City of High Point

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

Meeting Minutes

Monday, July 18, 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

Council Member Sims offered the invocation; the Pledge of Allegiance followed.

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

Comments from Council Member Foster Douglas

Before the meeting started, Council Member Douglas asked that his statement regarding adoption of the FY 2011-2012 Budget be entered into the record.

Mr. Alexander, I would like to make some comments before we get started. On June 20, 2011, I was counted as an affirmative on the consent agenda which included the 2011-2012 Budget. I inadvertently voted for the approval of the budget and I would like to go on record as to changing my vote in opposition to the 2011-2012 budget. A 5% increase in the electric rate and a 2.9 percent property tax increase are two of the additional fees and expenses that's thrown on the backs of our High Point residents who are already struggling. This budget, in my opinion does not address the pain the majority of the city is feeling (i.e. the elderly, the disabled who are on fixed incomes) who must choose whether to pay high utility bills, buy medicine, or eat. This is a choice they are left with much too often. The low income residents of our beloved city or the thousands more of our High Pointers on which when jobs get harder to find-and to me, the city's failure of its duty to provide an adequate transportation system to assist the residents in acquiring gainful employment. Yet, we, as a Council have voted to approve a budget that increases $8 million in spending over last year. Mind you, we are still in a downed economy and if we are making all the cuts that our manager claims that we are, then why are we proposing to spend more than last year? The manager also states that there hasn't been salary increases in the last three years, but what seems to be overlooked is the fact that High Point already pays salaries that are equivalent to cities three or four times its size. One can only imagine what salaries would be if there had been yearly salary increases. Again, I do not believe this budget reflects the pain, nor gives any relief to the pain to the majority of the High Pointers who are feeling it. It only burdens the residents even more. Therefore, I would like to go on record again as a vote against the 2011-2012 Budget.

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 Pugh, seconded by Council Member Whitley to suspend the rules in order to take final action on these matters at tonight's meeting [this includes all matters except 110151 Resolution- Street Abandonment 11-03- High Point University and]. The motion carried unanimously.**

[8-0 vote] [Mayor Smothers was absent]

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

PRESENTATION OF ITEMS

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

(all were present except Smothers)

Resolution - Condemnation Proceedings - West Hartley Drive Extension

110140 Council is requested to authorize the City Attorney's office to proceed with condemnation proceedings on property located at 2645 N. Main Street belonging to North Main Properties, LLC. this property is needed for the West Hartley Drive Extension project.

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 condemnation proceedings on property located at 2645 N. Main Street belonging to North Main Properties, LLC.

Resolution No. 1676/11-27 **Introduced 7/18/2011**
Adopted 7/18/2011
Resolution Book Volume XVII, Page 27

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

Workers Compensation Third Party Administrator Contract

110141 Council is requested to approve a contract for workers compensation third party administration with Compensation Claims Solutions in the amount of $60,900.00 for FY 9/1/11 - 8/31/12.

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 contract for workers compensation third party administration with Compensation Claims Solutions in the amount of $60,900.00 for FY 91/12011 through 8/31/2012.

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

Contract - Bid No. 41 - Hauling & Loader Services for Kersey Valley Landfill

110144 Approval of contract awarding Bid No. 14 for hauling and loader services for Kersey Valley Landfill. Purchasing and Public Services recommends that contract be awarded to William Blake Trucking in the estimated annual amount of $86,000.00 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 4:00 p.m. prior to this meeting.

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

Approved contract with William Blake Trucking in the estimated annual amount of $86,000.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Municipal Agreements - NCDOT - N. Main & Lexington Avenue Intersection Improvements/S. Main Street at GTCC Pedestrian Crossing

110156 Council is requested to authorize staff to execute Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the following projects: 1) N. Main Street and Lexington Avenue Intersection Improvements; 2) S. Main Street at GTCC Pedestrian Crossing; and adopt budget ordinance amending the 2011-2012 budget to appropriate funds for these projects.

This matter was discussed during a Finance Committe meeting held at 4:00 p.m. prior to this meeting.

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

Authorized staff to execute Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the following projects: 1) N. Main Street and Lexington Avenue Intersection Improvements; 2) S. Main Street at GTCC Pedestrian Crossing and, Adopted a budget ordinance amending the 2011-2012 Budget appropriating funds for these projects.

Ordinance No. 6830/11-38 **Introduced 7/18/2011**
Adopted 7/18/2011
Ordinance Book Volume XVII, Page 38

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

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

Ordinance - Vacate/Close Dwelling - 619 Arch Street

110145 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 619 Arch Street belonging to George Karagiannakis.

The property owner was not present.

[a copy of the staff report for this housing case will be attached as a permanent part of these proceedings]

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 619 Arch Street.

Ordinance No. 6831/11-39 **Introduced 7/18/2011**
Adopted 7/18/2011
Ordinance Book Volume XVII, Page 39

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

Ordinance - Vacate/Close Dwelling - 1206 Dorris Street

110146 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1206 Dorris Street belonging to Dorothy M. Wright.

The property owner was not present.

[a copy of the staff report for this housing case will be attached as a permanent part of these proceedings]

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

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1206 Dorris Street.

Ordinance No. 6832/11-40 **Introduced 6/18/2011**
Adopted 6/18/2011
Ordinance Book Volume XVII, Page 40

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

Ordinance - Vacate/Close Dwelling - 409 Greer Avenue

110147 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 409 Greer Avenue belonging to Sunrise & Sons, LLC.

Chairwoman Sims reported that she was informed by staff that the property is now in compliance with the Minimum Housing Code as a result of an inspection by the Inspection Services Division on 7/18/2011.

Removed matter from the Agenda.

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

Ordinance - Demolition of Dwelling - 1608 Forrest Street

110148 Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1608 Forrest Street belonging to Gordon Lupton Jenkins, Jr.

The property owner was not present. Chairwoman Sims pointed out the dwelling was occupied.

[a copy of the staff report for this housing case will be attached as a permanent part of these proceedings]

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

Adopted ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1608 Forrest Street.

Ordinance No. 6833/11-41 **Introduced 7/18/2011**
Adopted 7/18/2011
Ordinance Book Volume XVII, Page 41

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

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair

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.

Technical Review Committee Appeal - Word of Life Tabernacle

110128 Consideration of an appeal of the Technical Review Committee's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan located at the northwest corner of Deep River Road and Gordon Road.

City of High Point Incentives Policy - Job Creation Policy (new)

110152 Council is requested to receive the following Incentives Policy Review Committee recommendations:

2) City of High Point Job Creation Incentives Policy [new]

For Part 1 (Industrial Incentives Policy) and Part 3 (Incentives Map) refer to Legislative Matter 110032 (action taken March 21, 2001). For Part 4 (Retail Incentives Policy) refer to Legislative Matter 110053 (action taken June 6, 2001).

This matter was discussed at the June 21st Planning, Economic Dev. & Information Technology Committee and was favorably recommended for placement on today's Agenda.

Chairman Whitley explained that the idea was to accept comments on the proposed Job Creation Policy at tonight's meeting and for it to go back to the Planning, Economic Dev. & Information Technology Committee on July 19th for further discussion and receipt of additional information by staff with the hopes of finalizing action on the proposed policy at the Council meeting on Thursday morning, July 21, 2011.

MISCELLANEOUS

Theatre Advisory Board - Reappointment - Catherine Bencini

110153 Council is requested to confirm the reappointment of Ms. Catherine Bencini to the Theatre Advisory Board. Appointment will be effective immediately and will expire 7/1/14.

Mayor Pro Tem Alexander pointed out there are presently three openings on the Theatre Board and asked Council Members to encourage residents to submit applications to serve--especially someone from the ecumenical community and a resident from the east of Deep River.

Approved the reappointment of Catherine Bencini to the Theatre Advisory Board. Appointment effective immediately and will expire on July 1, 2014.

