

City of High Point

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



Minutes

Monday, August 20, 2012

4:45 PM

Council Chambers

Committee of the Whole

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley (Ward 5); and Council Members Latimer B. Alexander, IV. (At-Large); Britt W. Moore (At-Large); Bernita Sims (Ward 1); Foster Douglas (Ward 2); A. B. Henley, III (Ward 4); and James Corey (Ward 6) were present.

Council Member Michael D. Pugh (Ward 3) was absent.

Mayor Smothers called the meeting to order; the Pledge of Allegiance followed.

Present 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent 1 - Michael Pugh

FINAL ACTION TAKEN AT THIS MEETING

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

This action cancels the meeting scheduled for Thursday, August 23, 2012 at 9:00 a.m.

PRESENTATION OF ITEMS**FINANCE COMMITTEE**

*Chaired by Council Member Alexander
Committee Members - Whitley, Smothers, Corey*

(all were present)

[120216](#)

Contract - Piggyback Bid with the City of Winston Salem - Sludge Thickening Polymer

Award of contract for Piggyback Bid with the City of Winston Salem for the purchase of Sludge Thickening Polymer in the amount of \$330,000.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Contract - Sludge Thickening Polymer.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved contract for Piggyback Bid with the City of Winston Salem for the purchase of sludge thickening polymer in the amount of \$330,000.00 which is the lowest responsible and responsive bidder meeting specifications.

**A motion was made by Alexander, seconded by Whitley, that this matter be approved.
The motion carried by the following vote:**

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120217](#)

Contract - State Contract - Dial-A-Lift Vehicles

Award of contract to purchase three (3) Light Transit Vehicles using the State Contract for the Dial-A-Lift service. Purchasing and the Transportation Department recommends that contract be awarded to National Bus Sales & Leasing, Inc. in the amount of \$140,097.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Contract - Dial A Lift Vehicles.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved contract with National Bus Sales & Leasing, Inc. in the amount of \$140,097.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Alexander, seconded by Corey, that this matter be approved. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

120218

Professional Services Agreement - Arc Flash Assessments

City Council is requested to approve the following actions:

- (1) Award master professional services agreements with Sturgill Engineering and Arcadis G & M for the City's needed arc flash hazard assessments to meet the mandates of a safe workplace for employees; and
- (2) Authorize the City Manager to execute supplemental professional service agreements with Sturgill Engineering in the amount of \$235,500 and with Arcadis G & M in the amount of \$143,300 for the arc flash assessments in the water and sewer facilities.

Attachments: [Contract - Arc Flash Assessment.pdf](#)

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Council Member Douglas asked about the qualifications and if the city has anyone on staff that would be authorized to perform these duties. Terry Houk, Assistant Director of Public Services, explained it would have to be a licensed electrical engineer, or an engineer with a P.E. stamp and noted the city does have some PE's on staff. He further explained that the way the contract is set up, he would run the calculations any time any modifications are done to the facilities. Mayor Smothers pointed out these are requirements that have come down from the federal government and the State Department of Labor. Council Member Moore asked about funding and Mr. Houk replied it is in the budget as part of the CIP program.

Approved contract with Sturgill Engineering and Arcadis G & M for the City's needed arc flash hazard assessments to meet the mandates of a safe workplace for employees; and authorized the city manager to execute supplemental professional service agreements with Sturgill Engineering in the amount of \$235,500 and with Arcadis G & M in the amount of \$143,300 for the arc flash assessments in the water and sewer facilities.

A motion was made by Alexander, seconded by Whitley, that this matter be approved. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120219](#)

Ordinance - Transfer of Franchise - WI High Point Landfill, LLC

Council is requested to adopt an ordinance transferring a franchise from WCA of High Point, Inc. to WI High Point Landfill, LLC for construction and demolition landfill and reclamation operation at 5830 Riverdale Road, High Point, NC.

Attachments: [An Ordinance Approving the Transfer from WCA to WI.pdf](#)
[Signed Ordinance - WI Landfill High Point.pdf](#)

Ordinance No. 6942/12-58

Introduced 8/20/2012; adopted 8/20/2012

Ordinance Book, Volume XVII, Page 132

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting. During the Finance Committee meeting, Assistant City Attorney Fred Baggett explained Council has already approved the Transfer of the Franchise from WCA of High Point, Inc. to WI High Point Landfill, LLC with the 1st Reading on April 2, 2012 and the second reading on April 16, 2012, but the North Carolina Department of Environment and Natural Resources (NCDENR) has requested it to be in ordinance form.

To comply with NCDENR's request, the Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted an ordinance transferring a franchise from WCA of High Point, Inc. to WI High Point Landfill, LLC for a construction and demolition landfill and reclamation operation at 5830 Riverdale Road in High Point, North Carolina.

A motion was made by Alexander, seconded by Whitley, that this matter be approved.

The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE

Chaired by Council Member Sims

Committee Members - Alexander, Douglas, Corey

(all were present)

[120220](#)**Ordinance - Demolition of Structures - Meredith Street - Schwarz Properties**

Adoption of an ordinance ordering the inspector to effectuate the demolition of the following structures owned by Schwarz Properties, LLC:

501 Meredith Street (A,B,C,D)

503 Meredith Street (A,B,C,D)

505 Meredith Street (A,B,C,D)

507 Meredith Street (A,B,C,D)

509 Meredith Street (A,B,C,D)

511 Meredith Street (A,B,C,D)

513 Meredith Street (A,B,C,D)

Attachments: [Demolition - 501-513 Meredith Street.pdf](#)

Chairwoman Sims reported that Council has been dealing with this action for a little over a year with an expectation that the repairs would have been completed by now and these units put back in service; however, the property owner is no where near completion on a majority of these properties (one building is complete (but no CO has been applied for), another building is about 25% complete). She explained that it was Council's intent based on the last discussion that took place on June 18, 2012, to proceed with an ordinance to demolish those properties that have not been completed. She asked City Attorney JoAnne Carlyle to brief Council on the status.

Ms. Carlyle acknowledged that staff is ready to move forward and bring this case before Council for demolition of these properties and staff would like some direction from Council as to this effect and to proceed with providing notice to Mr. Schwarz (which requires at least 30 days notice).

At this time, Chairwoman Sims invited Mr. Schwarz's attorney, Ben Albright to come forward.

Ben Albright, 101 Weatherly Square, Ramsuer, North Carolina, attorney representing Mr. Schwarz, addressed Council. He informed Council that he received a letter last week from Ms. Bossi indicating that they had made a deal with the city to do one building per month and although he did personally propose this on behalf of Mr. Schwarz, the deal was rejected by Ms. Bossi as well as the City Council. He relayed that Mr. Schwarz would like to make the necessary repairs to the buildings and did not want his buildings demolished. He cited major problems with on-going vandalism and a lack of police protection making it impossible for him to complete the repairs. Council Member Corey suggested the best way for him to protect his property might be to have some type of private security augmented by the High Point Police Department. Mr. Albright shared that Mr. Schwarz has tried a number of things, including giving an apartment to

a manager that would look over each building, but none of them have been successful.

Chairwoman Sims explained the only reason this was on the agenda for consideration was because it was her understanding that it was agreed that he would do one building a month. She pointed out that although Mr. Albright felt the offer was not accepted, it still did not preclude Mr. Schwarz from being able to get those buildings completed within this time frame. Council Member Alexander noted that he is ready to move forward with the demolition. Mr. Albright reiterated that Mr. Schwarz would like to keep his apartments and do what he needs to do to make it an income producing property.

Mayor Smothers noted that although one of the buildings has been completed, there has never been a call for a CO or a final inspection-walk-through. She reiterated that this has been going on indefinitely and the Council is dealing with an aggravated community, that is not only aggravated with Mr. Schwarz, but has questioned the Council on why it has been allowed to continue so long. Council Member Douglas totally agreed. He also questioned Mr. Schwarz's motives because it has been way beyond a year and pointed out the community continues to suffer as a result of Mr. Schwarz's inactions. The Mayor noted that Mr. Schwarz continues to have some investment at some level and realizes that Mr. Albright as well as the city staff has worked tirelessly, but reiterated the community that has been watching these buildings for years has also suffered in the process.

Mr. Albright reminded Council that High Point has certainly benefited from Mr. Schwarz's presence in the community to the tune of over \$30,000,000 in investments he has made (Stanley Furniture, showrooms, etc....). Chairwoman Sims noted that while she certainly appreciates everything Mr. Schwarz has done for the High Point community, she strongly suggested that he should be as conscious about this apartment community as he is about the downtown showroom community. She felt a year dealing with these eight apartment buildings is completely unacceptable, so Council is going to schedule a hearing to talk about the Meredith Street apartments and determine what the next steps are going to be, and she asked Mr. Albright to relay to Mr. Schwarz that Council is moving towards demolition.

Mr. Albright shared that Mr. Schwarz does have a dire illness he is receiving treatment for and is not allowed to be out in public because his immunity system is completely down, and, unfortunately, it is affecting the operations of his business. Mayor Smothers wished him the best in terms of recovery of his health and hoped with good

counsel, Mr. Schwarz would recognize that there comes a time when this is not in his best interest.

At this time, Chairwoman Sims opened up the floor for comments from the audience and asked if there was anyone present who would like to speak on this matter.

Sarata Boyd, a long-time member of this community, addressed Council. She noted these apartments have been in this condition for a very long time and while she understands Mr. Schwarz is having problems, he should go ahead and finish the apartments so they can be rented out. She suggested he turn the apartments into a senior citizen apartment community since senior citizens do take pride in their property and would take care of it. Council Member Douglas asked Mr. Boyd to elaborate on what these apartments are doing to her community. Ms. Boyd explained the condition of these apartments is bringing the whole community down and felt it was shameful for anyone to visit the Rosetta Baldwin museum because of the slum conditions.

Jerry Mingo, President of the Burnshill Neighborhood Association, pointed out the apartment complex happens to be part of their association area. He disagreed with Mr. Albright's statement about the lack of police protection in the neighborhood and felt the police department does an excellent job in the area. He pointed out these apartments have been in this condition for at least the past 10-15 years and he passes by them everyday, but it appears no one is working on them and agreed the apartments should be torn down. He also felt it was disrespectful to those traveling through the community to get to the Greenhill Cemetery.

Chairwoman Sims asked if there was anyone else in the audience who would like to speak. **There being none, she made a motion to place this matter on Thursday's agenda with a favorable recommendation for a notice of hearing for 30 days directing staff to make the proper notifications regarding the hearing, while gathering information to be presented to Council so an informed decision could be made regarding whether or not Council is going to proceed with an order to demolish these structures. Council Member Douglas made a second.**

For further discussion, Mayor Pro Tem Whitley pointed out the property owner would be responsible for the demolition costs, but he would like to know where the funding is going to come from to replace and cover the estimated \$84,000 to do this should the city end up demolishing the apartments. Council Member Henley asked for clarification on the motion and noted that while he is personally

acquainted with Mr. Schwarz, he is taking the decision very seriously. He asked Mr. Albright to share with Mr. Schwarz that there truly has not been enough momentum built in this last 12-month period to justify any other decision than to have a hearing in 30 days. Chairwoman Sims clarified that Council would need to decide whether or not to proceed with the demolition. Mayor Smothers agreed that is an awesome responsibility as a public body to order somebody's property to be razed and pointed out the Council does take this as a very serious responsibility.

There being no further discussion, the motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

Pending Items

[120032](#)

Ordinance - Demolition of Structure - 1315 Vernon Place

Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1315 Vernon Place belonging to David L and Minnie L. Terry.

Attachments: [Demolition Ordinance - 1315 Vernon Place.pdf](#)

This matter was first introduced on February 18, 2012. At that time, the City Council took action to grant a 6-month extension to the property owners so repairs could be made to this property. Matter due back on or before August 20, 2012.

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE

*Chaired by Mayor Pro Tem Whitley
Committee Members - Sims, Henley, Moore*

(all were present)

[120222](#)

Resolution of Intent- Street Abandonment Case 12-07 - HPU

Approval of a Resolution of Intent that establishes a public hearing date of Monday, September 17, 2012 at 5:30 p.m. to consider a request to abandon a portion of North Avenue located east of N. Centennial Street to Willoubar Terrace, and the remaining portion of Willoubar Terrace, located north of North Avenue.

Attachments: [ROI - Street Aband 12-07.pdf](#)

**Resolution No. 1250/12-51
Introduced August 20, 2012; Adopted August 20, 2012**

Resolution Book, Volume XVII, Page 100

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

Adopted resolution of intent establishing the date of Monday, September 17, 2012 at 5:30 p.m. to consider a request to abandon a portion of North Avenue located east of N. Centennial Street to Willoubar Terrace, and the remaining portion of Willoubar Terrace, located north of North Avenue.

A motion was made by Whitley, seconded by Alexander, that this matter be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120223](#)

Resolution of Intent- Annexation Case ANX12-04 - Deep River Church of Christ

Approval of a Resolution of Intent that establishes a public hearing date of Monday, September 17, 2012 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 12.85 acres. The area to be annexed is lying approximately 180 feet east of Eastchester Drive and south of Deep River Road. The property is also known as Guilford County Tax Parcels 0195737, 0217201 and 0195736 (eastern portion of parcel).

Attachments: [ROI - Annex 12-04.pdf](#)

Resolution No. 1251/12-52**Introduced 8/20/2012; Adopted 8/20/2012****Resolution Book, Volume XVII, Page 101**

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

Adopted resolution of intent establishing the date of Monday, September 17, 2012 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 12.85 acres owned by Deep River Church of Christ.

A motion was made by Whitley, seconded by Alexander, that this matter be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE**[120224](#)**Ordinance - Rezoning Case 12-07 - Greenwood & Charles, Inc.**

A request by Greenwood & Charles, Inc. to rezone approximately 1.9 acres from the Highway Business (HB) District and a Conditional Use Limited Business (CU-LB) District to a Conditional Zoning General Business (CZ-GB) District and the Residential Single Family-9 (RS-9) District. The site is lying at the southeast corner of N. Main Street and Old Winston Road (2926 & 2928 N. Main St and 929 Old Winston Rd) and north of the intersection of Old Winston Road and Bellevue Drive.

Attachments: [Rezoning Case 12-07 Greenwood & Charles.pdf](#)
[Z12-07 Ordinance of adoption \(Part 1 and 2\).pdf](#)

Ordinance No. 6943/12-59**Introduced 8/20/2012; Adopted 8/20/2012****Ordinance Book, Volume XVII, Page 133**

The public hearing for this matter was held on Monday, August 20, 2012 at 5:30 p.m. as duly advertised. Herb Shannon of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the presentation of the staff report, Council Member Alexander asked staff how far down they are willing to let the conditional use limited business go and expressed concerns about the setbacks on this piece of property due to its small size. Mr. Shannon explained there has been no proposal for extending commercial further to the south along Old Winston Road. He further explained that staff is supporting this request because staff recognizes the individual lots are extremely limited and having them under the same zoning vies the site more development potential to address the setback issues. He noted that although it does make it tight in the rear, but combining it gives it more flexibility for buildings to cross the zoning line with it all being under the same designation.

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

Abigaile Pittman, 210 Louise Avenue, representing the applicant, spoke in favor of the request. She explained the property owners agree with the staff recommendation and have offered some prohibited uses in an effort to protect the adjoining neighborhood. She also mentioned that they had a conversation with staff regarding the

same concerns voiced by Council Member Alexander and the word that came back to them was staff would not have any heartburn in a future case to get a bit more of a buffer in between there and the houses. Ms. Pittman also shared that Davenport Transportation Consulting prepared a traffic study which was conducted using the most intensive use on the list (a convenience store with gas pumps and twelve fueling stations). She noted the levels of service were all A's except for one B at the second access point on Old Winston Road. To deal with that issue, they have agreed to do a striped turn lane there and put in a right turn lane from Main Street onto Old Winston Road should this use be chosen.

Council Member Henley asked if there would be two curb cuts and Ms. Pittman explained that Old Winston Road and all the access points on North Main Street would go away upon development and there would be two curb cuts on Old Winston Road. Council Member Henley then asked if there are any agreements with the neighbors to the south about having access. Ms. Pittman explained they have not discussed internal access with them because there is not adequate frontage. She pointed out this lot has been around for quite a while and now that Old Winston Road has been improved, it would be good to see this lot finally developed.

Council Member Sims asked about how much more traffic this would generate on Old Winston Road. Ms. Pittman explained that would depend on the intensity of the use and Mark McDonald, Director of Transportation, noted for the most intense use, it would be about 6,500 trips a day.

Chairman Whitley asked if there were any additional questions. There being none, he opened the public hearing and asked if there was anyone present who would like to speak for or against this request. 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.

Adopted ordinance providing for the rezoning of this property from the Highway Business (HB) District and a Conditional Use Limited Business (CU-LB) District to a Conditional Zoning General Business (CZ-GB) District and the Residential Single Family-9 (RS-9) District (rezoning of Tracts 1 and 2 to the CZ-GB District and Tract 3 to an RS-9 District) based on consistency with the city's adopted plans and the five review factors as identified in the staff analysis section of the staff report. Additionally, the City Council finds this action to be reasonable and in the public interest because: 1) The request is

consistent with the city's Land Use Plan; 2) Tracts 1 and 2 abut an established commercial corridor and will not be introducing any new land uses in this area and will be in harmony with existing commercial development patterns; and 3) Conditions offered by the applicant to restrict higher intensity commercial uses to the N. Main Street frontage of the site addresses objectives and development guidelines noted in the Land Use Plan to provide a transition in uses between lower residential land uses and higher intensity commercial land uses.

A motion was made by Whitley, seconded by Sims, that this matter be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120225](#)

Ordinance - Amendment to Zoning Case 12-01 - Oak Hollow Development, LLC

A request by Oak Hollow Development, LLC to amend Conditional Zoning Case 12-01 (CZ12-01) to:

- a. Add and rezone approximately 0.65 acres from the Residential Single Family-9 (RS-9) and Residential Single Family-12 (RS-12) Districts to a Conditional Zoning Shopping Center (CZ-SC) District. Conditional Zoning Shopping Center District 12-01 is located at 1400 E. Hartley Drive and the area to be added is east of the property at the terminus of Lakewood Drive.
- b. To amend the vehicular access condition of CZ12-01 to prohibit access to Lakewood Drive.

Attachments: [Rezoning Case 12-01 - Oak Hollow Development.pdf](#)
[CZ12-01.pdf](#)

Ordinance No. 6944/12-60

Introduced 8/20/2012; Adopted 8/20/2012

Ordinance Book, Volume XVII, Page 134

The public hearing for this matter was held on Monday, August 20, 2012 at 5:30 p.m. Herb Shannon of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the presentation of the staff report, Mayor Smothers asked about impervious surface credit in the area of the pond since it was restricted to 25% impervious coverage when the shopping center was approved. Mr. Shannon noted he consulted with Mr. Schroeder in the Planning Department and was told there are approximately two acres left, but explained they would not be able to count all this area

because some of it has already been counted. He explained the applicant's engineer has met with city staff to review; they were comfortable with the numbers that were left and felt they could still develop the property as proposed.

At this time, Chairman Whitley asked if the petitioner would like to come forward to address Council.

Stephanie Wilson with Access Medical Development, 3532 Bellevue Road in Raleigh, North Carolina, representing the property owner, Oak Hollow Development, spoke in favor of the amendment to Zoning Case 12-01. She shared that they intend to construct single-owned 22,000 square foot building for Cornerstone Eye Care and they would actually own the building and would be the only tenant in the building.

Chairman Whitley opened the public hearing at this time and asked if there was anyone present who would like to comment in support of or in opposition to this request. There being none, the public hearing was closed.

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

Adopted Ordinance providing for the rezoning of this property from the Residential Single Family-9 (RS-9) and Residential Single Family-12 (RS-12) Districts to a Conditional Zoning Shopping Center (CA-SC) District based on consistency with the city's adopted plans and the five review factors as identified in the staff report. Additionally, the City Council finds this action to be reasonable and in the public interest because: 1) the requested CZ-SC District is consistent with the adopted city plans, 2) the request meets or addresses the review factors, 3) initial conditions of approval of CZ 12-01 remain the same; the only new condition prohibits access to Lakewood Drive; and 4) the request is minor, and makes the entire site more conducive to development.

A motion was made by Whitley, seconded by Moore, that this matter be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120226](#)**Resolution - City of High Point - Land Use Plan Amendment Case 12-05**

A request by the City of High Point Planning & Development to establish initial Land Use Map classifications of Low Density Residential, Office, and Community/Regional Commercial for approximately 19 acres lying along the west side of Baker Road between East Fairfield Road and Stratford Road.

Attachments: [Land Use Plan Amend 12-05 & Rezoning Case 12-09 CHP.pdf](#)
[Adopted Resol LUP Amend 12-05.pdf](#)

Resolution No. 1252/12-53**Introduced 8/20/2012; adopted 8/20/2012****Resolution Book, Volume XVII, Page 102**

The joint public hearing for this matter and related matter **120228 Ordinance- Rezoning Case 12-09- City of High Point** was held on Monday, August 20, 2012 at 5:30 p.m. Herb Shannon of Planning and Development provided an overview of the staff report for the Land Use Plan Amendment Case 12-05, as well as Rezoning Case 12-09.

Chairman Whitley opened the public hearing and asked if anyone was present who would like to speak in support of or in opposition to either of these requests. 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.

Adopted resolution establishing a land use classification for approximately 15.5 acres from Undesignated and Medium Density Residential to a Low Density Residential land use designation; approximately 2.8 acres to Office; and approximately 1 acre to Community Regional Commercial based on the findings in the staff report that the request meets the goals and objectives of the Land Use Plan and will be in harmony with the land use pattern of the surrounding area.

A motion was made by Whitley, seconded by Alexander, that this matter be adopted. The

motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

[120228](#)

Ordinance - Rezoning Case 12-09 - City of High Point

A request by the City of High Point City Council to establish an initial City zoning designation of Residential Single Family-9 (RS-9) District to approximately 8.4 acres added to the corporate limits from a land area exchange with the City of Archdale. The property is lying along the west side of Baker Road, approximately 490 feet north of S. Main Street (203, 231 and 233 Baker Road) and at the northwest and southwest corners of Baker Road and Weaver Avenue (503, 507, 509, 511 & 601 Baker Road).

Attachments: [Land Use Plan Amend 12-05 & Rezoning Case 12-09 CHP.pdf](#)
[Z12-09 - Ordinance of adoption 08-20-12 .pdf](#)

Ordinance No. 6945/12-61

Introduced 8/20/2012; Adopted 8/20/2012

Ordinance Book, Volume XVII, Page 135

The joint public hearing for this matter and related matter **120226 Resolution- City of High Point- Land Use Plan Amendment Case 12-05** was held on Monday, August 20, 2012 at 5:30 p.m. Herb Shannon of Planning and Development provided an overview of the staff report for the Land Use Plan Amendment Case 12-05, as well as Rezoning Case 12-09.

Chairman Whitley opened the public hearing and asked if anyone was present who would like to speak in support of or in opposition to either of these requests. 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.

Adopted Ordinance providing for the initial City zoning designation of Residential Single Family-9 (RS-9) District to approximately 8.4 acres added to the corporate limits from a land area exchange with the City of Archdale based on consistency with the city's adopted plans. Additionally, Council finds the applicant's request to be reasonable and in the public interest because: 1) the RS-9 district will result in no lot size nonconformities; 2) the RS-9 district will not alter or make worse

the nonconforming uses on two of the lots; 3) it is reasonable to initially zone developed properties in a manner similar to what existed in the City of Archdale; and 4) it connects with addition RS-9 property to the north.

A motion was made by Whitley, seconded by Sims, that this matter be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

ANY OTHER NEW BUSINESS

120230

Reappointment - Citizens Advisory Council - Stephanie Coggins

Confirmation of the reappointment of Stephanie Coggins to Citizens Advisory Council as the Ward 5 appointment. Appointment to be effective immediately and will expire May 31, 2014.

Reappointed Stephanie Coggins to the Citizens Advisory Council as the Ward 5 appointment.

A motion was made by Whitley, seconded by Corey, that this matter be adopted.

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

120232

Piedmont Triad Regional Council's Response to High Point Resolution Concerning Acquisition of Office Space

Acknowledgement of receipt of letter dated August 17, 2012 in reference to Piedmont Triad Regional Council's Response to the City of High Point's Resolution asking them to delay any action regarding acquisition of office space.

Attachments: [PTRC Letter - re HP Resolution](#)

Since this matter did not appear on the agenda, Mayor Pro Tem Whitley moved to suspend the rules relative to placing it on tonight's agenda. Council Member Sims made a second to the motion which carried unanimously.

Mayor Smothers explained that Council Member Alexander did make a motion at the PTRC Board of Delegates meeting held on Wednesday, August 15th, which was seconded by Mayor Morris of Denton asking them to delay a decision regarding the acquisition of office space, but could not get any additional support for the motion. She noted that an announcement was made at the meeting that a resolution had been sent to seven of the counties which would capture sufficient population to meet the 70% population requirement and they expect those resolutions back by Labor Day so they can then be

forwarded to the Local Government Commission as evidence of the support of the body. Council Member Sims asked if it might be appropriate for the City Council notify Guilford County to make them aware of High Point's concerns. Council Member Alexander explained that Guilford County voted in favor of it and as long as High Point is a member of the PTRC, High Point will share in the \$4,000,000 debt.

Mayor Smothers pointed out that both she and Council Member Sims sit on the PART Board of Trustees and this board is being confronted with similar issues in terms of ownership of building/expansion of staff, etc.... so they may also be seeking guidance from Council on this as well.

Acknowledged receipt of letter from Darrell Frye, Chairman of the Piedmont Triad Regional Council, dated August 17, 2012 in response to High Point's resolution requesting a delay in the process concerning the acquisition of office space.

A motion was made by Whitley, seconded by Sims, to acknowledge receipt of this letter.

The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS[120227](#)**Approval of the following minutes:**

Finance Committee meeting held Monday, August 6th @ 3:00 p.m.

Combined Meeting held Monday, August 6th @ 4:45/5:30 p.m.

Planning, Econ Dev & IT Committee meeting held Wednesday, August 8th @ 9:00 a.m.

Regular Meeting (Evaluation of City Manager & City Clerk - Closed Session) held Thursday, August 9th @ 9:00 a.m.

Attachments: [August 6 2012 Finance Committee](#)

[August 6, 2012 Combined Meeting](#)

[August 8, 2012 Planning, Ec. Dev. & IT Committee](#)

[August 9, 2012 HPCC \(Closed Session- Perf. Evaluations clerk and manager\)](#)

The minutes of the preceding meetings were unanimously approved as submitted with one noted addition to the August 9, 2012 Regular Meeting minutes (Evaluation of the City Manager and City Clerk) to unanimously grant a 1.5% salary increase to the city clerk and a 1.5% salary increase for the city manager by a 6-2 vote.

A motion was made by Whitley, seconded by Alexander, that the minutes be approved as submitted with the addition to the August 9, 2012 Regular Meeting minutes. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, A.B. Henley, Christopher Whitley, and James Corey

Absent: 1 - Michael Pugh

BOARDS AND COMMISSIONS VACANCY REPORT[120229](#)**Boards and Commissions - Vacancies**

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

Attachments: [term expirations 2012 October 15 2012 packet.pdf](#)

This information is being provided to Council for update purposes only.

For Information Only:

Council Member Alexander brought Council's attention to a letter recently received from the Guilford County Schools regarding the property on Shadybrook Road and informed Council that it is his intention to make a motion to get an independent appraisal of the property to open up some dialogue between the school system and the city.

Since this matter did not appear on the agenda, he then moved to suspend the rules to consider action on this matter and to authorize staff to get an independent appraisal on this property so this matter could be considered at tonight's meeting.

Prior to asking for a second to Council Member Alexander's motion to suspend the rules for this matter to be considered, Mayor Smothers asked him if he thought it might be helpful to get additional information from the staff relative to the whole issue. Council Member Alexander replied that he would if staff is prepared to share the information at this time. The Mayor explained there are issues regarding the property that need to be taken into consideration:

An existing contract regarding the property that does not expire until 2016;

Recent revaluation information shows a \$45,000 increase in the value of this property, which is included in the city's offer to purchase;

The appraisal the school system had done was not based on the current zoning of the property as bound by the contract, but instead, it was based on a higher use which Council cannot do until after 2016;

And the money that has been set aside in the offer to purchase had to do with the remaining funds that were in the Parks & Recreation bond funds and there are no dollars beyond that.

The Mayor felt the mere suggestion of an independent appraisal implies that the city is willing to pay more for the property. Council Member Alexander noted that he did not infer that he was willing to pay more, but felt an independent appraisal would provide another assessment of value. The Mayor pointed out property is not worth any more than what someone is willing to pay for it. Council Member Alexander felt another opinion would give the city an opportunity to move forward since this might be an opportunity that rarely comes along. At this time, the Mayor pointed out the cost for an independent appraisal would be an additional \$2,500-\$3,000.

Council Member Douglas felt it would be helpful to have the additional information to make sure that it would be a worthy investment. Mayor Smothers totally agreed and asked if there was a second to Council Member Alexander's motion to suspend the rules. The motion died from the lack of a second.

The Mayor asked staff to set up a briefing in the near future on this matter since it promises to be a long journey through this whole issue and there will not be anything built on the property other than a public recreation facility or a middle school before 2016.

Following the discussion on this matter, Council took a 5-minute

recess prior to starting the public hearings.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:10 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers

Attest:

Lisa B. Vierling, MMC
City Clerk