City of High Point

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

Meeting Minutes

Monday, June 6, 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 Henley, Council Member Whitley and Council Member Corey
Absent: Council Member Pugh

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 Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]

Motion was then made by Mayor Pro Tem Alexander, seconded by Council Member Whitley that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent]

PRESENTATION OF ITEMS

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

(all were present)

Contract Extension - Breece Enterprises - Water & Sewer Maintenance Contract

110108 Council is requested to authorize staff to extend contract with Breece Enterprises for Water and Sewer Maintenance in the amount of $554,220.00.

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 staff to extend the contract with Breece Enterprises for Water and Sewer Maintenance in the amount of $554,220.00.

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 Property - Corporation Drive Pump Station

110109 Consideration of request to authorize the City Attorney's office to proceed with the purchase of land surrounding the present pump station located on Corporation Drive to enlarge and replace the existing pump station. Contract price is $10,000.00.

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 proceed with the purchase of land surrounding the present pump station located on Corporation Drive to enlarge and replace the existing pump station at a contract price of $10,000.00.

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

Condemnation Proceedings- 700 W. Hartley Drive - Hartley Drive Widening Project

110110 Council is requested to authorize the City Attorney's office to proceed with condemnation proceedings on property located at 700 W. Hartley Drive, belonging to the Elva Moore Hayworth Ward heirs. This property is needed for the Hartley Drive widening project.

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 proceed with condemnation proceedings on property located at 700 W. Hartley Drive belonging to the Elva Moore Hayworth Ward heirs.

Resolution No. 1666/11-17 Introduced 6/6/2011
Adopted 6/6/2011
Resolution Book Volume XVII, Page 17

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

Contract - Unity Builders, Inc. - CHDO Contract - Affordable Housing in Southside Area

110117 Council is requested to authorize staff to execute contract in the amount of $105,000 with Unity Builders, Inc., as a Community Housing Development Organization (CHDO) to build additional affordable housing in the Southside 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 staff to execute contract in the amount of $105,000 with Unity Builders, Inc. as a Community Housing Development Organization (CHDO) to build additional affordable housing in the Southside 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)

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 reported that staff informed her this matter is close to being brought out of committee.

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

Committee Members: Sims, Henley, Moore

(all were present)

Resolution of Intent - Annexation 11-01 - NC National Guard - 3515 Armory Drive

110114 Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 20, 2011 at 5:30 p.m. to consider voluntary contiguous annexation of approximately 18.55 acres lying at the western terminus of Armory Drive (3515 Armory Drive).

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

Adopted Resolution of Intent establishing Monday, June 20, 2011 at 5:30 p.m. as the date and time to consider public comment regarding a voluntary contiguous annexation of approximately 18.55 acres lying at the western terminus of Armory Drive (3515 Armory Drive).

Resolution No. 1667/11-18 **Introduced 6/6/2011**
Adopted 6/6/2011
Resolution Book Volume XVII, Page 18

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

City of High Point Incentives Policies

110053 Council is requested to receive the following Incentives Policy Review Committee recommendations:

4) City of High Point Retail Incentives Policy [new]

Note: For Parts 1 and 3 of the Incentive Policies, please refer to Legislative Matter 110032.
This item was discussed in the Planning, Economic Development and IT committee meeting held Tuesday, May 17th at 9:00 a.m., and the committee recommended that the City of High Point Retail Incentives Policy be adopted as presented and placed on today's agenda for action.

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

Note: For Parts 1 and 3 of the Incentive Policies, please refer to Legislative Matter 110032.

This item was discussed in the Planning, Economic Development and IT committee meeting held Tuesday, May 17th at 9:00 a.m., and the committee recommended that the City of High Point Retail Incentives Policy be adopted as presented and placed on today's agenda for action.

Chairman Whitley explained the Committee met on May 17th to discuss the Retail Incentives Policy and after a lengthy discussion, the Committee recommended it be brought out of Committee for action by the full Council. He then entertained any comments, suggestions or a motion.

Council Member Sims moved to approve the Retail Incentives Policy as approved by the Committee. Council Member Henley made a second to the motion.

For further discussion, Mayor Pro Tem Alexander stated there were a number of things within the retail policy that were unclear to him. he stated that although he appreciates the process, he felt there were too many questions left unanswered.

Mayor Pro Tem Alexander then offered a substitute motion to refer the Retail Incentives Policy back to City Council (Committee of the Whole) for some more in-depth study because he felt the policy didn't have enough direction that would enable Council to make a reasonable interpretation of questions the public might ask. Council Member Whitley made a second to the substitute motion.

For further discussion, Mayor Smothers stated she was in agreement with Mayor Pro Tem Alexander. She also expressed concerns about the lack of some specific guidelines in the policy and felt the policy was more of a guide that was presented to

Council. Chairman Whitley commented that under no circumstances would City Council ever consider passing an industrial policy having only half of a committee meet for an evaluation of it. He stated the committee didn't get the opportunity to complete discussing the areas to be identified or if they wanted to have areas identified or if it would affect the entire city or identify funding or appearances or who would be in charge of disbursing the dollars or what organization would be in charge of evaluating any request.

Council Member Corey felt one of the purposes of the incentive policy was job creation and this was an important consideration. Council Member Henley pointed out that the City Council asked the City Project group to spend countless time and energy to come up with a policy to bring forward and felt for Council to push back the framework regardless of the boxes not being filled in, would be a tragedy. He felt it wasn't only about jobs, but about sales and use tax receipts as well. He informed Council that he had obtained some data on sales tax and use tax receipts from the NC Department of Revenue for the period of 1999 - 2009 and pointed out High Point was ranked #9 in 1999 and had fallen to #15 in 2009.

Council Member Douglas felt adoption of the policy would send a good message to the public that the city wants to make a difference in this area and adoption of the Retail Incentives Policy would be a good starting point. Mayor Pro Tem Alexander disagreed and suggested one of the things that Council could do immediately while refining the policy for retail businesses would be to waive permit fees for those who go in and refurbish buildings and do things related around retail sales. He stated he was opposed to passing a policy that has no direction and was concerned about how staff would respond to inquiries from businesses who might want to see if they were eligible for incentives. He felt it was important that staff is able to give clear direction as to the eligibility. He stated he did not see an urgency in approving the policy tonight and suggested Council establish a timetable to sit down and work on it and to hold some public hearings to get the public's input. Council Member Sims objected and felt this was unfair to the City Project, to retail businesses, and to individuals of the Economic Development department who have spent countless time and energy on it. She objected to putting it back in Committee and felt Council couldn't make it a living and breathing document in Committee. Council Member Henley felt it would be acceptable for Council to adopt the policy and let people know that it was adopted with the knowledge that there would be some details that need to be worked out.

A lengthy discussion followed about whether it should be discussed further in the Planning, Economic Development & Information Technology Committee or the Committee of the Whole. Several Council Members felt it was important that all Council participate in the discussion. Council Member Sims remarked that she asked a specific question in the Committee meeting regarding the timing and how long it was going to take for Council to agree on a policy and move it forward for approval, but nothing was done or said at that time about setting a date certain. Council Member Corey agreed that Council needs to set a date to have a policy with all the details worked out and suggested a completion date of September 30th.

Mayor Pro Tem Alexander stated he was comfortable with September 19th as a

date to be included in his substitute motion. Council Member Sims stated she was not willing to support referring it back to Committee and explained that she has no problem with a date certain to get it done, or to have it as a guideline and a framework to work with. Mayor Pro Tem Alexander pointed out that his motion was to refer it to the Committee of the Whole for meetings between now and the second Monday in September for a public hearing so the public would have an opportunity to comment on a more fully, expanded document. She then called for the question on the substitute motion. The substitute motion resulted in a tied vote of 4-4 as follows:

Votes: Aye: Alexander, Smothers, Whitley and Corey
Nay: Sims, Henley, Moore and Douglas
Absent: Pugh

Following a tie vote of the substitute motion, Mayor Smothers then called for a vote on Council Member Sims' original motion **to approve the Retail Incentives Policy as approved by the Committee. This motion also resulted in a tied 4-4 vote as follows:**

Votes: Aye: Sims, Henley, Moore and Douglas
Nay: Alexander, Smothers, Whitley and Corey

Absent: Pugh

Council Member Sims then moved approval of the Retail Incentives Policy as presented to be used as a framework and a guideline for the Committee of the Whole in moving forward and that it be presented for public comment on September 19th. Council Member Henley seconded this motion. This motion carried by a 7-1 vote as follows:

A motion was made by Council Member Sims, seconded by Council Member Henley, that this matter be approved Motion was made by Council Member Sims, seconded by Council Member Henley to adopt the policy as approved by the Planning, Economic Development & Information Technology Committee as a framework and guideline for the Committee of the Whole to move forward in going through and refining the document for presentation to the public for comment at the second meeting in September (September 19th). The motion carried by the following vote:

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

Pending Items

Part 150 Assessment Report

110038 Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

MISCELLANEOUS

City Council Meetings - July 4-8, 2011 - No Meetings

110112 Due to the Fourth of July holiday week and no scheduled agenda items, Council is requested to cancel meetings scheduled for the week of July 4-8, 2011. Next scheduled meeting will be July 18th at 4:45 p.m.

Approved the cancellation of the July 4-8, 2011 City Council Meetings due to the Fourth of July Holiday week and no scheduled agenda items.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

The Mayor asked if anyone was present who would like to offer comments during the Public Comment period.

Jackie Baker, 1606 Merriman Drive in High Point, who retired from the High Point Fire Department after 38 years of service, shared an idea with Council on how to alert the public in the case of an impending tornado. He noted that the city presently does not have a system it uses to alert the residents, and felt one could be implemented and put into operation without any cost. He suggested coming up with Standard Operating Procedures utilizing the fire truck, police department and EMS sirens for alerts when weather alerts are received from Blacksburg, Virginia.

Mayor Smothers thanked Mr. Baker for his suggestion and noted this could be turned over to the manager for discussion with both the Fire Chief and Police Chief. Ron Guerra of High Point University pointed out the university also receives alerts from Blacksburg, Virginia and they use e-mail, texts, as well as a siren system. He offered to have the university's security chief talk with anyone from the city who might be interested in how they do it.

The Mayor asked if there were any other citizens present who would like to address Council during the Public Comment period. There being none, the Public Comment period was closed.

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

FINANCE COMMITTEE - Council Member Alexander, Chair

Proposed City of High Point FY 2011-2012 Annual Budget Public Hearings

110111 Monday, June 6, 2011 at 5:30 p.m. and Thursday, June 9, 2011 at 9:00 a.m. are the dates and times established by the High Point City Council to receive public comments on the proposed City of High Point Annual Budget for FY 2011-2012.

Chairman Alexander opened the public hearing and asked if there was anyone present who would like to speak regarding the proposed FY 2011-2012 budget.

Mary Cridlebaugh, who resides at 3632 W. Lexington Avenue, addressed Council about the Phase 3 expenditure for upgrading the Westside Wastewater Treatment Plant. She stated the Friends of Rich Fork Creek, an environmental organization, does have some reservations about the long term effects of the biological nutrient removal system. She felt some information in the budget was a little misleading in the justification for this project in reference to the Capital Improvement Program 2012-2016 (Page 192 of the proposed budget under the Capital Improvement Program tab) Westside Treatment Plant Upgrade- Phase 3. She felt a more property rustication for Phase 3 would be to secure a permit for 10,000,000 gallons a day at Westside. She felt the cost of $35,000,000 was a significant amount to ask people to contribute to the increase at Westside. Ms. Cridlebaugh noted the average amount being treated today is only 4.5 million gallons per day. She questioned the increase of what amounts to 1.8 million gallons per day at a cost of $35,000,000 and felt it was an exorbitant amount. She felt the plant could function at the 8.2 level for many years before any new facilities would be needed.

Phil Sloan, who resides at 193 Flay Cecil Road in Thomasville, and also a member of the Friends of Rich Fork Creek, also spoke. He felt a good definition of the expansion at the Westside plant could be referred to as a "boondoggle." he also expressed some of the same concerns that were voiced by Ms. Cridlebaugh. He also questioned why the citizens of High Point would waste $35,000,000 to expand the capacity on something they're using 60% of presently.

Andy Turner, 3408 Corvair Drive, also addressed Council regarding the proposed budget. He requested that Council take all tax increases off the table and stated as a taxpayer in High Point, he has had to cut back on his spending, rebalance his budget, and for most it has been without pay increases and reductions in benefits. He recommended that if the services or expenses are not mandated by law, that they need to be looked at and possibly trimmed and cut back.

Chairman Alexander asked if there was anyone else who would like to comment on the proposed budget. There being no one else present to speak, he closed the public hearing and announced that the second public hearing on the proposed budget would be on Thursday, June 9th at 9:00 a.m.

PLANNING, ECONOMIC DEVELOPMENT AND 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.

Chairman Whitley announced that the attorney representing the petitioner has requested a continuance on this matter due to being out of town.

Continued the public hearing for this matter to June 20, 2011 at 5:30 p.m.

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Alexander, that this matter be continued for June 20, 2011. The motion carried unanimously.

Ordinance - Text Amendment 11-05 - High Point University

110116 A request by High Point University to amend Section 9-4-13(c)(1) of the Development Ordinance regarding a principal use on a zone lot and Section 9-4014(f) regarding fence height on residential zoned property.

The public hearing on this matter was held as duly advertised on Monday, June 6, 2011 at 5:30 p.m.

Doug Loveland of Planning and 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]

Mayor Pro Tem Alexander asked if the university might be putting up the fence for storage purposes. Ron Guerra, representing High Point University, assured Council this was not the case and pointed out their intent was to beautify the area. Mr. Loveland pointed out in order for the university to use it for storage, it would require a rezoning because this property is not zoned PI. He further explained for vacant property, a principal use would have to be established.

Council Member Sims asked if the aesthetics were discussed due to the university being surrounded by residential property. She questioned the purpose of the fence at this location because the property sits in the middle of a residential neighborhood.

Ron Guerra, representing High Point University, 833 Montlieu Avenue, shared the university's plan for putting up their signature fence and described what the fence would look like and how they're installed. He explained the required fence height was an issue as they have to deal with areas that have a lot of topo issues. He informed Council that this was something the university had at their community meeting and it was met with a lot of enthusiasm--especially with those that had to give the university an easement to put it on their property. They felt it would bring a good deal of security to their area. Mr. Guerra noted that they would never pass 8 feet in height. he stated the university is basically trying to create a corridor that looks attractive as you're riding down N. College Drive with the fence on each side. Bob Robbins of Planning and Development pointed out there was only one lot actually fronting on the cul-de-sac and the rear portion of the lot fronts on N. College. He explained that the fence the university is proposing would cross the rear of that one lot and there was only one property they have obtained an easement across the rear of the property.

Council Member Sims asked if the Police Department was involved in any of the discussions from a public safety perspective to see if the fence might impact them and Mr. Guerra replied the university did not contact them. Council Member Douglas stated he understood the fence may be for security and cosmetic purposes, but did not want it to be isolation from the community in which the university has surrounded itself in. He also expressed concerns about changing the amendment just to accommodate the university to put a fence in this area because it would apply city-wide.

Council Member Sims expressed concerns and felt adopting the text amendment would be opening up Pandora's box for other requests elsewhere in the city and it was even more troublesome to her due to it being in a residential neighborhood.

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

A motion was made by Council Member Whitley, 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 Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Sims and Council Member Douglas
Absent: Council Member Pugh

For Information Only:

Recognition of VITA Volunteers

Michelle McNair of Community Development & Housing thanked Council for their support in making the VITA program a successful program for the past five years. She noted that during this time, VITA has completed 1,670 income tax returns and brought in $1,725,070 in federal tax returns to the City of High Point and surrounding areas. Special recognition was given to the VITA Coalition along with the 23 volunteers for their dedication and commitment during the 2010 tax season.

Randy Tysinger from the U.S. Attorney's Office, Middle District, and Veda Howell from the IRS SPEC Office in Greensboro presented a letter to the city and certificates to the following volunteers. Yon Weaver, the city's VITA Coordinator assisted them in the presentations.

Mr. Tysinger thanked the city for it's support to the Weed & Seed program over the past 10 years and the VITA program over the past five years. He informed Council that, unfortunately, the Weed & Seed program is no longer being funded, but he was positive that VITA would still be a part in helping those that are underprivileged with their taxes to help bring the money back to High Point.

Ms. Veda Howell also thanked the city for their participation in the program and presented the Mayor with a letter from Roger Burton, SPEC Territory Manager.

The following partners and members of the coalition were recognized and presented awards for their assistance with the VITA program:

West End Ministries; Wachovia Bank of High Point; United Way of Greater High

Point; Macedonia Family Resource Center; RC Baldwin Education Center

Jerry Mingo; Dora Harris; Annie Baker; Melody Kivett; Sandra Spencer; Sharise Jones, Stephanie Stanley, Farera Bubakar, Rashan Bondera, Tyler Hodgin, Sedalia Davis, Cathy Gray and Yon Weaver.

The Mayor thanked them for their service and for having such a significant impact on the people they work with. She hoped the city would be able to continue the program although the funding has been cut.

Home Ownership Month

Steve Key , representing the High Point Housing Coalition, was present to accept a Proclamation declaring the month of June, 2011 as Home Ownership Month in High Point. He shared some of the activities and events that will be going on this month to encourage home ownership.

Planning, Economic Development & Information Technology Committee

Chairman Whitley announced that the Planning, Economic Development & Information Technology Committee would meet on Tuesday, June 7th at 9:00 a.m. for a presentation by the consultants on the North/South Connector.

ADJOURNMENT

There being no further business to come before Council at this time, the meeting adjourned at 6:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

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Attest:

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Lisa B. Vierling, MMC
City Clerk