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

Resolution - Congressional Redistricting by NC General Assembly

110155 Council is requested to adopt a Resolution urging minimal division of the City of High Point in Congressional Redistricting by the NC General Assembly.

Mayor Pro Tem Alexander explained that High Point finds itself fractured into four different congressional districts according to recent redistricting maps and the proposed Resolution before Council tonight discourages the fracturing. Council Member Pugh pointed out that this could possibly plan as an advantage for High Point and felt having four representatives instead of two would not have a negative conotation for High Point. Mayor Pro Tem Alexander felt the question would be if High Point would have a greater voice as a community of 100,000 represented by two congressmen or would it be more advantageous to be smaller pieces fractioned out. Council Member Pugh questioned where the proposed map came from and if it was politically motivated by the Republicans in the Legislature. Mayor Pro Tem pointed out that High Point is presently the 9th largest city in North Carolina and felt High Point's voice diminishes greatly from dividing High Point into four smaller village size pieces.

Council Member Sims felt there should be some commonality with the individuals and High Point didn't have anything in common with the 5th district and the way that district has been drawn. She wasn't sure that the interest of High Point could be served by a congressional person in some of these counties that are very rural in nature since High Point is an urban community--not a rural community. She stated she did not see any advantages to splintering the congressional districts. Council Member Corey felt Council would not have much influence in the process anyway and felt adoption of the resolution wouldn't make an impact in the deliberations going on in Raleigh.

Adopted Resolution Urging Minimal Division of the City of High Point in Congressional Redistricting by the N.C. General Assembly.

Resolution No. 1677/11-28 **Introduced 7/18/2011**
Adopted 7/18/2011
Resolution Book Volume XVII, Page 28

A motion was made by Council Member Henley, seconded by Member Moore, 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: Council Member Douglas and Council Member Pugh
Absent: Mayor Smothers

Appointment- Boards & Commissions-Human Relations Commission

110157 Council is requested to approve the appointment of Dr. Michelle Matthews to the Human Relations Commission. Dr. Matthews will fill the unexpired term of Rebecca Mann who filled a Special Interest slot. Appointment to be effective immediately and will expire May 1, 2013.

Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Sims, second by Council Member Whitley to suspend the rules relative to placing it on the Agenda so it could be considered. The Motion to suspend the rules carried by a unanimous vote.

Approved the appointment of Dr. Michelle Matthews to the Human Relations Commission. Appointment effective immediately and will expire May 1, 2013.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

Cynthia Davis, a resident at 413 Evergreen Avenue, addressed Council during the Public Comment period. She expressed concerns about a recent article appearing in the Rhinocerous Times and wanted to address the rumor4 of her running for City Council. She explained that although she had really never considered running for an elective office, because of things that she has seen, heard and observed in the city government realm, she may. She strongly denied the rumor that she was being "groomed" for any position on any board at any time by Council Member Pugh and she was and always would be her own woman and her actions would be on her own accord.

Ms. Davis also addressed a conversation she remembered that took place on May 19, 2011 between Mayor Smothers and Mayor Pro Tem Alexander in the Commerce Street parking lot regarding an announcement that the city manager had asked for his last paycheck on that Monday morning and she had confirmed this with Councilwoman Sims. Ms. Davis also stated she called Council Member Pugh and gave him a report on the account of this incident and how she heard the information about the city manager resigning and/or quitting. She pointed out that as a resident, it was very awkward for her to overhear a conversation of this nature and she has been waiting for it to come back before the City Council for the city manager's reinstatement or some action.

Ms. Davis also shared an incident that took place on June 20, 2011 where she overheard the city manager tell the Mayor that he had the six votes they needed and if Councilman Pugh was going to bring up the city manager's resignation at the meeting that night, then there was nothing to substantiate his claim. She explained that this greatly bothered her because it was not proper procedure for votes to be cast before a meeting. She reiterated that her sole purpose in attending the Council meetings as well as the Committee meetings was to be better informed as a resident which she definitely has the right to do.

At this time, Mayor Pro Tem Alexander explained there has been no change of the employment status of the city manager and if that woul dhave taken place, it would have been during a formal meeting where formal minutes would have been taken. At this point, Ms. Davis questioned Mayor Pro Tem Alexander's integrity and asked him if he was denying the conversation that took place outside in the parking lot on that day. Mayor Pro Tem Alexander stated the city manager never tendered his resignation.

Council Member Pugh commented on Ms. Davis' comments and felt some clarity on the issue was needed. He asked point blank if the city manager tendered his resignation and if it was accepted. Mayor Pro Tem Alexander explained this was a personnel issue and should be discussed in a closed session. Council Member Pugh suggested Council address this on August 4th at the alotted time scheduled for the city manager's annual performance evaluation.

Council Member Douglas agreed that clarification was needed as to whether or not the city manager did resign and to make sure that the city was legally adhering to the City Charter. He pointed out that the Mayor did give a hand-out of waht the manager's buyout would be and that he wanted his pay that Monday.

Redistricting Maps

Keith Brown, 3728 Pembroke Terrace, addressed Council regarding redistricting issues. He shared several maps with Council (i.e. a map that he presented to the Guilford County Commissioners; a map that was submitted from the Guilford County GOP and a map that was the Skip Alston plan. He felt that High Point is getting the shaft in several ways starting with how the congressional districts were split up four ways. He specifically mentioned the "High Point hook" appearing on the maps and felt everybody was using the "High Point hook" to get around the Voting Rights Act. He pointed out some doe not like Skip Alston's plan about guaranteeing a High Point representative on the County Commissioners. He proceeded to do a comparison with the maps and pointed out his map features eight districts and keeps Pleasant Garden, Oak Ridge, Summerfield and Stokesdale together with Greensboro having three districts.

Mr. Brown informed Council his sole purpose in getting involved with the redistricting process was that he wants to see High Point get a lot stronger. He mentioned a proposed new Senate seat coming to Guilford County (District 27) and pointed out campaigning could prove to be problematic with this proposed map from the market plan from the Guilford County Commissioners staff because it would not only split up High Point, but would scatter District 27 all the way near the airport directly across into Greensboro from Northeast Guilford County down to Southeast Guilford County coming up to High Point and back into Greensboro.

Council Member Sims questioned Mr. Brown's proposed map and pointed out it could create a situation where minority voters in High Point could theoretically not have

High Point representation based on the way the map is drawn. Mr. Brown disagreed and explained that he didn't think this was the case because he is attempting to guarantee one. Council Member Sims interjected and felt he should be guaranteeing two and Mr. Brown explained he would like to guarantee two, but it was impossible to do with the Voting Rights Act.

Mayor Pro Tem Alexander thanked Mr. Brown for the information and asked him to leave a copy of the maps with the Planning staff.

Exhibit Book Volume X, Page 59

Copper Theft
Council Member Pugh noted that the theft of copper was becoming rampant in High Point and everywhere and felt the city should regulate recycling purchasing facilities more stringently. He asked if staff could look into more stringent regulations on these types of facilities by only allowing them in fixed, permanent locations--not transfer trucks in parking lots and specifically mentioned two trucks sitting on the corner of Fairfield/Surrett and Fairfield/Brentwood buying recycled materials.

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

Finance Committee

Public Hearing - FY 2012 FTA Section 5307 Operating and Capital Grant Application

110142 Monday, July 18, 2011 at 5:30 p.m. is the date and time established to receive public comments on the filing of the FY 2012 FTA Section 5307 operating and capital grant application for Hi tran, Dial-A-Lift, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by Guilford County Transportation System.

The public hearing for this matter was held on Monday, July 18, 2011 at 5:30 p.m.

Chairman Alexander opened the public hearing and asked if there were any comments. There being no one present to offer any 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.

Acknowledged the public hearing was held and authorized the filing of the grant applications to the FTA and NCDOT.

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

Resolution - 2011 Justice Assistance Grant (JAG)

110143 Monday, July 18, 2011 at 5:30 p.m. is the date and time established to receive public comments on the award of the 2011 Justice Assistance Grant (JAG) funds in the total amount of $330,436.00 to be divided between the Guilford County Sheriff's Department ($82,829.60); Greensboro Police Department ($183,733.60); and the High Point Police department ($63,872,80).

The public hearing for this matter was held on Monday, July 18, 2011 at 5:30 p.m.

Chairman Alexander opened the public hearing and asked if there was anyone present to comment.

Chief James Fealy of the High Point Police Department, was present and addressed Council's questions.

Council Member Sims asked about how the percentages and amounts are derived for the JAG. Chief Fealy explained the money is actually passed from the federal to the state government and a formula is used with a disparity quotient. He noted the grant is applied for annually and there's no stipulation as to how it can be spent except on training and technology. The High Point Police Department plans on using its portion of these funds to purchase thirteen in-car cameras.

Chairman Alexander asked if there any additional comments. 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.

Approved the award of the 2011 Justice Assistance Grant funds in the total amount of $330,436.00 to be divided between the Guilford County Sheriff's Department ($82,829.60); Greensboro Police Department ($183,733.60 and the High Point Police Department ($63,872.80).

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

Planning, Economic Development & Information Technology Committee

Ordinance - Rezoning Case 11-07 - Hospice of the Piedmont, Inc.

110149 A request by Hospice of the Piedmont, Inc. to rezone approximately 1.23 acres from the Residential Single Family-7 (RS-7) District and Conditional Use Highway Business (CU-HB) District to a Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the north side of Carey Avenue, approximately 400 feet east of Westchester Drive.

The public hearing regarding this matter was held on Monday, July 18, 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.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment for or against the rezoning request. There being no one present to offer any comments, 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 for approval.

Adopted ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District and Conditional Use Highway Business (CU-HB) District to a Conditional Zoning Highway Business (CA-HB) District based on consistency with the City's adopted plans and based on the statements identified in the Staff Analysis of the staff report.

Ordinance No. 6834/11-42 Introduced 7/18/2011
Adopted 7/18/2011
Ordinance Book Volume XVII, Page 42

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

Ordinance - Text Amendment 11-07 - Halo Styles, LLC

110150 A request by Halo Styles, LLC. to amend Section 9-5-2 (ttt) of the Development Ordinance pertaining to development standards for Market Showrooms in the CB District, to permit a limited amount of exterior product display.

The public hearing for this matter was held on Monday, July 18, 2011 at 5:30 p.m. as duly advertised.

Bob Robbins of Planning & Development gave an overview of the staff report. [staff report is hereby attached in Legistar as a permanent part of these proceedings].

Following the presentation of the staff report, Mayor Pro Tem Alexander expressed concerns regarding possible encroachments on the sidewalk becoming a public safety hazard during the Furniture Market. Mr. Robbins clarified that none of the exhibit can be located in the right-of-way or on the sidewalk. Mayor Pro Tem Alexander pointed out there are places within the district (i.e. Klaussner Home Furniture) where there might be wide patios and asked if there would be any way to have a specified setback from the curb line identified in the text amendment. Lee Burnette, Director of Planning and Development explained that the rights-of-way vary and staff felt comfortable with the wording "sidewalk" and "right-of-way" and agreed there are some private sidewalks, but a distinction could be made by identifying these as "public sidewalks."

Council Member Sims asked if staff could display a map of the area. Mr. Robbins showed Council a map showing the general outline of the CB District and noted the text amendment would apply to all the gray areas in terms of showrooms located within the district and wouldn't apply to any showrooms outside the district. Mr. Robbins noted there are a few folks including the applicant who desire to display these products and would much rather do it in its intended outdoor setting. Staff felt there would be ample time in between markets to make any corrections or changes that might be needed to the text amendment.

Council Member Henley asked if the Phoenix Art showroom at the corner of Hamilton and Elm was in the CB District or if they would be in non-compliance with the text amendment should it be approved. Mr. Robbins noted that staff did get some telephone calls from showrooms expressing an interest in being afforded the same opportunity to have outdoor displays and reiterated this could certainly be reviewed and studies in between markets for any changes that might be necessary. He pointed out this text amendment was brought about at the request of Halo Styles, LLC and while addressing their immediate needs, revisions could be made to add additional areas.

Council Member Henley suggested some kind of time limitation be identified in the text amendment as to when the products can be displayed. Chairman Whitley agreed and recommended there may need to be a limit of at least no more than a month prior. Mr. Robbins stated staff has no problem with this assuming the applicant is also satisfied with it. The applicant, Mr. ???????, suggested they be allowed to display the products two weeks before market and Mayor Pro Tem Alexander asked him if a six week period ending two weeks after the official close of market would give them sufficient time. Mr. ????? agreed.

Chairman Whitley opened the floor for comments at this time.

David Wilson felt there is a need for the proposed text amendment to be further reviewed because he was concerned that the text amendment as presented would be addressing the needs of the individual that requested it and not others who also might like to be afforded the same opportunity.

The Committee recommended this matter be placed in Committee for further review.

A motion was made by Council Member Whitley, seconded by Council Member Henley, that this matter be referred to the Planning, Economic Dev. & Information Technology Committee, due back on August 2, 2011 Chairman Whitley moved to place the text amendment in the Planning, Economic Dev. & Information Technology Committee to be reviewed further on August 2nd. The motion carried unanimously.

Resolution - Street Abandonment 11-03 - High Point University

110151 A request by High Point University to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

The public hearing for this matter was held on Monday, July 18, 2011 at 5:30 p.m. as duly advertised.

Mark Schroeder of Planning & Development gave an overview of the staff report. [staff report will be attached in Legistar as a permanent part of these proceedings]

Following the presentation of the staff report, Council Member Sims asked staff if they had any input from the police or fire regarding closing of the street and access off Willoubar Terrace. Mr. Schroeder responded in the affirmative and noted the Fire Department provided a written response related to how they would provide services to this area or how the abandonment would affect it. Council Member Sims expressed concerns about Mr. Barnes' house and whether or not they would have to reroute the method or way to get to this location and asked whether or not the narrow street would present a problem getting to his house. Mr. Schroeder noted that the Fire Department did not cite any concerns. She also asked inquired about the condition of Willoubar as it relates to the street improvements and staff replied that it is about a 16-foot wide, ribbon paved street and noted Mr. Barnes would have access to his house from Fifth Street as well as Willoubar.

Council Member Corey inquired about Mr. Barnes' concerns that the construction on Willoubar Terrace also restricts the flow of traffic and staff noted this would be a temporary issue as long as the construction is going on and construction was moving along quickly.

Chairman Whitley asked if there were any other questions of staff. There being none at this time, he asked the petitioner to come forward.

Ron Guerra, Director of Construction for High Point University, 833 Montlieu Avenue, addressed Council in favor of the street abandonment request. He explained the university is trying to obtain privatization of the street and they have taken Mr. Barnes' issues into consideration. He noted due to the wide width of the street????? , vehicles can actually park on both sides of the street and not hinder any traffic flow. He noted the university's immediate plans for this August at the start of school is to take the upper half of North Avenue and turn it into student parking (parallel parking) so this would eliminate construction parking in that area and they would also keep construction parking away from the corner. Mr. Guerra stated the university realizes that parking is going to be impossible with the construction of the Greek Village and future construction of the School of Education, but they are making alternate plans to shuttle the students in from a nearby shopping center. In an effort to assuage security concerns, Mr. Guerra explained the university does plan to put a security measure at Farriss and North and would also have a knox box available to the fire department as to not hinder fire service to 1011 Willoubar as well as the university.

Mr. Guerra stated obviously the university does not want to cause any services to be cut to Mr. Barnes' house and the university will continue negotiations to purchase the property which would ultimately address all these concerns. Mayor Pro Tem Alexander felt Mr. Barnes has a right to enjoy his property and to be protected and inquired what the university would do as far as security and ensuring that Mr. Barnes' property is always clean and neat and that he doesn't experience trespassing, excess noise, or other things that might reduce his quality of life. Mr. Guerra explained the university does plan on having a portal there reducing entrance from anybody coming through and that the university would continue to uphold everything they do in other residential areas.

Regarding the parking issues facing the university, Council Member Moore suggested parking decks to help facilitate the university's rapid growth and need for additional parking. Mr. Guerra explained that the President of the university is not a big fan of parking decks citing security concerns, but could be considered later on.

At this time, Chairman Whitley opened the public hearing and asked if there were any citizens present who would like to speak in support of or in opposition to this street abandonment request.

Robert Barnes, 1011 Willoubar Terrace, addressed Council. He informed Council that there seemed to be a discrepancy in the information contained in the staff report and what he has learned from the Fire Department regarding services and he wanted to make sure none of the current services he receives by the city are affected by the street abandonment. Mr. Barnes shared an e-mail from Don Hinshaw of the Fire Department identifying issues with continuing fire service to his property once the street is abandoned. Mr. Barnes also questioned the location of the fencing and the gate and suggested one way to possibly alleviate these issues might be for the university to put its gate even with his. He informed Council that they have also had some problems with the ditch flooding on the property that was just purchased by the university and asked if the university would be maintaining the ditch to keep the flooding to a minimum. Council Member Sims asked if Mr. Barnes would also pick up responsibility for the maintenance associated with the culvert. City Manager Strib Boynton stated he would like to check with staff on the maintenance and his main concern was the garbage trucks getting in and out and the assurance that the city will still be able to provide services.

Council Member Henley asked the city manager if the city was prepared to maintain the same service level to 1011 Willoubar and Mr. Boynton agreed stating the city does have the responsibility to service the property.

Mr. Guerra explained the university is obviously in pursuit of the three houses on Farriss as they are in pursuit of Mr. Barnes' property and they would obviously have security from Farriss coming down. He pointed out that the official staff report concludes that there would be no problem with fire protection.

Since Council would be meeting on Thursday morning, Chairman Whitley asked Mr. Guerra if he could get together with his engineer, staff and the fire department to reevaluate the services. Mayor Pro Tem Alexander also asked that the Fire Department try to work it into their schedule to physically demonstrate that they won't have a problem accessing the home at 1011 Willoubar to provide fire services.

Chairman Whitley asked if there were any additional comments. There being none, it was recommended that the public hearing be continued to Thursday, July 21, 2011 at

9:00 a.m.

For Information Only:

<u>Workforce Development/New High Point JobLink Center</u>

Council Member Sims reported on the Workforce Development Board meeting that took place on Friday, July 15th at the new High Point JobLink Center located at 607 Idol Street. The JobLink Center is a one-stop operation and houses the Employment Security Commission, JobLink Career Center and will also have some components of vocational rehab in it and Guilford Technical Community College will have a presence in the center. She stated that they were highly complimentary of Assistant City Manager Randy McCaslin and Tim Kinney, Director of Facility Services for their help in bringing it all to fruition.

Council Member Sims also provided a report from the Department of Commerce addressing declining jobs, fastest growing industries, Economic Development, etc... in the Piedmont and State of North Carolina. She asked the city manager to allow them to come in for a briefing session to address Council about economic development opportunities and the transportation aspect to get individuals to the jobs that are currently here.

Council Member Corey stated he also attended this meeting and agreed with the remarks made by Council Member Sims. He also pointed out one issue that needs to be worked out was the public transportation to this facility.

Council Member Moore mentioned that everyone is aware of the great economic challenges we're facing and in his opinion, the crux of the economic challenge is the lack of manufacturing. He stated he made copies of some of the information distributed by Council Member Sims and encouraged everyone to review the information.

he made copies of some of the information and encouraged everyone to read and review the information. He commented the crux of the economic challenge is the lack of manufacturing.

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ADJOURNMENT