City of High Point

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

Meeting Minutes

Monday, June 21, 2010

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

PRESENTATION OF ITEMS

APPROVAL OF MINUTES

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

Finance Committee; Monday, June 7th @ 3:30 p.m.
Combined Meeting; Monday, June 7th @ 4:45/5:30 p.m.
Planning & Development Committee; Tuesday, June 8th @ 2:30 p.m.
Public Safety Committee; Wednesday, June 9th @ 9:00 a.m.
Regular Meeting; Thursday, June 10th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Sims and seconded by Mayor Pro Tem Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]**

Motion was then made by Mayor Pro Tem Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

Note: As a result of this action, there is no need for the Thursday morning meeting.

FINANCE COMMITTEE - Council Member Whitley, Chair
Committee Members: Bencini, Douglas, and Alexander

Adoption of City of High Point Annual Budget and Related Ordinances and Resolutions for FY 2010-2011 and Adoption of Revised Fee Schedules

100163 Council is requested to adopt the 2010-2011 Budget Ordinance for the City of High Point and related ordinances and resolutions and adopt the revised fee schedules for Water & Sewer Rates.

The public hearings for the budget were held on Monday, June 7, 2010 at 5:30 p.m. and Thursday, June 10, 2010 at 9:00 a.m. and was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

Mayor Smothers asked Chairman Whitley to report on the revisions to the Library hours. Chairman Whitley explained at the last meeting Council directed staff to re-evaluate the hours of operation at the Library. It was initially proposed that the Library would be closed on Mondays. Staff did reevaluate the hours and has submitted a revised schedule as follows:

Monday through Thursday (10:00 a.m. - 8:00 p.m.)

Friday (10:00 a.m. - 6:00 p.m.)
Saturday (12:00- 6:00 p.m.)
Sunday (1:30 - 5:30 p.m.)

Chairman Whitley asked if there were any additional questions/concerns regarding the budget.

Council Member Faircloth mentioned that several Council Members have received comments from citizens about the recycling service. He noted this was discussed in committee and it was agreed that this matter would be revisited and further discussed in a Public Services Committee soon.

Council recognized and commended the budget team for a remarkable job in putting the budget together in such a difficult environment. City Manager Strib Boynton echoed the remarks and expressed appreciation to the Mayor and City Council for their role in the budget process and noted it would not have been possible without their trust and confidence.

There being no additional questions/concerns, the Finance Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Budget Ordinance for FY 2010-2011 and the City of High Point Water and Sewer Rate Schedule effective October 1, 2010;

Ordinance No. 6723/10-72 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 208

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

Resolution - Amending Solid Waste Fees

100164 Adoption of a resolution amending the Solid Waste Fees to add the following:
$6.00 per month for non-residential customers
$25.00 per month for customers receiving enhances services in the Downtown District.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted resolution amending the Solid Waste Fees as above referenced.

Resolution No. 1623/10-51 **Introduced 6/21/2010**
Adopted 6/21/2010
Resolution Book Volume XVI, Page 265

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

Revised Fee Schedule - Parks and Recreation Department

100165 Council is requested to adopt the High Point Parks and Recreation Department revised fees and charges effective July 1, 2010.

This matter was also discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted the High Point Parks and Recreation Department revised fees and charges to be effective July 1, 2010.

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

2010-2011 Annual Budget - High Point Convention & Visitors Bureau

100186 Council is requested to approve the annual budget for the High Point Convention & Visitors Bureau (CVB) for FY 2010-2011 and authorize the City Manager to execute the contract agreement as presented by the CVB Board of Directors.

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This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation. However, due to one dissenting vote, it will be placed on Thursday's Regular Agenda.

Approved the 2010-2011 Annual Budget as submitted by High Point Convention & Visitor's Bureau and authorized the city manager to execute the contract agreement as presented by the CVB Board of Directors. [copy of the budget and agreement will be attached in Legistar as a permanent part of these proceedings]

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

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

2010-2011 Annual Budget - International Home Furnishings Market Authority

100187 Council is requested to approve the FY 2010-2011 Budget for the International Home Furnishings Authority (Market Authority).

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

Approved the FY 2010-2011 Budget as submitted by the International Home Furnishings Authority (Market Authority).

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

Contract - Bid No. 33 - Charlotte Avenue/Delk Drive Storm Water Improvements

100166 Approval of contract awarding Bid No. 33 for the Charlotte Avenue/Delk Drive Storm Water Improvements. Purchasing and the Public Services Department recommends that contract be awarded to Breece Enterprises, Inc., in the amount of $1,180,824.67, which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 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 with Breece Enterprises, Inc. in the amount of $1,180,824.67 which is the lowest repsonsible and responsive bidder meeting specifications.

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

Tax Collection Agreement - Randolph County/Guilford County

100183 Council is requested to approve a tax collection agreement with Randolph County and modification of the tax collection agreement with Guilford County.

This matter was also discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved the tax collection agreement with Randolph County and the Guilford County tax collection agreement as modified.

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

Supplemental Agreement - NCDOT - Railroad Crossings Closures & Street Improvements

100184 Approval of a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for railroad at-grade crossing closures and street improvements. This work involves the closure of at-grade railroad crossings on W. Grimes Avenue and Taylor Avenue, reestablishing the Taylor Avenue connection to W. Green Drive, reworking the at-grade crossing on Prospect Street, and making road and street drainage improvements on Ward Avenue at the railroad overpass between English Road and Wrightenberry Street.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m.

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

Approved Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for railroad at-grade crossing closures and street improvements.

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

Convey City Property to Habitat for Humanity of High Point, Archdale, Trinity

100185 Council is requested to authorize the City Attorney's office to execute documents conveying the following city-owned lots to Habitat for Humanity of High Point, Archdale and Trinity:
216 N. Hoskins Street
217 N. Hoskins Street
219 N. Hoskins Street

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Approved the conveyance of the above mentioned properties to Habitat for Humanity of High Point, Archdale and Trinity and authorized the city attorney's office to execute documents conveying same.

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

Pending Items

Revised Economic Incentive Policy

090050 Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

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

Ordinance - Vacate/Close Dwelling - 1020 Montlieu Avenue

100167 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1020 Montlieu Avenue belonging to Norman Bennett.

Katherine Bossi, Local Codes Enforcement Supervisor, gave an overview of the staff report for this housing case. [copy of the staff report will be attached in Legistar as a permanent part of these proceedings].

Following the presentation of the staff report, Chairman Faircloth asked if there was anyone present who would like to address Council regarding this matter. There being no one present to comment, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1020 Montlieu Avenue.

Ordinance No. 6724/10-72 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 209

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

Ordinance - Vacate/Close Dwelling - 2209-A Chambers Street

100168 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 2209-A Chambers Street belonging to LSB Properties, Inc.

Katherine Bossi, Local Codes Enforcement Supervisor, gave an overview of the staff report which will be attached to Legistar as a permanent part of these proceedings.

Mayor Smothers asked Ms. Bossi about the condition of 2209-A since it was a duplex. Ms. Bossi replied that she wasn't sure, but would check.

Chairman Faircloth asked if there was anyone present to comment. There being no comments offered, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 2209-A Chambers Street.

Ordinance No. 6725/10-73 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 210

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

Ordinance - Vacate/Close Dwelling - 507-D Meredith Street

100169 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 507-D Meredith Street belonging to Schwarz Properties, LLC.

Note: This matter was discussed jointly with related matter 100172 Ordinance-Vacate/Close Dwelling- 906 Carter Street. Properties are owned by the same

person, Schwarz Properties, LLC.

*Katherine Bossi, Local Codes Enforcement Supervisor, gave an overview of the staff report for this housing case (507-D Meredith) as well as for the housing case (906 Carter Street). [**staff reports will be attached in Legistar as a permanent part of these proceedings**]*

> *Council Member Pugh pointed out there were a number of blighted apartments along Meredith backing up to the Housing Authority properties and asked staff if there was a plan to correct these issues. Ms. Bossi replied not at this time, but noted a representative for Schwarz Properties has met with staff to discuss making repairs to the whole complex. She explained that staff has placed a hold on all utilities and staff is requesting adoption of the ordinance to allow them to close and placard the dwelling. She further reported that to date, the owner has not started any repairs, although some permits were issued after a stop order was issued in May, 2009 for a porch repair that was done without any inspections and it did not meet code. The structure is currently vacant and secure.*

Chairman Faircloth asked if a representative of the property owner was present.

Frank Edmonds, representing Schwarz Properties, 1947 N. Fayetteville Street in Asheboro, addressed Council on behalf of the property owner. He informed Council that they have already sent notices to all the current tenants giving them 30 days to vacate the premises and once everybody's out, it will probably be a 12-month project for them to completely renovate the property (provided the tenants cooperate and leave without having to take legal action). It was noted that approximately 40% of the units are currently occupied. Due to the condition of the neighborhood, he asked for additional support from the police department and asked that they patrol the neighborhood more often.

The Mayor asked Mr. Edmonds when he would have the dwellings secured. Mr. Edmonds replied that his goal was to have this done by the end of the work week.

Chairman Faircloth noted the property on Carter Street raises several concerns that are illustrative of the Council's concerns. He pointed out that the property owner has not shown any willingness to try to correct the situation and it wasn't good that the property owner has ignored staff's contact. He further pointed out that a permit was issued on May 26, 2009, but the property owner has not made any repairs. Chairman Faircloth shared his concerns about the conditions of these structures in an already blighted neighborhood. In reference to Mr. Edmond's request for more police presence in the neighborhood, Chairman Faircloth informed him that the property owner should give the police written permission to check the property--that way if someone does trespass, then something could be done about it.

Council Member Sims encouraged Mr. Edmonds to talk to Mr. Schwarz about returning the current tenant's deposits to assist them and explained this may help

assist them in getting the tenants moved out so they could start making the necessary repairs. Council Member Bencini pointed out that Schwarz Properties has been before the City Council already on several occasions regarding public safety issues and asked if there were any mechanisms in place so they could be proactive in taking care of these issues. Mr. Edmonds replied that sometimes they are not aware that these conditions exist until they are contacted by the city staff and due to Schwarz Properties being so understaffed, it makes it difficult for them to manage their properties.

Council Member Pugh also encouraged Mr. Edmonds to relay to Mr. Schwarz that he needs to be proactive in bringing all his structures up to code. Mayor Smothers agreed and reiterated that the dates to get the repairs done would be enforced. Chairman Faircloth added that a person who chooses to be a landlord of over 300 pieces of property certainly has a responsibility to the citizens in the city to see that they are maintained and he didn't want to hear any more excuses from Mr. Schwarz because he expects something to be done.

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

Adopted Ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 507-D Meredith Street.

Ordinance No. 6726/10-74 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 211

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

Ordinance - Vacate/Close Dwelling - 1002 Tabor Street

100171 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1002 Tabor Street belonging to Michael Dunigan and John Bracia.

Katherine Bossi, Local Codes Enforcement Supervisor, gave an overview of the staff report for this housing case. [the staff report will be attached in Legistar as a permanent part of these procedures].

Chairman Faircloth asked if the property owner or anyone representing the property owner was present who would like to speak regarding this housing case. There was no one present to offer comments.

Council Member Alexander asked the city attorney if he could briefly report on the status of recouping relocation costs associated with housing cases. City Attorney Fred Baggett explained that he has offered his suggestion to the Planning Department on how it should be handled and staff is currently working on a workable solution.

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

Adopted Ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 1002 Tabor Street.

Ordinance No. 6727/10-75 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 212

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

Ordinance - Vacate/Close Dwelling - 906 Carter Street

100172 Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 906 Carter Street belonging to Schwarz Properties, LLC.

Note: This matter was discussed jointly with related matter 100169 Ordinance-Vacate/Close Dwelling- 507-D Meredith Street. Properties are owned by the same person, Schwarz Properties, LLC.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 906 Carter Street.

Ordinance No. 6728/10-76 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 213

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

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present)

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

(all were present)

Minor Amendment to Conditional Use Permit 05-10 - Shadybrook Partners

100173 A request by Shadybrook Partners for minor amendment to delete Condition II.3.b of Conditional Use Permit 05-10 (CUP 05-10), pertaining to front yard setbacks for townhome units. The deletion of this condition would allow the applicant to use the townhome setback standards of the City's Development Ordinance.

Herb Shannon with Planning and Development gave an overview of the staff report. [staff report will be attached in Legistar as a permanent part of these proceedings]

Council Member Alexander expressed concerns about streetside parking as the driveways get shorter. Mr. Shannon felt there wouldn't be too much parking in the street at this particular location because the drvieways for each of the townhomes would not leave a lot of area for on-street parking.

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

Approved minor amendment to Conditional Use Permit 05-10 deleting Condition II.3.b pertaining to front yard setbacks for townhome units.

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

Appeal of Technical Review Committee (TRC) Decision

100174 Consideration of an appeal of the Technical Review Committee's decision to require dedication of right-of-way for a proposed subdivision located at the southeast corner of Greensboro Road and Enterprise Drive.

Chairman Bencini explained that he had been advised by staff that this matter should be placed in Committee to allow additional time to receive pertinent information to the case.

A motion was made by Council Member Bencini, seconded by Member Faircloth, that this matter be referred to the Planning and Development Committee. The motion carried unanimously.

Appeal of Urban Forestry Committee Decision

100175 Consideration of an appeal of the Urban Forestry Committee's decision to remove two trees located on city controlled right-of-way in front of 348 N. Wrenn St.

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

Chairman Bencini asked if this was a tree issue or a sidewalk issue. Mr. Burnette explained originally it started out as a sidewalk issue with the two trees that that were removed and the narrowness of the sidewalk in that area poses problems for the public to pass through on the sidewalk unless the trees or shrubs are removed. Chairman Bencini stated he really didn't see it being an issue except possibly during market. Mr. Burnette noted the Urban Forestry Committee decided that the tree should be removed for safety reasons due to the numerous toppings and it being in the latter stages of its life. Mayor Smothers pointed out that the applicant's statement dated March 25, 2010 does indicate that the property owner prefers the option of removing the hedges due to the expense and difficulty in matching the color and size of the existing brick that has been in place since 1985.

Chairman Bencini asked the city attorney if it would be possible for Council to grant the appeal while allowing the trees to remain with the conditions that the bushes be removed. City Attorney Fred Baggett replied in the affirmative and pointed out this was an option that the property owner prefers. Council Member Alexander questioned the Urban Forestry Committee's decision to remove living trees and stated he did not see these trees posing a hazard. Mr. Burnette explained that the city is promoting the appropriate tree at the appropriate location and pointed out this was why the property owner appealed the decision to Council.

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

Approved the appeal with the condition that the shrubs next to the building are removed.

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

Request to Initiate rezoning of Graves Avenue/Murray Street Area

100182 City Council is requested to initiate a zoning map amendment for a designated portion of the Graves Avenue/Murray Street area adjacent to Washington Terrace Park to assist the redevelopment activities in this neighborhood.

Mike McNair, Director of Community Development & Housing, explained that as staff continues to acquire property for redevelopment in the Graves Avenue area, zoning constraints are problematic. He reported that staff met with the Planning Department to discuss options and it was agreed that the best solution would be to rezone the area RS-5 due to 60% of the properties already in non-conformance due to the size of the lots.

Council Member Alexander asked if there were any multi-family units in this area. Mr. McNair reported there were a few duplexes in there with most being single-family. Mayor Pro Tem Whitley asked if it might be in the best interest to do a lot combination and redraw the entire section. Mr. McNair explained they do not plan on acquiring all the property at once so recombination of the lots would not be a workable option. He stated staff would be working on a master plan and felt this would be the best use. Mayor Smothers asked that staff bring the plan back through as part of the zoning consideration.

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

Approved staff's request to initiate a zoning map amendment for a designated portion of the Graves Avenue/Murray Street area adjacent to Washington Terrace Park.

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

MISCELLANEOUS

Reappointment - Boards & Commissions- Citizens Advisory Council

100188 Mayor Smothers is recommending the reappointment of Jerry Mingo to the Citizens Advisory Council as the Mayor's At-Large appointment. Appointment to be effective immediately and will expire May 31, 2012.

Approved the reappointment of Jerry Mingo to the Citizens Advisory Council. Appointment effective immediately and will expire May 31, 2012.

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

Appointment- Boards & Commissions- Citizens Advisory Council

100189 Mayor Pro Tem Whitley is recommending the appointment of Stephanie Coggins to the Citizens Advisory Council as the Ward 5 representative. Appointment effective immediately and will expire May 31, 2012.

Approved the appointment of Stephanie Coggins to the Citizens Advisory Council. Appointment effective immediately and will expire May 31, 2012.

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

Appointment- Boards & Commissions- Historic Preservation Commission

100190 Council Member Sims is recommending the appointment of Dr. Mary Burdell Knight (Ward 1) to the Historic Preservation Commission to fill the unexpired term of Holly Barker who has resigned. Appoinmtnet to be effective immediately and will expire July 1, 2012.

Approved the appointment of Dr. Mary Burdell Knight to the Historic Preservation Commission. Appointment effective immeidately and will expire July 1, 2012.

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

Appointment- Boards & Commissions- Planning & Zoning Commission

100191 Council Member Pugh has submitted the name of Cynthia Davis (Ward 3) for appointment to the Planning & Zoning Commission. Appointment to be effective immediately and will expire July 1, 2012.

Approved the appointment of Cynthia Davis to the Planning & Zoning Commission. Appointment effective immediately and will expire July 1, 2012.

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

Appointment- Boards & Commissions- Theatre Advisory Board

100193 Council Member Sims has submitted the name of Barbara Taylor for consideration of appointment to the Theatre Advisory Board. Appointment to be effective immediately and will expire June 1, 2012.

Approved the appointment of Barbara Taylor to the Theatre Advisory Board. Appointment to be effective immeidately and will expire June 1, 2012.

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

Appointment- Boards & Commissions- Theatre Advisory Board

100194 Mayor Pro Tem Whitley has submitted the name of Stephanie Coggins for consideration of appointment to the Theatre Advisory Board. Appointment to be effective immediately and will expire June 1, 2013.

Approved the appointment of Stephanie Coggins to the Theatre Advisory Board. Appointment effective immediately and will expire June 1, 2013.

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

Appointment- Boards & Commissions- Parks & Recreation Commission

100195 Council is requested to make appointment on the Parks & Recreation Commission (Ward 3) due to the resignation of Philip Ginsberg.

Council Member Alexander reported that the Parks & Recreation Commission was having problems with getting quorums for their meetings and the Ward 3 slot has been vacant for quite some time. He submitted the name of Ken Gulledge for consideration of appointment to fill the slot that is vacant.

Motion by Council Member Alexander, second by Council Member Faircloth to appoint Ken Gulledge to the Parks & Recreation Commission.

Council Member Pugh objected and explained that he had talked with someone already who would be submitting an application and has indicated an interest in serving on the Parks & Recreation Commission. He explained that if this individual doesn't submit an application for appointment by the next Council meeting, he would

be fine with the appointment of Ken Gulledge.

Council Member Alexander then withdrew his motion.

A motion was made that this matter be presented before council. The motion carried unanimously.

Appointment- Boards & Commissions- Planning & Zoning Commission

100196 Council is requested to confirm appointment to the Planning & Zoning Commission. Mayor Pro Tem Whitley has submitted the name of James C. Davis (Ward 5) for consideration. Appointment to be effective immediately and will expire July 1, 2013.

Since this matter did not originally appear on tonight's Agenda, **motion was made by Council Member Sims, seconded by Council Member Whitley to suspend the rules to place it on the Agenda for consideration. The motion carried unanimously.**

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

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

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

Planning & Development Committee - Council Member Bencini, Chair

Ordinance - Rezoning Case 10-07 - High Point Unviersity and Wesleyan Education Center

100176 A request by High Point University and Wesleyan Education Center to rezone approximately 18 acres from the Conditional Use General Office-High Intensity (CU GO-H) District and General Office-Moderate Intensity (GO-M) District to a Public & Institutional (PI) District. The site is lying along the north side of N. College Drive, between Eastchester Drive and N. Centennial Street.

The public hearing for this matter was held on Monday, June 21, 2010 at 5:30 p.m. as duly advertised.

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

Council Member Alexander inquired about the access and if there would be a shared driveway between the Wesleyan School and High Point University property.

Ron Guerra, 833 Montlieu Avenue, representing High Point University spoke in favor

of the request and addressed Council's questions/concerns. He recognized Dr. Rob Brown if the Wesleyan Education Center, who was also present and has been an active participant in the rezoning.

Council raised the following questions/concerns:

1. Access/entryway off N. College and the shared driveway between the Wesleyan School and High Point University property and construction of additional parking lot.

Mr. Guerra explained the property line actually goes between the Wesleyan School and the university's property and they would continue to use this driveway, but they do plan to separate the two student populations by the use of decorative fencing that would be installed on their property (behind the front buildings).

2. Effect of any light spillage on adjacent residential property.

Mr. Guerra assured City Council that there would be no spill over lighting into the community and they plan to continue using the acorn style lighting which is non-invasive.

3. Facility for food for student?

Mr. Guerra explained that they do plan on putting some concessions (snacks, drinks, etc...) in the newest building on the property known as The Parker Center, but most of the student's meals will be eaten at the main campus.

Chairman Bencini asked if there was anyone else present who would like to comment. There being no additional comments, the public hearing was declared closed. Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance authorizing the rezoning of this property from Conditional Use General Office-High Intensity (CU GO-H) District and General Office-Moderate Intensity (GO-M) District to a Public & Institutional (PI) District) based upon consistency with the city's Land Use Plan based on the staff's findings as outlined in the staff report.

Additionally, the City Council considers this action taken to be reasonable and in the public interest because: 1) the site has an Institutional designation upon the City's Land Use Map and the requested PI District is consistent with this land use classification; 2) the zoning site has been used for institutional type uses (retirement facility/nursing center) for over 45 years, this request represents a reuse of the property from one form of institutional use to a different type of institutional use; and 3) except for the separate 0.5 acre parcel, the request replaces the former PI District back upon the site as it existed prior to 2006.

Ordinance No. 6729/10-77 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 214

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

Land Use Plan Amendment Case 10-02 - Dunbar & Smith, Inc. - Brentwood Street

100177 A request by Dunbar & Smith, Inc. to amend the City of High Point Land Use Map to change the classification for approximately 1.05 acres from Light Industrial to Local/Convenience Commercial designation. The site is lying at the northeast corner of Brentwood Street and Wade Place (417 Brentwood Street).

The joint public hearing for this matter and related matter **100178 Ordinance- Rezoning Case 10-05- Dunbar & Smith, Inc.- Brentwood Street** was duly held on Monday, June 21, 2010 at 5:30 p.m.

For specific comments made at the public hearing regarding the Land Use Plan Amendment 10-02, please refer to **100178 Ordinance- Rezoning Case 10-05- Dunbar & Smith, Inc.- Brentwood Street.**

Heidi Galanti of Planning and Development gave an overview of the staff report for the Land Use Plan Amendment Case 10-02. [staff report will be attached in Legistar as a permanent part of these proceedings]

As a matter of policy directive, Mayor Smothers asked that staff reexamine this area in terms of potential for redevelopment.

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

Adopted Resolution changing the classification of this property from the Light Industrial designation to the Local/Convenience Commercial designation.

Resolution No. 1627/10-55 **Introduced 6/21/2010**
Adopted 6/21/2010
Resolution Book Volume XVI, Page 269

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

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

Ordinance - Rezoning Case 10-05 - Dunbar & Smith, Inc. - Brentwood Street

100178

a. Conditional Use Limited Business (CU-LB) District
A request by Dunbar & Smith, Inc. to rezone a 1.05 acre parcel from the Light Industrial (LI) District to a Conditional Use Limited Business (CU-LB) District. The site is lying at the northeast corner of Brentwood Street and Wade Place (417 Brentwood Street).

b. Conditional Use Permit 10-05
A request by Dunbar & Smith, Inc. for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, architectural design standards and vehicular access.

The joint public hearing for this matter and related matter **100177 Land Use Plan Amendment Case 10-02- Dunbar & Smith, Inc.- Brentwood** was held on Monday, June 21, 2010.

_____Transcript: Public Hearing: June 21, 2010_____

Herb Shannon: In regards to the zoning part of this request, as you can see from the overhead projection along that east side of Brentwood Street, it's either of Light Industrial or Heavy Industrial. All of this area is zoned Light Industrial and there's a Heavy Industrial area to the north and as you proceed further to Kivett, that is also all zoned Light Industrial. That industrial zoning has been in place in this area for approximately 30 years. The industrial zoning is generally intended for manufacture, wholesaling, warehousing and research and development uses. The LI and HI districts do allow some business, professional services and some limited retail uses, but they are intended to serve the employment center of that industrial area. As you look at the Land Use Map, there is an area kind of northwest of the site that is zoned Limited Business; however, that commercial zoning was first established in the 1970s, but the site since 1994 was purchased by a church and has been used as a church for the past 16 years. Although there is a LB districting zone there, that zoning does not reflect the actual manner in which that property has been used the past 16 years. There have been no other rezoning cases in this area. There was one in 1990 approximately ½ mile to the south at the intersection of Green where a ½ acre parcel was zoned from RM-8 to Office use.

Along with this zoning application, the applicant has submitted a conditional use permit in which they've offered conditions limiting the LB District zoning. They are requesting Conditional Use LB for this site in order to allow a department variety and general use merchandise store. That use is not currently permitted and that's why they are requesting the LB zoning for that site. Within their conditional

use permit, the applicant's offered conditions limiting the site to only those LB district uses that are allowed in the Light Industrial district. So a use would have to be allowed in both the LB District and the Light Industrial District to be placed on this site. That would limit a lot of the current LI District uses allowed on the site. They've also offered architectural design conditions requiring the façade of the building facing a public street to consist of a decorative split-face masonry material.

In regards to issues of concern, staff has identified two major issues. The first, the request is in conflict with the adopted Land Use policy in this area and Heidi has already touched base on that and there have been no policy direction for commercial zoning in this area. The second issue is the appropriateness for establishing commercial zoning at this location. Department, variety or other purely retail uses are more appropriately placed in commercial corridors and not in a piece mill fashion via with just this one small piece of property zoned different than the surrounding area. We did include some traffic counts for this area and those are outlined on page 183 of your report and notes there's not a lot of traffic along Brentwood. There's more traffic at the intersections of Brentwood and Kivett and Brentwood and Green where the 311 Bypass Interchange Study supports clustering of commercial uses.

The final issue is in regards to the appropriateness of establishing commercial zoning at this location is that this request treats this one specific parcel differently from the surrounding 50 acres that is zoned for industrial uses and that is if Council desires to change the Land Use Plan for this area to establish a commercial node, we recommend you look at a larger area that would set policy direction of how you desire this area to develop instead of just this one small parcel. As you are aware, with any conditional use zoning there are specific findings and those are outlined on page 186 of your packet. In regards to the public safety or that the request would negatively impact adjacent property owners, we noted findings of compliance. We found no evidence that the request would negatively impact adjacent property owners. In regards to the last finding that the request is in harmony with the Land Use Plan and conformance with the plans for the city, staff has made a finding of non-compliance. The Land Use Plan has designated this larger area along the eastside of Brentwood for industrial uses and the LB District zoning is not in conformance with the overall land use pattern for this area. There is a corresponding Land Use Plan amendment request. Unless the Land Use Plan amendment is approved, the LB District zoning would not be in compliance with the Land Use Plan for this area. So in regards to the zoning aspect of the request, staff is recommending denial to rezone this site to the Conditional Use Limited Business district. The Planning & Zoning Commission reviewed this request and they recommended approval of the request. They did adopt their own statement of consistency which is on your cover memo outlining the case. That is a brief overview of the zoning request. If there are any questions on the Land Use Plan amendment or the Zoning, staff will be able to address any questions you may have.

Council Member Faircloth: Herb, if I may, do you know where the nearest existing convenience store of a like kind may be on that map?

Herb Shannon: As Heidi pointed out, there is a convenience store directly south of the site right here that is a permitted use in the Light Industrial District and I believe there's another convenience store further to the north. The only other convenience store I'm aware of is to the south along Green Street approximately ¼ mile west of the intersection of Green and Brentwood and I believe there is one on Kivett near the Hoskins intersection.

Chairman Bencini: Any other questions for Herb? [none] Thank you. Before we get started with folks making comments, I did have conversations with interested parties, but those conversations have in no way impacted my ability to remain open-minded and neutral in my decision making.

Mayor Smothers: Anyone else had contact prior to this evening? [none]

Chairman Bencini: Anyone present care to speak in favor of this request?

Scott Dunbar: Good evening Madam Mayor and City Council Members. My name is Scott Dunbar and I'm speaking on behalf of Nan Jon, the owner of the property. I believe my comments were summarized in the agenda so I don't think there's any need to go over that again. I just wanted to stress how we have an opportunity right now in front of us to utilize this piece of property for something that we feel will benefit the neighborhood. It's been sitting empty for who knows how long and who knows how long it would sit empty, but we have an opportunity right now in front of us to put this site to good use and we just hope that the Council Members will look favorably upon our request to rezone this piece of property that we could provide a good service to the people in the neighborhood. If you've got any questions I'll be more than happy to answer them.

Council Member Sims: Mr. Dunbar, is the only proposed use the Family Dollar Store?

Scott Dunbar: Yes Ma'am.

Mayor Smothers: And as I understood from reading the material, you are conditioning that and other uses that would be permitted in Light Industrial would still apply.

Herb Shannon: It reads that only those uses allowed in the Limited Business and the Light Industrial will be permitted.

Chairman Bencini: Any other questions for Mr. Dunbar?

Council Member Douglas: Mr. Dunbar, how many jobs will this provide?

Scott Dunbar: In the near term probably in the neighborhood of 50-60 construction jobs through the community and then in the long term I would imagine that-I don't have the numbers exactly-but comparing the other Family Dollar Stores, I would imagine that they would have anywhere between five and six people and probably different shifts, so it's a source of some employment.

Council Member Douglas: I'm in agreement with Mr. Dunbar here. In this community, it's an opportunity to add some vitalization to that community along with across the street you have Carson Stout which is right across from that. They're beginning to renovate those apartments across the street. They're going to totally redo them, practically tear them down and rebuild them. I think that would add to the community along with the jobs factor. I think it would add tax base that we're not currently getting anything out of. I think it's a good idea. You know, like I said, it adds some face to the community. I think as far as those other convenience stores are concerned, I don't think it would affect those at all.

Council Member Alexander: I, too, think it would be a good thing for the area. A lot of folks might only have one car or something like this. This offers good, local convenience for them to be able to get out and get something without either calling a taxi or getting on a bus or that kind of thing. I think it would be a good asset for the neighborhood.

Mayor Smothers: I think that when we-at whatever time it was looked at for potentially light industrial-it was because of the By-Pass. But, you know, when you look at the traffic configuration, New Street basically goes no where, so it's not a real good access for any type of light industrial uses. As the Planning & Zoning Commission said, really nothing has happened. I'm not sure there's the sufficient depth there from Brentwood to say New to offer any substantial opportunity for light industrial development. Like it's been pointed out, there's a lot of residential out there.

Chairman Bencini: There certainly doesn't seem to be any combination of light industrial properties there recently. I don't see that kind of activity either.

Council Member Douglas: But immediately behind that area, you have the Elks Lodge and then across the street from that on New Street you have a couple of chemical companies back there, but that's about it.

Chairman Bencini: Any other questions of Mr. Dunbar? [none] Thank you. Anybody else present care to speak in favor of this request? [none] Anyone present care to speak in opposition? [none] Seeing no one, I'm going to close the public hearing and first deal with the land use change and **make a motion to make a land use change for this parcel to be consistent with the LB District.**

Mayor Smothers: You've heard the motion. Is there a second?

Council Member Alexander: **Second.**

Mayor Smothers: I'm not sure if it would be appropriate as part of the motion to ask staff to reexamine this area in terms of its potential for redevelopment in that this has been in place a pretty good while hasn't it? I don't think we like to pick and choose what we decide land use should be, but I do think there's some merit in seeing and perhaps encouraging other uses.

Chairman Bencini: Mr. Douglas you seem to be very familiar with this area, has there been any new development of any nature in this area recently?

Council Member Douglas: No it hasn't.

Mayor Smothers: At any rate, I'm not sure that needs to actually be part of the motion.

Chairman Bencini: That's okay. We can make that part of the motion then.

Mayor Smothers: How about in terms of policy directive that we just have it included in the minutes that staff will, as they can, take a look at this in terms of the appropriateness in land use.

Council Member Sims: Madam Mayor, before we vote, would this land use plan allow a convenience store on that street or does it currently allow convenience stores?

Chairman Bencini: Local Convenience Limited Business is what we're talking about right? And generally that does allow for convenience stores.

Herb Shannon: Yes, that would be a permitted use.

Mayor Smothers: You've heard the motion and the second. Is there further discussion on the motion which is amending the Land Use Plan? [none] If not, all in favor, please say Aye.

Council Member Alexander, Council Member Bencini, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh, Mayor Smothers and Mayor Pro Tem Whitley: Aye.

Mayor Smothers: Any opposed?

Council Member Sims: No.

Mayor Smothers: Please record Ms. Sims as No. Motion carries. [8-1 vote]

Chairman Bencini: The next item will be the rezoning and conditional use permit. I'll make a motion to approve the rezoning and the conditional use permit based upon consistency with the Land Use Plan which we just made and that the request is reasonable in the public interest because of the surrounding neighborhood which is today or has been Light Industrial, but there's been no movement in that direction for quite some time and that the residents in that neighborhood have very limited retail offerings.

Council Member Alexander: Second.

Mayor: If there are no further comments….

Council Member Faircloth: I think that in the past, our Land Use Plan sort of came as a result of the automobile and the expectation that people are going to travel by automobile and I think we're seeing some change away from that now. An accommodation like this speaks once again to put traffic or bicycle traffic or more of a neighborhood concept that was envisioned perhaps twenty or thirty years ago. We're probably moving in a direction by doing something like this that's more current.

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

Council Member Alexander, Council Member Bencini, Council Member Blakeney, Council Member Douglas, Council Member Faircloth, Council Member Pugh, Mayor Smothers and Mayor Pro Tem Whitley: Aye.

Mayor Smothers: Any opposed?

Council Member Sims: No.

Mayor Smothers: Ms. Sims is No. Thank you.

[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 for approval.

Adopted Ordinance providing for the rezoning of this property from the Light Industrial (LI) District to a Conditional Use Limited Business (CU-LB) District and approved the request for the accompanying Conditional Use Permit 10-05 based upon consistency with the Land Use Plan and 1) that the request is reasonable in the public interest because of the surrounding neighborhood which is Light Industrial and 2)there has been no movement in that direction for quite some time and 3) residents in this neighborhood have very limited retail offerings.

Ordinance No. 6730/10-78 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 215

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

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

Ordinance - Text Amendment 10-02 - YMCA of High Point re Fence Height

100179 A request by YMCA of High Point to amend Section 9-4-14(f) of the Development Ordinance pertaining to fence height for nonresidential uses.

The public hearing for this matter was held on Monday, June 21, 2010 at 5:30 p.m. as duly advertised.

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

Council Member Alexander questioned why this matter was not handled through the Board of Adjustment because it would be more selective in a higher level of review. Mr. Robbins explained that staff did look at the variance option as well as the text amendment, but felt the text amendment would be a more permanent solution to any potential problems that could reoccur in the future. Mayor Smothers pointed out there would still be some oversight for putting up a fence through the required permit that has to be applied for.

Chairman Bencini opened the public hearing and asked if anyone was present who would like to offer any comments in support of or in opposition to this text amendment request. There being no comments, the public hearing was declared closed.

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

Adopted Ordinance amending Section 9-4-14 (f) of the Development Ordinance pertaining to fence height for nonresidential uses based upon consistency with the City's Land Use Plan and other adopted policies and the findings as outlined in the staff report.

Additionally, the City Council considers this action to be reasonable and in the public interest because: 1) it would increase the functionality and convenience of the playing fields and recreation areas as well as increasing the safety of pedestrians and motorists; and 2) it would permit recreational uses (such as physical fitness centers

and public parks) to construct fences of the same height as permitted for all other nonresidential uses.

Ordinance No. 6731/10-79 **Introduced 6/21/2010**
Adopted 6/21/2010
Ordinance Book Volume XVI, Page 216

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

Resolution - Street Abandonment 10-10 - City of High Point

100180 A request by the Technical Review Committee to abandon an unimproved right-of-way (identified as "Willow-wood Circle" on a map titled, "Riverside Park" as recorded in Plat Book 5 Page 320) lying north of Greensboro Road between Willowood Drive and N. Manor Drive.

The public hearing for this matter was held on Monday, June 21, 2010 at 5:30 p.m. as duly advertised.

[staff report will be attached in Legistar as a permanent part of these proceedings]

Chairman Bencini opened the public hearing and asked if there were any comments. 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 for adoption.

Adopted resolution authorizing the abandonment of an unimproved right-of-way identified as "Willow-wood Circle" with the retention of a 20-foot sanitary sewer easement centered on the existing lines based on preliminary findings as outlined in the staff report that it 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.

Resolution No. 1628/10-56 **Introduced 6/21/2010**
Adopted 6/21/2010
Resolution Book Volume XVI, Page 270

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

Resolution - Street Abandonment 10-11 - City of High Point

100181 A request by the Technical Review Committee to abandon several unimproved right-of-ways (identified as "Fairview St.", "Boling Ave.", "North St." and a portion of "Spencer Avenue" on a map titled, "Spencer Heights" as recorded in Plat Book 11 Page 7 as well as "Brown Drive" and a portion of "Westdale Drive" on a map titled, "Lindale - Section Two" as recorded in Plat Book 14 Page 74 and "High Point Ins. & Real Est. Co." as recorded in Plat Book 5 Page 319) lying north of Greensboro Road between Hampton Drive and U.S. Hwy 311.

The public hearing for this matter was held on Monday, June 21, 2010 at 5:30 p.m. as duly advertised.

Mark Schroeder with 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 conclusion of the staff report, Chairman Bencini opened the public hearing for comments.

Vince Marchisotto, 605 Cherry Grove Road, Yanceyville, NC, spoke in opposition. He was representing his family who owns property at 115 Hampton Drive. He explained that at the time this property was purchased by his parent's thirty-some years ago, they knew there was a proposed street to go through there and there was a deeded right-of-way coming from Greensboro Road to the property which is still reflected on the deed to the property. He informed Council that his family was opposed to any closing or revoking of any right-of-way that obviously was purchased with the property and pointed out they have paid taxes on the property over the years expecting the road to be put through as well as the right-of-way.

Council Member Alexander explained that there wasn't sufficient right-of-way to put in a road and more than likely a road would never be put there. Council Member Faircloth stated that wasn't necessarily true and there could be a road put in sometime in the future. Mr. Marchisotto explained the right-of-way was definitely something of value to the property owners and if it is taken away, it would reduce the property values.

Mayor Smothers questioned Mr. Marchisotto about his deed that he said reflects the right-of-way and asked if he could bring it by so staff could review it. City Attorney Fred Baggett explained that right-of-ways are not deeded and felt there was something not right about the situation.

William P. Mitchell, who owns the property at 509, 609 and 611 Greensboro Road also spoke in opposition. He accused the City of High Point as being part of the problem in this area because he was told High Point was promoting a highway to go through the area. He pointed out that five years ago, the road was improved in front of these properties and for whatever reason, the state no longer has money it needs to implement the plan, and it kills business in the area as well as property values. Mr. Mitchelll also expressed concerns that if the right-of-ways are closed, it could mean that his property would be landlocked and he would have to negotiate with his neighbors for a way to get in and out of his property.

Robert Trexler, 4200 Oak Hollow Drive, addressed Council on behalf of his parent's who own adjacent property to Mr. ????????. He also spoke in opposition of closing these rights-of-way because it would block access of their property which would deter any potential of future building in the area. He also pointed out that he was gold by his father that there was utility water connections from Greensboro Road back into that section.

Mike Stroud, who lives at 203 Spencer Street, also spoke in opposition citing concerns about access issues.

Chairman Bencini asked if there was anyone else present who would like to comment. There being no further comments, the public hearing was closed.
Following the conclusion of the public hearing, the Committee recommended withdrawal of Street Abandonment 10-11 until staff could come back to Council with a valid reason why any action should be taken.

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

For Information Only:

Special Recognition- City Government 101 Graduates
Alice Moore (Public Information), Mayor Smothers and Cathy Gray (Community Development) recognized the following citizens who attended the 8-week City Government 101 course.

Highland Mills Neighborhood Association
Judy Jones, Donald Jones

Southside Neighborhood Association
Willie M. and Robert E. Mills

Washington Street Neighborhood Association
M. Burdell Knight, Jacquelyn L. Haizlip, Michael Robinson and Aretha Robinson

Burns Hill Neighborhood Association
Jerry Mingo, Donald Belton, Dora Harris and Vivian Washington

Pershing Street Neighborhood Watch
H. Devone Miller, Juber Evans, Kenneth Cook, Roberta Purnell and Gloria Hinson

Macedonia Neighborhood Association
Merritt Short, Yvonne Short, Dominica Itto and Taban Tor

West End Neighborhood Association
Patricia D. Nixon

Springbrook Meadows Neighborhood Watch
Kim Nelson and Angeline McLendon

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:35 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Rebecca R. Smothers, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk