City of High Point

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

Meeting Minutes

Monday, April 19, 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

Mayor Smothers offered the invocation. The Pledge of Allegiance followed.

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Finance Committee; Monday, April 5th @ 3:30 p.m.
Combined Meeting; Monday, April 5th @ 4:45/5:30 p.m.
Public Services Committee; Tuesday, April 6th @ 1:30 p.m.
Planning & Development Committee; Tuesday, April 6th @ 2:30 p.m.
City manager's Briefing Session; Tuesday, April 6th @ 4:00 p.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 Council Member Bencini, 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.

PRESENTATION OF ITEMS

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

(all were present)

Contract Renewal - Rehrig International - Garbage & Yard Waste Roll Out Containers

100100 Consideration and approval of Bid No. 27 for the contract extension of supplying garbage and yard waste carts to the Rehrig Pacific Company in the amount of $283,080.00 (5,000 garbage & 1,000 yard waste carts at $47.18/cart).

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 extension with Rehrig Pacific Company in the amount of $283,080.00 for supplying garbage and yard waste carts.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Bencini, 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 Sims, Council Member Blakeney, Council Member Douglas and Council Member Faircloth
Nay: Council Member Pugh

Contract - Regional Site Solutions, Inc. - Sealing Pavement Cracks & Joints

100101 Consideration and approval for the awarding of Bid No. 31 for Sealing Pavement Cracks & Joints to the Regional Site Solutions, Inc. in the amount of $99,450.00 (85,000 lbs @ $1.17/lb).

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 Regional Site Solutions, Inc. in the amount of $99,450.00 for sealing pavement cracks and joints.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Bencini, 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 Sims, Council Member Blakeney, Council Member Douglas and Council Member Faircloth
Nay: Council Member Pugh

Contract - Audit Services - McGladrey & Pullen CPA's - FY 2009/2010

100083 Council is requested to authorize the Mayor to execute contract with McGladrey & Pullen, CPA's for audit services for the FY beginning July 1, 2009 and ending June 30, 2010. Contract fee is $80,000.00.

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

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

Approved contract with McGladrey & Pullen for audit services for the FY beginning July 1, 2009 an dending June 30, 010 at a contract fee of $80,000.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Bencini, 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 Sims, Council Member Blakeney, Council Member Douglas and Council Member Faircloth
Nay: Council Member Pugh

Resolution - Two-thirds Bonds Orders and Refunding Bonds Order

100084 City Council is requested to approve the bond orders authorizing $3,200,000 Parks and Recreational Facilities Bonds, $2,415,000 Street and Sidewalk Improvement Bonds, and $7,000,000 General Obligation Refunding Bonds; and, establish a public hearing on Monday, May 3, 2010 at 5:30 pm as required by state law on the issuance of the referenced 2/3 bonds.

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 bond order authorizing $3,200,000 Parks and Recreational Facilities Bonds, $2,415,000 Street and Sidewalk Improvement Bonds and $7,000,000 General Obligation Refunding Bonds and established the date of Monday, May 3, 2010 at 5:30 p.m. as the date and time to consider public comment regarding the issuance of the above referenced 2/3 bonds.

Resolution No. 1602/10-30 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book, Volume XVI, Page 244

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Bencini, 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 Sims, Council Member Blakeney, Council Member Douglas and Council Member Faircloth
Nay: Council Member Pugh

Wynnefield Properties - Commitment Letter - Elderly Housing

100099 Authorize City Manager to execute a permanent commitment letter for a $500,000 loan to Wynnefield Properties to construct 56 units of elderly housing. The development will be known as Admiral Pointe.

This matter was discussed extensively in the Finance Committee held at 3:30 p.m. prior to this meeting and is being forwarded to the full Council without a recommendation.

Council Member Douglas made a motion to authorize the city manager to execute a permanent commitment letter for a $500,000 loan to Wynnefiled Properties to construct a 56 elderly housing units (Admiral Pointe). Council Member Sims made a second to the motion.

At this time, Council Member Bencini made a substitute motion that the additional information requested be obtained from staff

regarding amounts other than the 1/2 million dollars that would satisfy the process before moving forward with this matter. Council Member Alexander made a second to the substitute motion.

Mayor Smothers asked the representatives to reply. Craig Stone, President of Wynnefield Properties (5614 Riverdale Drive, Jamestown) who resides at 506 S. Elam Avenue in Greensboro, explained the highly competitive process would require them to compete with Metro areas throughout the State such as Raleigh, Charlotte and Greensboro and this is a minimum amount to get points basically showing support for the project. These funds would be a significant benefit to the project.

Council Member Bencini asked Mr. Stone if they would get any points for an amount under the 1/2 million dollars and if the loan terms would be the same for every Metro area. Mr. Stone replied that this was a minimum amount to get the points needed and many across the state have lower rates and a minimum of 20-year loans.

Council Member Pugh asked for reassurance that the project would always be structured towards seniors. Mr. Stone replied that it would and explained they would sign restricted uses to independent elderly individuals. Council Member Faircloth inquired about what firm did the market study to determine the viability of the project. It was noted that the market study was conducted by Community Research Services, LLC dated March 3, 2010. Mr. McNair explained the study determined there was a demand for 517 units and there wouldn't be any problem for them to sell the proposed 56 housing units because there was more than enough demand to support the project. Mr. Stone further explained that the study showed there was less than a 10% capture rate (under 30% is very good as far as indicating it's basically non-competitive against existing housing stock) showing there is a real need within the community.

At this time, the Mayor asked if there were any additional questions/comments. There being none, she called for a vote on Council Member Bencini's substitute motion. Satisfied with the additional information, Council Member Bencini withdrew the substitute motion. Council Member Alexander explained that he was not ready to vote favorably on this matter at this time and felt it would be good to have a two-week period to consider the information and to allow other citizens an opportunity to offer input regarding the project.

Due to the withdrawal of the substitute motion, Mayor Smothers called for a vote on the original motion to authorize the city manager to execute a permanent commitment letter for a $500,000 loan to Wynnefield Properties to construct a 56 elderly housing units (Admiral Pointe). **The motion carried by a 5-4 vote as follows:**

Votes: Aye: Blakeney, Douglas, Pugh, Sims and Smothers

Nay: Bencini, Alexander, Faircloth and Whitley

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

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

Pending Items

Revised Economic Incentive Policy

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

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

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

(all were present)

Ordinance - Vacate/Close Dwelling - 337-A Ennis Street

100085 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling locate at 337-A Ennis Street belonging to Justin Shaw.

Chairman Faircloth asked Katherine Bossi, Local Codes Enforcement Supervisor to bring Council up to date on this housing case. Ms. Bossi reviewed the staff report which will be attached in Legistar as a permanent part of these proceedings.

Council Member Alexander asked if the city provided any moving assistance for the tenants and Ms. Bossie replied that the tenants moved out on their own and the complaints were initated by the tenants.

*The property owner was not present to offer any comment*s.

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 337-A Ennis Street.

Ordinance No. 6690/10-38 **Introduced 04/19/2010**
Adopted 04/19/2010
Ordinance Book, Volume XVI, Page 175

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 - 339-B Ennis Street

100086 Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 339-B Ennis Street belonging to Justin Shaw.

Chairman Faircloth asked Katherine Bossi, Local Codes Enforcement Supervisor to bring Council up to date on this housing case. Ms. Bossi reviewed the staff report which will be attached in Legistar as a permanent part of these proceedings.

Council Member Alexander asked if the city provided any moving assistance for the tenants and Ms. Bossie replied that the tenants moved out on their own and the complaints were initated by the tenants.

The property owner was not present to offer any comments.

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 339-B Ennis Street.

Ordinance No. 6691/10-39 **Introduced 04/19/2010**
Adopted 04/19/2010
Ordinance Book, Volume XVI, Page 176

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

Ordinance - Demolition of Structure - 2010 Van Buren Street

100095 Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 2010 Van Buren Street belonging to Franklin J. Cashwell.

Chairman Faircloth asked Katherine Bossi, Local Codes Enforcement Supervisor to bring Council up to date on this housing case. Ms. Bossi reviewed the staff report which will be attached in Legistar as a permanent part of these proceedings.

The property owner was not present to offer any comments.

Adopted Ordinance ordering the inspector to effectuate the demolition of a structure located at 2010 Van Buren Street.

Ordinance No. 6692/10-40 **Introduced 04/19/2010**
Adopted 04/19/2010
Ordinance Book, Volume XVI, Page 177

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

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

(all were present)

Bi Weekly Collection of Recyclables

100102 Council is requested to approve the converting from the current weekly collection to bi-weekly collection of recyclables in accordance with our plan beginning the week of May 31, 2010.

Chairwoman Sims announced that this matter was discussed during a Public Services Committee meeting a few weeks ago and the Committee favorably recommended to move this matter forward for consideration by the City Council. She asked if there were any questions.

Council Member Alexander questioned staff as to why Hendrix Batting , 2310 Surrett Drive, is not getting their recyclables picked up. Assistant City Manager Pat Pate explained that the city only offers residential recycling service and typically businesses are responsible for getting their own garbage collection service which should include recycling. He noted there are a few businesses that have a toter and if they can put their trash in a single toter, they are allowed to do that just as a residence is. Council Member Alexander stated he would like to see the city offer services to taxpaying businesses who request recycle services, but this could be discussed in a future Committee meeting.

Council Member Faircloth asked if staff has considered any problems going to every other week pick-up of recyclables with the volumes because some have more recyclables than garbage. Mr. Pate pointed out the new recycling containers allow a resident to dispose of four times as much as before when the bins were being used for recycling. Staff will also encourage residents to break things down and to pack it in as well as they can. He noted that for large volume generators, they would have an option to purchase a second container for recyclables or they could take advantage of other drop-off options. Council Member Faircloth asked staff to provide Council with updates on the progress as to the amount of recyclables.

Approved converting from the current weekly collection to bi-weekly collection of recyclables beginning the week of May 31, 2010.

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

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

(all were present)

PUBLIC HEARINGS ON ITEMS

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

Finance Committee - Council Member Whitley, Chair

Public Hearing - Community Development & Housing Department - 5-Year Consolidated Plan and Annual Action Plan

100096 Monday, April 19, 2010 at 5:30 p.m. is the date established to receive public comments on the Community Development and Housing Department 5-Year (2010-2014) Consolidated plan and 2010-2011 Annual Action Plan.

Chairman Whitley announced this was the date established by Council to solicit public comments on the Community Development and Housing Department 5-Year (2010-2014) Consolidated Plan and 2010-11 Annual Action Plan. Staff distributed copies of the power point presentation. [presentation is hereby attached as a permanent part of these proceedings]. Staff responded to questions/concerns posed by Council Members.

Council Member Sims asked staff to elaborate on how well the infill programs seem to be working (i.e. SHARE, Habitat for Humanity, etc....). Mike McNair, Director of Community Development and Housing, noted the program has been a real success and explained a few years ago High Point made a strategic shift in the infill program and started to assemble properties and find developers to develop them in an effort to maximize the neighborhood impact rather than do the scattered housing sites. He explained that HUD is now requiring the development of production capacity for affordable housing and the city is attempting to do this by working through non-profits.

Council Member Sims inquired about interest and participation from local developers and if staff was getting any new applications in from residents. Mr. McNair stated several builders have been involved in the Lead Program and their participation as well as interest has increased resulting in good competition and better prices. Mr. McNair replied that staff has received some newer applications because of the lead program, but is now trying to spread out the money for more people to take advantage of it instead of having a few people absorb all the resources as has been the case with costly rehabs. He clarified that the city hasn't really stopped offering this assistance, but has put restrictions on it.

There were some concerns that the city no longer does the grant program to assist with remodeling and renovating or provide certain services that used to be available to seniors and lower income residents and there was a need to communicate to the public that the city is no longer offering this particular program. Mr. McNair explained that when the lead grant came in, staff didn't realize the lead program would drive everything else and there wasn't enough resources to have lead and non-lead repairs so they are looking for other opportunities to partner with programs such as the weatherization program.

Mr. McNair noted that staff felt with the passage of the Core City Plan, they needed to be more involved with redevelopment, etc.... by moving away from the rehab piece, while still offering urgent repairs. Chairman Whitley expressed dissatisfaction and concerns with this and felt staff was trying to discourage other areas other than the Core City. Mr. McNair pointed out work is being done all over the city, but there was a greater need in the Core City because of the lead and substandard housing and first priority is given to children referred by the Health Department. Chairman Whitley disagreed and pointed out there were many older houses on the north end of High Point where the senior citizens are not able to pay for the improvements. He asked how staff is communicating this and Mr. McNair replied that notices were sent out last September via utility bills and through the Lead Safe High Point Initiative, several partnerships were also helping to market it.

Council Member Faircloth asked Mr. McNair if staff has developed a relationship with the High Point Builder's Association and noted they were very receptive to learning about the requirements of the program and what they can do to help. Mr. McNair admitted he hasn't interacted with them much lately, but pledged to rectify this.

At this time, Chairman Whitley opened the public hearing and asked if anyone was present that would like to come forward to speak regarding the plan. Seeing none, he closed the public hearing and suggested to place it in Committee for another two weeks to allow the public an opportunity to review the program. Mr. McNair pointed out the document has been out since March 16th as part of the public comment period. It was noted that no public comments have been received and no mention of it in the news media. The Mayor pointed out there are some fairly new components in the program and suggested it be posted on the city's website.

Placed matter in the Finance Committee for two weeks.

Planning & Development Committee - Council Member Bencini, Chair

Land Use Plan Amendment 10-01 - Deep River Center, LLC & CHK & LLC

100087 A request by Deep River Center, LLC & CHK, LLC to amend the City of High Point Land Use Map to change the classification for approximately 9.98 acres from Community Regional Commercial to the Office land use designation. The site is lying at the northeastern and northwestern corners of Samet Drive and Admiral Drive.

The joint public hearing for this matter and related matter 100088 Ordinance-Rezoning Case 10-03- Deep River Center, LLC & CHK, LLC was held on Monday, April 19, 2010 at 5:30 p.m.

__________Transcript- Public Hearing- April 19, 2010______________

Chairman Bencini: If you're here and would like to speak on the Deep River Center case, please come forward and have the city clerk swear you in.

[oaths administered]

Chairman Bencini: With this item tonight, we've got a Land Use Plan Amendment, a rezoning and a conditional use permit.

Herb Shannon: Yes and staff will do the presentation of those together. This is a request for a Land Use Plan amendment and rezoning for 9.9 acres lying at the northeastern and northwestern corners of Samet Drive and Admiral Drive. The site currently has a land use plan designation of Community Regional Commercial. The applicant's requesting it be changed to an office designation. It currently has the zoning of Conditional Use Highway Business and Conditional Use Shopping Center. The applicant's requesting rezoning to a Conditional Use General Office High Intensity District. Ms. Heidi Galanti, the Planning Administrator, will provide the overview of the Land Use Plan request and when she's finished I will give a brief review of the zoning application. We would recommend that you vote on the Land Use Plan Amendment and the zoning application separately. I'll let Ms. Galanti give you an overview of the Land Use Plan Amendment first.

Heidi Galanti: Good evening Mayor and Council. To continue to orient you on this case, this is Eastchester, Wendover, Penny Road, Samet Drive, and this is Tinsley and Precision Way and Admiral is coming down the middle. This site is surrounded by a wide variety of mixed uses including office to the immediate north with restaurants and office on the north side of Tinsley and Precision Way. Goodwill Industries to the east over here. Highbrook Apartments to the south of Samet Drive and Sunshine Day Care Center and a Sports Center to the west. Currently land use on the subject site is vacant-office and parking lot and undeveloped land. As you can see on the map on the screen, the area to the immediate west, north and east are currently classified as Community Regional Commercial with high density residential to the south. This request is supported by goals and policies in the Community Growth Vision Statement, the City's Land Use Plan, the Eastchester Drive and Wendover Avenue Corridor Plans that are shown in detail on page 47 in your packet.

Since the mid 1980's this area has been designated as Office or Community Regional, Commercial or a combination of the two. It has been slower to develop than the other quadrants and it has evolved overtime into a mix of office, personal services, restaurants and retail uses with high density residential on the south side of Samet Drive. The request to amend the Land Use Plan to an Office land use designation on this site would allow for multi-family and office uses which is in keeping with the existing overall development pattern that has been established in this area and would continue to add diversity to the mix of uses in the area. Staff is recommending approval of the Land Use Plan amendment and on March 23rd, the Planning & Zoning Commission met and held a public hearing and recommended approval of the Land Use Plan amendment by a vote of 6-0.

Adopted Resolution approving Land Use Plan Amendment based upon existing development pattern in the immediate area of the request and compatibility with the City's Land Use Plan.

Resolution No. 1603/10-31 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book Volume XVI, Page 245

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

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

Ordinance - Rezoning Case 10-03 - Deep River Center, LLC & CHK, LLC

100088 a. Conditional Use General Office-High Intensity (CU GO-H) District.
A request by Deep River Center, LLC & CHK, LLC to rezone approximately 9.98 acres from the Conditional Use Highway Business (CU-HB) District and Conditional Use Shopping Center (CU-SC) District to a Conditional Use General Office-High Intensity (CU GO-H) District. The site is lying at the northeastern and northwestern corners of Samet Drive and Admiral Drive.

b. Conditional Use Permit 10-03
A request by Deep River Center, LLC & CHK, LLC for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, prohibited uses and architectural design guidelines.

The joint public hearing for this matter and related matter 100087 Land Use Plan Amendment 10-01- Deep River Center, LLC & CHK & LLC was held on Monday, April 19, 2010 at 5:30 p.m.

__________Transcript- Public Hearing- April 19, 2010______________

Herb Shannon: In regards to the zoning request, as I previously noted the applicant is requesting a Conditional Use General Office High Intensity. In the early 1980's, all of the area between Penny Road and Hickswood Road was zoned for single-family dwellings except for an Institutional zoning at the corner of Eastchester and Hickswood Drive. In 1987, this area was granted a Commercial zoning and through the 1990's there were various rezoning applications that ended up placing Conditional Use Shopping Center, Conditional Use Highway Business in this area. Bob, if you could go to the next slide please. The last rezoning case in this area was in 1997 where the southern portion of this commercial area was zoned to Conditional Use Residential Multi-family-18 for development of the Highbrook Apartments. The current slide notes the current zoning in this area where you see a combination of Conditional Use Highway Business and Conditional Use Shopping Center on this site.

The applicant has a client that desires to develop multi-family at the southwestern portion of the site. They may consider expansion to additional areas of this site depending on demand for this product in this area. The development goals and vision for this area is a mixed-use type of development with a combination of multi-family office use that fits in with the requested GO-H District which is intended for high intensity office-institutional and high density residential up to 26 units per acre. Some limited retail uses are permitted in the GO-H District, subjects would be in multi-tenant buildings. Staff has identified no major or minor issues with this rezoning request. On page 49 and 50 of your packet are the findings.

Key items to note, first, this land area has developed into a mixed-use area over the past 15 years. The zoning is this area…..the uses consist of Commercial/Retail on the outer edge, but internally it's been mostly office uses. If you had a change to review this area, along the edge of this subdivision, that's been the prime visibility areas where you have commercial zoning, but internally more office, medical professional uses. The requested zoning to a GO-H District continues to allow office uses, but would also allow the opportunity for multi-family development. Staff has found no evidence that suggests the request would negatively impact adjacent property owners. Secondly, we'd note that the request is consistent with Objectives #8 and 9 of the Land Use Plan which encourages infill, mixed use and a higher residential densities at appropriate locations. Finally, we note that the request will be in harmony with the Land Use Plan development in this area as there is an existing multi-family use directly to the south of this site and this would actually transition to the commercial uses which are around the perimeter of this commercial development.

In conclusion, staff recommends approval of the zoning request subject to approval of the Land Use Plan Amendment case. The zoning case was recommended for approval by the Planning and Zoning Commission at their March 23rd public hearing by a vote of 6-0. Are there any questions on the Land Use Plan amendment or the Zoning request?

Mayor Smothers: I have a question. I believe you said that it's forecasted that this would be high density residential, 26 units per acre?

Herb Shannon: The GO-H District allows multi-family up to 26 units per acre.

Mayor Smothers: Two acres then would be 52 units and we had a request for, I realize that this is not part of the issue, for 56 units on two acres. But then I think when Mr. Stone or somebody stood up, they said 2.3 acres. So is it 2 acres, 2.3 acres and they can't build 56 units on 2 acres?

Herb Shannon: The applicant can probably give you a better description of the exact boundary. I believe they're looking at this general area and may be adjusting the boundary to match the density but the entire site is what we concentrate on as far as the rezoning application. They may need to move the property lines to meet that density requirement if they're going to be doing some subdivision.

Mayor Pro Tem Whitley: Herb, has a Traffic Impact Study been done on this site?

Herb Shannon: I believe Mr. McDonald's here. The Transportation Department noted that there was not any requirement for a Traffic Impact Analysis as all the road improvements were put in place with the development of the overall commercial subdivision.

Mayor Pro Tem Whitley: Okay, did they take note of the major traffic issue at the corner of the intersection of Samet and Penny Road?

Herb Shannon: I'll let Mr. McDonald address that traffic issue.

Mark McDonald: Yes, Mr. Whitley. We have taken that into consideration. This particular change would actually result in a less intense use and would reduce the number of trips that would be generated by this particular rezoning site. But we are looking at that particular intersection right now with the potential for signalization there in the very near future.

Mayor Pro Tem Whitley: You're going to put a signal that close to the other one?

Mark McDonald: Well the spacing there is actually probably as good as we're going to get with Samet Drive and with Penny and Wendover intersection.

Council Member Alexander: Mr. McDonald, isn't Samet Drive proposed to continue on across and meet up at Wendover where you….

Mayor Smothers: That's where it is.

Mark McDonald: That is something that could happen if that property in between there in that triangle were to develop. It is not something that we are proposing as a city, but it is something that could happen.

Mayor Smothers: I think long-term it was perceived that Samet would go around that Penny intersection and come out over there. Well actually that's opposite….

Mark McDonald: It's right over in front of the Palladium.

Council Member Alexander: But that section is not in there yet.

Mayor Smothers: It's got a barn in it with graffiti all over it.

Chairman Bencini: Any other questions for Mr. McDonald? [none] Any one present care t speak in favor of this request?

Anthony Lassiter: Good evening. My name is Anthony Lassiter, address 4609 Dundas Drive in Greensboro and I'm here to speak in favor of this request on behalf of the owner of the property, Deep River Center and CHK, LLC. To answer the Mayor's question, they need approximately 2.15 acres to support the 56 units to get the density. There is currently a tract in the southwestern corner of this that is currently 1.844 acres, but we're going to carve 3/10 out of the rest of the property to add to that lot to create the 2.15 acres to support that 56 units so that's how we're going to do that. I'm here primarily to answer questions. I think staff did a good job in their presentation. The one thing that I'd like to add is that we sent out an informational letter to all the adjoining property owners within 300 feet. We only had one of those call us and that was the owner of the Day Care on a portion of our western property line there. They had some general informational questions. They were mainly interested in what type of uses could locate within this district. I sent them a copy of the permitted use schedule from the Zoning Ordinance and haven't heard back from them. That was the only property owner that I talked with. That's all I have to say. As you are well aware of Mr. Norwood and Craig Stone are here with Wynnefield Properties. They hope to develop at that southwest corner there.

Mayor Smothers: So no one came to the information meeting?

Anthony Lassiter: We sent out letters and I listed my name and number as the reference and only that one property owner called.

Council Member Alexander: Do you have a schedule of development for the remainder of the property beyond the area that they're going to build the 56 units on?

Anthony Lassiter: Much of that property as you may be able to see from that sketch was slated to be office condos. Of course that market is pretty much dead right now. We had graded. We had put in utilities and put in the parking lots to serve future buildings in that area. In fact, we have one building out there that's just sitting now. I think it's a 12,000 sq. ft. building. It's sitting there vacant and has been vacant for several years. So if they had someone to come in, they would probably put them in that building first. But in terms of future office condos, that's going to be on an as-needed basis. That was one of the reasons that we expanded beyond just the 2.15 acres that these gentlemen need was to give us a different use or uses that we could possibly put out there. They would love to continue to do office condos, but they're not selling.

Chairman Bencini: Thank you Mr. Lassiter. Anyone else care to speak in favor of this request? [none] Anyone else care to speak in opposition? [none] Seeing no one, I will close the public hearing. Any comments from Council?

Council Member Sims: Where will the entrance to this property be? Where will they enter from? Will it be from Samet or will it be Admiral?

Anthony Lassiter: The conceptual site plan that we have done so far, the entrance….the main entrance is going to be on Samet. I don't know if you can tell from that sketch, but the driveway that comes out of the apartment project, we're going to try to align our driveway up with that. Now if we have one on Admiral, I don't know if we'll have one, but if we have one on Admiral, we'll try to push it back as far as we can from the intersection of Samet. But the primary entrance will be on Samet Drive.

Council Member Sims: Now as you develop the rest of the site, will there be any connectivity involved with it?

Anthony Lassiter: If the portion of the property to the north there remains office condos, no there will not be any connectivity with the proposed elderly housing project. If Mr. Stone or another residential developer were to come in, I doubt there would be a connection there due to the topography, for those if you go out there now, you'll notice that there is a bank if you'll step up from that lot to the other piece. I doubt there would be a connection there. If these gentlemen chose to purchase additional property out there and wanted to put something to the north there, they may choose to connect. I don't know. That's something down the road and hasn't really been talked about. From the topography standpoint, I doubt he'll have one there.

Mayor Smothers: This is a question as it relates probably more to transportation than you, but Mr. McDonald assuming that these parcels on either side that are in the same ownership develop independently, will they be required to put a turn lane to have access into Samet because isn't Samet two lanes?

Mark McDonald: Samet is four lanes.

Mayor Smothers: Is it four lanes? I couldn't remember. Okay.

Mark McDonald: The requirement for a turn lane would depend on the intensity. We don't anticipate that.

Mayor Smothers: Well whatever you do on one, you probably need to do on the other one. But because they're not developing at the same time that may be difficult to do. I would think to the degree possible not coming off of Samet is the preferred access.

Council Member Faircloth: Mr. Bencini, a question of staff. I'd like to ask staff…I think in some of our discussions in the past, we talked about mixed-use development and we used some illustrations in places that we had visited and looked at. There was a half step between what we're seeing here in that there are projects that are retail on the bottom level and residential above, that would seem to be a half step between purely residential and office. Now what I'm seeing here is we're not being concerned about that half step, we're saying that we can insert into this commercial a fully residential area. Is that a reaction on behalf of the staff or by the staff to what the market is driving? I hope the answer is yes.

Herb Shannon: I believe the scenario that you are talking about we would look at more like our traditional neighborhood when you're doing a larger development. In this particular situation, we looked at what the applicant was proposing, what they noted to us that the market was driving, and how this area is developed and staff was comfortable with their proposal of a combination of multi-family office was consistent with the Land Use Plan. I hope that addresses your question.

Council Member Faircloth: So you are saying it's market driven in this case?

Herb Shannon: In this case it was market driven and the proposed product that the applicant was looking at staff was of the opinion that it was consistent with our land use plan and zoning in the area.

Council Member Faircloth: My compliments. I hope you continue to do that.

Council Member Sims: I have a question for staff as it relates to sidewalks in this area. I know we talked about no connectivity, but part of the selling point for this particular planned unit was that there would be….they could access the services in this area and that there were various things that this community would be able to use. Have we looked at the sidewalk issue? Are there any conditions regarding sidewalks that would say there has to be connectivity throughout this whole development to allow them to move around in this area?

Herb Shannon: I believe we were just going to let the Development Ordinance address that. If they were going to do a group development plan as part of the Technical Review Committee sidewalks would be required. If it's a stand-alone single building I do not believe the Development Ordinance would require that.

Mayor Smothers: But it would seem to me that if we have an area that has multiple uses that could be accessed by foot that we have an overall plan that would require that as development takes place you put in a sidewalk.

Herb Shannon: I believe there are sidewalks to the north where they did that group development with those office units.

Council Member Sims: They do have sidewalks.

Herb Shannon: Yes.

Mayor Smothers: Well, folks hit the accelerator when they get on Samet.

Council Member Whitley: It's a cut through and although the numbers don't reflect what's being built here, it is literally a cut through and the traffic issue is far beyond what our staff I think is comprehended because you cannot move out of Samet and Penny Road and sometimes you can't move vice versa out of Samet and Hickswood.

Mayor Smothers: You've got to know where you're going to get to Hickswood because it's a rather convoluted…..

Chairman Bencini: It sounds like Mr. McDonald's got a solution for the intersection with Penny, so….. I guess then we'll deal first with the Land Use Plan. Any discussion from Council Members?

Council Member Whitley: Madam Mayor….I'm not going to support the Land Use Plan being one of the two that was here and took much criticism for even approving that whole development years ago. That is not the vision I had with moving the residential north of Hickswood. The idea was, as it states, commercial regional development-not residential.

Mayor Smothers: Thank you Mr. Whitley.

Chairman Bencini: Anyone care to make a motion in regards to the Land Use Plan Amendment?

Council Member Alexander: Motion to approve.

Council Member Sims: Second.

Mayor Smothers: Any further discussion on the Land Use Amendment? I think….doesn't it need to reflect that it is consistent with…..

Chairman Bencini: Well that's the conditional use, but we haven't gotten there. We're doing the Land Use Plan first.

Fred Baggett: Yes, it's in the staff's recommendation.

Mayor Smothers: All in favor of the motion, please say Aye. Aye. [Smothers, Alexander, Bencini, Blakeney, Douglas, Faircloth, Pugh, and Sims]. No? [Whitley] [8-1 vote]

Chairman Bencini: Now, for the Rezoning and Conditional Use Permit. I'll make a motion to approve it based upon staff's report of consistency with the Land Use Plan and the findings of fact as presented by staff.

Council Member Sims: Second.

Mayor Smothers: comments? All in favor, say Aye. Aye. [Smothers, Alexander, Bencini, Blakeney, Douglas, Faircloth, Pugh, and Sims] No? Mr. Whitley is no. [8-1 vote]

________________________end of transcript_____________________

Adopted ordinance providing for the rezoning of this property from the Conditional Use Highway Business (CU-HB) District and Conditional Use Shopping Center (CU-SC) District to a Conditional Use General Office-High Intensity (CU GO-H) District and approved Conditional Use Permit 10-03 based upon staff's statement of consistency with the City''s Land Use Plan and staff's findings as outlined in the staff report. Additional, Council deems this action to be reasonable and in the public interest because: 1) Subject to approval of Land Use Plan Amendment Case 10-01, the request will be consistent with the City's Land Use Plan; 2) The request to permit additional office uses and higher intensity multifamily uses at this location is consistent with Objective 8 of the Land Use Plan which encourages infill, mixed use and higher residential densities at appropriate locations; and 3) The site abuts office uses to the north and multifamily uses to the south, thus the request will not be introducing any new land uses in this area and will be in harmony with existing development patterns in this area.

Ordinance No. 6693/10-41 **Introduced 04/19/2010**
Adopted 04/19/2010
Ordinance Book, Volume XVI, Page 178

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

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

Resolution - Street Abandonment SA 10-04 - City of High Point

100089 A request by the Technical Review Committee to abandon an unimproved portion of Sheldon Court, lying south of Eugene Avenue between Fala Street and Prospect Street.

The public hearing for this matter was held on Monday, April 19, 2010 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these prodceedings.

Chairman Bencini opened the public hearing and asked if anyone was present to comment in support of or in opposition to this street closing matter. There being no comments, the public hearing was closed.

Adopted Resolution authorizing the abandonment of an unimproved portion of Sheldon Court, lying south of Eugene Avenue between Fala Street and Prospect Street.

Resolution No. 1604/10-32 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book, Volume XVI, Page 246

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

Resolution - Street Abandonment SA-10-05 - City of High Point

100090 A request by the Technical Review Committee to abandon an unimproved right-of-way, unnamed alley (15 feet in width), lying east of N. Hamilton Street between Guilford Avenue and Louise Avenue.

The public hearing for this matter was held on Monday, April 19, 2010 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

There was no one present to offer comment.

Council Member Sims asked staff to explain how the residents concerns were addressed by the Planning & Zoning Commission. Mr. Schroeder explained that the concerns voiced related to there being private improvements within the public right-of-way specifically north of Louise Avenue and north of E. Farriss Avenue. He pointed out the neighboring property owners submitted a survey that clearly showed their concrete driveway being within the 15' alley that is proposed to be closed. Due to this issue, Chairman Bencini felt it would be best to continue this matter in order to open up some dialogue with the neighbors to reach a resolution.

Matter was continued to Monday, May 17, 2010.

A motion was made by Council Member Bencini, seconded by Council Member Sims, that this matter be continued for May 17, 2010. The motion carried unanimously.

Resolution - Street Abandonment SA 10-06 - City of High Point

100091 A request by the Technical Review Committee to abandon an unimproved right-of-way (identified as “E. Commerce Street” on Plat Book 5 Page 327) lying north of Franklin Avenue between Brentwood Street and New Street.

The public hearing for this matter was held on Monday, April 19, 2010 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

The public hearing was opened and closed. No one was present to offer comment.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way (identified as "E. Commerce Street" on Plat Book 5 Page 327) lying north of Franklin Avenue between Brentwood Street and New Street.

Resolution No. 1605/10-33 **Introduced 04/19/2010**
Adopted 04/192010
Resolution Book, Volume XVI, Page 247

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

Resolution - Street Abandonment SA 10-07 - City of High Point

100092 A request by the Technical Review Committee to abandon an unimproved right-of-way, identified as “10-foot Alley” on a map titled, “Johnson Place” as recorded in Plat Book 3 Page 10 lying south of E. Lexington Avenue between N. Main Street and Johnson Street.

The public hearing for this matter was held on Monday, April 19, 2010 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

The public hearing was opened and closed. No one was present to offer comment.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way, identified as "10-foot Alley" on a map titled, "Johnson Place" as recorded in Plat Book 3 Page 10 lying south of E. Lexington Avenue between N. Main Street and Johnson Street.

Resolution No. 1606-10-34 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book Volume XVI, Page 248

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

Resolution - Street Abandonment SA 10-08 - City of High Point

100093 A request by the Technical Review Committee to abandon an unimproved right-of-way, identified as “Chester Street” on a map titled, “Clark - Lambeth Property” as recorded in Plat Book 6 Page 208 lying south of E. State Avenue between N. Hamilton Street and Johnson Street.

The public hearing for this matter was held on Monday, April 19, 2010 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

The public hearing was opened and closed. No one was present to offer comment.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way, identified as "Chester Street" on a map titled, "Clark-Lambeth Property" as recorded in Plat Book 6 Page 208 lying south of E. State Avenue between N. Hamilton Street and Johnson Street.

Resolution No. 1607/10-35 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book, Volume XVI, Page 249

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

Resolution - Street Abandonment SA 10-09 - City of High Point

100094 A request by the Technical Review Committee to abandon an unimproved right-of-way identified as “Dedicated Right-of-Way” on a map titled, “Evermore Estates” as recorded in Plat Book 78 Page 16 lying north of Bowers Avenue between S. Scientific Street and Jamestown Road (private).

Mark Schroeder of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

The public hearing was opened and closed. No one was present to offer comment.

Adopted Resolution authorizing the abandonment of an unimproved right-of-way identified as "Dedicated Right-of-Way" on a map titled, "Evermore Estates" as recorded in Plat Book 78 Page 16 lying north of Bowers Avenue between S. Scientific Street and Jamestown Road (private).

Resolution No. 1608/10-36 **Introduced 04/19/2010**
Adopted 04/19/2010
Resolution Book, Volume XVI, Page 250

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

MISCELLANEOUS

Reappointment- Library Board (Jill Harwood)

100103 Council is requested to confirm the reappointment of Jill Harwood to the Library Board of Trustees. Appointment effective immediately and will expire on 10/31/2012.

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

Approved the reappointment of Jill Harwood to the Library Board of Trustees. Appointment retroactive for time already served and will expire 10/31/2012.

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

For Information Only:

Recognition- Boy Scouts
Mayor Smothers recognized boy scouts attending tonight's meeting who were working on requirements for their Citizenship in the Community badges.

Troop #4 (Wesley Memorial) Scout Master Eric Hill
Troop #42 (Covenant United Methodist) Scout Master Sid Adams
Troop #23

Presentation- High Point Children's Cabinet
Council Member Sims, currently serving as Chair of the High Point Children's Cabinet, recognized and introduced Steve Hayes, also representing the High Point

Children's Cabinet. The following members of the High Point Children's Cabinet were also recognized: Susan Brady; Barbara Frye (United Way), and Michelle McNair.

Mr. Hayes presented the annual report to the community and reviewed some history of the organization, past and current initiatives, goals and accomplishments. The High Point Children's Cabinet formed in 2003 from a group of High Point citizens that came together and organized to confront issues of children in foster care in High Point with a purpose of identifying issues that impact children related to child abuse, out of home placement, foster care, adoptions and to champion improvements in their lives with a goal of keeping families united. Mr. Hayes pointed out that in 2003, there were only 13 foster homes in High Point so children were having to be placed outside of High Point, but due to the hard work of the community this number increased to 45 and is now back down to 30 because many of those homes were closed because the children were adopted by the foster families. in 2003, there were around 200 children in foster care in High Point; today, there are around 120 children in foster care from the High Point neighboring community. Mr. Hayes shared some of the past initiatives of the High Point Children's Cabinet that have helped make the program successful as well as some current initiatives they are working on including focusing on gang awareness, intervention and partnering with community leaders to provide students in foster care the opportunity to attend a boarding school. He pledged that the High Point Children's Cabinet would continue to find resources to support foster children, foster parents and concentrate on the special services needed for children in High Point. He encouraged the City Council and the High Point community to get involved by adopting or sponsoring a foster child, mentoring a child, or agreeing to mentor a foster parent, or supporting foster parents through local churches in Guilford County through the one church, one child program.

Liens Associated with Demolitions

Council Member Faircloth inquired about the status regarding special legislation or another process that would allow the city to recover costs associated with liens. City Attorney Fred Baggett stated he has researched the different options that might be available and felt the best way to handle it would be to amend the city's ordinance to create a lien and he would be preparing an ordinance for Council's and the Planning & Zoning Commissions consideration in the near future.

Appointments to Boards & Commissions

Council Member Alexander announced there are three vacancies that need to be filled on the Theatre Advisory Board and asked for Council Members to bring any possible nominations forward. Council Member Blakeney mentioned she would submit the name of Jamyle Acevedo for consideration.

ADJOURNMENT

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

Respectfully Submitted,

____
Rebecca R. Smothers, Mayor

Attest:

____
Lisa B. Vierling, MMC
City Clerk