City of High Point

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

Meeting Minutes

Monday, June 20, 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

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

APPROVAL OF THE MINUTES OF THE 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 Sims.

Finance Committee; Monday, June 6th @ 3:30 p.m.
Combined Meeting; Monday, June 6th @ 4:45/5:30 p.m.
Regular Meeting; Thursday, June 9th @ 9:00 a.m.

PRESENTATION OF ITEMS

CONSENT AGENDA

Upon motion by Mayor Pro Tem Alexander, second by Council Member Sims, all matters on the Consent Agenda were unanimously approved and/or adopted as recommended. The motion carried by an 8-1 vote with Council Member Pugh dissenting.

Action will be reflected throughout these matters on the Consent Agenda as being made and seconded by the same persons.

Adoption of City of High Point Annual Budget and Related Ordinances and Resolutions For FY 2011-2012 and Adoption of Revised Schedule for Water & Sewer Rates

110118 Council is requested to adopt the 2011-2012 Budget Ordinance for the City of High Point and related ordinances and resolutions and adopt the revised fee schedules for Water and Sewer Rates.

Note: See additional comments on the budget at the end of these minutes.

Adopted the 2011-2012 Budget Ordinance for the City of High Point and related ordinances and resolutions and adopted the revised fee schedules for water and sewer rates.

Ordinance No. 6823/11-31 **Introduced 6/20/2011**

Adopted 6/20/2011
Ordinance Book Volume XVII, Page 31

Resolution Nos. 1668/11-19 & 1669/11-20 Introduced 6/20/2011
Adopted 6/20/2011
Resolution Book Volume XVII, Pages 19 & 20

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

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

Renewable Energy Generation Program

110135 Council is requested to approve the following documents developed and prepared for the City of High Point by ElectriCities:
1) Renewable Energy Credit Rider Electric Rate Rider RECR-1
2) Electric Rate Rider REPS Renewable Energy Portfolio Standards (REPS) Charge

Approved the following documents developed and prepared for the City of HIgh Point by ElectriCities:

1) Renewable Energy Credit Rider Electric Rate Rider RECR-1
2) Electric Rate Rider REPS Renewable Energy Portfolio Standards (REPS) Charge

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

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

High Point Convention & Visitors Bureau - 2011-2012 Annual Budget

110119 Council is requested to approve the annual budget for the High Point Convention & Visitors Bureau (CVB) for FY 2011-2012 and authorize the City Manager to execute the contract agreement as presented by the CVB Board of Directors.

Approved the annual budget for the High Point Convention & Visitors Bureau (CVB) for FY 2011-2012 and authorized the City Manager to execute the contract agreement as presented by the CVB Board of Directors.

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

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

International Home Furnishings Market Authority - 2011-2012 Annual Budget

110120 Council is requested to approve the FY 2011-2012 Budget for the International Home Furnishings Market Authority (Market Authority).

Approved the FY 2011-2012 Budget for the International Home Furnishings Market Authority (Market Authority).

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

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

Budget Ordinance Amendment - Structural Fund Changes Required By GASBS 54

110121 City Council is requested to approve a budget ordinance amendment and related resolutions to recognize additional structural fund changes required by GASBS 54 and to appropriate reclassified revenues and related expenditures for FY 2010-11.

Approved budget ordinance amendment and related resolutions recognizing additional structural fund changes required by GASBS 54 and to appropriate reclassified revenues and related expenditures for FY 2010-2011.

Ordinance No. 6824/11-32 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance Book Volume XVII, Page 32

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

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

REGULAR MEETING ITEMS

FINANCE COMMITTEE - Council Member Alexander, Chair
Committee Members: Whitley, Smothers and Corey

(all were present)

Budget Ordinance Amendment - Heritage Point Master Plan - High Point Museum

110122 Council is requested to adopt a Budget Ordinance amending the 2010-2011 Budget Ordinance to appropriate funds in the amount of $70,000.00 for Heritage Point for the High Point Museum and Historical Park.

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

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

Adopted Budget Ordinance amending the 2010-2011 Budget Ordinance to appropriating funds in the amount of $70,000.00 for Heritage Point for the High Point Museum and Historical Park.

Ordinance No. 6825/11-33 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance 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.

Budget Ordinance Amendment - High Point Market Authority

110138 Council is requested to adopt an ordinance amending the 2010-2011 Budget Ordinance for revenue received for the High Point Market Authority.

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

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

Adopted ordinance amending the 2010-2011 Budget Ordinance for revenue received for the High Point Market Authority.

Ordinance No. 6826/11-34 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance Book Volume XVII, Page 34

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

Contract - Bid No. 38 - IHFC Transformers at Hamilton, Main and Wrenn Streets

110123 Consideration of award of contract for Bid No. 38 for IHFC Switchgear and Transformers for Hamilton, Main and Wrenn Streets. Purchasing and the Electric Department recommends that contract be awarded as follows:
Schedule I & 111 - Graybar in the amount of $163,830.00
Schedule II - Utility Service in the amount of $85,700.00

Total contract in the amount of $249,530.00.

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

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

Awarded contract for HFC Switchgear and Transfomers for Hamilton, Main and Wrenn Streets as follows:

Schedule I and III to Graybar in the amount of $163,830.00
Schedule II to Utility Service in the amount of $85,700.00

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

Contract - Bid No. 40 - High Point Athletic Complex Parking Lot Improvements

110124 Council is requested to award contract for Bid No. 40 for High Point Athletic Complex Parking Lot Improvements. Purchasing and the Parks and Recreation Department recommends that contract be awarded to Sharpe Brothers in the amount of $507,230.00 which is the lowest responsive and responsible bidder meeting specifications.

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

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

Awarded contract to Sharpe Brothers in the amount of $507,230.00 which is the lowest responsive and responsible bidder meeting specifications.

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

Purchase of Properties - 809 & 811 Westwood Avenue - Storm Water Improvements

110125 Council is requested to authorize the City Attorney's staff to proceed with the purchase of property located at 809 and 811 Westwood Avenue in the amount of $199,700. These properties are needed for storm water improvements in that area.

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

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

Authorized the city attorney's staff to proceed with the purchase of property located at 809 and 811 Westwood Avenue in the amount of $199,700.

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

Request for Public Hearing - FY2012 FTA Section 5307 Operating and Capital Grant Application - HiTran

110134 Council is requested to establish the date of Monday, July 18, 2011 at 5:30 p.m. to receive public comments on the filing of the FY 2012 FTA Section 5307 operating and capital grant application for Hi tran, Dial-A-Lift, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by Guilford County Transportation System.

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

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

Established the date of Monday, July 18, 2011 at 5:30 p.m. as the date and time to receive public comments on the filing of the FY 2012 FTA Section 5307 operating and capital grant application for Hi tran, Dial-A-Lift, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by the Guilford County Transportation System.

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

Authorization to Sell Neighborhood Stabilization Program (NSP) Properties

110136 Council is requested to authorize the city attorney's office to prepare the necessary documents approving the sale of Neighborhood Stabilization Program (NSP) properties as outlined in the attached memo from the Director of Community Development and Housing. (2143 Cliffvale Drive; 2715 Westgate Drive; 3910 Kim DRive; 131 ID James Road; 233 Windley Drive; 902 Dayton; 1009 Montlieu Avenue; 821 Putnam Street; 1402 Hampstead)

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

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

favorable recommendation for approval.

Authorized the city attorney's office to prepare the necessary documents approving the sale of Neighborhood Stabilization Program (NSP) properties as outlined in the memo from the Director of Community Development and Housing. [the memo is hereby attached in Legistar as a permanent part of these proceedings]

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 City Owned Property to Habitat of Humanity of High Point, Archdale and Trinity

110137 Council is requested to approve the conveyance of property located at 212 N. Hoskins Street and 214 N. Hoskins Street to Habitat for Humanity of High Point, Archdale and Trinity to continue infill housing redevelopment in the Graves Avenue project area.

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

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

Approved the conveyance of property located at 212 N. Hoskins Street and 214 N. Hoskins Street to Habitat for Humanity of High Point, Archdale and Trinity to continue infill housing redevelopment in the Graves Avenue project area.

A motion was made by Mayor Pro Tem Alexander, seconded by Council Member Sims, 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 - Vacate/Close Structure - 715 Grand Street

110126 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 715 Grand Street belonging to John A. Braica Jr.; Rhonda S Braica; Michael W. Dunigan; Melodie F. Dunigan.

Note: a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings.

The property owner was not present.

Chairwoman Sims noted there were a number of violations on this structure (six major and twelve minor). She asked if anyone was present to speak regarding this matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 715 Grand Street.

Ordinance No. 6827/11-35 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance Book Volume XVII, Page 35

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

Pending Items

Ordinance - Vacate/Close Structure - 800 E. Commerce Street

110045 Council is requested to adopt an ordinance ordering the Inspector to effectuate the vacating and closing of a structure located at 800 E. Commerce Street belonging to Nathaniel E & Margaret G. Bolds.

Chairwoman Sims pointed out this matter should be removed from the agenda; the property owner has brought the structure into compliance with the Minimum Housing Code and the dwelling is now occupied with a tenant.

Mayor Smothers felt it was important to note that this was a situation where the property owner worked closely with the inspectors and staff and exhibited a true commitment which resulted in bringing a good piece of the housing stock back online. She thanked the staff for for their diligence and support of the property owner.

Removed matter from the agenda.

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

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

Resolution of Intent - Street Abandonment 11-03 - HPU

110127 Approval of a resolution of intent that establishes a public hearing date of Monday, July 18, 2011at 5:30 p.m. to consider a request to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

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

Adopted Resolution of Intent establishing a public hearing date of Monday, July 18, 2011 at 5:30 p.m. as the date and time to consider a request to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

Resolution No. 1672/11-23 **Introduced 6/20/2011**
Adopted 6/20/2011

Resolution Book Volume XVII, Page 23

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

Technical Review Committee Appeal - Word of Life Tabernacle

110128 Consideration of an appeal of the Technical Review Committee's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan located at the northwest corner of Deep River Road and Gordon Road.

_____Transcript: June 20, 2011_____

Chairman Whitley: Next we are to get a report from planning on a TRC appeal from Word of Life Tabernacle. Bob is that going to be you?

Bob Robbins: This is a consideration of an appeal from the TRC's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan for the Word of Life Tabernacle. The City adopted a sidewalk ordinance back in 2003. This ordinance requires sidewalks for developments that need a TRC approval which can include major subdivisions, minor subdivisions, and non-residential developments such as the church with a building area of 15,000 sq. feet or more. There were two expansions at Word of Life Tabernacle since 2005. The first was for a little over 10,000 sq. ft. gymnasium and for that approval, the sidewalk ordinance was not triggered. Later in 2009, in October, a 33,000 sq. ft. main sanctuary building was approved. That plan was approved by the TRC and required sidewalks as it exceeded 15,000 sq. ft. size. The expansion was issued a building permit in February of this year and is getting close to requiring a final inspection to obtain a CO. The appeal from the church, they are appealing the sidewalk requirement as a "sidewalk to nowhere." They would like to have the requirement overturned-the TRC's decision overturned. The ordinance is fairly clear about the requirement and I don't believe that the church is appealing on the basis of a misinterpretation of the ordinance, but more on just the fact that it is not in their opinion, not needed. The sidewalk ordinance requires sites abutting a street classified as a collective, a minor thoroughfare or major thoroughfare to have sidewalks along the road frontage and Deep River Road is classified as a major thoroughfare. Gordon Road is classified as a collector street, so the sidewalk ordinance applies to both frontages.

There is an attached map in your packet which is up on the screen right now that shows you….first of all, the pinkish color is the property of the Tabernacle along Deep River Road and you can see it's across the street from a city park. There is a greenway trail that runs along the eastern side there. The dashed lines that are on the map signify subdivisions and other developments that where sidewalks are either planned or will be in progress to be constructed. You can see there's quite a bit of that-especially to the north in those residential subdivisions up Deep River Road. That's really where we stand. The appeal is in the hands of Council. Here this evening to speak on behalf of the church is Patrick Carrington sitting behind

me. Also here this evening to answer questions regarding sidewalk construction and policy is Mark McDonald, our Transportation Director. Are there any questions that I might be able to answer?

Chairman Whitley: Bob, about how many properties do we have outstanding that have not completed sidewalks that were required? This technically could affect property city-wide and not just this particular development.

Bob Robbins: In most cases, sidewalk construction is bonded. You know most developments put it in if it's a residential development, it comes in in bits and pieces obviously as lots develop. Non-residential development, often they bond the sidewalks as one of the last improvements that are made or associated with that development. We do have several sureties in place in the city for projects for sidewalks that have not yet been constructed.

Chairman Whitley: What about the residential development to the north of this site?

Bob Robbins: Offhand I don't know how much of that….well you can see some of the line is solid so there have been some sidewalks put in. The plans call for the sidewalks and they would be bonded if the plans have final plan approval then there would be a bond in place for them.

Chairman Whitley: Mr. Alexander, did you have a question?

Mayor Pro Tem Alexander: No, I'm just scratching my nose.

Council Member Douglas: Bob, I didn't get an answer to how many.

Bob Robbins: Well offhand, I don't have a number to tell you. You know there are other developments around the city where the sidewalk ordinance has been applied, both commercial developments and other churches and so on. And Transportation has put together a map that I'm sure they will be happy to share with you that shows some of that.

Council Member Douglas: So what are the time limits on compliance with this ordinance?

Bob Robbins: Well, technically they need to have the sidewalks constructed before a Certificate of Occupancy is given for the building.

Council Member Douglas: So has that been the case for every incident that we've had?

Bob Robbins: As far as I know. That's the policy. That's how it operates. Again, as long as there is a surety in place that will help because that allows recourse to

recover or to install walks should they not be done?

Mayor Smothers: So could you tell us how that works?

Bob Robbins: The surety?

Mayor Smothers: Yes.

Bob Robbins: Well, generally how they work is the developer or the owner gets an estimate from a qualified individual or firm for the cost of the sidewalks. There is a percentage that's added to that. Usually 15% and then they provide a surety in the form of a bond or an irrevocable letter of credit from a bank-usually those are the two more common instruments and they deposit that with the city and in favor of the city. So that if before the expiration date of these instruments, the city could act against those instruments and obtain money to install the facilities themselves should the developer renege on its promise to put them in. It can also be extended, so bonds can be extended for an additional time. Sometimes they are if the project isn't complete enough.

Council Member Douglas: Bob, do you have any more exploded views of this area? Yes, something different than that that shows the actual area-not just the…..

Council Member Sims: It's in the packet.

Bob Robbins: Oh, there are some photographs. Are you talking about the photographs that are in your packet? Yes we can show those.

Council Member Sims: My question has to do with….on the thoroughfare plan, does it require sidewalks on both sides of a collector street or both sides of a major thoroughfare and I'm assuming that's what Deep River is defined as.

Bob Robbins: Yes, Deep River is a major thoroughfare.

Council Member Sims: Does it require sidewalks on both sides of the street? The reason why I ask that is because directly across the street from where the church is located, there's a portion of the greenway that is a sidewalk-is it not?

Bob Robbins: It's a pathway, yes.

Council Member Sims: Well, it looks like a sidewalk. So I guess my question is, if it's not required on both sides of the street and I understand that you want the connectivity piece as a part of this, could that not suffice for the requirement that we have for the sidewalks on Deep River?

Mayor Pro Tem Alexander: Bob, while they're looking for that, along Deep River the city has put in some sidewalk north of the bridge that goes over I-74 to connect

the neighborhood to the five points area to retail and that kind of thing, and I don't believe that there's a great deal of distance between the Deep River or bridge where Deep River crosses I-74 and the entrance to the Greenway. It's probably less than a ¼ mile.

Council Member Douglas: I beg your pardon, it's probably more than a ¼ mile from that bridge around to where we're talking about on Gordon Road.

Council Member Sims: He's saying to the Greenway. Just before Mr. Davis' property.

Mayor Pro Tem Alexander: Right, to the Greenway there and then, you know, because I think connectivity is important as you begin to move up towards the Five Points area. There are neighborhoods that they might enjoy walking to church. I don't know if they are members of the church, but I think there are connectivity issues that are there as well as I don't know when the other sidewalks along Deep River are planned to be put in place.

Council Member Sims: I guess my concern with that is when we were putting in the Greenway, we never extended that sidewalk all the way down to the corner of what's that street that comes down beside the church? Gordon Road….which would have made sense. We, instead, crossed the street and then went down the other side to do the greenway. So if there was a concern about connectivity we should have probably at that time gone ahead and taken that sidewalk all the way to Gordon Road, then it would have made more sense, but it stops where the greenway is, crosses over Deep River and then goes down the other side.

Mayor Pro Tem Alexander: I don't know if they did that for sight distance. You know you do have an intersection there and that kind of thing and we do already own the property that's across the street. So I think that was maybe why we moved the greenway across the street at that time.

Council Member Douglas: Or it may have been a cheaper route.

Mayor Pro Tem Alexander: Well I think because we own the site across the street….

Bob Robbins: Ms. Sims, the ordinance does require sidewalks on both sides of a major or minor thoroughfare.

Mayor Smothers: I have a question of Mr. McDonald. My question has to do with….at some point in time, Deep River Road will be widened I assume.

Mark McDonald: That's an assumption we can make, although there are no plans for it at this time.

Smothers: Now, do you all determine where that sidewalk is going to be or does it take into account the road might be widened, or….

Mark McDonald: In this case, it does not because there is not a project on the books to do that. The instance for a project like Skeet Club Road where sidewalks are proposed or some other project that we already have programmed and funded, we would certainly take that into account.

Mayor Smothers: I know it hasn't been that long since the bridge was replaced and so, you know, the road is whatever it is….two-lane.

Mark McDonald: The Bridge over Boulding Branch was upgraded several years ago. I don't believe there has been any substantial work on the bridge north of the site other than to replace some guardrails. To answer Mr. Alexander's question about that connection point….the Bridge that goes over I-74 was not constructed to allow for sidewalks. It is wide enough to accommodate that, but it was not constructed for that purpose. The ability to cross there could be done, but it has not been considered and it's probably 3/10 of a mile before it ends down at the Greenway.

Mayor Pro Tem Alexander: Because we don't have connectivity along the Greenway, I have ridden my bike up there and crossed the bridge and have seen there's seven or eight feet outside the white line.

Mark McDonald: Aside from crossing I-74, connectivity from I believe it's from Suffolk Place or Suffolk Drive down to the Greenway would be very feasible aside from the crossing I-74 there at the bridge. Ms. Sims, to answer your question, the crossing is where it is for environmental reasons and property reasons and also for sight distance. When that part of the Greenway was being designed five or so years ago, we looked for the most advantageous place where we could cross the property that was available to achieve the best sight distance that we could, to minimize environmental impacts and to make it more constructible. That's why it does what it does.

Council Member Sims: Well my question was not so much about where the crossing is and why you placed it there. My question was more around why did we not just go ahead and extend a sidewalk, the remainder of that distance to Gordon Road.

Mark McDonald: Because that would have been two crossings of the stream. So environmentally it would have been difficult to put in an additional crossing on Boulding Branch right there at the intersection, so we crossed where it was most advantageous, environmentally, and constructability standpoint.

Council Member Sims: So if they do this sidewalk which is what we're requiring them to do, if what you're saying is true, then will there ever be a sidewalk that will

go on Mr. Davis' property that connects to where the Greenway comes out at Marsden?

Mark McDonald: We would propose a crossing from the property site at the corner over to the Greenway rather than following Deep River Road and having to cross the creek again.

Mayor Smothers: Crossing the creek is the big problem. In the staff analysis and comment it says that the Transportation Department did share concerns with installing sidewalks along Gordon Road during the site plan process and offered the church alternatives. Could you tell us what the alternatives were?

Mark McDonald: Well, as you can see the proposed sidewalk that is shown there is sort of a reverse L, it comes down Deep River Road to the corner and then back to the west on Gordon Road. After TRC plans had been approved and signed off on, our staff had an opportunity at some point and I do not recall what initiated it, but we had a chance to meet again with the representative for the property and talked about the difficulty of constructing sidewalk along that short piece of Gordon Road. There's a deep ditch there. There's an embankment there and one thing that we talked with them about was they didn't feel like they could do that since they weren't taking access on that side was to look at basically taking that L piece and turning it over and crossing Deep River Road and going the short distance over to the Greenway. It would be relatively easy to do that. It's short. It's flat and that's something that we had talked about, but that was never formally considered. The plans were never modified or brought back for review or further consideration.

Council Member Douglas: Mark, even on Gordon Street, what will those sidewalks connect to?

Mark McDonald: The sidewalks will connect back up to the north to the Barrington subdivision.

Council Member Douglas: Are there any more sidewalks?

Mark McDonald: There are no additional sidewalks….

Council Member Douglas: Any around Gordon?

Mark McDonald: No.

Chairman Whitley: Any other questions for Mark?

Mayor Smothers: I don't know if it's Mark or Planning Department staff now, but basically what we have before us is a decision to either direct staff to bring back an ordinance amendment to allow Council to waive something, or….

Mark McDonald: One additional thing. I believe Mr. Whitley also had a question earlier about projects that were pending. Bob do you have the map that you put up earlier? This shows projects that have been done over the last several years that's part of the ordinance application and there are several that are shown on here that either have yet to be constructed or have not been constructed at this time and they could be potentially impacted by this.

Mayor Pro Tem Alexander: Do they have surety bonds that would at some point trigger construction?

Mark McDonald: Yes.

Chairman Whitley: Bob, any last remarks?

Bob Robbins: Just to answer the mayor's question or her point that she was making. What we have here is that the ordinance doesn't really have any provisions for out and out waivers of the provisions for sidewalks. What it does permit is a modification which can be granted by either TRC or by City Council, but the modification should be based upon what we call equal or better performance. So in terms of switching something for something else-so that's the situation.

Chairman Whitley: I take it staff did not come with an alternative.

Bob Robbins: The TRC did not feel that a modification was justified so they did not. That's why it's before you.

Mayor Smothers: So basically the decision we have is either to develop a modification, direct staff to come back with an ordinance amendment, or turn it down period and just uphold what we have. Are those the three options?

Bob Robbins: I would say so.

Mayor Smothers: Okay.

Chairman Whitley: Thank you Bob. Does the petitioner have someone to come forward? If you'll give us your name and address please.

Patrick Carrington: My name is Patrick Carrington. 6098 Village Place, Winston Salem. I'm speaking on behalf of our pastor, Dr. Ronald L. Diggs and members of the Word of Life. Concerning the sidewalk issue, we do believe it's basically a sidewalk to nowhere. We have a Greenway directly across the street even with the consideration they're talking about an amendment being a reverse L going right back to the Greenway. We can't continue it further up Deep River up across the street from Gordon where he's talking about the stream because they have a bridge

on one side, so there's no possible connectivity on that same side. So I have some other pictures as well. It's pretty much the same photos as before; however, they are a little bit better view. You can see Gordon and as I said, the bridge right across there, there's no way to get across there without building another construction which you're going to have to cross back over to the opposite side of Deep River which is already….if you go on up Deep River a little ways, there's already a crosswalk in that area. So as far as them talking about an access point for Five Points, there already is one using the Greenway. This is looking south on Deep River. As you can see if we have to do this sidewalk, you can see the utility poles which we have to take into consideration, the steep ditch incline. This is on our opposite entrance in which there's basically no other commercial, residential or any type development in that area in which the proposed ruling or ordinance would have us do sidewalk in this area as well, but as I said before it's to no avail. This is looking from our property, our entrance, one of our entrances back towards the northern part of Deep River in which you can see directly across the street from our entrance is the Greenway. So, you know, with respect to the ordinance and all that applies, the Greenway like I said is directly across and we just don't see any reasonable justification to have to put another sidewalk when which there is already a pathway up along Deep River and as well as your proposed expansion of the Greenway even on down further past Deep River. That's a clear view directly in front of our property from the central location, but you can see how close the Greenway actually is to our property directly across the street there. This is going to show a good representation of the amount of grading, the amount of work of the incline there. I talked with our contractors and they said it would be in excess of $60,000 just to put a sidewalk here in which 50% of it would be from one of our entrances to our other entrance. Those are all the pictures that we have right now, but like we said earlier, we don't see any reasoning behind it. We do understand the ordinance and even going back to 2005 when we were granted the expansion project, so we had already did the grading for our existing project that we're working on now, so we did not have to do any grading along Deep River whatsoever because all of our grading was done at the time of our previous project so the only thing we had to do was begin to build. No other grading, grounds work, all that topographical information was done at that time and also which…..if we have to do any type of grading it could adjust in the flow of the land, a lot of unknowns because of how far you have to go into our own property as far as doing the grading and digging up. We may have to put retention walls…you know, it's a lot of unknowns in that respect in doing the grading. And as I stated earlier, you know, we're a church having to shell out $60,000 for a project that we feel could really benefit us in other areas.

Mayor Smothers: Do you have a picture that shows the property from the Gordon Road side?

Patrick Carrington: Yes.

Mayor Pro Tem Alexander: Do we know how many feet this is of sidewalk?

Mayor Smothers: A lot.

Mayor Pro Tem Alexander: Well my question was going to be, if we could work out something…whatever our least expensive sidewalk that was flat land and fully developed….if we could get a bond for that amount and then if Deep River Road were widened, then that sidewalk could be installed later, but there would be a bond that would be set aside and it would meet equal or better performance. At this point in time until the sidewalks up Deep River are constructed, it is a sidewalk to nowhere, but ultimately we do hope to have sidewalks constructed to the north and those property owners did agree and their terrain is equally challenged.

Mayor Smothers: Well I guess….I understand the dilemma that the church faces in terms of just the investment and the kind of footage actually that they would be required to either post bond or build. It seems to me that the issue of access for pedestrians is soft along Deep River with the Greenway; however, there's a lot of development that has gone on and still more tracts down Gordon Road, so it seems to me if there's any justification for a sidewalk, even though it doesn't connect to some others…I mean we've got those all over town, you know it would be that side along Gordon that would at least be there if and when other properties….because they may…

Patrick Carrington: If I may add, the corner of Gordon Road is a residential property so once you go around that corner it ends and it goes straight to a residential property in which no sidewalk development would be….

Mayor Smothers: I understood that, I just said if there were ever sidewalks put in Gordon. There's been a lot of residential development on Gordon Road and there is more….I mean you can look at the maps and see how many wide open spaces there are out there, so there's room for more development. So my point is since it's residential and sidewalks are something that we do encourage in residential that that would give access back to Deep River and the Greenway unless they want to walk down Gordon Road and run the risk of getting killed trying to avoid the cars.

Council Member Sims: Is the concern with the section on Gordon Road? Is that the more challenging aspect of it or is it the section along Deep River? Which is the more challenging when you talk about grading and moving utility lines and all that, which portion of that or which piece of the sidewalk is the more challenging?

Patrick Carrington: If we had to make a choice between the two, the part along Deep River would be the most challenging because that's where we do have the utility poles. We do have some water reserve as well as the grading based on the steep ditch. As you can see it goes down…between our two entrances. That would pose the most as far as the grading is concerned.

Mayor Smothers: That's why I asked a while ago if they had a shot from Gordon Road and the one they showed looked like it was fairly flat up wherever it is.

Council Member Sims: When the church….

Patrick Carrington: That's looking at Gordon.

Mayor Smothers: Well that's not….it may go back up the hill.

Patrick Carrington: Well based on the plans that our construction people got from the TRC, it's going to be pushed back so far that we would have to dig into that hill into where….you know we don't know if we have to put in a retaining wall and also there's a sewer and water line there as well.

Council Member Sims: When the church first developed this, was it a phased project or was it just initially just the one building.

Patrick Carrington: It was a three-phase project. We completed our first one in 2000 which is our current sanctuary. We finished our Family Life Center which is the gymnasium in 2005 in which those two combined is more than 15,000 sq. feet and then at that time when we was doing all the grading for the gymnasium, we did the grading for this current sanctuary as well.

Council Member Sims: So when you first presented that site plan to staff, was there conversation at that point about the eventuality of having to put the sidewalk in once you reached a certain number of square feet.

Patrick Carrington: No-the only time we recall this coming up was at the beginning of this current project.

Mayor Pro Tem Alexander: But you decided at that point to move ahead?

Patrick Carrington: Yes, we decided to move ahead and I heard Mr. Boone say that they had some other scenarios but I do not recall any of those options per se' at that time.

Mayor Smothers: Were you representing the church at that time?

Patrick Carrington: Yes, I'm the administrator and speaking on behalf of Pastor Diggs.

Mayor Smothers: Well I knew that, but I just didn't know if you were represented the church at that time.

Patrick Carrington: Yes, I've been affiliated with the church since 2004.

Council Member Douglas: So you're saying that whenever you first submitted these plans, all three buildings was included?

Patrick Carrington: Yes.

Council Member Douglas: And that was when?

Patrick Carrington: Well 2003 was when we….excuse me, in 2000 we completed the first sanctuary and then we revisited it in 2005 when the second phase was completed knowing that we was going to complete this phase.

Council Member Douglas: Bob, when was this ordinance put into place?

Bob Robbins: 2003.

Mayor Smothers: June 19, 2003.

Council Member Sims: So, and I guess this is directed to staff, when they first presented the full site plan of what their scope was going to be moving forward, the phases, would that conversation have come up regarding the sidewalks? I mean, based on what we're requiring them to do, we knew it was going to be challenging so did that conversation ever come up?

Bob Robbins: Well the initial comments about sidewalks, of course, Mr. Carrington is correct, but it goes back to May of 2009 when the site plan was being reviewed by TRC and that was when the comment was made to them regarding the requirement for sidewalks. Prior to that, we….I don't believe the city knew what the church had in store in terms of they built the gymnasium building, but we didn't know what they would come along with after that. So, but anyway, we could only apply it to this project that they're doing because of the size of it.

Mayor Smothers: But they were approved for two expansions in 2005, so the ordinance had been in place for two years when they got their permit for two and it didn't top the threshold at that point.

Chairman Whitley: Any other questions for Mr. Carrington?

Council Member Douglas: I've got one more for Bob. Bob, how much more safer would it be putting sidewalks on this side since they don't' connect to anything? That tells me that you're still going to have to cross the street to get to the sidewalk. I don't understand the reasoning.

Bob Robbins: I think Mr. McDonald would be more qualified to answer that question Sir.

Mayor Smothers: I don't think safety is the issue, Mr. Douglas. I think it's the fact

that we've got an ordinance in place that is what it is. It is to provide connectivity throughout the city.

Council Member Pugh: I don't see the use in putting sidewalks there personally. If it's something that can be worked out, I'd like to see it worked out to the church's benefit given the ambiguity and the confusion surrounding the issue. That's just my personal feelings. I just think it'll be a sidewalk to nowhere.

Mayor Smothers: Well I talked to Ms. Sims this afternoon and pointed out the Greenway was out there. That obviously is a path that they can get on if they want to. I never have been hung up about sidewalks, other than they can be a pain. At the same time, how many more petitioners are we going to have come before us and just say that we've got bad slopes and utilities and all that kind of stuff. At any rate, that's why I was looking for some accommodation that would allow them to meet part of the ordinance back where there would be foot traffic.

Mayor Pro Tem Alexander: How many feet is it?

Chairman Whitley: Mr. Alexander, based on Google map you're looking around 1,200 feet.

Mayor Pro Tem Alexander: What's the least amount of money you can build 1,200 feet of sidewalk for?

Chairman Whitley: Well that's depending on the property. I think he described the scenario.

Mayor Pro Tem Alexander: Let's assume they would grant the appropriate right-of-way. If they could post a bond for that amount of money that if Deep River were ever widened, you'd have to fill that in and then a sidewalk could be built.

Mayor Smothers: Well the right-of-way is already there isn't it?

Mayor Pro Tem Alexander: Well I don't know if there's appropriate right-of-way for all the back-fill that would have to take place.

Council Member Douglas: So what's the length of time that you're talking about as far as Deep River being widened?

Mayor Pro Tem Alexander: Well I don't know. It's certainly not on the agenda at this point, but I'm trying to find a way where we can preserve the integrity without taking any money from the church today, but if they would agree to some bond that would cover that 1,200 feet of flat sidewalk.

Council Member Douglas: Within the next five years if they build will the street

be widened?

Mayor Pro Tem Alexander: I don't think it'll be the next five years; I think it needs to be something like 20.

Mayor Smothers: It seems to me that we either waive it or they have to do it.

Council Member Pugh: I think we should waive it.

Council Member Moore: Who maintains that after it's up and running?

Mayor Pro Tem Alexander: The city does.

Council Member Moore: So the taxpayers are going to maintain the sidewalk.

Mayor Pro Tem Alexander: And it's going to connect to the sidewalks going north from that property.

Council Member Moore: I thought it wasn't going to connect to anything.

Mayor Pro Tem Alexander: Yeah, the blue lines there, those are all sidewalks that will be built. That money has been paid by the people that developed those properties to the north.

Chairman Whitley: Mr. Carrington, did the church have someone else who wanted to come forward and speak?

Patrick Carrington: No, not at this time.

Chairman Whitley: Okay, I'll say it this way, we can't resolve it tonight because we've got to come up with an alternative that meets the conditions of the ordinance and at this point that's going to require some work with staff and the committee to figure it out.

Council Member Pugh: Can the ordinance be waived?

Chairman Whitley: My understanding from Mr. Robbins it cannot be waived. You've got to come up with a solution on why it meets a better use-an equal as or better. At this point, I don't know of any alternative. I asked him that right in the beginning.

Mayor Smothers: Or just say that there's sufficient pedestrian access along Deep River and when and if Gordon Road is widened which at some point it will be probably more likely than Deep River, then it will be at taxpayers expense that the sidewalk will be installed.

Chairman Whitley: But then that also goes to the property to the north as well.

Mayor Smothers: What do you mean? That up there?

Chairman Whitley: Yeah.

Mayor Smothers: Well actually that's a residential area. They're getting them over that way so they can get on the Greenway I reckon. Actually there's nobody out there right now.

Chairman Whitley: It's built. The road's built though.

Mayor Smothers: At any rate, so do you want to…..

Chairman Whitley: **I'm going to make a motion to place it in committee to have the committee and staff working on it so we can possibly come to a solution**.

Mayor Pro Tem Alexander: **Second.**

Mayor Smothers: We have a motion and a second to refer it to committee and develop a solution. Now the understanding with that is that there will be something that comes back that addresses the issue that you have outlined, Mr. Carrington. All in favor of the motion, please say Aye. Aye. Any opposed? None. Motion carries. [9-0 vote]

Mayor Smothers: Thank you and I think you have a number of your congregation here.

[end of transcript]

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Alexander, that this matter be referred to the Planning, Economic Dev. & Information Technology Committee. 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.

City of High Point Incentives Policy - Job Creation Policy (new)

110152 Council is requested to receive the following Incentives Policy Review Committee recommendations:

2) City of High Point Job Creation Incentives Policy [new]

For Part 1 (Industrial Incentives Policy) and Part 3 (Incentives Map) refer to Legislative Matter 110032 (action taken March 21, 2001). For Part 4 (Retail Incentives Policy) refer to Legislative Matter 110053 (action taken June 6, 2001).

MISCELLANEOUS

Parks & Recreation Commission - Appointment/Reappointments

110133 Council is requested to confirm the appointment of Jeffrey Golden to the Parks & Recreation Commission to fill the expiring term of Daniel Gillespie who is not eligible for reappointment and confirm the reappointment of Joe Ellenburg and Judy Jones. All appointments will be effective immediately and will expire July 1, 2014.

Approved the initial appointment of Jeffrey Golden to the Parks & Recreation Commission and the reappointment of Joe Ellenburg and Judy Jones. Appointments effective immediately and will expire July 1, 2014.

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

Resolution - Opposition to FCC Acceleration of Broadband Deployment

110139 Council is requested to adopt a Resolution Providing for Opposition to the Federal Communications Commission's Notice of Inquiry Relating to Acceleration of Broadband Deployment.

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

Chairman Whitley brought this matter forward for Council's consideration and noted it was drafted with the assistance of JoAnne Carlyle, Assistant City Attorney, Information Technology staff, Charles Archer, and staff at the NC League. He explained the resolution would be forwarded to the FCC to make them aware of our opinion on the proposed notice of intent which would basically infringe on rights to control our right-of-ways as well as lease revenues from our towers.

Adopted the Resolution Providing for Opposition to the Federal Communications Commission's Notice of Inquiry Relating to Acceleration of Broadband Deployment.

Resolution No. 1675/11-26 **Introduced 6/20/2011**
Adopted 6/20/2011
Resolution Book Volume XVII, Page 26

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

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

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

Ordinance - Text Amendment 11-04 - Redbud, LLC - Recycling Processing Center Use

110115 A request by Redbud, LLC to amend Section 9-5-1(jjj)(2) of the Development Ordinance to reduce the 300 foot use separation standard between a Recycling Processing Center Use and residential or public-institutional zoned property.

Note: The Planning & Zoning Commission met on May 24, 2011 and recommended denial of this text amendment by a vote of 6-1. Due to receiving an unfavorable recommendation from the Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for approval of the text amendment.

Prior to the public hearing on this matter, Mayor Smothers asked if staff would go back and review the ordinance to see if different levels of recycling might need to be clarified in light of the questions that came about at the last public hearing for Central Recycling.

Doug Loveland of Planning and Development explained that staff had reviewed it and there were some distinctions in the Development Ordinance between the two uses which are clarified in the staff report. He proceeded to give an overview of the staff report which will be attached in Legistar as a permanent part of these proceedings. He pointed out that since this was a Text Amendment, it would apply city-wide and not just to this particular site.

Following the presentation of the staff report, Mayor Pro Tem Alexander asked about any noise, odors, smells, etc.... that might have an impact on the neighborhood and staff replied that they are allowed to do processing which could include sorting, shredding, baling, etc.....

Council Member Pugh asked if staff could share the Planning & Zoning Commission's primary concern about why they did not want to approve the text amendment. Mr. Loveland explained they seemed to have concerns that the text amendment would apply city-wide and some concerns with traffic that might be generated as a result of the use.

Mayor Pro Tem Alexander pointed out that heavy industrial could locate on the site today without any restrictions. Mayor Smothers asked how the 100 foot distance was decided upon and Mr. Loveland noted the applicant proposed the 100 feet. Council Member Henley asked if chicken processing would be permissible and what the distance would be for this particular use. Mr. Loveland noted he would have to check to see if the use is permissible in the HI, but he wasn't aware of any standards. He

further explained that with the use being operated and confined to a fully enclosed building, staff felt it would minimize any impacts to the neighborhood. Council Member Henley asked if by chance this matter might be stigmatized by the prior recycling issue that was recently before the City Council. Staff replied that it was not and explained that the prior case involved a classification as a salvage yard which is a distinct different use in the Development Ordinance which requires a special use permit in the HI.

Council Member Sims also questioned how they came up with the number of feet for the use separation. Mr. Loveland noted that it was approximately 200 feet and pointed out they could have probably gone with 150, but the applicant would need to address this question. Council Member Sims felt that although the operation would be fully enclosed, it could still produce concerns about rodents, odors, etc.... and stated she was sensitive to these issues due to it being next door to a residential area. Mayor Smothers disagreed and noted it would depend on whether or not the cans are rinsed out, etc.... and pointed out that the city does encourage recycling. She suggested that staff may need to take a serious look at downzoning areas that are zoned heavy industrial because the city couldn't have people encouraged to think they could come in and use the property that is there with zoning in place and then decide that a particular use might not be appropriate because of its proximity to a neighborhood.

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

Beth Koonce, 300 N. Main Street, attorney with Roberson, Hayworth and Reese, representing the applicant spoke on behalf of the applicant, Redbud Recycling, LLC in support of the text amendment. She explained when they originally started looking at the setback, they realized that for a recycling processing center there was a 300 foot setback from residentially zoned property and realized it was only allowed in the HI and LI and the Agriculture district with a special use permit. She noted they felt the recycling/processing use would be less intensive than the existing permitted uses in the LI and HI districts that are already allowed with no setback and felt there was no real compelling reason for a 300 foot setback because the proposed use would be fully contained inside the building with no outside storage. She explained that staff had suggested 180 feet, but she was a little nervous about the measurements, so rather than drop it completely, it was her decision to put it at 100 feet.

Ms. Koonce pointed out this is a green industry and felt it should be something that is encouraged. She further explained that they would not be handling garbage, but would be handling what most recycling companies handle (i.e. primarily paper, cardboard, packaging material, x-rays from medical facilities, plastic bottles from medical facilities, etc...) They will be baling, shredding and packaging these items to send off to the facility where they would eventually be melted down and rendered into the actual recycled article.

Regarding the concerns voiced about the traffic, she pointed out that any of the uses in the LI and HI would generate a good bit of truck traffic and although the text

amendment would be city wide, W. Green was a four lane road and built to handle traffic. She felt to add or take away that extra setback wouldn't harm any of the surrounding uses and it would fit in with what could go there now with no setback. Council Member Corey asked the applicant if they could possibly do what they want to do with a 150 foot setback and Ms. Koonce agreed. Council Member Moore asked if any of the neighbors had voiced any concerns. Ms. Koonce explained that since this was a text amendment, no sign was placed on the property.

Council Member Pugh noted that although he may not have issues with this particular site, he did have concerns that the text amendment would apply to other locations city wide.

Chairman Whitley asked if there was anyone else present who would like to speak for or against the request. There being no further comments, 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 to include striking the reference to the 100 feet in the text and changing it to 150 feet.

Adopted Ordinance amending Section 9-5-1 (jjj)(2) of the Development Ordinance to reduce the 300 foot use separation standard between a Recycling Processing Center Use and residential or public-institutional zoned property to a 100 foot use separation based on consistency with the City's Land Use Plan and the findings as outlined in the staff report. Additionally, the City Council considers this action to be reasonable and in the public interest because: 1) the need for use separation is not as great for a recycling center that processes primarily household oriented recyclables and which is operated in a wholly enclosed building.

Ordinance No. 6828/11-36 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance Book Volume XVII, Page 36

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

Ordinance - Annexation 11-01 - State of North Carolina - NC National Guard

110129 Consideration of a voluntary contiguous annexation of approximately 18.55 acres lying at the western terminus of Armory Drive (3515 Armory Drive), also known as a Guilford County Tax Parcel 0161164.

The joint public hearing for this matter and related matter **110130 Resolution- Street Abandonment 11-05- State of North Carolina- NC National Guard** was held on Monday, June 20, 2011 at 5:30 p.m.

Note: Council Member Pugh left the meeting without being excused and while not

physically present when the vote was taken on this matter, his vote will be counted as an affirmative vote pursuant to N.C. General Statute 160A-75

Herb Shannon of Planning & Development gave an overview of the staff report. [a copy of the staff report 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 were any comments regarding this street abandonment request.

Elizabeth Chestnut, 4150 Reedy Creek Road in Raleigh, Master Planner for the North Carolina National Guard, spoke in favor of the request. She explained that after the events of 9-11 increased stand-off distances are now required for all National Guard facilities. She noted by closing this portion of the end of Armory Drive and transferring it to the NC National Guard would allow them to provide a more secure level of anti-terrorism, force protection for the facilities and staff and soldiers that work out of this location. She further explained that the annexation request came about due to their request for the street abandonment and was a mutually beneficial request allowing them to receive city utilities at city rates and would enable the city to fill a hole in their corporate limits. She noted there would be a small section that would not be abandoned which would allow them to put in a new turn-around where the road dead ends in order to accommodate city vehicles and emergency vehicles. The NC National Guard will be using $1.4 million in federal funds to construct this and upgrade their current facility adding a building and surface parking.

Chairman Whitley asked if there was anyone else present who would like to speak. There being no further comments, he closed the public hearing.

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

Adopted ordinance providing for the 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; annexation effective upon adoption.

Ordinance No. 6829/11-37 **Introduced 6/20/2011**
Adopted 6/20/2011
Ordinance Book Volume XVII, Page 37

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 11-05 - State of North Carolina - NC National Guard

110130 A request by the State of North Carolina (NC National Guard) to abandon an improved portion of Armory Drive.

The joint public hearing for this matter and related matter **110129 Ordinance-Annexation 11-01- State of North Carolina- NC National Guard** was held on Monday, June 20, 2011 at 5:30 p.m.

Note: Council Member Pugh left the meeting without being excused and while not physically present when the vote was taken on this matter, his vote will be counted as an affirmative vote pursuant to N.C. General Statute 160A-75.

For discussion regarding this street abandonment request, please refer to **110129 Ordinance- Annexation 11-01- State of North Carolina- NC National Guard.**

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

Adopted Resolution authorizing the abandonment of an improved portion of Armory Drive with the retention of a 20-foot sewer easement centered on the existing 8-inch sanitary sewer utility based on the findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress and egress.

Resolution No. 1673/11-24 **Introduced 6/20/2011**
Adopted 6/20/2011
Resolution Book Volume XVII, Page 24

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 11-04 - High Point University

110131 A request by High Point University to abandon an improved portion of North Avenue between Willoubar Terrace and Fifth Street.

The public hearing for this matter was held on Monday, June 20, 2011 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Council Member Sims asked staff to explain the explanation in the analysis that the abandonment would result in two public streets having no outlet. Mr. Shannon

explained the first would be the remaining section of North and Willoubar where it would be just one way in and one way out and the second would be the portion of Fifth Street where it would be just one way in and out. Mayor Smothers asked if the request has been examined by the police and fire in terms of the interior neighborhood and staff replied in the affirmative.

Chairman Whitley opened the public hearing and asked if there was anyone present who would like to offer comment regarding this street abandonment request.

Ron Guerra, Director for Construction for High Point University, 833 Montlieu Avenue, spoke in favor of the street abandonment request. He explained the university would like to continue to privatize North Avenue, but not close it to traffic because they consider it to be one of the main entries and exit points to the university so the plan is to never shut it off from traffic. He noted as they acquire more property heading toward Centennial, they would ask to privatize that as well and then possibly widen the street there so it can accommodate another welcome center that would be a portal entry to the university.

Council Member Corey asked if the general public would also have access or if it would be restricted to university traffic. Mr. Guerra explained that the general public could come through, but would have to stop at the Welcome Center where they would be directed to their desired location.

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

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

Adopted Resolution authorizing the abandonment of an improved portion of North Avenue between Willoubar Terrace and Fifth Street as requested by High Point University with the retention of a public utility easement over the entire right-of-way for the existing sanitary sewer, water, electric, and natural gas utilities based on the findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress and egress.

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

Special Use Permit 11-05 - Ronald & Dorothy Barker - Old Mill Road

110132 A Special Use Permit request by Ronald and Dorothy Baker to allow a Tourist Home (Bed & Breakfast) in the Residential Single Family-15 (RS-15) District. The site is lying north of Old Mill Road and west of Guarad Court (833 Old Mill Road).

Chairman Whitley: Next we have a Special Use Permit for Ronald and Dorothy Barker. If you're here tonight to speak on this request, you'll need to come forward and be sworn in.

[oaths administered at this time]

***Herb Shannon**: This is a special use permit application to allow a tourist home known as a bed and breakfast within a Residential-Single Family RS-15 zoning district. The site's lying along the north side of Old Mill Road west of Guarad Court. This is Old Mill Road, this is Guarad Court and the cross-hatched area is the site in question. The applicant currently has an existing two-story, 3,300 single-family dwelling upon this site. It's a 3.9 acre parcel and they currently live in that home and they are requesting special use approval to allow a bed and breakfast which will be owned and occupied by them. The only improvement that's proposed to the site is adding a parking area for up to six vehicles. As you can see from the overhead projection, this entire area is zoned single-family and is surrounded by various single-family uses. The Development Ordinance allows a property owner to apply for a special use permit for a bed and breakfast in a residential area subject to meeting specific development requirements. In regards to separation, number of guest rooms and operation and those standards are outlined on page 109 of your packets. The applicant is meeting those criteria. In our evaluation of this proposal, staff has not identified any major or minor issues. As a special use permit, the purpose is to allow the Planning & Zoning Commission and the City Council the opportunity to analyze it to ensure no negative impacts to adjacent property owners. On page 110 and 111 of your packet are the findings pertaining to this request.*

Key items to touch upon, typically you have bed and breakfasts either where historic areas or commercial areas transition to residential areas. This is entirely a residential area, but the site does abut existing non-residential uses that are allowed in residential areas. You have a school, a private school on the western boundary of the site and you have a church camp across the street from the site. Those two non-residential uses act as a buffer to adjacent residential subdivisions and based upon the size of the property, there is sufficient buffer of over 140 feet to the north and 200 feet to the east that will separate this facility from abutting residential uses. Another key point to note is that this is outside a residential subdivision, it's not in the middle and the site does abut a major thoroughfare and is of sufficient size to buffer the use from any adjacent property owners. Doug, if you can go to the next slide please.

These are just pictures the applicant has provided. This is looking from the middle of the site toward the house. You see the large open area. Next slide please. This is looking from the front porch back toward Old Mill Road to give you an idea of the space from abutting uses. Next picture. This is from the rear of the house. You can see they have a

hedge that sufficiently screens the site from the abutting property to the north. The last picture-this is from an entrance from the garage. It is fairly heavily landscaped and also screens the facility from abutting property owners.

Based upon the findings outlined in the staff report, staff finds that the request will be in harmony with the surrounding areas. It does not conflict with the goals and objectives of the Land Use Plan. We're recommending approval of this request. At the May 24th public hearing, the Planning & Zoning Commission recommended approval of this request by a vote of 7-0.

***Council Member Corey**: The limitation of an individual for 15 days within a 60 day period, is this something that's desired by the owner or is this a city requirement?*

***Herb Shannon**: That is part of the requirements for allowing a bed and breakfast in a residential zoning district.*

***Council Member Corey**: I see. Thank you.*

***Mayor Pro Tem Alexander**: Herb, what type of signage would be allowed?*

***Herb Shannon**: There would be signage the same as allowed for home occupations. Only a wall sign on the structure up to two square feet. The ordinance would not permit any type of ground sign on the frontage road and that's to keep the residential character of the area intact.*

***Mayor Pro Tem Alexander**: While I don't disagree with that, a sign on the structure….the structure really isn't visible from the road, so I could see where a guest might be challenged. I just….you know some type of small signage even just swinging from the mailbox might be appropriate. I don't know, I guess they just have a street number and you just GPS the street number and go there.*

***Chairman Whitley**: It's a private street.*

***Mayor Pro Tem Alexander**: Well, I mean Old Mill's not.*

***Mayor Smothers**: I agree with you Mr. Alexander. I mean the camp has a sign, the school has a sign.*

***Mayor Pro Tem Alexander**: I just know because I have stayed in bed and breakfasts in certain places because there wasn't any other place to stay and as a potential guest, I was appreciative of a sign that I could see. Otherwise I'm riding through a neighborhood knocking on a door and asking if I can stay the night. So I'd like to see us be able to accommodate some reasonable identification. It doesn't have to be*

anything big, but I think going forward in the future, I could see some reasonable signage allowed for that.

***Council Member Henley**: Has that been requested by the applicant?*

***Herb Shannon**: The ordinance does not permit a sign. That would require a text amendment. As it stands now, they only get the sign on the building.*

***Council Member Sims**: So if these folks who are notaries who hang their shingle underneath that mailbox are illegal?*

***Herb Shannon**: If they are within the City of High Point and have a home occupation, then yes, it should be on the building not on the street.*

***Mayor Smothers**: They couldn't even have a little thing at the mailbox that says the Barker House?*

***Herb Shannon**: That's not for a home occupation.*

***Mayor Smothers**: No, it just says it's the Barker's house.*

***Mayor Pro Tem Alexander**: I can see where some very small, but reasonable signs might be something that our Planning & Zoning might consider.*

***Council Member Sims**: You might get some pushback from your residents.*

***Mayor Pro Tem Alexander**: That's okay. I think it would be something worth discussing. If you have a home occupation….*

***Chairman Whitley**: It sounds like you're fixing to put something else in my committee.*

***Mayor Pro Tem Alexander**: Well you meet every week anyway. It might as well be something else.*

***Chairman Whitley**: Any other questions from staff? [none] Would the petitioner like to come forward and make any remarks?*

***Ronald Barker**: Good evening. Mr. Shannon and Doug Loveland have addressed this subject very well. I would be very happy to answer any additional questions. One, information as far as buffer, I will also offer….the property runs north and south with the north being the top side. My wife and I both own the two small properties that border the east side of the land also with an additional buffer. Mr. Alexander, I'm very grateful for your thoughts. We are marketing basically through*

internet type community activity; you know to list the corporate trade that would be interested in our bed and breakfast. That would be very welcomed if we could do a small street side that would be non-invasive of the area such as the school has and/or Maranatha on the other side.

***Mayor Pro Tem Alexander**: Well I mean, I'll just share with you many times when I'm going to South Carolina, we have a Mill House and when the Mill House is full, I stay in the Able House and there's a little sign. It's in the middle of a residential area and it says Able House and it's non-impactful.*

***Ronald Barker**: I will say that the large oak tree that you saw when it is in full foliage, it's about a 150-year old oak tree and we have seven of those beautiful large oak trees and that is our new logo. The place is going to be called Seven Oaks. To do what I would call a non-invasive sign that would not be offensive to a residential area, we are only a three bedroom facility and I think some of you may have young teenagers. As far as the additional traffic, our children are all grown and college age or out on their own and the number of cars would actually be less than when our kids were home for the holidays and their friends were coming and going with an open door policy.*

***Mayor Pro Tem Alexander**: It's a great way to keep them from coming back. [laughter]*

***Ronald Barker**: Well we still love them very much and hope to see them. During the holiday we may not actually occupy it as a bed and breakfast.*

***Council Member Pugh**: Are you maintaining the residence here?*

***Ronald Barker**: Yes.*

***Chairman Whitley**: Any other questions of Mr. Barker?*

***Mayor Smothers**: I think if the signage does become an issue in terms of location, I think you can sense that we would encourage you to let that be known.*

***Ronald Barker**: Thank you very much.*

***Chairman Whitley**: Thank you. Anyone else here like to speak for or against this request? [none] Okay, I'm going to close the public hearing and* **make a motion to place on Thursday's Agenda with a favorable recommendation to approve the special use permit based on the findings of fact as outlined in the staff report.**

***Council Member Pugh**:* **Second**.

Mayor Smothers: All in favor, please say Aye. Aye. That motion carries. [9-0 vote]

[end of transcript]

Approved Special Use Permit 11-04 as requested by High Point University based on the findings as outlined in the staff report.

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

Contract - Electric Distribution Crews

110154 Council is requested to reject bids received for Bid No. 39 for Electric Distribution Crews; and approve the enclosed contract amendment prepared by the City Attorney extending the current contract with Pike Electric Contractors until June 2013.

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Due to the passing of John Whisner earlier in the year, Mr. Boynton presented the award to his wife, Misty. His name will also be placed on a plaque that lists him as Employee of the Year.

Mayor Smothers thanked the employees for the lives that have been affected because of these special deeds.

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Mayor Smothers acknowledged Rep. Faircloth who was in the audience.

Additional Comments on Adoption of Budget
Councilman Pugh: I have a comment, please.

Mayor Smothers: Okay.

Councilman Pugh: I would just like to say that if anyone on this Council in this body ever gets ill or as sick as I was, well I know the Mayor has been sick, I will try to afford you a greater accommodation than which I received. I do not like….I did not agree with the budget. I had some things that I wanted to address this evening with the budget. There were some folks here that missed the budget hearings and I know that's over, but I do not agree with the budget. I think we've pushed things down the public's throat and there were some other avenues and maybe I'm a little slack for not bringing those things forward because I was sick. That's my fault. I apologize to my constituents and I'll try to straighten it out next time, but I did not agree with this budget. The public, mainly our senior citizens, had more on them than they could bear now and we needed to make some serious cuts. I should have gotten that brought forward and I didn't. It's my fault.

Mayor Smothers: We accept your apology, Mr. Pugh.

Council Member Douglas: Well Madam Mayor I also had some things that I had concerns about on the budget as well and I agree with Councilman Pugh. I don't think we was given the opportunity to express those because it was moved along so quickly in this process. It was consent agenda and it was gone. We never got a chance to or were there any comments to be made or anything.

Mayor Smothers: Well you've got time right now to make your comment.

Council Member Douglas: Well the budget is approved now.

Mayor Smothers: Well, Mr. Douglas, I have to say I have some great sympathy for Mr. Pugh and the illness and the recovery period he's had. I certainly didn't have anything of the nature that he did, but I did have chemotherapy while they were doing the budget and I participated by phone. You were at all the budget review sessions I believe except one and at the last budget review session, there was a unanimous vote with Mr. Pugh being absent, to direct staff to prepare the ordinances that this Council would adopt and it was unanimous. So that's why it was on a consent agenda because that discussion had been complete and I heard from nobody in between.

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Mayor Smothers: Well you had the agenda since last Thursday. So at any rate….you can vote no.

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Council Member Douglas: I've already made it. I think we should have been given an opportunity to address our concerns against the budget and I also did not approve of it.

Mayor Smothers: Well I'm sorry you did not take advantage of the opportunity that we have had. How many meetings did we have? Four, five? The internet connection that we all have.

Council Member Douglas: Yeah, but those meetings had nothing to do with today's approval. They led up to today.

Council Member Corey: Madam Mayor, may I just say one thing? I don't think that there's anybody sitting here that's deliriously happy about a budget that raises taxes in an economic recession, but I also believe that there are very, very sound reasons why we had to do that. We certainly don't have the time right now to go

into them, but hopefully we'll be able to inform the citizens of High Point why we're taking these actions as painful as they may be and we know that some people, many people in our community are suffering through this economic depression. We're not unaware of that, but the point of the matter is we have cut 14.3 million dollars out of the High Point City budget in the last two or three years. We've laid off 60 or so full-time employees. We have another 50 or so positions which are vacant. We have been taking a very hard look at expenses, but on the other side of the coin we also know that because of failed businesses and foreclosed properties, we've lost something like $700,000 worth of property taxes and we know that if we don't raise our property taxes a slight amount-because of the arcane way that sales taxes are generated in this city….but we don't get them, they are passed onto Raleigh, Raleigh passes them back to Guilford County and Guilford County has a mechanism that if we just say okay we're not going to raise our property taxes at all, they will cut the sales tax allocations to us out of our budget. So there are very good reasons why we have adopted this budget. It's not an ideal budget. I would never say it is, but it's something that we have to do as painful as it is and we know that some citizens are in more pain than others and all we could do is we've tried our very best to hold down the property tax increase to a minimal 2.9 cents. That's all I want to say.

Mayor Smothers: Anybody else have any comments?

Council Member Pugh: I will just say that the public's in pain, sure they are and we should do everything we can possibly do to alleviate as much of that pain as we can. I do not think we did.

Council Member Sims: Well Mr. Pugh, I understand where you are because I feel to some degree the very same way, but at the end of the day, I would love for somebody to have walked into this room, John Q. Public and everybody else. I got a couple of e-mails from individuals who had their comments concerning the budget, but no real input as to how they felt we should make those cuts or make those adjustments for it to be more palatable to the public. Now, I go back to not one person came to me and said you can pick my trash up once a month and, you know, I didn't get those kinds of comments from individuals around what we were proposing to do with the budget. I don't think anybody likes increases. I can't think of a soul that would go out here and say yes I want you to do this, but in light of where we are, you know, it's between a rock and a hard place. Now, you know, you still have an opportunity to come back-or you had an opportunity to say what areas of the budget you could see or would like to see us make cuts. That recommendation could have been made whether you were at the budget meetings or not. We've been knowing since last year that this budget was coming and anybody else that had a recommendation, I would have gladly listened to what anybody had to say regarding where you thought possible cuts could have been made in the budget. At this point, it is what it is. No one has come back and said this is how we think it should be handled. Next year's another year and that's another opportunity for us to look at where we are and what we can do. But I think

to just say on its face I'm not supporting the budget because we're impacting our citizens….we impact our citizens if we do nothing. If we don't raise one fee, if we don't raise one bit of property tax, our citizens are going to be impacted in one way or another. So, you know, I think the cowardly way is to do nothing, but you have to sit back and say what is in the best interest of our citizens and how do we keep this machine running. The doors have to stay open. So I would love to hear your recommendations regarding what we could have done and what we should have done because, I, for one, didn't see it in the budget documents I received.

Council Member Pugh: What I would have recommended would have been a salary cut for city employees because the city employees do a great job, but the public is taking cuts left and right-laid off, unemployment, the whole nine yards. I would have recommended a 4% cut for everyone over $150,000; 3% cut for everyone over $100,000; 2% cut for everyone over $80,000. I would have consolidated the attorneys. We have three attorneys. I would have consolidated the police attorney and the two city attorneys to one and a half-one attorney and an assistant. I would have cut Council medical insurance benefits. I would have cut the Market Authority from $1,000,000 to $500,000 and that's some cuts that I would have brought forward.

Council Member Sims: What would have been the total impact of those cuts that you've recommended?

Council Member Pugh: I don't have it all calculated because I was going to have to get in there and figure out the FICA and figure out the Social Security to get to the true number, but it would have been significant. But that's water over the bridge. That's my fault because I didn't get it in there and it probably wouldn't have been approved anyway.

Mayor Smothers: I don't think it would have added up to 2.9%.

Council Member Pugh: No, but it would have helped.

Mayor Smothers: There would have certainly been some impact. I had written these comments that I wasn't going to give, but now you're going to have to endure them.

"I'm sure that the adoption of this budget will not go without comment and criticism for citizens and perhaps some with a seat on the City Council. To their credit, the senior staff and budget officers have been telling whoever would listen that there were shortfalls in revenue. We did not have to wait until we got the budget to know THAT; it was predicted. To my knowledge there was no City Council member who declared they would not accept a budget from the City Manager that had ANY increase in the property tax rate. So, the realists were not surprised when Mr. Boynton presented his budget.

Let's deal with the utility increases first. Electric is a pure result of the increase in wholesale power costs. Hopefully, there will be some positive movement in this utility which is the main reason we continue to encourage the Manager to be involved in ElectriCities.

Water and Sewer increases were projected 10 years ago….we can't stop upgrading our systems..we have ethical and moral responsibilities not to mention mandates from the Federal government on down.

If there is to be criticism leveled at the City Council, it should be that we have not led the community in a direction that would have resulted in an acceptance of decreased and/or eliminated services.

There some citizens who have never dialed 911…does that mean we can reduce public safety? No, even the ones who don't want to pay any taxes are probably willing for that45% of the General Fund budget to be spent on police and fire.

If you play tennis and not golf, you don't need golf courses. Or if you just play in a softball league in the summer you don't need the tennis facility or the golf courses. If you never go to the Theatre, Museum or a recreation center, you don't need those either. So you don't ride a HiTran bus, should they be eliminated?

The point is a city is not about one person. In this case, it's about 104,000 with different needs and interests. It's about public investments and responsibility to maintain and protect what has been spent to date so that the future residents don't inherit a mess, or a dead city that generates no pride from its citizens.

The City Council has an awesome responsibility. Each of us understands that the economy has been rotten. Some folks have been hit harder than others and many are doing with less.

The past three city budgets were developed to provide service levels with less personnel, no raises for staff, accepting the fact that less revenue was available, but there comes a point when the "less" gives out. The staff and the City Council made changes, reduced, eliminated and combined. Those options have been depleted.

Yes, the City Council could reduce current service levels. We can reduce the 45% for public safety and maybe the additional time it takes for response and it won't result in your death. We can stop resurfacing streets; however, I think there are some who thought we had already stopped doing that. We can tell you that no longer will the city crews pick up loose leaves. The city will sweep gutters and if you leave the leaves in there, we will fine you for filling up the storm drain. Or we could eliminate yard waste pick-up unless you pay an additional fee for it.

We live in a city and there are standards and expectations associated with urban living. It takes your taxes to pay for services that you expect and that the city is

mandated to provide and it takes revenue. And sometimes that takes an increase in the tax rate.

Council Member Pugh: But historically our taxes have been higher than any in the Triad. When I first came on Council and before and our utilities had been higher than any in the Triad. That old story of wholesale price increases gets old after a while with me.

Mayor Smothers: Well Mr. Pugh then I suggest that you lead us to that land where everything is cheaper.

For Information Only:

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to some degree the very same way, but at the end of the day, I would love for somebody to have walked into this room, John Q. Public and everybody else. I got a couple of e-mails from individuals who had their comments concerning the budget, but no real input as to how they felt we should make those cuts or make those adjustments for it to be more palatable to the public. Now, I go back to not one person came to me and said you can pick my trash up once a month and, you know, I didn't get those kinds of comments from individuals around what we were proposing to do with the budget. I don't think anybody

likes increases. I can't think of a soul that would go out here and say yes I want you to do this, but in light of where we are, you know, it's between a rock and a hard place. Now, you know, you still have an opportunity to come back-or you had an opportunity to say what areas of the budget you could see or would like to see us make cuts. That recommendation could have been made whether you were at the budget meetings or not. We've been knowing since last year that this budget was coming and anybody else that had a recommendation, I would have gladly listened to what anybody had to say regarding where you thought possible cuts could have been made in the budget. At this point, it is what it is. No one has come back and said this is how we think it should be handled. Next year's another year and that's another opportunity for us to look at where we are and what we can do. But I think to just say on its face I'm not supporting the budget because we're impacting our citizens….we impact our citizens if we do nothing. If we don't raise one fee, if we don't raise one bit of property tax, our citizens are going to be impacted in one way or another. So, you know, I think the cowardly way is to do nothing, but you have to sit back and say what is in the best interest of our citizens and how do we keep this machine running. The doors have to stay open. So I would love to hear your recommendations regarding what we could have done and what we should have done because, I, for one, didn't see it in the budget documents I received.

***Council Member Pugh**: What I would have recommended would have been a salary cut for city employees because the city employees do a great job, but the public is taking cuts left and right-laid off, unemployment, the whole nine yards. I would have recommended a 4% cut for everyone over $150,000; 3% cut for everyone over $100,000; 2% cut for everyone over $80,000. I would have consolidated the attorneys. We have three attorneys. I would have consolidated the police attorney and the two city attorneys to one and a half-one attorney and an assistant. I would have cut Council medical insurance benefits. I would have cut the Market Authority from $1,000,000 to $500,000 and that's some cuts that I would have brought forward.*

***Council Member Sims**: What would have been the total impact of those cuts that you've recommended?*

***Council Member Pugh**: I don't have it all calculated because I was going to have to get in there and figure out the FICA and figure out the Social Security to get to the true number, but it would have been significant. But that's water over the bridge. That's my fault because I didn't get it in there and it probably wouldn't have been approved anyway.*

***Mayor Smothers**: I don't think it would have added up to 2.9%.*

Council Member Pugh: *No, but it would have helped.*

Mayor Smothers: *There would have certainly been some impact. I had written these comments that I wasn't going to give, but now you're going to have to endure them.*

I'm sure that the adoption of this budget will not go without comment and criticism for citizens and perhaps some with a seat on the City Council. To their credit, the senior staff and budget officers have been telling whoever would listen that there were shortfalls in revenue. We did not have to wait until we got the budget to know THAT; it was predicted. To my knowledge there was no City Council member who declared they would not accept a budget from the City Manager that had ANY increase in the property tax rate. So, the realists were not surprised when Mr. Boynton presented his budget.

Let's deal with the utility increases first. Electric is a pure result of the increase in wholesale power costs. Hopefully, there will be some positive movement in this utility which is the main reason we continue to encourage the Manager to be involved in ElectriCities.

Water and Sewer increases were projected 10 years ago….we can't stop upgrading our systems..we have ethical and moral responsibilities not to mention mandates from the Federal government on down.

If there is to be criticism leveled at the City Council, it should be that we have not led the community in a direction that would have resulted in an acceptance of decreased and/or eliminated services.

There some citizens who have never dialed 911…does that mean we can reduce public safety? No, even the ones who don't want to pay any taxes are probably willing for that 45% of the General Fund budget to be spent on police and fire.

If you play tennis and not golf, you don't need golf courses. Or if you just play in a softball league in the summer you don't need the tennis facility or the golf courses. If you never go to the Theatre, Museum or a recreation center, you don't need those either. So you don't ride a HiTran bus, should they be eliminated?

The point is a city is not about one person. In this case, it's about 104,000 with different needs and interests. It's about public investments and responsibility to maintain and protect what has been spent to date so that the future residents don't inherit a mess, or a dead city that generates no pride from its citizens.

The City Council has an awesome responsibility. Each of us understands that the economy has been rotten. Some folks have been hit harder than others and many are doing with less.

The past three city budgets were developed to provide service levels with less personnel, no raises for staff, accepting the fact that less revenue was available, but there comes a point when the 'less' gives out. The staff and the City Council made changes, reduced, eliminated and combined. Those options have been depleted.

Yes, the City Council could reduce current service levels. We can reduce the 45% for public safety and maybe the additional time it takes for response and it won't result in your death. We can stop resurfacing streets; however, I think there are some who thought we had already stopped doing that. We can tell you that no longer will the city crews pick up loose leaves. The city will sweep gutters and if you leave the leaves in there, we will fine you for filling up the storm drain. Or we could eliminate yard waste pick-up unless you pay an additional fee for it.

We live in a city and there are standards and expectations associated with urban living. It takes your taxes to pay for services that you expect and that the city is mandated to provide and it takes revenue. And sometimes that takes an increase in the tax rate.

***Council Member Pugh**: But historically our taxes have been higher than any in the Triad. When I first came on Council and before and our utilities had been higher than any in the Triad. That old story of wholesale price increases gets old after a while with me.*

***Mayor Smothers**: Well Mr. Pugh then I suggest that you lead us to that land where everything is cheaper.*

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

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Rebecca R. Smothers, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk