City of High Point

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

Minutes

Monday, May 5, 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 MemberWagner offered the invocation; the Pledge of Allegiance followed.

Present 9 - Mayor Bernita Sims, Council Member Foster Douglas, 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

MISCELLANEOUS

140130 **Proclamation - Public Works Week**

Keith Pugh, Director of Engineering Services, will be in attendance to accept proclamation proclaiming the week of May 18-24 as Public Works Week.

Mayor Sims read the Proclamation into the record proclaiming the week of May 18-24 as Public Works Week. Keith Pugh, Director of Engineering Services and a member of the Public Works Association (APWA) was present to accept the proclamation. He shared information on an event that the High Point Public Services Department would be sponsoring on Tuesday, May 20, 2014. Public Services staff will visit High Point Friends School and take equipment and information from Environmental Services, the MERF, storm water, streets, Ward Water Treatment Plant, Eastside Wastewater Plan, and information for the water/sewer mains division in an effort to educate the public to get a better understanding and knowledge of what staff does on a daily basis that contributes to quality of life in the community.

Mayor Sims thanked Mr. Pugh and all the Public Works staff for all they do.

[applause]

140131 **Proclamation - Fibromyalgia Awareness Day**

Ms. Kimberly Cakal will be attendance to accept proclamation proclaiming May 12th as Fibromyalgia Awareness Day

Mayor Sims read a Proclamation into the record proclaiming May 12th as Fibromyalgia Awareness Day. Ms. Kimberly Cakal accepted the proclamation an requested the proclamation in an effort to raise awareness of Fibromyalgia, which has been referred to as an "invisible" illness because it is difficult to diagnose since the symptoms mimic those of other illnesses such as arthritis, Lupus, etc.... She thanked Council for allowing her to raise awareness and encouraging the citizens to do the same.

Mayor Sims thanked Ms. Cakal for coming.

[applause]

140132 **Eagle Scout Award - Carlo Ballesteros-Flores**

Carlo Ballesteros-Flores from Scout Troop 26 sponsored by the IHM Catholic Church will be in attendance for recognition for achieving the Boy Scout Eagle Award. His Eagle Scout project was collecting medical supplies for the Medical Missionaries in Haiti. His Court of Honor ceremony will be held June 13, 2014.

Mayor Sims recognized Carlo Ballesteros-Flores from Scout Troop 26 sponsored by IHM Catholic Church. Mr. Ballesteros-Flores has achieved his Boy Scout Eagle Award and for his project, he collected medical supplies for the medical missionaries in Haiti. Mr. Ballesteros-Flores thanked Council for acknowledging his efforts and all efforts across the city and across the county and shared that over 124 volunteer hours went into his project. Mayor Sims thanked him for choosing a project that would be so impactful to individuals in the Third World countries.

[applause and standing ovation]

CONSENT AGENDA ITEMS

Chairman Moore reported that the Finance Committee did meet and gave the items on the Conset Agenda a favorable recommendation. These items were all lumped together and approved with one vote.

FINANCE COMMITTEE - Council Member Moore, Chair

140119 **Contract - Bid No. 52 - Stone Materials**

Approval of contract awarding Bid No. 52 for the purchase of Stone Materials for use by City Departments for routine operational needs (roadway base, utility cuts, etc.). The Purchasing Division recommends that contract be awarded to Martin Marietta Aggregates in the estimated amount of $115,000.00 based on our historical usage of these annual contracts.

Attachments: Bid No. 52 - Stone Materials

Approved contract with Martin Marietta Aggregates in the estimated amount of $115,000.00 based on the city's historical usage of these annual contracts.

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

140120 **Contract - Bid No. 53 - Concrete for City-Wide Usage**

Approval of contract awarding Bid No. 53 for the purchase of concrete for use by all City Departments on an as-needed basis. The Purchasing Division recommends that contract be awarded to Childer’s Concrete, Co., Inc. in the amount of $92,868.78 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: Bid No. 53 - Concrete

Approved contract with Childer's Concrete, Co., Inc. in the amount of $92,868.78 which is the lowest responsible and responsive bidder meeting specifications.

