City of High Point

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

Minutes

Monday, July 21, 2014

5:30 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

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

Following the recitation of the Pledge of Allegiance, Mayor Sims asked for a moment of silence in memory of Scott Cherry, an active city employee who recently passed away.

Present 8 - Mayor Bernita Sims, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, Council Member Jay Wagner, Council Member Britt Moore, and Mayor Pro Tem James Davis

Absent 1 - Council Member Foster Douglas

MISCELLANEOUS

140219 **Neighborhood Leaders Council - Presentation of Officers Prevost and Burchett**

The Neighborhood Leaders Council will be present to present a plaque to Officer Mike Prevost and Robert Burchett for their work with the area neighborhood associations.

Attachments: Recognition - Prevost - Burchette

Jerry Mingo and Jim Bronnert presented a plaque to Officer Mike Prevost and Robert Burchett in appreciation for their work with the area neighborhood associations.

Mayor Sims also thanked Officers Mike Prevost and Robert Burchett and pointed out they really do make a difference just having their presence in the neighborhoods.

140220 **Resolutions of Appreciation - Mutual Aid Crews**

Council is requested to adopt Resolutions of Appreciation for the following Cities and Towns who assisted High Point following the ice storm of March 2014: City of Gastonia, City of Asheville, Town of Chapel Hill, Town of Mooresville, City of Raleigh, City of Charlotte, City of Kings Mountain, City of Concord.

Attachments: Resolution - Mutual Aid Crews

Mayor Sims read the resolution into the record expressing High Point's appreciation for their assistance with the March 2014 ice storm that will be forwarded to the City of Gastonia, City of Asheville, Town of Chapel Hill, Town of Mooresville, City of Raleigh, City of Charlotte, City of Kings Mountain, and City of Concord.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair
Committee Members: Wagner, Davis and Sims
(all were present)

140181 **Contract - Side Loading Refuse Trucks**

Approval of contract to Piedmont Peterbuilt in the amount of $492,950 for the purchase of two (2) new side loading refuse trucks ($246,474.00 each) to be used in the automated collection program.

Attachments: Contract - Side Loading Refuse Trucks

Chairman Moore announced that this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract with Piedmont Peterbuilt in the amount of $492,950.00 for the purchase of two (2) new side loading refuse trucks for a total amount of $246,474.00 to be used in the automated collection program.

A motion was made by Council Member Mendenhall, seconded by Council Member Wagner, that this Contract be approved. The motion PASSED by an unanimous vote.

140182 **Contract -Supplemental Agreement - Davis-Martin-Powell**

Approval of contract for Contract Administration and Resident Project Inspection to Davis Martin Powell in the amount of $223,000.00 for the construction of the Highway 66 Sewer and Phase II Water.

Attachments: Contract - HWY 66 Supplemental Agreement - DMP

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140183 Contract- Bid No. 58- Highway 66 Water Improvements, Phase II and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Approved contract with Davis Martin Powell in the amount of $223,000.00 for the construction of the Highway 66 Sewer and Phase II Water for contract administration and resident project inspection.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this contract be approved. The motion carried by the following 6-0 vote:

Aye: 6 - Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Absent: 1 - Council Member Douglas

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

140183 **Contract - Bid No. 58 - Highway 66 Water Improvements, Phase II**

Approval of contract awarding Bid No. 58 for the Highway 66 Water Improvements, Phase II. Purchasing and Public Services recommends that contract be awarded to Yates Construction, Inc. in the amount of $1,295,899.58 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: Bid 58-HWY 66 Phase II Water

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140182 Contract- Supplemental Agreement- Davis-Martin-Powell and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Approved contract with Yates Construction, Inc. in the amount of $1,295,899.58 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this matter be approved. The motion carried by the following vote:

Aye: 6 - Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Absent: 1 - Council Member Douglas

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

140184 **Contract - Bid No. 59 - Highway 66 Sewer Improvements**

Approval of contract awarding Bid No. 59 for the Highway 66 Sewer Improvements. Purchasing and Public Services recommends that contract be awarded to Yates Construction, Inc. in the amount of $1,739,163.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: Bid 59-HWY 66 Sewer Improvements

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140182 Contract- Supplemental Agreement- Davis-Martin-Powell and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Approved contract with Yates Construction, Inc. in the amount of $1,739,163.00, which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this contract be approved. The motion carried by the following 6-0 vote:

Aye: 6 - Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Absent: 1 - Council Member Douglas

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

140185 **Budget Ordinance Amendment - Tub Grinder**

Adoption of a Budget Ordinance amending the 2014-2015 Budget Ordinance to appropriate funds in the amount of $774,888.00 for the purchase of a Tub Grinder for use at the Ingleside Compost Facility.

Attachments: Budget Ordinance Amendment - Tub Grinder

Ordinance No. 1773/14-51
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 105

Chairman Moore reported this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted Ordinance amending the 2014-2015 Budget Ordinance to appropriate funds in the amount of $774,888.00 for the purchase of a tub grinder for use at the Ingleside Compost Facility.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Budget Ordinance Amendment be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140186 **Contract - Tub Grinder**

Approval of contract with James River Equipment in the amount of $774,887.66 for the purchase of a 2014 Morbark 1300B Tub Grinder for use at the Ingleside/Landfill Facilities.

Attachments: Contract - Tub Grinder

Chairman Moore announced 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 contract with James River Equipment in the amount of $744,887.66 for the purchase of a 2014 Morbark 1300B Tub Grinder for use at the Ingleside/Landfill facilities.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140187 **Change Order - Shook Construction - Removal of Building at Westside WWTP**

Approval of Change Order submitted by Shook Construction in the amount of $93,689.35 for the removal of the old control building at the Westside WWTP.

Attachments: Change Order - Shook Construction - Demolition at Westside WWTP

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

Approved Change Order to the Shook Construction contract in the amount of $93,689.35 for the removal of the old control building at the Westside WWTP.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140188 **Change Order - Sharpe Brothers Contract - Resurfacing of City Streets, Add-ons**

Consideration and approval of change order number 1 to the Sharpe Brothers contract to add additional streets to the existing resurfacing contract in the amount of $400,000.00.

Attachments: Change Order #1 -Resurfacing of Streets - Sharpe Brothers Contract

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

Approved Change Order Number 1 to the Sharpe Brothers contract to add additional streets to the existing resurfacing contract in the amount of $400,000.00.

A motion was made by Council Member Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140189 **Agreement of Services - Habitat for Humanity - CHDO Contract**

Approval of Agreement of Services contract between the City of High Point Community Development and Housing Department and Habitat for Humanity of High Point, Archdale and Trinity (Habitat) as a Community Housing Development Organization (CHDO) to build additional affordable housing in the Graves Avenue and West End areas.

Attachments: CHDO contract - Habitat for Humanity

Chairman Moore explained this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Approved the Agreement of Services contract between the City of High Point Community Development and Housing Department and Habitat for Humanity of High Point, Archdale and Trinity (Habitat) as a Community Housing Development Organization (CHDO) to build additional affordable housing in the Graves Avenue and West End areas.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140190 **Resolution - Sublease of Depot Property - Total Bliss**

Council is requested to adopt a resolution authorizing the City to enter into a sublease agreement with Total Bliss, LLC to locate a Specialty Paint business at the Depot.

Attachments: Resolution - Total Bliss - Lease Agreement for Depot
Resolution - Depot Lease - Signed copy

Resolution No. 1393/14-33
Introduced 7/21/2014; Adopted 7/21/2014
Resolution Book,Volume XVIII, Page 115

Chairman Moore reported that this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Adopted a resolution authorizing the City to enter into a sublease agreement with Total Bliss, LLC to locate a Specialty Paint business at the Depot and directed staff to ensure proper language is incorporated into the lease to protect the city.

City Attorney JoAnne Carlyle distributed a draft copy of the lease for Council's review. [draft will be attached in Legistar as a permanent part of these proceedings]

A motion was made by Council Member Wagner, seconded by Council Member Moore, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140191 **Resolution - Lease of High Point Theatre Property - Theatre Art Gallery (TAG)**

Council is requested to adopt a Resolution authorizing the City to enter into a lease with the Theatre Art Gallery (TAG) at the High Point Theatre. **(This item was presented to City Council at the July 21st meeting and deferred to the August 4th agenda to allow staff time to assemble further information on the lease.)**

Attachments: Resolution - Theatre Arts Gallery - Lease Agreement
TAG Agreement

Chairman Moore explained this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. At this meeting, the Committee asked for additional information.

Matter deferred until the August 4, 2014 High Point City Council Meeting in anticipation of receipt of the additional information that was requested.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, to defer this matter until the next meeting (August 4, 2014). The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140192 **Condemnation - Rich Fork Creek Outfall - 699 Joyce Circle**

Adoption of a Resolution authorizing the City Attorney's office to file condemnation proceedings on the property located at 699 Joyce Circle, High Point, NC. The property is needed for the Rich Fork Creek Outfall project.

Attachments: Condemnation - 699 Joyce Circle

Resolution No. 1394/14-34
Introduced 7/21/2014; Adopted 7/21/2014
Resolution Book,Volume XVIII, Page 116

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140182 Contract- Supplemental Agreement- Davis-Martin-Powell and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Adopted Resolution authorizing the City Attorney's office to file condemnation proceedings on the property located at 699 Joyce Circle, which is needed for the rich Fork Creek Outfall project.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion carried by the following 6-0 vote:

Aye:	6 -	Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore
Absent:	1 -	Council Member Douglas
Recused:	2 -	Council Member Wagner, and Mayor Pro Tem Davis

140193 **Condemnation - Rich Fork Creek Outfall - 2711 S. NC Hwy 66, Forsyth County**

Adoption of a Resolution authorizing the City Attorney's office to file condemnation proceedings on the property located at 2711 S. NC Hwy 66, Forsyth County, belonging to Benjamin Jordan/Barbara Jordan. The property is needed for the Rich Fork Creek Outfall project.

Attachments: Condemnation - 2711 S. NC Hwy 66

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140182 Contract- Supplemental Agreement- Davis-Martin-Powell and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Removed matter from the Agenda. Staff reported during the Finance Committee meeting that the owners of the property voluntarily settled, so condemnation of the property is no longer necessary.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this matter be removed. The motion carried by the following 6-0 vote:

Aye:	6 -	Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore
Absent:	1 -	Council Member Douglas
Recused:	2 -	Council Member Wagner, and Mayor Pro Tem Davis

140194 **Condemnation - Cedrow Drive Roadway & Sidewalk Improvements - 1503 Cedrow Drive**

Adoption of a Resolution authorizing the City Attorney's office to file condemnation proceedings on the property located at 1503 Cedrow Drive, High Point, belonging to C.A.R.E. Investments, LLC. The property is needed for the Cedrow Drive Roadway & Sidewalk Improvement project.

Attachments: Condemnation - 1503 Cedrow Drive

Motion by Council Member Moore, second by Council Member Smothers to recuse Mayor Pro Tem Davis and Council Member Wagner on this matter and related matters 140182 Contract- Supplemental Agreement- Davis-Martin-Powell and 140184 Contract- Bid No. 59- Highway 66 Sewer Improvements due to a possible conflict of interest.

Chairman Moore reported that this matter was discussed during the Finance Committee meeting held at 4:30 p.m. prior to this meeting.

Council Member Smothers pointed out this is a temporary construction easement and would not permanent affect the property.

A motion was made by Council Member Golden, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion carried by the following 6-0 vote:

Aye: 6 - Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Council Member Moore

Absent: 1 - Council Member Douglas

Recused: 2 - Council Member Wagner, and Mayor Pro Tem Davis

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Douglas, Chair
Committee Members: Mendenhall, Ewing and Golden
(all were present, except for Chairman Douglas)

Due to the absence of Chairman Douglas, Mayor Sims asked Council Member Mendenhall to chair this portion of the meeting.

140195 **Ordinance - Demolition of Structure - 206 E. Ray Avenue**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 206 E. Ray Avenue belonging to Sammie Chess, Jr. and Sandra Chess. At the July 21st Council Meeting, this item was deferred for 60 days.

Attachments: 206 E Ray Ave - Ordinance To Demolish

Council Member Mendenhall asked staff to provide an overview of the staff report regarding this housing case.. [staff report will be attached in Legistar as a permanent part of these proceedings].

Katherine Bossi, Local Codes Enforcement Supervisor, explained that the owner did not appear for the hearing, but did have some conversation with the inspector about his interest in making the necessary repairs to the structure. Staff reported that the repairs do exceed 50% of the tax value and there have been no permits issued, no repairs made and the conditions still exist.

Mayor Sims pointed out that the property owner was present. Council Member Mendenhall asked the property owner to come forward. Sammie Chess, Jr., the owner of the property located at 206 E. Ray Avenue, shared that a realty company informed him that they had a client who was interested in purchasing this property, but due to some health issues, he has not been able to follow through. He asked Council to give him 60 days to talk with the perspective buyer as well as a contractor regarding cost of demolition.

Deferred this matter to the Community Housing & Neighborhood Development Committee for 60 days to allow the property owner the additional time requested. Matter due back on or about September 15, 2014.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Davis, that this Ordinance be deferred to the Community Housing & Neighborhood Development Committee and should be returned on or about 9/15/2014. The motion PASSED by an 8-0 unanimous vote.

140196 **Ordinance - Demolition of Structure - 1211 Vernon Place**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1211 Vernon Place belonging to Basil N. Agapion.

Attachments: 1211 Vernon St - Ordinance to Demolish

Ordinance No. 1774/14-52
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book,Volume XVIII, Page 106

Katherine Bossi, Local Codes Enforcement Supervisor, presented the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

She reported that the owner did not appear for the hearing. This structure has a number of major violations. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value. No permits have been issued, and no repairs have been made.

The property owner was not present.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 1211 Vernon Place.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140197 **Ordinance - Demolition of Structure - 208 Brinkley Place**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 208 Brinkley Place belonging to Billy M. Hughey and David Hall.

Attachments: 208 Brinkley Pl - Ordinance To Demolish

Ordinance No. 1775/14-53
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 107

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report regarding this housing case. [staff report is hereby attached in Legistar as a permanent part of these proceedings].

She reported that a fire caused extensive damage to the structure. No permits have been issued and the property owner failed to appear for the hearing. Staff did have a conversation with the property owner, who indicated an interest in demolishing it, but the self-demolition never materialized. The repairs exceed 50% of the tax value and there have been no permits, or repairs made to the property.

It was noted that the property owner was present, but left the meeting before this matter was discussed. Randy McCaslin, Interim City Manager, informed Council that the property owner did agree to the demolition of the structure.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 208 Brinkley Place.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140198 **Ordinance - Demolition of Structure - 524 N. Centennial Street**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 524 N. Centennial Street belonging to Willie Taylor Cecil.

Attachments: 524 N Centennial St - Ordinance To Demolish

Ordinance No. 1776/14-54
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 108

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached as a permanent part of these proceedings.

Ms. Bossi explained this housing case was initiated by an inspector. There are also dilapidated utility buildings on the property. The property owners are deceased and the heirs have no finances to demolish the dwelling. Repairs exceed 50% of the tax value. There have been no permits issued, or any repairs made.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 524 N. Centennial Street.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140199 **Ordinance - Demolition of Structure - 617 Caudell Place**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 617 Caudell Place belonging to Dorothy C. Marlitt and Ruth Kennedy.

Attachments: 617 Caudell Place - Ordinance to Demolish

Ordinance No. 1777/14-55
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 109

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

She reported that this matter was also initiated by an inspector. There are major violations and the property owners failed to appear for the hearing. Repairs exceed 50% of the current tax value of the property. There have been no permits issued, or any repairs made.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 617 Caudell Place.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140200 **Ordinance - Demolition of Structure - 1501 East Avenue**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1501 East Avenue belonging to Jose and Inez Rojas.

Attachments: 1501 East Ave - Ordinance To Demolish

Ordinance No. 1778/14-56
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 110

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

Ms. Bossi noted the Police Department reported that this structure was open and vacant. Several major violations were associated with this structure making it an unsafe structure The owners did not appear for the hearing. The dwelling is currently uninhabitable due to the numerous Minimum Housing Code violations. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value. There have been no permits issued, or repairs made to the structure and the conditions still exist.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 1501 East Avenue.

A motion was made by Council Member Mendenhall, seconded by Council Member Moore, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140201 **Ordinance - Demolition of Structure - 1512 Wendell Avenue**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1512 Wendell Avenue belonging to Lelia Brooks.

Attachments: 1512 Wendell Ave - Ordinance To Demolish

Ordinance No. 1779/14-57
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 111

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

Ms. Bossi shared that this housing case was initiated due to concerns by a neighbor. There are major violations associated with this property and numerous violations of the Minimum Housing Code. There are structural violations creating an unsafe dwelling. The dwelling is currently uninhabitable due to the numerous Minimum Housing Code violations. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value. there have been no permits issued, or repairs made to the structure.

Adopted Ordinance ordering the inspector to effectuate the demolition of the structure located at 1512 Wendell Avenue.

A motion was made by Council Member Mendenhall, seconded by Council Member Moore, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140202 **Ordinance - Demolition of Structure - 652 Wesley Place**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 652 Wesley Place belonging to Frontgate Enterprises, LLC.

Attachments: 652 Wesley Drive - Ordinance To Demolish

Ordinance No. 1780/14-58

Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 112

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

She shared that the structure suffered extensive damage due to a previous fire. The owners did not appear for the hearing. There are numerous violations of the Minimum Housing Code and structural violations creating an unsafe dwelling due to extensive fire. The dwelling is currently uninhabitable due to numerous Minimum Housing Code violations. In its present state, necessary repairs to the structure exceed 50% of the current tax value. There have been no permits issued and repairs have not started. Conditions still exist.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 652 Wesley Place belonging to Frontgate Enterprises, LLC.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140203 **Ordinance - Demolition of Structure - 1508 E. Green Drive**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1508 E. Green Street belonging to Emanuel Agapion.

Attachments: 1508 E Green Dr - Ordinance to Demolish

Ordinance No. 1781/14-59
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 113

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

Ms. Bossi reported that this housing case was initiated due to a number of neighborhood complaints regarding the dwelling. The owner did not appear for the hearing. There are numerous violations of the Minimum Housing Code and structural violations creating an unsafe dwelling. The dwelling is currently uninhabitable due to numerous Minimum Housing Code violations. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value. There have been no permits issued and repairs have not started.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 1508 E. Green Street.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Davis, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140204 **Ordinance - Demolition of Structure - 1204 Pearson Place**

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1204 Pearson Place belonging to Hines G. Smith Estate.

Attachments: 1204 Pearson Pl - Ordinance to Demolish

Ordinance No. 1782/14-60
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 114

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report, which is hereby attached as a permanent part of these proceedings.

Ms. Bossi shared that this housing case was initiated as a result of neighborhood complaints. There are several major violations and numerous violations of the Minimum Housing Code. There are structural violations creating an unsafe dwelling. The dwelling is currently uninhabitable due to the numerous Minimum Housing Code violations. In its present state, necessary repairs to the dwelling exceed 50% of the current tax value. There have been no permits issued and repairs have not started.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 1204 Pearson Place.

A motion was made by Council Member Mendenhall, seconded by Mayor Pro Tem Davis, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

140222 **Contract - Abatemaster, Inc. - Kilby Hotel Site**

Consideration of a contract with Abatemaster, Inc. to abate and remove debris from the Kilby Hotel site.

Attachments: Contract - Abatemaster - Kilby Hotel Site

Interim City Manager Randy McCaslin reported that he was contacted by the property owners late Friday afternoon and they indicated that they do not have the financial resources to clean up the Kilby Hotel site. He explained the Abatemaster, Inc. contract includes total clean-up of the debris. Mr. McCaslin noted the contract does not include a firm number as far as pricing and explained the amount would vary depending on the type of asbestos that is found in the debris. Mr. McCaslin noted Abatement-Labor/equipment/supplies is estimated at
$45,020.00 + Landfill fees with 10% handling/overhead added and the estimated landfill fees will range between $15,000-$50,000 (depending on the level of asbestos that is determined). All the testing will be done under the jurisdiction of a state inspector. He informed Council was looking at a minimum of $70,000 for the project.

Mayor Sims asked about the amount invested at the Kilby Hotel site to date and Mr. McCaslin estimated it to be around $19,000.00. Mayor Pro Tem Davis expressed concerns that this one project would deplete the amount that has been budgeted for demolitions for the entire budget year. Mr. McCaslin was certain that the budget would be exceeded and staff would more than likely be bringing a budget amendment to Council for consideration at a later date. It was noted that a lien would be attached to the property.

At this time, **Council Member Mendenhall moved to approve the contract with Abatemaster to abate and remove debris from the Kilby Hotel site.**

Council Member Smothers made a second to the motion.

For further discussion, Council Member Smothers asked the city attorney to comment on the exposure to the public regarding the asbestos. Mayor Sims also requested that the contract be a not-to-exceed price. Mr. McCaslin wasn't sure if they could come up with a not-to-exceed price because there were landfill fees involved, tonage, the type of asbestos, etc... At this time, Mayor Sims allowed Rev. Phipps to speak.

Rev. Randall Phipps, Pastor of the First Baptist Church, expressed concerns about the debris that is already on the church property and wanted to make sure that all due diligence is done when they actually do the demolition.

Abigaile Pittman, 210 Louise Avenue, asked if there might be any representative historic features that could be pulled out and saved and put at the Museum. City Attorney JoAnne Carlyle pointed out contamination of the debris would be a problem and would have to be cleaned appropriately. Ms. Carlyle stated she could not specifically address the hazards regarding the asbestos and would defer to the inspectors as far as determining any warnings, but felt the city does have an obligation to go in and clean it up. She pointed out the individual company that is hired to go in and do the demolition would have to be properly insured and would have responsibilities and accept liabilities which would shield the city somewhat.

Cynthia Davis, 413 Evergreen, expressed concerns regarding the asbestos and the water/drainage/runoff and hoped that the Kilby would be demolished before all the other cases that were heard tonight.

Charity Belton, a resident on Hobson Street and a business owner on Washington Street, asked if it would be possible to salvage the historical placard that was on the Kilby Hotel. Mayor Sims explained that the city will be cleaning up a site and not salvaging a site and wasn't sure if the city could even direct a contractor to look for historic items in the building in the process of the demolition. Council Member Smothers suggested that it might be possible to ask the contractor to retrieve the placard if, by chance, they do see it. Ms. Belton stated it would be great if this could be taken into consideration.

Council Member Mendenhall suggested when the site is cleared, a memorial would be erected identifying the spot and an explanation of the historical significance.

Mayor Sims reiterated her concerns about the not-to-exceed price. Council Member Smothers suggested the city have the contractor provide an estimate of the cost once they start removing the debris at the halfway point. Mayor Sims expressed concerns because the city only received one proposal to do the demolition and she felt the city should not be dealing with open-ended numbers in contracts. Council Member Mendenhall noted that although this is

an unexpected, unknown amount, she felt the city did have a responsibility to the community and citizens who frequent this area to ensure that it is safe.

City Attorney JoAnne Carlyle explained that the actual contract language would have some limitations or it would have to come back to Council. She pointed out the Interim City Manager has brought this matter to Council asking for authorization for him to proceed and take whatever action is necessary with Abatemasters. Mr. McCaslin explained staff is trying to move as quickly as possible on the demolition. Mayor Sims still felt there were several clauses in the contract that were not spelled out and suggested if staff could estimate what it might be as far as a dollar amount. Ms. Carlyle stated that she would handle it.

Council Member Mendenhall asked if she should change the wording on her previous motion that Council consider entering into the contract with Abatemaster to abate and remove the debris from the Kilby Hotel site with dollar amounts to be added as a maximum by the City Attorney when the contract is drawn up.

Ms. Carlyle explained that she would not be able to estimate an amount and that it would be difficult for anyone to do this. Mayor Pro Tem Davis suggested putting a cap of $120,000. Council Member Ewing also questioned why only one bid proposal was received. Mr. McCaslin explained that staff was trying to move forward as quickly as possible and since the city has already dealt with Abatemasters on other asbestos suspected properties, staff suggested to move forward. Council Member Smothers questioned the clarity of the Abatemasters proposal. Ms. Carlyle explained that she is looking at it as a skeleton outlining what the terms should begin to be with the city flushing it out to protect the city and do what needs to be done.

Council Member Mendenhall then withdrew her previous motion and moved to authorize the Interim City Manager to proceed with effectuating the contract with Abatemasters for this demolition. Council Member Smothers made a second to the motion, which carried by an 8-0 unanimous vote. [Council Member Douglas was absent]

Authorized the Interim City Manager to proceed with effectuating the contract with Abatemasters for demolition of the Kilby Hotel.

A motion was made by Council Member Mendenhall, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140223 **Ordinance - Demolition of First Baptist Church - Washington Street**

Consideration of an ordinance to demolish the First Baptist Church located at 701 Washington Street and award contract to Abatemaster, Inc. for abatement and removal of asbestos. **(This item was presented at the July 21st City Council meeting and deferred to the August 4th agenda to allow for advertising of the demolition.)**

Attachments: Demolition Ordinance - First Baptist Church- Washington Street
Affidavit of Publication - First Baptist Church

Interim City Manager Randy McCaslin recommended this matter be deferred until the August 4, 2014 meeting due to some concerns that need to be addressed.

Matter was deferred to the August 4, 2014 meeting.

A motion was made by Council Member Mendenhall, seconded by Council Member Moore, that this matter be deferred to the City Council and should be returned by 8/4/2014. The motion PASSED by an 8-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140205 **Resolution of Intent - Street Abandonment Case 14-05 - CHP**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, August 18, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue.

Attachments: 01. ROI SA14-05

Resolution No. 1396/14-36
Introduced 7/21/2014; Adopted 7/21/2014
Resolution Book, Volume XVIII, Page 118

Adopted Resolution of Intent establishing a public hearing date of Monday, August 18, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Moore, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140206 **Resolution of Intent - Street Abandonment Case 14-06 - CHP**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, August 18, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive.

Attachments: 02. ROI SA14-06

Resolution No. 1397/14-37
Introduced 7/21/2014; Adopted 7/21/2014
Resolution Book, Volume XVIII, Page 119

Adopted a Resolution of Intent establishing a public hearing date of Monday, August 18, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive.

A motion was made by Council Member Smothers, seconded by Council Member Moore, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140218 **Core City Action Plan - FY 2014-2015**

Council is requested to adopt the Core City Action Plan for FY 2014-2015.

Attachments: Core City Plan 2014 - Final

Chairwoman Smothers noted this matter was discussed last week during the Comprehensive Planning Committee meeting.

Approved the Core City Action Plan- FY 2014-2015 with a change in item 2 under Summary of Action, which would read....
"Administrative funding for the Core City Program would be budgeted and submitted by the Interim City Manager".

**A motion was made by Council Member Smothers, seconded by Council Member Wagner, that the Core City Action Plan-FY 2014-2015 be approved with the recommended change in Number 2 under Summary of Action which would read....
"Administrative funding for the Core City Program would be budgeted and submitted by the Interim City Manager". The motion carried by the following 7-1 vote:**

Aye:	7 -	Mayor Sims, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, Council Member Moore, and Mayor Pro Tem Davis
Nay:	1 -	Council Member Wagner
Absent:	1 -	Council Member Douglas

140221 **Manager's Report - re: Core City**

Presentation on Core City responsibilities as directed by City Council. **(At the July 21st City Council Meeting, this item was postponed for disucssion at a later date.)**

Attachments: Requested Changes to the City Project Structure (Memo)

Chairwoman Smothers explained that Interim City Manager Randy McCaslin presented his recommendation regarding this matter during the Finance Committee and this matter will remain in Committee until such time that it can be further discussed.

Acknowledged receipt of Report from the Interim City Manager and referred this matter to Committee.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to acknowledge receipt of the Report by the Interim City Manager for Requested Changes to the City Project Structure and to refer this matter to Committee . The motion PASSED by an 8-0 unanimous vote.

Absent: 1 - Council Member Douglas

PUBLIC COMMENT PERIOD - 6:00 P.M.

Ryan Saunders, 2124 Surrett Drive, addressed Council regarding some recent public comments that have been made and acknowledge that it is not in good taste to make public comments degrading public officials or challenging public officials' ability to do their job, but he felt like he had no option. He mentioned he has contacted several Council Members as well as Interim City Manager Randy McCaslin to bring forward his concerns regarding the PIT and other items. He felt the actions that have been taken regarding the PIT are negatively affecting revitalization efforts and towards other individuals like himself, who would like to see positive action taken in High Point. He clarified that in his recent statements, he was not saying that they should not have insurance in the PIT, but felt if the High Point Theatre was going to be managing the events at the PIT, then they should be responsible for programming community events. He felt leasing the space should be looked at it being a branding opportunity and an opportunity to bring others in, which could lead to other revenue sources (concessions, parking, refreshments, etc....). He pointed out under the proposed lease agreement, it would be prohibitive to putting an event in at the PIT because there would be no reason for him to spend a significant amount of money to bring in a band, etc.... or the type of event they would need to draw people in from out of town without legitimate branding.

Regarding the HopFest, Mr. Saunders felt there are certain barriers towards entrepreneurs and individuals that come to the city with these types of proposals and whereas in other places, it is encouraged and they want to see these types of events happen. He informed Council that he wants to bring events to High Point and wants to make High Point a better place and does not want to turn other people off from doing things in High Point, but he felt the only way he could raise awareness as to things that are happening was to make the public aware.

Council Member Mendenhall pointed out last year's HopFest held at the Mendenhall Terminal in High Point was successful, but yet Mr. Saunders comments took on a bit of a negative tone and is moving the event to Greensboro. He asked Mr. Saunders to share any underlying reasons why he chose to move the event to Greensboro. Mr. Saunders stated the main reason was the point he was at when he had to make this decision, he had to make

solid decisions on booking the band, obtaining sponsors, etc....and he was not able to get concrete information from High Point as to whether or not he was going to be able to hold the event in the space he wanted to hold it in, how it was going to be set up, whether the PIT was going to be involved or not. He pointed out that Greensboro has someone to help individuals with these events and they have infrastructure already in place that allows them to move it forward faster. Council Member Smothers informed Mr. Saunders that she was told that the sponsor for the HopFest wanted to have it in Greensboro and Mr. Saunders replied that it was not true.

Cynthia Davis, 413 Evergreen Avenue, addressed Council regarding Aaron Clinard's third proposal that was distributed during a Comprehensive Planning Committee meeting that was held on Thursday. She expressed some concerns and noted it was her understanding that Council has already voted several times, but yet there are more proposals. She expressed agreement and disagreement with the various sections as follows:

Agrees with the fact that the formation of the new entity would be a private corporation
Agrees that it's okay for them to branch out and call themselves IGNITE High Point, Inc.
Agrees with their By-Laws being modeled after the High Point Economic Development Corporation
Disagrees with the $211,186 that is now authorized in the new city budget because this money is for the city project position, which she thought was to be restructured and brought back to the city and retitled as "core city coordinator." She felt these monies should not be available to the IGNITE High Point private corporation
Agrees that the $105,593 would be raised by the private community
Disagrees with the city fund an additional $105,593 because of it being a private corporation and would rather see those funds utilized by the High Point EDC entity either through small business incentives, or other grants for small businesses or entrepreneurship at City Hall
Disagrees with the three-year contingent contract which would total $316,779 because the city has its own EDC
Agrees that the $400,000 brownfield grants would be used by the Core City Coordinator's position because those monies would be funneled through the city
Disagrees that in "e" it refers to the President of IGNITE High Point, Inc. would be Wendy Fuscoe. She pointed out Ms. Fuscoe is currently a city employee and asked if she has or could have dual positions.

Julius McLaughlin, 317 Woodbury, addressed Council regarding a pending housing case. He shared that he is going through a foreclosure and the tenant had to move out of the structure this past Friday and this was the reason why some of those issues have not been completed. He asked for some additional time to get things completed. Council instructed Interim City Manager Randy

McCaslin to get his name and contact information to talk with him further regarding this matter.

Rev. Little, 710 Washington Street, asked if he could get an update regarding the Washington Street improvements. Mr. McCaslin reported that staff is planning on moving ahead with the project and talking with an existing contractor about the possibility of adding this project onto an existing contract. Staff is currently evaluating the information and expects to bring something to the Comprehensive Planning Committee Meeting on Thursday.

Keith Brown, 3728 Pembroke Terrace, asked Council to consider televising its meetings and did not understand how High Point could be in the Top 10 cities in North Carolina and not televise meetings. He also suggested having Council meetings at High Point University at least five times a year because of their state of the art facilities, which would allow those meetings to be televised.

Thomas Lugarich, 153 C Old Mill Road, thanked the City Council for their service. He shared that his ward representative on the City Council promised that he would reduce the tax rate and he was actually surprised that he has a Councilman that actually listens to him. He agreed with the previous suggestion to televise the meetings so the residents can see what Council has to put up with on a daily basis (the good, the bad and the ugly). He offered to share some of his ideas about how to revitalize the city for a dollar and pointed out there are about 1,000 old buildings downtown that could be restored for a meager amount of money--just like Greensboro and Winston Salem have done.

Larry Diggs, 1127 Biltmore Avenue, asked about the status of the transportation study and how long it would take. Council Member Mendenhall stated she felt the same way and felt it would hear more rapidly from the consultant because there were some really good ideas that came out of the initial meeting. She hoped this would be on the front-burner because there were a lot of people at the meeting that were excited about what could happen and a lot of good information was shared.

Mayor Sims asked if staff could give an update on this. Mark McDonald, Director of Transportation, explained the Short Range Transit Plan is in progress and they did meet in May. He mentioned that the next meeting is scheduled for August or September and the consultants are working on recommendations from the last meeting.

Ross Lackey, 500 Lindell Drive, addressed Council regarding growing produce on his property and trying to start a small farm to serve the people in High Point and trying to do it correctly by getting the required permits and paying the appropriate taxes. He explained the two courses of options that the city has laid in front of him are: 1) Get a retail license, which is not what he is trying to do; or 2) Get a Peddler's License, which requires him to move every 30

minutes. He shared all he is trying to do is grow produce on his land and sell it at another location to the public, but what he wants to do does not currently fit into the system that the city currently has. He felt Council needs to really focus on the rules that are currently in place and allow people in the community to start businesses and create enterprise on a community and neighbor level.

There being no further comments, the Public Comment Period was declared closed.

PUBLIC HEARINGS - 6:15 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140207 **BRC Whites Mill, LLC - Land Use Plan Amendment Case 14-03**

A request by BRC Whites Mill, LLC and the City of High Point Planning & Development Department to change the Land Use Map Classification for approximately 3.5 acres from Office to a Community/Regional Commercial classification. The site is lying west of Eastchester Drive and to the north and south of Ramsay Street.

Attachments: 03. LUPA14-03 & Z14-06 Staff Report
LUPA 14-03 Resolution

Resolution No. 1398/14-38
Introduced 7/21/2014; Adopted 7/21/2014
Resolution Book, Volume XVIII, Page 120

The public hearing regarding this matter and related matter 140208 Ordinance- BRC Whites Mill, LLC- Zoning Case 14-06 was held on Monday, July 21, 2014 at 6:15 p.m.

Andy Piper with 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 public hearing and asked if there was anyone present who would like to comment in support of or in opposition to the Land Use Plan Amendment Case 14-03 or the Zoning Case 14-06.

Charlie Melvin, 300 N. Greene Street, Greensboro, attorney representing the applicant, reported that they have spent a good deal of time discussing this development with staff as to proper zoning, uses, conditions and came up with a rezoning application he felt was appropriate. They had very positive meetings with the Sutton Place community in which they got good response and cooperation. He noted that Blue Ridge Companies has agreed to all the conditions that the Sutton Place HOA requested them to include. He explained there were a few of the requests that they felt would not really be enforceable under zoning conditions, so Blue Ridge has entered into an agreement with the Sutton Place HOA to cover those (i.e. limit noise if there is outdoor seating at a restaurant to the southern portion of the property). He mentioned as a part

of the development for the 2.5 acres in the Alexandria Park Apartments, extensive improvements were done along Eastridge as it abuts this property and Ramsey Street had some substantial enhancements and was extended to White's Mill Road and noted Ramsey Street would be the only access to this property.

Jim Girdich, representing Blue Ridge Companies (BRC)- Whites Mill, LLC, 5826 Samet Drive, addressed Council in support of both requests and is requesting this Land Use Plan Amendment and Rezoning to allow them to market the 2.5 acres to a wider range of potential users. He explained that while they have actively tried to market the property under the current zoning of GO-H (General Office-High Intensity) since 2006, but they have not been fortunate enough to find an appropriate user to allow them to develop it. The requested CZ-LB District is intended to accommodate moderate intensity and is consistent with the immediate Eastchester area and they feel if the rezoning is successful, they can attract a mix of users to support the development. He pointed out this is a true infill opportunity which would utilize existing city infrastructure, some of which BRC has already provided and have no additional impacts to city services while adding to the city's tax base. He shared that they met with the neighbors and continue to have an open dialogue with them and through these meetings, they have come to an agreement on several development conditions, which address their concerns.

Keith Brown, 3728 Pembroke Terrace, President of Sutton Place HOA, complimented Blue Ridge Companies on how they handled this and noted they are fine with everything. He shared they did have a problem with the noise, but they felt the mitigating factors they agreed to and put in place would make it work to their satisfaction.

Chairwoman Smothers asked if there was anyone else who would like to speak regarding this matter. There being none, the public hearing was closed.

Adopted Resolution approving LUPA Case 14-03 based on consistency with the City's adopted plans and considers this action to be reasonable and in the public interest based on the statements in the Staff Analysis section of this report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the Resolution be adopted changing the Land Use Map Classification for approximately 3.5 acres from Office to a Community/Regional Commercial classification. The motion PASSED by an 8-0 unanimous vote.

140208 **Ordinance - BRC Whites Mill, LLC - Zoning Case 14-06**

A request by BRC Whites Mill, LLC to rezone approximately 2.5 acres from a Conditional Use General Office High-Intensity (CU GO-H) District to a Conditional Zoning Limited Business (CZ-LB) District. The site is lying at the southwest corner of Eastchester Drive and Ramsay Street *(2513 Eastchester Drive)*.

Attachments: 03. LUPA14-03 & Z14-06 Staff Report
CZ14-06

Ordinance No. 1783/14-61
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 115

The public hearing for this matter and related matter 140207 BRC Whites Mill, LLC- Land Use Plan Amendment Case 14-03 was held at 6:15 p.m. on Monday, July 21, 2014.

Herb Shannon, Senior Planner for Planning and Development, provided an overview of the staff report, which is hereby attached as a permanent part of these proceedings.

Note: For specific comments made at the public hearing regarding Rezoning Case 14-06, please refer to 140207 Land Use Plan Amendment Case 14-03.

Adopted Ordinance providing for the rezoning of this property from a Conditional Use General Office High-Intensity (CU GO-H) District to a Conditional Zoning Limited Business (CZ-LB) District based on consistency with the City's adopted plans. 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 Smothers, seconded by Council Member Moore, that the Ordinance be adopted rezoning this property from a Conditional Use General Office High-Intensity (CU GO-h) District to a Conditional Zoning Limited Business (CZ-LB) District. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140209 **Ordinance - Deep River Center LLC - Zoning Case 14-07**

A request by Deep River Center LLC to rezone approximately 2.2 acres from a Conditional Use Shopping Center (CU-SC) District to a Conditional Zoning Shopping Center (CZ-SC) District. The site is lying at the southwest corner of W. Wendover Avenue and Penny Road *(4015 Precision Way)*.

Attachments: 04. Z14-07 Staff Report (City Council)
CZ14-07

Ordinance No. 1784/14-62
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book,Volume XVIII, Page 116

The public hearing for this matter was held at 6:15 p.m. on Monday, July 21, 2014.

Herb Shannon, Senior Planner with 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 public hearing and asked if there was anyone present who would like to comment in support of or in opposition to this rezoning request.

Abigaile Pittman, 210 Louise Avenue, who is providing planning assistance to the applicant, spoke in favor of this request. She noted the applicant agrees with the pitched roof condition and she met with Pastor Wagoner of the Deep River Friends Meeting on May 29th to review the applicant's proposal. A citizen's information meeting was held on June 2nd and everyone who attended the meeting expressed satisfaction with the application. Ms. Pittman shared that they have made a genuine effort to do their due diligence with the church in this matter. She also pointed out that since 1999 when the no drive thru condition was approved, they now have knowledge about the character of the development and the surrounding area with most of it being built-out. She noted this is a quality commercial area and the proposed drive thru has been designed to be compatible with the overall character of the area and to not be incompatible with the Deep River Friends Meeting. She explained there is also a precedent for a screen drive thru at Walgreens constructed on the site at the northeast corner of the intersection, which permitted a drive thru subject to conditions very like the ones offered in this request.

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

Chairwoman Smothers expressed appreciation to the applicant for reaching out and working with the church and the very generous attitude of the church recognizing that development will take place.

Considering past discussion regarding walkability in the Palladium area, Council Member Ewing asked if it might be feasible for construction of sidewalks between this area and the Palladium. Mark McDonald, Director of Transportation, noted it would be feasible, but he was not sure if it would be required of this developer for this particular development. Mayor Sims asked if there might be any potential changes relating to the intersection, impact of the turn lanes. Mr. McDonald replied not on this site, but added that staff is currently looking at the possibility of extending the turn lane on Eastchester at some point.

Adopted Ordinance providing for the rezoning of this property from a Conditional Use Shopping Center (CU-SC) District to a Conditional Zoning Shopping Center (CZ-SC) District based on consistency with the City's adopted plans and 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 Smothers, seconded by Council Member Moore, that the Ordinance be adopted authorizing the rezoning of this property from a Conditional Use Shopping Center (CU-SC) District to a Conditional Zoning Shopping Center (CZ-Sc) District. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140210 **Ordinance - High Point University - Amendment to Zoning Case 12-06**

A request by High Point University to amend Conditional Zoning Case 12-06 (CZ12-06) to amend the development & dimensional standards, landscaping conditions and transportation conditions. The site is bounded by Montlieu Avenue, N. College Drive and Boundary Avenue.

Attachments: 05. CZ12-06 Amend_Staff Report
CZ12-06

Ordinance No. 1785/14-63
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book,Volume XVIII, Page 117

The public hearing for this matter was held at 6:15 p.m. on Monday, July 21, 2014.

Herb Shannon, Senior Planner with 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 public hearing and asked if there was anyone present who would like to offer comment.

Ron Guerra, representing High Point University, spoke in favor of the request and noted this is a straightforward request and they were following Transportation's recommendations having the second entrance.

Mayor Sims asked if this will be the main entrance into their parking lot. Mr. Guerra explained there will be two entrances. HPU is reworking the Montlieu Avenue entrance and there would be another entrance off Boundary. He also noted there would be open parking for staff, auxiliary personnel, so they don't anticipate a lot of coming and going throughout the day. Mayor Sims asked about signalization at Boundary and asked staff if this increase in parking would warrant something different at this intersection. Mark McDonald, Director of Transportation, stated staff would need to keep an eye on it. Mayor Sims also asked about

placement of fencing and landscaping since there is limited site distance. Mr. Guerra noted they would be located the fence back and the site distance is really almost half-way up the parking lot.

Chairwoman Smothers asked if there was anyone else who would like to speak or if there were any further questions. There being none, the public hearing was closed.

Adopted Ordinance amending Conditional Zoning Case 12-06 (CZ 12-06) based on consistency with the City's adopted plans by adopting the statements in the Staff Analysis section of the Staff Report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the Ordinance be adopted amending Conditional Zoning Case 12-06 (CZ 12-06). The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140211 **Ordinance - Heritage Home Group, LLC - Zoning Case 14-08**

A request by Heritage Home Group, LLC to rezone approximately 8.6 acres from a Conditional Use Planned Unit Development-Limited (CU-PDL) District to a Conditional Zoning General Office-Moderate-Intensity (CZ GO-M) District. The site is lying along the west side of Eastchester Drive, approximately 1,300 feet south of Deep River Road. *(1925 Eastchester Drive).*

Attachments: 06. Z14-08 Staff Report (City Council)
CZ14-08

Ordinance No. 1786/14-64
Introduced 7/21/2014; Adopted 7/21/2014
Ordinance Book, Volume XVIII, Page 118

The public hearing regarding this matter was held at 6:15 p.m. on Monday, July 21, 2014.

Herb Shannon, Senior Planner with 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 public hearing and asked if there were any comments in support of or in opposition to this request.

Chuck Truby, President- CPT Engineering, 4400 Tyning Street, addressed Council in support of this request. He noted that Heritage Group has bent over backwards in an effort to address the concerns of the Lake Point townhome community. He explained they presented a plan to the HOA that couldn't be part of the zoning condition, so they have a formal written legal document that outlines what Heritage Home will do and what the HOA will do. He noted they would basically be doing a supplemental landscaping plan on the Lake Point property that would be maintained by Lake Point in the future, but would help create more screening than what is presently there. He shared that the Board of Directors for the HOA agreed to support the rezoning. He explained Heritage Home Group is basically putting 250 employees in this building, which will require them to add 130 parking spaces and the only place this could be done was along the north side.

Roxanne Burnstein, 3 Captain's Point, Greensboro, spoke on behalf of her employer, Heritage Home Group. She noted that they are absolutely thrilled to join the High Point community and reiterated that approval of this rezoning would allow them to install the needed additional parking spaces and the net effect of that is they get to bring 200 more high quality jobs to High Point. She explained to do this, they will also have to displace some of their brands and to do that, they are undergoing a 120,000 square foot of new leased space in downtown High Point.

Chairwoman Smothers asked if there was any further comments. There being none, the public hearing was closed. Chairwoman Smothers pointed out when the original project came in, there was strong opposition to it being a showroom, and she welcomed its transition back to what it was originally supposed to be, which is office.

Adopted Ordinance rezoning this property from a Conditional Use Planned Unit Development-Limited (CU-PDL) District to a Conditional Zoning General Office-Moderate-Intensity (CA GO-M) District based on consistency with the City's adopted plans, and determines 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 Smothers, seconded by Council Member Mendenhall, that the Ordinance be adopted to rezone this property from a Conditional Use Planned Unit Development-Limited (CU-PDL) District to a Conditional Zoning General Office-Moderate Intensity (CZ GO-M) District. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

OTHER NEW BUSINESS

140212 **Appointment of City Attorney and Approval of Contract**

Consideration of the appointment of the city attorney and approval of contract.

Attachments: House Bill 1207 - appointment of city attorney

Mayor Sims explained that a few months ago Council asked Legislators to approve a change in the city's Charter that would allow for the City Attorney to report to Council instead of the manager and the bill was approved by the NC General Assembly and ratified by the Governor. She noted that Council made Ms. Carlyle an offer of employment, which she accepted.

Appointed JoAnne L. Carlyle as the City Attorney and approved the Memorandum of Understanding.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, to appoint JoAnne Carlyle as the City Attorney and approve the Memorandum of Agreement between the City of High Point, North Carolina and JoAnne L. Carlyle. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140214 **Citizens Advisory Council - Reappointment**

Council is requested to confirm the reappointment of Mr. Willie Davis (Ward 1 -Golden) to the Citizens Advisory Council. Appointment to be effective immediately and will expire May 31, 2016.

Approved the reappointment of Willie Davis to the Citizens Advisory Council.

A motion was made by Council Member Golden, seconded by Council Member Smothers, that this appointment be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140215 **Appointment - Planning & Zoning Commission**

Council is requested to confirm the appointment of Mr. Jim Armstrong to the Planning and Zoning Commission as the Ward 3 representative. Mr. Armstrong will be filling the unexpired term of Mr. Ed Spivey who has resigned due to health concerns. Appointment to be effective immediately and will expire July 1, 2015.

Approved the appointment of Mr. Jim Armstrong to the Planning and Zoning Commission.

A motion was made by Council Member Mendenhall, seconded by Council Member Moore, that this appointment be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Douglas was absent]

140216 **Boards and Commissions - Vacancy Report**

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

Attachments: Vacancy Report

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

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

140217 **Minutes to be approved**

Budget Review Session; Tuesday, May 27th @ 3:00 p.m.
Budget Review Session; Wednesday, May 28th @ 3:00 p.m.
Community Housing & Neighborhood Dev. Committee; Tuesday, June 10th @ 9:00 a.m.
Comprehensive Planning Committee; Tuesday, June 10th @ 10:00 a.m.
Budget Review Session; Tuesday, June 10th @ 11:00 a.m.
Finance Committee; Monday, June 16th @ 4:00 p.m.
High Point City Council Regular Meeting; Monday, June 16th @ 5:30 p.m.

Attachments: 1. May 27 2014 Budget Review
2. May 28 2014 Budget Review
3. June 10 2014 Comm. Housing & Neighborhood Dev. Committee
4. June 10 2014 Comprehensive Planning Committee
5. June 10 2014 Budget Review
6. June 16 2014 Finance Committee
7. June 16 2014 High Point City Council

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

CLOSED SESSION- ECONOMIC DEVELOPMENT

At 8:17 p.m., a motion was made by Council Member Wagner, seconded by Council Member Mendenhall to suspend the rules and go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4) to discuss potential economic development projects.

Upon reconvening into Open Session at 8:50 p.m., Mayor Sims announced there was no action taken as a result of the closed session.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:50 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Bernita Sims, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk