

City of High Point

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



Meeting Minutes

Monday, October 6, 2008

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., John Faircloth; Michael D. Pugh; Bernita Sims; and Ronald B. Wilkins were present.

Council Member Lisa Stahlmann was absent.

Mayor Smothers offered the invocation; the Pledge of Allegiance followed.

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

Absent: Council Member Stahlmann

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

Special Meeting; Monday, September 15th @ 3:00 p.m.

Finance Committee Meeting; Monday, September 15th @ 3:30 p.m.

Combined Meeting; Monday; September 15th @ 4:45/5:30 p.m.

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Bencini, seconded by Mayor Pro Tem Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Stahlmann was absent]

Motion was then made by Mayor Pro Tem Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Stahlmann was absent]

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

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

Committee Members: Bencini, Faircloth and Pugh

(all were present)

080266

Approval of contract for award of Bid No. 10 for the Koolpool I and II Outfall Sewer System Improvements. Purchasing and Public Services recommends that contract be awarded to Metra Industries in the amount of \$5,876,599.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for the Koolpool I and II Outfall Sewer System Improvements awarding contract to Metra Industries in the amount of \$5,876,599.00 which is the lowest responsible and responsive bidder meeting specifications.

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

080265

Approval of contract for Bid No. 15 for the Eastside Wastewater Treatment Plant NRCY Utility Repair. Purchasing and Public Services recommends that contract be awarded to Gilbert Engineering in the amount of \$ 276,672.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved bid for the Eastside Wastewater Treatment Plant NRCY Utility Repair awarding contract to Gilbert Engineering in the amount of \$276,672.00 which is the lowest responsible and responsive bidder meeting specifications.

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

080268

Adoption of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds received from the High Point Convention and Visitors Bureau in the amount of \$23,500 to be used for advertising expenses for the Sesquicentennial Celebration in May 2009.

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

Adopted ordinance amending the 2008-2009 Budget Ordinance appropriating funds received from the High Point Convention and Visitors Bureau in the amount of \$23,500 to be used for advertising expenses for the Sesquicentennial Celebration in May 2009.

Ordinance No. 6581/08-66

Introduced 10/06/08

Adopted 10/06/08

Ordinance Book Volume XVI, Page 66

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

080269

Approval of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds for a pass thru grant in the amount of \$43,359.00 from the NC Department of Crime Control & Public Safety for the Children's Advocacy Centers of North Carolina.

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

Adopted ordinance amending the 2008-2009 Budget Ordinance appropriating funds for a pass-thru grant in the amount of \$43,359.00 from the NC Department of Crime Control & Public Safety for the Children's Advocacy Centers of North Carolina.

*Ordinance No. 6582/08-67
10/06/08*

Introduced

Adopted 10/06/08

Ordinance Book Volume XVI, Page 67

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

080270

Council is requested to approve a contract extension in the amount of \$481,575.00 to the Breece Enterprises contract for Water and Sewer Maintenance.

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

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

Approved contract extension in the amount of \$481,575.00 to the Breece Enterprises contract for Water and Sewer maintenance.

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

080271

Council is requested to adopt a resolution providing for a rate increase to the Vehicles for Hire (Taxi) schedule.

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

In anticipation of hearing from representatives of the cab companies, this matter was forwarded to the full Council without recommendation.

Chairman Whitley asked if there was anyone present who would like to address Council regarding this matter.

Mr. Golden Ibeawuchi spoke. He informed Council that the additional \$1 would be sufficient. He felt that crude oil prices would drop in the near future and pointed out that if the additional \$1 is not approved, it might cause confusion with the Furniture Market coming in a couple of weeks. He explained that some cabs come from Greensboro to service the market and since Greensboro had already approved a \$1 increase to their rates, it would cause a conflict at market time.

Council Member Faircloth felt the increase comes at an inopportune time in anticipation of visitors to the city for the Furniture Market and asked Mr. Ibeawuchi what the impact would be if the additional \$1 was approved, but effective November 1st. Mr. Ibeawuchi reiterated if the additional \$1 was not implemented, then it would cause conflict and he preferred it to go into effect prior to the market. Council Member Sims shared the same concerns and felt if the rates were not increased before the market, then there was no reason to add the additional \$1 at all. She recommended Council proceed with the request as written.

Council Member Wilkins inquired about what would happen if High Point decides not to raise the rates and prohibit Greensboro from servicing the market. Chairman Whitley noted this was discussed during the Finance Committee meeting and it was noted that the Greensboro cabs were needed for a successful market. Mayor Smothers suggested one possibility might be to add a \$1 fuel surcharge at a later date. Council Member Wilkins noted he rides cabs quite frequently and even though most people can't afford the rates, someone has to pay for the increased gasoline prices, so he would reluctantly support the additional \$1.

At this time, Council Member Wilkins moved to place this matter on Thursday's Agenda with a favorable recommendation for approval of the resolution adding the additional \$1 per trip to the current rates to be effective October 14th. Council Member Pugh made a second to the motion.

Council Member Bencini offered a substitute motion to place this matter on Thursday's Agenda with a favorable recommendation to adopt the resolution authorizing the additional \$1 per trip, but to make the effective date November 1st. Council Member Faircloth made a second to the substitute motion.

For further discussion, Council Member Faircloth expressed concerns that this

request for an increase has not been substantiated with written information other than the fact was brought up that Greensboro raised their rates and pointed out the increase equates to approximately a 55% increase in the block fare. He noted he wasn't necessarily opposed to supply whatever might be necessary to make the cab companies profitable, but was concerned about the image this would have on the upcoming Furniture Market.

The Mayor called for a vote on the substitute motion. The substitute motion failed by a 2-6 vote as follows:

*Votes: Aye: Council Members Bencini and Faircloth
Nay: Mayor Smothers, Mayor Pro Tem Whitley and Council
Members Alexander, Pugh, Sims and Wilkins
Absent: Council Member Stahlmann*

The Mayor then called for a vote on the main motion to approve the additional \$1 per trip rate increase to be effective October 14, 2008. The main motion carried by a vote of 5-3 as follows:

*Votes: Aye: Mayor Smothers, and Council Members Alexander, Pugh,
Sims and Wilkins
Nay: Mayor Pro Tem Whitley and Council Members Bencini and
Faircloth
Absent: Council Member Stahlmann*

Adopted resolution establishing rates for vehicles for hire.

*Resolution No. 1451/08-93 Introduced 10/06/08
Adopted 10/06/08
Resolution Book Volume XVI, Page 93*

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

Votes: Aye: Mayor Smothers, Council Member Wilkins, Council Member Alexander, Council Member Pugh and Council Member Sims
Nay: Council Member Whitley, Council Member Bencini and Council Member Faircloth
Absent: Council Member Stahlmann

**PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair
Committee Members: Faircloth, Stahlmann, Pugh and Wilkins**

(all were present)

070340

Adoption of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1008 Tipton Street belonging to Charles D. and Marsha W. Gentry.

Chairman Alexander recognized the property owner, Mr. Charles Gentry. Mr. Gentry informed Council that he had made substantial progress to bring the house up to code (completely replumbed, installed new gas pack, installed new windows, etc....), but he still needed to put in the insulation, paint and finish the floors. He asked Council for an extension to allow him time to get these repairs completed.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation to adopt a 60-day order to demolish which would give the property owner 90 days to complete the repairs.

Chairman Alexander explained that this would give the property owner 90 days and reiterated that staff is very much aware that he is actively working to bring the structure up to code. He commended Mr. Gentry for his efforts in revitalizing this home and felt it would fit architecturally within the neighborhood.

Adopted the 60-day Ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1008 Tipton Street belonging to Charels D. and Marsha W. Gentry.

Ordinance No. 6583/08-68

Introduced 10/06/08

Adopted 10/06/08

Ordinance Book Volume XVI, Page 68

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

080272

Consideration of revision to Article D of the City of High Point Code of Ordinances re Burglar and Robbery Alarms.

Chairman Alexander pointed out false alarms represent the city's second and third highest call volume generator in the Police Department and proves to be a terrible waste of resources. He noted that the city allocated resources of approximately \$741,356 to false alarm calls last year alone and this did not take into consideration the personnel time for the police officers to respond (typically two officers are deployed and the calls generally take thirty minutes to an hour). He pointed out this is a tremendous financial drag and a tremendous personnel drag and poses a very serious problem.

Chairman Alexander highlighted some of the revisions to the ordinance (copy will be attached as a permanent part of these proceedings). One of the major changes being that in addition to the civil penalties, if within any calendar year the police department responds to more than 9 false alarms at the same premises or location, the alarm user's permit shall be suspended and law enforcement shall discontinue response to alarm signals that may occur at the premises until such time as the chief of police is satisfied that the alarm user has corrected issues which have resulted in false alarms and a new permit has been issued.

At this time, Council Member Alexander moved to place this matter on Thursday's Agenda with a favorable recommendation for adoption of the ordinance. Council Member Faircloth made a second to the motion.

For further discussion, Council Member Faircloth asked for clarification of the civil penalties and whether they would go to the school board or the city. Fred Baggett, City Attorney, explained the civil penalties would go to the city because there is no state law making false alarms a crime or a violation--it is purely a local regulation, so the city is entitled to keep the civil penalties.

There being no further discussion, the motion carried unanimously.

Adopted ordinance authorizing the revisions to Article D Burglar and Robbery Alarms to the City of High Point Code of Ordinances.

Ordinance No. 6584/08-69

Introduced

10/06/08

Adopted 10/06/08

Ordinance Book Volume XVI, Page 69

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

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Alexander and Pugh

(all were present)

There were no matters appearing on tonight's Agenda for consideration by the Public Services Committee.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Faircloth, Sims, Stahlmann and Whitley

(all were present except Stahlmann)

080273

Approval of a resolution of intent that establishes a public hearing date of December 1, 2008 to consider a request by the Technical Review Committee for the abandonment of a unimproved right-of-way known as Purdy Avenue, lying approximately 496 feet north of E. Commerce Avenue, between Carter Street and Worth Street.

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

Adopted Resolution Of Intent establishing December 1, 2008 at 5:30 p.m. as the date and time to receive public comment regarding a request by the Technical Review Committee for the abandonment of an unimproved right-of-way known as Purdy Avenue, lying approximately 496 feet north of E. Commerce Avenue, between Carter Street and Worth Street.

Resolution No. 1452/08-94

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 94

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

080274

Approval of a resolution of intent that establishes a public hearing date of December 1, 2008 to consider a request by the Technical Review Committee for the abandonment of an unimproved right-of-way known as Brentwood Avenue, lying approximately 650 feet north of Lowe Avenue, between Manley Street and the US-311 Bypass Highway.

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

Adopted Resolution of Intent establishing a public hearing date for December 1, 2008 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of an unimproved right-of-way known as Brentwood Avenue, lying approximately 650 feet north of Lowe Avenue, between Manley Street and the US 311 Bypass.

Resolution No. 1453/08-95

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 95

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

080275

Approval of a resolution of intent that establishes a public hearing date of December 1, 2008 to consider a request by the Technical Review Committee for the abandonment of an unimproved right-of-way known as Dupont Avenue, lying approximately 550 feet east Park Street, between E. Kearns Avenue and Wheeler Avenue.

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

Adopted Resolution of Intent establishing a public hearing date of December 1, 2008 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of an unimproved right-of-way known as Dupont Avenue, lying approximately 550 feet east of Park Street, between E. Kearns Avenue and Wheeler Avenue.

Resolution No. 1454/08-96

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 96

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

080276

A request by Dr. Clair Wilson for a minor amendment to Conditional Use Permit 07-35 pertaining to access stubs. The site is lying along the east side of Penny Road, approximately 1,000 feet west of the intersection of Eastchester Drive.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

CITY OF HIGH POINT

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

MINOR AMENDMENT TO CONDITIONAL USE PERMIT 07-35

October 6, 2008

Applicant Dr. Claire Wilson

Proposal: The applicant is requesting to amend Conditional Use Permit 07-35 (CUP 07-35) pertaining to a requirement to provide access stubs to the abutting properties to the north and east.

Site Information

Location Lying north of the intersection of Penny Road and Ossi Court.

Site Acreage Approximately 0.86 acres.

Current Land Use Dental Office (currently under construction)

Site Access & Street Classification

Street Name Classification Approximate Frontage

Penny Road Minor Thoroughfare 390 ft.

Surrounding Area Zoning and Current Use

North AG Agricultural (Guilford County) Farm/House

South CU GO-H Conditional Use General Office High-Intensity Multi-family Residential

East CU GO-H Conditional Use General Office High-Intensity Undeveloped

West CU-CP Conditional Use Corporate Park Office

Minor Amendments:

Minor amendments are changes to the conditions of a Conditional Use Permit which will result in equal or better performance and which do not alter the objective and purpose of the original requirements and conditions of the Conditional Use Permit. The City Council may approve minor amendments without a recommendation from the Planning and Zoning Commission and without a public hearing. In granting minor amendments, the City Council may require such additional conditions as will secure the original objectives and purposes of the requirements or conditions amended.

Background Information:

Dr. Wilson recently annexed a small portion of land into the city (Case 07-35) and combined that property with adjacent holdings to create her current 0.86 acre site. However, that small portion of land is separately zoned CU GO-H with its own

Conditional Use Permit. At the request of High Point's Department of Transportation the applicant inserted a condition pertaining to the provision of access stubs to the northern and eastern property line. At the time of the rezoning the applicant's site was part of an Integrated Multiple Use Development (IMUD). The applicant has since withdrawn her property from this IMUD, with the consent of the other IMUD property owners.

Analysis:

As outlined in the attached memo from the Transportation Director, this is a small site that will generate a fairly small amount of vehicle traffic. In addition, the removal of the site from the Penny Road IMUD eliminates some of the need for connectivity between the properties. Therefore it is the opinion of the Department of Transportation that the existing access point to Penny Road should be sufficient to adequately handle the vehicular traffic for the site, and that the access stubs are no longer required. This request would not affect the interconnectivity of the existing (and newly revised) IMUD to the east.

Recommendation:

Staff recommends approval.

This approval is based upon the recommendation given by the Department of Transportation.

[end of staff report]

Chairman Bencini asked why the stubs were being removed from the IMUD. Mr. Shannon explained the applicant requested it's removal and the other property owners in the IMUD had no objections since the stubs weren't going into the overall IMUD. He asked if there was anyone present who would like to speak regarding this matter. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved minor amendment to Conditional Use Permit 07-35 pertaining to access stubs as requested by Dr. Claire Wilson.

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

080282

Consideration of reinstatement of Marilyn DeBerry to the Planning and Zoning Commission. Mrs. DeBerry has lost her voting rights on the board pursuant to the attendance requirements due to missing three consecutive meetings and has asked to be reinstated.

Mayor Smothers reminded Council that it was necessary to make an appointment to the Planning & Zoning Commission or reinstate Marilyn Deberry, who lost her voting privileges on the Planning & Zoning Commission due to lack of attendance at the meetings per the attendance policy. Council Member Bencini asked if anyone had any knowledge about Ms. Deberry's intent going forward as far as her attendance. Bob Robbins of the Planning & Development Department, noted that it is her desire to continue serving on the Commission.

Council Member Pugh stated he would like to retain the right to appoint someone from Ward 3, but if Ms. Deberry was interested in keeping the position and would be diligent in her attendance, then he would recommend her reinstatement.

At this time, Councilmember Pugh moved to reinstate Ms. Deberry to the Planning & Zoning Commission. Council Member Sims made a second to the motion.

Council Member Alexander asked for clarification about any future unexcused absences. Mr. Robbins explained that technically, the attendance is calculated on the calendar year (which will start over in January, 2009) and if she misses another unexcused meeting before the end of this year, she'll find herself in the same predicament. Council Member Bencini felt this should be communicated to Ms. Deberry.

There being no further discussion, the motion to reinstate Ms. Deberry to the Planning & Zoning Commission carried by a unanimous vote. [8-0 vote]

Approved the reinstatement of Marilyn Deberry to the Planning & Zoning Commission.

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

Mayor Smothers asked that comments be limited to within five minutes.

Dick Hardwick, who resides at 223 Model Farm Road and representing his neighborhood, addressed Council regarding the following issues:

1. When it rains, their neighborhood is inundated with water--particularly his neighbor, Greg Spencer's property.

Council encouraged Mr. Hardwick to have Mr. Spencer contact the city regarding the issues he's having with water on his property.

2. Problems with homeless people in the wooded area behind them that trespass on their property.

3. Panhandlers begging for money in their neighborhood and at the Food Lion on Fairfield Road.

He asked when the Council was going to consider the panhandling ordinance recommended by Council Member Pugh. Council agreed it would be better to place this matter on the November 3rd Agenda since parking would be problematic for the October 20th meeting since that was the opening day for the Furniture Market. Council Member Pugh noted that the open container ordinance would also be incorporated into the panhandling ordinance.

4. Inadequate response from the police department when they call them out to incidents in their neighborhood.

5. Major problems with ditch in front of his house. It used to work properly, but the city messed it up and needs to make the necessary repairs to fix it. It will require putting a culvert in.

Council Member Pugh informed Council that Mr. Hardwick's ditch used to be perfect, functioning and very well maintained, but the City damaged it, now it requires a culvert to be put in and smoothed over.

Steve Rector, who resides at 318 Model Farm Road, also addressed Council regarding problems in their neighborhood. He cited issues involving homeless people; crime; panhandling and the substandard homes being rented out. Mr. Rector noted that Council Member Pugh has been instrumental in helping the neighborhood and hoped Council would listen to him and act on some of the things he has brought before them that would make an improvement in South High Point. commended Council Member Pugh for his assistance with their neighborhood problems.

Mayor Smothers encouraged the neighbors to get together to discuss a neighborhood watch program and noted a representative from the police

department could assist them with the process.

James Goode, who resides at 1911 Greenstone Place in Foxwoode Meadows, addressed Council. He expressed concerns regarding two group homes with Type 3 boys labeled violent offenders that had located in their neighborhood. He noted that the boys in the homes brought extensive crime to their neighborhood (over 200 police calls made in the immediate neighborhood since the boys have been there) and there have been numerous break-ins, larceny, damage to neighbors property, etc..... He informed Council that the caretaker's have been very neglectful in doing their jobs in overseeing these boys. He explained that Officer Burchette of the High Point Police Department has assisted them in getting a neighborhood watch organized. He noted that now the houses are vacant again and the neighbors are strongly concerned that another group of boys could possibly be coming back. He asked for Council's help to stop them from coming to their neighborhood again.

Council Member Alexander explained that he has been working with House Member Laura Wiley regarding this and noted the two homes in question were being leased and managed by a company called Step-by-Step and their license has been voluntarily surrendered. He also noted that currently neither at the state or county level are there any applications being prepared or presented for 1914 or 1916 Greenstone Place and to the best of their knowledge, there are no plans for any group home to return at these locations. Council Member Alexander informed Mr. Goode and all the neighbors present that the City Council absolutely cannot prohibit group homes in residentially zoned neighborhoods. Fred Baggett, City Attorney, reaffirmed this and added that a spacing requirement could be put into the city's Code that would prohibit no two homes to be within one-half mile of each other. Mayor Smothers asked that the Planning Department come back with some language as to how this might be implemented and what kind of time would be required to make that consideration. Mayor Pro Tem Whitley added that he'd like to see if staff can find out whether or not the number of individuals could be limited in these facilities based on the square footage. Council Member Sims explained that the state law addresses that. Mr. Baggett explained if they have more than six, the state law allows municipalities to regulate them by zoning.

Mayor Smothers advised Mr. Goode that she would have Council Member Stahlmann contact him. Council Member Faircloth noted that he and Council Member Stahlmann both would like to discuss this matter further with the neighborhood and would be in touch.

Susan Coburn, who lives on Eastchester and is part of Foxwoode Meadows also addressed Council regarding this issue. She asked Council to consider a new local ordinance for the neighborhood to prohibit clustering these homes. Mayor Smothers explained that this is already regulated by the state. She also wanted to know who authorized the Level 3 to move into these homes. Council Member Alexander explained that the state or the county does that and noted the city is not

notified when they do locate a group home in an area. Council Member Pugh encouraged the neighbors to call the North Carolina Department of Human Resources if they encounter additional problems with group homes. Mayor Smothers also encouraged them to continue filing complaints with the police when there's some element of activity that's unacceptable because this would be used to build a record for this type of complaint. Ms. Coburn pointed out that the police got between 212-213 calls to 9-1-1 between the two properties from January 1, 2005 to the present.

Dennis Robinson, who resides at 1005 Willoughbar Terrace, addressed Council regarding frat houses located in a residential area in the vicinity of High Point University. He noted the "frat" houses have been moved onto residentially zoned lots and were really bothersome to the surrounding neighbors. The neighbors have to constantly put up with the following: continuous loud noises, loud music; drinking; bottles being broken; vehicles running up and down the street; kids sitting on the edge of pick-up trucks; topless girls coming out of the houses; naked people in swimming pools; loud air horns on vehicles; trash; students using their yards to urinate and defecate; knocking their mailboxes over, etc.... He informed Council that the neighbors feel like they're being chased out of the neighborhood because the university now requires all students who don't live on campus to live within a mile of campus and if the property owners don't rent to students, no one else desires to live in the area because of all the incidents. Mayor Smothers asked Mr. Robinson if he had contacted the university regarding his concerns. Mr. Robinson explained he has put numerous calls into the university security but without success and finds it to be more successful calling the High Point Police. Mr. Robinson noted that he owns six rental houses on the border of the university and one Saturday night at 11:30 p.m., he received a call from one of his tenants who was very upset and disturbed about incidents taking place. He, in turn, called security and asked that someone with authority call him, but he never received a call back. He noted he also placed a call to Chris Dudley at the university, but he never called him back either.

Mayor Smothers suggested that Mr. Robinson and the other neighbors who were at the meeting regarding these issues to sign the sheet in the back and supply their names, addresses and phone numbers. She encouraged the university to get a copy of the roster with all the information and contact the neighbors.

Cindy Davis, who resides at 413 Evergreen Avenue, addressed Council. She brought some concerns before Council that came from their Oakhill Neighborhood Watch group: barking dogs at the end of Carey and Edgewood; still having problems with traffic coming from Bojangles; unsanitary conditions still exist with the ditches behind the houses on Evergreen; the substandard conditions of Evergreen, etc.... Ms. Davis informed Council that someone was going to get killed on Evergreen unless something is done about the traffic because it is still very dangerous. She asked Council to be proactive in stopping the traffic on Evergreen that continues to be a problem since Bojangles opened and felt it was

the city's responsibility to allocate monies appropriately for streets that have businesses on them that are inadequate and cannot handle the flow of traffic. She noted that until funds did become available to fix their street appropriately, she suggested dead-ending Evergreen at the last residential house before Bojangles. She also suggested additional options: a one-way or speed bumps.

Council Member Sims noted she did tell Ms. Davis that the city had several streets that were substandard and she could make sure Evergreen got added to this list for staff to look at to see if there might be any measures that could be taken to mitigate the situation. She asked Ms. Davis if there were any signs (stop, yield) up at the exit of Bojangles. Ms. Davis replied there weren't and she even mentioned this to Walter Haviland at the Police Department but they don't take her concerns seriously. Mayor Smothers asked Mr. McDonald of the Transportation Department to get in touch with Bojangles to put up a stop sign at the exit.

Ms. Davis shared that their neighborhood watch group has dwindled down from 54 people to 24 because the people have lost interest and feel that it's a waste of time because she continuously brings these issues before Council and nothing is ever done--they feel like they're getting lip service without any evident results.

Council Member Pugh noted all these complaints made by residents in his ward tonight put him in a tough spot because he represents these neighborhoods and they expect things to get done. He brings these issues to Council's attention and still nothing is being done. He hoped Council would be diligent and listen to them.

PUBLIC HEARINGS ON ITEMS

080277

Consideration and recommendation on the application of First Baptist Church for listing on the National Register of Historic Places. The property is lying at the northwest corner of E. Washington Drive and Hobson Street, and addressed as 701 E. Washington Drive.

The public hearing regarding this matter was held on Monday, October 6, 2008 at 5:30 p.m.

Bob Robbins of Planning & Development gave an overview of the request. This nomination was originally scheduled to come before Council in June, but was withdrawn by the church for revisions; the revisions are now complete and ready to go forward. Mr. Robbins pointed out that he has talked with Jessica Dockery at the State Historic Preservation Office and they are in support of this nomination application since the supporting materials have been extensively revised and additional research has been performed. It is scheduled to go before the NC National Register Advisory Committee on October 16th. He pointed out the church is the oldest African-American church in High Point and also has one of the oldest congregations continually in the City of High Point. Mr. Robbins explained the city's role in the process was to hold the public hearing to receive public comments regarding the request and to issue a statement to be signed by the Mayor if a decision is made to support the nomination application. He added that the High Point Historic Preservation Commission has reviewed the revised application for nomination and supports it.

At this time, Chairman Bencini opened the public hearing and asked for comments in favor of the application.

Dennis Leach, 1600 Staley Road, High Point, addressed Council. On behalf of the members of First Baptist Church he asked for Council's support of the nomination of their church located at 701 E. Washington Drive to the National Historic Register based on its Gothic Revival style architecture. He explained they started the journey nearly three years ago for the nomination, but were informed by their consultant that Jessica Dockery and Ann Swallow from the State Office could not support the nomination at that time. Mr. Leach responded by writing a letter and shared a portion of the letter with Council:

"Dear Jessica and Ann: The significance of First Baptist Church historically to the citizens of High Point and in particular to those of African American dissent are immeasurable. For many years African Americans in High Point assumed that the church had already received the historic designation because of its historic significance as the hub of the black community. Having been organized by a former slave, the Reverent Harry Cowan in 1971, it stands as the oldest black church in High Point. As many as four and perhaps even five of its first pastors were former slaves. As you may already know, history and historically significant records relative to the African American community in the South was sometimes not seen as socially relevant and for the most part does not exist in some of the record books. As a result, relevant historical legacies are being lost and forgotten due to the unwitting collaboration of institutions inside and outside of those communities. At the Neal F. Austin Library, there is a North Carolina Room. In it, there is a collection of annual reports titled, North Carolina Yearbook. Every county is listed and some vital information and statistics from each. Those reports

cover 1901 through 1941 (forty years). If you look under Guilford County and look up High Point, there is a section for churches, but you will not find a single black church listed. In addition, there's a section titled, Hotels and Boarding Houses. The Kilby Hotel which your office designated as a historic site in 1982 is not listed."

He concluded the letter by writing: "In the church there are two theological terms called grace and mercy-these minister hope in the face of shortcomings. In the military there was a term called an exception to the policy. I'm not sure if your office has anything akin to these terms, but if you do I make my appeal to them."

He reported that sometime later their consultant informed the church that the State Office would be willing to support the nomination if we withdrew it from the June date and made their recommended changes and resubmitted it in October, which they did. Mr. Leach informed Council that in 1987, the City of Salisbury stood with the Mt. Zion Baptist Church and as a result, that church was designated as a historic site. He pleaded with Council to make their decision--not because they are an African-American church and not because they are a black church in a predominantly black community--but to make their decision because they are a High Point church trying to preserve over 136 years of history and heritage.

Council Member Alexander asked Mr. Leach if he was aware that any changes made to the church would require submittal of plans for review and all improvements would have to protect and preserve the historic nature of the property and this may add to the church's operation and maintenance budget. There was some question as to whether the designation would apply to the exterior, interior of the structure or both and Mr. Robbins replied that the entire structure is being pursued in the application. Council Member Sims pointed out that the historical designation could also bring additional funding opportunities to the church. Council Member Pugh felt the church fits in well with the Washington Drive revitalization currently underway and thanked them for their contribution to the community and the area for the many years the church has been there.

At this time, Mayor Smothers asked the members who came out in support of the request to stand so they could be acknowledged. [approximately 25 people were present].

Chairman Bencini asked if there was anyone present who would like to speak in favor of the request. There being none, he asked if there was any opposition. There being no opposition, he declared the public hearing closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval and support of the application for nomination of First Baptist Church to the National Register of Historic Places.

Approval and support of the application for nomination of the First Baptist Church to the National Register of Historic Places.

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

080278

A request by High Point University for the abandonment of a portion of an improved 50 foot wide right-of-way known as Fifth Street between Montlieu Avenue and Woodrow Avenue, an improved 55 foot wide right-of-way known as O. A. Kirkman Way, and an improved 40 foot wide right-of-way known as West College Drive between O. A. Kirkman Way and the southern boundary of E. Farriss Avenue.

Note: Council Member Wilkins left the meeting room during the discussion of this matter. Pursuant to N.C. General Statute 160A-75, even though he wasn't physically present when the vote was taken, his vote will be counted in the affirmative because he was not officially excused by Council. He rejoined the meeting after vote was taken on this matter.

The public hearing regarding this matter was held on Monday, October 6m 2008 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-14
September 23, 2008*

Applicant: High Point University Request: Abandonment of the public interest in the following improved right-of-ways: Fifth Street (portion) - that portion of an improved 50 foot wide right-of-way, known as Fifth Street, lying between Montlieu Avenue and Woodrow Avenue. O. A. Kirkman Way - all of an improved 55 foot wide right-of-way known as O. A. Kirkman Way (Montlieu Avenue to W. College Drive). West College Drive (portion) - that portion of an improved 40 foot wide right-of-way, known as West College Drive, lying between O. A. Kirkman Way and southernmost right-of-way line of East Farriss Avenue.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Fifth Street</i>	<i>Local Street</i>	<i>Approx. 50 ft. R/W - 18 ft. paved</i>
<i>O.A. Kirkman Way</i>	<i>Local Street</i>	<i>Approx. 55 ft. R/W - 31 ft. curb & gutter</i>
<i>West College Drive</i>	<i>Collector Street</i>	<i>Approx. 40 ft. R/W - 27 ft. curb & gutter</i>

ADJACENT ZONING AND CURRENT USE

O.A. Kirkman Way and the majority of West College Drive are surrounded by the High Point University campus, which has a zoning classification of Public Institutional (PI) District and Conditional Use Public & Public Institutional (CU-PI) District. The east side of Fifth Street and West College Drive is also zoned CU-PI & PI, while property on the west side of Fifth Street and northwest limits of portion of West College Drive to be closed are zoned Residential Single Family-7 (RS-7) District and is developed with single family dwellings.

BACKGROUND INFORMATION

A similar request was submitted by High Point University in June to abandon the

same right-of-ways of Fifth Street and O.A. Kirkman Way. However, in regards to West College Drive it differed by proposing to terminate West College Drive mid-block, approximately 500 feet south of East Farriss Avenue, at the southern property line of 915 West College Drive. This prior proposal was reviewed by the City Council at their August 4, 2008 public hearing and the property owner of 915 West College Drive, Mr. Scott Morgan, spoke in opposition to the proposal to close O.A. Kirkman Way and portion of West College Drive. He noted that the closure of West College Drive mid-block would affect his regular travel pattern to access Montlieu Avenue and may impact his property value. A majority of the Council members express concerns with the proposed mid-block closure of West College Drive and denied the request. However, some Council members noted that they would be willing to reconsider this request if the West College Drive was terminated at an intersection and if the University owned all property adjacent to the right-of-way proposed to be closed.

In regards to this current proposal, the first area of street right-of-way requested to be abandoned is a 50 foot wide by 305 foot long improved portion of Fifth Street containing approximately 15,250 sq. ft. If approved, this existing right-of-way south of Woodrow Avenue, as platted in Plat Book 173 Page 63, will become part of High Point University, which owns all of the abutting properties.

The second area of street right-of-way, known as O.A. Kirkman Way, requested to be abandoned is a 55 foot wide by 900 foot long improved right-of-way containing approximately 49,500 sq. ft. If approved, this existing right-of-way, as platted in Plat Book 170 Page 76 & 77, will become part of High Point University, which owns all the abutting property.

Lastly, the portion of West College Drive requested to be abandoned is a 40 foot wide by 1,550 foot long improved right-of-way containing approximately 62,000 sq. ft, running from the southern right-of-way line of O.A. Kirkman Way to the southernmost right-of-way line of East Farriss Avenue. The East Farriss Avenue right-of-way is a dual 2-way roadway. The intent of the proposal is to close West College Drive to the southernmost boundary of the two way pair so as to allow the public access of both segments of East Farriss Avenue from the remaining portion of West College Avenue. The University owns all of the property along the roadway to be closed except for the parcel at the southwest corner of West College Drive and East Farriss Avenue (923 West College Drive). The University's representative has noted that it has a purchase contract in place with that owner. Subject to the completion of the purchase of 923 West College Drive, all of the right-of-way that is proposed to be abandoned (as platted in Plat Book 129 Page 144, Plat Book 174 Page 27, and Plat Book 7 Page 159) will become part of the High Point University campus, which now owns all the remaining abutting property.

Public utilities (water, sewer, electric, etc.) are within all three right-of-ways. Consequently, the Technical Review Committee (TRC) has requested the retention

of a city utility easement over the entire area proposed for abandonment.

STAFF ANALYSIS

When reviewing a street abandonment request, the TRC determines if there are any public utilities within the right-of-way and if easements should be retained, and confirms that no property owner would be denied reasonable access to his/her property. The TRC also reviews if public usage of the street is necessary for the safe and efficient movement of traffic in the area. However, the City Council makes the final decision on a street abandonment request; they are not solely limited to the above noted criteria and may consider other factors in its determination.

Approval of this request will eliminate the last remaining public streets in this portion of the campus. West College Drive is proposed to be terminated at the intersection of East Farriss Avenue. The ability for the motoring public to use West College Drive to travel from W. Lexington Avenue to Montlieu Avenue will be eliminated.

The staff reviewed this request and finds that the abandonment of the public's interest and conveyance of the right-of-way to abutting property owner will not deny any abutting property owner reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress. Approval is recommended with retention of a utility easement over the entire width and length of Fifth Street, O. A. Kirkman Way and West College Drive that is proposed to be abandoned.

[end of staff report]

_____*Transcript: Public Hearing 10/6/08*_____

080278 *Resolution - Street Abandonment 08-14 - High Point University*
A request by High Point University for the abandonment of a portion of an improved 50 foot wide right-of-way known as Fifth Street between Montlieu Avenue and Woodrow Avenue, an improved 55 foot wide right-of-way known as O. A. Kirkman Way, and an improved 40 foot wide right-of-way known as West College Drive between O. A. Kirkman Way and the southern boundary of E. Farriss Avenue.

Herb Shannon: This is a request from High Point University to abandon three

public streets along the southwestern boundary of the campus. I believe all the Council members are familiar with this proposal as you reviewed a similar request this summer to close a portion of Fifth Street, all of O.A. Kirkman and W. College from O.A. Kirkman to the southern boundary of Farriss Avenue. The previous request that you reviewed...the only difference is that portion of W. College. The previous request stopped midblock at this location. The only difference in this request is it now extends all the way up the southern boundary of Farriss Avenue. I would not that Farriss Avenue is a dual, two-way street so that both the southern boundary and northern boundary are two-way roadways. With the proposal stopping at this location, both of those streets will still be open and function as a two-way pair. The university owns all the property abutting these right-of-ways except for 923 W. College, this house right here at the corner. The university's representative has noted that they have a purchase contract with that property owner and they're in the process of finalizing that.

In reviewing the street abandonment case, the Technical Review Committee did review this request. They had no objections. The only recommendation was that there are public utilities in all these streets and that easements be retained for those utilities. Also when the Technical Review Committee considers an abandonment case, they look at if easements should be retained, confirm that no property owner is being denied reasonable access. They also look at the public uses of the street to see if it's necessary for the safe and efficient movement of traffic in that area. Those are just the general criteria or policy that the TRC looks at. The Council's not solely limited in that criteria and can consider other issues. Approval of this request would eliminate the ability for traffic to travel from Lexington to the north all the way down to Montlieu, but as we previously noted, there are other side streets that could be used for the traffic to travel north and south between Lexington and Montlieu. After reviewing this request, the Technical Review Committee had no objections as no property owners are being denied reasonable access and they found that the abandonment of the public interest in this right-of-way would not deny any reasonable access of properties subject to having to require the utility easements be retained over those right-of-ways. So the Planning & Development Department is recommending approval of this request. The Planning & Zoning Commission reviewed this item at their September meeting and recommended approval by a vote of 5-1. That's a brief overview since you're familiar with this request. Are there any questions?

Council Member Alexander: Herb, what kind of public comments have you received?

Herb Shannon: At the Planning & Zoning Commission, there was one property owner that spoke. They didn't speak either in favor of or against it, just noted general issues.

Council Member Alexander: Do you know if they had any neighborhood meetings?

Herb Shannon: There were no neighborhood meetings. Notices were sent to all abutting property owners. In this situation, since the university owns all the abutting property, there weren't any notices sent outside of that limit.

Mayor Smothers: Herb, if the Council were to support this tonight, could that closure be subject to the final ownership of that property on the corner? Or maybe that's a question for Mr. Baggett.

Fred Baggett: Theoretically it could, but I would not advise you to do that because sometimes something that's seemingly black and white such as ownership of property may not be black and white. So some significant decision that this street closing would be dependent on some staff members evaluation of an after occurring fact.

Chairman Bencini: So you're saying that we really couldn't be on this in the affirmative or shouldn't until there's proof of ownership by the university?

Fred Baggett: Well the ownership of a piece of property abutting a right-of-way that you're considering closing has nothing to do with the issue-not your ability to close it, not the issues that you're supposed to consider when you do decide a street closing.

Chairman Bencini: But the ownership of this property is not....if it's not owned by the university and we close a public right-of-way denying access to that property....

Fred Baggett: This is a corner lot and they have access the other way.

Council Member Sims: But they would have to.....are they responsible, then, for putting in whatever access points will be needed?

Fred Baggett: Yes.

Chairman Bencini: Okay. That's not considered unreasonable to make them put a driveway into another adjacent street?

Fred Baggett: No. I'm just giving you the legalities. What you actually consider is up to you, but the ownership is not necessarily critical.

Mayor Smothers: Well perhaps when the university gets up here to comment, they can tell us what the problem is.

Chairman Bencini: Thank you, Herb.

Council Member Faircloth: Herb, one other question....cover again for me and

I'm sorry I missed it, but cover again for me the public right of access after this action was taken if we were to approve the action.

Herb Shannon: I think the main issue that staff had pointed out is that currently you can travel from Lexington Avenue along W. College. If this proposal is approved, you will no longer have that as a public right-of-way. The public would still come down W. College and go down Fifth and around-it would not be a straight shot.

Council Member Faircloth: The college is not granting access to the public to go through there?

Herb Shannon: If it's no longer a public right-of-way, the property owner could leave that open for the public to use, but they could also close it off in the future.

Council Member Faircloth: They have not agreed to do that as a condition?

Herb Shannon: We cannot condition it. Once you abandon a right-of-way, you're giving up all public interest in that right-of-way. Any ability for access would be up to the property owner.

Mayor Smothers: Given the easements that are required to be held by the city, it is unlikely that anything is going to happen on them that would inhibit our access to the easements.

Herb Shannon: It would not restrict the city for accessing those easements as far as maintaining those facilities, but there's no guarantee that....you know there would always be a paved area. It could become a pedestrian area, a grassed over area. No buildings could be placed over it, but there is no guarantee that you will always have a paved area there.

Mayor Smothers: IF they are going to take a big truck in there that's going to dig up something, I would expect that we'd need to get to it.

Herb Shannon: As long as it is an open area and no buildings are over it, we have easements throughout the city that there's just an easement area and it's grassed over.

Council Member Alexander: Herb, I've got a technical question to ask. I don't know whether you or Bob could answer it. If this road closure occurs and if it is divided equally between the property owner on each side which would be the university, would the road surface then be added to the impervious surface figure for the university?

Herb Shannon: I do not believe we would penalize them on that since it's been in place.

Council Member Alexander: No, but when you figure overall impervious surface on that complex, would it not be added to that? If you figured what the impervious surface was on that property you're going to come up with.... Okay so if they put in roundabouts or add things like that, that's modifying that and that would add to their impervious surface. When figuring what the impervious surface would be, that's going to be included in acreage that they would have. When you figure acreage, it's going to add to the overall surface area.

Herb Shannon: It would add to the technical impervious area amount, but they would not have to provide stormwater management for that impervious area because it's been grandfathered in.

Council Member Alexander: Right, but for future areas in figuring impervious surface, they're going to have more impervious surface once that becomes a private street than just leaving it as a public street.

Bob Robbins: Mr. Alexander, the base that we use to calculate additional impervious surface...this would be added, essentially, in that base amount and technically they will add a certain number to what they had before as existing, but they would be treated as existing so unless they were to widen the pavement or add additional pavement....so as it stands it would simply be added in and treated as an existing non-conformity.

Council Member Alexander: But as long as it is a public street, it's not part of their impervious surface?

Bob Robbins: That is correct.

Chairman Bencini: Thank you, Herb. Anyone else present care to speak in favor of this request?

Gart Evans: Good evening, Mayor Smothers and ladies and gentlemen of Council. My name is Gart Evans. I reside at 3634 Malibu Drive in High Point and I'm representing High Point University. I am speaking and asking your request to approve Agenda item 080278 Resolution on these three street abandonments. If you'll allow me, I have a slide presentation that I'd like to show you. This is an aerial view of the university taken just a short time ago. You will see that the area that we are requesting to be privatized now runs right through the middle of our campus. At one point, most of you are aware, this was probably the western boundary with just a few buildings to the west of it. We now have a major academic building being constructed right here-the Wilson Family School of Commerce. We have a major academic building being built here-the Qubein School of Communication. We have added a major dormitory right here. We have already some existing dormitories there, dormitories right here and we have a very, very large project now underway called the multiplex right here at the corner

of N. and W. College. When we came before you before, as Mr. Shannon indicated, we were stopped there at 915 W. College; we've now acquired the property at 917. We had already owned the property at 919. We own the property at 921 and as indicated we have a contract on 923 since August 1st and it is certainly the intent of the owner to get that settled as soon as possible with the university. It is an issue that he has been dealing with-not the university in reference to being able to settle on that. In fact, the owner has moved out of that residence and has asked for some city permits to start closing that property for our acquisition. We are to that point and I want to make that very clear. It's certainly not because of the university that we don't already have possession of that property and again that copy of the contract was given to Mr. Shannon and it was signed I believe on August 1st.

Chairman Bencini: Excuse me, what do you mean by city permits in order to close the property?

Gart Evans: Mr. Bencini, there's a pool there. The pool's being closed, so he's already asked for a permit to close that pool. As indicated you can see where, again, the area where we're discussing-O.A. Kirkman, W. College down here to Farriss. I indicated that the new multiplex is being constructed there on the corner of N. and W. College. We're talking about the safety of students and with this new multiplex, we're adding an additional 275,000 square feet of student space. It will include several new dining facilities that will then be the hub of the residential area on campus. We are moving our student clinic and health service to that facility. We are adding our campus post office from the current Slane Center. We are moving our university bookstore. So most of our student services that are now located in other areas of the campus will in fact now be in this new multiplex. We will have student meeting and activity rooms, a faculty lounge. Every person on campus will go there several times each day-students, faculty and staff-because of the facilities there. Again, in addition and as part of this new multiplex, we'll add 500 beds of dormitory space.

Again, we're talking about the crossings, pedestrian safety in our streets. This now as I have indicated is really the center of our campus. There may be up to 20,000 human crossings per day once this multiplex is open. There are many more bicycle users on the campus as the campus has expanded. Many of our students have gone to riding their bicycles to get around campus. Many of the athletic events are bringing more crowds. We had a sell-out crowd for our women's soccer match this past Saturday night in addition to having a campus visitation as far as family and alumni weekend-again perspective student events bringing thousands. We had approximately 3,000 visitors to the campus this past weekend. We have guests on golf carts everyday going across that particular area and all through the campus as we show guests and visitors to the campus. We will add raised pedestrian crossings as we already have on several of our internal streets on campus. We will place one of our safety officers at the top of the hill where we have a limited site distance. We will reduce the speed limit probably to 15 m.p.h.

in that area. The aesthetics as we have indicated, we'll be adding fountains, signage and brick sidewalks as we have throughout the campus and as I get to the end of this, you'll see again we have a streetscape. We have an artist's rendering of what we think O. A. Kirkman will look like when we are finished again with the additional aesthetics.

As we've indicated, we will not close these streets. They will remain open. We have many parking lots. We need access to the buildings ourselves and it is our intent to improve these streets, not certainly close them. They will still remain open and public thoroughfares. We will keep the streets open to the public. It is not our intent as I've stated before, to put gates across these streets. We may have some visitor's stations there, but they will not be gated. We will pay for the street sidewalks and the lighting. The aesthetics that we've indicated that will improve these areas as far as aesthetics and we will pay for the paving of the streets. As you have seen there, we have done a major project with the city, with Time Warner and with North State Communications on placing underground utilities along O.A. Kirkman and W. College. The pavement has been a shambles for the last several months because of all this utility work. The university to date has invested about 1.1 million in that expense. Our agreement with the city was that they would incur the expense for approximately \$140,000 and right now we are ready to take care of that \$140,000 as soon as we receive that bill from the city. But again, we will repave all of those streets. Again, O. A. Kirkman coming down W. College all the way down to W. Farriss and then again, the hub will be this multiplex. Several years ago, the city privatized and allowed us to close this section of W. College. Again this has been several years now. You see that that has remained open as far as access to the parking lot and access to the rear of these buildings. We have not indeed closed that section of the street although it has been turned over to the university.

My last slide is the streetscape. This is how we hope it will look. I have a copy for you. This is looking from the current circle at the chapel. Looking west you'll see the School of Commerce on your left, the School of Communication on the right and just beyond the School of Communication and you really don't see that on the streetscape, but right here, right in this area here will be probably our next addition and that will be another academic building, School of Education. So along O.A. Kirkman as I've indicated.....[tape changed to Tape #2, Side A].....on another academic building, our School of Education will be located right here.

Student safety, faculty and staff safety, visitor safety is certainly a concern that we have. We hope that by putting these raised areas across, the crosswalks by slowing the speed limits down, by putting our safety officers there to help direct traffic, that we will be able to not only work with this but actually improve what we currently have. Are there any questions that I can help address from members of Council?

Council Member Faircloth: Mr. Evans, if I might, can you speak to keeping the

road open for public access that does not mean that if there were, let's say a major event going on like a graduation or something going on that required for some reason you'd have vehicles along that road or what have you, the school would reserve the right to close it for an event if necessary. I don't think you're saying that it will always be open, are you?

Gart Evans: Mr. Faircloth, you are correct. There may actually be times when we would close portions of it temporarily and we have done that already from time to time requesting assistance with the city when we have some major events just because of the congestion and traffic flow and patterns coming in and out of there, so yes sir. What we're saying is we're planning on leaving that open as far as public thoroughfare, not coming in and meandering around, but certainly being able to pass through there as needed.

Council Member Sims: Mr. Evans, in your discussions with staff, did you ever have any discussions around perhaps doing the same streetscaping that you're recommending now without having to close the streets to achieve that? Did they tell you that it wasn't possible? That it could not be done? Was there any discussion around doing this absent of closing the street?

Gart Evans: No, there was not. Our only discussion was several years ago without some walkways and crossings there on W. College at that point, we were told we would not be able to do that because of the limited site plan. But no, there was no discussion with staff on being able to do these aesthetics.

Council Member Alexander: Mr. Evans, if the city could accommodate all of your request, would you need to close the street?

Gart Evans: Mr. Alexander, our request is that we be able to privatize these streets and that they be able to come....

Council Member Alexander: What would you say is the difference in accommodating all of your request and keeping the street a public street versus accommodating your closure of the street?

Gart Evans: Mr. Alexander, when I look at this and see that this now runs through the very center of our campus and we can have as many as 4,000 students crossing back and forth there, nothing certainly against the city, we have an excellent relationship, but I would much rather that we'd be able to work with that.

Council Member Alexander: Okay, but if you're not going to limit public access, then what you're saying is you're not going to change the traffic flow on the street and if you are also saying that the city has worked with you anytime you needed to close the street because of a specific event, I would think that would continue. So the issue boils down to why not leave it a public street because there are citizens who still live along that street and in fact I believe there are seven plus the house

you don't own now at the corner of Farriss. If you could accomplish all of your goals, the only issue is we want to privatize it versus let it remain a public street.

Mayor Smothers: Who would enforce the change in the speed limit?

Council Member Alexander: It would have to be....the only people that could enforce speed limits, the way I understand it, would be sworn officers. I don't believe security guards can enforce a speed limit on public streets. Okay so your security patrol would have the ability to ticket and fine anyone public or student?

Gart Evans: No.

Council Member Alexander: So your speed limit's unenforceable without High Point Police there.

Chairman Bencini: It's enforceable to the student code of conduct.

Gart Evans: Mr. Alexander as Mr. Bencini is indicating, we currently deal with our students, our faculty and our staff through internal controls as far as disciplinary action.

Council Member Alexander: But it's out of the question if we allowed you to make all the improvements that you wish for that to remain a public street?

Gart Evans: Mr. Alexander, we are asking for City Council's approval to privatize it. We think that would be in the best interest.

Council Member Alexander: So it's out of the question then?

Mayor Smothers: It isn't the question.

Council Member Alexander: But they wouldn't consider that.

Council Member Faircloth: Mr. Bencini, a couple more questions. Mr. Evans, you indicated 20,000 pedestrian crossings per day? Mr. McDonald could you comment on how that would compare with some other street in our city as far as pedestrian traffic? Do we have a comparable?

Mark McDonald: I don't think we have anything that would come anywhere close to that.

Council Member Faircloth: So it is a true safety issue with the speed limit through a crowded place like that?

Mark McDonald: It certainly could be with the growth of the university on both sides of the street and the movement of the students, faculty and staff. It's certainly

unlike anything that we have experienced anywhere else in the city except during Market.

Council Member Faircloth: Thank you. Mr. Evans, one other question. I know that you and the others working with the university have considered all the safety questions involved with the growth out there, but we've had some very, very unfortunate situations around our country at college universities and does the....are we offered any better feeling of protection with our students while they're a part of our community if this is privatized than if it were public? Have that been taken into account at all?

Gart Evans: Mr. Faircloth, we certainly would hope so. Yes sir. By increasing our safety patrols on those areas, if we are to build our visitor's stations and safety staff would be in there even if they weren't staffed constantly. But, yes, our wish is that we help with the total picture of safety and security on our campus through there.

Council Member Faircloth: And one final question....has the university given consideration to having a campus police designation for your officers rather than security?

Gart Evans: Mr. Faircloth, I think that we have certainly looked at that and continue to look at that. There have been many changes made in the last three to four months in our safety, security force there-both in technology and manpower and other ways and I think that this is certainly something that will be looked upon in the future as a possibility.

Council Member Faircloth: If you did move to campus police, they would then have all the jurisdiction on and around the campus that the High Point Police Department has?

Gart Evans: Yes sir, they would.

Council Member Faircloth: Thank you.

Chairman Bencini: Any other questions of Mr. Evans? Thank you, Gart. Anyone else care to speak?

Barbara Geddy: I'm Barbara Geddy. I live at 1701 Chestnut Glen Way. This is my first council meeting. My notes are now irrelevant due to everybody's comments. I'm coming as a citizen, as a nursing instructor for UNC-Chapel Hill, UNC-Greensboro, A & T University School of Nursing. I've worked on all of those campuses as well as some other schools of nursing and have seen these traffic patterns where you have students on public streets as well as students on private streets. My primary concern is safety and I think that Gart has already spoken well to those concerns. I have worked this area in years past as a public health

nurse and also as an instructor for High Point students that were matriculated at A & T School of Nursing. There is so much traffic going on out there. I'm currently on the Board of Directors of the Alumni Association. I'm not representing the board; I'm here as a private citizen. But having been taken all around the campus, instructed in some of the things that are going on, as a citizen, as an instructor, as a board member, I'm very concerned about the safety. When I look at the topographical view that we were given a few minutes ago and seeing that this goes right through the middle of campus, I do feel like it would be much better regulated if it were under the authority of the university and the right-of-way was abandoned-the street was abandoned. Thank you.

Chairman Bencini: Thank you very much. Mr. Mays would you like to speak?

Clayton Mays: Thank you. I'm Clayton Mays. I live at 1001 W. College Drive and I'm at the corner....there at the very top of the map....that corner lot just across from the 923 that has been under discussion. Just a quick side line on that about access...if you're familiar with that lot, somebody's going to have a terrible time getting access into that property if it does not finally end up with the city because there's a huge bank on the E. Farriss side and there's not much room to grade.

Mayor Smothers: You mean the university don't you, Mr. Clayton.

Clayton Mays: I beg your pardon?

Mayor Smothers: You said if it doesn't end up with the city...didn't you mean the university?

Clayton Mays: I'm sorry, yes, that's right. The point I made was that I had spoken at the Planning & Zoning Commission meeting on September 23rd and I acknowledged an understanding and appreciation of what it is that High Point U is wishing to do. I do understand it and I think I do appreciate it and there are a lot of things about it that I really really like and the speed control of traffic is one thing and whether it would spread into my end of W. College, I don't know, but it certainly would be appreciated if it does and maybe they would put a speed bump just right in front of our house and that would be nice to have. But anyway, the points that I....some of the points that I had on my notes have all been well addressed and there's no need to go into those again. I would just mention two. These actually have been mentioned in passing somewhat and I think we need to be aware that whatever action the city takes and regardless of this administration, this time, these events, they can change overnight. So I think anything you do, you do have to assume if you privatize, there can be no further regulations of any kind. That's just simply, as I understand it, the legal position that we would all be in as citizens and the government of the City of High Point. The non-gated business, I think this administration truly intends to have things non-gated and that's fine. Again, if there is a need to control any kind of undesirable access whether it be

pedestrians, vehicles or whatever it might be, then they'll have to bend their promise well it's not a promise, but their statement of what their intent is to do and go ahead and make provisions to control that.

The other thing that came up I believe earlier was that whether or not a joint effort could accomplish all of this except for this ultimate final control. I think of UNC-G and Spring Garden Street and those of you who have been around long enough to remember what that used to be like....it was an eyesore and I'm sure it must have been a campus headache, but now it's been beautified. It's got crosswalks, shrubbery, a median-they've got all kinds of things I assume helps the impression of the campus as well as hopefully the safety too. The safety aspects are important to everyone. Again, I mentioned this before in an earlier presentation, that we think our students, by the time they're in the university, that they have become adults and that they can watch out for traffic and look after themselves. Again, you can cite all kinds of schools where that is the case. You can cite some that are gated and where access potentially is fully controlled. So I guess I'm saying that it really does not our particular situation so long as nothing else happens on our end of the street. We can get in and out very easily the way we ordinarily travel and whether or not the people on this side...on the South side of Montlieu and residents of Barbee....how much of an inconvenience that would be for them, I'm confident a lot of them do use that present access more direct over to the College Village area and they would find other routes no doubt. But that's something out of my knowledge entirely.

We would like to see the very best for the university and also for our town, our citizens and no doubt how important the university is to us in every regard, but I believe there's a little bit of resentment in the community that perhaps we're not heard all the time, we don't get to say what's bothering us. Then maybe some of the things such as the frat house things brought out earlier, that some of those things are sticking in the crawls and we don't know any way to get it approved. I appreciate your attention and I appreciate all that you do to try to control and make better all of these things-knowing that you can't satisfy everybody even half the time much less all the time. Any questions or any comments that I can address?

Council Member Alexander: Mr. Mays, you've lived there for a long time and you've seen traffic certainly year around, 24/7. Just an opinion, how much traffic is internalized campus traffic and how much traffic is traffic that isn't associated with the campus?

Clayton Mays: It would be a wild guess. When it's time for classes, I can just about tell you it's a race track up and down there and then at the end of the day and at lunch time, you just take your life in your hands trying to get out of our driveway. I don't know if they're breaking speed limits, but it sure seems like it a lot of the time. But I think I would just guess that there's probably a minimal amount of citizen traffic to be honest unless there's some event happening you

know like the ballgames on campus. Like a sellout at the soccer field, they line both sides of our street and go around the corner for quite a distance. That's okay as long as they don't continue throwing stuff in our yard.

Council Member Alexander: Does that create a site problem for you and the other neighbors in the area?

Clayton Mays: Somewhat, but as you can imagine they park right up to the driveway because there's not a lot of parking spaces. Once the games get underway, or whatever's happening, it's not that much of a problem because the traffics through except for stragglers. Yes, it is somewhat of a safety hazard.

Council Member Alexander: And if they park on both sides of the street, could two cars pass on that street?

Clayton Mays: I think on E. Farriss is the only place they park on both sides of the street. I think on W. College it's just the west side because it's not quite wide enough and there's no shoulder, as you know, on the east side of W. College. Thank you very much.

Chairman Bencini: Thank you, Mr. Mays. Anyone else care to speak? [none] Seeing no one, I'm going to close the public hearing. At the beginning of our conversations about the privatization, the right-of-way abandonment, there really were three issues that I thought were important. First, was the reimbursement to the city of the expenses that we incurred in participating with burying the utility lines. It sounds as if the university has agreed to do that. The mid-block privatization never made any sense and that obviously has been resolved and then tonight I heard a public declaration from representatives of the university that there is no intent to limit public access to these streets if they were to be privatized. Based on having those concerns dealt with, I'm perfectly willing to go ahead and make a motion that we privatize these streets or abandon the right-of-ways as requested by the university.

Council Member Pugh: Second.

Mayor Smothers: And retaining the easements as specified.

Chairman Bencini: Yes, that would be part of it.

Mayor Smothers: Any further.....

Council Member Alexander: I'd like to make a substitute motion to allow the university to make any and all decorative and safety improvements on O.A. Kirkman and W. College Drive while allowing the city to retain that as a public street until such time that they own the entire length of W. College Drive. This accomplishes everything that the university desires, yet still provides for the seven

citizens, seven households that live along W. College Drive the opportunity should they desire to travel that road unencumbered.

Mayor Smothers: Is there a second?

Council Member Sims: I'll second that.

Mayor Smothers: There's a substitute motion and a second. As I understood it, Mr. Alexander wants to allow the university to make improvements in regards to safety and aesthetics as they chose. I presume the safety would also include speed limit....or would that have to come back?

Council Member Alexander: Any improvement they feel is necessary for safe conduct by the pedestrians as well as by the automobiles.

Mayor Smothers: Setting the speed limit would have to come back to City Council, but it would be on recommendation.

Council Member Alexander: We could do that at our next meeting.

Mayor Smothers: And leave the street open until they acquire all property going all the way to Lexington. Does that include everything?

Council Member Alexander: Yes ma'am.

Mayor Smothers: You've heard the substitute motion. Is there any discussion on the substitute motion? If not, all in favor, please raise your hand. One, two....those opposed? So that would be..., Mr. Wilkins would have been in favor of that, so it would be three to five. [dissenting: Mayor Smothers, Mayor Pro Tem Whitley and Council Members Bencini, Faircloth and Pugh] [Council Member Stahlmann was absent]

Those in favor of the main motion, which is per Mr. Bencini's motion for the reimbursement of the utilities, closing at Farriss and no intent to limit the public access. All in favor, say Aye or raise your hand. That's six. Those opposed? Mr. Alexander and Ms. Sims. [6-2 vote] [Dissenting were Alexander and Sims] [Council Member Stahlmann was absent]. Thank you, the motion passes.

[end of transcript]

Adopted resolution authorizing the abandonment of a portion of an improved 50-foot wide right-of-way known as Fifth Street between Montlieu Avenue and Woodrow Avenue, an improved 55-foot wide right-of-way known as O. A. Kirkman Way, and an improved 40-foot wide right-of-way known as West college Drive between O. A. Kirkman Way and the southern boundary of E. Farriss Avenue including the reimbursement of the utilities, closing at Farriss and no intent to

limit the public access.

Resolution No. 1455/08-97

Introduced

10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 97

A motion was made by Council Member Bencini, seconded by Council Member Pugh, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Council Member Whitley, Mayor Smothers, Council Member Wilkins, Council Member Bencini, Council Member Faircloth and Council Member Pugh
Nay: Council Member Alexander and Council Member Sims
Absent: Council Member Stahlmann

080279

A request by the Technical Review Committee to abandon a 14 foot wide unimproved right-of-way located along the west side of Campbell Street, opposite Edgeworth Street.

The public hearing regarding this matter was held on Monday, October 6, 2008 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-15
August 26, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in an unimproved 14 foot wide right-of-way located along the west side of Campbell Street, opposite Edgeworth Street.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Campbell Street</i>	<i>Local Street</i>	<i>Approx. 50 ft. R/W - 22 ft. paved</i>
<i>Edgeworth Street</i>	<i>Local Street</i>	<i>Approx. 40 ft. R/W - 19 ft. paved</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RS-7</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>South</i>	<i>RM-8</i>	<i>Multi-family Residential</i>	<i>Single Family Dwelling</i>
<i>East</i>	<i>RM-8</i>	<i>Multi-family Residential</i>	<i>Single Family Dwelling</i>
<i>West</i>	<i>RM-8</i>	<i>Multi-family Residential</i>	<i>Single Family Dwelling</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 14 foot wide by 150 foot long unimproved right-of-way containing approximately 2,100 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners.

If approved, this existing excess right-of-way, as platted in Plat Book 2 Page 30, will be equally divided between the properties to the east and the west of the unimproved right-of-way. The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. The retention of easements will not be requested, as no infrastructure is within the right-of-way.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak regarding this matter. There being none, the public hearing was declared closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution authorizing the abandonment of a 14-foot wide unimproved right-of-way located along the west side of Campbell Street, opposite Edgeworth Street.

Resolution No. 1456/08-98

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 98

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

080280

A request by the Technical Review Committee to abandon a partially improved right-of-way, known as Part Court, located west of Park Street between East Russell Avenue and East Green Drive.

The public hearing regarding this matter was held on Monday, October 6, 2008 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-16
August 26, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in a partially improved right-of-way, also known as Park Court, located west of Park Street between East Russell Avenue and East Green Drive.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Green Drive</i>	<i>Major Thoroughfare</i>	<i>Approx. 70 ft. R/W - 50 ft. curb & gutter</i>
<i>Park Street</i>	<i>Local Street</i>	<i>Approx. 40 ft. R/W - 18 ft. paved</i>

Adjacent Zoning and Current Use

All land abutting the proposed street abandonment is owned by Slane Hosiery Mills, Inc. and zoned light industrial. While the current use of the facility is for manufacturing clothes, the subject area adjacent to the abandonment is used for parking and loading docks.

STAFF ANALYSIS

The right-of-way considered for abandonment is approximately 0.21 acres in area and varies in width. The north/south segment is a 10 foot wide by 215 foot long partially improved right-of-way containing approximately 2,150 sq. ft. The east/west segment is a 35 foot wide by 375 foot long partially improved right-of-way containing approximately 13,125 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owner, which in this case is Slane Hosiery Mills, Inc.

The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. The retention of easements is not needed, as no infrastructure is within the right-of-way. The current improvements to the right-of-way are privately maintained.

The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner as regulated will not deny the abutting property owner reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak regarding this matter. There being none, the public hearing was declared closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution authorizing the abandonment of a partially improved right-of-way known as Park Court, located west of Park Street between East Russell Avenue and East Green Drive.

Resolution No. 1457/08-99

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 99

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

080281

A request by the Technical Review Committee to abandon an unimproved right-of-way, known as East Willis Avenue, located west of South Hamilton Street approximately 125 feet north of East Ward Avenue.

The public hearing regarding this matter was held on Monday, October 6, 2008 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

CITY OF HIGH POINT

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

STREET ABANDONMENT CASE SA08-17

August 26, 2008

Applicant: Technical Review Committee Request: Abandonment of the public interest in a partially improved right-of-way known as East Willis Avenue located west of South Hamilton Street, approximately 125 feet north of East Ward Avenue.

Street Classifications

Street Name Classification R/W and Pavement Width

S. Hamilton Street Major Thoroughfare Approx. 55 ft. R/W - 25 ft. paved

Adjacent Zoning and Current Use

North MS Main Street Single Family Dwelling

South MS Main Street Convenience Store

East MS Main Street Vacant Lot

West MS Main Street Thrift Store

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 20 foot wide by 130 foot long L-shaped partially improved right-of-way containing approximately 3,250 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned.

If approved, this existing excess right-of-way will be equally divided between the abutting property owners. The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. The retention of easements will not be requested, as no infrastructure is within the right-of-way.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is

not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak regarding this matter. There being none, the public hearing was declared closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way known as East Willis Avenue, located west of South Hamilton Street approximately 125 feet north of East Ward Avenue.

Resolution No. 1458/08-100

Introduced 10/06/08

Adopted 10/06/08

Resolution Book Volume XVI, Page 100

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

Special Recognition: Seven Seals Award

Tom Tadlock representing the ESGR (Employer Support of the Guard and Reserve) Committee introduced himself and recognized Mr. Johnny Dwiggins, the Immediate Past State Chairman and Executive Director of the Committee. On behalf of the Secretary of Defense, Mr. Dwiggins complimented Chief Fealy and the City of High Point for its tremendous support of Guard and Reserve members.

Mr. Dwiggins retold the story of Officer Ken Leonard, who was a High Point policeman for approximately ten years. In 2004, he decided to leave the department and apply for service with a military contractor in Iraq training police officers for the Iraqi government in support of Operation Iraqi Freedom. In 2005, while in Iraq, he ran his vehicle over a land mine and both feet were severed in the accident. After recovering from the accident, he came by to High Point and asked Chief Fealy for his job back. The Chief agreed, but let him know that there would be no special considerations and he would be required to pass the test just as everybody else is required. After a year of training, Mr. Leonard passed the test and earned his position back on the Police Department. He commended Chief Fealy for his efforts in helping Ken Leonard.

At this time, the Seven Seals Award was jointly presented to Mayor Smothers and Chief Fealy. The award covers the full spectrum of all seven branches of the Reserve components and it represents all the 1.2 million great young American patriots who serve.

*Meeting Reminders**Briefing Session*

Council Member Sims reminded Council that there would be a briefing session for Council on the revisions to the Solid Waste Ordinance on Tuesday, October 7th at 4:00 p.m. and she highly encouraged all Council Members to attend.

Planning & Development Committee

Chairman Bencini reminded Council that the Planning & Development Committee would also meet at 9:00 a.m. on Tuesday, October 7th to discuss the High Point University Land Use Plan.

Allen Jay Rec Center Dedication

Council was reminded of the Allen Jay Dedicatin at 10:00 a.m. on Thursday, October 9th.

PART

Mayor Smothers informed Council she had received a request from Brent McKinney regarding CMAQ funds. She also noted PART would be meeting on Wednesday, October 8th at 8:30 a.m. and would hear a presentation from Nancy Dunn- NCDOT Board Member (Division 9) where the Yadkin River Bridge crosses

and there would also be someone from the Toll Authority present at the meeting.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:25 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk