

City of High Point

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



Meeting Minutes

Monday, August 16, 2010

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Present: Council Member Whitley, Mayor Smothers, Council Member Alexander, Council Member Sims, Council Member Blakeney, Council Member Douglas and Council Member Pugh
Absent: Council Member Bencini and Council Member Faircloth

APPROVAL OF MINUTES

The minutes of the following meeting were unanimously approved as submitted.

Combined Meeting; Monday, August 2nd @ 4:45/5:30 p.m.

Note: The minutes of the Public Safety Committee meeting held on Wednesday, August 4th @ 9:00 a.m. will be approved at the next meeting.

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 Council Member Sims and seconded by Council Member Blakeney to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [7-0 vote] [Council Members Bencini and Faircloth were absent]**

Motion was then made by Council Member Sims, seconded by Council Member Blakeney that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [7-0 vote] [Council Members Bencini and Faircloth were 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, Douglas and Alexander

(Bencini was absent)

Contract - Bid No. 03 - Chloramines Conversion System at the Ward Water Treatment Plant

100239

Approval of contract awarding Bid No.03 for the Chloramines Conversion System at the Ward Water Treatment Plant. Purchasing and Public Services recommends that contract be awarded to Turner Murphy Company in the amount of \$526,071.00 which is the lowest responsible and responsive bidder meeting specifications.

Chairman Whitley reported 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 for approval.

Approved the contract for the Chloramines Conversion System with Turner Murphy

Company in the amount of \$526,071.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Condemnation Proceedings - 2548 Ingleside Drive - Hartley Drive Extension Project

100241

Council is requested to authorize the City Attorney Office to proceed with the condemnation proceedings on property located at 2548 Ingleside Drive, High Point, NC belonging to Avalon subdivision Owners Association, Inc. This property is needed for the Hartley Drive Extension Project.

Chairman Whitley reported 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 for approval.

Adopted resolution authorizing the City Attorney's office to proceed with the condemnation proceedings on property located at 2548 Ingleside Drive.

Resolution No. 1629/10-57

Introduced 08/16/2010

Adopted 08/16/2010

Resolution Book Volume XVI, Page 271

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

Pending Items

Revised Economic Incentive Policy

090050

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

Note: This matter has been pending since March 5, 2009.

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair Committee Members: Douglas, Pugh and Alexander

(Chairman Faircloth was absent)

In Chairman's Faircloth absence, Council Member Alexander chaired this portion of the meeting.

Ordinance - Vacate/Close Structure - 1805 Waldo Street

100245

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1805 Waldo Street belonging to M. Abigale Pittman.

Note: A copy of the staff report submitted for this housing case will be attached in Legistar as a permanent part of these proceedings.

Council Member Alexander asked if there was anyone present who would like to speak regarding this housing case. There being no one present to comment, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1805 Waldo Street.

Ordinance No. 6755/10-103 Introduced 08/16/2010

Adopted 08/16/2010

Ordinance Book Volume XVI, Page 103

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

Ordinance - Vacate/Close Structure- 214 Morgan Place

100246

Adoption of ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 214 Morgan Place belonging to Frances L. Dorsett.

Note: A copy of the staff report submitted for this housing case will be attached in Legistar as a permanent part of these proceedings.

Council Member Alexander asked if there was anyone present who would like to speak regarding this housing case. There being no one present to comment, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 214 Morgan Place.

Ordinance No. 6756/10-104 Introduced 08/16/2010

Adopted 08/16/2010

Ordinance Book Volume XVI, Page 104

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

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

Committee Members: Blakeney, Faircloth, Whitley and Alexander

(Faircloth was absent)

Resolution - West Hartley Drive - Transfer of ROW and Maintenance Responsibility

100242

Council is requested to adopt a Resolution transferring the West Hartley Drive right of way and maintenance responsibility from North Main Street to Westover Drive at Shadow Valley Road (0.09 miles) from the North Carolina Department of Transportation maintenance system to the City of High Point.

Mark McDonald, Director of Transportation, explained that this particular section of

Hartley Drive is being designed to meet city standards as opposed to state standards due to some limitations that the State has regarding retaining walls, etc..... He noted this was necessary for the city to take the right-of-way and assume maintenance responsibilities for this short section in order to facilitate construction.

There being no further discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted resolution transferring the West Hartley Drive right-of-way and maintenance responsibility from N. Main Street to Westover Drive at Shadow Valley Road (0.09 miles) from the N.C. Department of transportation maintenance system to the City of High Point.

Resolution No. 1630/10-58

Introduced 8/16/2010

Adopted 8/16/2010

Resolution Book Volume XVI, Page 272

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

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

(Chairman Bencini and Committee Member Faircloth were absent)

Due to the absence of Chairman Bencini, Council Member Sims chaired this portion of the meeting.

Ordinance - City of High Point Code of Ordinances re Sidewalk Cafes

100243

Council is requested to adopt a new section 6-1-16 to the City of High Point Code of Ordinances to regulate sidewalk cafes.

Doug Loveland of Planning & Development gave an overview of the staff report which is hereby attached as a permanent part of these proceedings. City Attorney Fred Baggett noted that Wendy Fuscoe and Aaron Clinard, on behalf of the City Project, brought the concept of sidewalk cafes to the city for consideration and there were also two additional issues associated with it: consumption of alcoholic beverages in sidewalk cafes and sidewalk cafe permits.

Council Member Alexander asked staff to address portable heaters, zippered wind screens/awnings since these items were not specifically outlined in the amendment. City Attorney Fred Baggett explained that these items would be allowed by default as part of the ordinance and would be considered a part of the equipment (chairs, tables, etc.....). He noted that if it does become an issue, Council could amend the text of the ordinance to regulate it. Additional questions/concerns arose about the awnings and requirements. Staff replied that the awnings have to have at least an 8 foot sidewalk clearance and Mr. Baggett added that the ordinance does require an open pedestrian walkway of at least 5 feet between the building and the cafe' or between the cafe' and the curb (5 feet clear without any obstructions). Council Member Alexander asked if

the newly proposed A-frame signs would be considered a permanent obstruction in the required 5' open space on the sidewalk. According to Mr. Baggett, he felt it would be an obstruction, but explained businesses could have outdoor cafe's now as long as they are on private property.

Council Member Douglas asked if the tables/chairs, etc.... would be allowed to consume the sidewalk. Mr. Baggett reiterated that they must maintain at least 5 feet of clearance for pedestrian traffic which could be located any where within the sidewalk area. Council Member Sims expressed concerns about the placement of chairs/tables on the sidewalks and asked if the city would be assuming any liability if the tables and chairs got into the streets and caused an accident. Mr. Baggett noted this would only be a problem if it was reported to the city and not taken care of in a timely manner.

Another concern that was brought up was smoking and whether patrons would be permitted to smoke while dining on the sidewalks. It was noted that the recently enacted law prohibiting smoking in restaurants would still apply and patrons are allowed to go outside the restaurants now and smoke. Mr. Baggett further explained that the restaurants could come up with their own rules for the outside and the patrons would have to abide by them.

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

Adopted ordinance adding a new section 6-1-16 to the City of High Point Code of Ordinances regulating sidewalk cafes.

Ordinance No. 6757/10-105

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 242

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

Ordinance - City of High Point Code of Ordinances re Beverages In Permitted Sidewalk Cafes

100244

Council is requested to adopt an ordinance amending Section 12-1-4 the City of High Point Code of Ordinances to allow consumption of alcoholic beverages in permitted sidewalk cafes.

Doug Loveland of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

City Attorney Fred Baggett asked Council to be mindful that this would only relate to cafes on public sidewalks--not those located on private property. He explained that this amendment simply amends the existing city ordinance to allow consumption of alcohol at sidewalk cafes only if there's an ABC permit issued by the State that covers that particular area. As a matter of clarification, Mr. Baggett pointed out that a

correction was needed due to a typo in the second line of the ordinance-- instead of Chapter 198 of the General Statutes, it should read Chapter 18B of the General Statutes.

There being no further discussion on this issue, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance amending Section 12-1-4 of the City of High Point Code of Ordinances to allow consumption of alcoholic beverages in permitted sidewalk cafes.

Ordinance No. 6758/10-106

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 243

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

Ordinance- Adding a Fee for Sidewalk Cafe' Permits

100254

Council is requested to adopt an ordinance amending Section 6-1-75 of the City of High Point Code of Ordinance to add a \$50 fee for sidewalk cafe' permits.

Motion by Council Member Sims, second by Council Member Alexander to suspend the rules relative to placing this matter on tonight's Agenda for consideration since it did not originally appear on tonight's Agenda. The motion to suspend the rules carried unanimously.

City Attorney Fred Baggett informed Council that this amendment requires a \$50 permit fee be obtained for sidewalk cafe's to help defray the cost of the inspection required and the time involved in investigating the premises. Mayor Smothers asked if any changes in the amount of space or configuration would require a re-submission for a permit. Mr. Baggett explained that it could, but only if the restaurant expands the original space or adds an additional space. It was noted that this is a one-time fee per ownership period. Council Member Pugh expressed concerns about implementing another fee and stated he was opposed to putting any additional fees on businesses or the public. Mayor Pro Tem Whitley stated that although he somewhat agreed with Council Member Pugh, the reality was that it would put the burden of the cost on the taxpayers who might not frequent the restaurants. Mayor Smothers felt attaching the fee to a required permit would help elevate it to a significance that a property owner would bear the responsibility for making sure it's done properly.

There being no further discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance amending Section 6-1-75 of the City of High Point Code of Ordinances adding a \$50 fee for sidewalk cafe' permits.

Ordinance No. 6759/10-107

Introduced 8/16/2010

Adopted 8/16/2010
Ordinance Book Volume XVI, Page 244

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

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

HUD Grant Resolution of Support

100247

Consideration of a Resolution Supporting a Sustainable Communities Regional Planning Grant Application to HUD for the Piedmont Triad Region by the Piedmont Authority for Regional Transportation.

Acting Chairwoman Sims asked if there were any questions regarding this matter. Mayor Smothers noted that she initially had some concerns about this because the two Councils of Government and PART were wanting to make application, and since it was decided that PART would make application and she has no concerns with moving forward.

There being no further questions or discussion, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted the Resolution Supporting a Sustainable Communities Regional Planning Grant Application to HUD for the Piedmont Triad Region by the Piedmont Authority for Regional Transportation.

Resolution No. 1631/10-59 Introduced 8/16/2010
Adopted 8/16/2010
Resolution Book Volume XVI, Page 273

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

Pending Items

Appeal of Technical Review Committee (TRC) Decision

100174

Consideration of an appeal of the Technical Review Committee's decision to require dedication of right-of-way for a proposed subdivision located at the southeast corner of Greensboro Road and Enterprise Drive.

The petitioner has reached a satisfactory compromise with NCDOT regarding the dedication of right of way for this project and requests that Council removed this item from the Agenda.

Note: This matter has been pending since June 21, 2010.

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.

Prior to the public hearings being held, those persons desiring to speak on quasi-judicial matters were duly sworn.

Prior to the public hearings being held, those persons desiring to speak on the quasi-judicial matters were duly sworn.

West Wendover Land Development, LLC - Unified Development Plan Review - Zoning Case 03-23

100248

Unified Development Plan Review - Tract A (portion)

A request by West Wendover Land Development, LLC for Unified Development Plan approval for a portion of Tract "A" (approximately 4.4 acres). The site is lying along the north side of W. Wendover Avenue, east of the terminus of Brian Jordan Place).

The public hearing for this matter was held on Monday, August 16, 2010 at 5:30 p.m. Herb Shannon of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the conclusion of the staff report, Mayor Smothers opened the public hearing and asked if anyone was present who would like to comment in support of this request.

Jim Gutteridge, 5826 Samet Drive, High Point, representing West Wendover Land Development, LLC and Blue Ridge Companies, spoke in favor. He explained they were trying to create some outparcels along West Wendover Avenue as part of the Palladium and in order to enhance marketability, they would need to grade the site. As a requirement of the Unified Development Plan for this property, they are required to obtain Council's approval to get a preliminary grading permit.

Council Member Alexander inquired about potential tenants for this site and asked Mr. Gutteridge if any would possibly be high traffic generators because he felt it could potentially cause some traffic issues. Mr. Gutteridge replied this was a difficult question to answer since they do not have any specific tenants in mind at this point and explained that the location is a right-in, right-out with a left-over and the internal street system in the development would be utilized for access to those parcels. Mr. Gutteridge stated they would definitely not want to create a nightmare for themselves and would have to handle any issues that come up.

Mayor Smothers asked if there was anyone present who would like to speak in opposition. There being no further comments, 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 approval.

Approved the Unified Development Plan as submitted by the Applicant since it would not change the adopted findings submitted with the overall general development

concept originally approved and the fact that the request generally conforms to the sketch plan and the requirements of the Conditional Use Permit.

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

Ordinance - Rezoning Case 10-09 - Major Amendment to CUP 10-05 - Dunbar & Smith, Inc.

100249

a. Conditional Use Limited Business (CU-LB) District

A request by Dunbar & Smith, Inc. to rezone a 0.44 acre parcel from the Light Industrial (LI) District to a Conditional Use Limited Business (CU-LB) District. The site is lying along the north side of Wade Place, approximately 200 feet east of Brentwood Street (1805 Wade Place).

b. Major Amendment to Conditional Use Permit 10-05

A request by Dunbar & Smith, Inc. for approval of an amendment to add a 0.44 acre parcel to CUP10-05.

The public hearing for this matter was held on Monday, August 16, 2010 at 5:30 p.m. Herb Shannon of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

_____ Transcript: Public Hearing 8/16/2010 _____

Mayor Smothers: The next is the Dunbar & Smith zoning case and major amendment to the conditional use permit.

Herb Shannon: Yes, this is Zoning Case 10-09 and Major Amendment to Conditional Use Permit 10-05. This site's lying along the north side of Wade Place approximately 200' east of Brentwood Street. The applicant's requesting to rezone this .4 acre parcel from Light Industrial to a Conditional Use Limited Business District. The applicant intends to combine this site with the abutting site to the west which Council recently granted a Land Use Plan amendment and zoning approval. This additional parcel, the applicant has recently acquired and in order to provide some additional flexibility for development of the proposed retail use, we're looking at this corner. The additional land area would not significantly increase a building size upon the site, it would just add some additional flexibility for allowing the applicant to meet the onsite storm water control requirements. Staff has identified no major or minor issues with this request and the recommended findings are noted on page 36 and 37 of your packet. Based upon the previous decision of City Council to allow the conditional use limited business zoning on this site, staff finds that the request is consistent with the Land Use Plan and recommends approval to rezone this parcel to a Conditional Use Limited Business District. The only change to the Conditional Use Permit would be a condition for lot combination that these two parcels be combined together prior to development. Are there any questions?

Council Member Sims: Herb, what size building could actually go on that once you do all that combination?

Herb Shannon: The applicant can probably give you a better idea. From our initial discussions, they were looking at about an eight to ten thousand sq. ft. building from the initial zoning request. This lot is only 50 feet wide, so you don't get a lot of area for a larger building. It just helps them with their storm water requirements.

Mayor Smothers: Was this where the dollar store was going to be?

Herb Shannon: Yes.

Mayor Smothers: Further questions of Herb? [none] Thank you, Herb. Is there anyone who would like to speak in favor of this? If you'd come and give us your name.

Scott Dunbar: My name's Scott Dunbar. I'm speaking in favor of it. I apologize that we didn't include this the last time, but we were tracking down the owner of the property when we were in the process and basically we just want a little more flexibility on situating the building on the lot. The building size has not changed. We're still looking at 8,000 sq. ft. and that's pretty simple. Any questions?

Council Member Sims: Is the plan to just do the dollar store or do you have plans for additional uses in that area?

Scott Dunbar: Just the Family Dollar Store.

Mayor Smothers: Thank you Mr. Dunbar. Is there anyone else who'd like to speak in favor? [none] Anyone in opposition to it? [none] If not, I'll close the public hearing and ask if there is a motion.

Council Member Alexander: I'll make a motion to approve Zoning Case 10-09 and Major Amendment to the Conditional Use Permit 10-05.

Council Member Pugh: Second.

Mayor Smothers: And include the findings as supported by staff?

Council Member Alexander: Yes.

Mayor Smothers: All in favor of the motion, please say Aye.

Mayor Smothers; Mayor Pro Tem Whitley and Council Members Alexander, Blakeney, Douglas, Pugh, and Sims: Aye.

Mayor Smothers: Any opposed? [none] That motion carries. [7-0 vote]

_____ [end of staff report] _____

Following the conclusion of the public hearing, the Committee recommended this

matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Adopted ordinance providing for the rezoning of this property from Light Industrial (LI) District to a Conditional Use Limited Business (CU-LB) District and approved major Amendment to Conditional Use Permit 10-05 based upon the findings as outlined in the staff report and consistency with the City's Land Use Plan. Additionally, the City Council considers this action to be reasonable and in the public interest because: 1) The request is consistent with the recently approved land use plan map amendment; 2) The adjacent land area, along the east side of Brentwood Street, is zoned for non-residential uses and the addition of this parcel into CUP 10-05 will not negatively impact abutting property owners; and 3) the zoning site will be added to CUP 10-05 and will be subject to the conditions and restrictions of that permit.

Ordinance No. 6760/10-108

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 245

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

Land Use Plan Amendment Case 10-03 - City of High Point

100250

A request by the City of High Point Planning & Development Department to amend the City of High Point's Land Use Map to change the classification for approximately 6 acres from the Low Density Residential and Institutional land use designations to the Moderate-Density Residential land use designation. The site is generally located between Washington Street and Brooks Avenue, and along the north side of Graves Avenue.

The joint public hearing for this matter and related matter **100251 Ordinance-Rezoning Case 10-10- City of High Point Washington Street** was held on Monday, August 16, 2010 at 5:30 p.m.

Gregg Morris of Planning & Development gave an overview of the staff report for Land Use Plan Amendment 10-03 and Herb Shannon of Planning & Development gave an overview of the staff report for the related Rezoning Case 10-10. [the staff reports for these matters are hereby attached in Legistar as a permanent part of these proceedings]

Mayor Smothers opened the public hearing and asked if there was anyone present to speak regarding this issue.

Council Member Alexander asked staff for clarification regarding non-conforming

duplexes and if they could be rebuilt. Mr. Shannon explained the ordinance allows non-conforming uses to be replaced if it's beyond 50% of the tax value and for structures where the damage does not exceed the 50%, they still have 180 days to obtain a permit to make the repairs but it has to be the exact configuration as it currently exists.

Mayor Smothers asked if there was positive support from the neighborhood for this change and Mr. Shannon explained that during the drop-in meeting staff had, the attendees were all supportive of Community Development targeting this area for redevelopment and they did not receive any negative responses (from phone calls or residents attending the meeting).

Council Member Sims voiced concerns about putting single-family housing back and felt the city should start looking at additional housing options in the neighborhood such as townhomes, etc.... Mike McNair, Director of Community Development and Housing, noted they were not adverse to this idea, but would need to partner with a developer to get it done and so far they haven't had a developer to express an interest in townhomes. He added that they are currently in the process of talking with the developer doing the Admiral Pointe development about a possible future development, but they don't have a site yet. He explained that it was a problem acquiring enough property for a development such as this. Mayor Smothers agreed with Council Member Sims and felt it makes sense to put in townhomes because they are a popular alternative in other places.

Council Member Alexander pointed out that this land use change could still be modified by Council and understood that the City Project group would like to make things more conforming and support the existing housing pattern in the neighborhood. Mr. McNair explained they have been focusing on vacant, dilapidated properties and trying to improve the neighborhood by getting rid of substandard housing stock. Mayor Smothers asked staff if they could possibly look at an area and perhaps make a long range plan to work towards alternate housing options.

Council Member Alexander noted under the RM-8 zoning, just a few lots could be acquired and something could be put there that possibly doesn't fit. Lee Burnette, Director of Planning & Development, noted Council Member Alexander was correct in that the RM-8 district doesn't really reflect either the duplex standards that are in place or the single family and pointed out this area was developed prior to the zoning district. He explained it would take additional action to address the townhome issue and possibly an additional zone in addition to the RS-5 that would allow single family.

Mayor Smothers asked if there were any additional comments or anyone else present who would like to offer comment. There being no further comments, 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 approval.

Adopted resolution amending the City of High Point's Land Use Map changing the classification of this property from the Low Density Residential and Institutional land use designations to the Moderate-Density Residential land use designation based on staff's finding that the request meets High Point's adopted goals for neighborhood preservation and revitalization and that it will also further the City's interest to provide opportunities for affordable housing for its residents.

Mayor Smothers reiterated Council's interest in having staff make a closer analysis of other types of housing options in this area and come up with a plan to provide additional options that would take into consideration both configuration of the area as well as the ability to do something different.

Note: This will be discussed further in a future Planning & Development Committee meeting.

Resolution No. 1632/10-60 Introduced 8/16/2010
Adopted 8/16/2010
Resolution Book Volume XVI, Page 274

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

Ordinance - Rezoning Case 10-10 - City of High Point - Washington Street

100251

A request by the City of High Point City Council to rezone approximately 20 acres from the Residential Multifamily-8 (RM-8) District, Residential Single Family-7 (RS-7) District and Light Industrial (LI) District to the Residential Single Family-5 (RS-5) District. The site is generally located north of Washington Street, east of N. College Drive, west of Murray Street and along both sides of Graves Avenue.

The joint public hearing for this matter and related matter **100250 Land Use Plan Amendment Case 10-03- City of High Point** was held on Monday, August 16, 2010 at 5:30 p.m.

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

*Note: For specific comments made at the public hearing for this matter, please refer to related matter **100250 Land Use Plan Amendment Case 10-03- City of High Point.***

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

Adopted ordinance providing for the rezoning of this property from the Residential Multifamily-8 (RM-8) District, Residential Single Family-7 (RS-7) District and Light Industrial (LI) District to the Residential Single Family-5 (RS-5) District based upon the findings as outlined in the staff report and consistency with the City's Land Use Plan and any other officially adopted plans that may be applicable. Additionally, the City Council deems this action to be reasonable and in the public interest because: 1) The requested RS-5 District is consistent with the City's Land Use Plan goals objective and policies, 2) the request is consistent with goals, objective and recommendations of the Core City; and 3) the allowable uses of the requested RS-5 District is in harmony with the current development pattern of this neighborhood.

Ordinance No. 6761/10-109

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 246

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

Ordinance - Text Amendment 10-03 - City of High Point re A-Frame Signs

100252

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to permit A-Frame signs within a portion of the Main Street (MS) District and Market Showrooms within the Central Business (CB) District.

The public hearing for this matter was held on Monday, August 16, 2010 at 5:30 p.m. Doug Loveland with Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Mayor Smothers opened the public hearing and asked if there were any comments.

Mayor Pro Tem Whitley felt this would be discriminatory to the businesses farther up into his ward and any businesses north of Lexington Avenue and pointed out there are also no sidewalks in this area. He stated he would love to see staff address the other issues as well in the non-sidewalk areas. Mr. Loveland explained that staff was responding to the request from the merchants and the City Project located in the Uptowne area. Mayor Smothers agreed that there might be other merchants who would also like the same consideration.

Council Member Alexander inquired about the insurance/indemnification and if the city requires the same for others who place objects in the right-of-way (i.e. paper

boxes) and asked what was special about the A-frame signs that requires the insurance. Lee Burnette, Director of Planning & Development, explained that staff's research showed that most communities did require some indemnification to protect the public since they would be placing an object that is temporary in the street. He further explained that typically, the city does not allow any other signage in the right-of-way. The Mayor asked how staff plans to enforce the insurance issue since they are not required to get a permit for the signs. Mr. Burnette replied that they would be required to have a sign agreement which would have to be signed and staff would police the rights-of-ways to make sure they meet the standards. He explained that the A-frame signs are geared toward the pedestrian public, not the vehicular traffic. He noted some merchants have the ability to put it on their private property and in those situations no agreement would be required because it's not in the public right-of-way.

Council Member Alexander asked about the indemnification limits for the insurance and City Attorney Fred Baggett stated he had suggested \$100,000. Council Member Sims felt the city should err on the side of attempting to do the right thing and although the city might have some responsibility, she expressed concerns that Council would pass an ordinance and still could have the responsibility for covering some of the expenses. Council Member Alexander pointed out there would be a cost associated with requiring the insurance and asked who would be responsible if a sign accidentally ended up in the street and caused some damage to a car. Mr. Baggett explained that the business owner would be responsible, not the city--unless the city was notified and failed to do something about it after reasonable notice. Council Member Alexander noted that he does support allowing the signs, but had concerns about requiring the insurance. Mr. Loveland explained it was up to the City Council as to whether or not they require the indemnification. He noted that the insurance would only be required for businesses putting the signs on the right-of-way and not for signs placed on private property. It was noted that there were only a few properties in the Uptowne area that do not have enough room on private property to put the signs.

Council Member Pugh felt the use of the A-frame signs should be broadened and allowed in other areas as recommended by Mayor Pro Tem Whitley. Council Member Sims asked a member of the City Project to comment on expanding the use of the signs.

Jay Wagner, Co-Chair of the Core City Project, explained that they recommended the proposed area because the Uptowne area was one of their first focal areas for the implementation of the Core City plan since they wanted the area to become more of a pedestrian friendly, walkable area. He noted the A-frame signs were not really designed to be appealing to vehicular traffic. He stated there might certainly be areas where the signs would be appropriate, but their primary focal area is the Washington Street and Uptowne areas for right now.

The Mayor asked if there was anyone else from the public who was present that would like to offer comments regarding this text ordinance amendment. There being none, she asked if there was a motion. There being no further comments from the public, the public hearing was declared closed.

At this time, **Council Member Alexander made a motion to approve Text Amendment Case 10-03 omitting the requirement for indemnification and insurance. Council Member Pugh made a second to the motion.**

For further discussion, Council Member Sims explained she, too, would like to offer support for approval of the text amendment permitting the signs, but she has concerns regarding removing the insurance/indemnification requirement due to the potential increase and exposure to the city for possible lawsuits.

There being no further discussion, the Mayor called for a vote on the motion to approve Text Amendment Case 10-03 omitting the requirement for indemnification and insurance. The motion carried by a 6-1 vote with Council Member Sims casting the dissenting vote.

Note: Council asked that staff review this further by looking at other commercialized areas along major corridors that could possibly benefit as well from this type of opportunity (including areas that do not have sidewalks--especially in the Westchester, Eastchester and Main Street areas).

Adopted ordinance approving Text Amendment 10-03 permitting A-frame signs within a portion of the Main Street (MS) District and Market Showrooms within the Central Business (CB) District based upon the findings as outlined in the staff report and consistency with the City's Land Use Plan and other adopted policies. Additionally, Council considers this action to be reasonable and in the public interest because: 1) it would allow certain uses located in pedestrian oriented areas to advertise effectively to pedestrians; and 2) the signs would not be visually obtrusive to motorists, being small and unlit.

Ordinance No. 6762/10-110

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 247

A motion was made by Council Member Alexander, 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 Alexander, Council Member Blakeney, Council Member Douglas and Council Member Pugh
Nay: Council Member Sims
Absent: Council Member Bencini and Council Member Faircloth

Ordinance - Text Amendment 10-05 - City of High Point

100253

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to revise the Washington Mixed Use Center Overlay District and the Main Street District.

The public hearing for this matter was held as duly advertised on Monday, August 16, 2010 at 5:30 p.m. Andy Piper of Planning and Development gave an overview of the

staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Mayor Smothers opened the public hearing and asked if there was anyone present who would like to offer comment regarding this request.

Mayor Pro Tem Whitley asked the Transportation staff about asking the State for full control of 311/Main Street. Mark McDonald, Director of Transportation, explained that Main Street has already been designated as a state road and the U.S. 311 business designation would cease to exist after the next phase of 311 opens up later this fall. As for the process, he noted it would be a similar process that was recently used for Hartley Drive and would require adoption of a resolution requesting that the road be given back to the city for control/maintenance. Council Member Alexander questioned the advantage for having it on the city's system. Mayor Pro Tem Whitley explained that the change would be needed to accommodate the proposed design of the way the parking lot is on Main Street as recommended by the City Project group. The Mayor agreed that if the plans are for it to become a true Main Street, there should be a mindset to treat it like a Main Street rather than a highway and the beginning of this would be to get control of it. She asked if Council was inclined to ask the legal department to work with the Transportation Department in order to start the process.

City Manager Strib Boynton felt it would be beneficial to make an informed decision and pointed out that the city would be responsible for all the maintenance (i.e. asphalt, overlays, signals, drainage, sidewalks, curb, gutter, etc....). Mayor Pro Tem Whitley asked staff how much flexibility the city would have once it drops the U.S. route designation and obtains the 311 business designation. Mr. McDonald felt it would greatly increase the flexibility even if it remains a state road. Mayor Smothers suggested staff approach Archdale about this to open up some dialogue and stated something might could be done through the Metropolitan Planning Organization to have some type of unified corridor.

The Mayor asked again if there was anyone present who would like to speak regarding the text amendment. There being no comments, 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 ordinance amending the Development Ordinance to revise the Washington Mixed Use Center Overlay District and the Main Street District based on the findings as outlined in the staff report and consistency with the City's Land Use Plan. Additionally, the City Council considers this action to be reasonable and in the public interest because: 1) it helps further the goals and objectives of the Community Growth Vision Statement, the Land Use Plan, and the Core City Plan by encouraging the creation of mixed-use areas; 2) it incorporates recommendations of the Washington Drive District Plan; and 3) it addresses the effectiveness of the existing

regulations.

Ordinance No. 6763/10-111

Introduced 8/16/2010

Adopted 8/16/2010

Ordinance Book Volume XVI, Page 248

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

CLOSED SESSION- ECONOMIC DEVELOPMENT PROJECT BRIEFING

At 6:45 p.m., motion was made by Council Member Alexander, seconded by Mayor Pro Tem Whitley to enter into closed session pursuant to N.C. General Statute 143-318.11(a)(4) for the purpose of being briefed on economic development projects. The motion carried unanimously. [7-0 vote]

For Information Only:

Pink Heals Tour

Danny Baughman, with the High Point Fire Department and Event Coordinator for the Pink Heals Tour reported on some of the activities and events scheduled for September 11, 2010 in High Point from 9:30 a.m. to 3:00 p.m.

The *Pink Heals Tour*, led by the Guardians of the Ribbon, is an event to raise awareness and funds for the fight against cancer for the women of this country that began back in September of 2007. Each year the Guardians don pink turnout gear, jump in their pink fire trucks, and drive across America.

Mr. Baughman encouraged everyone to purchase the "Pink Heals" t-shirts for \$10 and wear them in honor of women to display an image of HOPE, LOVE, AWARENESS and SUPPORT in their battle with cancer. There will also be a raffle. All proceeds will go to the Cancer Center at High Point Regional Hospital (LoveLine). He informed Council that on June 1, 2010, the High Point Fire Department signed the "Cares Enough to Wear Pink" resolution and was the first municipal fire department in North Carolina to adopt the resolution.

Events are scheduled as follows:

Pink Heals Parade 9:30 a.m. (Parade route on N. Main Street between Montlieu Avenue and High Street.

9/11 Ringing of the Bell Ceremony @ 11:00 a.m. (Showplace parking lot) A tribute to the fallen heroes.

Sign a Message of Hope/Carry a Story of Love @ 12:00 - 3:00 p.m.

Motorcycle Ride to Escort Pink fire trucks to next destination @ conclusion of events

Mayor Smothers stated one of the most moving, coming together events of the community is the Relay for Life that's held annually. She mentioned that she could relate first-hand to the incredible support from others and reiterated that the numbers are staggering and cancer does affect everybody everywhere. The Mayor asked if they could possibly come back on September 9th at 9:00 a.m. to give Council and the public another overview.

Council Member Alexander asked if the city could put information on the public access channel to inform the public of the events that will be forthcoming.

Manager's Briefing Canceled

City Manager Boynton announced that the Briefing Session scheduled for Tuesday, August 17th has been canceled and will be rescheduled for some date in the near future.

ADJOURNMENT

Upon reconvening into open session at 7:05 p.m., the Mayor announced there would be no action as the result of the closed session at this time.

The meeting adjourned at 7:05 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk