

City of High Point

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



Meeting Minutes

Monday, March 7, 2011

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Present: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Council Member Whitley and Council Member Corey

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Special Meeting (Guilford Delegation); Thursday, February 10th @ 5:00 p.m.

Finance Committee Meeting; Monday, February 21st @ 3:30 p.m.

Combined Meeting; Monday, February 21st @ 4:45/5:30 p.m.

Planning, Economic Dev. & Information Technology Meeting; Tuesday, February 22nd @ 9:00 a.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 Sims 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 Sims 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.

PRESENTATION OF ITEMS

**FINANCE COMMITTEE- Council Member Alexander, Chair
Committee Members: Whitley, Smothers and Corey**

(all were present)

Resolutions - Piedmont Triad Council of Governments**110031**

Council is requested to adopt the following resolutions:

- 1) Resolution dissolving the Piedmont Triad Council of Governments and Providing for Distribution of Assets and Obligations;
- 2) Resolution - Formation and Membership in the Piedmont Triad Regional Council

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. Chairman Alexander explained there were two resolutions that

would need to be adopted: the first resolution would be for the dissolution of Piedmont Triad Council of Governments and the second resolution would be for the formation and membership in the Piedmont Triad Regional Council.

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

Adopted the Resolution dissolving the Piedmont Triad Council of Governments and Providing for Distribution of Assets and Obligations; and the Resolution for Formation and membership in the Piedmont Triad Regional Council.

Resolution Nos: 1652/11-03 & 1653/11-04 Introduced 3/7/2011
Adopted 3/7/2011
Resolution Book Volume XVII, Pages 3, 4

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

Contract - Bid No. 49 - Renewal of Polymer Contract for Eastside WWTP

110034

Award of contract for Bid No. 49 for the renewal of the Polymer Contract for the Eastside Wastewater Treatment Plant. Purchasing and Public Services recommends that the contract for Polymer be renewed with SNF Polydyne for fiscal year 2011-2012. Polydyne was the lowest responsible and responsive bidder meeting specifications in the amount of \$289,800.00.

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 renewal of the contract with SNF Polydyne for fiscal year 2011-2102 in the amount of \$289,800.00 which is the lowest responsible and responsive bidder meeting specifications.

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

**PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council
Member Sims, Chair**

**PLANNING, EDC & INFORMATION TECHNOLOGY COMMITTEE - Council
Member Whitley, Chair**

Text Amendment 10-08- City of High Point - re Development Inspections Regulations

100325

A request by the City Council to consider a text amendment to Chapter 11, Development Inspection Regulations, of the Code of Ordinance of the City of High Point to include relocation costs paid by the City as cost allowable as a lien against property subject to enforcement action under the minimum housing code. (This item was discussed in committee on Tuesday, February 22nd at 9:00 a.m. and the committee recommended placement on the March 7th agenda)

Chairman Whitley pointed out this matter was discussed by the Planning, Economic Development & Information Technology Committee on February 22nd and at that time, there were two Committee members who recommended the matter be brought out of Committee and placed on tonight's agenda for consideration.

Council Member Alexander reviewed the history of this matter and explained that the text amendment would allow the City of High Point to bill for relocation costs and place liens on property for unpaid bills. At this time, Chairman Whitley asked staff about the average cost to the city and staff replied this year the City has spent approximately \$19,000 which is a tremendous increase over the past several years.

Council Member Pugh asked if there were any specifications or guidelines that HUD gives in regards to these funds and what they could be used for and if there have been attempts by HUD to recapture these funds. Mike McNair, Director of Community Development & Housing explained that HUD would not try to recoup these funds since it is an eligible activity.

At this time, Council Member Alexander offered a motion to approve Text Amendment 10-08 with Council Member Sims making a second to the motion.

Chairman Whitley opened up the floor for public comments regarding this matter and asked if there was anyone present who would like to speak.

Amy Hedgecock, a property owner, landlord and current president of the High Point Regional Association of Realtors, who resides at 605 Shamrock Road, spoke in opposition to the text amendment. She pointed out that she has found that High Point seems to be the only city in North Carolina that pays relocation funds while Asheville and Wilmington pay relocations costs with HUD money through the homelessness prevention and rapid re-housing program. She noted that High Point does currently have this HUD program in the city which is currently ran through Open Door Ministries. Ms. Hedgecock felt the text amendment, as it is currently written, denies the landlord due process and also denies them an appeal process as well.

Council Member Douglas asked Ms. Hedgecock if she felt the landlords should maintain their properties and Ms. Hedgecock replied that she agreed they should maintain it, but didn't agree with relocating tenants from the properties. Council Member Corey asked if tenants sometimes cause damage and then report the damages to the city inspectors to basically get relieved of the lease and to get relocation expenses. Ms. Hedgecock noted this has been known to happen.

At this time, Chairman Whitley stated he would not support approval of the text amendment and noted he agrees with much of what was stated by Ms. Hedgecock.

Council Member Sims asked for an explanation of how the homelessness prevention dollars work and Mr. McNair explained that the folks would have to be homeless to qualify for the homelessness prevention dollars and relocation money could not be used for this purpose. Ms. Hedgecock disagreed with Mr. McNair and explained people don't actually have to be homeless, just in a situation where they may become homeless if you do not have their situation rectified and further explained that it is a program to keep people from being homeless.

Council Member Henley inquired about the length of the process involving substandard housing. Katherine Bossi, Local Codes Enforcement Supervisor, explained the process and noted depending on the condition, circumstances, the number and degree of the violations, it could be **anywhere from 30-90+** days. Council Member Henley also asked if staff considers whether the tenant is current with his rent and Ms. Bossi replied that this has never been an issue because the property owner is still responsible for making sure the structure meets the Minimum Housing Code. Council Member Henley expressed concerns that a negligent landlord could equally use the system to possibly expedite an eviction.

Council Member Pugh asked if most landlords are compliant and staff replied that most landlords are. Council Member Corey asked if there has been any attempts made during the process to identify the party responsible for the damages that result. Ms. Bossi explained that the violation of the Minimum Housing Code is still a violation and repairs would still have to be made regardless of who might be responsible for causing the damage. Council Member Douglas asked if staff has found more violations with property management companies or individuals that manage their own properties. Ms. Bossi replied she does not have the information necessary to make that determination.

Council Member Sims pointed out that although this year has been an extreme year as far as relocations funds paid out, she has not heard from the community that actually rents the houses what they think would be an acceptable alternative. She explained there is a process that the landlord can go through to recover the dollars when they have tenants that destroy their property and did not think it is the city's responsibility to be the mediator or to be the one that absolves the landlord or the tenant because there were Minimum Housing Standards that should be met. She felt landlords and property owners should be held accountable and live up to their responsibilities and obligations because they are in the business of renting property. She expressed concerns about the text amendment and felt it would be unfair for people who live in the community because the dollars used for the relocation costs could be used elsewhere.

Council Member Pugh stated he has a problem with the administration of the text amendment and questioned how it could be fairly and equitably administered and determination made as to who would be at fault. He explained he did not want to see an undue burden put on landlords when they may not be at fault. Council Member Sims pointed out that it is not the city's responsibility to expend funds to relocate people. Council Member AlAlexander agreed and felt it is the city's responsibility to make sure that the citizens of High Point are safe and this was the purpose for the

Minimum Housing Code.

Chairman Whitley asked if there was anyone else from the audience who would like to offer comment.

Dot Elliott, Conrad Realtors, explained she has never seen times like this before and felt the tenants learn very quickly what they can do and what they can get by with. She informed Council that they had no idea as to the can of worms that they would be opening up if this text amendment is adopted and that she was very, very concerned. She asked Council to think it through thoroughly before voting on the text amendment.

Mayor Smothers felt if there are situations that exist posing an imminent personal threat to health or safety, the the tenant should be moved--period--and a lien placed against the property. The Mayor asked if there were any additional comments. There being none, she called for a vote on Council Member Alexander's motion to adopt Text Amendment 10-08. The motion failed by a 3-6 vote as follows:

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

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

City of High Point Incentives Policies

110032

Council is requested to receive the following Incentives Policy Review Committee recommendations:

- 1) City of High Point Industrial Incentives Policy (revised)
- 2) City of High Point Job Creation Incentives Policy (new)
- 3) City of High Point Incentives Map (revised)
- 4) City of High Point Retail Incentives Policy (new)

(A special meeting of Planning, Economic Development and Information Technology Committee will be held on Thursday, March 17th at 9:00 to discuss this item)

Chairman Whitley explained that Council heard a brief review on the retail incentives policy this afternoon during a Finance Committee meeting held at 3:30 p.m. prior to this meeting and there were three other policies under consideration.

The Committee acknowledged receipt of the report and recommendations from the Incentives Policy Review Committee and recommended this matter be placed in Committee for further discussion at which time the Committee will hold a special meeting on Thursday, March 17th at 9:00 a.m. to begin reviewing the recommended policies.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be referred to the Planning, Economic Dev. & Information Technology Committee, due back on March 17, 2011. The motion carried unanimously.

PUBLIC COMMENT PERIOD - 5:15 P.M.

Suggestion for a Skateboard Park

Ed Price, 1220 N. Main Street, local realtor and civic leader, briefed Council on a proposed skateboard park. He suggested a regional park and an amphitheater that could draw people from all over the Triad and be an economic boost for the city--one that could be a public-private partnership. He distributed information to Council on a proposed concept for a park which they envision as a 15,000 sq. ft. facility with a construction cost of \$600,000 (not including land acquisition costs). Mr. Price suggested an ideal spot for such a regional park would be in the vicinity of the 311 Bypass and Interstate 85 in South High Point. Mayor Smothers asked if this plan has gone to the Parks & Recreation Commission and Mr. Price explained it has not, but they have discussed it with Allen Oliver, Director of Parks & Recreation.

Stan Clinard also spoke in support of a regional skateboard park. He shared some American Sports data that shows there would be 1,184 skaters in High Point and about 18,5000 skaters in the Triad. He pointed out the closest skate park is in Graham which is an 11,000 square foot private facility that charges for use. He touched on liability issues and explained Senate Bill 774 introduced in 2003, takes away the liability of a municipality for a sport of this caliber. Council Member Alexander stated he believed the state bill indemnifies municipalities on things that are under four feet in height. Mr. Clinard pointed out he has not been able to find a height restriction anywhere.

The liability issue was discussed further and it was noted that liability would be an issue if the facility was manned, but not an issue if it was unmanned. Mr. Clinard shared that today's trend for the most part is unmanned skate parks and he also envisions the park to be bicycle friendly.

Chris Bradley, who resides at 613 W. Farris Avenue, stated he has been an avid skateboarder for the past twenty years and pointed out it is a relatively inexpensive sport that could be enjoyed by people of all ages. He explained it is problematic finding places to skate because it is illegal in High Point to skate on public property. Mr. Bradley believed there is a high demand for a skateboard park and if one is built in High Point, he felt lots of people would frequent it daily.

Jeff Burns, 448 Ledford Circle, explained he often travels in a radius of 200-300 miles to visit skateboard parks with most of them being unmanned. He reported they do not have any problems and always seem to be clean because the skaters take pride in the facilities because it is in their best interest to keep the parks in pristine condition. He believed a regional park would draw people in from multiple states. He pointed out more and more kids are finding that they enjoy skateboarding more than playing sports and it would definitely offer an alternative.

Council Member Corey asked the group if they envision the park being a 24-hour-a-day operation or one that would be operating during daylight hours only.

Mr. Burns stated he personally would like to see a 24-hour park and would like to see something open past dark.

Mayor Smothers suggested the proposal go to city staff for review of cost, liability issues and issues regarding manning the facility.

Complaint- J. H. Adams Inn- Illegal Use of Property

Steven Dudash, who resides at 900 Johnson Street, addressed Council regarding illegal use of property located at 1013 Johnson Street (J. H. Adams Inn). There were approximately 20 residents present from the Johnson Street neighborhood. He explained the property in question was actually located directly behind the J. H. Adams Inn and pointed out it was zoned residential, and they have been using the property for business purposes for several years now. He pointed out the property is often being used for wedding parties, receptions, dinner parties, conferences and meetings and he has talked with staff on numerous occasions about this. He stated that staff has conducted an investigation and he has been told by staff that the property is in violation and that staff is in the process of building a case against them. He asked Council how much longer it might take to make them comply.

Mayor Smothers asked if there has been any noticeable disruptions in the neighborhood and if any calls have been made to the Police because of noise. Mr. Dudash noted that he personally has not heard anything but because his house is located on the other end of the street, he wouldn't be prone to hearing things anyway. An unidentified Johnson Street resident sitting in the audience stated he has heard the noise and he lives a block and a half away from the property.

Council Member Corey asked if it would be possible for the J. H. Adams Inn to request a change of zoning. Mayor Smothers explained they have been working with staff as to what options might be available to help rectify the situation. Mr. Dudash took offense to the suggestion that they be granted a change in zoning when the neighborhood has fought for over 25 years to prevent this and to maintain Johnson Street as a residential only neighborhood.

Council Member Sims questioned why staff has had a problem determining whether or not the property/use is in violation and why there seems to be difficulty enforcing the zoning laws on this particular piece of property. City Attorney Fred Baggett explained that the city is ready to file suit, but it would ultimately be up to the City Council to make the decision to follow through with it. He explained that the city could deal with the zoning violations and possibly change the zoning, but cannot change the building code (there has been an on-going building code violation because the house is not sprinkled and is being used as a hotel). Council Member Sims asked what the city's next step would be in this situation and the city attorney advised that it would be for the Council to decide whether they want to enforce it because they have already been fined many times.

Council Member Pugh felt the violations should be enforced and the violator taken to court. Council Member Sims asked how the city could collect the fines that have been imposed on them. Mr. Baggett explained that it is a civil matter which would require

a suit to collect the penalties.

Lack of Recreational Opportunities in South High Point

Don Carter, who resides at 407 Clover Drive, addressed Council regarding the lack of recreational opportunities for kids in south High Point. He pointed out that the city continues to spend money in other areas for recreation programs and ignores the impoverished kids in south High Point. Council Member Pugh assured Mr. Carter that there were others that share his vision and they just need to get on the ball.

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

No public hearings were scheduled to this meeting.

ADJOURNMENT

The meeting adjourned at 6:35 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk