

City of High Point

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



Minutes

Monday, May 21, 2012

4:45:00 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, 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

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley (Ward 5); and Council Members Latimer B. Alexander, IV. (At-Large); Foster Douglas (Ward 2); Britt Moore (At-Large); Bernita Sims (Ward 1); Michael D. Pugh (Ward 3); A. B. Henley, III (Ward 4); and James W. Corey, Ph.D. (Ward 6) were present.

Prior to the invocation, Mayor Smothers read the following email that she received from Rev. Jim Summey. Eight years ago today we changed the way that the world can get a hold on and shut down open air (overt) drug markets beginning in West End of High Point, NC. Nothing has been the same since that day. Things have been much, much better since that day. Thank you all."She then asked for a moment of silence; the Pledge of Allegiance followed.

Present 9 - Christopher Whitley, Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, and James Corey

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

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

- *Finance Committee; Monday, May 7th @ 4:00 p.m.*
- *Combined Meeting; Monday, May 7th @ 4:45 p.m./5:30 p.m.*
- *Special Called Meeting - EDC Incentives - held Monday, May 14th at 5:00 p.m.*

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Sims, seconded by Council Member 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 Council Member Sims, seconded by Mayor Pro Tem Whitley that all Committee recommendations

stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

This action cancels the Regular Meeting scheduled for Thursday, May 24th at 9:00 a.m.; however, City Council will meet at 9:00 a.m. on the 24th for the first budget review session.

PRESENTATION OF ITEMS

FINANCE COMMITTEE

120134

The City Manager will present the proposed 2012-2013 Annual Budget to City Council and ask Council to establish public hearings to receive comments on the budget for Monday, June 4th at 5:30 p.m. and Thursday, June 7th at 9:00 a.m. to received comments on the Outside Agency Funding.

Attachments: [Quick 2012-2013 Budget Summary.pdf](#)

During the Finance Committee meeting held at 4:00 p.m. prior to this meeting, City Manager Boynton directed staff to distribute copies of the proposed City of High Point 2012-2013 Annual Budget. Mr. Boynton distributed copies of a quick summary of the budget.

Council established the dates of Monday, June 7th at 5:30 p.m. and Thursday, June 9th at 9:00 a.m. to receive public comments on the proposed budget.

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

120127

Council is requested to adopt a resolution which will terminate and close the Transit Capital Reserve Fund; and, adopt a budget ordinance amendment to transfer the remaining assets in that fund to the Transit Operations Fund and Transit Capital Project Fund.

Attachments: [Transit Capital Reserve Closure.pdf](#)

This matter was discussed during the Finance Committee meeting held at 4:00 p.m. prior to this meeting.

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

Adopted a Resolution terminating and closing the Transit Capital Reserve Fund and adopted an Ordinance amending the 2011-2012 budget to transfer the remaining assets in that fund to the Transit Operations Fund and Transit Capital Project Fund.

Resolution No. 1227/12-28 Introduced 5/21/2012

Adopted 5/21/2012
Resolution Book, Volume XVII, Page 78

Ordinance No. 6919/12-36 Introduced 5/21/2012
Adopted 5/21/2012
Ordinance Book, Volume XVII, Page 1109

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

[120128](#)

Adoption of an ordinance amending the 2011-2012 Budget Ordinance to appropriate funds in the amount of \$77,352 for a federal grant for Shelter Care Plus - 2011 Housing First Grant Award.

Attachments: [Budget Ordinance Amendment - Shelter Care Plus.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting.

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

Adopted an Ordinance amending the 2011-2012 Budget to appropriate funds in the amount of \$77,352 for a federal grant for Shelter Care Plus - 2011 Housing First Grant Award.

Ordinance No. 6920/12-37 Introduced 5/21/2012
Adopted 5/21/2012
Ordinance Book, Volume XVII, Page 111

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

[120129](#)

Council is requested to adopt resolutions authorizing the Mayor to execute appropriate documents conveying the following city owned property to Habitat for Humanity and Unity Builders, Inc.:

315 Murray Street - Habitat for Humanity
810 Mobile Street - Unity Builders, Inc.
818 Mobile Street - Unity Builders, Inc.
815-817 Mobile Street - Unity Builders, Inc.

Attachments: [Approval to convey four lots for affordable housing development.pdf](#)

This item was discussed during a Finance Committee Meeting held at 4:00 p.m. prior to this meeting.

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

Adopted Resolutions authorizing the Mayor to execute the appropriate documents conveying the city owned properties listed above to Habitat for Humanity and Unity Builders, Inc.

Resolution Nos: 1228/12-29 Introduced 5/21/2012
1229/12-30
1230/12-31
1231/12-32
Adopted 5/21/2012
Resolution Book, Volume XVII, Pages 79, 80, 81, 82

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

120130

Council is requested to authorize the Mayor to execute an agreement with the High Point Market Authority concerning the administration of furniture market transportation and a transportation agreement with McLaurin Transportation and Parking Company as the contract provider for the transportation services for furniture market. This is a three (3) year agreement effective July 1, 2012 with the option for renewal.

Attachments: [Contract - Furniture Market Transportation.pdf](#)

This matter was discussed during a Finance Committee Meeting held at 4:00 p.m. prior to this meeting.

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

Authorized the Mayor to execute agreements with the High Point Market Authority and McLaurin Transportation and Parking Company for transportation services for furniture market.

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

120131

Approval of contract awarding Bid No. 74 to extend East Grimes Avenue from current dead end at Randolph Street to Asheboro Street. This will include water, sewer, storm sewer and sidewalk improvements. Purchasing and Engineering Services recommend that contract be awarded to Atlantic Contracting Company in the amount of \$288,484.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [5. Bid No. 74 - Extension of East Grimes Avenue.pdf](#)

This matter was discussed during a Finance Committee Meeting held at 4:00 p.m. prior to this meeting.

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

Approved contract with Atlantic Contracting Company in the amount of \$288,484.00 for the extension of East Grimes Avenue from current dead end at Randolph Street to Asheboro Street. This work will include water, sewer, stormwater and sidewalk improvements.

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

[120133](#)

Approval of contract awarding Bid No. 75 for stormwater improvements for Asbill Avenue, Barbee Avenue and Rockbridge Road. Purchasing and Engineering Services recommends that contract be awarded to Yates Construction Company in the amount of \$334,924.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [6. Bid No. 75 - Stormwater Improvements.pdf](#)

This matter was discussed during a Finance Committee Meeting held at 4:00 p.m. prior to this meeting.

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

Approved contract with Yates Construction Company in the amount of \$334,924.00 for stormwater improvements for Asbill Avenue, Barbee Avenue and Rockbridge Road.

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

PUBLIC SAFETY COMMITTEE & COMMUNITY DEVELOPMENT COMMITTEE

[120126](#)

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 813 Woodbury Street belonging to Velveteen Reed.

Attachments: [813 Woodbury St - Vacate Close.pdf](#)

The property owner was not present for this hearing.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 813 Woodbury Street.

Ordinance No. 6921/12-38 Introduced 5/21/2012

Adopted 5/21/2012

Ordinance Book, Volume XVII, Page 112

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

[120135](#)

Council is requested to adopt a resolution urging the Guilford County Commissioners to review and support Piedmont Triad Ambulance and Rescue (PTAR).

Attachments: [2. Resolution - GCC - PTAR.pdf](#)
[County Commissioners - PTAR - Mayor Letter.pdf](#)
[PTAR signed resolution.pdf](#)
[Guilford County Commissioners - PTAR.pdf](#)

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

Adopted Resolution urging Guilford County Commissioners to review and support Piedmont Triad Ambulance and Rescue (PTAR). Mayor Smothers instructed the City Clerk to send the adopted resolution including all attachments to the County Manager and Commissioners.

Resolution No. 1232/12-33 Introduced 5/21/2012
Adopted 5/21/2012
Resolution Book, Volume XVII, Page 83

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

Pending Items

120032

Ordinance - Demolition of Structure - 1315 Vernon Place

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1315 Vernon Place belonging to David L and Minnie L. Terry.

Attachments: [Demolition Ordinance - 1315 Vernon Place.pdf](#)

Council Member Sims asked for an update on this housing case. Staff reported that to date no permits have been requested and no work has been done on this property; however, they will continue to monitor to see if the owner will meet the August deadline.

Council Member Whitley requested a follow-up with the owner before the June 4th City Council and if nothing has been done Council will take action at that meeting.

PLANNING, EDC & INFORMATION TECHNOLOGY COMMITTEE

120120

Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 18, 2012 at 5:30 p.m. to consider a request to abandon unnamed alleys located north of Pine Street and south of Elm Street, between Gatewood Avenue and Church Avenue.

Attachments: [01. ROI SA12-04.pdf](#)

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

Adopted Resolution of Intent establishing public hearing date to consider Street

Abandonment 12-04.

Resolution No. 1233/12-34 Introduced 5/21/2012

Adopted 5/21/2012

Resolution Book, Volume XVII, Page 84

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

[120121](#)

Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 18, 2012, at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 3.46 acres. The area to be annexed is lying along the north side of Sandy Ridge Road, approximately 740 feet east of Squire Davis Road, and is also known as Guilford County Tax Parcel 0169235.

Attachments: [02. ROI ANX12-03.pdf](#)

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

Adopted Resolution of Intent establishing public hearing date for Voluntary Contiguous Annexation request 12-03.

Resolution No. 1234/12-35 Introduced 5/21/2012

Adopted 5/21/2012

Resolution Book, Volume XVII, Page 85

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

[120122](#)

Appeal of the Urban Forestry Committee's decision to not remove two trees located on city controlled right-of-way.

Attachments: [03. Urban Forestry Committee Appeal.pdf](#)

Andy Piper of Planning and Development and a member of the city's Urban Forestry Committee, gave a brief overview of the staff report for the Urban Forestry Committee Appeal. Ms. Karen Robinette, who resides at 623 W. Lexington Avenue, filed an appeal of a decision made at the Urban Forestry Committee's April 10, 2012 meeting to not remove two willow oak trees located on city controlled property in front of her home. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]. The city has replaced and moved the water meter to another location at the city's expense (\$980.00).

Council Member Pugh reported that he had personally visited Ms. Robinette's property and noted that although the beautiful trees do appear to have some life left in them, he wanted to know how the city is going to handle the damage to her driveway that has been caused by the trees. Mr. Piper replied that the Urban Forestry Committee did basically say that it would be okay for her to go

ahead and cut the roots that are damaging her driveway and impacting her water line, but only to the extent necessary to fix the problems and they would continue to monitor the trees.

Several Council Members expressed concerns regarding the tree dying after the roots are cut. Mr. Piper reiterated that this is the reason it would be placed on the watch list and monitored so they could take the next step at that point should it be necessary. Mayor Smothers noted there was a recommendation that the plumber could burrow or tunnel under the sidewalk to connect to the new water meter. Council Member Whitley asked where the meter was moved to and staff replied that it was relocated between the two trees. Council Members Whitley and Pugh agreed that it would be more appropriate to have moved the water meter in the yard.

Chris Thompson, Director of Public Services, explained the reasoning behind the location chosen for the water meter and noted they put the new ones in where the old water meters run and this is typically within the city's utility strip within the right-of-way. He pointed out that it is very common for plumbers to go back and maintain lines on the customers side of the meter even when they are in the utility strip and they commonly go underneath the sidewalk. He informed Council that it is also very common for multiple leaks to continue to happen and recommended the property owner possibly replace the existing galvanized pipes due to the age of the home.

At this time, Ms. Robinette was afforded an opportunity to address Council. She noted that she has lived at this location for the past 26 years and the water leaks have been an on-going problem. She has had five major water leaks since 2007. Ms. Robinette informed Council that earlier this month, she had an arborist from Davis Tree Company tell her that the trees have outgrown the area for an urban setting and determined that one of the trees is damaged. She was told by the arborist that cutting the roots would cause stress to the trees likely causing them to die and she is not willing to take that risk since she cannot get written approval that she would not be liable for either the sidewalk or the trees.

Council Member Pugh asked Ms. Robinette how much money she has spent to date on this problem. Ms. Robinette replied in the thousands of dollars and pointed out the leaks have caused increases in her monthly utility bills as well. Mayor Smothers asked for clarification of Ms. Robinette's liability and Ms. Robinette noted last fall, a staff member told her plumber that if he damaged the roots she would be liable for the health of the trees so that is the reason she is asking for dismissal of any liability. She also explained that she did not want to continue making repairs only to come in and have the trees uprooted, stumps ground because this could possibly cause another problem with the pipes that she will need to address in the future.

Council Member Henley inquired about the city's liability since the city owns the trees located in the right-of-way and if the city would have the legal

responsibility for repairing any damage caused by the roots. Assistant City JoAnne Carlyle explained this would not necessarily be the case and noted Ms. Robinette is appealing it because it is an open question. She pointed out that Ms. Robinette's concerns possibly involve the replacement of the trees as well as any other damage that might occur that she would be responsible for so she is asking for a release from any liability associated with the trees.

A discussion followed regarding the replacement of the trees if the trees are removed from the right-of-way. Mr. Piper explained that typically tree removal requests go before the Urban Forestry Committee and they agree, then the homeowner or applicant is responsible for replacing the trees. He noted that Ms. Robinette did as that the city replace the trees.

Council Member Sims stated she is in agreement that the trees have outgrown the area and felt the city should go ahead and remove the trees so Ms. Robinette can proceed by resolving the issues with the water leaks, sidewalk and driveway because these issues would continue to resurface unless the trees are removed.

At this time, Council Member Sims made a motion that for the city to remove the trees (at the city's expense) with the homeowner being responsible for the expense of making the necessary connections and repairs. Council Member Whitley made a second to the motion.

For further discussion, Mayor Smothers pointed out it was important to realize that the staff analysis is based on the ordinance and it was determined that the trees had not outgrown their space. She asked if Council was going to overrule staff and the Urban Forestry Committee's recommendation. Council Member Pugh reiterated his concerns that Ms. Robinette has already absorbed a lot of expense and the problems continue to cause damage. Discussion followed regarding whether or not the roots would be ground down when the trees are removed. Mr. Piper clarified that standard procedure would be to grind the stumps to below the ground. There being no further discussion, the Mayor called for a vote on the motion. The motion carried unanimously. [9-0 vote]

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

MISCELLANEOUS

120136

Council is requested to confirm the appointment of Mr. Don W. Webb to the Piedmont Triad Airport Authority to replace Dr. Earl Barbour who is not eligible for reappointment. Appointment to be effective immediately and will expire April 20, 2015.

Attachments: [WEBB Don 2012.pdf](#)

Since this matter did not originally appear on today's agenda,

motion was made by Council Member Alexander, seconded by Council Member Sims to suspend the rules so it could be placed on the agenda for consideration. The motion carried unanimously.

A motion was made by Council Member Alexander, seconded by Council Member Whitley to appoint Mr. Don Webb to the Piedmont Triad Airport Authority to replace Dr. Earl Barbour who has served three terms and is not eligible for reappointment.

A substitution motion was made by Council Member A.B. Henley, seconded by Council Member Mike Pugh to appoint Mr. Maurice Hull to fill this vacancy. The substitute motion failed on a 2-7 vote as follows:

Votes: Aye: Council Member A.B. Henley and Council Member Pugh

Nay: Mayor Smothers, Mayor Pro Tem Whitley, Council Member Alexander,
Council Member Moore, Council Member Sims,
Council Member Douglas and Council Member Corey

Confirmed the appointment of Don Webb to the Piedmont Triad Airport Authority with appointment effective immediately. Term will expire April 20, 2015. A letter will be sent to Dr. Barbour expressing appreciation for his service for the past nine years.

A motion was made by Council Member Alexander, seconded by Mayor Pro Tem Whitley, that this matter be approved. The motion carried by the following 7-2 vote:

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

Nay: Council Member Pugh and Council Member Henley

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

Aye: 7 - Christopher Whitley, Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, and James Corey

Nay: 2 - Michael Pugh, and A.B. Henley

PUBLIC HEARINGS ON ITEMS

Planning, EDC & Information Technology Committee

120123

A request by the Greensboro Chinese Christian Church to consider a voluntary contiguous annexation of approximately 11.18 acres. The area to be annexed is lying along the south side of Hickwood Road, approximately 1,100 feet east of Deep River Road. The property is addressed as 1910 Hickwood Road, and also known as Guilford County Tax Parcel 0193150.

Attachments: [04. ANX12-02 Staff Report.pdf](#)

Mr. Herb Shannon, Senior Planner, presented the staff report to City Council on this annexation request.

Mr. Alan Lowe, representing the Greensboro Chinese Christian Church, appeared before Council to answer any questions. He stated that at this time the church does not have completed plans for this property or the structures on the land.

The Committee recommended that this item be placed on Thursday's agenda with a favorable recommendation.

Adopted Ordinance approving Annexation Request 12-02.

Ordinance No. 6922/12-39 Introduced 5/12/2012

Adopted 5/21/2012

Ordinance Book, Volume XVII, Page 113

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

Aye: 8 - Christopher Whitley, Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, and James Corey

Nay: 1 - A.B. Henley

120124

A request by the Technical Review Committee to abandon a portion of Bellevue Drive and Old Winston Road abutting 930 Old Winston Road (HP Fire Station #4) and 1003 Northside Court.

Attachments: [05 Staff Report SA12-02.pdf](#)

Herb Shannon, Senior Planner, presented the staff report to City Council on this street abandonment request.

No one appeared in opposition to this matter.

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

Adopted Resolution approving Street Abandonment 12-02 with the retention of public utility easements.

Resolution No. 1235/12-36 Introduced 5/21/2012

Adopted 5/21/2012

Resolution Book, Volume XVII, Page 86

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

120125

A request by the Technical Review Committee to abandon a portion of King Road (unimproved) located between East Springfield Road and Brentwood Street.

Attachments: [06. Staff Report SA12-03.pdf](#)

Herb Shannon, Senior Planner, presented the staff report to City Council on this street abandonment request.

No one appeared in opposition to this matter.

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

Adopted Resolution approving Street Abandonment 12-03 with the retention of public utility easements.

Resolution No. 1236/12-37 Introduced 5/21/2012

Adopted 5/21/2012

Resolution Book, Volume XVII, Page 87

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:55 p.m. until Thursday, May 24th at 9:00 a.m. for the budget work session.