

City of High Point

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



Meeting Minutes

Monday, May 4, 2009

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

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, April 20th @ 3:30 p.m.

Combined Meeting; Monday, April 20th @ 4:45/5:30 p.m.

Manager's Briefing; Tuesday, April 21st @ 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 Alexander seconded by Council Member Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Douglas was excused from the meeting right after the public comment period]**

Motion was then made by Council Member Sims, seconded by Council Member Whitley that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Douglas was excused from the meeting right after the public comment period]

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

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair
Committee Members: Bencini, Douglas and Alexander**

(all were present)

Contract - Bid No. 37 - Water Transmission Line - HWY 62**090095**

Approval of contract awarding Bid No. 37 for the construction of the Water Transmission Line - Hwy. 62. Purchasing and Public Services recommends that contract be awarded to Triangle Grading & Paving in the amount of \$3,373,416.50 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.

It was noted that this bid came in at \$3 million lower than the projected estimates.

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

Approved contract with Triangle Grading & Paving for the Highway 62 Water Transmission Line in the amount of \$3,373,416.50 which is the lowest responsible and responsive bidder meeting specifications.

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

Contract - Bid No. 44 - Bulk Container Service

090096

Approval of contract awarding Bid No. 44 for Bulk Container Service. Purchasing and Public Services recommends that contract be awarded to Republic Waste Services in the amount of \$473,541.12 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 contract with Republic Waste Services for Bulk Container Service in the amount of \$473,541.12 which is the lowest responsible and responsive bidder meeting specifications.

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

Budget Ordinance Amendment - Core City Project

090097

Adoption of an ordinance amending the 2008-2009 budget ordinance to appropriate funds in the amount of \$6,000.00 through the High Point Community Foundation for the Core City 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 adoption.

Adopted ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of \$6,000 through the High Point Community Foundation for the Core City Project.

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

Contract - Water Tank and Pump Station - Ward Water Treatment Plant

090102

Approval of proposed contract to award Bid No. 38 for construction of Water Tank and Pump Station at the Ward Water Treatment Plant.

prior to this meeting.

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

Approved contract with CB&I, Inc. for construction of the Water Tank and Booster Pump Station in the amount of \$2,862,000.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Community Development and Housing Department - 2009-2010 Annual Action Plan

090091

Monday, April 20, 2009 at 5:30 p.m. is the date and time established to receive public comments on the submission of the 2009-2010 Annual Action Plan to the Department of Housing and Urban Development (HUD).

The public hearing for this matter was held on Monday, April 20, 2009 at 5:30 p.m. and this matter was placed on the May 4, 2009 Agenda for final action.

This matter was briefly 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 of the 2009-2010 Annual action Plan.

A motion was made by Council Member Whitley, seconded by Council Member Sims, 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)

There were no matters appearing on the Agenda for consideration by the Public Safety Committee.

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

(all were present)

There were no matters appearing on the 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)

There were no matters appearing on the Agenda for consideration by the Planning & Development Committee with the exception of the public hearing items.

PUBLIC COMMENT PERIOD - 5:15 P.M.

High Point University Development Concerns on Guyer

Larry Chason, who resides at 1417 Guyer Street, addressed Council. Mr. Chason commented that since the High Point University construction his life has been miserable. He reiterated his concerns about the following:

1. Flooding continues due to the construction of the parking lot next to his property;
2. Sewer back-up problems continue and he felt the sewer system is not adequately sized to handle the recent development;
3. No permits have been posted by the university

Mr. Chason expressed frustration at High Point University because they did not offer him enough money for his property and pointed out that the squeeze play by High Point University would have worked if they would have agreed to pay them \$250,000 like they did for Anita Bowman's property on W. College.

He accused the city of playing favoritism with the university and shared some photographs. He pointed out one of the photos shows a High Point dump truck on the university property. He also called Council's attention to an electric department bucket truck in the parking lot of The Village replacing lights. Council informed Mr. Chason that the university does lease the lights from the city.

Mr. Chason informed Council that he has retained an outside attorney to represent him because the city continues to ignore his concerns.

Mayor Smothers asked staff to report back to Council regarding the sewer problem in this area.

NC Shakespeare Festival

Pedro Silva, 4105 Pennfield Way, High Point addressed Council on behalf of the North Carolina Shakespeare Festival. He mentioned that he recently mailed a letter to

the manager's attention seeking the Arts Council's support to redirect funding from its annual commitment to the High Point Arts Council directly to the Shakespeare Festival. He stated he was present to answer any questions/concerns that Council may have so that it could be considered in the decision-making process.

Mayor Smothers asked if they had requested funding from Guilford County. Mr. Silva replied that they cannot as per the new funding affiliate policy of the High Point Arts Council. He did note that the Shakespeare Festival has expressed its concerns informally to a couple of the Guilford County Commissioners and it is possible that funding might be made available. Council Member Sims asked how much they had received in funding for this current fiscal year from the Arts Council and how they would respond to the shortfall should the Arts Council not fund them at the same level they're accustomed to. Mr. Silva noted they have received about \$75,000 for the current fiscal year that will end June 30th and he couldn't say how much they would receive, but they have requested that the city make a direct allocation to the Shakespeare Festival that would be equivalent to the amount they received this fiscal year from the Arts Council and they would disaffiliate from the Arts Council beginning July 1.

Council Member Faircloth asked about the timing of the signed contract/agreement between the NC Shakespeare Festival and the High Point Arts Council. Mr. Silva replied that the agreement between them is signed annually and it was signed around mid-September of last year. He explained that the NC Shakespeare Festival did put in a formal request late last year asking for an exemption of the prohibition which was denied by the Arts Council. Council Member Faircloth inquired about this last agreement compared to past agreements and Mr. Silva noted they were essentially similar, but past agreements did not bar an affiliate from approaching Guilford County for project support and the NC Shakespeare Festival would annually approach the county for support of their educational programming because there was the ability at that time up until this current fiscal year to ask for those special project grants from the county. He added that the adjustment in the policy for this current fiscal year prohibits an agency from asking the county for any funds of any kind.

Mayor Smothers asked about the amount the NC Shakespeare Festival pays for rent of the Theatre and if they plan to do the same number of productions in the next fiscal year. Mr. Silva replied the total amount was \$70,342.55 for their past fiscal year (January through December) and they were very hopeful that they will do the same number of productions in the next fiscal year as in the previous fiscal year, but because the environment is very challenging, they would have to make the decision that would be in the best interest of securing and stabilizing the organization. Mr. Silva was asked about any outstanding debt on property and noted that they continue to have a note at a bank that's about \$1,080,000.00.

Council Member Pugh thanked Mr. Silva for taking the step to make an investment in the Core City (a distressed area) to bring life to the area. Mr. Silva noted they were very excited and enthusiastic about what they can bring to that area and the community overall.

Mayor Smothers explained that until the city gets into the budget process, there wouldn't be any decision made. She asked about the lack of presence from a representative of the Shakespeare Festival when the city had the public hearing for outside agency funding requests. Mr. Silva explained that although he knew it was the time the Arts Council would be making its request, he was not aware this was the time for public comments regarding funding of outside agencies--otherwise the NC Shakespeare Festival would have definitely been represented. Mr. Silva thanked Council for the opportunity to clarify any of the questions or concerns.

More Concerns on Guyer

Steve Hinkle, who resides at 1424 Guyer Street, High Point addressed Council. He reiterated problems and concerns that Mr. Chason spoke of previously (water pressure and sewage problems) and the city needs to investigate it so it can be rectified. The Mayor asked that staff do an assessment of the problems in the area with a report coming back to Council. He also questioned the rules/regulations for development (specifically for signs in this case) and felt the rules/regulations since High Point University does not seem to abide by the same rules that govern other commercial property in the city.

Boy Scouts Recognized- Troop #23

Several Boy Scouts were recognized who were working on their Communications Merit Badge.

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

Planning & Development Committee - Council Member Bencini, Chair

Public Hearing - WCA of High Point, LLC - Modification of a Franchise for a Sanitary Landfill- 1st Reading

090098

Monday, May 4, 2009 at 5:30 p.m. is the date and time established to receive public comments on an application by WCA of High Point, LLC to modify its franchise to operate a sanitary landfill in High Point.

The public hearing for this matter was held on Monday, May 4, 2009 at 5:30 p.m.

Note: The Application for Solid Waste Facility Franchise Amendment compiled by Smith Moore Leatherwood, LLP will be attached to Legistar as a permanent part of these proceedings.

This matter will require 2 readings before action can be taken.

Pursuant to N.C.General Statute 160A-76 states that No ordinance making a grant, renewal, extension, or amendment of any franchise may be finally adopted until it has been passed at two regular meetings, and such action must be taken by means of an ordinance.

Prior to the conclusion of the public hearing, Council Member Douglas asked to be excused due to a prior commitment. Motion by Council Member Whitley, second by Council Member Sims to excuse Council Member Douglas. The meeting carried unanimously. [9-0 vote]

Chairman Bencini opened the public hearing and asked for comments.

Tom Terrell, 529 W. Parkway, legal representative for WCA of High Point, spoke in favor of the request. He noted that this was simply a request to extend the franchise for this facility (construction/demolition/debris facility located next to High Points Municipal Solid Waste facility). The reason for the request is to engage in green building practices which requires recycling. He explained when the landfill was originally approved the projection of the average daily intake would be 700 tons per day, but for the last eight or nine years, WCA and its predecessor have been taking in on average about half of that amount. He noted this would not be a negligible impact, nor would it change the lifespan of the landfill, but at best it would probably result in 50 additional tons a day.

Mr. Terrell acknowledged and introduced John Walker, General Manager of the facility; Chad Morris, Sales Manager for WCA; and Vernon Smith, the Regional Vice President who oversees several of WCA's facilities, who were available to answer any questions.

Council Member Alexander asked about the number going out on the recycling side and if the anticipated increase of 50 tons a day would help them be more efficient in the plan to increase the recycling possibilities. It was noted that the price is determined by the amount of material brought in so the more material brought in and removed would certainly increase profitability. Council Member Alexander asked if the facility accepts hazardous materials such as lead paint. Mr. Terrell replied that for wood to be recycled, it either has to be a stump or limb that goes to mulch, or it has to be something like a clean 2 x 4 that could be recycled. He noted that the guidelines prohibit any dumping of any kind of painted or pressure treated wood in the facility. Mr. Terrell pointed out the materials coming into the facility are inspected on three occasions and the items that are not supposed to be there are caught pretty quickly. Council Member Sims asked what the incentive would be for a construction company to dump at a recycling facility versus a facility closer to them. Mr. Terrell explained there are many companies that now sell green building products and to attain that certification, there are strict guidelines with one being recycling. He noted this was part of a marketing plan to attract buyers for a subdivision or a particular home and the builder might be getting more money by doing that, but with the agreement they would be properly dispose of the materials. He added that the closes facility that does the recycling is in Raleigh.

Council Member Faircloth asked why other cities were not taking advantage of this opportunity. Mr. Boynton explained this question would be better suited for WCA, but that it was very fortunate that they chose to make the investment in High Point

because it keeps the volume out of our landfill.

Mayor Smothers pointed out that the facility would be heavily regulated by the State and that the downturn in the economy probably has affected the waste stream too.

Chairman Bencini asked if anyone else was present who would like to comment. There being none, he declared the public hearing closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the 1st Reading of the Franchise Amendment as requested by WCA of High Point, LLC.

Approved the 1st Reading of the Franchise Amendment as requested by WCA of High Point, LLC.

The second reading will take place on May 18th at which time official action can be taken.

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

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

Resolution - Street Abandonment 09-06 - City of High Point

090099

A request by the Technical Review Committee to abandon an unimproved portion of right of way known as Eugene Avenue, lying north of Sinclair Avenue, between Clifton Street and Old Thomasville Road.

The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report.

Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, 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 an unimproved portion of right-of-way known as Eugene Avenue, lying north of Sinclair Avenue, between Clifton Street and Old Thomasville Road.

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

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

Resolution - Street Abandonment 09-07 - City of High Point

090100

A request by the Technical Review Committee to abandon an unimproved portion of an unnamed right of way, lying west of Van Buren Street, between Eugene Avenue and Preferred Way.

The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report.

Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, 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 an unimproved portion of an unnamed right-of-way, lying west of Van Buren Street, between Eugene Avenue and Preferred Way.

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

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

Resolution - Street Abandonment 09-08 - City of High Point

090101

A request by the Technical Review Committee to abandon an unimproved portion of a right of way known as Tank Avenue, lying west of Redding Drive, between Clinton Avenue and Tryon Avenue.

The public hearing regarding this matter was held on Monday, May 4, 2009 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report.

Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to comment, 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 an unimproved portion of a right-of-way known as Tank Avenue, lying west of Redding Drive, between Clinton Avenue and Tryon Avenue.

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

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:10 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk