City of High Point

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

Meeting Minutes

Monday, May 18, 2009

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Mayor Smothers led the invocation; the Pledge of Allegiance followed.

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

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

Finance Committee Meeting; Monday, May 4th @ 3:30 p.m.
Combined Meeting; Monday, May 4th @ 4:45/5:30 p.m.
Planning & Development Committee; Tuesday, May 5th @ 2:30 p.m.
Manager's Briefing; Tuesday, May 5th @ 4:00 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 Whitley seconded by Council Member Faircloth 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 Blakeney was absent]**

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

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

PRESENTATION OF THE 2009-2010 ANNUAL BUDGET - CITY MANAGER

City Manager Strib Boynton presented the 2009-2010 Proposed Budget to Council. He pointed out the proposed budget was nearly $4 million below the current budget and was prepared by staff with an eye both at 2009-2010, but looking ahead to 2010-2011 when the accumulative impact and slow down of the economy will make its impact. Mr. Boynton also advised Council to be prepared for the city's fund balance to drop below the LGC's minimum 8% guideline and below the city's policy of 10%. The proposed budget was balanced with no property tax rate increase; a 4% electrical retail rate to be effective July 1st corresponding to a 4$ wholesale rate increase at the same time; a 4.9% water/sewer rate increase for January of 2010 directly attributable to the cost of the first phase to expand the Westside Wastewater Plant as well as the money necessary to finance the Randleman waterline and storage facilities and other related improvements. Mr. Boynton also shared that more than $9 million in historically shared monies from the State of North Carolina and Guilford County would be at risk in the coming budget.

Budget Review Schedule

Mayor Smothers called Council's attention to the proposed schedule for budget reviews to discuss the budget. By acclamation, Council accepted the schedule as presented. Said schedule will be posted accordingly.

Mr. Boynton noted the proposed budget would be on file for public inspection at City Hall, on the city's website as well as the Library and Chamber of Commerce.

Council Member Whitley reiterated some of the statements he made earlier during the Finance committee meeting. He asked Council to keep in mind the anticipated reduction in the fund balance and for any increase in projects or programs not in the budget, Council would have to consider what programs/projects could be removed. He pointed out that it was now Council's responsibility for making changes or reductions where needed.

PRESENTATION OF ITEMS

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

(all were present)

Contract - Bid No. 48 - Chemicals for Water & Wastewater Treatment Plants

090103 Approval of contract awarding Bid No. 48 for the purchase of Chemicals for Water & Wastewater Treatment Plants. Purchasing and the Public Services Department recommends that contract be awarded to various vendors who are the lowest responsible and responsive bidders meeting specifications for a total award of $374,208.95.

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 bid for the purchase of chemicals for the Water and Wastewater Treatment Plants awarding the contracts to the various vendors who are the lowest responsible and responsive bidders meeting specifications for a total award of $374,208.95.

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

Contract - Bid No. 49 - Polymer for Eastside Wastewater Treatment Plant

090104 Approval of contract awarding Bid No. 49 for the purchase of Polymer for Eastside Wastewater Treatment Plant. Purchasing and the Public Services Department recommends that contract be awarded to Polydyne in the amount of $276,000.00 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 bid for the purchase of polymer for the Eastside Wastewater Treatment Plant awarding the contract to Polydyne in the amount of $276,000 which is the lowest responsible and responsive bidder meeting specifications.

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

Contract - Bid No. 1281 - Dry Transformers for the Electric Department

090105 Approval of contract for Bid No. 1281 for the purchase of three dry type transformers for the Electric Department. Purchasing and the Electric Department recommends that contact be awarded to Irby Company in the amount of $131,127.37 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 bid awarding the contract in the amount of $131,127.37 to Irby Company for the purchase of three dry-type transformers for the Electric Department.

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

Contract - Bid No. - Tub Grinder For Ingleside Compost Facility

090106 Approval of contract awarding Bid No.45 for the purchase of a Tub Grinder for the Ingleside Compost Facility. Purchasing and the Public Services Department recommends that contract be awarded to Morbark, Inc. in the amount of $655,437.27 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 bid awarding the contract for the purchase of a Tub Grinder for the Ingleside Compost Facility to Morbark, Inc. in the amount of $655,437.27 which is the lowest responsible and responsive bidder meeting specifications.

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

Resolution - NCMPA1 Energy Star Home Rebate Program

090107 Adoption of a resolution supporting the NCMPA1 Energy Star Home Rebate 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 approval.

Adopted resolution supporting the NCMPA1 Energy Star Home Rebate Program.

Resolution No. 1515/09-43 Introduced 05/18/09
Adopted 05/18/09
Resolution Book Volume XVI, Page 157

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

Condemnation Proceedings - 1011 Charlotte Avenue - Charlotte Avenue Storm Water Project

090108 Council is requested to authorize the City Attorney's office to proceed with the condemnation proceedings on property located at 1011 Charlotte Avenue belonging to Wayne Howard, ut ex. This condemnation is necessary for the Charlotte Avenue Storm Water project.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting with a recommendation to send it to the City Council with a favorable recommendation.

Chairman Whitley asked if there was anyone present who would like to comment regarding these condemnation proceedings.

Mr. James Howard, speaking on behalf and representing his father, Wayne Howard who is the owner of the property, addressed Council. Mr. J. Howard asked the City Council to consider the impact that the eminent domain will have on the citizenry. He stated the city has approached his father to basically seize his property to put in a drain water run-off through his property. He felt the amount offered by the city for his father's property was "woefully below market value" and appealed to Council for *consideration of another option as to not have such an adverse effect on his father's property. He suggested the drain could run through the property to the east. Mr. J. Howard explained that his father owns several homes in High Point that he uses as a source of income in his retirement and the city's offer falls short of what they feel is fair and reasonable. Chairman Whitley asked Mr. Howard if they had obtained their own appraisal from an independent company. Mr. J. Howard replied that they have not, but they are prepared to do so.*

The property owner, Mr. Wayne Howard, pointed out the problem has been there since late 1950 and he couldn't figure the exact cause or if there's even a problem. He stated he was satisfied with it just the way it is because it's been like that for the past 30 years. Mr. J. Howard expressed concerns with the method used for calculating the value. Although the county's assessed value for the property is $60,700, his father felt it should be more in line with the actual replacement value plus the price of the lot. Council Member Pugh mentioned the possibility of a property exchange and if that might possibly help them out of the situation and Mr. W. Howard stated he could not do a property exchange taking into consideration the price that he was offered for his property and the fact that this property is at a prime location. Mr. J. Howard explained that the tenant has actually been there for 15 years and they have never really raised the rent which is $550 per month. They also own other properties in other areas in the city with the same floor plan that are rented in the range of $650 to $750 per month.

Mayor Smothers explained that Mr. Howard's property on Charlotte Avenue was studied because of the storm water problem and asked Richard McMillan, Asst. Director of Public Services, to describe some of the engineering constraints involved in the project. Mr. McMillan explained that when these houses were built in the 1950's, they were built in a low area and because it was a natural drain D.O.T. put in the culvert. Later on the home builders and property owners put in a home-builder made system that was woefully undersized causing it to collapse over the years which was the cause of Mr. Howard's property along with the property immediately upstream being flooded on numerous occasions. He noted that the city tries to make all attempts to leave properties in place, but in this certain situation it would cost a tremendous amount of money to pipe around this property. At this time, Mr. J. Howard stated he would be interested in looking at the data (i.e. rainfall, topo maps, etc...) that show what type of water runs in from College Village and asked what year flood was used to calculate this. Mr. McMillan noted it was for a 10-year event.

Council Member Sims asked if any consideration is given when property is being condemned that's income producing. City Attorney Fred Baggett explained that although the city uses a certified appraiser to come up with the figure, he would be glad to consider other information from a qualified appraiser as well, should the property owner provide another certified appraisal.

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 condemnation proceedings on the property located at 1011 Charlotte Avenue belonging to Wayne Howard, ut. ex. for the Charlotte Avenue Storm Water project.

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

Condemnation Proceedings - 806 Old Winston Road - Old Winston Road Improvement Project

090109 Council is requested to authorize the City Attorney's office to proceed with condemnation proceedings on property located at 806 Old Winston Road belonging to Wayne J. Howard, ut ex. This condemnation is necessary for the Old Winston Road Improvement 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 the property located at 806 Old Winston Road belonging to Wayne J. Howard, ut ex for the Old Winston Road Improvement project.

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

Airport Connector Contracts

090120 Council is requested to approve the contract with HNTB for the Airport Connector contract.

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 HNTB for the Airport Connector contract.

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

Pending Items

Revised Economic Incentive Policy

090050 Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

***This matter remains pending in the Finance Committee. Action was taken to place it on the pending list on March 5, 2009*.**

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair
Committee Members: Douglas, Pugh and Alexander

(all were present)

Ordinance - Demolition of Structure - 618 Cable Street

090110 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of structure located at 618 Cable Street belonging to Teresa A. Thomas.

Chairman Faircloth asked Katherine Bossi, Local Codes Enforcement Supervisor, to update Council on this matter.

Ms. Bossi reported that staff conducted the most recent inspection on this property December 16, 2008 and three unsafe violations were cited at that time: no heat, no smoke detectors, and the exit off the back of the house at the stairway was very unstable. Additionally 44 minor violations were found. A hearing was scheduled for January 7, 2009, but the property owner did not appear. At that time, an order to repair or demolish was issued with a 90-day order with a compliance date of April 21st. Ms. Bossi reminded Council this was the housing case where the property owner was out of town and the son appeared before Council on his mother's behalf and and asked for additional time so his mother could make the necessary repairs upon her return to High Point. At that time, a vacate or close ordinance was adopted and the structure has been vacant, kept closed and clear of grass and debris since that time. Staff made another inspection on the property and started the next process which is the current repair or demolish order that's presently under consideration by Council at this time. Ms. Bossi reported that conditions still exist and the Guilford County tax value is $8,600 with estimated repairs at $17,475 to bring the structure into compliance. She informed Council that a building permit was drawn by the property owner on May 7th.

The property owner, Teresa Thomas, who resides at 1300 E. Commerce addressed Council. She explained that she has been gone for almost two years and returned to High Point on December 29, 2008 and since that time she has obtained a job and working trying to get everything done to the house. She noted the major thing that's needed at this point is the electrical and asked if she could have 45-60 more days to get it done. She pointed out that all the debris has since been cleaned up and she continues to keep the grass mowed and the yard clean.

Chairman Faircloth asked Ms. Thomas if the structure has been secured all this time and she replied in the affirmative. He asked staff about the options available to Ms. Thomas for Council to work with her and Ms. Bossi suggested the following:

1. Council could choose to grant an extension by putting it in pending for 30 days and have staff come back with a progress report, or

2. Council could choose to adopt the ordinance to demolish giving the property owner an additional 30-60 days

Council Member Pugh expressed concerns about the amount of money that has to be put into the house and asked Ms. Thomas if she was going to have the money to make the necessary repairs to bring it into compliance. Mayor Smothers agreed with Council Member Pugh and noted she would feel more comfortable giving Ms. Thomas 30 days with an inspection done and a report back from staff so Ms. Thomas would be clear on what specifically needs to be done.

Ms. Bossi informed Council that basically most of the debris has been removed, but this is all that has been done at this point unless some additional repairs have been made in the last week and a half.

Council Member Douglas asked Ms. Thomas if she was aware of the problems Council has with houses that are left in the community unattended and the effect it has on the neighborhoods. Ms. Thomas replied that she does keep her property clean by keeping the grass low and that it looks good.

