

City of High Point

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



Meeting Minutes

Monday, February 20, 2012

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, 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: Council Member Whitley, Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley 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 Whitley and second by Council Member Corey.

Finance Committee; Monday, February 6th @ 4:00 p.m.

Combined Meeting; Monday, February 6th @ 4:45/5:30 p.m.

Special Meeting (Retreat); Thursday, February 9th @ 8:30 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 Mayor Pro Tem Whitley, seconded by Council Member Alexander 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 Sims, seconded by Mayor Pro Tem Whitley that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

This action cancels the meeting scheduled for Thursday, February 23rd at 9:00 a.m.

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

Committee Members: Whitley, Smothers and Corey

(all were present)

Bid No. 64 - Aluminum Sulfate for Ward WTP, Eastside WWTP & Westside WWTP**120028**

Approval for award of contract for Bid No. 64 for Aluminum Sulfate for Ward WTP, Eastside WWTP and Westside WWTP. Purchasing and Public Services recommends that contract be awarded to General Chemical in the amount of \$586,190.00 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Awarded contract to General Chemical in the amount of \$586,190.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Contract - Bid No. 65 - Sodium Hydroxide

120029 Approval of contract awarding Bid No. 65 for Sodium Hydroxide for Ward WTP, Eastside WWTP & Westside WWTP. Purchasing and Public Services recommends that contract be awarded to Brenntag Southeast in the amount of \$201,152.48 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Awarded contract to Brenntag Southeast in the amount of \$201,152.48 which is the lowest responsible and responsive bidder meeting specifications.

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

Bid No. 19 - Liquid Sodium Hypochlorite

120030 Approval of contract extension for Bid No. 19 for the purchase of Liquid Sodium Hypochlorite for the Ward WTP. Purchasing and Public Services recommends that contract with Univar USA, Inc. be extended through February 13, 2013 at the current price of \$.84 per gallon for a total contract amount of \$158,340.00. This is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved an extension to the Univar USA, Inc. contract through February 2013 at the current price of \$.84 per gallon for a total contract amount of \$158,340.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Budget Ordinance Amendment - Whitestone Subdivision Infrastructure Improvements Bond

120039 Adoption of a Budget Ordinance amending the 2011-2012 Budget Ordinance to amend the Street Maintenance operating budget for Whitestone Subdivision settlement funds in the amount of \$75,000.00.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted Ordinance amending the 2011-2012 Budget Ordinance to amend the Street Maintenance operating budget for the Whitestone Subdivision settlement funds in the amount of \$75,000.

Ordinance No. 6891/12-08
Adopted 2/20/2012
Ordinance Book Volume XVII, Page 82

Introduced 2/20/2012

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

Budget Ordinance Amendment - HUD Community Challenge Planning Grant

120040

Adoption of an ordinance amending the 2011-2012 Budget Ordinance to appropriate funds in the amount of \$120,000 for the HUD Community Challenge Planning Grant.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted Ordinance amending the 2011-2012 Budget Ordinance appropriating funds in the amount of \$120,000 for the HUD Community Challenge Planning Grant.

Ordinance No. 6892/12-09
Adopted 2/20/2012
Ordinance Book Volume XVII, Page 83

Introduced 2/20/2012

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

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

Committee Members: Alexander, Douglas and Corey

(all were present)

Ordinance - Demolition of Structure - 624 Cable Street

120031

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 624 Cable Street belonging to George Freelan Turner (heirs).

Chairwoman Sims reported there are five major and fourteen minor violations association with this structure and the owner failed to appear for the initial hearing. She pointed out the current repair estimate exceeds 50% of the current tax value, so staff is requesting Council adopt an ordinance to demolish the structure.

The property owner was not present at this meeting to offer any comments.

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

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 624 Cable Street.

Ordinance No. 6893/12-10

Introduced 2/20/2012

Adopted 2/20/2012

Ordinance Book Volume XVII, Page 84

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

Ordinance - Demolition of Structure - 1315 Vernon Place

120032

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1315 Vernon Place belonging to David L and Minnie L. Terry.

Chairwoman Sims recognized the property owners, David L. and Minnie L. Terry, who were present to address Council regarding this housing case.

David and Minnie Terry, who reside at 3212 Loftyview Drive, addressed Council. Mr. Terry informed Council that they have made some progress in fixing up this house (i.e. vinyl siding, roof, sheet rock, installed carpet) and the house holds sentimental value because it belonged to his great grandmother who willed it to them. The Terrys felt they could complete the necessary repairs in six months and asked for the additional time to finish it.

Questions arose regarding whether or not the Terrys had obtained the necessary permits to do the major repairs (missing kitchen plumbing fixture; no heating system exists; 100 amp upgrade required for faulty electrical system; and demolition of storage building included in request due to structural deficiencies with the roof system. Ed Brown, Inspector, noted the property owner did obtain a building permit on August 20, 2007, but minimal aesthetic repairs have only been made to the structure and the four major violations still exist. He explained this housing case is the oldest one in the Burnshill neighborhood as far as enforcement action that the Council asked staff to take a hard look at several months ago. He reiterated that the owners have been working on it since 2007, but pointed out there's still quite a bit of repairs that remain to be finished.. He shared some pictures of the repairs made to the interior of the structure and informed Council that the property owner had agreed they would take the storage shed down located in the rear of the property.

Chairwoman Sims asked staff if the work that has been done is 50% of the estimate for the repairs that remain and expressed concerns that the Terrys would be putting additional money into the structure that could eventually be demolished if the repairs are not made. Mayor Smothers agreed that the Terrys have done a lot of work, but also shared Ms. Sims' concern. She felt it would be helpful for the Terrys to obtain estimates so they would know how much more work and money would be required to bring it up to code. The Mayor commended them for keeping the outside appearance neat.

Council Member Corey asked the Terrys about their intentions for the house once the

repairs are made and Mr. Terry replied that they do not plan on renting it out because their son would be staying there. Council Member Douglas commended the Terrys for the work that has already been done on the house and suggested he be given the extra time he requested to get the remaining repairs done.

At this time, Council Member Douglas moved that the Terrys be granted a six month extension to allow them an opportunity to finish the necessary repairs. Council Member Corey made a second to the motion.

For further discussion, Council Member Alexander asked the Terrys if they would have the financial means to invest in a heating system and an electrical system and to make the other repairs. Mr. Terry replied that as things stand now, they should be able to do the work, but he didn't know what the future would hold six months down the road. Chairwoman Sims reiterated her concerns that the Terrys would be putting additional money into the house and noted if they cannot make the necessary repairs within the six month time period, Council would still be faced with taking action to demolish. She also asked about the Terrys how quickly they could move on removing the storage shed. Mr. Terry explained that he would like to leave it there if possible because the structure itself was sound except for the tin roof that would need to be replaced.

Council Member Henley asked Mr. Terry what he would have Council do should he not be able to get the necessary repairs done within the six month period. Mr. Terry felt the Council should follow the laws that are in place and do what would be necessary. Council Member Pugh felt that was good enough if Mr. Terry was willing to accept the consequences if the repairs are not completed in six months.

There being no further discussion, the Mayor called for a vote on the motion to grant the Terrys a six month extension. The motion carried unanimously.

**PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair
Committee Members: Sims, Henley and Moore**

(all were present)

Resolution Amending the Schedule of Fees - Planning Development & Inspection Services

120033

Resolution amending the planning, development and inspection services fee schedule providing for a partial permit fee rebate for tankless water heaters.

Chairman Whitley noted at the last meeting, Council approved a fee schedule for rebates on green items and a suggestion was made by TREBIC to also include tankless water heaters. Staff has evaluated this and recommends changing the fee.

Adopted Resolution Amending the Schedule of Fees- Planning & Inspection Services.

Resolution No. 1709/12-10**Introduced 2/20/2012****Adopted 2/20/2012****Resolution Book Volume XVII, Page 60**

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

Minor Amendment to Conditional Use Permit 00-26 - High Point University**120034**

A request by High Point University to amend Conditional Use Permit 00-26 in regards to the landscaping standards along the Fifth Street boundary of the zoning site. The request also proposes to amend various conditions pertaining to lot combination, landscaping and vehicular access for developed portions of the site which are no longer applicable due to expansion of the High Point University campus.

Herb Shannon of Planning & Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

There was no one present to speak regarding the minor amendment to Conditional Use Permit 00-26.

Following the presentation of the staff report, the Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved an amendment to Conditional Use Permit 00-26 in regards to landscaping standards along the Fifth Street boundary of the zoning site and various conditions pertaining to lot combination, landscaping and vehicular access for developed portions of the site which are no longer applicable due to expansion of the High Point University campus.

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

Pending Items**Ordinance - Rezoning Case 11-15 - City of High Point****120014**

A request by the City of High Point City Council to amend the Airport Overlay District based on information provided in the Piedmont Triad International Airport FAR Part 150 Study. The Airport Overlay District boundaries are recommended to change in two areas. One is the Western Area, which is west of Sandy Ridge Road/Kendale Road; the other is the Eastern Area, which is generally east of NC 68.

Note: This matter has been pending since January 17, 2012 and will be discussed by the Planning, Economic Development & Information Technology Committee on Tuesday, February 21st @ 9:00 a.m.

Ordinance - Text Amendment 11-10 - City of High Point**120015**

A request by the City of High Point Planning & Development Department to amend Section 9-4-4(d) of the Development Ordinance, entitled Airport Overlay Districts; primarily being an amendment to reference the FAR Part 150 Study for Piedmont Triad International Airport as the basis for the four overlay zones.

Note: This matter has been pending since January 17, 2012 and will be discussed by the Planning, Economic Development & Information Technology Committee on Tuesday, February 21st @ 9:00 a.m.

Reinstatement of Commission Member- Planning & Zoning Commission**120041**

Consideration of the reinstatement or replacement of Keith McInnis, who lost voting status on the Planning & Zoning Commission due to non-compliance with the city's attendance requirement.

Note: This matter has been pending since January 17, 2012.

MISCELLANEOUS**Resolution - Setting Fee for the 2012 Municipal Election - High Point City Council****120038**

Pursuant to NCGS 163-294.2(e), Council must set the filing fees for the upcoming municipal election to be held on Tuesday, November 6, 2012. The filing fee must be set no later than the day before candidates are permitted to begin filing notices of candidacy. The filing period will begin on Monday, July 6th at 8:00 a.m. and will end on Friday, July 20 at 12 Noon. Filing fee for the 2010 election was \$96.00.

Adopted Resolution setting the filing fee for the 2012 Municipal Election at \$96.00.

Resolution No. 1710/12-11

Introduced 2/20/2012

Adopted 2/20/2012

Resolution Book Volume XVII, Page 61

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

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**Planning, Economic Development & Information Technology Committee - Council Member Whitley, Chair****Ordinance - Annexation Case 12-01 - Vernon & Lonnie Wilson****120035**

A request by Vernon and Lonnie Wilson to consider a voluntary contiguous annexation of approximately 0.417 acres located in the City's extraterritorial jurisdiction. The area to be annexed is lying approximately 175 feet south of E. Kivett Drive and S. Scientific Street, and consists of the southern portion of Guilford County Tax Parcel 0185907.

The public hearing regarding this matter was held on Monday, February 20, 2012 at 5:30 p.m.

Herb Shannon of Planning & Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the conclusion of the staff report, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to speak. There being none, the public hearing was declared closed.

Adopted Ordinance providing for the annexation of approximately 0.417 acres located in the city's extraterritorial jurisdiction.

Ordinance No. 6894/12-11

Introduced 2/20/2012

Adopted 2/20/2012

Ordinance Book Volume XVII, Page 85

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

Resolution - Street Abandonment Case 12- 01 - Paul Morse - Ardmore Circle

120036

A request by Paul Morse to abandon a portion of the Ardmore Circle right-of-way abutting 209 Edgedale Drive.

The public hearing regarding this matter was held on Monday, February 20, 2012 at 5:30 p.m.

Mark Schroeder of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Alexander expressed potential liability concerns due to the structure being underneath a powerline. Mr. Schroeder explained the city's electric department did look at it and said that it is in compliance with the National Electric Code, but if the abandonment is approved, the structure itself will not meet the setback requirements so the property owner would be removing ten feet of the structure.

Mayor Smothers asked about the possibility of Mr. Morse getting a waiver from the Board of Adjustment for that so he wouldn't have to tear part of it down. Mr. Schroeder noted that this was an option that Mr. Morse could pursue and pointed out if the right-of-way is abandoned, he would be about one foot off the right-of-way. Lee Burnette, Director of Planning & Development, explained that pursuing a variance may be problematic because the property owner created his own hardship.

Chairman Whitley opened the public hearing at this time and asked the petitioner to come forward.

The petitioner, Mr. Paul Morse, addressed Council in support of the street abandonment. He noted the structure was really well built as he and some others built it. He indicated that he would be agreeable to removing a portion of the structure so that it would not be under the powerline and so it would be in compliance with the setback Council is considering to be allowed. Mr. Morse explained that he has been parking at this location for years and didn't realize that he would be encroaching on

the right-of-way when he put up the carport to protect his new vehicle from the dings from the acorns falling from the huge oak tree.

Chairman Whitley encouraged Mr. Morse to pursue a variance request through the Board of Adjustment before tearing part of the structure down. Mr. Burnette noted that Ardmore Circle functions more like an alley and pointed out the Technical Review Committee has indicated this is one area they would be looking at in an effort to reduce excess right-of-way. Mayor Smothers asked if staff could possibly accelerate that consideration. Mr. Burnette explained that it would require survey work by the department and would have to be incorporated into their work schedule. Mr. Morse informed Council that he was hoping to hold off on that because of the required \$500 application fee.

Chairman Whitley 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.

Adopted resolution authorizing the abandonment of a portion of the Ardmore circle right-of-way abutting 209 Edgedale Drive.

Resolution No. 1711/12-12

Introduced 2/20/2012

Adopted 2/20/2012

Resolution Book Volume XVII, Page 62

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

Amendment to Zoning Case 11-03 - High Point University

120037

A request by High Point University to amend a Conditional Zoning Public & Institutional (CZ-PI) District (CZ Ordinance 11-03) to 1) rezone abutting Residential Single Family-7 (RS-7) District parcels to the CZ-PI District; 2) to amend conditions pertaining to permitted uses, lot combination and lighting; and 3) to allow less restrictive dimensional standards in regards to building setbacks and building height. The site is bounded by E. Farriss Avenue, Fifth Court, Fifth Street, North Avenue and Willoubar Terrace.

The public hearing for this matter was held on Monday, February 20, 2012 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Alexander expressed concerns regarding the 100 foot building height and from a scaling standpoint, how it would relate to the rest of the campus.

Council Member Henley inquired about the property in the notched out area located in Tract B that has been designated as parking only and what kind of setback would be required. Mr. Shannon explained from the previous zoning approval, the only place the applicant noted parking would be developed in this area and a Type B planting yard which has an average width of 30 feet would be required if parking is established anywhere in the vicinity of that property owner. Council Member Henley also questioned why the university chooses not to pipe off the stream. Mr. Shannon noted that the applicant can better address these concerns.

Council Member Sims asked how the proposed lighting might affect that one property owner and Mr. Shannon explained it would not affect them because the current condition in place is that it cannot be higher than 25 feet and the ordinance also requires any type of lighting to be shielded or directed away from abutting property owners.

At this time, Chairman Whitley opened the public hearing and invited the petitioner to come forward. Ron Guerra, representing High Point University, 833 Montlieu Avenue, addressed Council in support of the request. He spoke regarding the subject area proposed for rezoning and the special use permit and pointed out they are proposing a mixed use building on Tract A that would have dorms as well as eateries and other student services, although they do not have a specific design for the building at this point. Mr. Guerra explained the 100 foot height requirement was necessary to cover the hvac equipment located on the roof. Regarding the stream, he indicated that it is the university's desire to incorporate the stream into the plan for the area and to keep it in its natural state. Council Member Henley suggested that the university change the submission of 100 feet to 120 feet to give the university a little more room. Mr. Guerra explained that they were fine with the 100 foot submission and noted that Dan Pritchett with Jamestown Engineering has worked closely with them on the topography of this area. Mayor Smothers pointed out that given the overall appearance of the campus, she hopes they would not try to build an IHFC on campus and Mr. Guerra replied they would not do that because it would not be keeping with the architectural nature of the university.

Chairman Whitley asked Mr. Guerra about the issues voiced by Mr. Barnes at the Planning & Zoning Commission meeting and if the university has worked with him to resolve some of those issues. Mr. Guerra replied that the university has and shared a notebook of pictures. He noted Mr. Barnes claimed that his driveway was blocked with a chain during the Christmas holidays, but in all actuality, his driveway did remain open. Mr. Guerra informed Council of another issue brought forward by another property owner in the area regarding the cleaning of North Avenue and the water traveling towards Willoubar and the university responded by immediately cleaning up the area and they asked the project managers to make sure that the streets are kept clean--not only North Avenue, but where the residents live.

Mr. Guerra shared that they did address all the issues, but they never had a reply from Mr. Barnes. Council Member Sims asked what happens to Mr. Barnes in the long-term as the university continues to build out their campus to ensure that he will be able to get to his home. Mr. Guerra stated that he would obviously have all the

rights of any High Point citizen to get to their home and the university could not deny him of any of those rights. He shared that the university has actively tried to pursue purchasing his home, but Mr. Barnes has set a price making it unpalatable for the university to continue. He explained the university would just have to plan around him and would not infringe on his rights to entry or anything of that sort.

Council Member Sims asked if the university has adequate parking on the campus. Mr. Guerra replied that there is plenty of parking and that Dan Pritchett has been working on a parking count that would be submitted to the city in early March.

Chairman Whitley asked if there was anyone else present who would like to comment in support of or in opposition to this request. 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.

Adopted Ordinance amending a Conditional Zoning Public & Institutional (CA-PI) District (CA Ordinance 11-03) to 1) rezone abutting Residential Single Family-7 (RS-7) District parcels to the CA-PI District; 2) to amend conditions pertaining to permitted uses, lot combination and lighting; and 3) to allow less restrictive dimensional standards in regards to building setbacks and building height based on consistency with the city's adopted plans. Additionally, the City Council finds this action to be reasonable and in the public interest based on the findings included in the staff analysis section of the staff report which is hereby incorporated as a permanent part of these proceedings.

Ordinance No. 6895/12-12

Introduced 2/20/2012

Adopted 2/20/2012

Ordinance Book Volume XVII, Page 86

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

For Information Only:

Meeting Reminder

Chairman Whitley announced that the Planning, Economic Development and Information Technology Committee would meet on Tuesday, February 21st at 9:00 a.m. to discuss the two items that are pending in committee regarding the Airport Area Plan.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at

6:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk