

City of High Point

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



Minutes

Monday, February 17, 2014

5:30 PM

Council Chambers

City Council

*Bernita Sims, Mayor
James C. Davis, Mayor Pro Tem
Foster L. Douglas, Jason P. Ewing,
Jeffrey J. Golden, Judith P. Mendenhall,
Britt W. Moore, Rebecca R. Smothers,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Council Member Golden offered the invocation; the Pledge of Allegiance followed.

Present 9 - Mayor Bernita Sims, Council Member Foster Douglas, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, Council Member Jay Wagner, Council Member Britt Moore, and Mayor Pro Tem James Davis

CLOSED SESSION- PERSONNEL

Upon motion duly made by Council Member Moore, second by Council Member Mendenhall, to go into Closed Session at 5:35 p.m. to discuss a personnel matter pursuant to N.C. General Statute 143-11(a)(6).

Council reconvened into Open Session at 5:46 p.m. with an announcement that there would be no action taken as a result of the Closed Session.

CONSENT AGENDA ITEMS**FINANCE COMMITTEE - Council Member Moore, Chair****Committee Members: Wagner, Davis and Sims****(all were present)****[140038](#)****Budget Ordinance Amendment - Police Department Grant - Family Justice Center**

Adoption of a budget ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of \$147,000.00 from the High Point Community Foundation for the High Point Center for Children and Families - Family Justice Center.

Attachments: [Budget Ordinance Amendment - Police Department](#)

Ordinance No. 1732/1410

Introduced 2/17/2014; Adopted 2/17/2014

Ordinance Book, Volume XVIII, Page 64

Major Ken Shultz was present at the Finance Committee meeting and gave a brief explanation of the grant.

Adopted Budget Ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of \$147,000 from the High Point Community Foundation for the High Point Center for Children and Families- Family Justice Center.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Budget Ordinance Amendment be adopted. The motion PASSED by an unanimous 9-0 vote.

[140039](#)**Agreement- Kimley-Horn & Associates - N. Main Street Traffic Study**

Council is requested to approve a master professional services agreement with Kimley-Horn & Associates in the amount of \$113,231.04 for the North Main Street road dieting traffic study.

Attachments: [Contract - Kimley Horn - N. Main St Traffic Study](#)

_____ Transcript _____

Chairman Moore: The request comes from our Transportation Director and the Department of Transportation to conduct the study at a cost of \$113,931.04. I see Mark is here and I believe Council Members, or I know I do have a few questions if we may.

Mark, do you mind answering a few questions? Would anyone else like to start with the questions?

Mark McDonald: I'd just like to clarify something that's in your agenda packet and that is the amount of the bid recommendation and the amount shown in the proposal. The number in the bid recommendation is \$113, 931.04. The actual contract amount would be for \$113, 231.04. So if a motion is made to approve it, it needs to reflect the correct amount which is \$113,231.04. I just wanted to make that clarification before we got into any questions.

Chairman Moore: Do you have anything, in general, on your recommendation to this Council that you want to share before we ask questions?

Mark McDonald: Not really. We've talked about this situation several times before and this is the end result of proposals that we received back in the fall from eight different consultants who selected Kimley-Horne Associates and we have negotiated a scope and a fee for the study of the traffic impacts associated with the road dieting proposal.

Chairman Moore: In your professional opinion, the information in the scope that you have requested as it pertains to the dieting issue that's on the table, is there other information or information that you requested that can be and would be beneficial to your department or possibly this city from other facts of finding in other avenues outside of the dieting?

Mark McDonald: For other uses?

Chairman Moore: Yes.

Mark McDonald: Well we would use fairly extensive traffic counts, updated traffic counts. I believe the last traffic counts that we've done in that particular part of the city were done with another project back in about 2006-2007, somewhere in that range. We'd have updated corridor files that we used for signal timing. Again, those were updated about that same time. So there would be a fairly good bit of information and data that we can use for other things going forward on other projects as well.

Chairman Moore: Okay. So in a perfect world, for what you do for the city, how often would you like to....what would be optimum on your update counts?

Mark McDonald: If we could do it as often as we wanted to, we'd probably do it every two or three years or so, for signal timing and updating purposes. We have in the past had traffic count programs that we have used for that where we would hire high school or college students to help us do traffic counts during the summer months. We have not done that as regularly over the past few years because of budgetary constraints. It would be very helpful to have updated information like that.

Chairman Moore: And the money that you have sourced here is.....it was part of our budget proposal this year?

Mark McDonald: There was \$40,000 that was in our department's capital budget for a Core City traffic study and we proposed a budget amendment from unappropriated general funds to cover the difference.

Chairman Moore: Does anybody else have any questions?

Council Member Mendenhall: Mark, under the PST, it says that the city's going to identify key staff. I would hope, because I think we all want this to be as objective as it can be, and technically correct-that we would have technical people from the city with expertise who would serve on this. When it says the city will identify. Is that your department that's going to identify who's going to serve? Will the Council have any involvement in it, or how are those people going to be determined?

Mark McDonald: Council could play a role in that. Although I would envision that being primarily myself, members of my staff, Mr. Carpenter, possibly someone from Mr. Burnette's department from planning and then maybe a couple of other outside....and someone from DOT as well-the division office of NCDOT.

Council Member Mendenhall: Okay, I guess my concern would be about those couple of other outsiders. I think we need to be sure that this is as clean as a study that it can be. I mean, I would think that probably nobody from the City Project and nobody from the Council because we all have very passionate feelings one way or the other. So I would hope, and I don't know how the rest of Council feels, but just from my standpoint, I would hope that it would be people with the expertise that would be needed to gauge the recommendations as they are made. Also, the people that would be interviewed, how would those people be determined? Will the City Project be involved in that? Will the Council be involved in that? Will your staff bring recommendations? Stakeholders, I'm talking about.

Mark McDonald: Possibly all three. The outreach part of the proposal is a carryover from when....this has evolved from being a City Project project and we felt like, going into this, that the public outreach and public involvement with a project of this kind of

implications needed to have some public involvement and input from the general public from residents in the neighborhoods around Main Street, from business owners along Main Street, from just your every day travelers that use the road and have an interest in that, from NCDOT, from staff, to try to capture a broad range of input on that to make a proper assessment.

Council Member Mendenhall: The only other real concern I have and maybe it's just me, but.....and I did discuss this with you. There is cursory examination for market traffic given in this-three days. I think I made it real clear to you that from my standpoint, three days is probably not sufficient and we had a little brief discussion about it. As far as I know, there has been no attempt at this point to work with the Market Authority in terms of the routes that their transportation buses take-considering that they are on a tight time frame coming in from the hotels and the parking lots. McLaurin keeps them working just like this because they have a turnaround. I would hope that if this study is undertaken, that a great deal of attention could be paid to those kinds of things because, depending on where traffic may or may not go...if it goes off Main Street or even when Main Street is dieted, it will have an impact on the ability from a timing standpoint to get those vehicles down to the terminal, then back out. I know that they don't all go on Main Street, but a lot of them use Johnson Street. I think....I realize we're talking about....as Mr. Duany said....peaks twice a year, but those peaks are very important to the economy of this community. So I think just to pay cursory examination to market traffic during this kind of a study is not what I would consider sufficient. Just my opinion.

Mark McDonald: I can assure you that my department is very sensitive to market and we're involved in that very heavily.

Council Member Mendenhall: I know you are.

Mark McDonald: And we'll be looking at that closely. The data that we plan to collect is not or has not at this point been intended to do a detailed analysis of each intersection and how it would operate during market, but to try to gauge what they level of increase might be so that we can address it on a broader scale without having to get into a lot of nuts and bolts analysis. But we will certainly be looking at things like where the market transportation is going, the routes they are using and the delays that they might incur as a result of that.

Council Member Mendenhall: Well, I would hope that officials at the Market Authority are part of the stakeholders because I think they do have a very vested interest in traffic in High Point twice a year.

Mark McDonald: Yes, they would be.

Council Member Mendenhall: So, I hope that it will be more than just looking at it three days during market. It's not sufficient from my standpoint.

Mark McDonald: Yes, ma'am.

Mayor Pro Tem Davis: Am I up next?

Council Member Mendenhall: I guess so.

Mayor Pro Tem Davis: Mark, the City Project is a non-profit, who's executive director is also a senior level city employee. This week there was an email that circulated from her office that stated that members of City Project served on a committee who helped select the engineering firm that's going to do this study and also defined the scope of the study. Was any Council Members on that committee?

Mark McDonald: No Sir.

Mayor Pro Tem Davis: Was any Council Members ever invited to be on that committee?

Mark McDonald: Not that I'm aware of.

Council Member Davis: Did the items that they wanted discussed add additional cost to this study?

Mark McDonald: Not that I'm really aware of. The thing that is different about this study than from, say, a normal traffic study that we would do for a development is the public outreach part. And that is a piece that was very important to the City Project and to us as well because we think it's important for everyone to be able to understand what the impacts of the dieting could be.

Mayor Pro Tem Davis: My final question is....since the taxpayers had no representation on this committee, what assurances do we have as taxpayers that we will get a fair and impartial study?

Mark McDonald: Well, we went through a very exhaustive process to prepare the proposal and to advertise the project to qualified professional traffic engineering firms and to sit down and read and review all the proposals. There were eight proposals received. The people that were sitting on the selection committee were myself; Mr. Burnette; Ms. Fuscoe; David Covington, whom I believe is here; Pat Wilson from the NCDOT and an outside representative that we asked to join us from the City of Charlotte, who actually came in and sat on that panel. We looked at those proposals very thoroughly. Had a lot of discussion with them and determined that the firm we selected was the best firm to do the project. And I think we looked at it very objectively and very fairly. So we're comfortable with that selection. I'm comfortable with it and my department's comfortable with it.

Mayor Pro Tem Davis: That's all I have.

Council Member Ewing: I have a question, Mark, on the study company while we're on that topic. The committee that looked over the proposals, is this different than the number of the bidding processes we have where we have to go with the lowest responsive bidder? Is there a difference in this specific process?

Mark McDonald: Yes. Professional Services requires that it be based on qualifications and not on the cost. We did not engage in any sort of discussions with the consultants regarding their costs. It's simply about what their qualifications are to do the work, what experience they have doing similar kinds of work, what over and above they bring to the table to perform the study. Once the firm is selected, then you start negotiating on what the actual scope of work is, and what the fee for the study would be.

Council Member Ewing: The scope of the work, the study tasks as in the proposal here....if I remember back last month when we were discussing this in committee, the NCDOT requirement is what really drove the need for this study.

Mark McDonald: That is a part of it. NCDOT has said that before anything can be done to the road, which it is a state road, that they would want to see a study that shows how it will affect the road operationally. But that is also something that we've been very interested in as well because we have to maintain and operate the road for DOT.

Council Member Ewing: Of all the items listed that cumulatively make up the total scope of the study, how many of those individual items are actually NCDOT required if we wanted to go out and diet Main Street?

Mark McDonald: Well certainly project management is just a part of the company's overhead for doing the business of the project. Data collection, the diversion analysis would be required. Certain detailed traffic analysis. The opinions and probably cost-all of those things would definitely be things that NCDOT would have a strong interest in seeing. The public outreach, I'm not sure how they would feel about that, although during our discussions with them sitting on our selection committee, I think they expressed an interest in doing that, but I'm not sure that's something for a traffic study that they would necessarily include. The non-traditional performance measures is more of a qualitative discussion and overview of looking at things like a complete streets philosophy of looking at walkability, bikeability, the effects on transit-things of that nature. Those are things that are becoming more important to DOT, but may not necessarily be included had they set the scope of the study. Visualization, those are the graphics and things of that nature that would be put together and used to present the findings for you all and to the public.

Mayor Sims: So can I ask, Mark, in your professional opinion, the scope of work that was prepared, the committee that was pulled together to review the bids that were proposed or sent to you, that this was done in accordance with how you would have handled this with any other project regardless of whether it's N. Main or any other typical project like this in the City of High Point?

Mark McDonald: Yes ma'am.

Mayor Sims: Thank you.

Chairman Moore: Is there anybody else?

Council Member Mendenhall: I thought of one other thing, and it may not be something you can even speak to, but I had the question raised to me that if widening the sidewalk is one of the goals and parking is a goal and you've got to have traffic lanes, can you widen the sidewalk, park cars and still move traffic? Maybe you can't answer that, but is that the kind of thing that they might look at in this study?

Mark McDonald: Well, they are going to be looking from a traffic perspective operationally, what would be the effects of removing two lanes of traffic. Right now we have two northbound lanes, two southbound lanes and a center turn lane. In order to widen the sidewalk and provide for, potentially for on-street parking and potentially for a bike lane-that's going to have to narrow things up so you would lose the two outside lanes to accommodate that. So the analysis is going to be looking at that. What the actual cross section ends up looking like and aesthetically what it looks like is not so much a part of the study. It's really more of an operational analysis to gauge the effects on Main Street and also other surrounding streets as that traffic is moved out or diverted to other paths.

Council Member Smothers: Just one question and that is the completion date of August 31st?

Mark McDonald: That is an estimation. We figure it's going to take about six months to complete, to get in and collect the data. We've got market to work around. We're already getting close to that now for doing any data collection before market, so we need to start very, very soon and then collect some data during market and move forward with the analysis, presentations, bringing forth preliminary results for you all to see-for the public to see. But we anticipate finishing by August 31st is very doable.

Council Member Smothers: When would the preliminary results fit in? I mean that's not identified in terms of where in the task schedule.

Mark McDonald: After they do some of the diversion analysis and some of the traffic analysis, so I would anticipate maybe in late May, June. Again, that sort of also depends on when we can get started. If we wait too much longer to get started, we're going to need to postpone that data collection until after market, will be to collect during market, but then do what we're evaluating after market which will push this out a little bit.

Council Member Douglas: Mark, I have one question. Is this a joint funded venture?

Mark McDonald: No sir.

Council Member Douglas: It's just the city paying for this?

Mark McDonald: As it stands right now.

Council Member Douglas: Madam Mayor, was.....at one of our previous meetings, I thought that the City Project was supposed to pay a portion of this.

Mayor Sims: I don't believe so. I think a question was raised by one of our Council Members requesting if there were others in the community that would be willing to share in the cost, but that was never a decision that we made. I believe we were all aware that this was going to be a cost that the city was going to pay.

Chairman Moore: Any further questions or comments? [none] Lisa, I'm sure you noted the correction Mark gave us on the dollar amount?

City Clerk Vierling: Yes, I did.

Chairman Moore: Well, Mark, thank you. I appreciate your being here to answer the questions. Well at this point, if there's no further question or discussion, I'll entertain a motion.

Council Member Wagner: **Motion to approve.**

Chairman Moore: I have a motion to approve. Is there a second?

Council Member Golden: **Second.**

Chairman Moore: I have a motion and a second. All in favor, signify.....

Council Member Mendenhall: Can we make comments before we vote?

Chairman Moore: Sure.

Council Member Mendenhall: I have made no bones about the fact that I do not think dieting this particular part of Main Street is a good idea. I have heard that and heard that and heard that-loud and clear. I am going to vote for this motion; however, because I think that what we need is an independent objective study of the situation to make that determination. I think there's a lot of passion on both sides, done by people with the best of intentions who are not traffic engineers and who have no real clue about what this might do traffic wise or anything else. So, by supporting the motion, I hope that we will get some answers to questions that I think both City Project people and members of this Council have about the feasibility of this. It's a good idea in some people's minds. It's the worst thing some other people have heard of, but I still believe that we need an objective, comprehensive study done by experts in the field-not by the City Project group, not by the City Council-but by people who have the expertise to bring us some facts upon which we can then make a decision. So I'm done.

Mayor Pro Tem Davis: I'd like to add one thing. From the questions I asked earlier based on what Council Member Mendenhall just said and earlier what Mayor Sims and Councilman Douglas asked. And that's.....the taxpayers are funding this study-the whole amount. And from the very beginning, City Project members helped select the engineering firm and define the scope of the study. So I don't think, from the very beginning, we're getting an independent, objective study because no Council Members was on that committee and the citizens had no representation and we're the ones funding it. So I will be voting no.

Mayor Sims: Are there any other comments?

Council Member Wagner: I would just say that there's....I mean our staff selects people to provide services to the city all the time and I don't know of any of us that have ever been involved in the selection of a service provider to the city.

Chairman Moore: Is there any other comments or questions?

Council Member Ewing: I have a quick comment, Mr. Chairman. I'm certainly not opposed to dieting of Main Street. A number of the people I spoke with about this concept in the last few weeks....I've had the IGNITE High Point book so they could see the concept of dieting is one that many people are familiar with. I have not had a lot of people that I've spoken with in the northern part of town supportive of this. While, again, I'm not opposed to the idea of dieting Main Street, I feel that we still have some other places that we should go first. I believe there's an economic study that's due to come out in a few months which would give us some information on what type of economic impact this could provide. I think we still have to provide some incentives for small business development in the Uptowne/Downtown, some of the Core City areas, rather than just dieting a street and hoping that people will see that as an advantage. I will not be supporting this at this time. Frankly, I don't feel that if it were to come to a vote to diet Main Street if the study were to come through, we would have the votes to necessarily do it. I don't see wasting \$113,000 of taxpayer dollars throwing more studies around. Thank you.

Mayor Sims: I would just like to say that some of the most innovative things that have happened across this country have happened in the face of controversy with folks saying they didn't believe it should happen. I will be supporting this motion. Simply because I believe at the time that the City Project Board was put together and at the time we went through and we did everything we did with the Core City studies, studying all the neighborhoods, this idea of dieting Main Street was out there in the very beginning. It was not something that was a Johnny-come-lately in the discussion. It was there in the very beginning. We talked about moving through this process of how we do this and even looking at, once we redirected traffic off 311, which was Main Street to the By-Pass, that we could look at the possibility of making this happen. And, if in fact, this would be something that would be advantageous to our community and knowing that we do not have a quote unquote, a traditional downtown. So there was a drive, a

motivation and a desire to have a shopping area where we could, as citizens in our community, have an area where we could go and be a part of a downtown experience. It just so happened that Uptowne was the place that was looked at. I don't know if this is the end all to this, the be all to this, or if it is, in fact, it's going to work and it's going to be what we all want it to be. But we perish without having vision and I think that in this community, we've looked at several things in the course of looking at this whole Core City Project and the things that came out of the study. And each time we get to a plateau where we're able to make a decision that's going to make a difference, we choke. So I look at this as the very same situation that we're dealing with right now. Not everybody in the community is going to agree about a direction that we need to go. We spend money every day on items in this community that don't impact everybody in this community. So I look at the individuals who are sitting in this audience and they happen to be the ones who say, primarily they support this process. Now I don't know where the others are and I would love to hear from those individuals who say they don't think this is a good idea. What we need to do is find a way to unite our community and have everybody see and partake in this discussion that we're having. Unfortunately, it's happening one council member at a time. I would love to be able to have a conversation with our individuals in, I'm assuming, Wards 5 and 6, that have talked to you all and said they don't support this effort. There are other people in the city who have looked at this and said nothing beats a failure but a try. And that's kind of where I sit with this. I believe that we need to move forward with at least looking at this and determining if, in fact, it will impact our community. And I'm hopefully that it will because at this point we don't have anything else going for us in this type of environment and with this type of, I would say vision, at this point. So I will be supporting this motion and hopefully we'll get out of it the results we all hope that we will.

Council Member Mendenhall: I just want to be sure that it is perfectly clear that in supporting the study, I am not supporting dieting. And Madam Mayor, you indicated that it may just be Wards 5 and 6. I can tell you I had a neighborhood meeting in my neighborhood last week and there was not support among the people at my neighborhood meeting for dieting.

Mayor Sims: How many people?

Council Member Mendenhall: You know, I'm sorry, Madam Mayor. You know we can play the numbers game....

Mayor Sims: The numbers games are important.

Council Member Mendenhall: Okay, I'm supporting the study-against what a lot of people that have spoken to me have said. But I still do not think dieting that particular portion of Main Street makes a lot of sense, but I think we need to do the study.

Mayor Sims: Well it may not necessarily come down to a recommendation that that's what we do, but I am willing to at least have somebody look at it, study it and come

back to us with a recommendation that says whether it's good or it's bad.

Council Member Mendenhall: So am I Madam Mayor.

Mayor Sims: Are there any other comments concerning this item?

Chairman Moore: I'll make a couple before I call for a vote. It's pretty obvious there's quite a bit of passion here. If you'll look at this, you know, this is my third year on Council, and I'm getting to have a lot more respect for our staff and the different departments in what they do. It's not easy. Sitting up here is not easy either. But Mark brought up that this recommendation does come from our transportation department and they're professionals. Although it may have had some influence, obviously from City Project. But Mark mentioned something along the lines that the information will allow everyone to understand the ramifications. I think it's my responsibility as an At-Large representative to at least obtain whether I feel it's a good idea or not at this point, to allow this step to occur, to bring in professional information with which I can make a competent decision if it comes to the decision of moving forward with the diet. And I think this will allow us some reality as to the facts. I certainly believe that we can have a vision, but if we don't have a filter of reality to filter it through, it may wind up being an illusion. So with that, I will be supporting the motion to obtain a study and also to try to get moving forward with respect to our Furniture Market and the importance that it has for the city as well.

Is there any other comments?

Mayor Sims: Seeing none, all those in favor, please signify by raising your hand (6).
[Mayor Sims and Council Members Moore, Golden, Douglas, Mendenhall, and Wagner]

Those opposed? [Mayor Pro Tem Davis, Council Members Davis and Ewing] Motion passes. [6-3 vote]

[end of transcript]

Approved a master professional services agreement with Kimley-Horn & Associates in the amount of \$113,231.04 for the North Main Street road dieting traffic study.

A motion was made by Council Member Wagner, seconded by Council Member Golden, that this Agreement be approved. The motion carried by the following vote:

Aye: 6 - Mayor Sims, Council Member Douglas, Council Member Golden, Council Member Mendenhall, Council Member Wagner, and Council Member Moore

Nay: 3 - Council Member Ewing, Council Member Smothers, and Mayor Pro Tem Davis

[140040](#)**Budget Ordinance Amendment - Main Street Transportation Study**

City Council requested to approve budget amendment providing funds for the North Main Street dieting Transportation Study.

Attachments: [Budget Ordinance Amendment - Traffic Study](#)

Ordinance No. 1733/14-11

Introduced 2/17/2014; Adopted 2/17/2014

Ordinance Book, Volume XVIII, Page 65

Adopted Ordinance amending the 2013-2014 Budget Ordinance providing funds for the Main Street Transportation Study.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Budget Ordinance Amendment be adopted. The motion carried by the following 6-3 vote:

Aye: 6 - Mayor Sims, Council Member Douglas, Council Member Golden, Council Member Mendenhall, Council Member Wagner, and Council Member Moore

Nay: 3 - Council Member Ewing, Council Member Smothers, and Mayor Pro Tem Davis

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE -**Council Member Douglas, Chair****Committee Members: Mendenhall, Ewing and Golden****(all were present)**[140041](#)**Ordinance -Vacate/Close Dwelling (48 Hour Notice) - 1210 E. Springfield Road**

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing (48 hour notice) of a structure located at 1210 E. Springfield Road belonging to Mark and Cynthia Fritts.

Attachments: [Ordinance - Vacate Close - 1210 E. Springfield Road](#)

Ordinance No. 1734/14-12

Introduced 2/17/2014; Adopted 2/17/2014

Ordinance Book, Volume XVIII, Page 66

Chairman Douglas asked staff to provide an update on the staff report regarding this housing case, which is hereby attached in Legistar as a permanent part of these proceedings. Katherine Bossi, Local Codes Enforcement Supervisor, reported the first inspection on the structure was conducted on February 10th, which started as a regular housing case. There were some electrical issues identified making the structure unsafe for the tenant to occupy, so staff issued a 48-hour to repair or vacate with a compliance date on the order of February 13th. She reported that the owner has not made any repairs or obtained any permits and the property is still occupied.

Chairman Douglas asked how long the tenant would have to vacate the

premises. Ms. Bossi replied the order would be effective immediately. Chairman Douglas expressed concerns about making the tenant move because it could put the tenant in a worst situation making it difficult for the tenant to find another place to live and pay the necessary deposits associated with the move. It was noted that Council had rescinded the relocation and moving expense policy, so the tenant would not be eligible for any assistance. Mayor Sims explained it was rescinded due to abuse and if reinstated, guidelines would have to be put in place. Chairman Douglas felt Council should revisit the policy. Council Member Mendenhall suggested the possibility of having Community Development identify some funding to be used for this purpose while doing their Annual Action Plan.

The property owner was not present.

A motion was made by Council Member Douglas, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

Pending Items

140033

Ordinance -Vacate/Close Dwelling (48 Hour Notice) - 1310-1C Burton Road

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing (48 hour notice) of a structure located at 1310-1C burton Road belonging to Laurelwood Park Limited Partnership.

Attachments: [Vacate Close - 1310-1C Burton Avenue](#)
[Memo from staff recommending removal from agenda](#)

Note: Action was taken at the February 3, 2014 High Point City Council Meeting to place this matter on the pending list because the property owner has initiated some repairs to the the structure.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140042

Resolution of Intent - Street Abandonment 14-02 - St. Mary's Episcopal Church

Approval of a Resolution of Intent that establishes a public hearing date of Monday, March 17, 2014 at 6:15 p.m. to consider a request by St. Mary's Episcopal Church to abandon an unimproved alley lying along the north side of W. Farris Avenue, between N. Main Street and Hillcrest Drive.

Attachments: [Resl of Intent - SA14-02 - St. Mary's Church](#)

**Resolution No. 1365/14-05
Introduced 2/17/2014; Adopted 2/17/2014
Resolution Book, Volume XVIII, Page 88**

Adopted Resolution of Intent establishing a public hearing date of Monday, March 17, 2014 at 6:15 p.m. to consider a request by St. Mary's Episcopal Church to abandon an unimproved alley lying along the north side of W. Farris

Avenue, between N. Main Street and Hillcrest Drive.

A motion was made by Council Member Smothers, seconded by Council Member Moore, that this Resolution of Intent be adopted. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - 6:15 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140043

Ordinance - Text Amendment 14-01 - Vision of North Carolina, Inc.

A request by Vision of North Carolina, Inc., to amend Section 9-5-2(aaa) of the Development Ordinance, entitled Development Standards for Family Care Homes, to reduce separation of requirement between family care homes.

Attachments: [Text Amendment - 14-01 -Visions of NC](#)
[Family Care Home Requirements and maps](#)

The public hearing for this matter was held on Monday, February 17, 2014 at 6:15 p.m.

Doug Loveland of Planning and Development provided an overview of the staff report which is hereby attached as a permanent part of these proceedings. He explained that the applicant has a location in mind that is not currently eligible and is proposing to reduce separation of family care homes to 1/3 of a mile. The Planning & Zoning Commission heard this matter on January 28, 2014 and recommended approval by a vote of 7-0.

Council Member Mendenhall asked if it is a requirement for family care homes to have a resident staff person on site. Lee Burnette, Director of Planning & Development, explained they do have resident staff in the house and can have up to six individuals with either a physical, mental or emotional handicap. He further clarified that these homes are not group homes or boarding houses. Mr. Loveland pointed out the state law basically says that local jurisdictions cannot zone these homes out of single family areas, but the law does allow jurisdictions to create a separation requirement. He explained in 2009, the city did not have a separation requirement, then the Council instituted a separation requirement, and this is why the applicant is now proposing to shorten the 1/2 mile distance. Council Member Golden questioned the reason for making this change in 2009 and asked if it was for safety reasons. Mr. Loveland noted the primary concern was the clustering of these homes within one neighborhood and shared a map identifying the locations of these homes that showed a clustering effect and overlap of these homes on the eastern side of the city.

Mayor Sims recalled there were also some issues with some homes that the time the change was made and the fact that there were a lot of them in certain neighborhoods, which prompted some complaints and resulted in increasing

the separation distance from 1/4 mile to 1/2 mile.

Chairwoman Smothers felt it was important to remember this is only one type of home and although there are other types of homes, this text amendment only affects family care homes. Council Member Mendenhall asked if the city follows up to make sure these are in fact family care homes according to the definition. Mr. Burnette explained that most of these homes are licensed in some way by the state and they all have to meet the city's separation requirements regarding the distance. Council Member Moore asked if staff has seen an increase in requests for these types of homes. Bob Robbins of Planning & Development, replied in the affirmative and explained this type of care hom is becoming more and more needed and provides an opportunity for disabled (non-institutionalized) folks to live as much of a normal life as possible. Mr. Loveland added that because of the need, some individuals have had difficulty finding an eligible location for placement of the family care homes be in a residential district because of the 1/2 mile separation.

Council Member Moore asked the applicant about his experience in managing these types of homes.

Dr. Herbert Mozelle, 7607 Alcorn Road in Greensboro, shared that he actually has over 25 years of experience providing this type of service and explained that he was approached by the Department of Social Services about the possibility of running a program. He found out about a former home (fully furnished) located on Ferndale that would be ideal for temporary placement for the kids by creating a least restrictive environment so they can become productive citizens. Dr. Mozelle pointed out he is State licensed in residential treatment--not on the scope of just group home care--so everything he does is going to be therapeutic modality trying to modify behaviors while increasing some social skills, life skills and working on anger management. He noted they are a mental health agency so they have a psychiatrist, nurse practitioners, licensed professionals, as well as other qualified professionals and agencies.

Mayor Sims asked Dr. Mozelle about the age group of his clients and the typical length of stay and he replied his clients are between 13-18 years of age and typically stay between 15-30 days and explained that within 15 days, the social worker has already started looking for some type of permanent placement. Council Member Golden asked if this proposed text amendment would affect this one individual case, or if it would affect the entire city. Chairwoman Smothers replied that it would affect the entire city.

Chairwoman Smothers asked if there were any further comments. There being none, she closed the public hearing and noted while she has the greatest admiration and respect for Dr. Mozelle's work and because this text amendment would apply to anybody, she could not offer support for it. Council Member Ewing agreed and stated although Dr. Mozelle has a firm grasp on

what needs to be done to provide these services, it did not mean that everyone else does and he felt it would open up Pandora's box.

Council Member Douglas asked if it might be possible to refer this matter to Committee for further discussion because he did not want to see any kids not get the help needed and he pointed out that Dr. Mozelle has illustrated that he is very qualified to provide those services.

Referred matter to the Comprehensive Planning Committee for further study/discussion for a period of up to two months.

A motion was made by Council Member Douglas, seconded by Council Member Wagner that this matter be referred to the Comprehensive Planning Committee for up to two months for further study/discussion. The motion carried unanimously. [9-0 vote] [matter due back on or before April 21, 2014].

[140044](#)

Ordinance - Text Amendment 14-02 - City of High Point

A request by the Planning & Zoning Commission to amend Section 9-5-16(b) and 9-5-16(g) of the Development Ordinance to permit Electronic Changeable Copy Signs in the NB, LB, GB and SC Districts.

Attachments: [Text Amendment - 14-02 - City of HP](#)
[Adopted Ordinance TA14-02](#)

Ordinance No. 1735/14-13

Introduced 2/17/2014; Adopted 2/17/2014

Ordinance Book Volume XVIII, Page 67

The public hearing was held on Monday, February 17, 2014 at 6:15 p.m.

Bob Robbins 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 presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to speak.

[Charity Belton](#), 226 Hobson Street, shared asked for a description for the NB, LB, GB and SC districts, She shared that she attempted to find this information on the city's website, but was unable to do so.

Mr. Robbins noted the descriptions for these districts are as follows: NB (Neighborhood Business), LB (Limited Business), GB (General Business) and

SC (Shopping Center).

Chairwoman Smothers asked if there were any additional comments. There being none, the public hearing was closed.

Adopted Ordinance amending Section 9-5-16(b) and 9-5-16(g) of the Development Ordinance to permit Electronic Changeable Copy Signs in the NB, LB, GB and SC Districts based on consistency with the City's Land Use Plan and staff's findings as outlined in the staff report. Additionally, Council finds this action to be reasonable and in the public interest because: 1) This amendment will provide additional signage options for much of the business community without increasing allowable sign area; 2) Electronic changeable copy signs are now permitted in the MS district, which has more strict sign regulations than the business zoning districts, and therefore it is reasonable to allow such signs in the business zoning districts; and 3) Approval of the text amendment promotes fair treatment of City businesses by expanding the ability to erect electronic changeable copy signs to the business zoning districts.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

MISCELLANEOUS

140045

Legislative Update (Will be Reviewed during the Finance Committee Meeting)

Fred Baggett, the city's Lobbyist in Raleigh, will be present to update the City Council on the upcoming legislative agenda.

Attachments: [2014 Legislative Update \(Fred Baggett\)](#)

Note: A copy of the 2014 Legislative Issues summary is hereby attached in Legistar as a permanent part of these proceedings.

Fred Baggett, the City's Legislative Counsel, provided an update on the 2014 Legislative Issues during the Finance Committee meeting held at 4:30 p.m. prior to this meeting. Mr. Baggett reported that the 2014 "Short Session" of the General Assembly convenes May 14, 2014 and is limited to consideration of bills affecting the state budget, non-controversial local bills, bills which passed one house in 2013, and recommendations of legislative study committees. He then reviewed the following issues of concern to High Point, which are eligible for consideration in the 2014 Session: Privilege License Reform; Workforce Development; Housing Receivership; Responsibility for failed subdivision infrastructure; H708 Public Enterprise Use of Funds; H8 Eminent Domain constitutional amendment; H773 Restrictions on rental registration and inspection programs; S287 Electronic public notice; H150 Aesthetic/design zoning control restrictions; H625 Temporary health care structures; H632 Property owners protection act; H94 Local Environmental Regulations. Many of these issues are of statewide impact on local governments and the League is heavily involved in all of them.

[140046](#)**Resolution - General Assembly - Local Bill to Amend the Charter of the City of High Point - re City Attorney**

Council is requested to authorize the filing of a local bill to the General Assembly to amend the City Charter regarding the appointment of the City Attorney by the Members of City Council and adopt a resolution of intent to amend the charter of the City of High Point to change the appointment of the City Attorney.

Attachments: [City Attorney](#)

[ROI to amend charger re appointment of city attorney](#)

Resolution No. 1366/14-06

Introduced 2/17/2014; Adopted 2/17/2014

Resolution Book, Volume XVIII, Page 89

Mayor Sims explained Council is requesting that the City Attorney report to the City Council as opposed to the City Manager and referenced the local bill that will be submitted to do this as well as a copy of the Resolution of Intent. Representative John Faircloth will present the bill during the Short Session of the NC General Assembly.

Council Member Wagner explained that by doing this, High Point would be the same as others in the State and noted High Point happens to be the only city in North Carolina where the city attorney reports to the city manager.

Council Member Mendenhall moved to suspend the rules to add the Resolution of Intent to the agenda for consideration since it was not originally on the agenda, but was first introduced at the Finance Committee meeting held at 4:30 p.m. prior to this meeting. Council Member Davis made a second to the motion to suspend the rules, which carried by a 9-0 unanimous vote.

Approved the local bill as drafted to be presented to the NC General Assembly and adopted the Resolution of Intent to Amend the Charter of the City of High Point, NC to Change the Appointment of the City Attorney.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Miscellaneous Item be adopted. The motion PASSED by an unanimous vote.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS[140047](#)**Minutes to be approved**

City Council Retreat held Saturday, January 25th @ 9:00 a.m.

Regular City Council Meeting held Monday, February 3rd @ 5:30 p.m.

Manager's briefing/Council Committee of the Whole meeting held Thursday, February 6th @ 9:00 a.m.

Attachments: [January 25 2014 HPCC Retreat](#)
 [February 3 2014 High Point City Council](#)
 [February 6, 2014 Briefing Committee of the Whole Session](#)

The minutes from the preceding meetings were unanimously approved as submitted.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this minutes be approved as submitted. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140035 Boards and Commissions - Vacancy Report

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: [Vacancy Report](#)

This information is attached for informational purposes only. No action is required on this item.

Mayor Sims pointed out the terms for the High Point representatives on the Piedmont Triad Regional Water Authority Board have long expired and the existing members need to be reappointed or recommendations presented for consideration for others to serve. She asked the City Council to please let her know their thoughts before the next meeting and if she did not hear any recommendations, she would be placing those individuals who are currently serving on the agenda for reappointment.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:05 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

