City of High Point

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

Meeting Minutes

Monday, December 20, 2010

4:45:00 PM

Council Chambers

Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Present: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Council Member Whitley and Council Member Corey

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

Prior to approval of the minutes, Council Member Corey pointed out a correction that was needed in the December 6, 2010 Organizational Meeting Minutes on page 1 regarding Council Member Faircloth's absence. It was incorrectly noted that he was elected as a State Senator for District 61, but should have read that he was elected as the Representative for NC House District 61.

There being no further corrections, motion was made by Council Member Sims and seconded by Council Member Whitley to approve the following minutes as presented with the correction to the December 6, 2010 Organizational Meeting Minutes as noted above. The motion carried unanimously.

Committee of the Whole; Monday December 6th @ 4:45 p.m.
Organizational Meeting; Monday, December 6th @ 6:00 p.m.
Regular Meeting; Thursday, December 9th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Whitley and seconded by Mayor Pro Tem Alexander 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 Corey that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

Note: As a result of this action, there is no need for the Thursday morning meeting.

PRESENTATION OF ITEMS

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

(all were present)

Chairman Alexander announced these matters were discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting and he would make one motion for all matters barring any objections.

Council Member Sims asked that Matter 100346 City of High Point- Primary Banking Services Provider be considered separately to allow additional discussion.

Contract - Bid No. 14 - Existing Water and Sewer Maintenance Contract (2011)

100342 Approval of contract awarding Bid No. 14 for existing water and sewer maintenance contract (2011). Purchasing and Engineering Services recommends that contract be awarded to Breece Enterprises, Inc. at the contract amount of $554,220.00 which is the lowest responsible and responsive 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.

Approved the contract with Breece Enterprises, Inc. for existing water and sewer maintenance at the contract amount of $554,220.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Contract - Bid No. 18 - Transformers & Switchgear - IHFC Project

100343 Approval of contract awarding Bid No. 18 for the purchase of metal enclosed switchgear and dry type transformers for the service to the IHFC. Purchasing and Electric Utilities recommends that contract be awarded to Womack Electric Supply in the amount of $536,643.00 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.

Approved contract with Womack Electric Supply for the purchase of metal enclosed switchgear and dry tape transformers for the service to the IHFC in the amount of $536,643.00 which is the lowest responsive and responsible bidder meeting specifications.

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

Contract - Bid No. 13 - Washington Terrace Swimming Pool Renovations

100344 Approval of contract awarding Bid No.13 for renovations to the Washington Terrace Pool. Purchasing and the Parks and Recreation Department recommends that contract be awarded to Aquatic Designs of Climax, NC in the amount of $337,000.00 which is the lowest responsive and responsible bidder meeting specifications.

prior to this meeting.

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

Approved contract with Aquatic Designs of Climax, NC for renovations to the Washington Terrace Terrace Pool in the amount of $337,000.00 which is the lowest responsive and responsible bidder meeting specifications.

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

Contract Extension - Triangle Grading and Paving Contract - Grimes/Taylor Fire Station Drainage System Improvements

100345 Approval of extension to the Triangle Grading and Paving Contract (Bid No. 08 awarded September 9, 2009) to provide for the upgrade of the stormwater drainage system in W. Grimes and S. Elm Street. Contract extension is in the amount of $532,599.94.

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 an extension to the Triangle Grading and Paving Contract to provide for the upgrade of the stormwater drainage system in W. Grimes and S. Elm Street in the amount of $532,599.94.

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

City of High Point - Primary Banking Services Provider

100346 City Council is requested to award a contract relationship with Bank of America to provide the City's primary banking services for the four-year period January 1, 2011 to December 31, 2015.

Chairman Alexander explained this matter was thoroughly discussed in a Finance Committee meeting held at 3:30 p.m. prior to this meeting and there were some concerns voiced regarding one of the bidders being listed as non-responsive (First Bank).

Council Member Sims explained she is not comfortable moving forward in supporting Bank of America at this time. She hoped staff would get the information to Council in a more timely manner in the future and felt improvement was needed on the process of soliciting bids for this particular service. Council Member Pugh concurred and felt Council should take a closer look at the non-responsive bid by First Bank to try to determine if there was a lack of communication on their part and if there's a possibility for substantial savings.

Motion was made by Mayor Pro Tem Alexander to place this matter on Thursday's Agenda with a favorable recommendation for approval of the contract with Bank of America to provide the City's primary banking services for the four-year period January 1, 2011 to December 31, 2015. Council Member Whitley made a second to the motion and added that he would hope staff would evaluate the contract within two years. The motion carried by a 7-2 vote as follows:

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

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

Resolution - Land and Water Conservation Fund Allocation

100347 Council is requested to adopt a resolution calling on Congress to implement legislation specifying an annual allocation of at least 40% of the Land and Water Conservation Fund (LWCF) to the State Assistance Program

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 resolution calling on Congress to implement legislation specifying an annual allocation of at least 40% of the Land and Water Conservation Fund (LWCF) to the State Assistance Program.

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

PUBLIC SAFETY COMMITTEE & COMMUNITY DEVELOPMENT COMMITTEE- Council Member Sims, Chair
Committee Members: Alexander, Douglas and Corey

(all were present)

Chairwoman Sims explained the Public Safety and Community Development Committee would meet on Tuesday, January 4th @ 2:00 p.m. for an update on the restructuring of the committee as well as to receive updates from staff regarding how the housing and inspections process works. Mayor Smothers asked that the Committee also discuss requiring evidence to prove the persons making repairs are qualified to do the work.

Ordinance - Vacate/Close Structure - 302 Park Street

100348 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 302 Park Street belonging to Anthony J. Pearson and Sylvia E. Davis.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 302 Park Street.

Ordinance No. 6784/10-132 Introduced 12/20/2010
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 269

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

Ordinance - Vacate/Close Structure - 404-A Walnut Street

100349 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 404-A Walnut Street belonging to Mohammed Sabir & Musarat Shaeen.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 404-A Walnut Street.

Ordinance No. 6785/10-133 Introduced 12/20/2010
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 270

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

Ordinance - Vacate/Close Structure - 910 Carter Street

100350 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 910 Carter Street belonging to Realty Options Plus, LLC.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 910 Carter Street.

Ordinance No. 6786/10-134 Introduced 12/20/2010
adopted 12/20/2010
Ordinance Book Volume XVI, Page 271

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

Ordinance - Vacate/Close Structure - 1012 Sales Street

100351 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1012 Sales Street belonging to Anthony L. Downs.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1012 Sales Street.

Ordinance No. 6787/10-135 Introduced 12/20/2010
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 272

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

Ordinance - Vacate/Close Structure - 325 Phillips Avenue

100352 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 325 Phillips Avenue belonging to Alice Reynolds.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 325 Phillips Avenue.

Ordinance No. 6788/10-136 **Introduced 12/20/2010**
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 273

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

Ordinance - Vacate/Close Structure - 805 E. Lexington Avenue

100353 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 805 E. Lexington Avenue belonging to Carla F. Lamothe.

Mayor Pro Tem Alexander asked if any of the housing cases on tonight's Agenda were professionally managed. Katherine Bossi, Local Codes Enforcement Supervisor replied that staff was only aware of one (805 E. Lexington) being managed by a property management company (Craven Johnson Pollock- CJP).

Chairwoman Sims explained she has had some lengthy discussion with staff regarding this particular address and there were a number of things that happened to create the situation--none of it necessarily being the fault of the management company. She noted it is her understanding that the tenant is going to be relocated by the Housing Authority and asked if staff could provide clarification on this. Katherine Bossi, Local Codes Enforcement Supervisor explained that she did call the Housing Authority, but did not receive a returned call. One of the inspectors did have a conversation with the Housing Authority and was told they would be willing to work with the tenant after they received documentation from tonight's meeting.

At this time, Travis Lelesch, the tenant, was given an opportunity to address Council. He felt Craven Johnson Pollock was at fault because they allowed him to sign a lease while the house was under inspection. He explained that he was going to be homeless with three kids and a dog and no where to go and he was told he would not be eligible for any relocation expenses because he has not lived at this address for at least 90 days. Chairwoman Sims asked Mr. Lelesch if he noticed the repairs that needed to be made to the house when he moved in and he replied all he noticed were minor things such as cracks in the wall, the stairs, etc.... and wasn't even aware that it was under inspections until three days after he moved in. He explained he signed the lease on October 26th and moved in on October 30th. He reiterated that he did not know the house was under inspection when he signed the lease and explained that when he went to pay his first months rent, CJP was surprised that he was able to get the utilities turned on when it was under inspection. Mr. Lelesch thought everything was good because they had people coming in making repairs, but the city issued a stop work order because they had not obtained the necessary permits to do the work. He informed Council that as a result, he has been without a toilet since November 16th because they never finished the work. He also pointed out that the Housing Authority told him it would be one to two months before they would be able to let him know anything.

Council Member Pugh asked Mr. Lelesch if he has had any dialogue with CJP and Mr. Lelesch explained he has, but was basically told they were not going to return his security deposit or any of the rent or help with relocating him.

Chairwoman Sims asked if staff has had any conversations with CJP. Ms. Bossi replied that she has had several conversations with them in the last couple to see if they were aware of the active housing case. She explained that in the beginning, staff dealt strictly with the property owner and wasn't even aware there was a property management company involved. She noted that part of the problem was that the property owner lives in Georgia and she hired a contractor to do the repairs, but they didn't have the proper permits so a stop work order was issued on the job. She further noted that the work that was done on the structure does not meet the code. Ms. Bossi informed Council that the property owner has since hired someone else to make the repairs and did provide faxed copies to staff last week of the lease and other documentation as well.

Regarding CJP's response, Ms. Bossi stated they are aware that the property owner is attempting to make the repairs and they questioned why the city allowed the tenant to move in. She reported there was a one to two week period that the original tenant moved out and Mr. Lelesch moved in, but not one advised the city so it wasn't actually caught until an inspector showed up to do an inspection several days after Mr. Lelesch moved in.

Ms. Bossi informed Council that there are procedures in place with respect to coordination of utility service when orders to vacate and close and other serious issues are involved, but this one slipped through. She reported that the tenant has spoken with Al Heggins and the property owner has agreed to return the tenant's security deposit. Mayor Pro Tem Alexander felt this was clearly a fair housing case and suggested the tenant pursue it and file a complaint with the Board of Realtors.

Chairwoman Sims asked staff to explain the city's relocation policy. Michelle McNair with Community Development & Housing clarified that the tenant was not eligible for relocation assistance because he has been there less than 90 days. She explained this was not a federal requirement, but a local policy enacted by Council. Several Council Members expressed concerns regarding the situation and asked staff if there was anything Council could do to make an exception to the policy. Mike McNair, Director of Community Development & Housing, reiterated that the 90-days is a local requirement and it would certainly be up to Council's discretion to assist.

At this time, Council Member Sims moved that Council order the housing inspector to effectuate the order to vacate and close the structure at 805 E. Lexington Avenue and to direct staff to assist the current tenant with relocation expenses. Council Member Pugh made a second.

For further discussion, Council Member Moore asked if there was anything in place that would allow the city to get the money back from the property owner. Although he felt the tenant was deserving and this was the right thing to do, it was a bad policy because it is not financially prudent. Chairwoman Sims felt it would be appropriate for the city to pursue CJP in terms of some expediency in getting the tenant his deposit back.

There being no further discussion, the motion carried unanimously. [9-0 vote]

Adopted Ordinance ordering the inspector to effectuate and close the structure located at 805 E. Lexington Avenue and direct staff to assist the current tenant with relocation expenses.

Ordinance No. 6789/10-137 **Introduced 12/20/2010**
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 274

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

Ordinance - Vacate/Close Structure - 607 Cross Street

100354 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 607 Cross Street belonging to Willie J. Harrell.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 607 Cross Street.

Ordinance No. 6790/10-138 **Introduced 12/20/2010**
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 275

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

Ordinance - Vacate/Close Structure - 510 Manor Drive

100355 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 510 Manor Drive belonging to Donald R. Littlejohn, Jr.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 510 Manor Drive.

Ordinance No. 6791/10-139 Introduced 12/20/2010
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 276

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

Ordinance - Vacate/Close Structure - 519 Guilford Avenue

100356 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 519 Guilford Avenue belonging to Robert C. Malpass.

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

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 519 Guilford Avenue.

Ordinance No. 6792/10-140 Introduced 12/20/2010
Adopted 12/20/2010
Ordinance Book Volume XVI, Page 277

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

PLANNING, EDC & INFORMATION TECHNOLOGY COMMITTEE- Council Member Whitley, Chair

Committee Members: Sims, Henley and Moore

(all were present)

Pending Items

Text Amendment 10-08- City of High Point - re Development Inspections Regulations

100325 A request by the City Council to consider a text amendment to Chapter 11, Development Inspection Regulations, of the Code of Ordinance of the City of High Point to include relocation costs paid by the City as cost allowable as a lien against property subject to enforcement action under the minimum housing code.

Chairman Whitley noted the Committee would discuss this matter on Tuesday, January 18th @ 8:30 a.m.

MISCELLANEOUS

Reappointment - Housing Authority Board - James Szafran

100360 Council is requested to confirm the reappointment of Mr. James J. Szafran to the Housing Authority Board. Appointment to be effective immediately and will expire December 22, 2015.

Approved the reappointment of James J. Szafran to the Housing Authority Board.

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

Consideration of Appointment to Finance Committee of City Council (2010-2012)

100365 Council is requested to confirm the appointment of Councilman Jim Corey to serve on the Finance Committee of the City Council for the period of 2010-2012.

Motion by Mayor Pro Tem Alexander, second by Council Member Whitley to suspend the rules relative to placing this matter on tonight's Agenda for consideration since it did not originally appear on the agenda. Council Member Whitley made a second to the motion which carried unanimously.

Approved the appointment of Councilman Jim Corey to serve on the Finance Committee of the City Council for the period of 2010-2012.

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

Reinstatement of Planning & Zoning Board Member- Andrew Putnam

100366 Consideration of the reinstatement of Andrew Putnam as a full member of the Planning & Zoning Commission

Motion by Mayor Pro Tem Alexander, second by Council Member Whitley to suspend the rules relative to placing this matter on tonight's Agenda for consideration since it did not originally appear on the agenda. Council Member Whitley made a second to the motion which carried unanimously.

Lee Burnette, Director of Community Development and Planning, explained that Andrew Putnam had informed him that he missed a majority of the meetings due to his participation on a local tennis team competing at state, regional and national tournaments and a family vacation, but he did not foresee this occurring again.

Regarding the Historic Preservation Commission appointments, he explained that they only met six times during the year, so they could only miss two meetings. He noted that both Shane Brown and Peter Freeman would like to be reinstated to full voting members and do not foresee any meeting conflicts in the coming year.

Council Member Sims felt some of the reasons given for the missed meetings were troublesome to her and those appointed to serve in these positions should realize the importance of the commitment.

At this time, Council Member Corey made a motion to reinstate Andrew Putnam as a full voting member on the Planning & Zoning Commission with the understanding that there would be no future tennis conflicts. Council Member Alexander made a second to the motion which carried unanimously. [9-0 vote]

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

Reinstatement of Historic Preservation Commission Members (Brown/Freeman)

100367 Consideration of the reinstatement of Shane Brown and Peter Freeman as full members of theHistoric Preservation Commission.

Motion by Council Member Henley to reinstate Shane Brown and Peter Freeman as full voting members on the Historic Preservation Commission. Council Member Whitley made a second to the motion which carried unanimously. [9-0 vote]

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

PUBLIC HEARINGS ON ITEMS

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

Committee Members: Sims, Henley and Moore

(all were present)

Resolution - Northwest Area Plan

100357 Consideration of a resolution to approve the Northwest Area Plan as requested by the Planning & Development Department.

Chairman Whitley asked staff to come forward to provide a brief overview of the Northwest Area Plan. Mayor Smothers pointed out this plan has been in development for the past several years.

[a copy of the staff report will be attached in Legistar as a permanent part of these proceedings as well as written comments received from Cathy Poole, who was unable to attend the public hearing.]

Gregg Morris with Planning & Development gave an overview of the Northwest Area Plan and reviewed the process in some of the meetings that have taken place as well as the recommendations regarding the Land Use Plan. Staff started working on this plan in the latter part of 2007 following behind the Heart of the Triad process. The Planning & Zoning Commission held public hearings on the Plan on September 26th, October 26th and voted on November 16th to send it to the City Council with a favorable 5-2 vote.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there was anyone in the audience who would like to speak.

Cynthia Davis, 413 Evergreen Avenue, who also serves as a member on the Planning & Zoning Commission, pointed out that #17 was omitted on the documentation that the Planning & Zoning Commission received and wanted to make sure that Council understood this was not something they looked at.

Jimmy Morgan, 8625 Bull Road, Colfax, addressed Council in opposition to the proposed Northwest Area Plan. Mr. Morgan distributed his written comments for the record. [a copy of which will be attached in Legistar as a permanent part of these proceedings]. He expressed the following concerns regarding the Plan:

The Plan lacks specifics and allows questionable exceptions (the term "mature tree" is not defined and ways to protect them are not specified.

More serious consideration of current farming operations and farmland preservation efforts of these economic and environmental assets

PTIA expansion plans seeking a third parallel runway would enlarge the noise cone extending into North High Point and has the potential to chase away potential higher-paying, higher job-producing businesses

The proposed North/South Connector is the greatest violator of the plan

Difficulty and enormous costs associated with developing this area

High Point still lacks Extraterritorial Jurisdiction (ETJ) and he questioned High Point's ability to enforce the Plan. (submitted an opinion of David Owens, Professor at the UNC School of Government as to this determination). He pointed out that High Point citizens should question if creating this unenforceable plan is a proper use of their taxpayer dollars.

Mr. Morgan felt the Northwest Area Plan should be rejected in its present form and additionally, eliminating all references to the North/South connector along the county line as well as its line on the map would enable the plan to better attain its environmental goals. In closing, Mr. Morgan commented that the Plan impacts an area whose residents, for the most part, do not need High Point's help to survive these economic times and felt High Point should be focusing on parts of the inner city, not on a flawed plan that they cannot enforce.

Donna Bonds, 205 Emerywood Ct. Kernersville, also spoke in opposition and submitted written comments which will be attached in Legistar as a permanent part of these proceedings. She expressed the following concerns:

Following the Northwest Area Plan, comes across as a strategy to circumvent the Heart of the Triad initiative that had landowner input and that has been approved by seven municipalities

Disturbing landowners' acreage ("nests") when incongruent with the nesters' wishes affects the identify and well-being of the landowners and questioned if High Point has a plan in place to compensate for their loss of identity and well-being.

To what extend will the designations impact the air, water, and soil quality of the 1,619 acres and the cumulative % of change in the Piedmont air, water and soil quality over the last ten years

Ms. Bonds concluded her remarks by stating she felt a reasonable balance between environmental and business concerns would be imperative for all citizens and felt at some point residents would be taking air baths due to tainted water and consuming all nutrients in capsules as the state allows sewage sludge spread on farmland.

Marianne Royle, 1609 Squire Davis Road, Kernersville, also spoke in opposition to the Northwest Area Plan. She expressed concerns regarding the public notice of the hearing with respect to the text amendment which indicated that the City Council may impose more restrictive requirements as it deems necessary in order that the purpose and intent of the Development Ordinance are served or may modify such amendment more restrictively without the necessity of additional notice and public hearing.

She also agreed with Mr. Morgan's comments and felt his points were well taken and asked Council to listen carefully to his comments.

Mayor Smothers asked staff to respond to Mrs. Royle's concern. Lee Burnette, Director of Planning & Development, explained that provision basically applies to zoning text amendments and appears in a statement for all legal ads that contain zoning text amendments and does not apply to land use plan amendments like what is before Council tonight.

Rath Royle, 1609 Squire Davis Road, Kernersville, also spoke in opposition to the Plan. The one main point he made was in regards to the proposal to consider a corridor road running along the Forsyth/Guilford County line. He pointed out this road was principally thought to be a corridor road to be used for quick access to the airport, but where the corridor road follows the county line, it's pointed away from the airport--not towards it. He felt it was senseless for anyone to consider a road going through pristine farmland as opposed to existing roads already in place.

Chairman Whitley asked if there were any additional comments. There being none, he closed the public hearing and asked the three new Council Members if they were comfortable in proceeding with action on the Plan tonight, or if they preferred to hear a briefing in Committee during the first week in January. It was the consensus of the three new Council Members to hear a briefing in Committee.

Council Member Pugh felt the objectives in the Plan were no in keeping with the plan itself and brought to Council's attention that there were more immediate needs in the South part of High Point, the inner city of High Point, where there are dilapidated buildings, deteriorating housing, etc..... He pointed out High Point was in need of being redeveloped and felt parts of High Point was already becoming a ghetto and a sham and there is a desperate need for the City to bring development and business back into the inner city of High Point.

Chairman Whitley explained the purpose of this Plan was to put land use plans in place that would serve to protect the residents. Council Member Pugh still felt the points that were made at tonight's meeting needed to be eliminated from the resolution. Council Member Sims stated that while she appreciates the fact that there are those who think the city should concentrate its efforts, time and energy in the Core City of High Point, she believed Council should also be able to address more than one particular part of the city simultaneously. She recommended placing the Plan in Committee for additional dialogue taking into consideration all the comments that have been forwarded and made to Council in an effort to see if there may be some element in the comments that possibly could affect what the final Northwest Area Plan would look like. She felt it was Council's responsibility and obligation to try to seize or take as much control over the development as they could and pointed out it was imperative that Council be involved and engaged in how this area is going to grow.

Council Member Corey pointed out the Plan submitted could be referred to as a skeletal plan and felt the Plan was void of many of the details needed to make any kind of reasonable decision. Chairman Whitley explained this was merely an amendment to a Land Use Plan which is already in effect.

At this time, Council Member Whitley made a motion to place this matter in the Planning, Economic Development & Information Technology Committee with the intentions of reviewing it on January 4th @ 8:30 a.m. during the Committee meeting. Council Member Sims made a second to the motion.

For further discussion, Council Member Pugh felt it was vitally important that the residents impacted would be part of the process.

There being no further discussion, the Mayor called for a vote on the motion to refer this matter to the Planning, Economic Development & Information Technology Committee to be further discussed on January 4th @ 8:30 a.m. The motion carried unanimously. [9-0 vote]

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be referred to the Planning, EC. Dev. & Information Technology Committee, due back on January 4, 2011. The motion carried unanimously.

Resolution - Land Use Plan Amendment Case 10-04 - City of High Point

100358 Consideration of a resolution to amend the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department. The land area associated with this amendment is approximately 10,260 acres lying within the northwestern portion of the City's Planning area generally lying south of I-40, west of Kendale Road & Sandy Ridge Road, northwest of Skeet Club Road and north of the Davidson/Forsyth County line.

The public hearing for this matter was held jointly with Matter **100357 Resolution-Northwest Area Plan.**

[for comments made during the public hearing, please refer to **100357 Resolution-Northwest Area Plan** above]

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be referred to the Planning, Economic Dev. & Information Technology Committee, due back on January 4, 2011. The motion carried unanimously.

Resolution - Street Abandonment 10-15 - Piedmont Electric Repair Company

100359 Consideration of a request by Piedmont Electric Repair Company to abandon an improved portion of an unnamed alley between Pine Street and N. Lindsay Street, north of W. English Road.

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

Bob Robbins of Planning & Development gave an overview of the staff report which 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 was anyone present who would like to offer comments regarding this street abandonment case.

Robert Draughn, 205 Pine Street, owner of Piedmont Electric Repair Company, addressed Council in favor of the request. He explained he was requesting the alleyway be closed due to the crime taking place on the property (i.e. prostitution between the buildings, numerous break-ins and theft of equipment from his business; problems with vagrants; stabbings, etc.....) He informed Council that it is not used by any of the property owners and none of the property owners have issued any objections having the alleyway closed. He pleaded with Council to do something to help him protect his property.

Council Member Alexander asked Mr. Draughn how he would secure the alleyway should it be closed and Mr. Draughn explained he plans on installing an open fence with gates that would be open during business hours and there would also be a rolling fence to go across the alleyway with a complete gate that would close the area off at night. He explained this would allow them to put a burglar alarm in there as well as the alarm system and cameras that are already on the property.

Mr. Alexander asked if the fire or police department voiced any objections in closing the alleyway due to access issues. Mr. Robbins explained the purpose of the TRC review of the request was to get this feedback back from the various departments and he wasn't aware of any objections that were made. It was noted that the fire department would still be able to access the property should it be needed.

Staff reported that TRC identified an issue regarding denying reasonable access to properties and felt closing this segment of the alley would limit access currently afforded to the properties abutting the alley. Staff had recommended the applicant pursue abandonment of the entire north/south segment of the alley which would require private agreements among the abutting property owners of the alley. Council Member Sims asked about specific issues TRC had regarding the closing. Lee Burnette, Director of Planning & Development, explained the concern was that they would be closing a portion of the alleyway and there would be no public turn-around, so they'd have to turn around on private property. The Mayor pointed out this was the case in most of the alleys all over the city.

Chairman Whitley asked if there was anyone else present to offer any comments. There being none, he declared the public hearing closed and made a motion to place this matter on Thursday's Agenda with a favorable recommendation for adoption as requested by the applicant.

Adopted the Resolution authorizing the abandonment of an improved portion of an unnamed alley between Pine Street and N. Lindsay Street, north of W. English Road as requested by the applicant.

Resolution No. 1649/10-77 **Introduced 12/20/2010**
Adopted 12/20/2010
Resolution Book Volume XVI, Page 291

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

For Information Only:

Special Recognitions

Wendell Pickett- "Operator of the Year"
Chris Thompson, Director of Public Services, recognized Wendell Pickett for being awarded "Operator of the Year" by the NC Water Works Association.

Gretta Bush
Allen Oliver, Director of Parks & Recreation, recognized Gretta Bush, long-time volunteer with the High Point Community who was recently honored with the following awards:

Governor's Award for Volunteer Service for 10 years of service in the High Point Community Against Violence Task Force- October 2010
Minority Achievement Award for the public sector at the Minority Achievement Banquet in November 2010
Honorary Colonel from the High Point Police Department for serve to the city and police department- December 2010

Sherry Paul, Brian Coward, Stephanie Hedgecock and Jeff Caudill, Lou Hedrick, and Glenn Hasteadt
Mr. Oliver recognized these employees and reported that the Miracle League Program was recognized by the North Carolina Recreation and Parks Association as the winner of the Innovative Programming Award. The award is in recognition for outstanding programming throughout the state with competition from thirteen other departments across the state.

High Point- 2010 Digital Cities Survey Winner
Steve Lingerfelt, Director of Communications and Information Services, recognized members of his staff who contributed to the city receiving 5th place in the 75,000-124,999 population category for this award

Upcoming Meetings
Chairs of the various committees announced the following meetings that would take place in the next several weeks.

Public Safety & Community Development Committee will meet on Tuesday, January 4th @ 2:00 p.m.

Planning, Economic Development & Information Technology Committee will meet on Tuesday, January 4th @ 8:30 a.m. and Tuesday, January 18th @ 8:30 a.m.

On Tuesday, January 28th at 2:00 p.m. the High Point City Council will hold a **Special Council Meeting** to review the 2011 Legislative Agenda. The City Manager distributed information on the North Carolina League of Municipalities and the City of High Point's Legislative Agendas.

NCLM Advocacy Agenda Meeting
The NCLM Advocacy Agenda Meeting is scheduled for Thursday, January 20th from 9:30 a.m. to 5:00 p.m. in Raleigh.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:45 p.m. upon motion duly made and seconded.

Respectfully Submitted,

____
Rebecca R. Smothers, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk