

City of High Point

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



Meeting Minutes

Monday, January 4, 2010

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., Mary Lou Blakeney, Foster Douglas, John Faircloth; Michael D. Pugh; and Bernita Sims were present. Mayor Smothers led the invocation; the Pledge of Allegiance followed.

Present: Council Member Whitley, Mayor Smothers, Council Member Bencini, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth and Council Member Pugh

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Finance Committee; Monday, December 7th @ 3:30 p.m.

Combined Meeting; Monday, November 7th @ 4:45/5:30 p.m.

Public Safety Committee; Wednesday, December 9th @ 9:00 a.m.

Adjourned Session of Council; Monday, December 14th @ 3:00 p.m.

FINAL ACTION TAKEN

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Alexander and seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]**

Motion was then made by Council Member Bencini, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

Note: As a result of this action, there is no need for the Thursday morning meeting.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair****Sole Source Authorization - Lift Station Pump with Impeller for Use by Public Services Department****090308**

Council is requested to approve an exception to the bid laws under the "sole source Qualification" for purchase of equipment by the Public Services Department and approve the acquisition of a WEMCO/hidrostral 110-K Pump with Impeller in the amount of \$34,776.00 from Tencarva Machinery Company.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Approved an exception to the bid laws under the "sole source qualification" for purchase of equipment by the Public Services Department and approve the acquisition of a WEMCO/Hidrostal 110-K Pump with Impeller in the amount of \$34,776.00 from Tencarva Machinery.

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

State Contract No. 070-B - Purchase of Police Vehicles

090309

Council is requested to approve State Contract No. 070-B for the purchase of twelve (12) police vehicles. Purchasing, Fleet Maintenance and the Police Department recommend that the contract be awarded Capital Ford, Inc., the State Contract awarded vendor, in the amount of \$265,012.80. This purchase is funded with ARRA funds received through a Justice Assistance Grant from the Department of Justice.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Approved State Contract No. 070-B for the purchase of twelve police vehicles from Capital Ford, Inc., the State Contract awarded vendor, in the amount of \$265,012.80 to be funded with ARRA funds received through a Justice Assistance Grant from the Department of Justice.

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

Resolution - Municipal Agreements for Railroad Crossing Signal Updates - Tyron Street/Lincoln Drive

090310

Council is requested to authorize staff to execute municipal agreements with the North Carolina Department of Transportation (NCDOT) for railroad crossing signal updates to the following:

- 1) Tyron Street at High Point, Thomasville & Denton Railroad Crossing 836 663B
- 2) Lincoln Drive at High Point, Thomasville, & Denton Railroad Crossing 836 549T

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Adopted resolutions to authorize staff to execute municipal agreements with the

North Carolina Department of Transportation for railroad crossing signal updates to the following:

- 1) Tryon Street at High Point, Thomasville & Denton Railroad Crossing 836 663B
- 2) Lincoln Drive at High Point, Thomasville & Denton Railroad Crossing 836 549T

Resolution No. 1573/10-01 **Introduced 1/4/2010**
Adopted 1/4/2010
Resolution Book Volume XVI, Page 215

Resolution No. 1574/10-02 **Introduced 1/4/2010**
Adopted 1/4/2010
Resolution Book Volume XVI, Page 216

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

Resolution - In Support of Evaluating and Revising the North Carolina Transportation Equity Formula

090311 Council is requested to adopt a Resolution in Support of Evaluating and Revising the North Carolina Transportation Equity Formula.

This matter was briefly discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Adopted Resolution in Support of Evaluating and Revising the North Carolina Transportation Equity Formula.

Resolution No. 1575/10-03 **Introduced 1/4/2010**
Adopted 1/4/2010
Resolution Book Volume XVI, Page 217

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

Pending Items

Revised Economic Incentive Policy

090050 Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Ordinance - Vacate/Close Structure - 1000 South Road

090312

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1000 South Road belonging to Doris Patterson; Fannie Mae.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1000 South Road. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1000 South Road.

Ordinance No. 6662/10-01 Introduced 1/4/2010
Adopted 1/4/2010
Ordinance Book Volume XVI, Page 147

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

Ordinance - Vacate/Close Structure - 707-A Chestnut Drive**090313**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 707-A Chestnut Drive belonging to Jerry L. Phillips.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 707-A Chestnut Drive. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 707-A Chestnut Drive

Ordinance No. 6664/10-02 Introduced 0/4/2010
Adopted 1/4/2010
Ordinance Book Volume XVI, Page 148

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

Ordinance - Vacate/Close Structure - 2401 Robbins Street

090314 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 2401 Robbins Street belonging to Kenneth J. Howard.

Katherine Bossi, Local Codes Enforcement Supervisor, explained that the repairs have been made to the heating unit at 2401 Robbins Street and recommended this item be removed from the agenda.

Removed request for ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 2401 Robbins Street from the agenda.

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

Ordinance - Demolition of Structure - 1011 Forrest Street

090320 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1011 Forrest Street belonging to Hilal A. Shawkat.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1011 Forrest Street. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if anyone was present who would like to offer comment regarding this housing matter.

Mr. Hilal Shawkat, owner of the property at 1011 Forrest Street, addressed council and stated that they began working on the house in June of this past year. The damage part is to the addition of the house on the back side. Mr. Shawkat felt that the actual house has nothing wrong with it and needed only minimal repairs, and is in livable conditions, but the problem as been with the addition that had caught on fire. There have been issues with the porch not passing inspections.

Katherine Bossi stated that the property was last inspected on the 16th of December at the owner's request for framing inspection, and it did not pass inspection due to several items done incorrectly. Mark Wayman, High Point City Inspector, further explained that most of the work is in the back portion of the house where there was extensive fire damage. This work is about 45% completed. The balance of the house is incomplete, bathrooms, kitchen, entire house needs to be painted and floor coverings, doors, windows. Mr. Wayman stated that \$15,000 to \$20,000 could get the house finished, but if the owner continues to do the work himself it will take about a year to get it completed. If he were to hire someone it could realistically be done in three months.

Council Member Faircloth explained that Council likes to see people buy these

properties and upgrade them and make them safe, but it has to be done the proper way. Council Member Faircloth stated that operating without a contractors license and already having made mistakes does not give Council a comfortable feeling the work will get done in the best interest of the public.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance to demolish..

Adopted ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1011 Forrest Street.

Ordinance No. 6664/10-03 Introduced 1/4/2010
Adopted 1/4/2010
Ordinance Book Volume XVI, Page 149

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

PUBLIC SERVICES COMMITTEE -Council Member Sims, Chair

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Boards & Commissions - Attendance, Reinstatement and Appointments

090316

Council is requested to review Boards and Commission attendance, reinstatement and appointments for the Planning and Zoning Commission, the Historic Preservation Commission and the Board of Adjustment.

The request to consider the reinstatement of three members of different boards who have had unexcused absences and have missed more than 33% of the scheduled meetings.

Lee Burnette stated that these three individuals have not met the attendance requirements for the year. The Board of Adjustment in particular, and to some degree that Historical Preservation did not have a full slate of meetings, which to some degree effected that percentages. Their absences were basically due to personal issues and all three have an interest in being reinstated as full voting members.

Council Member Bencini made a motion, seconded by Council Member Pugh to reinstate Julius Clark to the High Point Historical Commission; Patricia Garton to the High Point Historical Commission, and Gregory Adzima to the Board of Adjustment. Motion passed unanimously. (9-0 Vote)

Council Member Bencini stated that the other part of staff's request is to consider filling the absences that are on the Planning & Zoning Commission, Board of Adjustment, and Historic Preservation Committee. Council Member Faircloth stated that at their last discussion they had determined it to be a good idea for those committees that have nine members that there me nine designated appointees, and the question of how to address those that do not have nine members. Council Member

Sims stated that it is encumbant upon council to finish this discussion and bring back a recommendation to the rest of council.

Council Member Alexander stated that the Theatre Board has three empty seats and he had an application of a qualified individual that would satisfy Ward Four.

Council Member Alexander made a motion, seconded by Council Member Blakeney to suspend the rules to consider an application for the Theater Advisory Board. The motion passed unanimously (9-0 Vote)

Council Member Alexander made a motion, seconded by Council Member Pugh to appoint Catherine Bencini as the Ward Four to the Theater Advisory Board. Motion passed unanimously. (9-0 Vote)

A motion was made by Council Member Bencini, seconded by Council Member Pugh, that this matter be approved. The motion carried unanimously.

Resolution of Intent - Street Abandonment 10-01 - High Point University

090317

Approval of a resolution of intent that establishes a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to abandon an improved portion of Woodrow Avenue lying north of Montlieu Avenue between Willoubar Terrace and Fifth Street.

Adopted Resolution of Intent establishing a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to amandon an improved portion of Woodrow Avenue lying north of Montlieu Avenue between Willoubar Terrace and Fifth Street

Resolution No. 1576/10-04

Introduced 1/4/2010

Adopted 1/4/2010

Resolution Book Volume XVI, Page 218

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

Resolution of Intent - Street Abandonment 10-02 - City of High Point

090318

Approval of a resolution of intent that establishes a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved alley lying north of Countryside Drive between N. Centennial Street and Eastchester Drive.

Adopted Resolution of Intent establishing a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved alley lying north of Countryside Drive between N. Centennial Street and Eastchester Drive.

Resolution No. 1577/10-05

Introduced 1/4/2010

Adopted 1/4/2010

Resolution Book Volume XVI, Page 219

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

Resolution of Intent - Street Abandonment 10-03 - City of High Point**090319**

Approval of a resolution of intent that establishes a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved, unnamed right-of-way, lying south of Beaucrest Avenue between Guyer Street and Arden Place.

Adopted Resolution of Intent establishing a public hearing date of Monday, February 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved, unnamed right-of-way, lying south of Beaucrest Avenue between Guyer Street and Arden Place.

Resolution No. 1578/10-06

Introduced 1/4/2010

Adopted 1/4/2010

Resolution Book Volume XVI, Page 220

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

Ordinance - Text Amendment 09-12 - City of High Point re Market Overlay District**090283**

A request by the Planning and Development Department to amend Chapters 1, 4 and 5 of the Development Ordinance to establish the Market Overlay District.

*Continued Public Hearing
January 4, 2010 Transcript*

Mayor Smothers: We has asked staff to prepare a map that showed some potential changes that Council wanted to consider.

Lee Burnette: In your packet is a revised or district boundary for the Market Overlay District. If I can explain, the overall district boundary under this alternative would be expanded to encompass property ideally to the west of what was the original boundary, primarily along English up to Church and including down south down to Grimes including properties along Russell Avenue as well. Within that area there is a dashed line that is very similar that is very similar to the original proposed Market District Boundary. You basically have two districts or two subareas within the overall district. One is a growth area, which is very similar to the original boundary. And the other basically two areas that are very similar under the proposal, or under the alternative, excuse me, that would be restricted in somewhat.

Mayor Smothers: Mr. Burnette, perhaps just for the ease of referring to them, can we identify them as "A" and "B"?

Lee Burnette: Sure.

Mayor Smothers: The big one is "A".

Lee Burnette: The further growth area or the large area is "A". and the restricted area outside the growth area is "B", which includes this portion and the area to the southwest. Within the overall district itself all existing market showrooms would be conforming uses of land, meaning they would not be subject to non-conforming use provisions that require them to cease operation after an extended period of vacancy. Within area A, the Growth Area, which is shown by the dashed lines, this would be very similar to the original proposal in the sense that new showrooms could only be established within this growth area. Showrooms can cease operations or change use can be re-established as was originally under the original proposal, and the site standards that were in the original proposal would only be applicable in area A. Subarea B, is somewhat restricted in that while the market showrooms there are conforming uses of land, they are allowed to continue operation, they can expand without any kind of special permission, they would just have to meet standard zoning requirements as any use would. The market showrooms can cease operation and can return to be in a showroom. So there is no limitation on how long they can cease operation. The only restriction is that if they change to another permitted use if they cease occupancy as a showroom and change occupancy to another use they could not be re-established as a showroom use. No new showrooms would be permitted in subarea B, and in general that's sort of the outline of the concept. Be glad to answer any questions.

Mayor Smothers: We had a brief discussion in Finance and there are two staff questions that have been identified, and I am sure there are a number of folks here who would probably like to have that narrative on that proposed alternative overlay district. Can we get some copies of that to give to folks? Do you want to review any of those Lee?

Lee Burnette: Yes, I had two particular questions. One dealt with the non-conforming uses if Council wants staff to pursue this approach, it would require revisions to the proposed text ordinance amendment that was presented to you. One dealt with the non-conforming use provisions. Currently, under the current ordinance as it exists today, non-conforming showrooms that cease operation can be re-established provided they do it within a one year period of time. i.e., two markets. The staff had originally proposed change in that provision while that was in light of accommodating some of the existing showrooms that would become non-conforming outside the district. That would no longer be applicable, however there are some showrooms that fall off the screen here that are located further out that would become non-conforming. So the question that staff has before we present - begin revising the text would be does council want us to keep the original as is currently in the ordinance, limiting to a one year period of time for ceasing operation. Any feed back on that would be appreciated. The second question dealt specifically to one use,

Slane Hosiery. Slane Hosiery is located at the very eastern portion of the boundary, just off of Centennial. They have originally requested an exemption from the site standards when they appeared before the Planning & Zoning Commission, when they appeared before City Council their representative requested that they be excluded from the district. It is staff's opinion that either one can be accommodated, either that manufacture uses can be exempted from the site standards, thus the property could remain in the district, but not subject to the site standards, or the property could be excluded from the district. The reason for asking this is 1) if council pursues this one of the first steps council will have to do, as was originally, is to initiate the map amendment, and with these revised boundaries, and we would need to know whether or not to include Slane Property in the revised boundary or not.

Mayor Smothers; I think what Lee is saying is if council wants to go forward with the modification, it has to essentially start over.

Council Member Alexander: I think if they ask to be excluded we just go along their property line and it would only be two buildings. It would be Slane and the Law Offices there. Just draw them out.

Mayor Smothers: At their back property line.

Council Member Alexander: Yes, just draw them out of the district.

Council Member Sims: If we did that, what would be involved? Let's say that someone else came in with a different use and decided, well, we want...we think we want to be in the market overlay district, what happens?

Lee Burnette: They would have to petition to have their property rezoned to include the market overlay district to include their property.

Council Member Sims: But if we just exempt them, then what happens?

Lee Burnette: Nothing.

Council Member Sims: Then at that point if they were to sell it, and with an exemption, would that automatically then leave them in the market overlay district?

Lee Burnette: It would leave them in the market overlay district, and if the council exempted manufacturing operations then any other use they would go to would be subject to those site standards, but any manufacturing operation on the property would continue to be exempted.

Council Member Sims: How many other manufacturing operations do we have in this overlay district?

Lee Burnette: I am not aware of any in subarea A or the Growth Area. I don't know on the other portion of subarea B, but the site standards under what staff has proposed would not be subject to that subarea B area. So it would only be applicable

to subarea I, the Growth Area.

Council Member Sims: So either one doesn't matter to staff.

Lee Burnette: No. I guess as a third option, I don't know if I should throw it on the table or not, a third option is to keep it within the district and as you go through the process Council can always as we talked about previously restrict the district, but you just can't expand it without going through another public hearing process. So, you can exclude that property as you go through the process.

Council Member Sims: Well, in response to your request for what Council thinks, I think Council Member Alexander has expressed his opinion, and I know that they have asked for an exclusion, but if we can achieve what they want without going to the steps of an exclusion, I would prefer that we either exempt manufacturing period from the requirements of what will happen in the overlay, or we exempt Slane Hosiery until such time as that use changes to something else. If there are no other manufacturing facilities, I don't know if we exempt them all, but at this point it seems to me that's the path of least resistance because at some point should they decide to cease being a hosiery mill and want to become something else, we don't have to go through that process of approving that change. And I just think it's less onerous on council.

Mayor Smothers: Well, aren't they zoned light industrial?

Lee Burnette: So if they changed a use that is not - if they anticipate a use that is not in light industrial they got to come back and be rezoned.

Lee Burnette: Well light industrial includes a lot of uses within that category. So they could change to office, they could change to some retail such as a furniture store and the like. And the overlay district would establish whether or not they could change to a market district or not. A market showroom, excuse me, or not.

Mayor Smothers: Well I guess it might be to some degree of fairness for the folks who are here who probably want to comment, if the council wants to proceed with looking at this new map. Because if there is not support to look at the new map there is no sense in inviting them to talk about it. Because I think we have heard from a good number of folks that are here tonight on their concerns.

Council Member Sims: So Lee, would you say that this new map encompasses most of the comments that we received in the last two public hearing meetings from individuals who attended those meetings that those comments were incorporated into the map for the most part.

Lee Burnette: That's correct. The comments that it does not incorporate is related to anyone who currently owns property that currently does not have a market showroom use active, or in use, or has been in use on their property and desires to establish one. And if they are not in subarea A, then they could not be accommodated. Which would allow for the establishment of new showrooms. So, in other words, if they don't have a showroom now, this proposal, unless they are in subarea A, they could not be

satisfied by allowing for a new showroom.

Mayor Smothers: Is there any indication from council as to whether you want to proceed with discussion on this matter, not going back to the old one right now. But give the public a chance to comment.

Council Member Pugh: Madam Mayor, I, as far as I am concerned you could abolish the whole overlay district and let the market itself dictate where it goes.

Mayor Smothers: That is always an option if you want to make it in the form of a motion.

Council Member Pugh: I will make that in the form of a motion.

Mayor Smothers: Well, I think we probably shouldn't do that with the public hearing open, should we Mr. Baggett? Do we need to close the public hearing before we do?

Fred Baggett: Yes.

Mayor Smothers: Well perhaps we discuss that as an option. How about that Mr. Pugh?

Council Member Pugh: That would be fine.

Mayor Smothers: Mr. Pugh has put out the notion of just forget the whole thing. Mr. Faircloth.

Council Member Faircloth: Madam Mayor I think what we are facing here, and I think it is unfortunate, is that from the time the idea was first put forward in the Core City Study to have a market district, the purpose being to try to have an impact on opening up more opportunities for retail spaces and what have you, and since that idea started driving this, the whole economy has changed. The furniture market has changed. The powers that are driving everything now are different from what they were when we first started considering this. Now that has caused us to have some doubt about the initial proposal that was made and here we come now with one that nearly doubles the size trying to find something that answers everyone's concerns, and I don't think we are ever going to get there doing that. I was very much in favor initially of trying to use a district like this to accomplish some leveling of the market. I think we have lost that purpose along the way and I frankly would support doing away with the market district.

Mayor Smothers: I think the, you know, we all shared initially a concern about the period of time that ensued from the initial conversations to the reality of the economic situation today. And I don't disagree with Mr. Pugh at all. I think the market will decide where the market needs to be. I do think that in staying with that position, we do give up the opportunity to try to encourage use of properties that are underutilized or not utilized at all because property owners do see the great value they have potentially. But the fact exists that no matter what kind of line we draw if we included

the whole city, that market itself will probably continue to shrink.

Council Member Pugh: Mayor I do not disagree with your comments. I think the motivation of the owner of properties in this area is going to be driven at some point, if not already, by the market. If they see that they can't rent their building for a showroom, which many have said they haven't been able to do, and somebody comes along and wants to make a retail business out of it or something, I am sure the market is going to adjust so that can be done. And I don't see how we can dictate any particular line on the map is going to cause that to happen under the foreseeable market of the future.

Mayor Smothers: When you say market, you don't mean the real estate market, you mean the furniture market.

Council Member Faircloth: I mean the whole business entity, real estate and - the primary concern that drives this is the property owners in this area who were really appreciating the rents they could get when they were becoming showrooms, and really would care not to listen to someone who said I would like to put store in there or restaurant but I can't pay but half that rent. Well why would they want to do that if they can get the rent they want. That has now changed. So that is a real estate market and a furniture market all rolled into one. The whole economic situation is driving what we are trying to do here, and I don't see how we can do it under those circumstances.

Mayor Smothers: Well I was never completely sure that we were going to force retail to go to start with, because you got to have people in an area to have retail. If you got people twice a year, that's hardly enough to maybe keep some catering businesses going, but it's kind of hard to do on a retail level. At any rate, how many of you all feel comfortable about coming to some closure this evening?

Council Member Douglas: What was that Madam Mayor?

Mayor Smothers: Coming to closure. In other words, up or down. Are you ready Mr. Whitley?

Council Member Whitley: I have been ready.

Mayor Smothers: Ms. Blakeney?

Council Member Blakeney: I think so.

Mayor Smothers: If I closed the public hearing Fred, and we have a motion, we can allow comment on the motion by people in the audience can't we?

Council Member Alexander: Well it may be moot if you do away with the district.

Mayor Smothers: I am trying to figure out if we don't have...I think there are the votes to do that right now.

Fred Baggett: You can have a motion to deny the text amendment.

Mayor Smothers: But I am thinking if, you know, there are a bunch of people who may want to comment.

Fred Baggett: It makes no difference procedurally whether you do that before or after the motion.

Mayor Smothers: Okay, well I am going to close the public hearing.

Fred Baggett: That means if you close the public hearing you either have to kill it or go to the new revised idea.

Mayor Smothers: Right. Anybody got a problem with that? Alright, is there a motion?

Council Member Pugh: I make a motion to deny the text amendment and the map amendment on the agenda.

Mayor Smothers: Is there a second?

Council Member Douglas: Second.

Mayor Smothers: I have a motion and a second. Is there discussion? Which means this just goes away.

Council Member Faircloth: I would hope there are visitors who have comments in favor of what we have talked about here, we haven't heard that. If they would like to comment about that I think that would be appropriate, because we are considering now doing away with it.

Mayor Smothers: I think most of the comments were generated because they were looking for a lesser of two evils. But if anybody has a comment about doing away with the whole thing you can certainly say that. But I would ask you to keep your comments fairly brief.

Elijah Lovejoy, 917 Avalon Acres Court, High Point, 27265. I think the goal of this is a good goal you are wanting to generate life and vitality in downtown High Point. I read the Core City Plan and there was a section that mentioned several alternatives were explored but this zoning alternative was the one that was selected. I would just ask the council the question, "Are there other alternatives besides a market overlay district that could accomplish the same goal and would you not give up on the end goal even if you give up on the market overlay plan." I think I am in agreement on the plan itself, but I would still like to keep that goal insight in generating other alternative uses in the downtown.

Mayor Smothers: I think we have certainly seen activity for reuse, and I believe I made that comment at the last public hearing, regardless of this outcome, people are looking at property differently now. Thankfully we have got some of your good ideas, too. I think what he is asking is if there will be further exploration and a lot of that just may depend on the direction Core City takes. Our project, whatever we are calling it. Anyone else?

Cathy Hinson, with Union Square. I think it would be a great idea to do away with it. And I can't speak for everyone else, but instead of taking my time to fight you I'll take my time to help you and the citizens I think you see will take our time to help you build up the efforts to revitalize the downtown.

Mayor Smothers: I would hope that would be the challenge for everybody in this room that has got property.

Cathy Hinson: We will help you do what you want to do instead of working against you.

Mayor Smothers: Thank you. Anyone else got anything to add?

J. C. Thompson, 3819 Briarwood Avenue, High Point, NC 27265. I echo the sentiments of Councilman Pugh and Faircloth. In particular, I just say let the free market forces work. You put all these restrictions and things on and regulate, more and more regulations just cause more problems. This city has lost its manufacturing base. And I think we all realize it and it's going to be difficult to get anything back. I had a gentleman come from Argentina and I guess when we travel around we don't notice it. He is a doctor and he has not been here in seven or eight years. We started riding over the City and he said 'what's happened?' Every other block got a house for sale or rent. The factories are closed. This city is in rough shape. A lot of us don't see a lot of this. I fought hard. I am retired, I am economically ok, but I fought hard with the congressmen in Washington, that's where the problem lay with these Chinese currency tied to ours. No matter what costs we have. Theirs is locked in. 8 ___ to the dollar. And whatever we do is going to do no good. If our dollar goes down their costs goes down. I discussed it with Elizabeth Doyle's office and Congressman Watt, but it's gotten out of our hands. And this is what's transpired. And I have been around a long time. I was here during the Great Depression. I don't every recall English Road being like it is now. You drive up and down, closed, closed, closed. It was not like that. Of course, it was a major highway at that time. That was 29. But I think just cancelling this overlay I think would probably be just as well instead of monitoring it and trying to do this and that, and then the previous gentleman here may have a good point. Maybe we can try something else in the City, some other type of thing to attract people. It has worked in some cities. I don't want to say that it hasn't. San Antonio. But it's different. So this is my comment. Thank you.

Mayor Smothers: Thank you, and I think we all need to acknowledge the fact that we have a strong market that I think has improved greatly and continues to attract people from all over the world. Yes we have lost manufacturing jobs, but our economy is also diversified as well. And we have had exceptional growth both in population and

in tax base. So while we all lament that some things are gone, there's a lot of good things too.

Tony Sink, 318 South Myers Road, Thomasville. All the meetings I have been to with this discussion of the overlay plan, your idea of dropping the whole idea is by far the best idea I have heard approached.

Jim Hooper, CEO of Stanton Capital, which is the parent corporation for Slane Hosiery. And I am pleased to stand here before you representing 355 employee partners at Slane. We bought it in 2000, and we went through a rough period with Chinese competition, but with a lot of hard work and about \$5 million of investment in new equipment without a request for incentives, Slane is thriving. You can't tell that on the outside when you drive by. So thank you very much for considering to abolish the overlay district. We have got sketches where we wish to expand by about 64,000 square feet in the future.

Mayor Smothers: That's terrific. And we are very proud of your investment. Nine years ago you took a big chance. Thank you.

Christina Prentzas, 4115 Quarterstaff Court. Council Members, Mayor Smothers, I want to thank everyone for dismissing this market overlay. I appreciate having the opportunity to come and listen. I hope you do dismiss it. I just feel like we have a beautiful town. Like I said, I grew up in High Point, especially downtown with my father's business, and I am proud to say I am from High Point. I think we have a lot of people here with a lot of support, a lot of knowledge and the beauty about High Point is we have so many people from so many different places that come here. And we are just a nice little southern town. And I just like it to stay that way. Hopefully by having all these people come here today and in previous meetings, there is a lot of people we could probably use a lot of input from to see what we could do for our town. Thank you.

Mayor Smothers: Thank you. Anyone else want to speak?

Karen _____, and I am here as a representative for Jerry Stoffers who has just purchased the former Maitland Smith Building. And we are planning like crazy. I just agreed to take this over as a project of mine. It's going to be an antique center and an antique design center for market. And so we are working like crazy to get that going. But when I saw there, and it says it's an inactive building, I just have to say, I am glad he jumped in there and that will be full. We have already signed up 30 dealers to be in that showroom. And we are going to do what we can to make it feel good for people coming to High Point. We are having free parking for our customers. Anyway we can offer them some incentive to feel good about being here in High Point. We are not going to have rules about you can and can't do this. As an antique dealer it gets tricky when you have got to replenish what you have to sell something else. You gotta take it out. I just wanted to introduce myself. For us it is good that this plan is not in place. But I think like the first gentleman mentioned, it makes sense to try and make it better and to keep the city more vibrant, but maybe this is not the way to go about doing it.

Mayor Smothers: Thank you. Good luck to you. Any further comment?

Charles Simmons, 101 Creekside Drive. I want to talk to, 1) value in my life very much the jury system. I believe in juries and thank you folks. I am getting an indication that you are about to make a wise move. I think there are plenty of things and I would recommend anybody that has an interest in downtown High Point, put it in writing, because most everybody can read faster than I can talk. And therefore, we need to put in writing I think it would be good to have a situation whereby that there is some committees made up. All these special folks have been concerned about overlay condition, and this is in anticipation that you will, what I think, you are going to do. Last time I was up here I got quoted in the Rhinoceros, I hope I don't get quoted again about the hot potato that you folks have.

Mayor Smothers: He's down there just taking notes.

Charles Simmons: Anyway, the fact remains that we have more opportunity here than anyplace I have ever seen in my life, because of the nature of this town. If I am going to make you Becky a movie star I don't carry it to Hollywood. If you want to be a home furnishings star the best place in the world to be is in High Point. I can't help you be a movie star, but I can help you be a home furnishing star. Thank you ever so much.

Mayor Smothers: Thank you. Charlie there has certainly been no greater advocate for downtown than you over the years. If there is any further comment. If not I am going to call for the vote. All of those in favor of the motion, which is to deny the text amendment and map please say 'aye'.

Motion passed unanimously.

Motion carries. And I want everybody to understand the preparation and work that our staff did was at the election of this council. So this is not just something they just got up one more and said, let's go see if we can do this.

Council Member Sims: Madam Mayor, if I can make one comment. I think that as we went through the Core City study and we talked about what needed to happen in order to create an environment and a community that was attractive to all of our citizens. And we are no longer that small little southern town. We are 100,000 + individuals. So we are not what we used to be. And I don't think we are what we are going to be. But I would hope that all of you that showed up for the public hearing get actively engaged in helping to make our downtown be that vibrant place that not only individual outside the city take pleasure in coming, but we also provide some things for people who live in our community to participate in as well. And that's your challenge. As a council, we listen to the consultants. They come in, they give us there ideas on what they think should happen. Sometimes we act on those things. And this is one of those things that came out of that Core City study. But again I would challenge each of you to be just as passionate about how do we get the rest of our citizens engaged in our downtown, and what can we create that ends up being a place that goes on the map just as well as what we do with furniture. Our furniture business is exceptional, it's bar none the best that there is in the world. But we do need to

create an environment in a city where our children want to stay. That they don't go away and say I am not coming back because there is not nothing there for me. That's what I challenge each of you that have come and given us your comments and share it with your friends that aren't here but that were here. Get together and talk about what can you do. And then come back to this council with some ideas of some things that maybe we can implement and we can do in our downtown that creates that vibrant city that not only talks about furniture but it talks about all the other things that there are to do in High Point.

Mayor Smothers: I would also ask you all to help us make it look better. When your neighbor lets the grass get that tall and there's trash all over because those buildings aren't used but twice a year, you raise cane with your neighbor, because they are devaluing your property.

A motion was made that this matter be denied. The motion failed by the following vote:

Votes: Nay: Council Member Whitley, Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth and Council Member Pugh
Recused: Council Member Bencini

Ordinance - Rezoning Case 09-10 - City of High Point - Market Overlay District

090284 A request by the City Council to apply the Market Overlay District to approximately 249 acres in downtown High Point.

The continued public hearing for this matter and related matter 090283 Ordinance-Text Amendment 09-12- City of High Point re Market Overlay District was duly held as advertised on Monday, January 4, 2010.

Note: For specific comments made at the public hearing for this matter, please refer to **090283 Ordinance- Text Amendment 09-12- City of High Point re Market Overlay District.**

A motion was made by Council Member Pugh, seconded by Council Member Douglas, that this matter be denied. The motion failed by the following vote:

Votes: Nay: Council Member Whitley, Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth and Council Member Pugh
Recused: Council Member Bencini

MISCELLANEOUS

Reschedule City Council Meeting

090315 Due to the Martin Luther King holiday on Monday, January 18, 2010, Council is requested to reschedule the Committee of the Whole Meeting to Tuesday, January 19, 2010 at 4:45 for the regular agenda and 5:30 for public hearings.

A motion was made by Council Member Bencini, seconded by Member Blakeney, that this matter be approved. The motion carried unanimously.

Appointment- Theatre Advisory Board- Catherine Bencini

100002

Council is requested to confirm the appointment of Catherine Bencini to the Theatre Advisory Board. Appointment will be effective immediately and will expire on 7/1/2011.

Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Alexander, seconded by Council Member Blakeney to suspend the rules to consider an appointment to the Theatre Advisory Board. The motion carried unanimously. [9-0 vote]

Council Member Alexander stated that the Theatre Board has three empty seats and presented an application of a qualified individual that would satisfy Ward 4.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

There was no one present who wished to speak during the Public Comment Period.

PUBLIC HEARINGS ON ITEMS**FOR INFORMATION**

Assistant City Manager Randy McCaslin gave a report regarding property that has been damaged by fire located on West Lexington Avenue. Mr. McCaslin advised that Community Development has been working to try and purchasing this property. They are getting very little assistance with the finance company on the property. The property does not meet the 50% threshold of damage for issuing an order to demolish.

Mayor Smothers advised that a letter to the finance company from City Council expressing concerns about the lack of progress on the city purchasing the home.

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:

Dawn J. Sparks, CMC
City Clerk