Chairman Faircloth suggested this matter be placed in pending for 30 days at which time staff will report back to Council. He informed Ms. Thomas that this was not an intent on Council's part to just give her additional time, but there was an expectation that repairs be done along the way so progress would be noted in staff's report. Mayor Smothers felt it would be important for staff to get an inspection done this week so Ms. Thomas would know what to expect before the 30 days is up.

The Committee recommended this matter be placed in pending for 30 days at which time staff would report back to Council on the status. Matter due back on or around June 18, 2009.

A motion was made by Member Faircloth, seconded by Council Member Douglas, that this matter be postponed to the Public Safety Committee, due back on June 18, 2009. The motion carried unanimously.

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

090111 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 309 Park Street belonging to Anthony J. Pearson.

Katherine Bossi, Local Codes Enforcement Supervisor, updated Council regarding this housing case. The matter was brought to staff's attention after the police department received a complaint regarding conditions of the dwelling which at the time was being used as a boarding house. Staff made an inspection on December 30, 2008. At that time, there were three unsafe violations: no smoke detectors; loose electrical panel; and no heat. Additionally there were 54 other minor violations noted. A hearing was held on January 21, 2009 at which time the structure was determined to be substandard. Since the property owner was not present at the hearing, staff issued a

90-day order to repair or demolish with a compliance date of May 8, 2009. Staff performed an inspection today prior to the meeting and noted the property owner has corrected about 12 of the minor violations, but the others are still outstanding. The Guilford County tax value is $23,500 with staff's estimated repairs at $25,900.

Chairman Faircloth asked if it was being used as a boarding house at the time it was inspected. Ms. Bossi replied in the affirmative and noted tenants were still living in the structure. Council Member Sims pointed out the discrepancy in the staff report that says the structure is vacant and Ms. Bossi explained it was a typo and confirmed that the structure was still occupied. Council Member Alexander asked if the repairs that have been done have been done according to code. Ms. Bossi replied that some have been while others have not been. Council expressed concerns that the tenants were allowed to stay in the structure without smoke detectors.

Chairman Faircloth asked the property owner to provide additional information to Council.

Anthony Pearson, 2605 Central Avenue, explained he had some hard-wired smoke detectors in this property, but evidently the inspector didn't see them when he was there. He noted he did take some siding off the back of the house to put on the front of the house and he just hasn't had time to paint the house yet.

Mayor Smothers asked if it was still being used as a boarding house. Mr. Pearson informed Council that he rents to one individual who has two roommates (three individuals are living in the house at this time).

Council Member Pugh expressed concerns about the exposed wiring next to the electrical panel and noted this was a really bad hazard could set the house on fire. Mr. Pearson pointed out that the original sheet given to him by the inspectors didn't have anything on it about the wiring so he wasn't aware there was a problem. The Mayor asked Mr. Pearson about how long he has been renting to the current tenant and he replied about four months. Mr. Pearson pointed out that he initially had problems with the Police Department, but since then the issues have been cleared up.

Council Member Alexander expressed concerns that there was no heat in the house and felt like that was a major issue. Mr. Pearson explained that he has a working furnace sitting in the floor, but just hasn't installed it yet.

Council Member Douglas informed Mr. Pearson that he could not continue pulling from one part of the house to fix another part and that he needed to get the repairs done. Council Member Sims agreed and noted the issue is that Mr. Pearson has not painted the house and the fact that the tenants went through the whole winter without heat doesn't help.

Council Member Alexander stated he would enthusiastically support the order to demolish since Mr. Pearson did not seem to have any compassion for his tenants citing no heat during a cold winter, numerous electrical and unsafe issues and no smoke detectors. He pointed out this was income producing property for Mr. Pearson and he continues to put peoples lives at risk for his income. Mr. Pearson begged to differ on this point. Chairman Faircloth explained that Council was not finding fault with Mr. Pearson for renting his property, but that the conditions that exist create a very dangerous environment for his tenants.

At this time, Chairman Faircloth moved to adopt the ordinance to demolish. Council Member Alexander made a second.

For further discussion, Council Member Pugh felt the house should be vacated due to it being unsafe. Ms. Bossi agreed that conditions were unsafe which would warrant the structure to be vacated and noted this could be included with the order to demolish.

Chairman Faircloth agreed and amended his motion to include vacating the premises. Council Member Alexander suggested the premises be vacated within seven days. Lee Burnette, Director of Planning and Development, explained an order to vacate comes with an order to demolish and the Mayor expressed concerns about the personal safety of the tenants and noted that could take up to 30 days. Ms. Bossi noted that since the dwelling is currently occupied, if the order is adopted by Council, they would contact Community Development so that they're aware of the situation to see if the tenants can take advantage of relocation assistance. City Attorney Fred Baggett suggested Council should make the vacating order along the same time frame as the demolition.

Mr. Pearson pleaded to the City Council for an additional 60 days to get the repairs completed. Mayor Smothers asked if there was a substitute motion for 60 days. There being no substitute motion, she called for a vote on the original motion for adoption of the ordinance to demolish and the ordinance to vacate and close. The motion carried unanimously.

Ordinance No. 6619/09-19 (V/C) Introduced 05/18/09
Adopted 05/18/09
Ordinance Book Volume XVI, Page 104

Ordinance No. 6620/09-20 (Demo) Introduced 05/18/09
Adopted 05/18/09
Ordinance Book Volume XVI, Page 105

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

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present except Blakeney)

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

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Blakeney, Pugh, Sims and Faircloth

(all were present except Blakeney)

Second Reading - WCA of High Point, LLC - Modification of a Franchise for a Sanitary Landfill

090121 Monday, May 18th is the scheduled date for the second reading on an application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill in High Point.

The public hearing and 1st reading was held on Monday, May 4, 2009 at 5:30 p.m. for this Modification of a Franchise for a Sanitary Landfill as requested by WCA of High Point, LLC. at which time it was approved at the 1st reading.

Chairman Bencini asked if there were any comments/questions. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted the Ordinance modifying the Sanitary Landfill Franchise as requested by WCA of High Point, LLC.

Ordinance No. 6622/09-22 Introduced 05/04/09
Adopted 05/18/09
Ordinance Book Volume XVI, Page 107

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

Resolution of Intent - Street Abandonment 09-12

090112 Approval of a resolution of intent that establishes a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as Hicks Place, lying north of the intersection of W. State Avenue and Hicks Place.

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

Adopted Resolution of Intent establishing a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as Hicks Place, lying north of the intersection of W. State Avenue and Hicks Place.

Resolution No. 1516/09-44 Introduced 05/18/09
Adopted 05/18/09
Ordinance Book Volume XVI, Page 158

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

Resolution of Intent - Street Abandonment 09-13

090113 Approval of a resolution of intent that establishes a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

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

Adopted Resolution of intent establishing a public hearing date of June 15, 2009 at 5:30 p.m. to consider a request to close an unimproved portion of a right-of-way known as W. Dayton Avenue, lying west of the intersection of Long Street and W. Dayton Avenue.

Resolution No. 1517/09-45 **Introduced 05/18/09**
Adopted 05/18/09
Resolution Book Volume XVI, Page 159

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

Planning & Zoning Member Attendance - Jay Wagner

090114 Consideration of the re-instatement of Jay Wagner as a full voting member of the Planning & Zoning Commission.

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

Approved the re-instatement of Jay Wagner as a full voting member of the Planning & Zoning Commission.

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

Appointment: Citizens Advisory Council

090122 Council is requested to confirm the appointment of Jerry Mingo [Mayor's At-Large appointment] to the Citizens Advisory Council. Appointment to be effective immediately and will expire 5/31/2010.

Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Alexander, seconded by Council Member Sims to suspend the rules relative to placing it on tonight's Agenda for consideration. The motion carried unanimously.

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

Approved/confirmed the appointment of Jerry Mingo to the Citizens Advisory Council as the Mayor's At-Large appointment. Appointment effective immediately and will expire 5/31/2010.

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

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

Planning & Development Committee

Ordinance - Text Amendment 09-03 - CHP - "Environmental Regulations"

090115 A request by the Planning & Development Department to amend portions of Chapter 7 of the Development Ordinance, entitled "Environmental Regulations" in order to include the Lake Thom-a-Lex Watershed in the Watershed Protection ordinance; exemptions from Watershed Regulations; and Watershed Modifications.

The public hearing for this matter was held on Monday, May 18, 2009 at 5:30 p.m.

Gregg Morris 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]

Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to this text amendment request. There being none, 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.

Adopted ordinance amending portions of Chapter 7 of the Development Ordinance, entitled "Environmental Regulations" in order to include the Lake Thom-a-Lex Watershed in the Watershed Protection Ordinance; exemptions from Watershed Regulations; and Watershed Modifications.

Ordinance No. 6621/09-21 Introduced 05/18/09
Adopted 05/18/09
Ordinance Book Volume XVI, Page 106

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

Ordinance - Text Amendment 09-04 - CHP - re Family Care Homes

090116 A request by the Planning & Development Committee to amend Table 4-5-1 “Permitted Use Schedule” and Section 9-5-2 “Development Standards for Individual Uses” of the Development Ordinance pertaining to Family Care Homes.

The public hearing for this matter was held on Monday, May 18, 2009 at 5:30 p.m.

Bob Robbins of Planning and Development presented an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Council Member Alexander inquired as to if this ordinance would also cover the city's ETJ area and Mr. Robbins explained that it would because the city has zoning control in these areas. Mayor Smothers noted that although she understands the basis for requests and recommendations, she could not support it because she felt the 1/4 mile could load up a subdivision. Chairman Bencini explained that concerns were voiced when this matter was discussed in Committee and upon the advisement of the city attorney decided to go with the 1/4 mile because there would less likely be a problem. City Attorney Fred Baggett explained that really both could be a problem, but the 1/4 mile is to some unknown extent a little safer and explained the federal government has gone after some ordinances with some rather relaxed distance standards like a 1/4 mile, so it does not insulate the city if Council chooses the 1/4 mile, but would make for a better case. The Mayor pointed out the very fact that there would be 19 non-conforming situations shows there is some clustering. Council Member Faircloth pointed out that a lot of that is driven my market prices that people would pay for a structure of such and to a great extent, he felt it was unfair to lower income neighborhoods to have the smaller area because it would drive more concentration there. He expressed support for the 1/2 mile.

Council Member Sims explained there was a lot of discussion back and forth in committee on the 1/4 mile versus the 1/2 mile. She noted that although the 1/2 mile would probably be a little more restrictive, she was not willing to gamble with the fair housing laws when and if it comes down to doing a test case. She was uncertain as to why some would want it to be more restrictive while she understands the concern that people have about these types of houses in neighborhoods, but felt a 1/4 mile would take care of the situation. Council Member Whitley commented that the 1/4 mile did not resolve an issue he had in his neighborhood off of Oakview Road.

Council Member Alexander expressed support for the 1/4 mile and felt if something had been in place long ago, there wouldn't be so many non-conforming situations. Council Member Faircloth felt the number of non- conforming situations mentioned would show that to go with the 1/4 mile would make it difficult to go to a 1/2 mile later, but it could be done the other way around.

At this time, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak in support of or in opposition to this request. There being none, the public hearing was declared closed.

Prior to a decision being rendered on this request, Mr. Baggett advised Council to start the process again should Council decide to go with the 1/2 mile. He noted that although the restriction itself is identical, the geographic area and the number of properties affected or potentially affected would be greater.

Council Member Alexander moved approval of Text Amendment 09-04 for a 1/4 mile. Council Member Sims made a second to the motion.

The Mayor called for a vote on the motion. The motion failed by a 3-5 vote as follows:

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

Council Member Faircloth then moved to direct staff to look at the 1/2 mile. Council Member Bencini made a second. The motion carried by a 7-1 vote as follows:

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

A motion was made by Council Member Alexander, seconded by Council Member Sims, that this matter be denied. The motion failed by the following vote:

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

Resolution - Street Abandonment 09-09 - CHP

090117 A request by the Technical Review Committee to abandon a portion of right-of-way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.

Bob Robbins 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]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-09, the public hearing was closed.

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

Adopted resolution authorizing the abandonment of a portion of right-of-way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

Resolution No. 1518/09-46 Introduced 05/18/09
Adopted 05/18/09
Resolution Book Volume XVI, Page 160

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

Resolution - Street Abandonment 09-10 - CHP

090118 A request by the Technical Review Committee to abandon an unnamed right-of-way, lying south of West Market Center Drive, between Prospect Street and Starr Drive.

The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.

Bob Robbins 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]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-10 the public hearing was closed.

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

Adopted the resolution authorizing the abandonment of an unnamed right-of-way lying south of West Market Center Drive between Prospect Street and Starr Drive.

Resolution No. 1519/09-47 Introduced 05/18/09
Adopted 05/18/09
Resolution Book Volume XVI, Page 161

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

Resolution - Street Abandonment 09-11 - CHP

090119 A request by the Technical Review Committee to abandon an unimproved and unnamed right-of-way, lying north of Baker Road, between Cox Avenue and Ethel Avenue.

The public hearing regarding this matter was held on Monday, May 18, 2009 at 5:30 p.m.

Bob Robbins 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]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments. There being no one present to speak for or against the request for Street Abandonment 09-11 the public hearing was closed.

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

Adopted the resolution authorizing the abandonment of an unnamed right-of-way lying north of Baker Road between Cox Avenue and Ethel Avenue.

Resolution No. 1520/09-48 Introduced 05/18/09
Adopted 05/18/09
Resolution Book Volume XVI, Page 162

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

For Information Only:

Proclamation: High Point's Sesquicentennial Celebration
Mayor Smothers issued a Proclamation commemorating High Point's Sesquicentennial celebration urging all High Point residents and corporate citizens to learn more about the city's history and how 150 years of tradition, progress and vision will lead us in the future.

Proclamation: National Public Works Week
Mayor Smothers read the proclamation into the record proclaiming the week of May 17-23 as "National Public Works Week."

Special Recognition: Robert S. Hopson Award/H.W. Kueffner Award
Keith Pugh, Director of Engineering Services, representing the American Public Works Association (APWA), recognized two City of High Point employees chosen to receive the N.C. Chapter Awards. This award program is designed to recognize unsung heroes who exemplify the Public Works professionals ideals. Official award presentations will be made in Greenville, North Carolina during the State Chapter Conference on June 17, 2009.

The first award, the Robert S. Hopson Award, is presented annually to a municipal employee who demonstrates outstanding customer service in a supervisory role. Mr. Terry Wayne Mitchell, Sanitation Supervisor in the Environmental Services Division, will be this year's recipient. While Mr. Mitchell was not present, Mr. Pugh shared that he was selected for the award because of his assistance in removing a deer carcass that was floating in a lake that eventually feeds into the city's water supply system.

The H. W. Kueffner award is presented annually to a municipal employee who demonstrates outstanding customer service (in a non-supervisory role). This year's winning nominee is Tracy Adams, a buyer in the Financial Services Department. Ms. Adams was chosen for her can-do attitude and willingness to assist customers well beyond what her job description requires.

Chris Thompson, Director of Public Services, thanked the Mayor, City Council and city staff for their support. He noted the interaction staff has across the state with its peers is very good and helps in solving problems in the community.

Mayor Smothers extended accolades for the city staff and commented that the input the Metropolitan Mayor's Coalition as well as the N.C. League staff has received from High Point particularly from the Public Services and Transportation Department has been invaluable in actually being able to tell the Legislature the possible impacts to the local community regarding some of the bills being considered.

ADJOURNMENT

There being no further business to come before Council at this time, the meeting was adjourned until 3:00 p.m. on Wednesday, May 19th upon motion duly made and seconded.

Respectfully Submitted,

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Attest:

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Lisa B. Vierling, MMC
City Clerk