

City of High Point

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



Meeting Minutes

Monday, December 15, 2008

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

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., Mary Lou Andrews Blakeney, Foster Douglas, John Faircloth; Michael D. Pugh; Bernita Sims; were present.

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, Council Member Pugh and Council Member Whitley

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. [9-0 vote]

Motion was then made by Council Member Whitley, seconded by Council Member Alexander that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

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

The following minutes were unanimously approved as submitted upon motion by Council Member Alexander and second by Council Member Blakeney.

Special Meeting; Friday, November 21st @ 12:00 Noon

Finance Committee; Monday, December 1st @ 3:30 p.m.

Combined Meeting; Monday, December 1st @ 4:45/5:30 p.m.

Organizational Meeting; Monday, December 1st @ 6:00 p.m.

Planning & Development Committee; Tuesday, December 2nd @ 9:00 a.m.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair**

Committee Members: Bencini, Douglas, Alexnader

(all were present)

080330

Approval for contract awarding Bid No. 33 for purchase of a Power Transformer. Purchasing and the Electric Department recommends that contract be awarded to Kuhlman Electric Corporation in the amount of \$648,065.00 which is the lowest responsive and responsible bidder meeting specifications.

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

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

Approved contract with Kuhlman Electric Corporation for the purchase of a power transformer in the amount of \$648,065.00 which is the lowest responsive and responsible bidder meeting specifications.

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

080331

Approval of extensions to contracts for Water Treatment Chemicals for the Water & Sewer Department based on original contracts awarded by City Council on July 7, 2008.

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 extension for Water Treatment chemicals for the water and sewer department for FY 2008-2009 based on the original contracts awarded by City Council on July 7, 2008 as outlined in a memo dated December 3, 2008 which will be attached in Legistar as a permanent part of these proceedings.

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

080332

Consideration and approval for engineering design, bidding and construction administrative services for the construction of Kersey Valley Landfill Expansion, Area 2 - Phase 4, in the amount of \$239,076 to Richardson Smith Gardner & Associates.

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 engineering services contract with Richardson Smith Gardner & Associates for engineering design, bidding and construction administrative services for the construction of Kersey Valley Landfill Expansion, Area 2- Phase 4 in the amount of \$239,076.00.

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

080333

Consideration and approval of contract for engineering services related to Phase 1 Upgrade of the Westside WWTP in the amount of \$668,910.00 to Hazen and Sawyer.

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 contact with Hazen and Sawyer for engineering services related to Phase 1 Upgrade of the Westside WWTP in the amount of \$668,910.00.

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

080334

Consideration and approval of contract for engineering services related to the Environmental Assessment for the Westside WWTP in the amount of \$255,795.00 to Hazen & Sawyer.

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 Hazen & Sawyer for engineering services related to the Environmental Assessment of the Westside WWTO in the amount of \$255,795.00.

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

080339

Consideration and acceptance of contact for engineering services related to Triad Center Phase 1 Sewer Improvements (Northwest Sewer Improvements Phase 1) with Davis Martin Powell and Associates in the amount of \$145,000.00.

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 Davis Martin Powell and Associates for engineering services related to Triad Center Phase 1 Sewer Improvements (Northwest Sewer Improvements Phase 1) in the amount of \$145,000.00.

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

080335

Adoption of ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of \$10,462.00 from Medtronics for four defibrillators purchased by the High Point Fire Department.

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 appropriating a refund in the amount of \$10,462.00 from Medtronics for four debibrillators.

Ordinance No. 6597/08-82

Introduced

12/15/08

Adopted 12/15/08

Ordinance Book Volume XVI, Page 82

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

Pending Items

080314

Council is requested to authorize the City Attorney's office to proceed with the purchase of property located at 1646 Penny Road belonging to the High Point Jaycees in the amount of \$134,500. Property is needed for the construction of an electric substation to help serve the increasing load in the Northwest and to serve as a backup for the substations on Barrow Road and Deep River Road.

This matter was placed on the pending list on December 1st to be further discussed in the Finance Committee. Chairman Whitley explained the committee did receive the additional information that was requested regarding this matter and after receiving the information, it was the recommendation of the committee to proceed by placing this matter on Thursday's Agenda with a favorable recommendation for the purchase of this property.

Mayor Smothers explained there were concerns about the aesthetics due to the location being on a highly traveled road and noted staff did present a rendering of other existing substations and felt there would be adequate screening to keep it from looking unsightly.

Authorized the city attorney's office to proceed with the purchase of the property located at 1646 Penny Road belonging to the High Point Jaycees in the amount of \$134,500.

A motion was made by Council Member Whitley, seconded by Council Member Sims, 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 Douglas, Council Member Pugh and Council Member Whitley
Nay: Council Member Faircloth

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

(all were present)

080337 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1415 W. English Road, belonging to L. James Hackenberg.

Chairman Faircloth asked Katherine Bossi to give Council an update. Katherine Bossi, Local Code Enforcement Supervisor, reported that staff was recommending a 30-day ordinance to demolish the structure due to excessive violations and unsafe violations since July 28th and based on the tax value and estimated cost of repairs. She explained that the property owner was notified and has been in contact with the Fire Department to possibly do a controlled burn of this property as well as the property at 1417 W. English Road, but nothing has been scheduled to date.

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

Adopted Ordinance ordering the housing inspector to effectuate the demolition of the dwelling located at 1415 W. English Road belonging to L. James Hackenberg.

*Ordinance No. 6598/08-83
12/15/08*

Introduced

*Adopted 12/15/08
Ordinance Book Volume XVI, Page 83*

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

080338 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1417 W. English Road, belonging to L. James Hackenberg.

Chairman Faircloth asked Katherine Bossi to give Council an update. Katherine Bossi, Local Code Enforcement Supervisor, reported that staff was recommending a 30-day ordinance to demolish the structure due to excessive violations and unsafe violations since July 28th and based on the tax value and estimated cost of repairs. She explained that the property owner was notified and has been in contact with the Fire Department to possibly do a controlled burn of this property as well as the property at 1415 W. English Road, but nothing has been scheduled to date.

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

Adopted Ordinance ordering the housing inspector to effectuate the demolition of the dwelling located at 1417 W. English Road belonging to L. James Hackenberg.

Ordinance No. 6599/08-84

Introduced 12/15/08

Adopted 12/15/08

Ordinance Book Volume XVI, Page 84

Pending Items

080300

Council is requested to adopt an amendment to the High Point Code of Ordinances to create a new Section 12-1-15, Article 12, Chapter 1 entitled Presence of Registered Sex Offenders in City parks and City recreation centers prohibited.

Chairman Faircloth noted this ordinance amendment would be placed on the Public Safety Committee Agenda for January 7th and asked the city attorney be prepared to give Council the impact on this problem from the state statute that was adopted and whether or not it serves the purpose this would serve or not and getting information on the categories of sexual offenders as per Council Member Alexander's request.

080320

Monday, November 3, 2008 at 5:30 p.m. is the date and time established by City Council to receive public comments on the following changes to the High Point Code of Ordinances:

A new section 12-1-14 - Urinating or Defecating on any public place

Amendment to section 12-1-4 - Possession or consumption of malt beverages and unfortified wine on streets and city property. (this matter was split out, please refer to Matter #090052.

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)

080340 Consideration of a request to replace an existing sign permitted by an exception granted by Council in 2002 with a new sign. The request is filed in accordance with the Development Ordinance regulations regarding Planned Unit Developments, Section 9-4-3(c)(6).

Bob Robbins of Planning and Development gave an overview of the staff report as follows:

In August of 1998, City Council approved the rezoning of approximately 51 acres at the northeast corner of Westchester Drive and Whittier Avenue (the former Westchester Mall property and various outparcels) to a Conditional Use Planned Unit Development - Mixed (CU-PDM) District. Since that time the site has been redeveloped to a retirement center with several different retirement living options including a skilled nursing facility, along with various retail and service uses and a church. The new development has been generally known as Providence Place.

As part of the review and approval process of a Planned Unit Development, the applicant must prepare a Unified Development Plan (UDP), which is reviewed by the Planning and Zoning Commission and formally approved by the City Council. Included as one element of the UDP is a Common Signage Plan that contains general specifications (size, type, location, design, illumination, number, etc.) for all signs to be placed within the development. These specifications may be as restrictive or more restrictive than the Development Ordinance sign regulations, but may not be less restrictive unless an exception is approved by the City Council (see Section 9-4-3(c)(6)).

In June of 2002, the applicant requested and the City Council approved such an exception, which permitted the reuse of a large (190 ± sq.ft.) freestanding monument sign that was originally constructed for the old mall. The location of this sign is on Westchester Drive at the south end of the old mall building, as shown on the attached map. The applicant is now seeking the Council's permission to replace this sign with a new one.

Recently, the applicant has leased space to two major tenants, Cornerstone Health Care and RHA Health Services, Inc. The new sign would identify these and other tenants of Providence Place, at the most appropriate entrance for traffic to access them. Although about one foot taller than the old sign, the new one would contain about half the sign area and would be interior lighted (See attached sign drawing).

The new sign would not be permitted under the provisions of the Development Ordinance because only one freestanding sign is allowed per frontage, and there is an existing freestanding sign located at the northernmost entrance to the development. This sign contains a nonconforming LED programmable panel that the applicant has offered to cease use of and replace with a stationary panel for the First Wesleyan Church, in consideration of this request.

The applicant is also planning to erect interior directional signage to guide on-site traffic and place large building numbers on the various facades for easy identification. These signs are permitted by our sign regulations, and therefore need no special review by the Council.

Staff Recommends Approval

Staff has no objection to the approval of this request. The requested sign would meet the required setback, and would not exceed height or area limitations for signs located in the Shopping Center or Highway Business districts that otherwise dominate this area of Westchester Drive. It would be about half as large as the existing monument type sign, yet would be more visible, and would help direct traffic to the most appropriate site entrance, particularly for the Cornerstone and RHA businesses. As a replacement, the requested sign will not increase the number of freestanding signs on the premises, and the offer to discontinue the use of the LED panel on the other freestanding sign is a concession that would bring that sign into compliance with current sign regulations.

[end of staff report]

Council Member Alexander questioned the statement in the staff report dealing with entry into Providence Place. Mr. Carlos Vernon, representing Providence Place, explained that employees would use the rear entrance and VIPs and corporate officers, etc... would use the front entrance and they were trying to eliminate heavy traffic around the church.

There being no further questions, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved the request for an exception to the sign regulations as requested by Westchester Christian Center.

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

PUBLIC HEARINGS ON ITEMS**080341**

A request by the City of High Point for consideration of the Washington Drive District Plan.

The public hearing for this matter was held on Monday, December 15th at 5:30 p.m.

Heidi Galanti of the Planning and Development Department presented the recommendations for the Washington Drive Plan. She explained that the plan was kicked off in January of last year and since that time, they've held several stakeholder meetings and received public input. On October 20th, the plan was presented to the Core City Steering Committee and they unanimously recommended its approval with one minor amendment. They felt the creation of the museum which is called for in the plan should be spearheaded by the private sector instead of the city and in the plan implementation table that it be a long term action instead of a mid-term action as stated on page 108 of the current plan. She noted that the plan was also submitted to the Planning and Zoning Commission on November 11th as well as the High Point City Council Planning and Development Committee with the preceding amendments and they, too, unanimously recommended its approval with the amendments.

Chairman Bencini opened the public hearing and asked for any comments regarding the Washington Drive District Plan.

Glenn Chavis, who resides at 137 Orville Drive in High Point, addressed Council. He explained that he supports the Washington Drive District Plan as he has always supported the Core City Plan, but he was suspicious of the consultants being used for the project. He felt a lot of the information being presented about the history was being fabricated and that documentation would go a long way as a means of verification. He also called Council's attention to the consultant's rendering of what Washington Drive will look like in the future and pointed and noted it bothered him that all the people in the drawing were white. He questioned why the consultants didn't take the time to explain what Washington Drive was all about.

Kenneth Taylor, 2414 Woodruff Avenue, a member of New Beginnings Full Gospel Ministries, stated he admired all the hard work and dedication that has gone into the plan. He felt the plan would enhance the beautification of Washington Drive and would also bring additional jobs and businesses to the community. He urged the City Council to keep the plan a priority.

Dennis Leach, Sr., who resides at 1600 Staley Road, but works and serves at First Baptist Church, 701 E. Washington Drive, offered his complete support for the Washington Drive district Plan and applauded the committee members for their willingness to begin the first phase of this project in a community that has suffered from urban decay, economic decline and psychological despair. He pointed out that the community has fallen to thieves, drug dealers, prostitutes, pimps, etc.... and asked the City Council to support the initiative.

Paula Slonaker, who resides at 3480 Lamnuel Field Lane in High Point and

representing TREBIC, offered their full support for the plan to move forward.

Theodore Little, Jr., 628 1/2 E. Washington Drive, President of the Washington Drive Renaissance organization (a non-profit), noted they have been working on this project for a long time with the Kilby Hotel as one of their prime objectives. He explained they are in the process of purchasing the hotel and they do have a business plan for the hotel. He felt Washington Drive could become a streetscape, a business district, an entertainment section, etc... that the community could be proud of, but noted it would require a collaborative effort.

Tom Terrell, 529 W. Parkway Avenue, noted the plan comes to Council with the full blessing and support of the Core City Committee and asked for Council's approval of the plan.

At this time, Chairman Bencini asked if there were any additional comments. 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 approval.

Approved the Washington Drive portion of the Core City Plan.

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

Special Recognition- High Point Keep America Beautiful Program

Mayor Smothers presented an award to Melanie Bruton in recognition of receiving the the President's Circle of Recognition for the High Point Keep America Beautiful Program.

National Homeless Person's Memorial Day

Mayor Smothers also issued a Proclamation to Steve Key of Open Door Ministries declaring December 16th as National Homeless Persons' Memorial Day in High Point.

ANYTOWN

Al Heggins, Director of Human Relations gave a brief overview of the ANYTOWN program and shared a video (due to technological difficulties, the video did not work properly for viewing the entire video). The following students were present to talk about the student commission as well as their ANYTOWN experiences. There are about 70 students from both public and private schools who are members of the sitting commission. Leigh Taylor, a junior at Southwest High School was introduced and expressed appreciation for being provided the opportunity to participate. Charlie Greene, a sophomore at High Point Central, who also participated in one of the ANYTOWN summer sessions. He gave an overview of the various activities he's been involved with by his service on the Human Relations Commission.

Ms. Heggins informed Council that the student commission is currently working on drafting a proclamation to bring to Council declaring February 9-13th as Teen Violence Dating Awareness Week, they would also be participating in the Martin Luther King celebration and they were also very instrumental in planning High Point's Human Relations Day which will be held on March 19, 2009.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:50 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Mayor

Rebecca R. Smothers,

Attest:

Lisa B. Vierling, MMC
City Clerk