City of High Point

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

Meeting Minutes

Monday, August 2, 2010

4:45:00 PM

Council Chambers

Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S.Bencini,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

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

Finance Committee; Monday, July 19th @ 3:30 p.m.
Combined Meeting; Monday, July 19th @ 4:45/5:30 p.m.
Adjourned Session (Manager's Briefing); Tuesday, July 20th @ 4:00 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 Alexander and 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 unanimously. [9-0 vote]**

Motion was then made by Council Member Alexander, seconded by Council Member Blakeney 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.

PRESENTATION OF ITEMS

FINANCE COMMITTEE- Council Member Whitley, Chair
Committee Members: Bencini, Douglas and Alexander

(all were present)

Budget Ordinance Amendment - US 311 and NC 68 Interchange Study - ARRA Funds

100232 Adoption of a grant project ordinance amendment for American Recovery and Reinvestment Act Assistance (ARRA) for the US 311/NC 68 Interchange Study.

Adopted grant project ordinance amendment for American Recovery and Reinvestment Act Assistance (ARRA) for the US 311/NC 68 Interchange Study.

Ordinance No. 6749/10-97 Introduced 8/2/2010
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 234

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

Purchase of Equipment - 2010 Autocar Side Loading Refuse Truck

100233 Approval of the purchase of 2010 Autocar/Labrie 31 yard Side Loading Refuse Truck in the amount of $198,968.60.

Chairman Whitley asked staff to elaborate about why this vehicle was needed. Chris Thompson, Director of Public Services explained that the used trucks previously purchased by the City were not performing well and one truck was damaging the carts as the carts were being picked up. He further explained that staff is still in the process of working with multi-family on the recycling issues which may take several months to get the issues resolved and discussions have taken place on different scenarios/options.

Council Member Sims pointed out that the Public Services Committee is planning on meeting next month to discuss these issues further and hoped that staff would have all the necessary information together before the meeting.

Gary Smith, Director of Fleet Services, reiterated that one of the three used trucks purchased from the City of Greensboro last year was crushing the newer toters because of a malfunctioning arm configuration. He explained that staff tried to make adjustments to it, but the efforts were unsuccessful. He noted that it was really rare to get a 2010 truck like this one in such good condition with minimum mileage and pointed out purchasing this truck would result in a $42,000 savings to the City. It was also noted that the vehicle was still under a factory warranty (3-years, 36,000 miles).

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

Approved the purchase of the 2010 Autocar/labrie 31-yard Side Loading Refuse Truck in the amount of $198,968.60.

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

Purchase of Equipment - 2008 Tymco Model 600 Sweeper

100234 Approval of the purchase of 2008 International 4300 with a Tymco Model Sweeper in the amount of $138,420.00 to replace an existing street sweeper.

Gary Smith, Director of Fleet Services, informed Council that this was actually a demonstrator unit which has 800 hours on it. It will be replacing an existing piece of equipment that needs $20,000 in repairs. Staff will sell the existing 2003 street sweeper in hopes of getting $15,000-$20,000 out of it. Staff reported that the life expenctancy of the 2008 International 4300 with a Tymco Model Sweeper is about 8-10 years.

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

Approved purchase of the 2008 International 4300 with a Tymco Model Sweeper in the amount of $238,420.00.

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

Extension of General Water and Sewer Improvements Contract

100235 Approval of extension to Breece Enterprises contract in the amount of $392,218.00 for General Water and Sewer Improvements. This contract extension will allow for construction of additional water projects on Jarrell Street and Hobson Street.

Keith Pugh, Director of Engineering Services, explained both of these projects are intended to improve water quality and circulation and both qualify and are being replaced under the obsolete water and sewer funds (funds set aside each year for the purpose of replacing obsolete water and sewer lines to maintain existing infrastructure).

Council Member Alexander asked staff about the possibility of using epoxy coating on these lines and Mr. Pugh explained niether of these projects were candidates for this process because of the reduction in the size of one line and increasing the size of the other one and the fact that both were in such a state of repair that they just need to be replaced.

Council Member Douglas inquired about the extension clause. Staff replied that they have a 100% extension clause contained in all construction contracts to allow any necessary extensions to the contract at the original contract price up to the original contract price.

Chairman Whitley asked if there were any additional questions. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved extension to the Breece Enterprises contract in the amount of $392,218.00 for general water/sewer improvements for construction of additional water projects on Jarrell and Hobson Streets.

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

Pending Items

Revised Economic Incentive Policy

090050 Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

Note: This matter has been pending since March 5, 2009.

PUBLIC SAFETY COMMITTEE- Council Member Faircloth, Chair
Committee Members: Douglas, Pugh and Alexander

(all were present)

Chairman Faircloth noted that all the fpollowing structures are now vacant. There was no one present to offer comments regarding any of the following housing cases.

Ordinance - Vacate/Close Structure - 533 Vandever Street

100227 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 533 Vandever Street belonging to Robert W. Henderson, Jr.

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 533 Vandever Street.

Ordinance No. 6750/10-98 **Introduced 8/2/2010**
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 235

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

Ordinance - Vacate/Close Structure - 2408 E. Lexington Avenue

100228 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 2408 E. Lexington Avenue belonging to Southeastern Residential Properties, LLC (Jeffrey H. Schwarz).

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 2408 E. Lexington Avenue.

Ordinance No. 6751/10-99 **Introduced 8/2/2010**
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 236

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

Ordinance - Vacate/Close Structure - 1505 Furlough Avenue

100229 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1505 Furlough Avenue belonging to Bertha N. Perry.

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1505 Furlough Avenue.

Ordinance No. 6752/10-100 Introduced 8/2/2010
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 237

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

Ordinance - Vacate/Close Structure - 1611 Beaucrest Avenue

100230 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1611 Beaucrest Avenue belonging to Care Investments, LLC.

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1611 Beaucrest Avenue.

Ordinance No. 6753/10-101 Introduced 8/2/2010
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 238

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

Ordinance - Vacate/Close Structure - 210 A & B Morgan Place (Duplex Unit)

100231 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 210 A & B Morgan Place (Duplex Unit) belonging to Deutsche Bank National Trust Company.

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 210 A & B Morgan Place.

Ordinance No. 6754/10-102 Introduced 8/2/2010
Adopted 8/2/2010
Ordinance Book Volume XVI, Page 239

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

PUBLIC SERVICES COMMITTEE- Council Member Sims, Chair
Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present)

There were no matters appearing on tonight's agenda for consideration by the Public Services Committee.

PLANNING & DEVELOPMENT COMMITTEE- Council Member Bencini, Chair
Committee Members: Blakeney, Pugh, Sims and Faircloth

(all were present)

Right of Way Encroachment 10-01 - High Point University

100236 A request by High Point University to construct a wrought-iron fence with brick columns within the western right of way of N. Centennial Street.

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

There were some concerns voiced regarding the tree possibly located in the right-of-way. Mr. Schroeder pointed out that according to the plans submitted by the university, the tree will remain, but there would be two trees at the other end closer to the building that they do plan on removing. Chairman Whitley noted the latter trees were not a part of this request. Council Member Sims asked if Council could possibly approve the request conditional upon them not removing the tree that appears to be in the right-of-way or right on the edge of the right-of-way. Council Member Alexander mentioned that when they start digging the foundation for the sign, they could damage the roots to the tree causing it to die and it would have to be removed anyway. Mr. Schroeder pointed out the photograph shows the tree to actually be on private property.

Council Member Faircloth inquired about why staff did not make a recommendation to abandon the right-of-way like other cases that have come before Council. Mr. Schroeder explained that staff did review the various options with the university and due to timing issues, they decided to pursue the right-of-way encroachment instead of abandonment.

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

Approved the right-of-way encroachment as requested by High Point University to construct a wrough iron fence with brick columns within the western right-of-way of N. Centennial Street.

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

Pending Items

Appeal of Technical Review Committee (TRC) Decision

100174 Consideration of an appeal of the Technical Review Committee's decision to require dedication of right-of-way for a proposed subdivision located at the southeast corner of Greensboro Road and Enterprise Drive.

Note: This matter has been pending since June 21, 2010.

MISCELLANEOUS

Change in Meeting Schedule- High Point City Council

100237 Due to the Labor Day holiday, Council is requested to dispense of the Monday, September 6th meeting. Council will meet on Thursday, September 9th at 9:00 a.m.

Since this matter did not originally appear on the Agenda, motion was made by Council Member Alexander, seconded by Council Member Blakeney to suspend the rules relative to placing this matter on tonight's Agenda for consideration. The motion carried unanimously.

Mayor Smothers explained this change was necessary due to a conflict with the Labor Day holiday. Council Member Sims announced that she would not be able to attend the meeting on Thursday, September 9th due to a prior commitment to attend a National League of Cities, FAIR Steering Committee meeting at the same time. Mayor Smothers asked Council Member Sims if she would let staff know if she has any questions regarding any of the agenda items.

Changed the meeting schedule dispensing of the Monday, September 6th meeting due to the conflict with the Labor Day holiday; Council will meet on Thursday, September 9th at 9:00 a.m.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

Richland Street Concerns

The following residents on Richland Street voiced concerns about public nuisance

conditions on property in their neighborhood.

Tammy Weaver, who resides at 1020 Richland Street, expressed concerns about loud music planning at all hours of the night as well as rats due to the condition of the house next door to her at 1022 Richland. She also voiced concerns regarding cars and trash in the back yard and dogs that have been pinned/chained up.

Mildred Sexton, who resides at 1012 Richland Street (neighbor to Ms. Weaver) also expressed concerns about loud music at all hours of the night and that they were not taking proper care of their dogs.

Libby King, who resides at 1002 Richland Street, reiterated concernsa bout the loud music at all hours of the night, drugs, prostitution and noted they frequently have parties and litter her yard with beer bottles, marijuana cigar holders, etc....

Council Member Pugh informed Council that he personally made a visit to the neighborhood and has observed these conditions that have been mentioned tonight. He agreed the situation has become very frustrating for the neighbors who are having to deal with the constant problems.

Mayor Smothers asked the Police Department to check further into these complaints and asked the residents if they would cooperate with the Police Department in an effort for a hopeful resolution of these issues.

Lack of Identification of Bus Stop on Burton Street

Steve Vestal, who resides at 1314 National Highway in Thomasville and owner of commercial property located at 611, 613 and 615 Burton Street, addressed Council regarding the lack of a bus stop sign on Burton Road. He noted that a large majority of the people get confused as to where the bus actually stops and he has personally observed the bus stopping in four to five different locations. He asked Council to consider putting up a sign to identify an appropriate location for the bus to stop. City Manager Strib Boynton explained that staff was familiar with these concerns and is in the process of collecting infrmation from riders and hope to have this information soon. He assured Mr. Vestal that there would be a bus stop on the south side of the street and noted the safety of the riders would be a very important factor in the decision as to the location.

Council Member Faircloth felt once the location is determined, staff should ask the bus drivers not to stop in other areas. The Mayor also called staff's attention to the lack of bus shelters in the vicinity of Westchester towards Chestnut in the Evergreen area.

Condition of Right-of-Way/Ditches

Jill Harwood, who resides at 3318 Colony Drive in Jamestown, expressed concerns about the condition of the drainage ditches particularly in the Highway 311 Bypass/Eastchester Drive area as well as other areas in the city. It was noted that NCDOT was responsible for the right-of-ways/maintenance in the Highway 311 area.

There being no further comments, the public comment period was declared closed.

PUBLIC HEARINGS ON ITEMS

There were no public hearings scheduled for this meeting.

For Information Only:

PROCLAMATION- NATIONAL NIGHT OUT

Mayor Smothers read a proclamation into the record proclaming August 3, 2010 as "National Night Out" in High Point and recognized the communities participating:

East Central Burnshill; Carrick Street/Otteray Avenue; Pershing Street; West End; Swathmore Apt.; Southside; Eugene Street; Newgate Apts.; SpringBrook/Spring Meadow; Williams Memorial; Reconciliation Ministries; Avondale; Evergreen; Glenwood Heights Watch; Washington Street Association; High Point Museum; Chatham Woods Watch; Cedrow Association; Habitat Woods Watch; Windchase Watch; EnglishWoods/Fieldstone Watch; Laurel Oak Ranch; Sterling Watch; Trails Crossing Watch; Ashburn Watch. [applause]

Police Chief Jim Fealy thanked the communities and expressed his personal appreciation for what they do to help assist the Police Department. The Mayor and Council also applauded them for their efforts.

Public Safety Committee Meeting

Chairman Faircloth announced that the Public Safety Committee would meet on Wednesday, August 4, 2010 at 9:00 a.m. to discuss tethering of dogs.

Medicinal Cannibus

Council Member Alexander mentioned discussions that have been taking place regarding the consideration of legalizing cannibus in North Carolina for medicinal purposes and asked Council Member Sims about what the FAIR Committee's stand on this issue. Council Member Sims stated that she didn't think the N.C. League FAIR Committee has rendered an opinion yet on this issue. Council Member Alexander pointed out that the State of Colorado is having some real problems and noted it really is a problem around the whole country.

Support for Council Member Alexander as 2nd Vice President of the N.C. League of Municipalities

Council Member Alexander asked for the Mayor and Council's support in his candidacy for 2nd Vice President of the N.C. League of Municipalities and encouraged all Council Members to register for the League Conference that would be held on October 24-26 in Winston Salem. Mayor Smothers noted the business meeting would be held on Sunday afternoon at 3:00 p.m. and the slate of officers would be determined at that time.

Winston Salem Urban Loop- Funding Moved to Bottom of List

Mayor Smothers voiced major concerns regarding some recent action by NCDOT to drop funding for this project to the very bottom of 23 projects in the state. She explained that this project was a critical link to 74 and was also a primary roadway for folks coming down from Surry County and other areas that PART transports as well. She felt it was appropriate that the city's MPO at least address it because of the significant implications it has for High Point particularly in a regional sense in terms of traffic movement and access to economic development.

Closed Session- Economic Development

At

ADJOURNMENT

At 6:00 p.m., motion was made by Council Member Bencini, second by Mayor Pro Tem Whitley, Council entered into Closed Session for a briefing on proposed economic development projects pursuant to N.C. General Statute 318.11(a)(4).

Upon reconvening into open session at 6:30 p.m. and following an announcement that there would be no action taken as a result of the Closed Session, the meeting adjourned.

Respectfully Submitted,

_____
Rebecca R. Smothers, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk