

City of High Point

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



Meeting Minutes

Monday, June 15, 2009

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

PRESENTATION OF ITEMS**FINANCE COMMITTEE- Council Member Whitley, Chair**

Members: Bencini, Douglas and Alexander

(all were present except Bencini)

Contract - Bid No. 48 - Chemicals for Water & Wastewater Treatment Plant**090142**

Council is requested to rescind the May 4, 2009 bid award to General Chemical Company for Aluminum Sulfate and award the bid to the next low bidder, Alchem, Inc. Purchasing and the Public Services Department recommend that the contract for Aluminum Sulfate be awarded to Alchem, Inc. in the amount of \$238,815.00 which is the lowest responsible and responsive bidder meeting specifications.

Chairman Whitley explained that staff is requesting Council rescind the May 4, 2009 bid award to General Chemical Company for the purchase of Aluminum Sulfate and to award the bid to the next lowest bidder, Alchem, Inc. The low bidder, General Chemical, notified the city after the bid award that they had a clerical error in their bid and withdrew their offer.

The Committee recommends that this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the contract with Alchem, Inc. in the amount of \$238,815.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

Purchase of Used Refuse Trucks**090143**

Council is requested to approve the purchase of three used refuse trucks in the amount of \$210,000, to be used in the automated refuse collection program that will begin FY 2009-2010.

Chairman Whitley asked if there were any questions regarding this matter.

Council Member Alexander asked where the trucks came from. Pat Pate, Assistant City Manager, explained that the City of Greensboro has changed their recycling pick-up schedule from every week to every other week and they no longer need the vehicles. He explained that fleet maintenance has looked at the trucks and has determined that they are in very good condition.

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

favorable recommendation for approval of the purchase of these three used refuse trucks in the amount of \$210,000 to be used in the automated refuse collection program to commence FY 2009-2010.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

Sole Source Authorization - Radio Equipment from Motorola

090144

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of equipment by the Information Technology Services Department; and approve the acquisition of the radio equipment from Motorola, Inc. in the amount of \$489,822.05.

Chairman Whitley explained that Steve Lingerfelt, Information Technology Services Director, was present to answer any questions.

Council Member Pugh asked if the city was still locked into purchasing Motorola radios and if there were any other options to obtain leases. Steve Lingerfelt explained that the city was pretty much locked into Motorola because of its current technology and communication relationship with Motorola and noted that other vendors would not honor the warranties.

Pat Pate, Assistant City Manager, explained that the radios are bid out periodically so the best price is obtained, but to use any other radios besides Motorola would require replacement of the entire system which would be very expensive and would be a major capital expense.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the exception to the bid laws under the "sole source qualification" for the purchase of equipment by the Information Technology Services Department and to approve the acquisition of the radio equipment from Motorola, Inc. in the amount of \$489,822.05.

A motion was made by Council Member Whitley, seconded by Council Member Pugh, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

Resolution - Establish Pension Trust Fund for Law Enforcement Officers Special Separation Allowance

090145

Council is requested to adopt a resolution establishing a Pension Trust Fund for Law Enforcement Officers Special Separation Allowance.

Pat Pate, Assistant City Manager, explained that this was basically an accounting procedural standard to make sure that Council has approved this trust fund although the city has been operating with the trust fund in the past.

Jeff Moore, Director of Financial Services, was present to answer any questions.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the resolution establishing a Pension

Trust Fund for Law Enforcement Officers Special Separation allowance.

A motion was made by Council Member Whitley, seconded by Member Faircloth, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Resolution - Section 5309 Capital Grant Agreement with NCDOT - Mendenhall Station

090149

Council is requested to authorize the City Manager to enter into agreement with the North Carolina Department of Transportation (NCDOT) and execute contract for the Section 5309 Capital Grant Agreement to receive funds in the amount of \$201,770 for the Mendenhall Station.

There being no questions regarding this matter, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the resolution authorizing the city manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) and execute contract for the Section 5309 Capital Grant Agreement to receive funds in the amount of \$201,770 for the Mendenhall Station.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Adoption of City of High Point Annual Budget and Related Ordinances and Resolutions for FY 2009-2010 and Adoption of Revised Fee Schedules

090160

Council is requested to adopt the 2009-2010 Budget Ordinance for the City of High Point and related ordinances and resolutions and adopt the revised fee schedules for Water & Sewer Rates and establish the automated recycling collection fee.

The Committee recommended this matter be placed on Thursday's Agenda without recommendation.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be returned without recommendation. The motion carried unanimously.

Resolution - Amending Electric Utility Rate Schedule

090134

Adoption of a resolution amending the Electric Utility Rate Schedule increasing rates and charges for the electric utility for availability demand and consumption by 4.0% effective for bills dated on or after July 1, 2009.

The Committee recommended this matter be placed on Thursday's Agenda without recommendation.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be returned without recommendation. The motion carried unanimously.

Electric Rate Rider REPS - Renewable Energy Portfolio Standards (REPS) Charge

090131

Council is requested to approve the Electric Rate Rider (REPS) for the Renewable Energy Portfolio Standards (REPS) Charge.

The Committee recommended this matter be placed on Thursday's Agenda without recommendation.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be returned without recommendation. The motion carried unanimously.

2009-2010 Annual Budget - High Point Convention & Visitors Bureau

090162

Council is requested to approve the annual budget for the High Point Convention & Visitors Bureau (CVB) for FY 2009-2010 and authorize the City Manager to execute the contract agreement as presented by the CVB Board of Directors.

The Committee recommended this matter be placed on Thursday's Agenda without recommendation.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be returned without recommendation. The motion carried unanimously.

2009 - 2010 Annual Budget - International Home Furnishings Market Authority

090163

Council is requested to approve the FY 2009-2010 Budget for the International Home Furnishings Market Authority (Market Authority).

The Committee recommended this matter be returned without recommendation.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be returned without recommendation. The motion carried unanimously.

Pending Items

Revised Economic Incentive Policy

090050

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

PUBLIC SAFETY COMMITTEE- Council Member Faircloth, Chair

Members: Douglas, Pugh and Alexander

(all were present)

No Truck Restriction - Garner Place Between S. Main Street & Archdale Road

090147

Council is requested to amend Article P, Section XV "Restrictions Upon Use of Streets by Certain Vehicles" of the City Ordinance - No Trucks on Garner Place from S. Main Street to Archdale Road.

Chairman Faircloth referred to Mark McDonald, Director of Transportation, to explain the need for the truck restrictions on Garner Place (between S. Main Street and Archdale Road) and Giles Street (east of the intersection of Giles Street and Weaver Avenue to the High Point city limits). Mr. McDonald noted these restrictions have been requested by the residents in the area. Parcel trucks and moving vans with residential deliveries, school buses, refuse collection trucks, emergency vehicles and other service vehicles association with the maintenance of municipal facilities are excluded from the NO TRUCKS restriction.

Council Member Alexander asked if there were any reasons why trucks would be in these areas on a routine basis. Mr. McDonald explained that they are starting see more trucks in these areas. Council Member Sims asked if the trucks would be

able to see the posting before they make the turn and Mr. McDonald noted that in most cases they would and they try to post it on the street before they actually have to make the turn so they can see it.

There being no further discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the amendment to Article P, Section XV "Restrictions Upon Use of Streets by Certain Vehicles" of the City Ordinance- No Trucks on Garner Place from S. Main Street to Archdale Road.

A motion was made by Member Faircloth, seconded by Member Blakeney, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

No Truck Restriction - Giles Street and Weaver Avenue to the High Point City Limits

090148

Council is requested to amend Article P, Schedule XV - "Restrictions Upon use of Streets by Certain Vehicles" of the City Ordinance - No Trucks on Weaver Avenue, east of the intersection of Giles Street and Weaver Avenue to the High Point City Limits.

Chairman Faircloth referred to Mark McDonald, Director of Transportation, to explain the need for the truck restrictions on Garner Place (between S. Main Street and Archdale Road) and Giles Street (east of the intersection of Giles Street and Weaver Avenue to the High Point city limits). Mr. McDonald noted these restrictions have been requested by the residents in the area. Parcel trucks and moving vans with residential deliveries, school buses, refuse collection trucks, emergency vehicles and other service vehicles association with the maintenance of municipal facilities are excluded from the NO TRUCKS restriction.

Council Member Alexander asked if there were any reasons why trucks would be in these areas on a routine basis. Mr. McDonald explained that they are starting see more trucks in these areas. Council Member Sims asked if the trucks would be able to see the posting before they make the turn and Mr. McDonald noted that in most cases they would and they try to post it on the street before they actually have to make the turn so they can see it.

There being no further discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the amendment to Article P, Section XV "Restrictions Upon Use of Streets by Certain Vehicles" of the City Ordinance- No Trucks on Weaver Avenue, east of the intersection of Giles Street and Weaver Avenue to the High Point City Limits.

A motion was made by Member Faircloth, seconded by Member Blakeney, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

Pending Items

Ordinance - Demolition of Structure - 618 Cable Street**090110**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of structure located at 618 Cable Street belonging to Teresa A. Thomas.

Chairman Faircloth asked staff to give a report on this pending matter.

Katherine Bossi, Local Codes Enforcement Supervisor, noted this case originally came before Council at the May 18, 2009 meeting and at that time Council granted the property owner, Teresa Thomas, a 30-day extension. Since that time she has repaired the windows (replaced all of them), repaired the hole in the foundation wall near the front porch, cleaned up all the debris, but still has some big ticket items (mechanical, electrical). Ms. Bossi informed Council that Ms. Thomas has not yet obtained for the big ticket items and although Ms. Thomas has been working to the best of her ability, she still has a very long road ahead of her with limited resources to make the necessary improvements. Staff still requests that Council adopt the ordinance to demolish.

At this time, Teresa Thomas, the property owner was recognized to address Council. Ms. Thomas affirmed that she has put in new windows and is in the process of getting an electrician and would need about one to two additional months to get all the work done. Chairman Faircloth asked Ms. Thomas how much longer she would need to do the rest of the repairs that are required and Ms. Thomas replied about sixty days should be sufficient.

Ms. Bossi shared some recent photographs taken of the structure (inside and out). The Mayor felt there were still some major repairs needed. Staff pointed out that the outside stairs in the back of the house were not stable and would need to be replaced. Council Member Sims asked Ms. Thomas how much money she had already spent on making the repairs; Ms. Thomas replied about \$7,000. Council Member Pugh felt Ms. Thomas was definitely moving in the right direction and asked Ms. Thomas if she would have the money to finish making the repairs. Ms. Thomas replied that she would.

Council Member Alexander asked if Ms. Thomas would be eligible for any grant money or financing assistance through the Community Development department. It was noted that she would not be eligible because Ms. Thomas does not reside there. He also expressed concerns that Ms. Thomas might not realize how costly the remaining repairs would be and asked if there was anyway she could get a loan. Ms. Thomas explained that she has not had to ask for assistance yet and that her family would continue to help her make the repairs.

Chairman Faircloth (barring any objections from the rest of the Council) recommended that this matter remain in the Public Safety Committee and instructed staff come back with an additional report to Council on July 20th on the status at that time. [no objections voiced]

For further discussion, Council Member Alexander asked if the house was secure and if there were any known problems with it. Ms. Bossi reported that she has been keeping the grass cut, but she does need to replace the front door with one that has a lock.

PUBLIC SERVICES COMMITTEE- Council Member Sims, Chair

Members: Blakeney, Faircloth, Whitley and Alexander

(all were present)

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

PLANNING & DEVELOPMENT COMMITTEE- Council Member Bencini, Chair

Members: Blakeney, Pugh, Sims and Faircloth

(all were present except Bencini)

Resolution of Intent - Street Abandonment 09-14 - CHP

090150

Approval of a resolution of intent that establishes a public hearing date of Monday, July 20, 2009 at 5:30 p.m. to consider a request to abandon an unnamed alley, lying approximately 425 feet east of Hurdoover Street between Edgedale Drive and Hillcrest Drive, with a small portion of the alley located north of Hillcrest Drive.

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

A motion was made by Mayor Smothers, seconded by Council Member Sims, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Resolution of Intent - Street Abandonment 09-15 - CHP

090151

Approval of a resolution of intent that establishes a public hearing date of Monday, July 20, 2009 at 5:30 p.m. to consider a request to abandon an unimproved portion of Chiquola Avenue, lying east of Hurdoover Street between Edgedale Drive and W. Farriss Avenue.

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

A motion was made by Mayor Smothers, seconded by Council Member Sims, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Resolution of Consideration - Identifying Area Under Consideration for Annexation

090159

Council is requested to adopt a resolution identifying the area under consideration for annexation and providing notification pursuant to GS 160A-49(i).

Transcript: June 15, 2009 Discussion_____

Mayor Smothers: *the last one, the Resolution of Consideration identifying areas under consideration for annexation. Does Council want to put that on the Agenda for action or do you want to place it on the agenda with some type of recommendation?*

Council Member Alexander: *I'll make a recommendation to approve resolution of consideration.*

Mayor Smothers: *Would you define the....*

Council Member Alexander: *As defined by the staff report. We have an accompanying map with a hard, dark line. Everything within that dark line would be considered within that resolution of consideration.*

Mayor Smothers: *Is there a second? Is there a second for that motion, or do ya'll need a second look at the map?*

Council Member Sims: *I'll second it for discussion. When does the current one expire?*

June 30th.

Council Member Alexander: *This really is a very hard tight line around what our perceived corporate limits are and in many cases this would, should we decide to take any action address basically donut hole issues.*

Mayor Smothers: *I think for the media here for whom this is probably a brand new item. This particular action was taken two years ago and in order for the area to be considered for annexation in the next two years, the resolution would have to be readopted. So the area, though, that Mr. Alexander's motion refers to is different than the original map that was part of the study that was done by the staff. So as he rightly said, it pertains primarily to areas that are already surrounded by property that is in the city and I think it also includes.....does it include the mid-term?*

Council Member Alexander: *It includes some short-term and some mid-term.*

Mayor Smothers: *Right, but there are only basically two areas of the mid-term projections.*

Council Member Alexander: *The resolution only keeps alive the possibility that we may consider this in the future. It does not.....[tape changed to Side B].....a motion for current action.*

Mayor Smothers: *Correct, it just keeps it open.*

Council Member Faircloth: *Madam Mayor, if I may....the concern that I have is that I can't envision that the General Assembly when they took action in setting forth the rules for annexation anticipated that there would just be an on-going resolution hung out there by bodies just in case they wanted to do something. So my question to the staff is, for the next two years within the area that is included by this line, is there anticipated action or is this just as it was said, just in case?*

Mayor Smothers: *Well this was initiated by the City Council, so I don't know that staff would have any prerogative to activate it. I mean it is the will of Council, isn't it?*

Council Member Alexander: *It is, but as policy makers, that's our job.*

Lee Burnette: *You have a report that's still pending from a consultant that will be brought to you once it is completed. That will give you clarity as to which areas qualify and that type of information and at that point it will be up to Council to decide whether or not to initiate the annexation if they so choose to within the scope of the resolution.*

Council Member Faircloth: *When do you anticipate we would get that?*

Lee Burnette: *Well we hoped to have that report two months ago. I'm hopeful within the next thirty days. It's in final draft.*

Mayor Smothers: *Well regardless of action on this particular resolution, we'll still get the report and at anytime a Council can adopt a resolution of intent if it's properly defined.*

Council Member Sims: *So Lee does this affect voluntary.....do these same boundaries.....any type of voluntary annexation does not hold with these boundaries that are on this map, is that correct?*

Lee Burnette: *This only affects city initiated annexations.*

Mayor Smothers: *My concern and of course I've expressed it before when we had this discussion, has been that there has been information that has spread through the larger community about High Point's intent to annex that has been incorrect and I do believe that given the changes that will occur in the state law and I think we all agree that some are needed-that actually at this time, would just fuel what has already been a fire that's being started by the wrong stuff to start with. So, I think it's important for us to make a positive statement that we do not have any intent for annexation (involuntary).*

Council Member Alexander: *Well we don't have any intent, but you also have situations that have occurred. I'm looking at the map and I'm looking at Harvey*

Road. We also have rules that are in place dealing with subdivisions and with the extension of water and sewer services. You could have, because of environmental circumstances, you could have a number of homes within a subdivision have a well or septic tank failure and that failure could render the property uninhabitable and we cannot extend services into an area unless we have a 100% request from a subdivision which would be nearly impossible. So this protects people within this area should they have need for city services. It does not mean that we're going to take any action. It merely holds our options open and allows us the opportunity to evaluate it in the future, should we feel it necessary.

Mayor Smothers: *Is there further comment: If not, the motion as I understand it....Mr. Alexander is to adopt this resolution of consideration which identifies an area as defined on this map and that was seconded by Ms. Sims. All in favor of that motion, please raise your hands. One, two, three, four...[Sims, Alexander, Douglas and Blakeney]. Those opposed? [Pugh, Whitley, Faircloth and Smothers] Okay, so it's a tie and it will go on the Agenda for Thursday for action without a recommendation.*

PUBLIC HEARINGS ON ITEMS

Finance Committee

Public Hearing - Filing of FY 2010 FTA Section 5307 Operating, Capital and Planning Grant Application

090146

Monday, June 15, 2009 at 5:30 p.m. is the date and time established to receive public comments on the filing of the FY2010 FTA Section 5307 Operating, Capital, and Planning 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.

The public hearing for this matter was duly advertised and held on Monday, June 15, 2009.

Angela Wynes, Assistant Transit Manager, explained that each year the city is required to submit an application to the Federal Transit Administration for grant funding and in order to comply with federal and state guidelines a public hearing must be held for the grant application and the filing of the grant application with FTA and NCDOT authorized by City Council.

Chairman Whitley asked if we would be increasing any of the rates and staff replied that all rates would remain the same. He pointed out that the City of Greensboro is proposing a .10 rate increase for adults and a .05 rate increase for students effective July 1st.

Council Member Douglas asked if any plans were underway to do any studies for service extensions, expanding bus service. Ms. Wynes explained that they have

delayed the short-range transit plan until next year and at that time a consulting firm will be hired to do the study that will show the pros and cons.

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

Larry Diggs, 1127 Biltmore Drive, expressed concerns about what he has been reading in the newspapers regarding using mass transit money for sidewalks when there was supposed to already be money in the budget for sidewalks. He pointed out that growth continues in the North High Point area, but there are no plans of extending service out this way and he would like to see funding in the budget to extend new routes. He also asked the Mayor to consider a citizens advisory council and felt Council needs more input on how public transportation operates in High Point or a Mayor's committee for handicapped and disabled. The Mayor explained there has been similar committees in the past, and Ms. Wynes explained the committees are now defunct due to lack of participation from the citizens. Mr. Diggs pointed out there might be an increased interest in public transportation right now and he really thought it would prove to be beneficial.

Council Member Alexander asked Mr. Diggs if there was a particular neighborhood or a destination that he had in mind that's currently not being served or needs to be served. Mr. Diggs reiterated that the north end of High Point was an area that lacks service where service is needed around Piedmont Parkway, the Paladium area, off Guyer below Beaucrest, Highway 68, etc.... He pointed out that one of the reasons why there's such sporadic patronage on the buses was due to the routes and hours not being as convenient as they should be. Council Member Alexander felt there were some issues that warrant a study and agreed that it might be a good idea to create an ad hoc group to provide ideas and suggestions regarding public transportation. Council Member Faircloth also liked the idea of a group, but felt the most important thing that could be done would be to help the city encourage the use of public transportation and change the mindset of those citizens who don't use the service.

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

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the filing of the FY2010 FTA Section 5307 Operating, Capital, and Planning 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.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be acknowledged as public hearing held and placed on consent agenda. The motion carried unanimously.

2009 Justice Assistant Grant - JAG - Public Hearing

090158

Monday, June 15, 2009 at 5:30 p.m. is the date and time established to receive public comments on the proposed spending of the 2009 Justice Assistance Grant (JAG) in the amount of \$415,193.00. this JAG grant award is awarded to three jurisdictions - Guilford County Sheriff's Department (\$105,884.20), Greensboro Police Department (\$230,830.40) and the High Point Police Department (\$78,478.40).

Chairman Whitley announced this is the date and time for an advertised public hearing on the proposed spending of the 2009 Justice Assistance Grant (JAG) in the amount of \$415,193.00. He opened the floor for comments.

Chief James Fealy was asked to come forward and provide a summary of the grant. Chief Fealy explained this was a supplemental grant of the initial JAG grant that is distributed annually and is based on crime statistics and population. He explained that the grant is shared between the City of High Point, the City of Greensboro and Guilford County Sheriff's Office with the formula being pre-set and agreed upon between the three agencies. The grants are utilized for a multitude of purposes and High Point has earmarked its portion of the grant monies for violent crimes reduction (domestic violence strategy) which would require the assistance of some experts that they haven't had in the past.

Chief Fealy pointed out that Assistant Police Chief Anita Holder from Greensboro was present and could answer any questions pertaining to Greensboro's intent. The Mayor pointed out that the information in the packet indicated that Greensboro would be replacing vests for the officers and that Guilford County has proposed to earmark their funds for their emergency response system.

Charity Belton, 1207 Crawford Avenue, had some questions about how the grant monies would be spent and the Mayor provided the information sheet to her that identifies the allocation amounts and proposed spending of the 2009 Justice Assistance Funds. Chief Fealy further explained that this was not a competitive grant, but one that is provided to law enforcement in Guilford County and it is specifically designated how it will be divided up.

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

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

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be acknowledged as public hearing held and placed on consent agenda. The motion carried unanimously.

Planning & Development Committee**Ordinance - Rezoning Case 09-04 - Wagner Properties****090152**

A request by Wagner Properties to rezone a 0.2 acre parcel (approximately 8,700 sq. ft.) from the General Office Moderate-Intensity (GO-M) District to a General Business (GB) District. The site is lying along the west side of Pine Street, approximately 200 feet north of Church Avenue.

The public hearing regarding this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report. [staff report will be attached in Legistar as a permanent part of these proceedings]

In the absence of Chairman Bencini, Mayor Smothers presided over the public hearing. The public hearing was opened for comments.

Libby Cheek and Sharon Wilson, representing Wagner Properties, spoke in favor of the request. Ms. Cheek stated they would like the property to be under one zoning district (General Business).

Mayor Smothers asked if there were any additional comments in favor of or in opposition to the request. There being none, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance providing for the rezoning of this property with a statement of consistency that the request is consistent with the City's Land Use Plan based upon the findings of fact as outlined in the staff report and that the approval of the applicant's request is reasonable and in the public interest because:

- 1. The requested GB District is generally consistent with the Land Use Plan for this area, as this is where commercial land uses transition to office land uses;*
- 2. The request is not introducing a new use into this area, the current commercial use has been located upon the specific zoning site for over 25 years; and*
- 3. the request allows the zoning on the site to reflect the existing use of the property and allows this long-standing commercial development to fall under the regulations of only one zoning district.*

A motion was made by Council Member Alexander, seconded by Member Faircloth, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Rezoning Case 09-05 - City of High Point**090153**

A request by the City of High Point to rezone approximately 21.9 acres from the Residential Multifamily-8 (RM-8) District and Residential Multifamily-12 (RM-12) District to a Public & Institutional (PI) District. The site is lying at the four corners of S. College Drive & Leonard Avenue.

The public hearing regarding this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

In the absence of Chairman Bencini, Mayor Smothers presided over the public hearing.

Herb Shannon of Planning and Development gave an overview of the staff report. [staff report will be attached in Legistar as a permanent part of these proceedings]

Council Member Sims asked staff why consideration wasn't given to all the churches in the area to expand the zoning. Mr. Shannon explained that staff's intent was to focus solely on the churches within the intersection and that the churches on down Leonard are permitted in the multi-family zoning. Council Member Alexander asked about the setbacks for Public-Institutional as it relates to its adjacent nature of residential. Mr. Shannon explained the main advantage was they would have would be no limitation on building coverage and pointed out there would be no negative impact to the church.

The Mayor asked if there were any additional questions for staff. There being none, the public hearing was opened for comments. There was no one present to speak in favor of or in opposition to this request. The public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance providing for the rezoning of this property based upon a statement of consistency with the City's Land Use Plan and the findings as outlined in the staff report and that the approval of the applicant's request is reasonable and in the public interest because:

- 1. These existing institutional uses are long standing facilities and the PI District more accurately reflects the manner in which the area has developed;*
- 2. Rezoning to PI district would not affect the continued use of existing churches and would allow Baldwin's Chapel to conduct temporary outdoor religious events without being in violation of the Development Ordinance;*
- 3. The proposed PI District would eliminate the current non-conforming status of the police station property and allow its expansion, this is in keeping with Goal #4 of the Land Use Plan which speaks to ensuring required public services and*

facilities are sequenced to meet demands of development; and

4. The zoning site is located upon the outer edge of adjacent residential subdivision and have developed and been used as institutional uses for several decades, current and other allowable PI District uses are not expected to negatively impact adjacent residential property owners.

A motion was made by Council Member Alexander, seconded by Council Member Pugh, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Text Amendment 09-04 - City of High Point

090154

Revised and remanded by City Council for reconsideration

A request by the Planning & Development Committee to amend Table 4-5-1 "Permitted Use Schedule" and Section 9-5-2 "Development Standards for Individual Uses" of the Development Ordinance pertaining to Family Care Homes.

The public hearing regarding this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

[the staff report will be attached in Legistar as a permanent part of these proceedings]

Note: This matter was initially brought before City Council on May 18, 2009 (Matter No. 090116). At that time, a motion was made to adopt the ordinance providing for Text Amendment 09-04 incorporating the 1/4 mile distance requirement; however, this motion failed by a 3-5 vote. After this vote was taken, a motion was made to direct staff to look at the 1/2 mile. This motion carried by a 7-1 vote and this is the matter appearing before City Council today for consideration.

In the absence of Chairman Bencini, Mayor Smothers presided over the public hearing.

Council Member Alexander mentioned an active case in Durham and asked if there was anything that addresses the number of people that could be limited or used in one of these group homes. Lee Burnette, Director of Planning and Development, explained that the state statute spells out six and the statutes are silent as far as zoning so the city picks up at this point and refers to them as group homes. The group homes are allowed in office and multi-family zones with a special use permit. He pointed out that group homes with more than six individuals are currently not allowed in residential single-family districts. Council Member Alexander felt this case could probably affect the city on a state-wide

basis.

City Attorney Fred Baggett explained the case is actually in Garner and he has seen the court filings in the case and studied it as well and has discussed it with the city attorney. He further explained that it makes for a very high standard for a local government to meet because there would have to be some sort of mechanism regardless of regulations to assess whether the regulations need to be in a particular case as a reasonable accommodation. He informed Council that he continues to watch the case and noted that the Fourth (Federal) Circuit has not yet adopted the Justice Department's view of the Fair Housing Act, while other jurisdictions have.

Council Member Pugh pointed out that since this is a state regulated facility and licensed by the state, the state should set the regulations for the facilities such as the square footage requirements, etc....

Mayor Smothers opened the floor for public comment regarding this text amendment. There being no one present to comment, the public hearing was declared closed.

Prior to a vote on the matter, Bob Robbins of Planning and development explained staff inadvertently left the one-fourth mile in the Text Amendment contained in the packets and distributed the amended Text Amendment 09-04 identifying the use separation as follows: "No family care home shall be established within a one-half mile radius of an existing family care home." He explained that should Council adopt the one-half mile version, they would need to make a change in that to reflect this decision by noting the change from a 1/4 mile to a 1/2 mile and that Council should agree with the overall findings in the staff report.

At this time, Council Member Alexander moved to place this matter on Thursday's Agenda with a favorable recommendation for adoption of Text Amendment 09-04 citing the one-fourth mile. Council Member Sims made a second to the motion.

Council Member Whitley offered a substitute motion to place this matter on Thursday's Agenda with a favorable recommendation for adoption of the Text Amendment with the one-half mile as handed out by staff. Council Member Faircloth made a second to the substitute motion.

Mayor Smothers called for a vote on the substitute motion to recommend adoption of the Text Amendment with the one-half mile. The motion carried by a 5-3 vote.

Due to three dissenting votes, this matter will be placed on Thursday's Regular Agenda.

A motion was made by Council Member Whitley, seconded by Member Faircloth, that this matter be recommended for adoption, consent agenda. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Blakeney, Council Member Faircloth, Council Member Pugh and Council Member Whitley
Nay: Council Member Alexander, Council Member Sims and Council Member Douglas
Absent: Council Member Bencini

Ordinance -Text Amendment 09-05 - City of High Point

090155

A request by the City of High Point to amend Section 9-4-17(b) of the Development Ordinance, entitled "Nonconforming Use of Land", to limit the period of cessation for nonconforming uses in the Main Street (MS) District.

The public hearing for this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

[a copy of the staff report for this matter will be attached to Legistar as a permanent part of these proceedings]

Mayor Smothers noted this matter has been discussed in the Planning and Development committee and asked if there were any additional questions.

Council Member Alexander voiced concerns regarding the 30-day cessation period for non-conforming uses within the Main Street District and felt it was rather rapid. He also expressed concerns regarding the lack of a report mechanism being in place to verify when the nonconforming use ceases. Doug Loveland of Planning and Development explained that the utility records could be used, but staff's decision would be based on several factors not just on utility records, inventory, etc.... Lee Burnette, Director of Planning and Development further explained that staff would gather and weigh evidence based on each individual case and a determination would be made as to whether or not they cease the use and when which would require some research and affirmed that the decision would be based on many factors involving each individual non-conforming use situation. Staff's intent is to do a nonconforming use inventory to identify all properties within this area that would be nonconforming.

Council Member Alexander felt the amendment was ambiguous without documentation (a report or without a date certain as to when the business or use ceases) and stated that he would like to see some type of report mechanism in place. Mr. Burnette pointed out that any determination by staff is appealable to the Board of Adjustment so a record would have to be produced whether it be a report, a letter, etc.....and that the documentation could take on a variety of different forms. Council Member Alexander asked if the 30 days would cease from the time of the writing and Mr. Burnette explained it would actually be 30 days from when the use actually ceases.

Mr. Loveland pointed out that the 30-day cessation period mirrors other regulations currently in force in the ordinance (i.e. sexually oriented businesses,

etc...)

Council Member Sims pointed out whether it be a 30-day or 180-day period, that it shouldn't matter because staff would do their due diligence to determine when the 30-day window starts and would use the same methodology as has been used in the past.

Mayor Smothers asked if there were any additional points to be made and opened the public hearing for public comment. There being no one present to speak in favor of or in opposition to this request, 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 for adoption of Text Amendment 09-05 amending Section 9-4-17(b) of the Development Ordinance, entitled "Nonconforming Use of Land" to limit the period of cessation for nonconforming uses in the Main Street (MS) District to 30 days.

Note: Due to the one dissenting vote from Council Member Alexander, this matter will be placed on Thursday's Regular Agenda.

A motion was made by Council Member Sims, seconded by Member Faircloth, that this matter be recommended for adoption, consent agenda. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh and Council Member Whitley
Nay: Council Member Alexander
Absent: Council Member Bencini

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

090156

A request by the Technical Review Committee to abandon an unimproved portion of right-of-way known as Hicks Place, lying north of W. State Avenue and Hicks Place.

The public hearing for this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

[a copy of the staff report will be attached to Legistar as a permanent part of these proceedings]

In the absence of Chairman Bencini, Mayor Smothers presided over the public hearing.

The Mayor opened the floor for public comment and asked if there was anyone present who would like to speak in favor of or in opposition to this street abandonment request. There being no one present to comment, 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 for adoption of the resolution authorizing the abandonment of an unimproved portion of right-of-way known as Hicks Place, lying north of W. State Avenue and Hicks Place.

A motion was made by Council Member Sims, seconded by Member Blakeney, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Resolution - Street Abandonment 09-13 - City of High Point

090157

A request by the Technical Review Committee to abandon an unimproved portion of right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

The public hearing for this matter was duly advertised and held on Monday, June 15, 2009 at 5:30 p.m.

[a copy of the staff report will be attached to Legistar as a permanent part of these proceedings]

In the absence of Chairman Bencini, Mayor Smothers presided over the public hearing.

The Mayor opened the floor for public comment and asked if there was anyone present who would like to speak in favor of or in opposition to this street abandonment request. There being no one present to comment, 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 for adoption of the resolution authorizing the abandonment of an unimproved portion of a right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

A motion was made by Council Member Sims, seconded by Member Blakeney, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

For Information Only:

Update- Guilford County 10-Year Plan to Eliminate Homelessness

David Miller complimented High Point for stepping up and being the host city for the UnitedHealthcare of the Carolinas North Carolina Marathon on May 2nd. He complimented High Point and other sponsors for their role in amking the event

successful.

He proceeded to update Council on the 10-Year Plan to Eliminate Homelessness and noted they were focusing on housing for the homeless. Mr. Miller presented a small token of appreciation for the city's efforts and support in this area.

Johann Denton shared some results of the first two years of implementation of the 10-year plan to end homelessness and highlighted the following statistics:

1200+ individuals in the community that are homeless
200+ are "chronically" homeless (with some type of substance abuse, mental health or some type of other disabling condition and have been homeless long-term.
99 individuals housed in the county since March 2009

They have also been able to leverage over 1.5 million dollars to come into the community and are working to increase this every year and are looking at day center issues in High Point.

090111 Ordinance - Demolition of Structure - Vacate & Close - 309 Park Street

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 309 Park Street belonging to Anthony J. Pearson.

Katherine Bossi, Local Codes Enforcement Supervisor, updated Council on this matter at the request of Chairman Faircloth. She noted that Council took action on May 18th to adopt an ordinance to demolish that expires June 19th. Ms. Bossi reported that the property owner, Mr. Pearson, has obtained an electrical permit (for a service change only and wasn't for any other electrical repairs on the list). However, there has been no building permit issued for repairs, nor have there been any mechanical permits issued for installation of a heating source for the structure. She noted that over 50% of the repairs on the list still need to be complete and asked Council to still uphold the ordinance previously adopted on May 18th to demolish the structure.

At this time, Mr. Anthony J. Pearson, owner of the property in question, addressed Council. He informed Council that he hoped to get some additional time in order to get the heating system installed. Mayor Smothers reminded Mr. Pearson that she had talked with him in the parking lot and he told her that the heating system was in. Mr. Pearson noted that he heats the house with wood burning heaters and had a specially made insert put in to provide heat for the house. He stated that he has done repairs, but staff won't acknowledge it and he didn't think his house was in bad enough shape to be torn down. He informed Council that he has tried and tried to work with staff, but cannot seem to get any cooperation.

Mayor Smothers asked if there was a motion to suspend the rules to rescind the

previous action taken by Council on this case. No motion was made.

Request for Support- High Point Ravens

Mr. William Lowery, Jr., Coach James Littlejohn and Mrs. Littlejohn presented information to Council regarding the High Point Ravens Semi-Pro Football team (part of the Central Carolina Football League) and asked for Council's support and help in getting information out about their team.

Mrs. Littlejohn explained they want to change the mentality of the youth to instill in their semi-pro players that they are an example and they should give back to the community. She noted they have been using the Pop Warner field, but the seating is not adequate for the fan base they have.

Council Member Pugh asked if they had any sponsorships. Coach Littlejohn replied that they don't at this point and explained that the players have to provide their own equipment and pay the designated fees that are used for the playing field, concessions, announcers, etc.... He informed Council that their budget for five games was \$7,210.

They thanked Council for allowing them the opportunity to speak.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:10 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Attest:

Lisa B. Vierling, MMC
City Clerk