

City of High Point

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



Meeting Minutes

Monday, February 21, 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 Henley, Council Member Whitley and Council Member Corey
Absent: Council Member Pugh

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 Corey.

Council Retreat; Friday, January 21st @ 11:30 a.m.
Council Retreat; Saturday, January 22nd @ 8:30 a.m.
Finance Committee; Monday, February 7th @ 3:30 p.m.
Combined Meeting; Monday, February 7th @ 4:45 p.m.
Facilities Tour; Thursday, February 10th @ 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 Douglas 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 Pugh was absent]**

Motion was then made by Council Member Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Pugh 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 Alexander, Chair
Committee Members: Whitley, Smothers and Corey**

(all were present)

Contract - Asplundh Tree Expert Company - Tree Trimming Services

110030

Council is requested to approve contract with Asplundh Tree Expert Company for tree trimming services in the amount of \$588,066.00. Contract is for period of February 1, 2011 - January 31, 2012 with an option for three one year extensions.

Following a 30-minute discussion in the Finance Committee held at 3:30 p.m. prior to this meeting, the Committee recommended this matter be forwarded to the full Council with a favorable recommendation. Council Members Sims and Corey expressed concerns regarding the ratios for minority employees within this particular company and felt they should do a better job trying to improve upon those numbers so

the numbers are reflective of the community.

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

For further discussion, Council Member Henley asked for clarification on the rates listed in Schedule A that makes a distinction between rates for jobs over and under 13 weeks in length and if the jobs historically last longer than 13 weeks.

Pat Pate, Assistant City Manager, explained that the city keeps Asplundh on contract year-round so it's basically longer than the 13 weeks and the city does not pay the higher rates for a typical contract. Randy McCaslin, Assistant City Manager, reaffirmed that it would last longer than 13 weeks and pointed out that as a general rule, the biggest part of the contract is for the on-going tree trimming services. He further explained that there are times when the city uses Asplundh for other services (such as assisting with the Tornado clean-up), but a majority of the contract is for the on-going tree trimming services.

Approved the contract with Asplundh Tree Expert Company for tree trimming services in the amount of \$588,066.00 for the period of February 1, 2011 - January 31, 2012 with an option for three one-year extensions.

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

**PUBLIC SAFETY COMMITTEE & COMMUNITY DEVELOPMENT COMMITTEE -
Council Member Sims, Chair
Committee Members: Alexander, Douglas and Corey**

(all were present)

Ordinance - Vacate/Close Structure - 909 Mint Street

110024

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 909 Mint Street belonging to Garrett Property Management

Ed Brown, Inspections Administrator, gave an overview of the staff report which is attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative of the property owner were present.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 909 Mint Street.

Ordinance No. 6799/11-07

Introduced 2/21/2011

Adopted 2/21/2011
Ordinance Book Volume XVII, Page 7

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

Ordinance - Vacate/Close Structure - 912 Carter Street

110025

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 912 Carter Street belonging to James Morgan.

Ed Brown, Inspections Administrator, gave an overview of the staff report which is attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative of the property owner were present.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 912 Carter Street.

Ordinance No. 6800/11-08

Introduced 2/21/2011

Adopted 2/21/2011

Ordinance Book Volume XVII, Page 8

Ordinance - Vacate/Close Structure - 1319 Boundary Avenue

110026

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1319 Boundary Avenue belonging to Maria P. Graham.

Ed Brown, Inspections Administrator, gave an overview of the staff report which is attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative of the property owner were present.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1319 Boundary Avenue.

Ordinance No. 6801/11-09

Introduced 2/21/2011

Adopted 2/21/2011

Ordinance Book Volume XVII, Page 9

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

Ordinance - Vacate/Close Structure - 1206 E. Commerce Street**110027**

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1206 E. Commerce Street belonging to Roger D. Lucas.

Ed Brown, Inspections Administrator, gave an overview of the staff report which is attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative of the property owner were present.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1206 E. Commerce Street.

Ordinance No. 6802/11-10

Introduced 2/21/2011

Adopted 2/21/2011

Ordinance Book Volume XVII, Page 10

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

Ordinance - Vacate/Close Structure - 1220 S. Elm Street**110028**

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1220 S. Elm Street belonging to Donna J. Powers

Ed Brown, Inspections Administrator, gave an overview of the staff report which is attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative of the property owner were present.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1220 S. Elm Street.

Ordinance No. 6803/11-11

Introduced 2/21/2011

Adopted 2/21/2011

Ordinance Book Volume XVII, Page 11

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

PLANNING, EDC & INFORMATION TECHNOLOGY COMMITTEE- Council**Member Whitley, Chair****Committee Members: Sims, Henley and Moore****(all were present)****Pending Items****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)

Note: This matter will be discussed during a Planning, Economic Development & Information Technology Committee Meeting scheduled for Tuesday, February 22nd @ 9:00 a.m.

PUBLIC COMMENT PERIOD

Mayor Smothers explained a public comment period was not part of tonight's agenda, but allowed Ms. Harwood the opportunity to speak.

Jill Harwood, a resident of High Point, expressed concerns about those serving in an elected office who owe debts or back taxes and asked if there is a law that would eliminate them from holding an elected office. City Attorney Fred Baggett replied there is no law that prevents a person from running for office, being elected to serve even though they may owe money to the jurisdiction they serve.

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.**Planning , EDC & Information Technology Committee - Council Member Whitley, Chair****Ordinance - Text Amendment 11-01 - Jennifer Moore - Sequels, LLC**

110029 A request by Jennifer Moore to amend Table 4-7-1 (Permitted Use Schedule) and Table 4-5-1 (Restricted Uses in the Main Street District) of the Development Ordinance, to permit a used merchandise store in Area B of the Main Street (MS) District. The request also proposes to amend Section 9-5-2 regarding certain development standards for used merchandise stores and related uses; and to amend Section 9-2-2(g) to add a definition for Antique Mall.

The public hearing for this matter was held on Monday, February 21, 2011 at 5:30 p.m.

Bob Robbins of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Sims pointed out the problems individuals have experienced with situations like this in the past and asked if staff has done anything to eliminate these situations from occurring. Mr. Robbins explained the procedure for granting how the license is received and processed has changed which should help. Mayor Smothers suggested staff explain the flow of the process in a future Planning, Economic Development & Information Technology Committee meeting. Chairman Whitley noted this would be discussed by staff in the Committee on March 22nd.

Council Member Sims felt it was unfair that individuals oftentimes find themselves in these unfortunate situations and hoped the city was being proactive on the front end so these things would not occur as frequently. Council Member Henley noted that most of the situations involve a lease between a landlord and tenant and both the landlord and the tenant have a responsibility to research the intended use to make sure the use would be permitted before they enter into a lease for the property. Council Member Henley stated that it also concerns him that there's nothing in writing from staff when folks inquire about what's permitted and what's not permitted in these situations. Mr. Robbins explained that staff always encourages folks--whether it's a real estate agent, a property owner, or a tenant--to contact the Planning office to get a zoning confirmation request which would give them verification in writing that they can take to the business license office. The Mayor suggested this should also be coordinated through the utilities department.

Chairman Whitley explained that he has had discussions with members of the real estate community in an effort to educate them as to the implementation of staff's changes in the process and he hoped this would also help resolve some of these issues.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to speak regarding the proposed text amendment.

Jay Wagner, 101 W. Lexington Avenue, Suite 104, spoke in support of the text amendment. He informed Council that Ms. Moore came to him through Wendy Fuscoe, Chair of the City Project, and asked for his assistance in getting her business established in the Uptowne area. He pointed out that he chaired the Committee that helped advise the Planning Department on the creation of the Main Street zoning district and explained that one of the uses they wanted to eliminate was pawn shops and it turned out to be too broad of a scope because they didn't realize it at the time, but it also eliminates things such as consignment shops and possibly used book stores or other types of uses they would like to see in those areas that are pedestrian friendly and boutique-type shops they would like to attract. He urged Council's support of the text amendment so Ms. Moore could continue to operate her business and to further the development of the Uptowne area.

Chairman Whitley asked if there was anyone else present who would like to offer 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 adoption.

Adopted Ordinance amending Table 4-7-1 (Permitted Use Schedule) and Table 4-5-1 (restricted Uses in the Main Street district) of the Development Ordinance, to permit a used merchandise store in Area B of the Main Street (MS) District and amend Section 9-5-2 regarding certain development standards for used merchandise stores and related uses; and to amend Section 9-2-2(g) to add a definition for Antique Mall.

Ordinance No. 6804/11-12

Introduced 2/21/2011

Adopted 2/21/2011

Ordinance Book Volume XVII, Page 12

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:25 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk