

City of High Point

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



Meeting Minutes

Monday, November 21, 2011

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, James Corey,
Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Present: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Council Member Whitley and Council Member Corey

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Special Meeting; Tuesday, November 1st @ 5:00 p.m.

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

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Pugh, seconded by Council Member Whitley 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 Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

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

Committee members: Whitley, Smothers and Corey

(all were present)

Resolution - Transferring Ownership of PART Bus to City of High Point**110230**

Upon the recommendation of the Federal Transit Administration (FTA), Council is requested to adopt a Resolution accepting the transfer of the ownership of a bus from the Piedmont Authority for Regional Transportation (PART).

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.

Adopted Resolution transferring ownership of PART Bus to the City of High Point.

Resolution No. 1694/11-45

Introduced 11/21/2011

Adopted 11/21/2011

Resolution Book Volume XVII, Page 45

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

Budget Ordinance Amendment - Bullet Proof Vest Partnership Program

110242

Council is requested to adopt an ordinance amending the 2011-2012 budget ordinance to appropriate grant funds in the amount of \$63,706 for the 2011-12 Bullet Proof Vest Partnership program. This grant requires a 50% match City match of \$31,853.00 which will be funded from the General Fund as a transfer to the Special Grants Fund.

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.

Adopted an ordinance amending the 2011-2012 Budget Ordinance appropriating grant funds in the amount of \$63,706 for the 2011-2012 Bullet Proof Vest Partnership Program.

Ordinance No. 6881/11-62

Introduced 11/21/2011

Adopted 11/21/2011

Ordinance Book Volume XVII, Page 62

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

Renewal of SumTotal Software Hosting Contract

110244

Council is requested to approve an addendum to the SumTotal Software Hosting contract (formally known as Cybershift) at a reduced cost for a seven year term. This renegotiation initially saves the City over \$900.00 per month.

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.

Approved an addendum to the SumTotal Software Hosting contract (formally known as Cybershift) at a reduced cost for a seven year term.

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

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council Member**Sims, Chair****Committee Members: Alexander, Douglas and Corey****(all were present)****Revisions to the Right Turn On Red Restrictions****110231**

Council is requested to approve changes to Article P Schedule IV - Turn Control, Section C of the City Ordinances that will add/remove "no right turn on red" signs at intersections where signs are required or should be removed.

Mark McDonald, Director of Transportation, explained this would clean up some of Article P which is the city's ordinance for traffic control devices. He noted that the Department of Transportation was consulted and participated in these recommendations.

As a matter of further discussion, Mayor Smothers pointed she has seen more rolling right turns on red than people that actually stop at the light and mentioned this because we may soon be able to turn left on red on one-way streets.

There being no questions for staff, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance identifying the approved changes to Article P, Schedule IV- Turn Control, Section C of the City Ordinances that will add/remove "no right turn on red" signs at intersections where signs are required or should be removed.

Ordinance No. 6882/11-63**Introduced 11/21/2011****Adopted 11/21/2011****Ordinance Book Volume XVII, Page 63**

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

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY**COMMITTEE - Council Member Whitley, Chair****Committee Members: Sims, Henley and Moore****(all were present)****Resolution of Intent - Annexation Case 11-06 - E. Kivett Drive/S. Scientific Street****110232**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 19, 2011 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 0.48 acres. The area to be annexed is lying approximately 175 feet south of E. Kivett Drive and S. Scientific Street, and consists of the southern portion of Guilford County Tax Parcel 0185909.

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

Adopted Resolution of Intent establishing a public hearing date of Monday, December 19, 2011 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 0.48 acres lying approximately 175 feet south of E. Kivett Drive and S. Scientific, consisting of the southern portion of Guilford County Tax Parcel 0185909.

Resolution No. 1695/11-46

Introduced 11/21/2011

Adopted 11/21/2011

Resolution Book Volume XVII, Page 46

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

Minor Amendments to Conditional Use Permit 05-21 - Westover Partners, LLC

110233

A request by Westover Partners, LLC for a minor amendment to Conditional Use Permit 05-21 regarding architectural design features. The site is lying along the north side of Westover Drive, directly west of the Guilford/Davidson County line.

Following a presentation of the staff report by Herb Shannon of Planning and Development, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation based on staff's recommendation that the request, as submitted by the applicant, does not significantly alter initial findings to approve the permit and the requested amendment will still allow the development to be consistent with the surrounding zoning and development in this area and in compliance with the goals and objectives of the Land Use Plan.

Approved minor amendment to Conditional Use Permit 05-21 regarding architectural design features as requested by the petitioner, Westover Partners, LLC

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

Dedication of Right of Way - 2127 Sandy Ridge Road - Fire Station #26

110241

Council is requested to authorize staff to execute the necessary documents to dedicate a 60' right of way located at 2127 Sandy Ridge Road (Fire Station #26) to the North Carolina Department of Transportation (NCDOT).

Herb Shannon of Planning and Development provided an overview of the staff report for this right-of-way dedication case.

Following the presentation of the staff report for this matter and related matters 110236 Ordinance- Annexation 11-04- City of High Point- Sandy Ridge Road (Fire Station #26) and 110237 Ordinance- Rezoning Case 11-10- City of High Point- Sandy Ridge Road (Fire Station #26), the Committee recommended the right-of-way dedication for 2127 Sandy Ridge Road be placed on Thursday's Agenda with a favorable recommendation.

Authorized staff to execute the necessary documents to dedicate a 60' right-of-way

located at 2127 Sandy Ridge Road (Fire Station #26) to the North Carolina Department of Transportation (NCDOT).

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

Resolution - Adopting New Ward Boundaries for the High Point City Council

110246

At the Combined Meeting of the High Point City Council held Monday, November 21, 2011 at 4:45 p.m. the City Council adopted a Resolution establishing new ward boundaries for future municipal elections to correct population imbalances shown by a 2010 federal census. The new redistricting maps will be submitted to the United States Department of Justice for preclearance under Section 5 of the Voting Rights Act of 1965, and the new boundaries shall take effect upon such preclearance.

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

Since this matter was not originally on the Agenda, motion was made by Council Member Sims, second by Mayor Pro Tem Alexander to suspend the rules to place this matter on the Agenda for consideration. The motion carried unanimously.

Council Member Sims explained Council had four maps that were being considered. At this time, **Council Member Sims moved approval of Map D which is the Modified Horizontal Plan-Version 2 for submission to the Department of Justice for their review and adoption of the Resolution before Council for adopting new ward boundaries. Council Member Douglas made a second to the motion. The motion carried by a unanimous vote of the City Council. [9-0 vote]**

Mayor Smothers asked that the record show the consulting team that assisted the city in this process (Bailey Dixon) was anxious to provide both a solution that would pass the Justice Department's review as well as an adequate plan that would satisfy the necessary requirements for Federal law.

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

MISCELLANEOUS

Appointment - Housing Authority of High Point - Laura Wiley

110240

Council is requested to confirm the appointment of Laura Wiley to the Housing Authority of High Point. Ms. Wiley will be replacing Burdell Knight who is not eligible for reappointment. Appointment will be effective December 22, 2011 and will expire December 22, 2016.

effective December 22, 2011 and will expire on December 22, 2016.

Mayor Smothers also pointed out that there would be an additional vacancy on the Housing Authority due to the expiration of Matt Witmeyer's term on December 22, 2011. She encouraged Council to start thinking about this appointment that will need to be made soon and there was a need for someone from Wards 1, 2 or 3. Council Member Sims pointed out the current composition for the board is not representative of the community and also encouraged Council Members to relay any suggestions of possible appointees from Wards 1, 2, or 3 to the Mayor.

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

City Council Meeting Schedule - January 2012

110243

Due to the January 2012 holidays, Council is requested to established the following meeting dates:

Combined Meeting - Tuesday, January 3rd @ 9:00 a.m. City Manager's briefing session to follow the Council Meeting

Committee of the Whole Meeting - Tuesday, January 17th @ 4:45/5:30 p.m.

City Manager's briefing session - Thursday, January 19th @ 9:00 a.m.

Chairwoman Sims reported that neither she, nor Councilman Whitley would be able to attend the meeting on Thursday, January 5th due to prior commitments. It was recommended that the Combined Meeting be rescheduled to Tuesday, January 3rd at 9:00 a.m. There were no objections from City Council or staff. Mayor Smothers reminded Council that there would also be a briefing session immediately following the Combined Council Meeting on January 3rd.

Approved the preceding meeting schedule that is necessary due to the timing of the meetings and the January 2012 holidays.

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

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.

Planning , Economic Development & Information Technology Committee - Council Member Whitley, Chair

Resolution - Street Abandonment - City of High Point - Gaylord Court

110234

A request by the Technical Review Committee to abandon a partially improved street right-of-way, known as Gaylord Court, located along the north side of Washington Street approximately 900 feet west of Eccles Place.

The public hearing for this matter was held on Monday, November 21, 2011 at 5:30

p.m.

Bob Robbins of Planning and Development gave an overview of the staff report for this street abandonment case. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Mayor Smothers asked staff if they heard anything from the Guilford County Board of Education and pointed out there seems to be quite a bit of school activity on the back portion of the property. She questioned the access into the properties and whether emergency vehicles would be able to access it. Mr. Robbins explained that the school's driveway runs through the property and the school would retain all the property in the back so they would no longer infringe upon the public right-of-way as they do now.

Council Member Sims asked about the possible impact of closing this right-of-way if a decision was made in the redevelopment to actually reroute school buses off of Washington Street. Mr. Robbins felt it wouldn't impact it at all and pointed out right now the public right-of-way was not used as such.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to make comments regarding the street abandonment request.

Charity Belton, who resides at 1112 Cedrow Drive in High Point, and current President of the Washington Street Business Association expressed the following concerns regarding the Gaylord Court abandonment.

1. Emergency Access. She mentioned their future plans of remodeling and revitalizing this area and was concerned about what type of access they could have for buses as well as the emergency access without having to go back to the school to request permission for any future access. She felt this may be detrimental in their efforts to redevelop the area as they are moving at a fast pace to bring investors in for retail restaurants, etc..... She also expressed concerns about the possibility of the school putting up a fence or blocking access to the property in some other manner which could cause problems for businesses/residents in the area not being able to gain access.

Staff explained the gravel drive would remain and pointed out all the street abandonment does is removes the city's interest and revert the property to the two property owners, so access to these properties would not be denied. It was noted that the right-of-way is only 12 feet and does not meet the city's standards for a public street anyway.

2. Street Sign for Gaylord Court. Ms. Belton asked from a historic standpoint if the sign for Gaylord Court would be taken down if it is abandoned.

Staff replied that the sign would be removed, but they could possibly create a blue historic sign.

3. Historic marker. Ms. Belton shared that they are in the process of getting a historic marker and this was one of the locations they were looking at to erect it.

Mayor Pro Tem Alexander explained there was adequate street right-of-way along Washington Street that could accommodate a marker.

At this time, Council Member Sims asked if it would be possible for Council to place this street abandonment case in committee to allow further discussion about the whole process of what is happening taking into consideration the Washington Street Plan and all of the Core City Plans in general before they decide to move forward with this. Chairman Whitley stated he has no problem putting it in committee, but he wanted to hear from the school system as well as a representative from the church.

Rev. Thomas, Pastor at Mt. Zion Baptist Church located at 753 Washington Street, addressed Council at this time. He also asked Council to pause for a moment until the church could possibly figure out what they want to do with their property and the other two properties as well.

Mayor Smothers asked the legal staff if Council should keep the public hearing open if this matter was going to be placed in Committee. City Attorney Fred Baggett replied that the public hearing could be closed because the only finding that needed to be made in a street closing is that no one is denied access. The public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be referred to the Planning, Economic Development & Information Technology Committee.

Special Use Permit 11-06 - Immaculate Heart of Mary Catholic School

110235

A Special Use Permit request by Immaculate Heart of Mary Catholic School to allow an Elementary or Secondary School use in the Residential Single Family-15(RS-15) District. The site is lying at the southwest corner of Johnson Street and Skeet Club Road (4145 Johnson Street).

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

[Oaths were administered to those who spoke regarding this matter]

_____ Transcript: Public Hearing _____

Herb Shannon: This is Special Use Permit 11-06. It's a request for a special use permit for a 32 acre parcel lying at the southwest corner of Johnson Street and Skeet Club Road. There's an overhead projection noting this site. Just to note where we're at. This is Johnson Street. This is Skeet Club Road and the site is cross-hatched. The applicant is requesting a special use permit to allow an elementary or secondary

school in a Residential-Single Family-15 (RS-15) zoning district. There's an existing 32,000 sq. ft. church upon the site. The applicant is proposing to construct the school within a new building to the rear or west of the site. That will be generally in this location. The Development Ordinance allows new schools in all residential districts subject to obtaining a special use permit approval from the City Council and a special use is a use in addition to those that are permitted by right. Such a use requires an analysis as far as potential impact on the proposed site and on the surrounding properties. The purpose is to allow the Planning & Zoning Commission and the City Council to conduct that analysis.

Now, the applicant with this request was required to submit a site plan which at a minimum notes on-site vehicular access, loading/unloading or queuing students, parking, driveways and other improvements. And also as a part of this proposal, the applicant submitted a traffic impact analysis. A summary of the development proposal based upon supporting documents is outlined in the table on page 37 of your packet. There's also a permit with conditions on page 40 and a site plan.

A quick summary of the project-Bob, if you'll put up the next slide please. This is the existing church facility with the access point from Johnson Street. To the rear or west of the existing church facility is where the applicant is proposing a new structure that will be approximately 72,000 sq. ft. At build-out, building code would permit up to 773 students and also there would be the additional 87 parking spaces and two athletic fields. The construction would occur in various phases. The special use permit includes conditions regarding access from Johnson Street, installation of turn lanes from Johnson Street and insuring that there's sufficient on-site queuing of 1700 linear feet queuing of parking spaces for drop off and pick-up. That queuing area will be along the outer ring of the parking area so vehicles enter in this manner and will be queuing and stacking in this area for pick-up and then exiting the site. The Development Ordinance requires that certain findings be made by Council for special use permit approval. Staff has offered findings on page 37 and 38 of your packet.

Key items to touch upon. First, based upon the documentation submitted by the applicant, there is sufficient area on site for required parking and queuing vehicles. Second, to further enhance public safety, the permit requires installation of a turn lane on Johnson Street that would assist in efficient traffic movement from Johnson Street onto the site. I would also note that this site...this is a 32-acre site that fronts two major thoroughfares and is upon the outer edge of the subdivision. You don't have a situation where traffic going through the site would have to go through the middle of a subdivision. Since this is on the outer edge, traffic entering into the site would not negatively impact abutting property owners. Finally, I would note proposed construction that's over 400 feet on the western and southern property line, so there's sufficient buffering from any abutting residential uses in this area. In conclusion, staff recommends approval of the requested special use permit. The preliminary findings of fact...staff finds that the request is consistent with surrounding zoning and development in the area and compatible with goals and objectives of the Land Use Plan. That recommendation is for all three phases as outlined in your packet. The Planning & Zoning Commission reviewed this request at their October 25th meeting and recommended approval. That's a brief summary. Are there any questions?

Council Member Sims: I have one, maybe two. You talked about the point of access being where it's currently located, making a left turn out of that development currently is challenging at best with that traffic coming from Skeet Club. Was any of that taken into consideration when you talked about that being the point of egress from the school and making a left turn onto Johnson?

Herb Shannon: I would let the Transportation Department address that question.

Mark McDonald: That was the access point that currently exists and that was requested by the applicant and was evaluated in the traffic study. The time periods that it was evaluated for, the A.M. peak hours and mid-afternoon peak hours when school is dismissing. I don't believe there was great concern regarding that.

Council Member Sims: I'm not sure...I can imagine they're doing it around the school hours, but that traffic is....it's tough getting in and out of that area. There are other locations on Johnson where they even have a police officer who helps with traffic mitigation in those areas, so I can imagine what would happen at 7 in the morning or whatever time school starts and 3:30 in the afternoon with getting in and out of that property and that's almost a blind corner coming out of there. From a site distance from Skeet Club Road, that's going to be tough.

Mayor Smothers: In that regard, do you know what the changes to the intersection will be when Skeet Club is upgraded going east?

Mark McDonald: The traffic study that was prepared by Ramey Kemp and Associates and I don't believe that they have a representative here tonight, took into account the improvements that are planned for Skeet Club Road effective in 2016 when the project is completed. That is the build-out year for Skeet Club Road and for the project. So it included the laneage that is proposed for Skeet Club Road at the intersection of Johnson Street and did not demonstrate that....well, yes, there's going to be more traffic obviously from the school site itself, but did not demonstrate that there was a significant impact to warrant any further improvements beyond what is being planned at that intersection with the State TIP project. I don't think that's the question that Ms. Sims is asking.

Council Member Sims: I would just think that, you know, coming out maybe it should be moved a little bit further south because I just know how that traffic comes around that corner and it's not going to be pretty with folks trying to get out there and make that left turn.

Mark McDonald: The addition of a right turn lane will help the site distance some there. Johnson Street is a 5-lane road there. The center turn lane functions as the northbound left turn lane, so with that center turn lane and with that traffic and the addition of the right turn lane with the project, I feel like the intersection can adequately handle that. Will it be congested at times? Yes it will be. Is it enough traffic to warrant any other measure? Probably not.

Mayor Smothers: Of course, you're going to have to put school zone signs out there which is going to slow that down. I guess in both directions.

Council Member Corey: I have a question. Is there an exit from the church property onto Skeet Club Road?

Mark McDonald: Currently there is not. There is a gravel drive that goes to a dumpster that is about half way along the property line on Skeet Club Road.

Council Member Corey: But if there were an exit at Skeet Club Road, that would take care of the person trying to turn left?

Mark McDonald: It would, but the applicants were not pursuing or requesting access from Skeet Club Road. It would help to distribute traffic.

Council Member Moore: Is there anything from the DOT that would eliminate us requiring it?

Mark McDonald: There's nothing that would eliminate us from requiring it, but we haven't really seen that it's warranted where we would have to make it a hard and fast requirement for that.

Council Member Moore: So after the fact, we could still come back and correct that if it looks to be a mistake in the future?

Mark McDonald: It would be right-in, right-out at some point. Not initially, but when Skeet Club widening takes place, it would be right-in, right-out at that point.

Mayor Smothers: Was there any concern about the fact that there's only one way in and one way out?

Mark McDonald: I believe that's what Mr. Moore was asking. No. We would encourage additional access, but they were not actively pursuing additional access.

Mayor Smothers: Well I was just talking about from a public safety standpoint. I presume police and fire....

Mayor Pro Tem Alexander: Well if you had an accident at the entrance onto Johnson, you're not going anywhere.

Mark McDonald: You could potentially restrict access either in or out.

Chairman Whitley: Mark, would the DOT accept it at this point if required?

Mark McDonald: Yes, I think they would allow access on Skeet Club Road with the understanding that when the widening project goes in that there will be a median across that frontage.

Whitley: Any other questions of staff at this time? [none] Would the petitioner like to come forward at this time and give us your name and address?

Michael Wescott: My name is Michael Wescott. I'm the site engineer on this project. Our company is at 125 S. Elm Street in Greensboro, NC. A couple of things. The question about the entrance out onto Skeet Club, in our discussions with staff we decided that was probably not a good idea. It would lead to the cars not coming in on Johnson Street and cause some of that stacking to be out onto Skeet Club Road which we really don't want. That's a very dangerous situation. The driveway across from Glenn Meade is existing so it's not a proposed driveway. That needs to be made clear. I'm trying to remember what the other questions were.

Council Member Moore: Emergency exits.

Council Member Sims: One was, and I understand not wanting to use Skeet Club as an access point to the site, but at least as an alternate way to get out of the site if you had to. Even if it was limited to right turn only onto Skeet Club.

Michael Wescott: Again, if you make it a right turn in and a right turn out....can I go over here for a second? The access point that was previously approved was right here and if we make this even a right turn in and a right turn out, we'll have cars stacked out here.

Council Member Sims: No, they don't have to come in that way at all. Just a way to get out of the site. You can't do it that way?

Mark McDonald: I don't know if we could restrict it

Michael Wescott: Right now we actually met with DOT last Thursday and we're closing that gravel driveway and they're happy about that. They weren't excited about having a whole lot of access to the site from their road.

Mayor Smothers: Well you could still leave it there in the event of an emergency.

Michael Wescott: We could gravel it and gate it and do that with it. It was just a TRC comment for it to go away.

Mayor Smothers: I was just thinking in terms of it there were an accident at that intersection even, I mean it's not that far back and with the traffic backing up like it does.

Michael Wescott: The improvements to Skeet Club, that was one of the other questions. The improvements to Skeet Club are essentially the widening of Skeet Club is essentially ending at Johnson Street. There's a taper down that goes most of the way....the intersection tapers down to about this point.

Mayor Smothers: It goes to those condos because that was a real issue in terms of the road.

Michael Wescott: Yeah, like I said, I was just down there Thursday and the discussion we were having then was they needed additional right-of-way.

Mayor Smothers: Them meaning NCDOT?

Michael Wescott: NCDOT, that they needed additional right-of-way and along there, they do not. With the improvements that are going in, they are not getting any additional right-of-way.

Council Member Sims: So there will be some queuing that takes place on Johnson?

Michael Wescott: No, there will be no queuing at all.

Council Member Sims: Everybody will get into that wrap-around drive and be able to get there as opposed to being on Johnson itself.

Michael Wescott: Yes, all of it will be on the site itself.

Council Member Corey: So you have traffic coming down Johnson Street that's going to be trying to take a left hand turn into it.

Michael Wescott: There will be, but we're doing a turn lane there to get the traffic in.

Mayor Pro Tem Alexander: What is your plan in the event that you have an activity going on at church, say a funeral or something like that that might occur at a similar time to your school exiting for the day?

Michael Wescott: We could actually double the queuing that we've got right now on-site by doing a bigger meander through there. I don't think that will be an issue what-so-ever.

Mayor Smothers: Well the church can schedule the funeral.

Chairman Whitley: Any other questions?

Council Member Moore: I need you to clear up one thing for me, Mr. Wescott. On back to the beginning when you were talking about the right-in and right off on Skeet Club, okay whether that entrances or exits there or not, the people that are coming to that school or that facility for activity coming down Skeet Club, those numbers are going to be the same regardless of whether there's a turn there or not, so they're going to go up to the stop light at Johnson Street and all be directed into one entrance?

Michael Wescott: Yes.

Council Member Moore: And you don't see that as any more of a traffic problem....or you see that as less of a traffic problem than having them have the option of doing out off of Skeet Club and off of Johnson.

Michael Wescott: Given DOTs proposed improvements, no. I don't think that's more of a problem than turning right-in, right-out on Skeet Club. Is that right, wrong, the wrong way?

Council Member Moore: I'm thinking it would be better off to be able to access in and off Skeet Club. Are we in agreement with that or disagreement?

Michael Wescott: We're in disagreement. My issue and staff's issue with that is if I have people coming in off Skeet Club intersecting with the people coming in off of Johnson Street, I'm going to get five or six cars before I'm backing out traffic into Skeet Club that's at a stop.

Council Member Moore: Okay, so it's just easier for them to back up at the stop light then since they can't get in there.

Michael Wescott: Well the stop light is going to run as a stop light is going to run. They're going to go to the stop light, hang a right and be able to queue in. How many spaces do we have, Herb?

Herb Shannon: 104.

Mayor Smothers: I'm not as concerned about them being able to get in from that direction as the people that are coming down Johnson who are going to be making a left turn into there.

Michael Wescott: It'll be in that same turn off.

Mayor Smothers: Yeah.

Mark McDonald: The results of the traffic study requires the school to demonstrate that they can queue all their traffic as if everybody was there at the same time, queue all their traffic on the site.

Mayor Smothers: I don't mean just queuing them. I'm talking about just waiting to be able to turn. Maybe that's a queue

Mark McDonald: This is not different than other left turns at all other intersections.

Mayor Pro Tem Alexander: Well you're going to have in the morning and in the evening when you're dropping kids off, you're going to have people exiting as you've got people left turning in.

Mark McDonald: Just as you do at every other intersection, every other development, every other school. It's a decision that you have to deal with when you have access to and from public streets for whatever reason, school, shopping, hospital.

Council Member Sims: But every other school is not on Johnson Street like this and,

again, I understand what you're saying. I'm just a little concerned about that curve and how that traffic comes around that curve. I understand you all have satisfied yourselves that that's not an issue with the traffic impact analysis, but I'm not so sure that's going to be the case when it actually happens because reality is a little different from when you're supposing what's going to happen and that traffic on Johnson coming around that.....because I have family members in that area-that's nothing to play with there. Site distance is going to be very crucial at that curve.

Council Member Henley: Are you talking in terms of both directions? Or coming up from Skeet Club.

Council Member Sims: From Skeet Club coming up Johnson Street and making that left turn out of the parking lot onto Johnson going back to Skeet Club.

Council Member Henley: Is there a taper and a turn in from the intersection coming up into the school? I hear what you're saying about the bend in that, but that's a mile away. With the taper, there's going to be greater visibility than what you think.

Chairman Whitley: Ms. Sims, I would have to say to the regards to the traffic of the school, it's going to be exactly like the traffic at the church right now. They have the same scenario. The only difference is they will have a tapered turn in. It is pretty heavy right now.

Council Member Sims: It's a little different use. It's not as if five days of the week, you're going to have that amount of traffic. I'm sure they do have traffic now and I understand that, but I just think that when you increase the usage which is what you're going to do with a public school knowing that it's happening at the same time that regular traffic is going to and from work, particularly one of those hours which is the early morning hour-it's just a little bit different. I just am concerned about people coming in and out of there making sure that they can safely navigate to get out of there particularly making that left turn.

Chairman Whitley: I understand that, but the church still meets a lot right now. The church has grown since they have moved out there. The crowd is very large and they have that same scenario several times a week.

Mayor Smothers: Well the parents will end up insisting that there be some kind of traffic officer out there to manage the traffic because they're not going to sit out there in a car for twenty minutes waiting to make a turn.

Council Member Henley: Mr. Whitley, at one time someone had raised the point of keeping that gravel drive open on Skeet Club with a fence or no fence and I think that is really a dangerous thing because you have a question of who's in charge of the key to the gate and inevitably it's going to be open and people are going to....all of a sudden slam on brakes on Skeet Club and think well I wonder if the gates open or not. I think that's a safety issue in and of itself. So I would be discouraged from....it's either going to be a well-marked right-in, right-out or really needs to be shut off all together.

Council Member Douglas: Sir you did say that you had the ability to queue all of the schools traffic?

Michael Wescott: Yes, all of the schools traffic is queued on site. It's in that outer loop of parking and none on the inner two loops.

Council Member Douglas: But that means there won't be anybody waiting in line in traffic to turn in?

Mayor Smothers: Until they can turn.

Chairman Whitley: Any other questions? [none] Thank you, Mike. Anyone else like to come forth and make remarks either for or against this request? [none] Okay seeing none, I'm going to close this public hearing. I'm going to make a motion to place this on Thursday's Agenda with a favorable recommendation based on staff's findings and conditions in the staff report.

Mayor Pro Tem Alexander: Second.

Mayor Smothers: I have a motion and a second. All in favor of the motion, please say Aye.

Smothers, Alexander, Moore, Sims, Douglas, Pugh, Henley, Whitley and Corey: Aye.

Mayor Smothers: Any opposed? [none] That motion carries. [9-0 vote] Just know we have concerns.

[end of transcript]

Approved Special Use Permit 11-06 as requested by the applicant based on the conditions identified in the Special Use Permit application and the findings of fact as outlined in the staff report. The request is generally consistent with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan.

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

Ordinance - Annexation 11-04 - City of High Point - Sandy Ridge Road (Fire Station #26)

110236

A request by the City of High Point (Fire Department) to consider a voluntary non-contiguous annexation of approximately 2 acres lying approximately 515 feet south of Bame Road (2127 Sandy Ridge Road - City of High Point Fire Station #26).

The public hearing for this matter and related matter 110237 Ordinance- Rezoning Case 11-10- City of High Point- Sandy Ridge Road (Fire Station #26) was held on Monday, November 21, 2011 at 5:30 p.m.

Herb Shannon of Planning and Development provided an overview of the staff report. [the staff report is hereby incorporated in Legistar as a permanent part of these proceedings].

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there were any comments regarding Annexation Case 11-04. There being none, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended the Annexation Case 11-04 be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance providing for the annexation of this property. Annexation to be effective upon adoption.

Ordinance No. 6883/11-64 Introduced 11/21/2011
Adopted 11/21/2011
Ordinance Book Volume XVII, Page 64

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

Ordinance - Rezoning Case 11-10 - City of High Point - Sandy Ridge Road (Fire Station #26)

110237

A request by the City of High Point (Fire Department) to rezone approximately 2 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Residential Single Family-7 (RS-7) District. The site is located along the west side of Sandy Ridge Road, approximately 515 feet south of Bame Road (2127 Sandy Ridge Road).

The public hearing for this matter and related matter 110236 Ordinance- Annexation 11-04- City of High Point- Sandy Ridge Road (Fire Station #26) was held on Monday, November 21, 2011 at 5:30 p.m.

Herb Shannon of Planning and Development provided an overview of the staff report. [the staff report is hereby incorporated in Legistar as a permanent part of these proceedings].

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there were any comments regarding Rezoning Case 11-10. There being none, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended the Rezoning Case 11-10 be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance providing for the rezoning of this property from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a

Residential Single Family-7 (RS-7) District based upon the findings as outlined in the staff report and consistency with the City's adopted plans. The City Council finds this action to be reasonable and in the public's interest because: 1) The requested RS-7 District is consistent with the City's Land Use Plan; 2) The requested RS-7 District zoning abuts existing City of High Point CU RM-5 District and CU RS-7 District zoning, and will continue the established residential zoning pattern in this area which will result in a development pattern that will be compatible and in harmony with surrounding area; and 3) The zoning site is surrounded on three sides by the City's corporate limits.

Ordinance No. 6884/11-65

Introduced 11/21/2011

Adopted 11/21/2011

Ordinance Book Volume XVII, Page 65

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

Ordinance - Rezoning Case 11-11 - Westover Partners, LLC - Forester Drive

110238

A request by the Westover Partners, LLC to rezone approximately 13.13 acres from the Conditional Use Residential Multifamily-8 (CU RM-8) District to a Conditional Zoning Residential Multifamily-8 (CZ RM-8) District. The site is located at the terminus of Forester Drive.

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

Herb Shannon of Planning and Development gave an overview of the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings].

Following the conclusion of the staff report, Mayor Pro Tem Alexander expressed concerns regarding the maximum building height allowed in an RM-8 and felt the character of the area might change if it goes over two stories. Mr. Shannon explained that due to the limits of disturbance for the zoning site, everything on the outside of the dashed red line would remain in its natural state and pointed out to the north, there would be a 100-foot setback that would be the closest any building could be to the northern property line. He also pointed out that the townhomes sit significantly lower, so they should not even see anything upon the site because of the steep embankment on that side.

At this time, Chairman Whitley invited the petitioner to come forward.

Anthony Lester of Evans Engineering, 4609 Dundis Drive in Greensboro, representing the applicant, Westover Partners, addressed Council. He pointed out that Mr. Hunt Dalton of Westover Partners was present and available to address any

questions/concerns. Mr. Evans explained that this area was originally approved for condominiums, but the crash of the real estate market has significantly thwarted their efforts in selling them as condominiums, townhomes, or apartments so they requested this property be rezoned to allow for single family houses in hopes single family homes would be more successful. He reported that they did hold a community meeting to discuss their plans on Tuesday, September 27th and had eight residents attend who basically asked informational type questions. Mayor Smothers complimented Mr. Lester on the process/method they used for identifying the questions and how the answers were reported.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment regarding Rezoning Case 11-11. There being none, the public hearing was closed.

Adopted Ordinance providing for the rezoning of this property from the Conditional Use Residential Multifamily-8 (CU RM-8) District to a Conditional Zoning Residential Multifamily-8 (CZ RM-8) District based on the findings as outlined in the staff report and consistency with the City's adopted plans. Council finds this action to be reasonable and in the public's interest based on the findings as identified in the Staff Analysis section of the staff report.

Ordinance No. 6885/11-66

Introduced 11/21/2011

Adopted 11/21/2011

Ordinance Book Volume XVII, Page 66

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

Land Use Plan Amendment Case 11-04 - City of High Point - Core City Plan

110239

A request by the City of High Point Planning and Development Department to amend the Land Use Plan for eight Core City neighborhoods predominately from higher intensity to lower intensity designations in accordance with the recommendations of the Core City Plan. (See also Legislative File # 110261 for Land Use Amendments adopted at the 12/19/11 meeting)

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

Heidi Galanti of Planning and Development presented an overview of the staff report while Gregg Morris of Planning and Development gave a detailed overview of the specific changes within the various neighborhoods. [the staff report is hereby attached in Legistar as a permanent part of these proceedings].

Council Member Sims pointed out this was a lot of information for Council to digest tonight which affects eight neighborhoods and asked if it would be appropriate to ask that the presentation take place in a Committee setting. Chairman Whitley noted that he did plan to place it in Committee.

Mayor Pro Tem Alexander stated he did not see the need for any additional single family housing within many of these neighborhoods and felt there seems to be a trend with people moving away from single family residences into multi-family with more rental opportunities. Mayor Smothers pointed out it is not single family, it is low density which was five units an acre by the City's definition, but she didn't feel like this was very low density. Council Member Pugh pointed out that during discussion of the previous matter involving the Minor Amendment to Conditional Use Permit 05-21 as requested by Westover Partners, LLC, it was reported that they were having difficulties selling townhomes, condominiums, etc... and wanted the single family housing. Ms. Galanti reiterated it's about the density, not the use.

Council Member Pugh reported that he was fortunate enough to sit on the Core City Board with Council Members Sims, Faircloth and Bencini and with Tom Terrell and this is what the people said they wanted. He noted this is in total compliance with the Core City Project that has been on-going for the past five years. He questioned if what was being presented tonight was different than what was originally agreed upon to be the Core City Plan. Ms. Galanti explained that the Core City Plan pointed out these were areas that needed to be looked at in more detail and the zoning and the land use was at a higher intensity than what appeared to be the existing land use.

Mayor Pro Tem Alexander expressed concerns that there doesn't seem to be any effort on the city's part to identify areas to encourage some form of retail personal service and he has heard from many people that they would like some type of local convenience or personal service in their neighborhoods. Mr. Morris pointed out this seems to be a national problem and it would be difficult to get private dollars to entice a retailer. He agreed that it might be a worthwhile project to do an analysis to see where such areas might be identified and accommodated. Council Member Moore felt the reason there are no longer businesses in the small community situations providing fresh vegetables, etc.... was mainly due to the people who stopped supporting them.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if anyone would like to comment on these Land Use Plan Amendments.

Charity Belton, 1112 Cedrow Drive, a member of the Executive Committee for the Cedrow Resident's Association, and a member of the Leadership Council which has approximately 14 associations that is a part of the City of High Point Leadership Council for neighborhood associations, addressed Council. She believed many of the executive board members would be very concerned and appalled at hearing these changes that are proposed and the information should have been presented to the Leadership Board because of the impacts it could have on the neighborhoods. Ms. Belton was advised that staff did have a meeting with them in August and while there was not a powerpoint presentation, the maps were available and staff did give an overview of the proposed changes and gave residents the opportunity to ask questions. She felt this needs to be reevaluated and explained as it was being explained now because it totally looks different than what she remembered and reiterated there would

be a great impact from a high density to a low density.

Ms. Belton also expressed concerns about the Piedmont Sustainable Project which received approximately \$2.6 million and she believed the City of High Point did apply for funding to be used for low-to-moderate income areas which includes all of these eight neighborhood areas. She felt if Council changed it from a high density area to a low density area, they would not be able to reap the benefits of that grant because the grant also allows for grocery stores, farmers markets, etc.... to come in. She pleaded with Council to keep the public hearing open until this information could be presented to these neighborhoods. She informed Council that the Leadership Council would be meeting on November 28th at the Macedonia Center and all of the executive board leaders for all these neighborhoods would be present at that meeting.

Tom Terrell, 529 W. Parkway, attorney representing the GEO Group, stated he was present to speak only to the Washington Terrace Park portion of the plan and to support Council Member Sims' suggestion that this matter be tabled. He stated it wasn't a secret to anyone in the community that he represents a company that is interested in and has negotiated a contract which is subject to an upset bid to purchase the 22-acre Evergreen site on Greensboro Road. He reported this project would substantially increase the tax base that would bring 185 high paying jobs to the city without asking for a penny in taxpayer derived incentives. He informed Council plans were underway for a neighborhood meeting where citizens could come in and ask questions directly to the company and get factual answers so they wouldn't be dependent upon sensationalized, alarmist headlines in newspapers.

He pointed out at the same time this is happening, the City has initiated a downzoning of this 22-acre parcel--a downzoning that he felt was inconsistent with the very plan before Council tonight. He noted the plan calls for a mixed use and although this was a broad, vaguely defined category, it would certainly include service and commercial uses within that definition. He pointed out that the RM-8 zoning district, on the other hand, does not include any of those districts and a look at the table of permitted uses includes single family, multi family uses, day cares, lodges and clubs, family care homes, cemeteries, mausoleums, golf courses, police and fire stations, but certainly nothing that would be of a commercial or service-oriented use. He added that institutional use would be allowed in the mixed use category, but it was vaguely defined so there's uncertainty as to what it actually means. He informed Council that if they proceed with the vote now, it would be difficult for the public to know if Council was voting on the actual land use plan or truly dealing with an upcoming rezoning and would be as difficult for his client to ascertain. He requested that Council postpone consideration of the land use plan until the rezoning that has been initiated by the City is acted upon so his client will know the issues that have to be dealt with.

Council Member Pugh asked Mr. Terrell to reveal specifically what his client was proposing to do with this property. He felt it was a direct conflict of interest for Mr. Terrell to be representing this client due to the fact that Mr. Terrell works and gets paid from Smith Moore Leatherwood as well as City Attorney Fred Baggett. Mr. Terrell explained that Mr. Baggett has recused himself from these conversations and

discussions and Council Member Pugh felt it doesn't make any difference because they both still get paid by the same law firm.

Council Member Douglas agreed that additional time was needed to further discuss this because of the possible impacts that could affect the neighborhoods.

Chairman Whitley asked if there were any additional comments from the public.

Julia Green, addressed Council in support of the land use project--particularly the Washington Terrace portion because it would bring jobs to High Point. She informed Council that she attended a meeting to learn about what they were doing and although they didn't really go into a whole lot of detail, she thought it would be good for the city. Council Member Pugh asked Ms. Green if she was aware of what kind of facility it would be and pointed out it may bring jobs in, but it could also hurt any jobs coming in.

Chairman Whitley explained Council was discussing the land use plan and the proposed changes to the land use plan at this point and Council was trying to keep it from being a discussion specifically on the company. He asked if there were any additional comments.

Chairman Whitley noted according to the city attorney, the public hearing could be closed and it would not preclude any future comments from the public. He proceeded to close the public hearing at this time and **moved to place this matter in Committee for further evaluation by Council. Council Member Sims made a second to the motion.**

For further discussion, Mayor Smothers asked about a time frame for discussion and Chairman Whitley noted discussion would probably start on December 6th since that was their next Committee meeting date. The Mayor pointed out that Council has already instructed staff to start the rezoning process that would have applied to the suggestions by the land use map.

There being no further discussion, **the motion carried unanimously to place this matter in the Planning, Economic Development & Information Technology Committee for further discussion on Tuesday, December 6th.**

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be Referred to Committee to the Planning, Economic Dev. & Information Technology Committee, due back on December 6, 2011. The motion carried unanimously.

For Information Only:

Neighborhood Meeting

Council Member Sims informed Council that in light of all the discussion that has recently taken place regarding the proposed land use plan amendments and the GEO Care Group, she has scheduled a community meeting in her ward. The meeting will take place on November 28th at New Bethel Baptist Church at 6:30 p.m. and information will be forwarded to churches, residents and businesses in the area.

Buy Local Day

Council Member Moore called to Council's attention that November 26th has been slated as "Buy Local Day" and encouraged citizens to buy locally not only on this day, but other days as well.

Official Declaration- First Thanksgiving

Council Member Moore stated he would share an e-mail with Council about the official declaration from George Washington for Thanksgiving Day.

Special Recognitions

The Mayor recognized Isaiah and Elijah Belton, Webelos, and twin sons of Charity Belton who spoke on several matters. Isaiah shared that he was in the 5th grade at Montlieu and would soon be running for president at the school.

High Point University- Christmas Decorations

High Point University has invited the citizens to view their Christmas decorations while riding through campus. Opportunities to do this will be on December 19 and December 20th.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:30 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk