City of High Point

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

Meeting Minutes

Monday, April 20, 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 offered the invocation; the Pledge of Allegiance followed.

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

Finance Committeee; Monday, April 6th @ 3:30 p.m.
Combined Meeting; Monday, April 6th @ 4:45/5:30 p.m.
Planning and Development Committee; Tuesday, April 7th @ 2:30 p.m.
Briefing Session; Tuesday, April 7th @ 4:00 p.m.
Public Safety Committee; Wednesday, April 8th @ 9:00 a.m.
Briefing Session (Theater); Wednesday, April 8th @ 4:00 p.m.
Briefing Session (GTCC); Thursday, April 9th @ 3:00 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 Blakeney 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 Whitley was absent]**

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

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 except for Chairman Whitley)

In the absence of Chairman Whitley, Mayor Smothers chaired this portion of the meeting.

Audit Service Contract - McGladrey & Pullen CPA

090071 Council is requested a contract for audit services for FY ended June 30, 2009 with McGladrey & Pullen CPA's in the amount of $80,000.00

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Appproved contract with McGladrey & Pullen CPA for Audit Services for FY ending June 30, 2009.

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

Purchase of Property - 604 W. Ray Street - Storm Water Project

090088 Council is requested to authorize the City Attorney's office to proceed with the purchase of property located at 604 W. Ray Avenue belonging to Betty Draughn in the amount of $130,000. Property is need by the storm water department for the hospital-W. Ray Avenue project.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Authorized the City Attorney's office to proceed with the purchase of property located at 604 W. Ray Avenue belonging to Betty Draughn in the amount of $130,000.

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

Interlocal Agreement - Cape Fear Public Transportation Authority

090092 Council is requested to authorize the City Manager to execute an interlocal agreement with the Cape Fear Public Transportation Authority to allow the transit system the option to purchase new buses and bus equipment and parts should it become necessary in the next five years.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Authorized the City Manager to execute an interlocal agreement with Cape Fear Public Transportation Authority to allow the transit system the option to purchase new buses and bus equipment and parts should it become necessary in the next five years.

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

Contract - Bid No. 39 - Street Repairs for Water & Sewer Mains

090093 Consideration of approval of contract awarding Bid No. 39 for Street Repairs for Water & Sewer Mains. Purchasing and Engineering Services recommends that contract be awarded to Regional Site Solutions in the amount of $117,275.00 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 Finance Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Approved contract awarding Bid No. 39 to Regional Site Solutions for street repairs for water and sewer mains in the amount of $117,275.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Bencini, 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.

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

(all were present)

Ordinance - Demolition of Structure - 520 White Oak Street

090090 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 520 White Oak Street belonging to CPG Equity, Ltd - Paul Kostraba.

Chairman Faircloth asked Ms. Bossi to update Council regarding this housing case.

Katherine Bossi, Local Codes Enforcement Superviser, explained the structure was first inspected in October 2008, it was found to be substandard due to the number of violations and estimated repairs. Staff issued an order October 24th with a compliance date of January 30, 2009. She noted there have been some repairs made by the property owner (new roof, new floor on porch, etc....). She explained that the house is structurally sound, but due to the big ticket items and it being such a large structure, the repairs were estimated to exceed 50% of the tax value, so staff proceeded with an ordinance to demolish. She noted that the property owner has provided staff with a schedule of repairs for the structure and plans on requesting a 90-day extension. Staff feels that the property owner will complete the process and recommended if Council chooses to adopt the ordinance to demolish, that it be a 90 day order.

Paul Kastraba, who resides at 305 Ridgeland Drive, informed Council that he has had *to deal with some unusual circumstances as they were approached by Community Development concerning purchasing the properties on the streets and they stopped work they were doing on that property at that time. He was later informed that the Community Development staff was no longer interested in purchasing the property. He explained that during the time that the structure was sitting there, someone broke into it and caused some damage and informed Council that he has a very aggressive schedule to finish the repairs. He asked for a 90-day extension, but anticipates having the repairs completed by the middle of next month. He noted they do have a tenant in mind for the property and they would like to rent it out immediately when completed and also has an investor that has expressed an interest in buying the property.*

Council Member Alexander inquired about the amount of anticipated improvements to the property and expressed concerns that the repairs may far exceed the appraised value.

For clarification purposes, Mike McNair, explained that the Community Development staff did approach Mr. Kostraba about the possibility of purchasing his property and offered him tax value for it, but the offer was refused.

Council Member Faircloth moved adoption of a 60-day Ordinance to demolish the structure located at 520 White Oak Street. Council Member Alexander made a second to the motion. The motion carried by a 7-1 vote with Mayor Smothers dissenting.

Adopted 60-day ordinance ordering the housing inspector to effectuate the demolition of a structure located at 520 White Oak Street belonging to CPG Equity, Ltd.- Paul Kostraba.

Ordinance No. 6616/09-16 Introduced 04/20/2009
Adopted 04/20/2009
Ordinance Book Volume XVII, Page 101

A motion was made by Member Faircloth, seconded by Council Member Alexander, that this matter be adopted. The motion carried by the following vote:

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

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

(all were present)

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)

Request for City Council to Initiate a Zoning Map Amendment

090083 Consideration of a request from the Planning & Development Department for City Council to initiate the rezoning process for property lying at the intersections of S. College Drive and Leonard Avenue.

Herb Shannon, Senior Planner with the Planning and Development Department presented the staff report.

Council Member Alexander as to if the church adjacent to this property was asked about the possibility of being included in the rezoning. Mr. Shannon replied that staff mainly wanted to concentrate on the properties at the intersection since there was already a high concentration of institutional uses at the intersection. It was pointed out there were numerous churches in this area and a discussion followed whether it would be a good idea to also add them and also the fact that the current police station is not permitted in residential zoning districts so it is an existing non-conforming use and possible expansion would be limited in the future due to its non-conformity. Lee Burnette, Director of Planning and Development, explained that the residential zoning does allow for churches already and pointed out the reason the request was being considered at all was due to an inquiry made by Baldwin's Chapel about possibly holding outdoor tent revivals. Since it couldn't be accommodated with the residential zoning, staff recommended the City Council initiate a rezoning of parcels at the intersection from the current Residential Multifamily (RM-8) and Residential Multifamily-12 (RM-12) Districts to a Public & Institutional (PI) District. Mr. Burnette also pointed out that staff has checked the properties out and it doesn't appear that there are any kind of non-conforming situations with setbacks in the PI District.

Chairman Bencini recommended that Council move forward with this request for a Zoning Map Amendment and the others could be included in the future if requested.

Authorization for staff to proceed with the initiation of the rezoning process for a Zoning Map Amendment for property lying at the intersections of S. College Drive and Leonard Avenue.

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

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

090084 Approval of a resolution of intent that establishes a public hearing date of May 18, 2009 at 5:30 p.m. to consider a request to close a portion of right-of-way known as Ridgeway Place, lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

favorable recommendation for adoption.

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 18, 2009 at 5:30 p.m. to consider public comment regarding a request to close a portion of a right-of-way known as Ridgeway Place, Lying south of W. Ward Avenue, between Prospect Street and Lincoln Drive.

Resolution No. 1509/09-37 Introduced 04/20/2009
Adopted 04/20/2009
Resolution Book Volume XVI, Page 151

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 09-10 - City of High Point

090085 Approval of a resolution of intent that establishes a public hearing date of May 18, 2009 at 5:30 p.m. to consider a request to close an unnamed right-of-way, lying south of West Market Center Drive, between Prospect Street and Starr Drive.

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

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 18, 2009 at 5:30 p.m. to consider a request to close an unnamed right-of-way, lying south of West Market Center Drive, between Prospect Street and Starr Drive.

Resolution No. 1510/09-38 Introduced 04/20/2009
adopted 04/20/2009
Resolution Book Volume XVI, Page 152

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 09-11 - City of High Point

090086 Approval of a resolution of intent that establishes a public hearing date of May 18, 2009 at 5:30 p.m. to consider a request to close an unimproved and unnamed right-of-way, lying north of Baker Road, between Cox Avenue and Ethel Avenue.

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

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 18, 2009 at 5:30 p.m. to consider a request to close an unimproved and unnamed right-of-way, lying north of Baker Road, between Cox Avenue and Ethel Avenue.

Resolution No. 1511/09-39 Introduced 04/20/2009
adopted 04/20/2009
Resolution Book Volume XVI, Page 153

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

PUBLIC HEARINGS ON ITEMS

Finance Committee - Council Member Whitley, Chair

Public Hearing -- 2009 Justice Assistance Grant (JAG)

090089 Monday, April 20, 2009 at 5:30 p.m. is the date and time established to receive public comments on the 2009 Justice Assistance Grant (JAG).

Police Chief, Jim Fealy, was recognized to address Council regarding this grant application. He explained this grant is awarded to Guilford County annually for Guilford County, Greensboro and High Point. High Point administers the grant which is based on a formula derived by the federal government based on population and crime statistics. Chief Fealy explained the High Point Police Department is propsoing to spend the grant monies received on equipment (four mobile data terminals).

Council Member Faircloth asked if the newly purchased Dodge police vehicles would require a different shield/partition than the Fords. Chief Fealy explained that they do, but Gary Smith, the Fleet Services Director, has arranged a deal to sell the old shields and recoup most of the cost of the new shields.

Mayor Smothers opened the public hearing and asked if anyone was present would would like to offer comment. There being no one present to speak, the public hearing was declared closed.

Acknowledged that the required public hearing was held.

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).

Mike McNair, Director of Community Development, previously distributed the Annual Action Plan to Council and was available to answer any questions.

Mayor Smothers opened the public hearing and asked if there were any comments. There being no one present to offer comment, the public hearing was declared closed.

Acknowledged that the public hearing was held and matter will be placed on the May 4th Agenda for action.

Planning & Development Committee - Council Member Bencini, Chair

Ordinance - Rezoning Case 09-03 - Steve Vestal - Hodgin Street

090087 A request by Steve Vestal to rezone an approximately 0.3 acre parcel from the Residential Multifamily-12 (RM-12) District to a General Business (GB) District. The site is lying along the west side of Hodgin Street, approximately 140 feet south of Burton Avenue.

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

Herb Shannon, Senior Planner with the Planning and Development Department, gave an overview of the staff report.

Chairman Bencini asked about the distance of the structure immediately to the south of the subject site and Mr. Shannon noted this was a single-family residence and estimated the distance to be approximately 15 feet. Council Member Sims asked about the structures to the north of the proposed site and if there would be a separate entrance to that parcel for the proposed golf shop. Mr. Shannon explained the property owner has several options available for access points: separate access points, or a common access point through an IMUD (Integrated Multi-Use Development).

Mayor Smothers expressed concerns that the property owner was not asked to do a lot recombination. Mr. Shannon pointed out that is an option the property owner can pursue if this request is approved and the applicant was advised by staff of the various options available to him. She also expressed concerns about the proximity of the house immediately south of the site. Mr. Shannon noted the property owner would have to meet the separation requirement from the driveway ordinance and pointed out that the Transportation Department did review this request and did not note any concerns regarding the driveway access.

A discussion followed regarding the actual width of Hodgins Street. Mr. Shannon noted it is a 60-foot right-of-way with approximately 26' of pavement with a ditch cross section. Council Member Alexander expressed concerns with safety and accessibility to the property and questioned trucks being able to make deliveries. He explained the narrowness of the street and the side ditches could make deliveries difficult and extremely challenging. Fred Baggett, City Attorney, cautioned Council about moving forward with conditions and pointed out that there could be no conditions associated with this request due to it being a straight rezoning.

At this time, Chairman Bencini opened the public hearing and asked if there were any comments in support of the request.

Steve Vestal, the property owner who resides at 1314 National Highway in Thomasville, explained that the building does have a loading dock in the back and felt there is ample room to turn around and back up to the building that has a loading dock. He explained that he plans to build a small 3,000 sq. ft. building on the site and would be happy to leave the driveway as it currently is or would be very flexible as to Council's wishes for the driveway. He was very adamant that the property remain on two separate deeds and not be recombined citing that one is paid for and he didn't want to tale a gamble and lose both properties should he not be able to make payments should something happen during these tough economic times.

Council Member Alexander asked Mr. Vestal if he realized that he could lose about 40% of the property due to the required planting yard and pointed out that the building would be small and would not have much of a useful life. He also encouraged him to do a lot recombination by having an IMUD which would allow *him to have a much larger building, a much better traffic flow and a much greater opportunity for success for each individual tenant.*

A brief discussion followed on the parking that would be required. Mr. Shannon explained that due to the fact that Mr. Vestal owns the site in question, plus the adjacent site allows him multiple options:

1. *He can get everything on one site and develop*
2. *He can come in with an IMUD (would not have to change the lot configuration and could have shared parking)*
3. *He can also use some of his abutting site that he owns for shared parking*

Chairman Bencini agreed with staff in that the IMUD would work, but questioned why it would not be part of the condition. Mr. Shannon explained that staff did not feel a conditional use permit would be appropriate for this site since there have been no conditions on any of the other sites; there are no policy issues; and the fact that Mr. Vestal owns the abutting site gives him the flexibility to reconfigure with an IMUD any configuration he desires without coming back through the rezoning process. Mr. Shannon added that an IMUD would run with the property, so in the future agreements would already be in place for shared parking.

Council Member Sims asked Mr. Vestal for assurance that there would not be any traffic/safety issues dealing with delivery trucks off loading merchandise; Mr. Vestal offered to put it in writing, if necessary, and assured Council that trucks would never back in off the road.

Chairman Bencini asked if there were any additional comments in support of or in opposition to the request. There being none, the public hearing was declared closed.

Adopted Ordinance amending the Official Zoning Map providing for the rezoning of this property from the Residential Multifamily-12 (RM-12) District to a General Business (GB) District.

Ordinance No. 6617/09-17 Introduced 04/20/2009
Adopted 04/20/2009
Ordinance Book Volume XVI, Page 102

A motion was made by Council Member Pugh, seconded by Member Faircloth, that this matter be adopted. The motion carried by the following vote:

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

Piedmont Triad Airport Authority- Reappointment of Dr. Earl Barbour

090094 Consideration of the reappointment of Dr. Earl Barbour to the Piedmont Triad Airport Authority. Appointment to be effective immediately and will expire April 20, 2012.

Since this matter did not originally appear on tonight's Agenda, **motion was made by**

Council Member Alexander to suspend the rules so it could be placed on the Agenda for consideration. Council Member Blakeney made a second to the motion.

Approved the appointment of Dr. Earl Barbour to the Piedmont Triad Airport Authority.

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

For Information Only:

Special Recognition: Marie Burnette

Council Member Pugh read the resolution into the record honoring Marie Burnette for her 45+ years teaching piano/organ as an independent music teacher and numerous other attributes. [applause]

ADJOURNMENT

There being no further business to discuss, 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