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

140122 **Contract -Sole Source Authorization - Microsoft Enterprise Agreement - Dell Corporation**

Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of year two of three of the Microsoft Enterprise Agreement software licensing for the City's Information Technology Department with Dell Corporation in the amount of $155,984.44 annually.

Attachments: Sole Source Recommendation - Enterprise Agreement - Dell, Inc.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of year two of three of the Microsoft Enterprise Agreement software licensing for the City's Information Technology Department with Dell Corporation in the amount of $155,984.44 annually.

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

CLOSED SESSION (Personnel; Economic Development; Attorney-Client Privilege)

At 5:50 p.m., a motion was made by Council Member Mendenhall, seconded by Council Member Ewing to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) (Attorney-Client Privilege); N.C. General Statute 143-318.11(a)(4) (Economic Development); and N.C. General Statute 143-318.11(a)(6) (Personnel). The motion carried unanimously.

Upon motion duly made and seconded, Council reconvened into Open Session at 6:20 p.m.

Mayor Sims announced there would be no action taken as a result of the Economic Development or the Attorney-Client Privilege. Regarding the Personnel matter, Mayor Sims announced that Council voted and agreed to appoint Randy McCaslin as the Interim City Manager effective July 1, 2014 and hoped Council would support Mr. McCaslin in his new role as the city progresses and moves forward. She reported that a press release would go out to this effect in the morning and asked that any questions be directed to City Manager Strib Boynton.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair

140121 **Change Order - Breece Enterprises - Highway 66 Water Line, Phase I**

Consideration of Change Order to the Breece Enterprises contract in the amount of $958,966.00 to construct the water main extension to serve the NC Highway 66/I-74

Industrial Park.

Attachments: Change Order - Hwy 66 Water Line, Phase 1

Chairman Moore reported that this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended it be moved forward with a favorable recommendation.

Motion by Council Member Ewing, second by Council Member Mendenhall to recuse Council Members Davis and Wagner from voting on this matter due to a conflict of interest. The motion carried unanimously.

Approved Change Order to the Breece Enterprises Contract in the amount of $958,966.00 to construct the water main extension to serve the NC Highway 66/I-74 Industrial Park.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Change Order to the Breece Enterprises Contract be APPROVED. The motion carried by the following 7-0 vote:

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

140123 **Transfer of Right of Way - NCDOT - Boulding Branch Bridge Replacement**

Council is requested to authorize the Mayor to execute documents necessary to transfer two small right of way easements to the North Carolina Department of Transportation for the purpose of replacing the Boulding Branch Bridge (culvert) on Lexington Avenue near the High Point Museum site.

Attachments: NCDOT - Transfer of City Right of Way Easements

Chairman Moore reported that this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended it be moved forward with a favorable recommendation.

Authorized the Mayor to execute documents necessary to transfer two small right-of-way easements to the North Carolina Department of Transportation for the purpose of replacing the Boulding Branch Bridge (culvert) on Lexington Avenue near the High Point Museum site.

A motion was made by Council Member Moore, seconded by Council Member Smothers, to authorize the Mayor to execute documents necessary to transfer two small right-of-way easements to the North Carolina Department of Transportation for the purpose of replacing the Boulding Branch Bridge (culvert) on Lexington Avenue near the High Point Museum site. The motion PASSED by a 9-0 unanimous vote.

140124 **Municipal Agreements - NCDOT - Railroad Crossing Signal Upgrades**

Council is requested to authorize staff to execute municipal agreements with the North Carolina Department of Transportation (NCDOT) for the Pendleton Street and Redding Drive railroad crossing signal improvement projects.

Attachments: NCDOT Municipal Agreements - Railroad Crossing Upgrades

Chairman Moore reported that this matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended it be moved forward with a favorable recommendation.

Approved the Municipal Agreement with the North Carolina Department of Transportation for the Pendleton Street and Redding Drive railroad crossing signal improvement projects and authorized staff to execute the Municipal Agreement.

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

140125 **Loan Commitment Letter - Hartley Ridge Housing Development**

City Council is requested to favorably consider a proposal from Wynnefield Properties approving the City's financial participation in the amount of $1,350,000 to assist with the construction of an 84 unit multi-family affordable housing development on a site approximately 10 acres in an area located near the corner of Hartley Drive and Ingleside Drive; and authorize the City Manager to execute the loan commitment letter.

Attachments: Hartley Ridge transmittal memo for 2014-15 AAP

Mayor Sims clarified that it was Council's intent to move forward with more discussion regarding core city redevelopment and felt it was important that Council show a commitment to redevelopment in the core. She pointed out this project is not located in the core community and she felt there should be a way to potentially look at how the Section 108 funds could support core city revitalization. For the record, Council Member Moore pointed out that in no way is this a bad reflection on Wynnefield Properties because they have done a great, professional job in helping the city meet some of the housing needs and noted the city desires to have a positive relationship with them going forward. Council Member Smothers reminded those present that a public hearing has already been scheduled regarding zoning in this matter and it will be on Council's agenda on May 19, 2014 at 5:30 p.m., unless it is formally withdrawn by the petitioner.

Denied the proposal from Wynnefield Properties approving the City's financial participation in the amount of $1,350,000 to assist with the construction of an 84-unit multi-family affordable housing development on a site approximately 10 acres in an area located near the corner of Hartley Drive and Ingleside Drive.

A motion was made by Council Member Moore, seconded by Council Member Smothers, to deny the proposal from Wynnefield Properties approving the City's financial participation in the amount of $1,350,000 to assist with the construction of an 84-unit multi-family affordable housing development on a site approximately 10 acres in an area located near the corner of Hartley Drive and Ingleside Drive.that this Miscellaneous Item be denied. The motion PASSED by an 9-0 unanimous vote.

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Douglas, Chair

140104 **Public Hearing - CDGB Funding - Annual Action Plan 2014-15**

Monday, April 21, 2014 at 6:15 p.m. is the date and time established for the Public Hearing on the Community Development and Housing Department (CD&H) 2014-15 Annual Action Plan as required by the Department of Housing and Urban Development (HUD) on the CDBG funding.

Attachments: Community Development - Public Hearing - Annual Action Plan
Community Development & Housing 2014-2014 Annual Action Plan

Mike McNair, Director of Community Development & Housing, suggested in light of today's action to deny 140125 Loan Commitment Letter- Hartley Ridge Housing Development, he recommended Council approve the Annual Action Plan less the Hartley Ridge development.

Chairman Douglas inquired about the qualifications for the Lead Hazard Program and Mr. McNair explained a person would have to meet the income qualifications as well as the structure having to meet the "hot spot detection" test as required by HUD. Chairman Douglas asked staff to estimate the number of houses that could be done with the money available. Mr. McNair replied that HUD requires each jurisdictions to stay within the $12,000 range per unit and this would enable the city to do about 40 houses. Chairman Douglas also inquired about the NCHFA Urgent Repair Program. Mr. McNair replied that staff tries to make the application process as user-friendly as possible and the urgent repairs typically include major system failure (i.e. hvac, water/sewer, etc....).

Approved the revised Community Development and Housing Department 2014-2015 Annual Action Plan which will reflect the removal of the Hartley Ridge development.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Davis, to approve the revised Community Development and Housing 2014-2015 Annual Action Plan which will reflect the removal of the Hartley Ridge development project. The motion PASSED by a 9-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140126 **Resolution of Intent - Annexation 14-04 - Carolina Investment Properties**

Approval of a Resolution of Intent that established a public hearing date of Monday, May 19, 2014 at 6:15 p.m. to consider a voluntary non-contiguous annexation of approximately 1.5 acres, lying along the east side of NC Highway 66, approximately 1,175 feet north of I-74 (2775 Highway 66 South).

Attachments: Resolution of Intent - Annexation 14-04 - Carolina Investment Properties

Resolution No. 1376/14-16
Introduced 5/5/2014; Adopted 5/5/2013
Resolution Book, Volume XVIII, Page 98

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 19th to receive public comment regarding a voluntary non-contiguous annexation of approximately 1.5 acres, lying along the east side of NC Highway 66, approximately 1,175 feet north of I-74 (2775 Highway 66 South).

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.

140106 **Amendment to Zoning Case 12-06 - High Point University**

A request by High Point University to amend Conditional Zoning Case 12-06 to revise the transportation conditions. The site is bounded by Montlieu Avenue, N. College Drive and Boundary Avenue. (The petitioner is requesting that this item be delayed to a future council meeting) Petitioner is requesting that this item be withdrawn from the City Council Agenda.

Attachments: 02. HPU - Amend Zoning Case 12-06

LETTER_RG-RM_RE-Withdraw HPU Amndmt To Rezoning Case No 12-06

Chairwoman Smothers announced that the petitioner has requested this item be withdrawn from the agenda at this time.

Matter withdrawn from the agenda.

A motion was made by Council Member Smothers, seconded by Council Member Moore, that this matter be withdrawn. The motion PASSED by a 9-0 unanimous vote.

140110 **Ordinance - Annexation Case ANX14-03 - Michael & Tonya Curtis**

A request by Michael & Tonya Curtis to consider a voluntary contiguous annexation of approximately 1.6 acres. The area to be annexed is lying along the south side of Tangle Lane, approximately 1,900 feet west of Penny Road. **The public hearing on this item was held Monday, April 21st and City Council delayed action at the May 5th meeting to allow the petitioner additional time to consider if he wanted to proceed with the request for annexation or withdrawal of the request.**

Attachments: Michael Curtis - Annex 14-03

Curtis Annexation (Tangle Lane) Carl Wright handouts

Michael Curtis - Annex - 14-03 Additional Information

The public hearing for this matter was held on Monday, April 21, 2014 at 6:15 p.m. and continued to today's meeting to get further clarification from staff on the drainage issues and street right-of-way on this property.

Chairwoman Smothers explained this annexation request was referred back to staff for clarification of issues regarding drainage, right-of-way, and the previously platted subdivision, etc..... and referred Council to Mr. McCaslin's summary dated May 1st. She asked Derrick Boone to elaborate on the drainage issue due to this being a major concern of Mr. Curtis, the property owner. Mr. Boone explained there are currently two conveyances: one, which is a cross pipe that runs under the road that is discharging into the ditch, and the other is a system that has two catch basins that is discharging to the rear of the property. Mr. Boone pointed out that the property owner would not be eligible for any assistance from the city because the ditch is only receiving run-off from private property and because the city does not allow any assistance for new development.

Chairwoman Smothers asked what staff's recommendation is regarding this request. Randy McCaslin, Assistant City Manager, pointed out that the Technical Review Committee and all city departments have reviewed the request for annexation and have determined that the city can provide the services to this site. He recommended that Council follow the policy already in place that requires a property owner to request annexation in order to get city services. He clarified that the property owner is requesting a waiver on the annexation, but still wants water and sewer service. Chairwoman Smothers asked if she could make a motion for Council to adopt it subject to putting a specific date on it that would possibly allow the property owner to withdraw if he chooses. City Attorney JoAnne Carlyle advised this would not be possible because the property owner has petitioned for annexation and if Council continues and adopts an ordinance with an effective date, additional action would be necessary to come back and change it.

Mr. Carl Wright, attorney representing Mr. Curtis, the property owner, the primary concern is to get the street (right-of-way) issue resolved. Ms. Carlyle reported that the issue with the street could be resolved although it is very complex and could be very time consuming. Mr. Wright noted in light of that, his client would like to request a delay or a waiver--something to help this work for everyone involved because he felt these were unique circumstances. Chairwoman Smothers advised that she would be willing to make a motion to approve the annexation with the city taking care of the street issue, but would not support a motion for a waiver on the double rates for water/sewer.

The property owner, Mr. Michael Curtis, reiterated that he approached the city in early May and spoke to Mr. Scott Cherry about his options regarding tying into the city's system. From that conversation, he thought he had a choice and was also told at that time how much it would cost to tie into the city's water/sewer system and that he would have to pay double rates and double tap fees. Mr. Curtis shared that he purchased the land after this and discovered the drainage issues and other problems and at that time, he was told he would have to request annexation if he wanted to tie into the city's system. Mr. Scott Cherry, an Engineer with the Public Services Department, recalled the conversation in a different context. His response was "no" to Mr. Curtis after asking about putting in a well and a septic system and explained the development policy requires connection to city water and sewer for property within 300 feet. He noted he also shared with Mr. Curtis what it would cost to connect to the city's infrastructure as far as connection fees and shared details of the policy that would require him to petition to the City Council for annexation and Council would more than likely annex the property.

He felt like Mr. Curtis misunderstood what was explained to him and reiterated that typically property that is contiguous is annexed into the city and pays inside rates, but if Council chooses to do something different than what the policy states, then they would pay the outside rates if not annexed. Mayor Sims suggested in future conversations with property owners that this be communicated in a different way because she felt it does cause confusion when the property owner is told that Council can make the decision as to whether to annex or not. Council Member Douglas pointed out that Mr. Curtis actually purchased the property after his conversations with city staff under the assumption that he would have a choice.

Chairwoman Smothers asked Mr. Wright if he needed additional time to decide what his client would like to do and pointed out his options are to ask for annexation or not ask for annexation, or to withdraw his request. Mr. Curtis felt he has not been given a choice regarding annexation and was being forced to do something that he does not want to do. Mayor Sims pointed out Council's prevailing sentiment is that Council would not approve him paying double rates to get water and sewer service and not annex his property because of the policy that has been approved and is already in place. She informed Mr. Curtis that he could not forcibly be annexed into the city, but in order to access the city's services, he is required to request annexation, so his option would be either to request the annexation or withdraw his request to be annexed.

Mr. Wright stated that he and his client realize that there are a few things that they need to further consider and asked if Council could delay making a decision until the May 19th meeting to allow them more time to do that.

Continued the public hearing to Monday, May 19, 2014 and deferred action on this matter until that time.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this matter be deferred for action at the May 19, 2014 meeting. The motion PASSED by a 9-0 unanimous vote.

PUBLIC COMMENT PERIOD - 6:00 P.M.

Mayor Sims noted this is the time set aside for public comments and asked for comments to be kept to three minutes or less.

Mark Lindsay, 146 Asbill Street, stated he would love to see Council rename Green Street from E. Green to W. Green from I-85 to I-85 to Martin Luther King

Avenue or Drive.

Rev. Frank Thomas, Pastor- Mt. Zion Baptist Church in High Point, and a resident at 693 Mallard Landing Blvd. in Clemmons, addressed Council regarding naming a street in High Point in honor of Dr. Martin Luther King. He and other citizens have approached Council on several occasions asking Council to submit an application to the Planning & Zoning Commission to do this. He asked for the supporters who were still present to stand. [approximately 22 people stood up]. He noted he is unsure about the procedure, but asked that Council reconsider. He asked Council if it might be possible to suspend the rules and entertain a motion at tonight's meeting to see if the city could move forward in submitting the application for renaming all of Green Drive in honor of Dr. Martin Luther King.

At this time, Mayor Sims noted there were several residents who signed up to speak regarding the Hartley Road Development and asked if there were any individuals still present who would like to speak. There being none, she closed the Public Comment Period.

asked if there were any individuals on the sign-up list who still wanted to address Council regarding the Hartley Ridge Development.

PUBLIC HEARINGS - 6:15 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140127 **Land Use Plan Amendment Case 14-02 - High Point University**

A request by High Point University to change the Land Use Map Classification for approximately 6.75 acres from Low Density Residential to an Institutional land use designation. The site consists of the block bounded by Montlieu Avenue, Barbee Avenue and Fifth Street (private street).

Attachments: Land Use Plan Amend 14-02 - HP University

LUPA 14-02 - Resolution adopted

Resolution No. 1377/14-17
Introduced 5/5/2014; Adopted 5/5/2014
Resolution Book, Volume XVIII, Page 99

The joint public hearing on this matter and related matter 140128 Amendment to Zoning Case 13-08- High Point University was held on Monday, May 5, 2014 at 6:15 p.m.

Andy Putman with Planning and Development provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment 14-02 at their meeting on April 22, 2014 by a vote of 4-2.

Mayor Sims asked about a comment that was made during the Planning & Zoning Commission meeting regarding updating the High Point University Area Plan and asked where the university was at in this process. Mr. Putman explained that the university did come in and spoke about their plans at one of the Planning & Zoning Commissions dinner sessions earlier this year, but deferred to the university for an update. He pointed out there has been no action to move forward with an official change to the University Area Plan at this time. Chairwoman Smothers pointed out there were several references contained in the staff report that identified the fact that when Council made a couple of changes upon petition by the university (one being closing Montlieu Avenue), it was felt that this essentially extended the boundary of the university through the actions that Council took--whether or not it's been formalized. Mayor Sims felt the plan still needs to be formally updated and felt the community and the public needs to know what that growth is going to look like. Chairwoman Smothers stated she did not disagree that an update is needed, she was just making the point that there have been amendments by formal action of Council and she felt it would be entirely appropriate to set a deadline for the university to come back with an updated Growth Plan.

Herb Shannon of Planning and Development proceeded to provide an overview of the staff report for 140128 Amendment to Zoning Case 13-08- High Point University, which is hereby attached in Legistar as a permanent part of these proceedings.

Chairwoman Smothers expressed concerns regarding the High Point Transportation Department's recommendation regarding the gate. Mr. Shannon explained that the applicant worded their conditions in such a way that it would be gated in an effort to address the Transportation Department's concerns that it would be open to the general public. He noted the intent is for traffic to come off Montlieu and not use the residential street. Staff noted that if Council determines that this is an appropriate expansion of the University campus, the Land Use Plan Amendment should be approved and once it is approved, it would be reasonable to approve the requested amendment to Zoning Case 13-08 with the conditions offered by the application. Mr. Shannon reported that the Planning and Zoning Commission held their public hearing on April 22nd and voted 4-2 to recommend approval of this request and pointed out the main issues of discussion regarding the members who voted in opposition were concerns about the reduction and the setback standards along the Barbee Avenue portion of the site.

Council Member Golden asked if staff could elaborate on the concerns regarding the reduction in setbacks. Mr. Shannon replied that the two Planning & Zoning Commission members who were not supportive of the reduction in the setback standards was due to concerns regarding the negative impact on the property owners along the south side of Barbee Avenue. Council Member Davis inquired about the maximum allowed building height and Mr. Shannon replied that the Ordinance currently permits an 80-foot tall building in the PI District. Council Member Moore questioned why they are asking for the additional five feet in height. Staff noted the applicant could better expound on this.

Mayor Sims mentioned the need for an updated University Area Plan and strongly encouraged the university to come back to Council with an updated plan identifying where they intend to grow, sooner rather than later because she was interested in knowing as well as the community. Council Member Douglas agreed with Mayor Sims and noted up to this point, Council has pretty much given the university what they have asked for. He felt Council needs to know where the university is going before taxpayer's dollars are spent and then they acquire a certain amount of properties only for it to be handed over to them as well. He noted a prime example was closing Montlieu Avenue and in his opinion, there were a lot of tax collars that went into building the street and providing maintenance on the street and the Council just handed it over to them.

Council Member Ewing pointed out regardless of the 80-foot setback for building height versus the 85-foot, it was still not in line with the policy. Mr. Shannon explained the ordinance notes a maximum building height of 80-feet and for ever foot above 50, additional setback is required and the ordinance allows them to request a reduction in standards in the height, as well as the setback, but it is ultimately up to the Council as to whether or not to grant it as part of their zoning request.

At this time, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment on the Land Use Plan Amendment Case 14-02 or the Amendment to Zoning Case 13-08.

Mr. Ron Guerra, Director of Construction and Renovation at High Point University, addressed Council. He shared that the university is about to make a very large investment in excess of $100 million with their new health sciences and pharmacy program. He explained they are requesting additional height because they would like to conceal all the HVAC equipment on the roof so it would not be visible or audible to the surrounding neighbors. They are also looking to enhance the area by doubling the planting yard requirements and installing their signature fence. He noted that even though construction is not imminent, it is important for them to start preparing for these programs now and going through the accreditation processes. He further explained that when they mentioned the proximity to Barbee and Montlieu, it involves one wing of the building only and pointed out it would not be a solid building wall, but wings that go inside a plaza. Mr. Guerra informed Council that the architect, Mr. Mercer, is present and could answer any questions they might have regarding the design of the buildings.

Council Member Golden shared some public safety concerns regarding the setbacks and asked if it would endanger somebody that might be on top of the building in the event of a fire. Mr. Guerra replied it would not and explained that the well on top of the building would be almost like a room which would protect the equipment, and keep the equipment from being visible and inaudible to the surrounding neighbors. He pointed out the gated entrance at Barbee was required by the Fire Department in case something happens on Montlieu, so they would have an additional means of entrance if there's a fire or any type of emergency.

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

Chairwoman Smothers moved to approve Land Use Plan Amendment Case 14-02 based on consistency with the City's adopted plans, and that Council's action is considered to be reasonable and in the public interest which is accomplished by adopting the statements in the Staff Analysis section of the staff report. Council Member Moore made a second to the motion, which PASSED by a 9-0 unanimous vote.

Chairwoman Smothers then moved adoption of the Ordinance Amending Zoning Case 13-08 with the revised conditional use zoning as requested based on consistency with the City's adopted plans, and finds this action to be reasonable and in the public interest which is accomplished by adopting the statements in the Staff Analysis section of the staff report. Council Member Mendenhall made a second to the motion, which PASSED by a 9-0 unanimous vote.

Chairwoman Smothers then moved to have High Point University submit an amended Growth Area Plan to the Planning Department by September 1, 2014. Council Member Douglas made a second to the motion.

For further discussion, Ron Guerra felt the university could probably submit a general plan by September 1st. Council Member Ewing asked what the repercussions would be if the university does not have a plan submitted by September 1st and if Council would still consider any of their requests. Chairwoman Smothers informed Mr. Guerra that the university would need to make a formal request for different consideration. Mayor Sims agreed and felt it is important to the community to have an updated growth plan. Council Member Moore stated he would not be able to support the motion because the university is growing with a proven track record of changing direction. He felt sharing information as to where the university plans to expand could have some unintended consequences as they are trying to acquire property, which can make it hard on them while trying to execute their plan. Council Member Mendenhall agreed with Council Member Moore and expressed concerns about tying the university down at this point in time for economic reasons. Council Member Ewing pointed out the same could be said on the opposite end of the spectrum when Council reduces the setback from 50 feet to 65 feet and explained this could reduce property values for the residents on Barbee which would have a converse effect and their way, there would be a positive or negative economic impact.

Mayor Sims responded by saying that there was a Growth Plan in place, but the university continued to do what they felt was necessary in order to grow and develop and put the buildings were they saw fit to put them, despite of the plan being in place. She pointed out this is investment in the core and since the university is part of the core community, she felt it was not unreasonable to ask them to share where they think they might be going in the future. She agreed there may be individuals who will attempt to capitalize on that knowledge, but it is just the way of an opportunistic society. She felt it was important for the neighborhood to know because every time a change is made, it impacts the neighborhood.

As a point of clarification, Mr. Guerra asked if Council is looking for a new, full blown University Area Plan because it would typically takes months to prepare and research. Mayor Sims explained that Council is basically asking the university based on the current plan in place, to project what their future needs might be and pointed out the Planning Department could clarify what is needed to put it together.

Chairwoman Smothers asked if there were any additional comments or questions. There being none, the Mayor called for a vote on the motion to require High Point University to submit an updated Area Growth Plan by September 1, 2014. The motion PASSED by the following 6-3 vote:

Aye: Chairwoman Smothers; Mayor Sims; Mayor Pro Tem Davis; and Council Members Golden, and Ewing.

Nay: Council Members Mendenhall, Moore and Wagner.

A motion was made by Council Member Smothers, seconded by Council Member Moore, to approve Land Use Plan Amendment Case 14-02. The motion PASSED by a 9-0 unanimous vote.

140128 **Amendment to Zoning Case 13-08 - High Point University**

A request by High Point University to amend Conditional Zoning Case 13-08 to:

1. Add approximately 7.1 acres to CZ Ordinance 13-08.
2. Rezoning approximately 7.1 acres from a Residential Single Family-9 (RS-9) District, to a Conditional Zoning Public & Institutional (CZ-PI) District.
3. Amend conditions pertaining to permitted uses, landscaping and vehicular access.

The property consists of the block bounded by Montlieu Avenue, Barbee Avenue and Fifth Street (private street).

Attachments: Land Use Plan Amend 14-02 - HP University

Ordinance No. 1756/14-34
Introduced 5/5/20104; Adopted 5/5/2014
Ordinance Book, Volume XVIII, Page 88

The joint public hearing on this matter and related matter 140127 Land Use Plan Amendment Case 14-02- High Point University was held on Monday, May 5, 2014 at 6:15 p.m.

Note: For specific comments made at the public hearing, please refer to 140127 Land Use Plan Amendment Case 14-02.

Herb Shannon of Planning and Development provided an overview of the staff report for the Amendment to Zoning Case 13-08, which is hereby attached in Legistar as a permanent part of these proceedings.

Adopted Ordinance amending Conditional Zoning Case 13-08 with the revised conditional use zoning as requested based on consistency with the City's adopted plans, and Council finds this action to be reasonable and in the public interest which is accomplished 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 this Amendment be adopted. The motion PASSED by an unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140111 **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

140129 **Minutes to be approved**

Community Housing & Neighborhood Development Committee; Tuesday, April 15th @ 9:00 a.m.
Special Meeting (Closed Session-Personnel); Monday, April 21st @ 2:30 p.m.
Finance Committee; Monday, April 21st @ 4:30 p.m.
High Point City Council Regular Meeting; Monday, April 21st @ 5:30 p.m.
Special Meeting; Thursday, April 24th @ 9:00 a.m.

Attachments: April 21, 2014 Special Meeting (Closed Session)
April 21 2014 Finance Committee
April 21, 2014 High Point City Council1
April 24 2014 Special Meeting
April 15 2014 Comm. Housing & Neighborhood Dev. Committee

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

Other Business

Revised Budget Review Schedule

Mayor Sims shared a revised Budget Review Schedule with Council and explained some dates for the reviews needed to be changed at the request of Assistant City Manager Randy McCaslin. She further explained that Mr. McCaslin had already made some plans prior to the dates that were selected by the City Manager for the Budget Reviews and these revised dates would allow Mr. McCaslin to attend the budget review sessions. Mayor Sims asked Council to review the revised schedule and let staff know if these dates are good.

Comprehensive Planning Committee Meeting

Chairwoman Smothers reminded Council that the Comprehensive Planning Committee would meet on Thursday, May 8, 2014 at 9:00 a.m.

ADJOURNMENT

The meeting adjourned at 7:45 p.m. upon motion duly made by Council Member Smothers and seconded by Council Member Douglas.

Respectfully Submitted,

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Bernita Sims, Mayor

Attest:

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Lisa B. Vierling, MMC
City Clerk