

# DIGEST OF CITY COUNCIL ACTION

## CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA

CITY COUNCIL MEETING  
7:00 P.M.

OCTOBER 27, 2008  
CITY HALL

- I. CALL TO ORDER  
Absent: None.
- II. INVOCATION (Councilor Louise G. Miller)
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF MINUTES
  1. City Council Regular Meeting – October 13, 2008 Approved.
- V. PETITIONS FROM CITIZENS - Members of the public may address the City Council on items not listed on the printed agenda. Please state your name and address and observe the three-minute time limit.  
Frank Westmoreland, 105 Oak Avenue, stated that he photographed many attractions at Saturday's 25<sup>th</sup> Annual Barbecue Festival including aerial shots he took from the helicopter rides that were being offered and night shots of the fireworks display in case the City would like to use any of these photos for advertising purposes.
- VI. ADOPT AGENDA  
Adopted.
- VII. RECOGNITIONS/PROCLAMATIONS
  1. Recognition - Lexington Area Chamber of Commerce and Lexington City Schools Representatives  
Recognized Board Member Miles Cleckley representing the Lexington City Schools. Chamber Board Member Teenie Tilley representing the Lexington Area Chamber of Commerce was absent.

2. Proclamation – Veterans’ Day – November 11, 2008  
**Councilor McBride read the proclamation and presented it to Jim Ragan, American Legion Post 8 Commander.**

## VIII. **PUBLIC HEARINGS**

1. Public Hearing and Second Reading – Zoning Map Amendment – Staff Initiated – Property Owned by Guy and Melinda Smith – Intersection of West Holly Grove Road and U.S. Highway 64 East – Rezoning from Traditional Neighborhood Planning District to Commerce Center Planning District – Ordinance No. 09-09 – Community Development Department

### **Held Public Hearing.**

### **There were no speakers.**

### **Approved the following statement of consistency:**

*Having substantial frontage on both a major highway and a major collector road, the property described by the Davidson County Tax Department as Parcel No. 113340000029, owned by Guy and Melinda Smith, and located at the intersection of West Holly Grove Road and U.S. Highway 64 East, is appropriate for commercial zoning and is of adequate size to develop at a highway scale. In addition, the location of the property matches the description for commercial property containing within the Land Use Plan. Therefore, rezoning this property from Traditional Neighborhood Planning District to Commerce Center Planning District is consistent with the Land Use Plan.*

### **Adopted Ordinance No. 09-09 to rezone a 5.6-acre parcel described by the Davidson County Tax Department as Parcel No. 113340000029, owned by Guy and Melinda Smith, and located at the intersection of West Holly Grove Road and U.S. Highway 64 East, from Traditional Neighborhood Planning District to Commerce Center Planning District.**

## IX. **REGULAR BUSINESS**

1. Order Demolition and Removal of Dwelling Located at 331 East Fourth Street – Ordinance No. 09-12 – Community Development Department  
**Belinda Barrett, sister of Lorenza Barrett, who owns the property at 331 East Fourth Street, addressed City Council about the efforts being made by her brother to tear down the structure. Ms. Barrett stated that the notice of demolition letter that was received in March, 2008, was deceiving in that it does not specify an expiration date for complete demolition by the property owner.**

**Adopted Ordinance No. 09-12 to order the demolition and removal of the dwelling at 331 East Fourth Street located on a parcel identified by the Davidson County Tax Department as Parcel Number 11063000B0003 by owner Lorenza Barrett, or by the Director of Community Development if the owner fails to comply with the order within 90 days.**

2. Renew Municipal Maintenance Agreement with N.C. Department of Transportation for Snow and Ice Removal – Public Works Department  
**Approved Municipal Agreement with the N.C. Department of Transportation for snow and ice removal on state-maintained streets inside the city limits and authorize the Mayor to execute the agreement, contingent upon City Attorney review and approval.**
3. Resolution Imposing a Gross Receipts Tax on Heavy Equipment Rentals Based on Senate Bill 1852 – Resolution No. 16-09 – Finance Department  
**Adopted Resolution No. 16-09 which will impose a gross receipts tax on heavy equipment rentals in lieu of property tax based on Senate Bill 1852, effective January 1, 2009, and authorize Davidson County Tax Administrator Joe Silver to administer the tax on behalf of the City of Lexington.**
4. Adjust Property Tax Revenue Budget – Budget Ordinance No. 09-11 – Finance Department  
**Adopted Budget Ordinance No. 09-11 to decrease the current budget for property tax revenue based on a collection rate in excess of the prior year's rate as of June 30<sup>th</sup> in the amount of \$47,077 by adjusting the property tax revenue with current General Fund savings from the installment purchase and principal expenditure line item.**
5. Contract Between City of Lexington and Greg and Thomas Shepler and Jose Mendoza for Completion of Construction of Office/Warehouse Building at 914 Old Hargrave Road  
**This item was added to the agenda following Closed Session.**

**Approved the proposed contract between City of Lexington and owners Greg and Thomas Shepler and Jose Mendoza to complete construction of the office/warehouse building at 914 Old Hargrave Road and bring house at 956 Old Hargrave Road into compliance with building code, all City ordinances and with all terms, design and schedules incorporated as part of the contract, subject to City Attorney approval.**

## X. CITY MANAGER'S REPORTS

1. Notice by Piedmont Triad Council of Governments for Funding of Phase II Environmental Site Assessment and Underground Storage Tank Testing of Lexington Home Brands Plant 1 Property  
**For information only.**
2. City Offices to Close for Veterans' Day – Tuesday, November 11, 2008  
**For information only.**
3. Veterans' Day Parade – Tuesday, November 11, 2008, at 4:00 p.m.  
**For information only.**
4. N.C. Department of Transportation Design Public Hearing for Proposed New Route from US 29-52-70 / I-85 Business to Fairview Drive (SR 2212) – Thursday, November 13, 2008 – Lexington Municipal Club
  - Local Officials Meeting – 2:30 p.m. until 3:30 p.m.
  - Informal Public Pre-Hearing – 4:30 p.m. until 6:30 p.m.
  - Formal Public Hearing and Presentation – 7:00 p.m.**For information only.**
5. Recreation and Parks Volunteer and Sponsor Appreciation Dinner – Thursday, November 20, 2008, at 6:00 p.m. – Lexington Municipal Club  
**For information only.**
6. Fifteenth Annual Uptown Christmas Open House – Sunday, November 23, 2008, from 1:00 p.m. until 5:00 p.m.  
**For information only.**

## XI. CLOSED SESSION

In accordance with N.C. General Statute 143-318.11(a)(3) for the purpose of discussing matters relating to attorney-client privilege.

**Recessed into Closed Session.**

## XII. RECONVENE TO OPEN SESSION

**Reconvened to Open Session.**

**Amended Agenda to Add:**

**Item IX-5, under Regular Business, Contract Between City of Lexington and Greg and Thomas Shepler and Jose Mendoza for Completion of Construction of Office/Warehouse Building at 914 Old Hargrave Road.**

**XIII. ADJOURNMENT**  
**Adjourned.**