City of High Point

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

Minutes

Monday, August 19, 2013

4:45 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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

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

REGULAR MEETING ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair
Members: Wagner, Davis and Sims

(all were present)

130217 **Budget Ordinance Amendment - Planning and Development Inspections Staff**

Adoption of an ordinance amending the 2013-2014 Budget Ordinance to appropriate funds in the amount of $88,000.00 for additional Planning and Development Inspections Staff.

Attachments: Budget Ordinance Amendment - Additional Inspections Staff

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be referred back to the Finance Committee for further discussion.

Referred to the Finance Committee.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Ordinance be referred to the Finance Committee for further discussion. The motion PASSED by a 9-0 unanimous vote.

130218 **Purchase of Equipment - Ford F750 Dump Trucks**

Council is requested to authorize staff to purchase two (2) Ford F750 Dump Trucks from Piedmont Truck Center in the amount of $115,552 each for a total contract price of $231.104.00. These vehicles will be used by the Streets Division and will be equipped with snow plows and salt spreaders.

Attachments: Dump Truck-Snow (8-19-13)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved the purchase of two (2) Ford F750 Dump Trucks from Piedmont Truck Center in the amount of $115,552 each for a total contract price of $231,104.00.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130219 **Purchase of Equipment - John Deere 624K Wheel Loader**

Council is requested to authorize staff to purchase a 2013 John Deere 624H Wheel Loader from James River Equipment Company in the amount of $177,653.60. This equipment will be used at the Ingleside Compost Facility.

Attachments: Wheel Loader-Ingleside (8-19-13)

This matter was discussed during a Finance Committee held at 4:00 p.m. prior to this meeting. The Committee recommended approval.

Approved the purchase of a 2013 John Deere 624H Wheel Loader from James River Equipment Company in the amount of $177,653.60.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130230 **Review of Health Insurance Coverage for City Council Members**

At the request of Council Member Mendenhall, Council is being asked to review the current council-established policy regarding health insurance coverage and costs associated with the same.

Council Member Mendenhall made a comment relating to the health insurance issue for elected officials. She expressed concerns that the taxpayers are being asked to pick up a portion for elected officials, who in her opinion, are considered part-time. In light of some of the recent budgetary concerns expressed, she felt this was one of the policies that Council should review and determine if Council feels it wise to continue.

Referred matter to the Finance Committee for further discussion.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this matter be referred to the Finance Committee for further discussion. The motion PASSED by a 9-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130220 **Resolution of Intent - Street Abandonment Case 13-11**

Approval of a Resolution of Intent that establishes a public hearing date of September 16, 2013 at 5:30 p.m. to consider a request by High Point University to abandon all of the southern terminus of Meadowbrook Boulevard lying west of N. College Drive and north of Boundary Avenue.

Attachments: ROI SA13-11

Resolution No. 1325/13-48

Introduced 8/19/2013; Adopted 8/19/2013
Resolution Book, Volume XVIII, Page 48

Adopted a Resolution of Intent establishing a public hearing date of September 16, 2013 at 5:30 p.m. to receive public comment on a request by High Point University to abandon all of the southern terminus of Meadowbrook Boulevard lying west of N. College Drive and north of Boundary Avenue.

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

130221 **Resolution of Intent - Street Abandonment Case 13-12**

Approval of a Resolution of Intent that establishes a public hearing date of September 16, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way lying approximately 300 feet west of Francis Street, running in an north to south direction, between Model Farm Road and Jay Place.

Attachments: ROI SA13-12

Resolution No. 1326/13-49
Introduced 8/19/2013; Adopted 8/19/2013
Resolution Book, Volume XVIII, Page 49

Adopted a Resolution of Intent establishing a public hearing date of September 16, 2013 at 5:30 p.m. as the date and time to receive public comment regarding a request by the Technical Review Committee to abandon an unimproved right-of-way lying approximately 300 feet west of Francis Street, running in a north to south direction, between Model Farm Road and Jay Place.

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

130222 **Resolution of Intent - Street Abandonment Case 13-13**

Approval of a Resolution of Intent that establishes a public hearing date of September 16, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying south of the intersection of Meridian Avenue and Oaklawn Street.

Attachments: ROI SA13-13

Resolution No. 1327/13-50
Introduced 8/19/2013; Adopted 8/19/2013

Resolution Book, Volume XVIII, Page 50

Adopted a Resolution of Intent establishing the date of September 16, 2013 at 5:30 p.m. as the date and time to receive public comment regarding a request by the Technical Review Committee to abandon an unimproved right-of-way, lying south of the intersection of Meridian Avenue and Oaklawn Street.

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

Statement by Council Member Foster Douglas

______________________Transcript of Statement by Council Member Douglas________________________

Note: A copy of Council Member Douglas' statement as well as handouts distributed will be entered in Exhibit Book, Volume X, Page 70 as a permanent part of these proceedings.

Council Member Douglas: I have a statement that I'm going to read from, plus I have some copies of some different items that I want to pass out as well. A lot has been said over the last two or three weeks and what appeared to me that one has taken the time to ask what is really going on. It was in my opinion, clear to me what was happening. And that was the attempt to divert attention and questions away from, to me, what was obvious. On August 6th, we learned from the Enterprise as they published an article, of our manager using taxpayer's dollars to pay for the Mayor's sister to fly to Boston. I would ask the manager…is there a policy that gives him permission to use taxpayer city funds to loan to council members. I would ask how many trips from council members families have we paid for in the past, for what cost to the taxpayers, and was all those funds reimbursed to the city. You consider yourself a loan officer using city funds? I also have a handout here that will…as you can see from this handout, it says it is apparent by the manager's August 8th email that there is no policy in place which gives the manager the authority to make such loans to council members and one can easily conclude that this loan is a perk, gift and a benefit that can be used to serve his own agenda. It is in my opinion, safe to conclude that without a policy in place to give the city manager permission to use the city funds for the purpose of paying for fares for city council member's spouses or family members, he has clearly acted of his own authority and I feel is the misappropriating of city funds. Each different occasion, the city manager has made this decision are separate instances, I feel, of misappropriating of these city funds. On March the 12th I emailed the city manager and I asked him for information--copies of all the past council members, present city council members that was or are on the city health plan. He replied and sent me the information in an attachment. I started to review this information. The first thing I noticed was the various council members that was and are still accepting city health insurance coverage, which is individual or family coverage. This spreadsheet also showed that each council member was paying and how much the taxpayers are paying for them. It caught my attention for a number of reasons. One was that the amounts being paid by the city did not add up. And if I may point out to your attention on page 3 of that handout, the city manager sent out an email of September 13th of 2010 responding to then a question of a candidate for city council inquiring about city council members on the city health plan. The manager responded saying it was voted on by city council and passed in 2006. Let's look at employee #11578 Mr. Whitley, start date 4/1/06, stop date 3/31/07. If you add that line across it equals $711-a difference of $596.86 from what the 2006 email sent out by the manager showed which was $1,307.86. I feel that unless the manager has an explanation for the difference in funds, on its face it appears to be fuzzy math. Where is the remainder of these funds that was indicated in 2006? Must I remind everyone that this is information the manager provided. I did not create these documents. Which leads to an even bigger question that would be if this health plan was voted on and approved by the city manager in 2006 to add city council members to the health plan, then why is it showing Mr. Whitley being on the health plan, start date 4/1/05? My previous colleagues said the city council voted this approval to assist an ill colleague who could not afford medical insurance. In light of this discovery, it would appear it was passed to make it legal for Mr. Whitley who was already on city coverage. I also find it strange that Mr. Whitley was chair of the Finance Committee during the time of his early health coverage and also when the manager's contract was amended from six month's severance pay to one year's severance pay. One then could suspect of being in clear violation of ethics hinging on possible criminal activity. Now I will ask my colleagues that with this information that you have before you…there is a fiduciary responsibility to seek the truth no matter where it may lead you. Or you may fall short or wanting to know what the truth is if no action is taken. Now when we talk about how much colleagues have cost taxpayers since they've joined this health insurance plan. According to the numbers that was handed out in the '06 email from the manager, it has cost the taxpayers $207,355.65. I, myself, chose not to be on this health plan and in return saved the city to date $56,935.59. Over the course of my term on city council which would equal to the amount that The Shakespeare Festival wants forgiveness for their utility bill which is $57,897.75. And I would also conclude with council that the information that was sent out about me being….going to Boston is false because I never went on the Boston trip. I never registered for the trip. I never even asked to go. So how could this show me having gone to Boston or even….well for the most part registering for a Boston trip which I have never taken?

Now it is….like I said earlier, it is incumbent of us as city council members. We all have a fiduciary responsibility to the press, I mean to our constituents, our taxpayers who we should have our allegiance to. Not once have I gone to the press or any other time to talk about anything other than city business. I do not feel that it was incumbent of my colleagues to run to the press when they really don't even know what the full story is or neither did they take the time to ask. So Madam Mayor, I would like to make a motion, but I would not like to make it at this time.

Mayor Sims: Is that it Councilman Douglas?

Council Member Douglas: Yes Madam Mayor that is it for now.

Mayor Sims: Are there any comments, questions by any members of Council regarding the presentation by Councilman Douglas?

Mayor Pro Tem Moore: I don't have any questions at this time. It's a lot of information that he obviously took time to put together, but I will tell my colleague, Mr. Douglas, as far as running to the press….I'll speak for myself. I didn't run to the press, they ran to me. That's all I've got to say at this time.

Council Member Mendenhall: I did not either…approach the press. I was approached.

Council Member Golden: Neither did I approach the press, but I will ask a couple of questions since Councilman Douglas has intentions on making a motion at some time regarding this information. I would like some clarity on…..or maybe it was just oversight or a typo or whatever…on how we registered him for an event that he didn't go to. And also if staff can look into how someone was receiving health benefits prior to when they were available to Council. Just to clarify that before we discuss it.

City Manager Strib Boynton: Let me answer that. In terms of the trip to Boston. I don't believe he went to Boston. He asked to go and we registered him to go, but even the record that he passed out did not say he went, it just said he registered for it. His travel expenses that year were for a trip to Washington, D.C. So that should clarify that. In terms of when Mr. Whitley got his group health insurance I have no idea. Everybody else is down here for April of '06 and why it says April of '05 I have no idea. We can certainly get that for you and research that if you'd like us to, but I don't remember. That was 6-7 years ago and I don't remember, but we'll get that information for you.

Council Member Douglas: So you're saying that you don't know how he got on that health plan? Is that what you're saying? This is an email that came directly from you.

City Manager Strib Boynton: Yeah, it's a form-not a form that I prepared. I believe somebody asked for….you asked for who was on city health insurance and that is the form that came back. And maybe that's an error on him for April '05. I don't know Mr. Douglas, but we will certainly find out what happened there. I don't know, but I know that the Council did approve council members having insurance and we didn't do it on our own.

Council Member Douglas: Well, can you explain the numbers? The numbers don't add up either. I mean according to this email that you sent out in '10, family coverage…the monthly total on family coverage was $1,307.

City Manager Strib Boynton: We'd have to look at that and we'd be happy to do that for the Council.

Mayor Sims: Any other questions, comments?

Council Member Smothers: I think for some of the public, who may be somewhat confused about travel arrangements. Normally the city staff does book registration at whatever venue is being…wherever it is you're going and also will arrange travel. That is done to try to insure that you get the best rate that you can get depending on when that council person is going to go. In the past, it's been my understanding some people have asked for cash advances-not this Council, but in the past. And that money had to be accounted for when the person returned. Everybody is not fully capable of funding everything and I think that there has been at least the part of….at least one situation in which accommodations were made for someone who did not have the income to make the trip, but they were legitimate costs associated with it. At any rate, there has never been to my knowledge any intent to pay for anything with tax dollars that was not allowable. And you elect us, so you decide who is trustworthy and who is honest by your vote. Our performance may differ.

Mayor Sims: Any other comments?

Council Member Mendenhall: The only comment I would make, Madam Mayor, does relate to the health insurance issue. I don't know who is covered if anyone is on this particular Council, but I do think in today's world with the economy that we're all facing…for the taxpayers to pick up a portion of health coverage for elected officials who are part-time-we could argue part-time-but who are supposedly part-time is probably not the best use of taxpayer dollars. I have no ill-well against anybody who may have opted to do that because certainly the policy is in place that it's available. But perhaps in light of some of the budgetary concerns that we had, that's a policy among others that this Council needs to take a look at just to see if that's something this Council thinks it wise to continue. Certainly not something staff is doing on their own. It is a council-established policy. So perhaps, Madam Mayor and Mr. Mayor Pro Tem, this is something that the Finance Committee also might want to take a look at about what it might actually cost per elected official because there is a cost. The elected official pays a part, but there is a cost and perhaps that's something that we want to consider changing that policy.

Council Member Wagner: **Is that a motion to refer it to the Finance Committee?**

Council Member Mendenhall: **Yes, I'll do that.**

Council Member Wagner: **Okay, if it is, I'll second that.**

Mayor Sims: **I have a motion and a second to refer to the Finance Committee a review of the health insurance as it relates to council members and have a discussion regarding whether this is a policy we want to have moving forward**. Is there any additional discussion regarding this particular motion? [none] Seeing none, all those in favor, signify by saying Aye.

Sims, Moore, Smothers, Golden, Douglas, Mendenhall, Wagner, Davis, and Ewing: Aye.

Note: For the referral of the review regarding health insurance for elected officials, please see Matter #130230.

Mayor Sims: Is there any additional discussion, or conversation regarding anything that has been said in the last few minutes? [none] I think we can move forward with staff's report on the Comprehensive Planning Committee, so I'll refer to Council Member Smothers.

[end of transcript]

PUBLIC HEARINGS - 5:30 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130223 **Ordinance - Annexation 13-03 - Larry E. Holbrook and Ursula A. Holbrook**

A request by Larry E. Holbrook and Ursula A. Holbrook to consider a voluntary contiguous annexation of a five (5) acre parcel located along the east side of Deep River Road, approximately 215 feet south of Sunset Hollow Drive (2034 Deep River Road).

Attachments: Annex Ordinance 13-03 - Holbrook

Annexation 13-03 Recorded Copy

Ordinance No. 7002/13-34
Introduced 8/19/2013; Adopted 8/19/2013
Ordinance Book, Volume XVIII, Page 34

The public hearing for this matter was duly held as advertised on Monday, August 19, 3013 at 5:30 p.m.

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

The applicant is requesting a voluntary contiguous annexation of this property in order to obtain access to city utilities.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there were any comments regarding this matter. There being no one present to offer any comments, the public hearing was declared closed.

Adopted Ordinance providing for the annexation of this property, which is to be effective upon adoption.

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

130224 **Ordinance - Rezoning Case 13-06 - U-Haul of Central North Carolina**

A request by U-Haul of Central North Carolina to rezone approximately 0.97 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Highway Business (CZ-HB) District. The site is lying south of Newell Street and west of Clark Place.

Attachments: Rezoning Case 13-06 - U-Haul of Central NC
Adopted CZ Ordinance Z13-06 (08-19-13)

Ordinance No. 7003/13-35
Introduced 8/19/2013; Adopted 8/19/2013
Ordinance Book, Volume XVIII, Page 35

The public hearing for this matter and related matter **130225 Street Abandonment 13-10- U-Haul of Central North Carolina** was held as duly advertised on Monday, August 19, 2013 at 5:30 p.m.

Herb Shannon of Planning & Development provided an overview of the staff report for both the Rezoning Case 13-06 as well as Street Abandonment 13-10. [although the staff report for both matters were provided simultaneously, separate action was taken on both matters]. The staff report is hereby attached in Legistar as a permanent part of these proceedings.

Chairwoman Smothers asked if the ingress/egress issue would be put in a condition because she felt it needs to be clear in the record that it is not bound by anything in connection with the city. Mr. Shannon explained that the ingress/egress easement would be recorded and the easement would run with the land, not with the property ownership. Mayor Sims asked the applicant about the location currently being used by employee parking and if they plan on changing the configuration of the property due it being tight. Jason Grider, Marketing Company President, explained that they are currently parking in front of storage rooms scattered throughout the property and it would not really change the ingress or egress out of the property.

At this time, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to speak for or against the rezoning portion of the request or the street abandonment. There being no comments, the public hearing was closed.

Adopted Ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Highway Business (CA-HB) District based on consistency with the City's adopted plans and adoption of the statements contained in the Staff Analysis section of the staff report. Additionally, the City Council finds this action to be reasonable and in the public interest.

A motion was made by Council Member Smothers, seconded by Council Member Ewing, that Rezoning Case 13-06 be approved. The motion PASSED by a 9-0 unanimous vote.

130225 **Resolution - Street Abandonment 13-10 - U-Haul of Central North Carolina**

A request by U-Haul of Central North Carolina to abandon the southern 228 feet of Clark Place, a partially improved 40-foot wide right-of-way lying south of Newell Street.

Attachments: Street Abandonment SA13-10 - U-Haul of Central NC

SA 13-10 Recorded copy

Resolution No. 1328/13-51
Introduced 8/19/2013; Adopted 8/19/2013
Resolution Book, Volume XVIII, Page 51

The joint public hearing for this matter and related matter **130224 Rezoning Case 13-06- UHaul of Central North Carolina** was held as duly advertised on Monday, August 19, 2013 at 5:30 p.m.

Note: For specific comments made at the public hearing regarding this street abandonment request, please refer to 130224 Rezoning Case 13-06.

Herb Shannon of Planning & Development provided an overview of the staff report for Street Abandonment 13-10 which is hereby attached in Legistar as a permanent part of these proceedings.

Adopted a Resolution abandoning the southern 228 feet of Clark Place, a partially improved 40-foot wide right-of-way lying south of Newell Street based on the abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

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

130226 **Ordinance - Rezoning Case 13-07 - Phoenix Academy Foundation**

A request by the Phoenix Academy Foundation to rezone approximately 46.2 acres from an Agricultural (AG) District and Conditional Use Public & Institutional (CU-PI) District to a Conditional Zoning Agricultural (CZ-AG) District. The site is lying along the west side of Walpole Road, approximately 850 feet south of Clinard Farms Road.

Attachments: Rezoning Case 13-07 - Phoenix Academy Foundation
Adopted CZ Ordinance Z13-07 (08-19-13)

Ordinance No. 7004/13-36
Introduced 8/19/2013; Adopted 8/19/2013
Ordinance Book, Volume XVIII, Page 36

The public hearing for this matter was held as duly advertised on Monday, August 19, 2013 at 5:30 p.m.

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

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to speak regarding this rezoning request.

Jan Clifford, who resides at 223 Windy Oak in Reidsville and Director of Horse Power, spoke in favor of the request. She explained Horsepower would be partnering with Phoenix Academy on the site. They plan to use part of the property for an Agritherapy course in conjunction with the school to educate the students on the importance of growing crops and the process it takes to grow crops that would be eco-friendly with the environment. Part of the property will house horse stables and will be broken up into pastures for the horses. Horsepower anticipates having 14-16 horses on this property and their plans are to leave as many trees for a border and shade areas. There is also a stream running throughout he property that they plan to utilize with riding trails and walking trails for kids and people in wheel chairs. Ms. Clifford explained they would be traveling to and from this site once or twice a week with horses.

Elaine Lowe, a resident at 4531 Walpole Road across the street, shared that she also owns three horses. She expressed concerns about Walpole Road being inadequate to accommodate two horse trailers utilizing the road at the same time. She and her husband also expressed concerns about them using their semi-private driveway that adjoins the property. Mr. Lowe questioned how a request for a facility of this size could be approved without requiring any improvements to Walpole Road. Mrs. Lowe mentioned she thought when Faith Properties purchased the original lot, the Council was going to require Walpole Road to be paved if the property was sold.

At this time, Chairwoman Smothers asked the Transportation Department to comment. Matt Carpenter of the Transportation Department, pointed out Walpole Road is a gravel, road maintained by the North Carolina Department of Transportation and the High Point Transportation Department did not feel it to be justifiable to require Horsepower to make improvements to the road given the fact their use is unintensive and there would be minimal traffic associated with it. He noted the right-of-way for most of Walpole Road is about 60 feet wide.

An indepth discussion followed regarding the location of the driveway for the site, use of existing driveways, location for any new driveway cuts to access the property, access to Walpole Road, etc.... Mr. Carpenter explained Walpole Road is to the south and it would be either a private driveway or some sort of private access easement between those properties, but the city would have no say as to how that works out--it would be between those property owners. Chairwoman Smothers asked if the applicant would not have to bring in a site plan for review and if it would be determined where the driveway cut would be. Mr. Carpenter replied that this was correct, and reiterated an agreement would be needed between the adjacent property owners as to how they would get access.

At this time, Chairwoman Smothers asked the representative for the applicant to comment regarding the access issue. Mr. Brian Hall with Samet Corporation, 309 Gallimore Dairy Road, Greensboro, informed Council that the applicant has agreed, as part of the conditions, to dedicate approximately 30 feet from the centerline to achieve a 60-foot wide right-of-way. Chairwoman Smothers asked Mr. Hall to address the neighbors concerns regarding access off the driveway they currently use. Mr. Hall stated from his understanding from the deeded rights-of-way, all property owners (including the applicant) have the same access to Walpole Road. At this time it was determined that the map on display had Walpole Road labeled incorrectly. Mr. Hall pointed out any proposed driveway would have to go through the typical driveway permitting process.

Council Member Golden asked how many property owners they sent letters to responded negatively to their request. He explained they did have this conversation during their neighborhood meeting and since that time they

offered to reach out to DOT jointly with the other property owners as a group. He reported the biggest concern he took away from the neighborhood meeting was that the residents want to ensure that they had access and they would not cut off their road or somehow prevent future access specifically to the houses to the south of the property and to the west. They assured the property owners that they would do everything to make sure Walpole Road remains there for its in perpetuity and they would be dedicating right-of-way to ensure that.
He reiterated that Walpole Road is a state-maintained road and they want to try to encourage the state to do what they will to help. He made assurances that they would only access the property from Walpole Road as it is a public right-of-way and would not be accessing it from a private driveway.

Tim Long, a resident at 4533 Walpole Road, expressed concerns about their use of the drive for access and stated he was worried about the safety of his eight grandkids.

A discussion followed regarding the paving of Walpole Road. The adjacent property owners felt the road should be paved. Council reiterated that Walpole Road is a state-maintained road and noted again that the City of High Point has no control over it. Mrs. Lowe brought up again that they were told in the past that it would be paved if the Faith Properties was resold. Mr. Shannon clarified that when this property was initially annexed and rezoned in 2004, they were proposing a school with 2,500 students and this triggered a Traffic Impact Analysis (TIA) and under the TIA a school with 2,000 students would trigger road improvements and require it to be paved. He pointed out this project fell through.

Mayor Sims asked if there was a way to protect the property owners regarding the private drive once the rezoning is approved to make sure that the driveway access only comes off Walpole Road. City Attorney JoAnne Carlyle explained this would be strictly between the property owners and the City Council has no authority or control in the matter. At this time, Lee Burnette, Director of Planning & Development, informed Council that they could add a condition that access would only be directly from Walpole Road, but this would have to be accepted by the applicant. On behalf of the applicant, Mr. Hall agreed to that condition; however, Chairwoman Smothers pointed out there is a requirement that added conditions have to be in writing. Mr. Burnette added that High Point Bank and Trust Company, as the owner of the property, would have to accept to accept any conditions added because they initially filed for the application. He reiterated that the applicant will still be required to bring in a site plan as part of the building permit process and driveway permit approval will be reviewed by transportation. He pointed out Council's role at tonight's meeting has to do with approval of the rezoning application although right-of-way dedication and access offered is part of the rezoning process.

Council further discussed the concerns expressed by the property owners and the city's inability to appease those concerns due to it being a property rights issue between the property owners.

Chairwoman Smothers closed the public hearing and entertained a motion.

Approved Rezoning Case 13-07 providing for the rezoning of this property from an Agricultural (AG) District and Conditional Use Public & Institutional (CU-PI) District to a Conditional Zoning Agricultural (CZ-AG) District based on consistency with the City's adopted plans. Additionally, the City Council finds this action to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Mendenhall, seconded by Council Member Davis, that this Rezoning Case be adopted. The motion PASSED by a 7-0 vote as follows:

Aye:	7 -	Mayor Pro Tem Moore, Council Member Davis, Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, and Council Member Wagner
Nay:	2 -	Mayor Sims, and Council Member Smothers

130227 **Ordinance - Text Amendment 13-05 - 321 Eastchester, LLC (Van York Chevrolet)**

A request by 321 Eastchester, LLC to amend Table 5-16-3 *(Specifications for Accessory Attached Signs Requiring a Permit)* of the sign regulations and Table 4-4-1 *(Eastchester Scenic Corridor Overlay District Landscaping and Signage Regulations)* of the Development Ordinance to establish wall sign standards for multiple franchise business under single ownership.

Attachments: Text Amendment 13-05 - Van York Chevrolet - Eastchester

Ordinance No. 7005/13-37
Introduced 8/19/2013; Adopted 8/19/2013
Ordinance Book, Volume XVIII, Page 37

The public hearing for this matter was held as duly advertised on Monday, August 19, 2013 at 5:30 p.m.

Bob Robbins of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the presentation of the staff report, Chairwoman Smothers opened the floor for public comment.

Gilbert Gates, who has offices located at 300 N. Main Street, and attorney representing the applicant, spoke in favor of the request. He explained when the text amendment was first proposed, it was much more limited because staff felt it would solve a larger problem than the specific problem being addressed. He noted this is why the text amendment now applies to multiple franchises operated out of one building and pointed out there are already regulations in place that would apply to completely separate, tenanted premises. He shared an illustration of the type of signage that would be permitted by this ordinance and pointed out the applicant's dealership has multiple franchises all operating out of one building.

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

Adopted Ordinance amending Table 5-16-3 (Specifications for Accessory Attached Signs Requiring a Permit) of the sign regulations and Table 4-4-1 (Eastchester Scenic Corridor Overlay District Landscaping and Signage Regulations) of the Development Ordinance to establish wall sign standards for multiple franchise business under single ownership based on consistency with the City's adopted plans. Additionally, the City Council finds this action to be reasonable and in the public interest because: 1) It helps a small group of businesses that are disadvantaged by the limitations of the current sign regulations, and is therefore more business friendly; and 2) Limited application will prevent large scale change and preserve long-standing sign regulations for the vast majority of businesses.

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

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130228 **Theatre Study Committee Report**

Per assignment by City Council at the July 15th, 2013 meeting to Jim Davis, Judy Mendenhall and Becky Smothers to submit a report for appointment and scope of study of the Theatre Complex.

Attachments: Theatre Study Committee

Council Member Davis explained on July 15th, the City Council approved the motion to direct Council Members Smothers, Mendenhall and Davis to submit a report to Council on today's date that would recommend an outline of a study for the Theatre Complex. The outline would identify a general scope of study, a timeline for completion and a list of committee members. He informed Council that they have completed the assignment and distributed handouts for Council's review which included a project outline, a couple of surveys, roster of committee members, etc.... [the handouts will be attached in Legistar as a permanent part of these proceedings].

He noted the committee members were recommended based on individuals/citizens with diverse backgrounds in hopes they would bring a different perspective. Council Member Mendenhall noted they also included a representative from the Theatre Advisory Committee, Friends of the Theatre, a former member of the Arts Council Board and Theatre Arts Galleries (TAG) with staff acting as ex-officio members. She mentioned that their first meeting would probably be held at the Theatre to give those on the committee an opportunity to tour the entire facility. Council Member Davis added that although these three Council Members agreed to serve as liaisons on the committee, any Council Member could attend the meeting.

Council Member Smothers, Mendenhall and Davis complimented and expressed appreciation to the staff that helped put the information together. Council Member Smothers asked if the committee would be subject to the open meetings law and City Attorney JoAnne Carlyle replied this is correct. Assistant City Manager Pat Pate pointed out the general user survey would be placed on the city's website using the survey monkey format, plus paper copies of the survey would be available to take to the various community meetings. Council Member Smothers suggested that market passes be given to those sitting on the committee because she felt it to be important for them to see what actually happens in the building/facility during the Furniture Market.

Mayor Sims thanked Council Member Smothers, Mendenhall and Davis for serving and giving of their time in putting all of this together.

Approved the report/project outline with a completion date of December 1, 2013 and approved the appointment of the committee members as presented.

A motion was made by Council Member Davis, seconded by Council Member Smothers, to approve the report/project outline with a completion date of December 1, 2013 and approve the appointment of the committee members as submitted. The motion PASSED by a 9-0 unanimous vote.

120229 **Boards and Commissions - Vacancies**

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

Attachments: Vacancy Report.pdf

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

Miscellaneous

MEETING REMINDER

Council Member Smothers reminded Council that the Comprehensive Planning Committee would meet on Tuesday, August 20, 2013 at 4:00 p.m. to hear a presentation by Fairway Outdoor Advertising.

High Point Housing Authority Male & Female Enrichment Program

Mayor Sims mentioned that a group of young people from the High Point Housing Authority Male & Female Program recently visited the Council Chambers and sat as City Council members. She shared that the issue at hand before them was saggy pants and whether or not to adopt an ordinance against saggy pants. The students, acting as the City Council, voted against adopting the ordinance. The group also toured other facilities in the City Hall as well as the Communications 9-1-1 Call Center.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130229 **Approval of the following Minutes**

Compressive Planning Committee meeting held Monday, August 5th @ 3:30 pm.
High Point City Council Regular Meeting held Monday, August 5th @ 4:45/5:30 p.m.
Adjourned Session of City Council held Thursday, August 8th @ 9:00 a.m.

Attachments: August 5, 2013 Comprehensive Planning Committee Meeting.pdf
August 5 2013 High Point City Council.pdf
08 08 2013 Adjourned Session.pdf

Council Member Smothers pointed out there is one correction to the August 8, 2013 Adjourned Session minutes involving her title (one place in the minutes referred to her as Mayor, and it should be Council Member).

Approved the preceding minutes as presented with the correction as noted to the August 8, 2013 Adjourned Session minutes.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Moore, that this Miscellaneous Item be approved. The motion PASSED by an unanimous vote.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:30 p.m. upon motion duly made by Council Member Wagner and second by Council Member Mendenhall. The motion carried by a 9-0 unanimous vote.

Respectfully Submitted,

____
Bernita Sims, Mayor

Attest:

____
Lisa B. Vierling, MMC
City Clerk