economic Development and Information Technology Committee) to amend the text of the City of High Point Development Ordinance regarding the placement of temporary off-site signs.

The public hearing for this matter was duly held as advertised on Monday, September 19, 2011 at 5:30 p.m.

Chairman Whitley explained this was an amendment coming out of the Planning, Economic Development & Information Technology Committee having already gone through the Planning & Zoning Commission for a recommendation and is now before the City Council for action.

Doug Loveland of Planning and Development provided an overview of the staff report.

Mayor Smothers asked if this text amendment included political signs and staff replied in the affirmative. Doug Loveland explained that this would regulate and cover temporary signs located in the right-of-way and those on private property off-site with permission of the owner. Regarding the actual placement of the signs, he reported the temporary off-premise signs would be allowed six-feet behind the curb or six feet off the edge of the pavement where there is no curb or on private property with permission and the signs could not obstruct vehicular/pedestrian traffic and sight distance. He also noted placement of the signs would be time sensitive from Friday at Noon to Monday at Noon.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment.

Amy Hedgecock, President of the High Point Regional Association of Realtors, who resides at 605 Shamrock Road thanked Council and staff for working with the real estate community to develop a sign ordinance that was simple, straight forward and consistent with the surrounding jurisdictions and reminded Council that the off-site directional signs account for about 95% of open house traffic and 65-75% of traffic to new home communities.

A discussion followed regarding whether or not political signs should be part of this text amendment. Chairman Whitley asked staff if it would be possible to remove the political part. City Attorney Fred Baggett explained that it could not because any regulations adopted for a commercial speech would have to be as equal for non-commercial speech.

Chairman Whitley asked if there were any additional comments. There being none, the public hearing was declared closed.

Mayor Smothers noted that she would support the approval of the text amendment because she agrees with the off site part, but was opposed to the political part of it.

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

Adopted Ordinance amending the text of the City of High Point Development Ordinance regarding the placement of temporary off-site signs.

Ordinance No. 6847-11-55 Introduced 9/19/2011
Adopted 9/19/2011
Ordinance Book Volume XVII, Page 55

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

For Information Only:

Presentation of Awards (ElectriCities)

Roy Jones from ElectriCities was present to present the following awards to the High Point Electric Department on behalf of ElectriCities. Accepting the awards on behalf of the City of High Point were Garey Edwards, Director of Electric Utilities; Larry Hopkins, Electric Operations Engineer; and Allen Averill, Electric Engineering Manager.

Reliable Public Power Award (For the second year in a row, High Point was confirmed as a Platinum Level Recipient of the award. The Platinum Level Award was only awarded to less than 90 public power communities across the United States).

Outstanding Safety Program Award (High Point has now achieved 250,000 hours without a lost time accident and it was noted there was only one city in North Carolina that has even come close to achieving this).

Competitive Business Environment Award
Energy Efficiency Award
Financial Stability Award
Legislative Involvement Award
Service Excellence Award

After presenting these awards to the city, Mr. Jones congratulated High Point on its achievements in these key areas and applauded High Point's outstanding efforts while

continuing to be a model for Public Power Excellence. [applause]

Mayor Smothers mentioned she received a nice letter from the Mayor of Kinston expressing their appreciation for High Point's outpouring of support in their time of need that came about as a result of Hurricane Irene.

Meeting Reminder

Council was reminded of the Briefing Session scheduled for Thursday, September 22nd at 9:00 a.m. for an update on the Airport Plan and discussion of Retail Incentives.

Davidson County Elected Officials Dinner

Mayor Smothers also reminded Council that it was High Point's turn to host the Davidson County Elected Officials Dinner which would be held on Thursday, September 22nd at 6:00 p.m. at the High Point Country Club and suggested this meeting be adjourned to that time.

Pending Retirement- Major Derek Stafford (28 years of service)

Mayor Smothers recognized Major Derek Stafford who was in the audience and congratulated him on his pending retirement. A retirement celebration has been planned for Maj. Stafford for Thursday, September 29th at 2:00 p.m. at the Morehead Recreation Center.

ADJOURNMENT

At 6:25 p.m., motion was made by Council Member Corey, seconded by Mayor Pro Tem Alexander to adjourn this meeting to 6:00 p.m., Thursday, September 22nd, at the High Point Country Club for the Davidson County Elected Officials Dinner Meeting. The motion to adjourn carried unanimously.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk