

City of High Point

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



Minutes

Monday, July 16, 2012

4:45 PM

Council Chambers

Committee of the Whole

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, the following members of the City Council were present. Mayor Smothers offered the invocation; the Pledge of Allegiance followed.

Present 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

PRESENTATION OF ITEMS

16

[120196](#)

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS:

1. Finance Committee; Monday, June 4th @ 3:30 p.m.
2. Budget Review Session #3; Thursday, June 7th @ 11:30 a.m.
3. Adjourned Session (Budget Review #4); Monday, June 11th @ 4:00 p.m.
4. Combined Meeting; Monday, June 18th @ 4:45/5:30 p.m.
5. Finance Committee; Monday, June 18th @ 3:30 p.m.

Attachments:[minutes approval memo](#)[June 4 2012 Finance Committee minutes](#)[June 7 2012 Budget Review #3 minutes](#)[June 11 2012 Budget Review #4 \(adjourned session\) minutes](#)[June 18 2012 Finance Committee minutes](#)[June 18 2012 Combined Meeting minutes](#)

A motion was made by Sims, seconded by Corey, that the preceding minutes be approved. The motion carried by the following vote:

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

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 Alexander, seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Pugh was absent when this vote was taken]

Motion was then made by Council Member Alexander, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried

unanimously. [8-0 vote] [Council Member Pugh was absent when this vote was taken]

This action cancels the Regular Meeting scheduled for Thursday, July 19th at 9:00 a.m.

FINANCE COMMITTEE

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

(all were present)

1 [120180](#)

Contract - Bid No. 72 - Transformer for Burton Street Substation

Approval of contract awarding Bid No. 72 for the purchase of a transformer for the Burton Street Substation. Purchasing and the Electric Department recommends the contract be awarded to Pennsylvania Transformer in the amount of \$442,579.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 72 - Burton Substation Transformer.pdf](#)

Larry Hopkins, Electric Operations Engineer with the High Point Electric Department, was available for questions.

Chairman Alexander publicly thanked Mr. Hopkins and the city's electric crews for getting High Point through the 100 degree heat and for dealing with the Barrow Road issues.

Council Member Corey asked about the number of electric substations in High Point; life expectancy for transformers; and standby or spare transformers. Staff replied that there are currently thirteen electric substations with the fourteenth one under construction with the life expectancy of the transformers generally being around 40 years. Mr. Hopkins explained that currently the city does have a few spare transformers as part of the Capital Program that can be moved into place should the need arise.

As a point of clarification, Mayor Smothers explained the city was fortunate that a transformer was available to replace the one that recently went bad and reiterated that the city was recently blasted over having even purchased a transformer. Council Member Douglas asked if the transformers are universal or if they have to meet certain specifications. Mr. Hopkins explained that every transformer is actually custom manufactured and the estimated delivery time is normally around six months.

The Committee recommended this matter be placed on Thursday's

Agenda with a favorable recommendation.

Awarded contract to Pennsylvania Transformer in the amount of \$442,579.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

2 [120181](#)

Contract - Bid No. 76 - Broad Avenue Transit Terminal Reconstruction and Canopy Revisions

Approval of contract awarding Bid No. 76 for Broad Avenue Transit Terminal Reconstruction and Canopy Revisions. Purchasing, Engineering and the Transportation Department recommends the contract be awarded to S & S Building Company in the amount of \$790,368.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 76 - Transit Terminal Reconstruction.pdf](#)

Angela Wynes, Assistant Transit Manager (Hi tran), briefed Council on this project. Plans are to reconstruct the Broad Avenue passenger terminal by demolishing the existing building and rebuilding from the ground up. The proposed new facility will have multiple restroom facilities for male and female passengers, a larger waiting room area and a slightly larger ticket area for the terminal attendant. She explained that it would be necessary to raise the terminal canopy about two feet to prevent large vehicles from hitting it. She noted that S & S Building was one of six bids received for this project and they were the lowest responsive bidder meeting all the qualifications. Council Member Sims asked about phasing the construction and staff replied that the project is on a fast track with construction starting in mid-August and an estimated completion date of November 30th. She noted that all terminal operations will be moved from the present location to the Hi tran administrative facility. The Mayor inquired about access issues. Ms. Wynes explained they were trying to limit non bus traffic as much as possible with signage guiding people to use Kivett Drive into the main entrance.

Council Member Douglas asked if there was a sketch available of what the new facility would look like. Ms. Wynes replied that the architect does have some available and she would get the information to the manager so it could be shared with Council. Chairman Alexander asked about the timing for posting notices and staff explained notices would be posted once the contract is awarded and a meeting takes place with the contractor so the public would be aware of a schedule and what to expect. Council Member Sims asked if staff

considered using the Depot for the temporary transition rather than moving the operation to the Hi tran headquarters. Ms. Wynes explained they did not specifically look at the Depot as a location because of the challenges of the space since it would be difficult to get in and out using High Street.

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

Awarded contract to S & S Building Company in the amount of \$790,368.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

3 [120182](#)

Resolution - BB&T Investment Deposit Account Agreement

Council is requested to adopt a resolution and agreement for deposit account with BB&T which provides the needed authorization to establish a deposit account and lists the authorized signatories on the account.

Attachments: [Resolution and Agreement for Deposit - BB&T.pdf](#)
[BB & T Resolution.pdf](#)

Resolution No. 1244/12-45

Resolution Book, Volume XVII, Page 94

Prior to discussion, Council Member Henley asked to be recused on this matter due to his position on the local advisory board with BB&T.

Motion by Council Member Pugh, second by Council Member Douglas to recuse Councilman Henley from voting/discussion on this issue. The motion carried unanimously.

Jackie Astrop, Treasury Services Manager, was present to answer any questions regarding this matter. She explained that Bank of America is currently the city's primary banking facility and BB&T is an additional depository for CDs.

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

Adopted resolution and agreement for deposit account with BB&T which provides the needed authorization to establish a deposit account and lists the authorized signatories on the account.

A motion was made by Alexander, seconded by Sims, that the resolution be adopted. The motion carried by the following vote:

Aye: 8 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, Christopher Whitley, and James Corey

Recused: 1 - A.B. Henley

4 [120183](#)

Resolution - Condemnation - 2210 Penny Road

Council is requested to authorize the City Attorney's office to proceed with the condemnation of property located at 2210 Penny Road belonging to Mr. & Mrs. Benjamin Jordon. The property is needed for the Penny Road Transmission Line.

Attachments: [Condemnation - 2210 Penny Road.pdf](#)
 [Exhibit C Resolution - Easement.pdf](#)

Resolution No. 1245/12-46

Resolution Book, Volume XVII, Page 95

Chairman Alexander asked if there was anyone present to speak on behalf of the property owner. There being no one to speak, he asked staff to update Council on the condemnation.

Ritchie Tuttle, Right-of-Way Agent, explained the taking of this particular property (2210 Penny Road) is a very small one, but felt Mr. Jordan was holding out on this one due to a controversy regarding a larger easement purchase for heir property along NC Highway 68. He pointed out there there would not be any negative impact on Mr. Jordan's property because there will not be any poles on it and the transmission line would span across the property 75-90 feet up in the air. Mr. Tuttle reported that after several attempts he has been unsuccessful in reaching an agreement with the property owner on the amount of compensation for the property at 2210 Penny Road. He explained once the negotiations started breaking down on the Highway 68 parcel, they have hired Attorney Skipper Gates to represent them and since that time, he has not had any response.

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

Adopted resolution authorizing the city attorney's office to proceed with the condemnation of property located at 2210 Penny Road.

A motion was made by Alexander, seconded by Corey, that the Resolution authorizing the city attorney's office to proceed with the condemnation of the

property located at 2210 Penny Road be adopted. The motion carried by the following vote:

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

5 [120184](#)

Public Hearing Date - FY 2013 FTA Section 5307 Grant Application - Hitran

Council is requested to establish the date of Monday, August 6, 2012 at 5:30 p.m. to receive public comments on the filing of the FY 2013 FTA Section 5307 operating, capital and planning grant application for High Point Transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by Guilford County Transportation System.

Attachments: [FY 2013 FTA - Hi Tran - Public Hearing Date Request.pdf](#)

Established the date of Monday, August 6, 2012 at 5:30 p.m. as the date and time to receive public comments on the filing of the FY 2013 FTA Section 5307 operating, capital and planning grant application for High Point transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by Guilford County Transportation System.

A motion was made by Alexander, seconded by Sims, to establish the date of Monday, August 6, 2012 at 5:30 p.m. to receive public comments on the filing of the FY 2013 FTA Section 5307 Grant Application-Hitran. The motion carried by the following vote:

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE

Chaired by Council Member Sims

Committee Members: Alexander, Douglas and Corey

(all were present)

Pending Items

[120032](#)

Ordinance - Demolition of Structure - 1315 Vernon Place

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

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

Note: This matter has been pending since February 18, 2012. At that time, the Council approved a six-month extension for the property owners to make the necessary repairs. Matter due back to Council on August 20, 2012.

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE

Chaired by Mayor Pro Tem Whitley

Committee Members: Sims, Henley and Moore

(all were present)

6 [120186](#)

Zoning Map Amendment - City of High Point/City of Archdale

A request for High Point City Council to initiate a zoning map amendment to establish city zoning for areas recently added to the corporate limits from a land area exchange with the City of Archdale.

Attachments: [02. Memo to Initiate Zoning.pdf](#)

Bob Robbins of Planning and Development provided an overview of this matter. The General Assembly passed a bill in late June with an effective date of July 1st to allow the transfer/exchange of property between the City of Archdale and the City of High Point. Following the transfer of this property, the city must now apply zoning to these areas in a timely fashion. The Planning & Development Department staff is requesting that Council move to initiate the process for initial city zoning. Once authorized, it will be heard by the Planning & Zoning Commission in July with a tentative public hearing scheduled before the City Council on August 20th. Both tracts were zoned residential when in Archdale's jurisdiction; the southern tract was R-15 (15,000 sq. ft. lot minimum) and the northern tract was R-10 (10,000 sq. ft. minimum). The Planning & Development Department recommends initial High Point zoning to be RS-9 on both tracts.

Chairman Whitley asked staff to confirm that notices were sent to property owners. Mr. Robbins replied in the affirmative and noted that notice was posted on the property. Staff received a few inquiries from property owners across the street from this property and only one inquiry from a property owner who was affected and was interested in an office use zoning. He indicated that staff would certainly entertain a rezoning application should there be some other development on that property. Council Member Sims inquired about the difference in the tax assessment for these properties once they are changed. Mr. Robbins stated he wasn't sure, but would get the information. Randy McCaslin, Assistant City Manager, pointed out the city has provided all services as of the effective date (July 1st) to these areas.

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

Approved the initiation of a zoning map amendment by the City Council to establish city zoning for areas recently added to the

corporate limits from a land area exchange with the City of Archdale.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

ANY OTHER NEW BUSINESS

7 [120185](#)

Appointment/Reappointment - High Point Theatre Advisory Board

Council is requested to confirm the appointment of Kerri Sigler to the Theatre Advisory Board (replacing Monica Munoz who has resigned) and the reappointments of Megan Walley, Ryan Ferguson and Barbara Taylor. All appointments are to be effective immediately and will expire June 1, 2015.

Attachments: [Appointments - Theatre Board.pdf](#)

A motion was made by Alexander, seconded by Pugh, that these appointments/reappointments be approved. The motion carried by the following vote:

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

8 [120194](#)

Appointment - Library Board of Trustees

Council is requested to confirm the appointment of Ms. Brenda Coats to the Library Board of Trustees as the Ward 4 (Henley) appointment. Ms. Coats will be replacing David Slack. Appointment will be effective immediately and will expire October 31, 2014.

Attachments: [COATES Brenda 2012.pdf](#)

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

PUBLIC COMMENT PERIOD - 5:15 P.M.

Mayor Smothers announced this is the time scheduled for the Public Comment period and asked those citizens desiring to speak to come forward.

Glenn Chavis, who resides at 137 Orville Drive, addressed Council

regarding the following issues/concerns:

1. Outside Agency funding. He felt the current process is flawed citing there is no process in place for all non-profit agencies to compete for the money. He felt it was only fair to spread the money around and suggested some type of waiting period between funding requests for those agencies that do get funded.
2. Overgrown lot and other violations. Mr. Chavis stated he read with interest a recent article in the newspaper regarding 1,174 overgrown properties that have been inspected by the city. He felt the city was focusing on the overgrown lot violation and not citing other violations such as parking vehicles in the front yards, parking 18-wheelers on residential streets, noise ordinance, etc.... He mentioned an incident recently involving a parked 18-wheeler on a residential street where children were playing basketball and he almost hit a child who darted out in the street in front of him and the parked 18-wheeler.

Cynthia Davis, who resides at 413 Evergreen, addressed Council regarding adoption of the budget. She expressed disappointment that Council passed the budget without considering her suggestions for a 2% reduction on the proposed amount which would have saved the city \$6,539,832.30 which, in her opinion, would have allowed the city to pay in full the wholesale price for electric power. She expressed further disappointment that Council did not review the materials she provided on her initial thoughts for the budget where she made recommendations for reductions in service (one being bi-weekly trash pick up instead of weekly trash pick-up) after hearing repeated comments from Council that no citizen actually asked for a reduction in service. She questioned the \$10,000 that was put in the budget for the relocation program because Council actually rescinded the policy. She felt there are increases throughout the budget that should have been addressed and implored Council to be considerate of the poor and those residents on a fixed income. She shared that she read where the National League of Cities reported that cities are making personnel cuts, delaying and canceling infrastructure projects and cutting local services.

She felt the city should be more creative and shared some thoughts on tourism. She suggested there might be some ways for the city to take advantage of the crowds of people that come into the city for Furniture Market.

Leonard Thomas, who resides at 407 Hillcrest Drive, addressed Council regarding some property damage through water infiltration into his home which has caused mold in his basement. He explained he discovered the problem in January and was told to contact the city's

insurance adjuster, Ken Sterling. After meeting with Mr. Sterling, he thought the matter would be taken care of, but eventually received two letters on the same day. One where Mr. Sterling had identified a list of seven demands and the other saying that the city is not responsible for any of the damage. He provided a brief history of the above ground power lines that were buried underground and felt the city failed to do the work properly. He thought the water could possibly be getting in through his electric meter that he claimed to also be installed improperly. Both Council Members Pugh and Douglas paid a personal visit to the home at Mr. Thomas' request and Council Member Pugh felt there is a dangerous situation with exposed wiring at the home and felt the electric meter and the underground line going to the house is still not installed correctly and should be rectified. He asked that the city take this seriously because the property has suffered damage.

The Mayor thanked Mr. Thomas for coming and informed him he and the City Council would receive a report from the city manager.

There being no one else present to comment, the Public Comment period was closed.

PUBLIC HEARINGS ON ITEMS

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE

9 [120187](#)

Ordinance- City of High Point- Zoning Case 12-05

- a. A request by the City of High Point City Council to rezone property at 213 Hobson Street from a Residential Single Family-7 (RS-7) District to Central Business (CB) District, and to add this parcel into the Washington Street Mixed Use Center Overlay (WMX) District. This site is lying along the west side of Hobson Street, approximately 125 feet north of Washington Street.
- b. A request by the City of High Point City Council to remove two portions of a parcel from the Washington Street Mixed Use Center Overlay (WMX) District. The areas to be removed are lying along the northeastern and eastern terminus of the Washington Street Mixed Use Center Overlay District.

Attachments: [03. Z12-05 Zoning Staff Report_06-18-12 .pdf](#)

Ordinance No. 6936/12-53

Ordinance Book, Volume XVII, Page 127

The public hearing for this matter was held on Monday, July 16, 2012 at 5:30 p.m. Bob Robbins of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment. There being none, the public hearing was declared closed.

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

Approved Zoning Case 12-05 (rezoning of property at 213 Hobson Street to a CB District and the addition of this property to the WMX Overlay District and approved the request to remove two portions of a parcel from the WMX Overlay District at the northeastern and eastern terminus of the District based on consistency with the city's adopted plans. Additionally, the City Council finds this to be reasonable and in the public interest because: 1) The request is consistent with the adopted plans; 2) The request is consistent with the goals of the WMX Overlay when initially established; 3) The request for CB District zoning for property at 213 Hobson Street will continue the established zoning pattern in this area as the property abuts the CB District to the east, south and west; 4) The request addresses the land use plan objectives #8 and #10 in regards to encouraging in-fill, mixed-use, cluster development, and higher residential densities at appropriate locations; and targeting areas adjoining the central business district for revitalization activities; and 5) The request follows the initial intent of having the WMX Overlay District and CB District to coincide.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

10 [120188](#)

Resolution- High Point University -Land Use Plan Amendment Case 12-02

A request by High Point University to change the Land Use Map classification for approximately 4.5 acres from Low Density Residential to Institutional. The land area associated with this amendment is lying along the north side of Boundary Avenue, west of N. College Drive and east of Meadowbrook Boulevard.

Attachments: [04. Staff Report LUPA12-02 & Z12-06.pdf](#)
[LUPA 12-02 Adopted.pdf](#)

Resolution No. 1246/12-47
Resolution Book, Volume XVII, Page 96

*The public hearing for this matter and related matter **120189 High Point University- Rezoning Case 12-06** was held on Monday, July 16, 2012 at 5:30 p.m.*

Heidi Galanti of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

*Note: For discussion regarding this matter, please refer to related matter **120189 High Point University- Rezoning Case 12-06**.*

Following the presentation of the staff report, the Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Council approved the request by High Point University to change the future land use designation for approximately 4.5 acres to an Institutional land use classification based on the findings in the staff report that the request meets the goals and objectives of the city's land use policies and will be in harmony with the land use pattern of surrounding areas and with the added condition that the entrances can be gated and used at the university's discretion following an evaluation by staff that could warrant a modification .

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

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

Nay: 1 - Rebecca Smothers

11 [120189](#)

Ordinance- High Point University - Rezoning Case 12-06

A request by High Point University to rezone approximately 10.4 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site is lying along the west side of N. College Drive, between Montlieu Avenue and Boundary Avenue.

Attachments: [04. Staff Report LUPA12-02 & Z12-06.pdf](#)
[CZ12-06 Ordinance of adoption 07-16-12 .pdf](#)

Ordinance No. 6937/12-54
Ordinance Book, Volume XVII, Page 128

The joint public hearing for this matter and related matter 120188 High Point University- Land Use Plan Amendment Case 12-02 was held on Monday, July 16, 2012 at 5:30 p.m.

Bob Robbins of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Alexander questioned access as the university develops this property in the future. Mayor Smothers questioned staff's decision to include a piece of property that the applicant did not ask to be included. Bob Robbins of Planning and Development explained staff included that one lot under the assumption that one day it would be owned by the university. He further explained that the property will remain as it is now and the property owner, under that zoning, has the same rights as he has presently. Chairman Whitley asked about the status of this property and if it was possibly a rental property. Mr. Robbins indicated that the applicant could better address these issues.

At this time, Chairman Whitley opened the public hearing and asked the petitioner to come forward.

Ron Guerra, Director of Construction and Renovation at High Point University, 833 Montlieu Avenue, addressed Council. He confirmed that this is a rental property and after the Planning & Zoning hearing, the person's attorney contacted the university to start negotiations. He noted the university would like to purchase the property and is actively trying to do so, but there seems to be a disparity in the price the property owner is asking and the amount the university is willing to pay. Regarding the access, he reiterated the fact that the university wants to have minimal impact on the homes that are on Boundary and he felt more people would use the Montlieu Avenue entrance because there is a traffic light there with the other entrance being available for auxiliary parking.

Council Member Sims also questioned access to the parking lot on Boundary. Mr. Robbins explained because of the number of vehicles that will be using the parking lot, staff felt it would be of tremendous benefit to have a way in and out on the southern portion because of the lack of access from the parking lot at N. College. He noted that

the Transportation Department staff recommended to locate the driveway as close as possible to N. College to the intersection so there would be a minimal effect of cars entering and leaving the neighborhood below it and the applicant agreed. Council Member Sims asked if staff would reconsider the whole access issue off Boundary because of the effect it would have on the established neighborhood and felt it would be an intrusion to that neighborhood. Mark McDonald, Director of Transportation, explained due the anticipated volume being about 250-300 spaces, staff felt only one point of access to load and unload the parking lot would not be sufficient. In an effort to assuage the concerns, Mr. Guerra informed Council that through internal procedures and processes, they could govern and control the access and do what is necessary so people are not habitually coming through. He further explained that he has spoken to Transportation about the possibility of putting a turn lane in at Montlieu and widening that entrance to make it more comfortable and a little safer since they know the other lot is coming. Council Member Douglas agreed with Council Member Sims' concerns and felt people would use the easiest access and egress which would be through the neighborhood. Mr. Guerra felt those folks pulling out of the parking lot would go to Montlieu where it would be more convenient because of the traffic light.

Chairman Whitley asked Mr. Guerra if he would be agreeable to an additional clause that the entrances required could be gated and used at the university's discretion with an evaluation of the parking lot design by staff which might warrant a modification. Mr. Guerra noted the university would certainly be up to this condition.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to make any comments in support of or in opposition to either the Land Use Plan Amendment Case 12-02 or Rezoning Case 12-06. There being no one present to comment, the public hearing was declared closed.

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

Adopted ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CA-PI) District based on the findings as outlined in the staff report and consistency with the city's adopted plans. Council finds this action to be reasonable and in the public interest as identified in the staff analysis section of the staff report.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

12 [120190](#)

Resolution - High Point University - Street Abandonment Case 12-06

A request by High Point University to abandon Harrison Street and to abandon a portion of Meadowbrook Boulevard lying west of N. College Drive.

Attachments: [05. Staff Report SA12-06.pdf](#)

**Resolution No. 1247/12-48
Resolution Book, Volume XVII, Page 97**

The public hearing for this matter was duly held as advertised on Monday, July 16, 2012 at 5:30 p.m.

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

Council Member Sims explained the importance of Harrison Street to the African-American community and asked that the university find a way to acknowledge Harrison Street's existence and the individuals who lived on the street. Ron Guerra, Director of Construction and Renovation for High Point University, explained they do plan to continue the roadway down into the new parking lot, so they could certainly keep the name.

At this time, Chairman Whitley opened the public hearing and asked if anyone in the audience would like to come forward to make any remarks regarding Street Abandonment Case 12-06. There being none, the public hearing was closed.

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

Adopted the resolution authorizing the abandonment of Harrison Street and a portion of Meadowbrook Boulevard lying west of N. College Drive based on the retention of the following utility easements:

1) a 30-foot sanitary sewer easement centered on the existing 18-inch outfall; 2) a stormwater easement centered on the existing box culvert; and 3) a 30-foot electric utility easement centered on the existing lines and based on the findings as identified in the staff report that the abandonment is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

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

Aye: 9 - Rebecca Smothers, Latimer Alexander, Britt Moore, Bernita Sims, Foster Douglas, Michael Pugh, A.B. Henley, Christopher Whitley, and James Corey

13 [120191](#)

Resolution- High Point University - Land Use Plan Amendment Case 12-03

A request by High Point University to change the Land Use Map classification for approximately 3.6 acres from Low Density Residential to Institutional. The land area associated with this amendment consists of the block lying north of North Avenue, between Willoubar Terrace and N. Centennial Street.

Attachments: [06. Staff Report LUPA12-03 & MA11-03.pdf](#)
[LUPA 12-03 adopted.pdf](#)

Resolution No. 1248/12-49
Resolution Book, Volume XVII, Page 98

*The joint public hearing for this matter and related matter **120192 High Point University- Amendment to Zoning Case 12-03** was held on Monday, July 16, 2012 at 5:30 p.m. as duly advertised.*

*Note: For specific comments made at the joint public hearing regarding this matter, please refer to related matter **120192 High Point University- Amendment to Zoning Case 12-03**.*

Heidi Galanti of Planning and Development provided an overview of the staff report for Land Use Plan Amendment Case 12-03 which is hereby attached in Legistar as a permanent part of these proceedings.

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

Adopted resolution approving Land Use Plan Amendment Case 12-03 to change the future land use designation for approximately 4 acres to an Institutional land use classification based on consistency with the

city's adopted plans and by adopting the statements as outlined in the Staff Analysis section of the staff report.

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

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

Absent: 1 - Michael Pugh

14 [120192](#)

Ordinance- High Point University - Amendment to Zoning Case 11-03

A request by High Point University to amend Conditional Zoning Case 11-03 (CZ11-03) to:

- a. Add approximately 4 acres and rezone the additional land area from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The parcels to be added to CZ11-03 consists of the property at 906 Willoubar Terrace and the block lying north of North Avenue, between N. Centennial Street and Willoubar Terrace.
- b. Amend conditions of Conditional Zoning Ordinance CZ11-03 pertaining to permitted uses, development and dimensional requirements, landscaping/buffer/screening, and vehicular access.

Attachments: [06. Staff Report LUPA12-03 & MA11-03.pdf](#)
[condition submitted by HPU re transp rezoning case 11-03](#)

Ordinance No. 6938/12-55
Ordinance Book, Volume XVII, Page 129

The joint public hearing for this matter and related matter **120191-Land Use Plan Amendment Case 12-03** was held on Monday, July 16, 2012 at 5:30 p.m.

Bob Robbins of Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Chairman Whitley asked staff to address the issue of the individual who resides there and his ability to have access to the street. Mr. Robbins replied that the university could address this concern, and confirmed issues were brought up at the Planning and Zoning Commission meeting regarding contractors equipment, etc... being in the street as well as other concerns. He also pointed out that North

Avenue and Willoubar Terrace will remain remain public streets and open as long as the resident is there.

Mr. Robbins explained that staff is looking for some direction from Council as to whether or not they feel the policy is being addressed since the university's plans are somewhat unknown at this point until they submit a bonafide site plan that will be reviewed by the Technical Review Committee. He further explained that staff is really just trying to determine whether or not the university is doing enough to mitigate the case. He noted that the university does have a basic idea of a dormitory building at this time and it would be a matter of determining the location of the building and other details that they are just not ready to commit to at this point.

At this time, Council Member Pugh asked if he could be excused from the remainder of the meeting due to a commitment he made to a church in Ward 3 that invited him to participate as a city representative in their state convention. **Council Member Alexander moved to excuse Council Member Pugh. Council Member Sims made a second to the motion which carried unanimously.**

Ron Guerra, Director of Construction and Renovations at High Point University, 833 Montlieu Avenue, reviewed different building scenarios (number of buildings, height, location, shape, setbacks). He explained what they are planning on building depends on a few different things: enrollment and the percentage of students that actually live at the university since they do have an extremely high percentage of students living at the university. He mentioned they may consider a U-shaped building which would take away a lot of the frontage from Centennial Street. He shared a picture of the condition as it currently exists to give Council an idea of what setbacks can do with the building. He noted the design is really based upon keeping Willoubar Terrace and North Avenue open and free for Mr. Barnes and emergency vehicles to have access because there are no positive signs that Mr. Barnes really wants to sell his property. Mayor Smothers pointed out that no matter what, the university would be required to meet the codes regarding any development that takes place. As far as the design of the building(s), Chairman Whitley suggested the university work with staff since they are encroaching into a park area.

Mr. Guerra then addressed the issues regarding construction vehicles and certain areas that did not appear to be clean and assured Council that he is very adamant that the university's construction sites and the streets are kept clean. He has made available his office phone number, e-mail, cell phone number for anyone that has a complaint. Council Member Sims expressed appreciation to the university for

attempting to keep the streets and roads clean since this was not being done at one point in time. She cautioned the university as they move forward to be sensitive to Mr. Barnes' feelings although she understands that the university is at an impasse as it relates to their ability to be able to acquire certain parcels and communication breaking down. She felt they should make whatever concerted efforts that might be necessary to resolve the issue with Mr. Barnes because he has a right to quiet enjoyment of his home.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone in the audience who would like to make any comments in support of or in opposition to this request. There being none, the public hearing was declared closed.

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

Following this action, Lee Burnette, Director of Planning and Development, brought an issue to Council's attention regarding proposed conditions submitted by High Point University in regards to Transportation Department requirements and explained this condition was actually agreed upon after the Planning and Zoning Commission meeting. It should have been included in Council's action tonight, but the applicant forgot to bring it forward during discussion of the case. This is a minor change that the applicant has worked out with the Transportation Department dealing with the last condition. **He pointed out all items are there except for in Paragraph 3 where it says prior to the issuance of a Certificate of Occupancy, which was basically tied to the permitting of the 400 units.**

Since this matter did not originally appear on tonight's agenda, Council Member Alexander moved to suspend the rules relative to placing it on the agenda so it could be considered. Council Member Sims made a second to the motion which carried unanimously. [8-0 vote] [Council Member Pugh was absent]

Adopted ordinance providing for the addition of approximately 4 acres to Conditional Zoning Ordinance CZ 11-03 (CZ 11-03) rezoning the additional land area to the CZ-PI District subject to resolution of the compatibility issue, amending conditions of CZ 11-03 including the modified condition in C.b.3 as recommended by the Transportation staff and as agreed upon by the applicant. As conditioned, and with appropriate consideration given to Policy 3.5 of the University Area Plan, the requested CZ-PI District will be compatible with the surrounding area and in conformance with adopted plans and based on consistency with the city's adopted plans. The City Council finds

this action taken to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

Chairman Whitley then moved approval of the amendment to Zoning Case 11-03 to include the modified condition in C.b.3 that the southbound left turn lane and the northbound right turn lane on Centennial Street must be constructed prior to the issuance of Certificate of Occupancy of the last building that has frontage on North Avenue between N. Centennial Street and Fifth Street. Council Member Alexander made a second to the motion which carried by the following vote:

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

Absent: 1 - Michael Pugh

15 [120193](#)

Jacquelyn Haizlip - Special Use Permit Case 12-02

A request to allow two separate Special Use Permits in the Washington Street Mixed Use Center Overlay District.

- a. A Special Use Permit request to allow a bar, in the Washington Street Mixed Use Center Overlay District, at 607 Washington Street.
- b. A Special Use Permit request to allow a parking lot (principal use of property), in the Washington Street Mixed Use Center Overlay District, at 619 Washington Street.

The 600 block of Washington Street, where the two parcels are located, is lying along the north side of Washington Street between Fourth Street and Hobson Street.

Attachments: [07. SUP12-02 Staff Report 07-09-12 .pdf](#)

[Special use permit 07-02 summary by Smith Moore Leatherwood](#)

The public hearing regarding Special Use Permit Case 12-02 was duly held on Monday, July 16, 2012 at 5:30 p.m.

_____ *Transcript of Public
Hearing* _____

Chairman Whitley: *If you're here to speak on that case either for or against, you will need to be sworn in. If you would come forward at this time.*

[oaths administered]

Mayor Smothers: *Bob, before you get into this, has everybody*

read their material? Don't read it to us again? Okay? And everybody here who has come about this case is well aware of it.

Bob Robbins: *This is Special Use Permit 12-02. It's being brought in two parts. Part A is a special use permit to allow a bar in the overlay district-Washington Street Mixed Use Overlay district. Part B of the Special Use Permit request is to allow a parking lot. Again, in the overlay district at 619. The bar will be at 607. On the screen you can see the locations. The bar is in this location and the parking lot in that location. Both properties, of course, have the zoning underlying district of Central Business. In other commercial areas of the city, a newly established bar is required to be located a specific distance from schools, churches, parks and residential uses. However, in the Washington Street Mixed Use Overlay District, no separation is required for a bar use. However, applicant's proposing a bar use are required to demonstrate that the use will not create negative impacts on adjacent properties, particularly schools and churches. As for the parking lot, the property owner desiring to establish a parking lot as a principle use must document the need for proposed parking and an analysis of the potential for shared use of that parking and to minimize the overall impact on the character of the district, such as the size and location of the parking area, screening, lighting and landscaping.*

On page 101 of your packet, you'll find the statement provided in the application by the applicant as supporting documentation for the special use permit. I won't go over that particularly. You can read that. As far as special use permits go, as you are aware, they are uses permitted by right, but requires analysis for the potential impacts on the proposed neighborhood and surrounding areas. The Development Ordinance requires that we make certain findings. The first finding is that the use will not materially endanger the public health or safety if it's located where proposed. In that regard, the staff finds that compliance with that finding stating that the building is proposed to be located in a multi-use facility-the bar. The applicant has noted that she wants to do a jazz lounge and she wants to serve alcoholic beverages to patrons, but this site is very limited. It's a small building on a small lot; therefore, the number of people allowed in the building at any one time will be held down by building code restrictions. So large events and large crowds will probably not be able to use that facility. Most parking in the overlay district right now occurs along the street. This can pose a safety issue especially during peak travel times and so on for folks trying to traverse the street. The proposed parking lot is limited in size. Again, it's a fairly small parcel. They can get approximately 20

spaces on this site. It is centrally located to businesses within the overlay district which is good and it provides a safer parking option in so many respects because people can pull off the street to park their vehicles. So we found no evidence that suggests the requested special use permit for the bar or the parking lot would negatively impact the public health or safety in this area.

The second finding is that the use meets all required standards of the Development Ordinance and any additional restrictions imposed in the Special Use Permit. Both proposed uses are meeting the standards of the Development Ordinance. Again, the bar is not really visible from schools and churches. There is no separation requirement and again, we haven't identified any negative impacts for the bar at that location or the parking lot at its location.

Thirdly, that the use will not substantially injure the value of adjoining or abutting property. All we say there is the district is designed to permit a wide variety of uses and that both these are permitted in the CB District and they both are encouraged by the Washington Drive District plan. So our recommendation is that staff recommends approval of the Special Use Permit request to allow the bar in the WMX Overlay District at 607 Washington Street. We also recommend approval of the Special Use Permit for the parking lot at 619 Washington Street based on the conditions in the attached Special Use Permit application and preliminary findings of fact that are in your packet.

I want to call your attention to one other item. At the Planning & Zoning Commission meeting in June where this case was discussed, the recommendation that came from P & Z was to approve this, but they also made a recommendation that the applicant meet with members of the clergy in the area and others that are interested due to the fact that several of those folks spoke at the Planning Commission meeting and had concerns about this use. So Ms. Haizlip did do that and met with these folks in the interim from P & Z until now. In your packet is evidence of that meeting and whether or not they have resolved issues I do not know.

Chairman Whitley: Bob, isn't that requirement....I know it was under the old conditional use zonings, but didn't it also pertain to special use permits and was supposed to be done prior to the P & Z hearings?

Bob Robbins: We strongly recommended that.....I know that when

Herb talked with Ms. Haizlip originally, we recommended they hold the meeting. I don't think it's a requirement under SUP procedures.

Chairman Whitley: *Just under the old conditional use?*

Bob Robbins: *Yes, it's required under conditional zoning and under the old conditional use zoning, but not with special use permits.*

Chairman Whitley: *I just thought that we also included that. Thank you. Any questions of Bob?*

Mayor Smothers: *Did the applicant offer the 18 month deadline or is that required by ordinance?*

Bob Robbins: *Per the ordinance.*

Chairman Whitley: *Any other questions? [none at this time] Thank you Bob. Would the petitioner like to come forward and make a few remarks? If you will give us your name and address please.*

Logan Leinster (Legal Associate): *Good evening. My name is Logan Leinster. I'm here with Tom Terrell, we represent Ms. Haizlip at Smith Moore Leatherwood. I have a couple of handouts. Can I bring them up before I start?*

Chairman Whitley: *Sure.*

Logan Lienster: *Thank you. Based on the testimony at P & Z, it appears that the discussion on this issue has focused on connotations implied by the term "bar" and in reality there is no zoning category that adequately fits the use and vision by Ms. Haizlip. This will be a space for a wide variety of community gatherings from birthday parties to baby showers where members can socialize, enjoy live music and hopefully reconnect with Washington Street's jazz legacy. And, yes, Ms. Haizlip intends to sell alcohol to her patrons, but that factor should not overshadow the benefits this new adventure will bring to Washington Street or distract the Council from finding that the proposal fulfills the four standards set forth to receive a special use permit. Mr. Robbins just read the standards, so I don't need to repeat them. Regarding the effect on public safety and property value, bring more people and more business to Washington Street will encourage more investment to improve the area making it a safer place to live, work*

and visit. Private investment in one business improves all business. Twenty new off-street parking spaces right next door will also offer safer parking options to both customers as well as other area residents, employees and visitors. Washington Street needs parking and developing this vacant, overgrown lot will remove what is at the present an eyesore collecting empty liquor bottles. A landscape and paved lot improves value. A vacant lot with weeds and trash harms values. At P & Z, a couple of citizens did voice concerns about smoking or security around the event space; however, by law it will be a non-smoking venue and security will be provided to escort exiting patrons to the parking lot when requested.

Ms. Haizlip's plans are also entirely consistent with the broader redevelopment plans for the district as a whole as detailed here in the Washington Drive Development plan. By bringing back jazz and entertainment to Washington Street, Ms. Haizlip's proposal supports the plans identified goals of offering unique entertainment options that will help the area achieve an image that is distinct from the rest of the Piedmont and pay homage to its unique history. This plan was created with input from citizens from all areas of social, civic and economic life in High Point including Washington Drive. It calls for restaurants and entertainment. It doesn't say that Washington Street should be set aside as an alcohol free zone. However, what Ms. Haizlip proposes does very much embody the spirit of this development plan. Not only will she attract more business to the area, but she has already created new jobs for several local residents who she has hired to redesign and renovate her space. Her commitment to this community is deep and the success of her event space will continue to create more jobs and leverage benefits to the surrounding neighborhood. Clearly what Ms. Haizlip proposes is much more than just a bar.

To wrap things up, High Point has been discussing ways to revive Washington Street for years and now someone who is from this community and is ready to invest and take steps to fulfill the city's vision. You've got somebody here who is ready to do that. If the vision you all have for Washington Street, the vision that's here in this plan is going to be realized, you have to foster and support her efforts and that includes offering her a fair incentive to award her investment and assure she can compete with other High Point venues. After all the testimony tonight, I think you all will have heard sufficient evidence to warrant issuing these special use permits. Thank you for your time and I will be happy to answer any questions you all have.

Council Member Corey: *I have a question. There was some question about how many clients could be inside this establishment at one time.*

Logan Lienster: *She is not anticipating more than 200 visits on a daily basis. It's not a very large space.*

Council Member Corey: *Two hundred?*

Mayor Smothers: *Not at one time.*

Logan Lienster: *Not at one time, but on a daily basis.*

Mayor Smothers: *Fire Code would restrict how many people....*

Council Member Douglas: *I think what he is asking is what is the capacity?*

Logan Lienster: *I'm not entirely sure about that. It hasn't been given yet.*

Mayor Smothers: *To clarify one thing you said we should reward her....what did you mean by that? Approve it? The permit?*

Logan Lienster: *Yes. My argument is that you don't want to handicap her from being able to create more business in the area.*

Mayor Smothers: *Correct. Got it.*

Council Member Alexander: *There seem to be a great deal of uses that might be offered, everything from watching sporting events to baby showers to dancing and that kind of thing. Did you have any operating times and dates that you might have being that the church is there or obviously they have established hours of patterns?*

Logan Lienster: *Well it's not intended that this would be open every day of the week. It would be mostly on the weekends and it won't be during church hours. This would be membership only. It's not going to be open to the public to come and go. The idea isn't that it's going to be a typical bar. It's going to be something that serves more of a special use.*

Council Member Alexander: *And in the patio area that you mentioned, how would you control noise or would there be music*

piped into the patio area?

Logan Lienster: *For one, it's a very, very small area. I believe the music setup is inside, maybe Ms. Haizlip can speak more to that.*

Mayor Smothers: *Well there's not anything behind it.*

Council Member Alexander: *Well no, I just know that noise and presence on the street isn't a bad thing, but it may be in conflict with other activities.*

Mayor Smothers: *I don't think so.*

Jacquelyn Haizlip: *Good evening. We were trying to keep the noise....well, first of all, it will be a small facility. I envision maybe fifty people being there coming and listening to music on the weekends. The hours that I'm proposing on the weekends (Thursday, Friday and Saturday) would be from 6:00 p.m. to maybe 1:00 or 2:00 a.m.*

Mayor Smothers: *Well the ABC laws also will restrict hours.*

Council Member Sims: *They will restrict the hours she can serve alcohol.*

Mayor Smothers: *Right, but if you're going to a bar, you are not just going to hang around and look at the wall.*

Jacquelyn Haizlip: *I just want to emphasize that this will be membership and memberships will be offered to people age 30 and above trying to minimize any problems we might foresee. We do not plan to be open during the normal church hours. Private parties will be available, like I said for baby showers and everything...that will be available during the weekdays when music is not being offered.*

Mayor Smothers: *Ms. Haizlip, I will say this...just your family name, just brings to mind all the support and the investment that you and your family members have made in this community and you, particularly, on Washington Street. I can't imagine and I realize this is highly prejudicial, but I can't imagine you doing anything that would harm that neighborhood.*

Jacquelyn Haizlip: *Thank you. I would not.*

Mayor Smothers: *Because you have, yourself, been there.*

Jacquelyn Haizlip: *Thank you. I want to support everything that Logan has said and that, indeed, is my testimony.*

Council Member Douglas: *Ms Haizlip, you say you met with the churches in the area?*

Jacquelyn Haizlip: *Yes, we addressed their concerns. One of the things, I think, was when they heard the word "bar," they envisioned where it would be an open area where anyone could just come in off the street at any time and buy a drink and I think once we got into the meeting and they understood that it would be a membership activities. Even though I know people have revivals, so those times we're not thinking about, but during normal church hours, we would not be open.*

Council Member Douglas: *So, in other words, you've pretty much reached an agreement to co-habitate.*

Jacquelyn Haizlip: *I did not poll them as to see who was in agreement or who was opposed to it, but I felt that we had come together with the prayer of unity that was offered at the end of the meeting. I got the feeling that people were feeling a little better about the venture.*

Mayor Smothers: *We'll hear from the ones that don't like it.
[laughter]*

Council Member Sims: *While you're here Ms. Haizlip, could I ask you a question? Will you pursue this venture if you don't get this ABC permit?*

Jacquelyn Haizlip: *No, probably because I don't think it would be profitable. I would be out of business in six months if I did. Thank you.*

Chairman Whitley: *Thank you. Is there anybody else? Tom, have you got anybody else? Anyone else like to come forward and speak for or against this request? If you would come forward and give us your name and address please.*

Terry Rouse: *Good evening. My name is Terry Rouse. I'm a subcontractor out of Greensboro, North Carolina. I would just like to say that I think this whole situation has been somewhat*

misunderstood based on the word "bar." I know it has to be used, but this is a place that we are using...and me, personally, and several friends of mine that are connected to ministries in different parts of the country. We have used the people in the community to do the work as we have taken the opportunity to minister to these people. And we have seen their lives somewhat change in the last couple of months. These are people that are local people in the community. Not to say much about the church because we all intend to have the same motive. This is an event center and is going to be used for different reasons other than drinking. That's just something I feel would be necessary for business purposes. It's no different than going to Applebee's, Chili's which has children in it at the same time. That's pretty much all I have to say.

Chairman Whitley: *Anyone else?*

Allen Jordan: *My name is Allen Jordan. I'm a resident. I live off Washington Street there on Underhill. I have been working with them and restoring this small building and everything like that. I like jazz, you know. I have to go to Winston and maybe Greensboro, but don't have nothing here in High Point with jazz just for middle-aged people to get out some time because everything else is designed for younger people. It's a good idea, plus it's going to bring in revenue for other businesses there too. When something like that takes off, you see a whole lot of things start generating more positive on Washington Street, you know. Revitalizing like things in Greensboro they did for Martin Luther King. They started revitalizing downtown, stuff like that. We have to take a front on revitalizing some of these historical areas like that. That's all I have to say.*

Chairman Whitley: *Thank you. Anyone else?*

Patrick Harman: *I'm Patrick Harman with the Hayden-Harman Foundation. We own the building right next to Ms. Haizlip's proposed membership jazz club. I just wanted to express my support for her effort. I think it's going to bring a bit of vibrancy down to Washington Street, a good kind of vibrancy which is really what the Foundation has been trying to do the last few years to get people to start coming down there and having a good time and for positive reasons. So I'm really supportive of this and also it would be nice to have that lot next to it because parking is really constrained down there and things are starting to pop and people have no place to park and we don't want them in the back of those houses behind that street-Washington Street. So I'm pretty excited*

about this.

Mayor Smothers: *You could have identified yourself as the noise buffer since you are right next to it.*

Patrick Harman: *I've offered our parking lot as well for overflow of customers.*

Chairman Whitley: *Thank you.*

Glenn Chavis: *Once, again, Glenn Chavis. I admire Ms. Haizlip. This is one of those rare cases where she's using her own money. That's very rare on Washington Street and I admire that. I also like the idea of being able to take my wife somewhere. Getting dressed up and taking my wife somewhere and sit down and enjoy my friends. I look forward.*

Now let's go back. I've heard these remarks about Washington Street. Most of you don't have any idea of what went on on Washington Street at one time.

Mayor Smothers: *Yes we do. We read all your stuff.*

Glenn Chavis: *Washington Street.....do you remember when you paid the consultants to come in here and evaluate it in terms of the historic district? You spent a lot of money. I spent two hours with one at my house and it was jazz venue, jazz venue, jazz venue.....it hasn't happened yet. But now, this young lady comes along and she wants to make it happen and I want you to approve it and make it happen because we need it. Parking spaces are needed on Washington Street very badly. Alright? That's been a problem on Washington Street for years, the parking. We can get more things done if we had parking. But the membership thing was something new to me. I would love to join and get a senior discount I hope. [laughter] I look forward to it. I know it's the right thing for this street. Another thing about liquor on Washington Street in a bar and the churches....there were four boot-legging houses very close to the very churches we are talking about now and they co-existed. They didn't operate during church hours. There was no noise during church hours, so that's nothing different. We are simply maintaining the history of the street and I want to thank Jackie for doing it. Thanks for your time again.*

Chairman Whitley: *Thank you. Anyone else like to come forward? Seeing none, I'm going to close the public hearing.*

Council Member Moore: *I'd like to make a comment. Have you got something else to say?*

Terry Rouse: *I'm Terry Rouse from Greensboro, North Carolina. I've been waiting for several weeks to hear back from you guys. She really wants this deck in the front and I think that that would improve the curb appeal there. It's going to be a nice deck with wrought iron railing and maybe three or four umbrella tables. As far as the music, I had an idea of putting in a couple of speakers out there but since you spoke up, I think we're going to do without the speakers there. So I would like to see if we could get some notice with that.*

Chairman Whitley: *Can you deal with that, Lee and get back with them? Ed?*

Ed Brown: *The application is pending to change the use of the building and you can't do the deck first. The changes have to be approved first. So it's right behind it.*

Council Member Sims: *Now did we say that we were not going to do music because I don't necessarily think that's a good idea about the music outside.*

Council Member Alexander: *My question was just during business hours if it was going to be during the day and church was going to be operating, that might not be a positive. But I think something that shows the neighborhood is alive is a positive thing. Noise and music are relative to those who are enjoying or being kept up by it.*

Mayor Smothers: *Well if the crowd is going to be 30 and over, they won't last too long. [laughter]*

Council Member Sims: *Speak for yourself, Madam Mayor.*

Mayor Smothers: *I just did.*

Chairman Whitley: *Any other questions or comments by members of Council?*

Council Member Moore: *This is one of the more exciting things that I've heard in the last few months or maybe a couple of years. A small individual putting at risk her investment to make something better and to make a profit and I hope you make a huge profit and a*

huge positive impact in that area.

Chairman Whitley: *Anything else? I'm going to close the public hearing and make a motion to place on Thursday's agenda with a favorable recommendation, Plan A and Plan B, that the request is generally consistent with the surrounding zoning and development in the area and in compliance with the goals and objectives of the land use plan and the special use permit.*

Council Member Alexander: *Second.*

Mayor Smothers: *I have a motion and a second. Are there any questions? Do we need to have separate motions on that because one is for a bar and the other is for a parking lot.*

JoAnne Carlyle: *You can combine it.*

Bob Robbins: *It's part of the same application so I think you can make one motion.*

Mayor Smothers: *Okay, I just wanted to make sure we've got it clear. All in favor of the motion, please say Aye. Aye. Any opposed? [none] That motion carries. [8-0 vote] [Council Member Pugh absent, excused from meeting]. [applause]*

[end of transcript]

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

Approved Special Use Permit 12-02 to allow a bar in the Washington Street Mixed Use Center Overlay District (WMX) at 607 Washington Street based upon the conditions as outlined in the Special Use Permit application and the findings of fact and that the request is generally consistent with the surrounding zoning and development in the area and in compliance with the goals and objectives of the Land Use Plan and

Approved Special Use Permit to allow a parking lot (principal use of property) in the Washington Street Mixed Use Center Overlay District (WMX) at 619 Washington Street based on the conditions as outlined in the Special Use Permit application and the findings of fact and that

the request is generally consistent with the surrounding zoning and development in the area and in compliance with the goals and objectives of the Land Use Plan

A motion was made by Whitley, seconded by Alexander, that Special Use Permit 12-02 be approved. The motion carried by the following vote:

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

Absent: 1 - Michael Pugh

FOR INFORMATION ONLY:

Example- Effect of Revenue Neutral Tax Rate on Proposed Budget

Council Member Alexander shared some numbers he compiled on the effect the revenue neutral tax rate could have had on the proposed budget. He charted the property tax information for the nine citizens who spoke during the public hearing on the budget which resulted in an average reduction of \$88.97 or less. He challenged anyone to randomly pick ten residents scattered across the city and do the same comparison because they would find exactly the same thing.

Exhibit Book, Volume X, Page 64

Expression of Appreciation to Alice Moore

Mayor Pro Tem Whitley publicly thanked Alice Moore for her assistance in writing a speech he recently delivered at the graduation ceremony for ECPI. He noted there were 160 graduates with 2,200 people in attendance and the speech was well received.

CLOSED SESSION- ECONOMIC DEVELOPMENT

Mayor Smothers announced the need for a closed session for Council to be briefed on two economic development projects. Council Member Alexander moved to suspend the rules so Council could go into closed session since this matter did not originally appear on tonight's agenda. Mayor Pro Tem Whitley made a second to the motion which carried unanimously. [8-0 vote] [Council Member Pugh was absent]

At 7:40 p.m., Council Member Alexander moved to go into Closed Session pursuant to N.C. General Statute 143-318.11a(4) to be briefed by staff on two economic development projects. Mayor Pro Tem Whitley made a second to the motion which carried unanimously. [8-0 vote] [Council Member Pugh was absent]

Note: Council Member Henley left the meeting at this time and did not participate in the Closed Session.

Upon reconvening into open session at 7:55 p.m., Mayor Smothers announced there was no action taken at this time as a result of the closed session.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:55 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk