City of High Point

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

Meeting Minutes

Monday, August 15, 2011

4:45:00 PM

Council Chambers

Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
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

Present: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Council Member Whitley and Council Member Corey
Absent: Council Member Douglas and Council Member Pugh

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Committee of the Whole Meeting; Monday, August 1st @ 4:45/5:15 p.m.
Planning, Economic Dev. & Inf. Technology Committee; Tuesday, August 2nd @ 9:00 a.m.
Regular Meeting; Thursday, August 4th @ 9:00 a.m.

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 Alexander, seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. [7-0 vote] [Council Members Douglas and Pugh were absent]**

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

PRESENTATION OF ITEMS

Note: Council Member Henley left the meeting during the discussion of **110166 Ordinance- Rezoning Case 11-08- Butch Baur & Yean Leong Chu- Westchester Drive** before the vote was taken and was not present for the discussion or the vote for **110166 Ordinance- Text Amendment 11-06- City of High Point- Watershed Standards.** Pursuant to N.C. General Statute 160A-75 states that *failure to vote by a member who is physically present, or who has withdrawn without being properly excused is recorded as an affirmative vote.* Therefore, even though Council Member Henley was not physically present when the vote was taken, his vote will be recorded as an affirmative vote.

FINANCE COMMITTEE - Council Member Alexander, Chair
Committee Members: Whitley, Smothers and Corey

(all were present)

Budget Ordinance Amendment - Master Plan for Heritage Point - High Point Museum

110162 Consideration of an ordinance amending the 2011-2012 Budget Ordinance to re-appropriate funds in the amount of $70,000.00 for a long range Master Plan for the Heritage Point site at the High Point Museum.

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

Adopted ordinance amending the 2011-2012 Budget Ordinance to re appropriate funds in the amount of $70,000 for a long range Master Plan for the Heritage Point site at the High Point Museum.

Ordinance No. 6836/11-44 **Introduced 8/15/2011**
Adopted 8/15/2011
Ordinance Book Volume XVII, Page 44

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

Contract - Bid No. 1646 - Heritage Point Master Site Planning

110163 Consideration of award of contract for Bid No. 1646 for the Heritage Point Master Site Planning. Purchasing and the Library recommend that contract be awarded to Pearce Brinkley Cease & Lee, the best qualified candidate, in the amount of $70,000.

Lorrie Russell, representing the High Point Library and Museum, addressed Council. She explained that this would basically provide an overall site plan for the campus of the High Point Museum for any future plans. She noted that the Museum recently acquired the Meredith Mitchner Miniatures and were looking at acquiring dolls from the Doll Museum and the study was needed to determine the future needs and how the Museum can best serve the citizens of High Point while preserving the history and heritage of High Point. She explained the plan will be designed to be used as a guide for this. There will be two different phases: Phase 1 would be with Pearce Brinkley Cease & Lee for the overall planning, and Phase 2 would be subcontracted out to ConsultEcon and under their proposal they will provide both master site planning and economic consulting services for the project.

Mayor Pro Tem Alexander pointed out the possibility that there might be a need for some physical changes to E. Lexington Avenue that might have an effect on the Museum campus in a dramatic way. Mayor Smothers stated that the city was very grateful for the generosity for the Hayden-Harmon Foundation as well as the contribution by the Historical Society, but hoped consideration would be given to the operating costs in terms of the administration of the campus.

Council Member Sims asked if there were any African-Americans on the interview team and Ms. Russell replied there were not, but there would be at least two on the actual Steering Committee. Council Member Sims felt as the city goes through these processes and talk about services for the community, that individuals who are involved in the decision-making reflect what the community looks like, particularly since the Museum is located right in the middle of a pre-dominant African-American community.

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

Approved award of contract to Pearce Brinkley Cease & Lee, the best qualified candidate, in the amount of $70,000.

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

Votes: Aye: Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Sims
Absent: Council Member Douglas and Council Member Pugh

Request to Declare Surplus Property - 2002 Terex 390E Compactor

110164 Council is requested to authorize staff to declare a 2002 Terex 390E compactor as surplus property and direct staff to dispose of said equipment through the on-line auction process.

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

Authorized staff to dispose of the 2002 Terex 309E Comactor through the on-line auction process.

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

Neighborhood Stabilization Property - Change in Sale Price

110169 Council is requested to approve the sale of Neighborhood Stabilization Property (NSP) located at 233 Windley Street with a sale price of $55,000 and authorize the City Attorney's office to execute the necessary documentation for this sale.

Mayor Smothers asked staff to report on how much property has been purchased by the city on Windley. Mike McNair, Director of Community Development & Housing, responded that the city now owns about four lots (two with houses and two vacant). Council Member Henley questioned the need for this action and asked if this action was necessary only for the NSP or followed for every piece of surplus real estate the city sells. Mr. McNair explained that the $55,000 was actually the bank's appraisal. JoAnne Carlyle, Assistant City Attorney, further explained there are also federal regulations that heavily restrict the actions by the city in regards to the amount that can be accepted. She pointed out the city's hands are tied as far as the amount they could sell the property for and if the city did get a higher offer, the city was limited as to the amount the property could be sold for based on the amount actually invested.

Council Member Whitley asked if staff could provide numbers on how many houses the city has dealt with in the 27265 zip code through the NSP. Mr. McNair stated he would have to get an exact figure, but thought it would be in the double digits.

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

Adopted resolution approving the sale of Neighborhood Stabilization Property (NSP) located at 233 Windley Street with a sale price of $55,000 and authorized the city attorney's office to execute the necessary documentation for this sale.

Resolution No. 1680/11-31 **Introduced 8/15/2011**
Adopted 8/15/2011
Resolution Book Volume XVII, Page 31

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

Purchase of Equipment - New Truck with Hooklift System

110170 Consideration of the approval of the purchase of a new 2011 Ford F750 with a hooklift system from Piedmont Truck Center, the State contract award vendor, in the amount of $105,638.00.

Richard McMillan, Assistant Public Services Director, explained that they would be replacing two older trucks that are being used on a regular basis (flat bed and chipper) and this truck combines them both into one with the option of swapping the beds which would enable the truck to be used more frequently at a lower cost to taxpayers. He further explained that the flat bed body and the chipper body would be interchangeable with the capability of doing more with additional attachments in the future.

Council Member Corey felt it would be helpful to find out if neighboring communities such as Winston Salem or Greensboro have used this type of truck and their experience. Mr. McMillan explained that Gary Smith, Director of Fleet Services, did research it before making his recommendation, and felt he might have had some experience with it while working for the City of Greensboro.

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

Approved the purchase of a new 2011 Ford F750 with a hooklift system from Piedmont Truck Center (State contract awarded vendor) in the amount of $105,638.00

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

Change Order - Cayenta Contract

110171 Council is requested to approve a change order to the Cayenta Utilities Software project contract that allocates the remaining funds in the amount of $119,250.00 that have been budgeted for the implementation to the existing contract.

Pat Pate, Assistant City Manager, provided a brief history of the Cayenta project. The project started in 2001 as a joint project between ElectriCities and the cities in the Western agency in terms of looking at a way to deal with de-regulation that appeared to be imminent federal regulation at that time. He reported that the city actually has made a major investment of about $1.5 to $1.6 million in the software for the Cayenta Project. He explained that the timing is such that the city is coming towards the end of the timeframe needed to implement the software to get it into place and approximately $119,000 additional dollars was needed in addition to the funds that were budgeted last year. Staff's intent is to implement it during this fiscal year and have the new utility billing software in place around late spring or early summer at the latest.

Council Member Sims asked staff how this software would enhance what the city is already doing. Mr. Pate replied that this software has advanced features and would work hand-in-glove with the Lawson system and would allow staff to continue doing what it has in the past and would change the front-end which overtime would make it easier for the customer service representatives. Council Member Sims also asked staff if there would be additional funds available to cover any shortfalls should the amounts exceed the existing travel and living budget based on this contract. Mr. Pate replied that the do-not-exceed contract clause in the contract basically imposes limits on these amounts and if the process is extended further than what the timeline in the contract requires, it might be necessary to negotiate at that point if extra trips are required.

Mr. Pate reiterated that the city has already paid for the software, but the additional change order for additional funding is necessary so the project can be finalized. additional amount of funding is needed to finalize the project.

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

Approved a change order to the Cayenta Utilities Software Project contract that allocates the remaining funds in the amount of $119,250.00 that have been budgeted for the implementation to the existing contract.

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

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council Member Sims, Chair

Committee Members: Alexander, Douglas and Corey

(Douglas was absent)

Taxi Cab Insurance Requirements

110172 Consideration of request by Mr. Zubair Ali, owner of the First Class Cab Company, to amend the Taxi Cab ordinance to reduce the liability amounts required by the City of High Point.

Chairwoman Sims asked staff to respond to the request and pointed out the information provided to Council basically states they want to lower the commercial liability limits based on the minimum that the state requires.

Pat Pate, Assistant City Manager, explained that the request to lower the commercial liability limits came about as a result of Mr. Zubair Ali, one of the owners of the First Class Cab Company, who indicated the current amounts for insurance were putting a financial strain on his cab company and they were struggling to make it. Mr. Pate pointed out that the police department has recommended that it would be easier to implement the minimums contained in the State Statutes so the city's ordinance would just mirror the state guidelines. According to the research information compiled by staff, four of the seven (including High Point) are using the terms 100/300/50 ($100,000 per person/$300,000 per accident/$50,000 property damage).

Council Member Sims asked what the cost savings would be to the taxi cab companies should the commercial liability limits be lowered. Mr. Ali stated he is currently paying between $2,300 and $3,000 per year for each vehicle and he would anticipate a savings of about $1,300 per year for each vehicle if the commercial liability limits are lowered. He pointed out that although he has only been doing business in High Point for a few years, his cabs haven't been involved in any major accidents. Mr. Ali requested that Council consider a reduction in the commercial liability limits to 50/100/50 ($50,000 per person $100,000 per accident/$50,000 property damage).

Officer Tad Kramp, the city's taxi cab inspector, informed Council that according to the research he's done, there's not any greater likelihood that cabs are going to be involved in an accident that would cause any more damage or injury than anybody else on the roadway. He agreed that it would be easier for him as far as record keeping and verification as the cabs come in for renewals and inspections if the city's ordinance reflected the minimum state standards.

Mayor Pro Tem Alexander was of the opinion that the state minimum standards were ridiculously low and expressed concerns that if the limits are lowered, the taxpayers would be paying for the restoration. He stated he could not support a reduction because of the lack of protection for the public's safety. Mayor Smothers shared Mayor Pro Tem Alexander's concerns, but felt there were a number of people dependent on taxi service.

Chairwoman Sims stated that while she could not necessarily support the reduction to the mininums in the State Statute, she could support a 50% reduction in what the current commercial liability limits are in the High Point ordinance and moved that Council consider the request by First Class Cab Company to amend the city's ordinance to reflect a 50% reduction in the rates listed in the ordinance. Council Member Corey made a second to the motion.

For further discussion, Council Member Moore stated he understood Mr. Ali requested the limits of 50/100/50 and asked Mr. Ali to clarify the amounts he was requesting it be changed to. Mr. Ali replied he was requesting the commercial liability limits be reduced to 50/150/50. Since this was slightly different that what

Chairwoman Sims had made in her motion, she concurred with the 50/150/50 and agreed to amend her motion as such.

Council Member Moore inquired about the wording in the memorandum from the police department that would require the cab companies to use the savings realized from the reduction in the commercial liability limits to improve the quality of their vehicles and how this would be handled. Officer Tad Kramp explained he has talked with the cab company owners and informed them they would have to have all cabs inspected twice a year and also explained to them that although they have been lenient on the cab inspections in the past, this would change and the cab companies would be expected to bring their up to the expected standards.

A discussion followed regarding the effective date and Council agreed to change the ordinance and have the 50/150/50 ($50,000 per person $150,000 per accident/$50,000 property damage) commercial liability limits to be effective immediately upon adoption.

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

Adopted Ordinance Amending Title 11, Entitled "Licensing and Regulation," Chapter 2, Entitled "Vehicles for Hire," Article C, Vehicle Specifications and Equipment, of the Code of Ordinances, Revised 1997 changing the minimum commercial liability limits from $100,000 per person/$300,000 per accident/$50,000 property damage to $50,000 per person/$150,000 per accident/$50,000 property damage.

Ordinance No. 6837/11-45 **Introduced 8/15/2011**
Adopted 8/15/2011
Ordinance Book Volume XVII, Page 45

A motion was made by Council Member Corey that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Moore, Council Member Sims, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Alexander
Absent: Council Member Douglas and Council Member Pugh

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair
Committee Members: Sims, Henley and Moore

(all were present)

Resolution of Intent - Annexation 11-03 - E. Fairfield Road/Ingram Road

110165 Approval of a Resolution of Intent that establishes a public hearing date of September 19, 2011at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 16.71 acres lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (1214 & 1216 E. Fairfield Road).

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

Adopted the Resolution of Intent establishing a public hearing date of September 19, 2011 at 5:30 p.m. to consider a voluntary contiguous annexation petition filed by First Baptist Church of High Point for approximately 16.71 acres lying approximately 300 feet south of the intersection of E. Fairfield Road and Ingram Road.

Resolution No. 1681/11-32 **Introduced 8/15/2011**
Adopted 8/15/2011
Resolution Book Volume XVII, Page 32

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

Pending Items

Part 150 Assessment Report

110038 Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

MISCELLANEOUS

Change in Meeting Date

110168 Due to the Labor Day Holiday, Council is requested to change the meeting date of the Committee of the Whole Meeting scheduled for Monday, September 5, 2001 at 4:45/5:30 p.m. to Tuesday, September 6, 2011 at 4:45/5:30 p.m.

Approved changing the meeting date of the Committee of the Whole Meeting scheduled for Monday, September 5, 2011 at 4:45/5:30 p.m. to Tuesday, September 6, 2011 at 4:45/5:30 p.m.

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

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

Planning , Economic Development & Information Technology Committee - Council Member Whitley, Chair
Committee Members: Sims, Henley and Moore

(all were present)

Ordinance - Rezoning Case 11-08 - Butch Baur & Yean Leong Chu - Westchester Drive

110166 A request by Butch Baur and Yean Leong Chu to rezone approximately 1.06 acres from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).

Note: Council Member Henley left the meeting during the discussion of **110166 Ordinance- Rezoning Case 11-08- Butch Baur & Yean Leong Chu- Westchester Drive** before the vote was taken. Pursuant to N.C. General Statute 160A-75 states that *failure to vote by a member who is physically present, or who has withdrawn without being properly excused is recorded as an affirmative vote.* Therefore, even though Council Member Henley was not physically present when the vote was taken, his vote will be recorded as an affirmative vote.

The public hearing for this matter was held on Monday, August 15, 2011 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.

Mayor Smothers asked staff if there was any discussion about trying to manage traffic from both properties through one entrance and one exit. Mr. Shannon replied that staff reviewed several options with the applicant as far as trying to combine access points, but they desired their own separate access point and since the proposal did not conflict with the driveway ordinance, staff left the recommendation for them to consider. Mayor Smothers expressed strong concerns about the traffic safety aspect of people turning to make left turns into the property and felt the narrowness of the lot would cause problems.

Mayor Pro Tem Alexander pointed out that Walgreens had to spend millions to get their driveway 150 feet back from the intersection and the Mayor noted that there were three ways to get into and out of Walgreens. Mayor Pro Tem Alexander noted even with one driveway, people would still be trying to make an ill-advised left turn.

Council Member Corey inquired about the hours of operation for the Waffle House and he was informed that it would be a 24/7 operation.

Council Member Henley questioned the benefits of the two property owners for this to come under one rezoning request and why the Tokyo Express was just bringing it to the city since they had been allowing inappropriate parking on the extra lot already. Mr. Shannon explained they came in seeking information from staff regarding zoning at the same time the Waffle House owners came in and it was determined that in order to make the project work, they needed each other due to the parcel being currently zoned residential, a greater side yard setback would be required for the Waffle House site and because Tokyo Express requires overflow parking and were notified of the violation that they needed for it to be rezoned. Council Member Henley asked for clarification that in order for the Waffle House to put in their site plan, they needed a zero setback and staff confirmed that the Waffle House would need the property to be zoned commercial so they in the affirmative and noted they required the property to be zoned commercial so they could do a zero setback.

Mayor Smothers suggested one option might be to permit the two driveways and allow only right turns out with left hands prohibited. She asked the transportation staff to comment on the traffic analysis. Mark McDonald, Director of Transportation, explained the anticipated generation of approximately 300 trips per day for the Waffle House site did not trigger a traffic impact analysis so one was not required. He pointed out the only way to restrict left turns would be to construct a median. Council Moore asked if the City Council would have the authority to do anything should traffic problems become evident after the property is rezoned. Mr. McDonald noted if crash patterns or severe congestion problems become evident, not only would the City of High Point have the authority to make changes, but the State of North Carolina would as well. JoAnne Carlyle, Assistant City Manager, pointed out it would be done under a separate action, not related to this zoning action. Council Member Sims asked for clarification from staff that the two property owners were not interested in any type of shared access and Mr. Shannon explained in staff's deliberations with both owners, they were not interested in any type of shared access.

Chairman Whitley inquired about the driveway location for the Waffle House and Mr. McDonald explained the building would be situated along the lot line between lots 119 and 115 and the driveway would be situated to the east of closer to the Jiffy Lube.

At this time, Chairman Whitley opened the public hearing and asked if there were any comments in support of or in opposition to this rezoning case.

Butch Baur, representing the Waffle House, 5986 Financial Drive, Norcross, Georgia, spoke in favor of the request. He stated they were looking forward to an opportunity from them to put a Waffle House in High Point and noted they have two contracts on the property which would soon be expiring. He agreed the site was filled with challenges and explained he did try to get the neighbor to attend a pre-submittal meeting with staff, but no one showed up so they decided to move forward with their petition for rezoning and the other property owner later joined the petition after finding out it was necessary. He pointed out the difficulty with the Waffle House site plan was there was no way to create interparcel access between the two properties and although they do meet the current minimum parking standards, they were under what they would like to have as a company.

Chairman Whitley asked if the owner's of the Tokyo Express were present and no one was present. The Mayor pointed out that Tokyo Express could be stopped from using lot 119 for overflow parking and staff replied they have been issued a Notice of Violation for that lot.

Eddie Maceldowney, 4341 Southern Oak Drive with Davis, Martin Powell & Associates, addressed Council. He informed Council that the owners of the Tokyo Express asked his company to design a gravel parking lot to satisfy the requirements of the overflow parking ordinance and they were getting ready to submit a plan. The Mayor expressed concerns about a gravel parking lot and felt the property owner should be made to pave the parking lot since it was a permanent part of their development.

Chairman Whitley asked staff it would be possible to approve the rezoning for lot 115 (Tract A) and not the rezoning for lots 123/119 (Tract B) and staff replied it could be done, but the layout being proposed for the Waffle House would not work because the Development Ordinance currently requires a wider building setback where commercial abuts residential, so if Tract A is not rezoned to a commercial zoning district, then they would be required to have a greater building setback along the common property line and could not do the zero property line setback that they need based upon their site plan. he asked staff if the requirement for paving the parking could be made as a condition of the rezoning and Mr. Shannon noted the owner of Tokyo Express would have to agree to it since it would be a higher standard.

Council Member Sims welcomed a Waffle House in High Point and felt it would be great to have one in High Point since the next closest one was in Archdale. Mayor Smothers pointed out that the Council certainly has the ability to make provisions when there are conflicts with setbacks. Ms. Carlyle explained that Council could require the setback, but could not require the paving of the lot. Mr. Shannon noted under the conditional zoning regulations, deviation from the setback and landscaping requirements was allowed and explained that if Council was going to deviate from the setback requirements, the applicant would need to note the specific deviation. After conferring with the applicant, Mr. Shannon reported that they request the elimination of setbacks along the common property line to a zero setback.

There was some question as to the possibility of taking action only on lot 115 (Tract A) and continuing the zoning request for lots 119/123 (Tract B). Mr. Shannon explained if these two rezoning cases were split, it would still leave a commercial lot and a residential lot and this may be problematic with the building code requirements. Mr. Baur stated he could certainly make sure the paving contractor for his project would be available to talk to the Tokyo Express owner so they could obtain good pricing on getting the lost paved should they choose to do so. Mr. Baur noted he was pretty much indifferent to the situation of the 119 lot because the Waffle House would not have windows on that side of the building anyway because it was against the building code.

Chairman Whitley asked if there were any additional comments.

David Wilson, Central Avenue, expressed concerns that Council was ready to move forward on one or the other of these rezonings without a sufficient traffic study. Chairman Whitley reiterated that a traffic impact analysis was not required anyway. Mr. Wilson felt there should be more consideration for the overall picture and was concerned about the effect if one piece of property was rezoned before the other and the possibility that it wouldn't work together as intended.

Lee Burnette, Director of Planning and Development, reported that staff reviewed the State Building Code and determined that the residential zoning designation would not affect the Waffle House's site plan design.

At this time, **Chairman Whitley made a motion to separate the zoning requests for lots 119/123 (Tract B) and lot 115 (Tract A). Council Member Sims made a second to the motion to separate these two zoning requests. The motion carried unanimously. [7-0 vote] [Council Members Douglas and Pugh were absent]**

Following the vote on separating the zoning requests, **Chairman Whitley made a motion to continue the public hearing on the rezoning request for lots 119/123 (Tract B) and place it in Committee. Council Member Sims made a second to the motion which carried unanimously. [7-0 vote] [Council Members Douglas and Pugh were absent]**

Ordinance No. 6838/11-46 **Introduced 8/15/2011**
Adopted 8/15/2011
Ordinance Book Volume XVII, Page 46

A motion was made by Council Member Whitley, seconded by Member Moore, that this matter be adopted Chairman Whitley then closed the public hearing for the rezoning request for lot 115 (Tract A) with a deviation to permit a zero building setback along the western property line of Tract B and moved approval based on the consistency with the City's adopted plans and based on the statements in the staff analysis section of the staff report. The motion carried unanimously.

Ordinance - Text Amendment 11-06 - City of High Point - Watershed Standards

110167 A request by the City of High Point to amend Section 9-2-1 Definition Index, Section 9-2-2(b) Drainage and Watershed Protection, Section 9-7-1(e) Exemptions, Section 9-7-3(c) Surface Water Buffers, Section 9-7-10(d) Watershed Variances and Section 9-9-11(c) of the Development Ordinance in response to new Randleman Lake Watershed standards required by the North Carolina Division of Water Quality (DWQ).

Note: Council Member Henley left the meeting during the discussion of **110166 Ordinance- Rezoning Case 11-08- Butch Baur & Yean Leong Chu- Westchester Drive** before the vote was taken and was not present for the discussion or the vote for **110166 Ordinance- Text Amendment 11-06- City of High Point- Watershed Standards.** Pursuant to N.C. General Statute 160A-75 states that *failure to vote by a member who is physically present, or who has withdrawn without being properly excused is recorded as an affirmative vote.* Therefore, even though Council Member Henley was not physically present when the vote was taken, his vote will be recorded as an affirmative vote.

The public hearing for this matter was held on Monday, August 15, 2011 at 5:30 p.m.

Greg Morrison of Planning & Development provided an overview of the staff report.

Mayor Smothers asked that the record show that the North Carolina Division of Water Quality wants to change the rules after the City of High Point was forced to spend a significant amount of money to keep the outfall line out of the protected area.

Chairman Whitley opened the public hearing and asked if there were any comments or remarks from the audience. There being none, the public hearing was closed.

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

Adopted ordinance amending Section 9-2-1 Definition Index, Section 9-2-2(b) Drainage and Watershed Protection, Section 9-7-1(e) Exemptions, Section 9-7-3(c) Surface Water Buffers, Section 9-7-10(d) Watershed Variances and Section 9-9-11(c) of the Development Ordinance in response to new Randleman Lake Watershed standards required by the North Carolina Division of Water Quality (DWQ).

Ordinance No. 6839/11-47 **Introduced 8/15/2011**
Adopted 8/15/2011
Ordinance Book Volume XVII, Page 47

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

Votes: Aye: Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Mayor Smothers
Absent: Council Member Douglas and Council Member Pugh

For Information Only:

Special Recognition- Boy Scout Adam Alt
Mayor Smothers recognized and welcomed Adam Alt who was in attendance to get credit for his Boy Scout Community and Communications merit badge.

John Coltrane International Jazz Festival
Council Member Sims reminded Council about the upcoming first John Coltrane International Jazz & Blues Festival that would be held in High Point on Saturday, September 3rd and issued an invitation for everyone to attend.

Report on Clean-Up Efforts- Minot, North Dakota
City Manager Strib Boynton reported on his recent trip to Minot, North Dakota, a town that was devastated and severely impacted by the flood. He noted they lost 20% of their homes and the flood left more than 12,000 people without housing since

mid-June.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:30 p.m. upon motion duly made and seconded.

Respectfully Submitted,

____

Rebecca R. Smothers, Mayor

Attest:

____

Lisa B. Vierling, MMC
City Clerk