

City of High Point

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



Meeting Minutes

Monday, April 18, 2011

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Sims and second by Council Member Whitley. [8-0 vote] [Council Member Moore was absent]

Finance Committee; Monday, April 4th @ 4:00 p.m.
Combined Meeting; Monday, April 4th @ 4:45/5:30 p.m.
Manager's Briefing Session (Housing Authority); Thursday, April 7th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Mayor Pro Tem Alexander, seconded by Council Member Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Moore was absent]**

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

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

PRESENTATION OF ITEMS

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

(all were present)

Contract - Bid No. 44 - Bulk Container Service Contract Extension**110058**

Consideration of award of contract for Bid No. 44 for Bulk Refuse Container Service. Purchasing and Public Services recommends the extension of contract with Republic Waste in the amount of \$487,685.12 for fiscal year 2011-2012.

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 Republic Waste in the amount of \$487,685.12 for fiscal year 2011-2012.

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

Contract - Bid No. 27 - Garbage & yard Waste Rollout Carts

110075 Approval of contract awarding Bid No. 27 for the purchase of Garbage & Yard Waste Rollout Carts. Purchasing and Public Services recommends that contract be awarded to Rehrig Pacific Company in the amount of \$283,080.00 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 Rehrig Pacific Company in the amount of \$283,080.00 which is the lowest and responsible bidder meeting specifications.

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

Budget Ordinance Amendment - NCDOT Rail Corridor Project

110076 Council is requested to adopt a Capital Project Ordinance amending the 2010-2011 Budget in the amount of \$143,716 for the North Carolina Department of Transportation (NCDOT) Rail Corridor Project.

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

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

Adopted Capital Project Ordinance amending the 2010-2011 Budget in the amount of \$143,716.00 for the North Carolina Department of Transportation (NCDOT) Rail Corridor Project.

Ordinance No. 6811/11-29

Introduced 4/18/2011

Adopted 4/18/2011

Ordinance Book Volume XVII, Page 19

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

Supplemental Municipal Agreement - NCDOT Rail Division - Hi-Speed Rail Corridor Crossing Improvements

110060

City Council requested to approve a final adjusting change order to complete the railroad crossing improvements at Taylor St, Grimes Ave, Ward St and Prospect St to Yates Construction Company in the amount of \$135,803.04.

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

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

Approved a final adjusting change order to Yates Construction Company in the amount of \$135,803.04 to complete the railroad crossing improvements at Taylor Street, Grimes Avenue, Ward Street and Prospect Street.

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

Admiral Pointe Elderly Housing Development - Loan Commitment**110078**

City Council is requested to favorably consider a proposal from Wynnefield Properties approving the City's financial participation in the amount of \$560,000.00 and authorize the City Manager to execute a loan commitment letter to the Admiral Pointe Elderly Housing Development.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting with a vote of 3:1 to forward this matter to Council with a favorable recommendation.

Council Member Whitley asked that the record reflect remarks he made when this matter came before Council on April 19, 2010. According to the minutes of the April 19, 2010 Finance Committee, Council Member Whitley questioned the site location for the facility and whether the state actually looked at the demographics, infrastructure, etc....and felt one of the main criteria factors the state should consider for a site was public transportation. At tonight's meeting, Council Member Whitley expressed opposition and felt the location was inappropriate for an elderly facility using the concept that the developer is trying to sell the project on a community concept of them being able to walk to nearby places such as the grocery store where they'd have to cross an extremely busy major thoroughfare, Wendover Avenue to do so.

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

Approved the proposal from Wynnefield Properties including the City's financial participation in the amount of \$560,000.00 and authorized the city manager to execute a loan commitment letter for the Admiral Pointe Elderly Housing Development.

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

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

**PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council
Member Sims, Chair
Committee Members: Alexander, Douglas and Corey**

(all were present)

Ordinance - Vacate/Close Structure - 302-A Allred Street (Duplex Unit)

110061

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 302-A Allred Street belonging to Schwarz Properties, LLC.

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

Neither the property owner, nor a representative was present.

Mayor Pro Tem Alexander asked if staff could put a hold on the utilities for both units at 302 Allred. Ms. Bossi explained that there is presently a hold on the B side and as soon as the tenant moves from the A side, a hold could also be placed on that unit as well. Chairwoman Sims asked about relocation and was informed by staff that once action is taken to vacate/close this unit, then the tenant would be referred to Community Development for relocation. Chairwoman Sims pointed out there still seems to be a communication issue with Schwarz Properties and she wanted it reflected in the minutes that the city is, again, having issues with the same property owner and having to pay relocation costs as a result of the property owner's negligence.

Council Member Douglas agreed with Chairwoman Sims and pointed out this is the same property owner of the Meredith Court apartments where there were numerous violations. He stated that at some point, the City would have to hold these property owners accountable for the condition of their properties. Council Member Pugh felt it might be appropriate to have more stringent inspections and not cut the utilities back on until the properties are brought up to standard. It was questionable as to whether or not the city would have this latitude. City Attorney Fred Baggett explained that it could theoretically be done. Chairwoman Sims felt Council needs to be clear about direction to staff in the matters and asked Mr. Baggett to get information from the City of Greensboro on their plan and see what stumbling blocks, if any, they've had. She felt it was uncertain as to whether High Point should continue with the relocation piece as the city's dollars continue to shrink and the issues seem to be on-going.

Mayor Smothers asked if it would be possible for staff to provide information on what these people are paying per month in rent. Council Member Pugh asked in the case of habitual landlord/property owner offenders if there could be some number used as a possible trigger point that would trigger some type of inspection on all of their properties. Mr. Baggett explained that this would be a possibility and noted that the City of Raleigh currently has something similar in place. Council Member Whitley felt this might be a solution to the issues and pointed out that neither Greensboro, nor a majority of the municipalities in the State pay relocation costs.

Mayor Pro Tem Alexander asked staff to make sure the clock is ticking on the time that Schwarz has to bring the Meredith Court Apartments up to code as a result of the Council's actions. Mayor Smothers also asked for an update from staff on all past due housing cases. She asked staff for clarification that once this unit is vacated, that the property owner will not be able to have the utilities cut on for either the A or the B side and staff confirmed this was correct.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 302-A Allred Street belonging to Schwarz Properties, LLC.

Ordinance No. 6812/11-20 Introduced 4/18/2011
Adopted 4/18/2011
Ordinance Book Volume XVII, Page 20

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

Ordinance - Vacate/Close Dwelling - 1610 Johnson Street

110062

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1610 Johnson Street belonging to Rossie & Ramona Gardner.

Katherine Bossi gave an overview of the staff report which will be attached in Legistar as a permanent part of these proceedings.

Neither the property owner, nor a representative was present to address Council regarding 1610 Johnson Street.

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

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 1610 Johnson Street.

Ordinance No. 6813/11-21**Introduced 4/18/2011****Adopted 4/18/2011****Ordinance Book Volume XVII, Page 21**

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

Pending Items**Ordinance - Vacate/Close Structure - 800 E. Commerce Street****110045**

Council is requested to adopt an ordinance ordering the Inspector to effectuate the vacating and closing of a structure located at 800 E. Commerce Street belonging to Nathaniel E & Margaret G. Bolds.

Katherine Bossi, Local Codes Enforcement Supervisor, updated Council regarding the housing case for 800 E. Commerce St. She reported that as of April 6th, the tenant has officially moved from the house. Staff conducted a reinspection today and has made tremendous progress and expects to conduct the final inspections for the plumbing and electrical by the end of the week. Staff anticipates final completion of the repairs within two weeks.

**PLANNING, ECON. DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair**

Committee Members: Sims, Henley and Moore

(all were present)

Pending Items**Part 150 Assessment Report****110038**

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

City of High Point Incentives Policies**110053**

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

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

Note: For Parts 1 and 3 of the Incentive Policies, please refer to Legislative Matter 110032.

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

Prior to the public hearings being held, those persons desiring to speak during the public hearing regarding **110063 Special Use Permit 11-03- Covenant United**

Methodist- Internally Illuminated Sign were duly sworn.

**Public Safety & Community Development Committee - Council Member Sims, Chair
Committee Members: Alexander, Douglas and Corey**

(all were present)

**Public Hearing - 2011-12 Annual Action Plan - Community Development and Housing
Department**

110077 Monday, April 18, 2011 at 5:30 p.m. is the date and time established to receive public comments on the Community Development and Housing Department's 2011-12 Annual Action Plan. The department has completed necessary activities for preparation and submission of the Plan to the Department of Housing and Urban Development (HUD).

The public hearing for this matter was held on Monday, April 18th @ 5:30 p.m.

Mike McNair, Director of Community Development & Housing gave a brief overview of the Annual Action Plan. [a copy of the plan will be attached in Legistar as a permanent part of these proceedings]

City Manager Strib Boynton asked Mr. McNair if he could share with Council the total reduction in CDBG dollars. Mr. McNair noted they've lost about \$225,000, but staff has managed to keep most of the major programs intact and would be moving forward with those programs. Mayor Smothers asked if the budget cuts would put any of the projects in jeopardy of not being completed and Mr. McNair replied it would not. He pointed out the way the expenditures are distributed, most of the funding is going to affordable housing.

He noted that Public Service Grants had to also be cut back and explained that the Citizens Advisory Council did an indepth review of those programs and are recommending the following distributions for Council's approval:

Helping Hands Ministry	\$5,400
YWCA of High Point.....	5,094
Carl Chavis YMCA.....	6,000
Boys & Girls Clubs of GHP.....	7,267
High Point Heat Track & Field Club.....	<u>4,950</u>
Total.....	\$28,711

Mr. McNair also elaborated on the Affordable Housing Programs and pointed out that Admiral Pointe and Park Terrace are existing activities that would be continued in the Action Plan. He explained that the Housing Authority intends to do a Phase III to the Park Terrace development on Grimes Avenue via tax credits and have asked the city to extend Grimes Avenue from Randolph down to Asheboro to enable them to complete the project (funding for this has been included in the budget).

Mayor Smothers stated she was not opposed to extending Grimes Avenue, and felt it would not be a wise investment to extend the street before a funding stream is put in place to complete Phase III. Mr. McNair pointed out the Housing Authority has offered assurances that if they are not successful with tax credits, they will use other funds available to get housing on Grimes, but tax credits is their number one preference. Council Member Pugh recollected at the inception of the Park Terrace project, the Housing Authority asked the city for about \$4 million and since the city has not actually given anything towards the Park Terrace project, felt the city should help out in some manner. Mr. Boynton noted that the money has been set aside for Park Terrace, but would be contingent upon them getting the money to do Phase III.

Mr. Boynton pointed out this matter would come back to Council on May 2nd for formal consideration and the Annual Action Plan would have to be submitted to HUD by May 16th.

Following the presentation by staff on the Annual Action Plan, Chairwoman Sims opened the public hearing and asked if there were any citizens present who would like to speak.

Jerry Mingo, Chairman of the Citizens Advisory Council, recommended approval of the Annual Action Plan and introduced other members on the CAC that were also present in support of the Plan. He pointed out that the CAC reviewed the Annual Action Plan, held a public hearing on March 24th and recommended approval by Council.

There being no further comments, the public hearing was declared closed. Action is anticipated at the May 2, 2011 High Point City Council meeting.

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

(Moore was absent)

Special Use Permit 11-03 - Covenant Church United Methodist - Internally Illuminated Sign

110063

A request by Covenant Church United Methodist Inc. for a Special Use Permit to allow an internally illuminated sign. The site is lying along the south side of Skeet Club Road, approximately 900 feet east of Braddock Road (1526 Skeet Club Road).

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

_____ Transcript: Public Hearing- April 18, 2011 _____

Herb Shannon: *The first item is a Special Use Permit to allow an internally illuminated sign for a church in a residential zoning district. This is for a site lying along the south side of Skeet Club Road approximately 900 feet east of Braddock Road. Just to note to everyone where we're at....This is Skeet Club Road. This is Park through that area in the cross-hatched area is the site in question. They are proposing a new sign in front of the existing church. There's currently a sign there now, but with the pending widening of Skeet Club Road, that sign has got to be relocated so with that relocation the applicant is requesting a new sign on the site. Currently that sign is illuminated via a spotlight and they are requesting for the new sign, a special use permit to allow this internally illuminated sign. The city sign regulations note two types of sign lighting. You have indirect illumination sign that's typical of a spotlight on a sign and direct illumination with the light source going directly to your eyes with internally illuminated sign and that is what the applicant is requesting on this site. Due to the fact a direct illuminated sign can be much brighter based upon the type of sign and the color pattern and the fact that this is in a residential zoning district, it requires a special use permit approval. There are many non-residential uses that are allowed in residential zoning districts and the intent is to make sure that any type of lighting in a residential area will not negatively impact adjacent property owners.*

To apply for this special use permit, the application has to document that this request is for a non-residential use, the site must be off a major thoroughfare and the sign must be needed for identifying evening activities. On page 30 and 31 of your packet, the applicant has provided a listing of their evening activities along with various church-related functions. The site's also used as a meeting place for various homeowner's association meetings in the surrounding developments and this is a Guilford County Board of Elections polling location. There are no major or minor issues identified and on Page 28 and 29 of your packet are the staff's recommended findings.

Some key items to note, the site is off a major thoroughfare that handles over 10,000 trips per day. The church sign is not in the middle of a residential subdivision. This site's on the outer edge of a subdivision and the nearest residential dwelling is over 500 feet away. It's also, as you can see, across the street from a park so you have quite a bit of buffer adjacent from residential neighborhoods. Based upon the preliminary findings outlined in the staff report, the Planning and Development Department is recommending approval of this request for this internally illuminated sign in the RS-12 zoning district. Mark, if you could just go to the next slide please. That's just a picture of the sign that they are proposing. This item was reviewed at the March 22nd Planning & Zoning Commission meeting and the commission recommended approval of this request by a vote of 8-0. Are there any questions?

Mayor Smothers: *Just a comment. Skeet Club's going to be widened and the fact that this church happens to lay in an area that has some residential housing units on it, to me doesn't make sense that they have to....it's not residential there-period. Like you said there's a public park across the street. It's not like they were in a neighborhood like say the Lutheran Church. I don't know if there's anyway, Lee, that some of your text can be you know changed in a manner that institutional uses which is what this is can have some leeway without....how long has it taken them to get to us?*

Herb Shannon: *I believe they submitted their application in February.*

Council Member Corey: *This is a station-it's not one of these new digital signs that changes every 8 seconds or something? It's a stationery sign.*

Mayor Smothers: *It's not a billboard.*

Council Member Corey: *Well it has the same purpose.*

Council Member Whitley: *any other questions? Thank you. Would the petitioner like to come forward and make some remarks?*

Allan Tarbell: *My name is Allan Tarbell. I am the chairman of the board of trustees for covenant church. I reside at 2213 Setliff Drive and I....as a member of the High Point Board of Adjustment and in this case, as the applicant for a special use permit, it's kind of interesting being on the other side. I really appreciate and thank staff for their knowledge and thoroughness and preparation of reports both for the board and commission in this case. They've done a great job. All the information is there. There's little I can add. If you have any questions, I would be happy to address them.*

Council Member Whitley: *Any questions? [none] Thank you very much. Anyone in opposition like to come forward and speak regarding this request? [none] Okay, seeing none, I'm going to close this public hearing. Any questions by members of Council before I proceed?*

Mayor Smothers: *Just one comment to Allan. I think it's commendable how your congregation has opened your church for so many different uses. You have definitely become a community institution in and of yourself. I like your pumpkins in the fall too.*

Council Member Whitley: *Okay seeing no other questions or comments, I'm going to make a motion to place this item on Thursday's Agenda with a favorable recommendation based on the city staff's findings.*

Council Member Pugh: *Second.*

Mayor Smothers: *Comments, questions? [none] All in favor, say Aye. Aye. [all] Any opposed? [none] That motion carries. [8-0 vote] [Council Member Moore was absent]*

[end of transcript]

Approved Special Use Permit 11-03 based upon the preliminary findings as outlined in the staff report that the request to allow an internally illuminated sign at this location and within the Residential Single Family-12 District will not negatively impact adjacent properties and will be in harmony with the area.

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

Land Use Plan Amendment 11-01 - Chase Northcutt, VP RHA Housing, Inc.

110065

A request by Chase Northcutt, VP RHA Housing Inc. to change the land use map designation for approximately 6.61 acres from Community Regional Commercial and Medium Density Residential to an Office land use designation. The site is generally located northeast of the intersection of E. Parris Avenue and Kirkwood Street.

The joint public hearing for this matter and related matter **110066 Ordinance-Rezoning Case 11-01- Chase Northcutt, VP RHA Housing, Inc.** was held on Monday, April 18, 2011 at 5:30 p.m.

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

Council Member Alexander reported that they had proposed a development that would require city participation like the proposed Admiral Pointe development, but the project was not funded and he had been contacted by several neighbors in the area who expressed concerns about flooding. Mr. Shannon noted that the applicant would be required to provide on-site stormwater management pursuant to the Development Ordinance. Mark Schroeder of Planning & Development noted the limitation would be a maximum of 70% in a General Watershed Area and if the development exceeds 24% built upon area of the site, it would be one inch and if it was less, it would be 1/2 inch. He pointed out that ultimately the run-off would end up in the mall pond east of Johnson Street.

Chairman Whitley pointed out that it was his understanding that the housing project may still be a possibility and the Mayor noted that they could still go with tax credits and wouldn't necessarily have to get money from the city. Mr. Shannon noted the applicant could better address these questions.

Chairman Whitley opened the public hearing at this time and asked the applicant to comment regarding this case.

Scott Redinger, representing RHA Housing out of Atlanta, addressed Council in support of this request. He stated they initially hoped to develop a 60-unit family development, but decided not to pursue the application this year due to the city's commitment to the Admiral Pointe development. He stated they were hopeful for a successful application next year for their 60-unit development. He noted there is also enough acreage on the site to accommodate a 60-unit elderly development. He explained they have met with city staff regarding this proposed development and they have agreed to accommodate staff's recommendations. They do plan to build their own retention pond if they should proceed with this project as a residential development on-site that will control the stormwater release into the creek. Mr. Redinger informed Council that they did have a neighborhood meeting and residents of the adjoining apartment communities and townhouses did share concerns with them about flooding on the creek and stormwater management.

Mr. Redinger pointed out this site had a low score although it has amenities such as close proximity to bus service and very convenient to shopping services. They felt

this location would be a great location for families to access jobs and would also be a good location for seniors because of the access to services and things they might need or want to take advantage of.

Mayor Pro Tem Alexander asked Mr. Redinger why they chose to seek Conditional Zoning. General Office opposed to a more residential multi-family zoning. Mr. Redinger explained they felt the requested zoning would give them a broader use for the property and if a multi-family development was not constructed, then it would provide the sellers the opportunity for office use and some limited commercial and retail uses. He also pointed out the Planning staff was supportive of their decision.

Chairman Whitley asked if there was anyone else present that would like to speak regarding this matter.

Bert Hayes, a realtor representing the property owners, also spoke in favor. He stated they were working with the city for flexibility so that if it didn't go residential, it would still allow the property owner the highest and best use of the property. He felt shopping center is not an ideal use of the property anymore and the change to Conditional Zoning General Office High Intensity would give them the flexibility to do multiple things and provide a better use to the property.

Chairman Whitley questioned the timing of the request for zoning given the potential for residential is so far out and taking into consider the climate for the commercial aspect. Mr. Redinger replied that they could have stayed with a shopping center designation, but the property owner wanted to pursue the residential end. The Mayor asked how long they had been pursuing this particular change.

Dwayne Skeen with the Skeen Group in High Point noted they actually started on this site in late December, early January and were now in somewhat of a crunch to get it done in time for the application to go forward for scoring this year.

Council Member Sims asked staff if they proceed with a 120-unit development, would it trigger the requirement for a Traffic Impact Analysis. Matt Carpenter with the High Point Transportation Department replied even with the 120 units it wouldn't rise to a level or threshold that would require a TIA or for improvements at the intersection because the anticipated additional traffic would not be of significant impact.

At this time, Chairman Whitley asked if there were any additional comments. There being none, the public hearing was declared closed.

Mayor Pro Tem Alexander reiterated that he had a number of residents who live in the area contact him who expressed concerns about the impervious surface and potential flooding and although none had any problems with office use, all of them had problems with multi-family. He stated he could support office rezoning, but could not support multi-family. The Mayor pointed out there were a number of residents that spoke in opposition at the Planning & Zoning Commission meeting, but nobody showed up for tonight's Council meeting. Council Member Sims felt the city could certainly do more than one tax credit property and this shouldn't even be an issue. She

felt as much affordable housing as developers are willing to build and bring to the community would be a positive. Mayor Pro Tem Alexander appreciated Council Member Sims comments, but pointed out according to the recent Census data, High Point had double digit housing stock available and felt to add more housing to an already glutted housing market would put additional pressure on existing housing.

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

Adopted Resolution authorizing a change to the city's land use map designation for approximately 6.61 acres from Community Regional Commercial and Medium Density Residential to an Office land use designation based on the findings as outlined in the staff report, the request meets the goals and objectives of the Land Use Plan, and it would be in harmony with the land use pattern of the surrounding area.

Resolution No. 1659/11-10 Introduced 4/18/2011

Adopted 4/18/2011

Resolution Book Volume XVII, Page 10

A motion was made by Council Member Whitley, 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 Douglas, Council Member Henley, Council Member Whitley and Council Member Corey
Nay: Council Member Alexander and Council Member Pugh
Absent: Council Member Moore

Ordinance - Rezoning Case 11-01 - Chase Northcutt, VP RHA Housing, Inc.

110066

Conditional Zoning General Office High Intensity (CZ GO-H) District.

A request by Chase Northcutt, VP RHA Housing Inc. to rezone approximately 6.61 acres from the Shopping Center (SC) District to a Conditional Zoning General Office High Intensity (CZ GO-H) District. The site is located north of E. Parris Avenue on Kirkwood Street.

The joint public hearing for this matter and related matter **110065 Land Use Plan Amendment 11-01- Chase Northcutt, VP RHA Housing, Inc.** was held on Monday, April 18, 2011 at 5:30 p.m.

Note: For comments made at this public hearing, please refer to **110065 Land Use Plan Amendment 11-01- Chase Northcutt, VP RHA Housing, Inc.**

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

Following the presentation of the staff report and conclusion of the public hearing, the

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

Adopted Ordinance to rezone approximately 6.61 acres from the Shopping Center (SC) District to a Conditional Zoning General Office High Intensity (CA GO-H) District based on consistency with the City's adopted plans and finds this action to be reasonable and in the public interest based on the staff's statements outlined in the staff report.

Ordinance No. 6814/11-22

Introduced 4/18/2011

Adopted 4/18/2011

Ordinance Book Volume XVII, Page 22

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

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

Ordinance - Rezoning Case 11-05 - Guilford Crossing at James Landing, LLC

110067

Conditional Zoning Limited Business (CZ-LB) District.

A request by Guilford Crossing at James Landing, LLC to rezone approximately 6.02 acres from the Conditional Use Limited Business and Conditional Use General Office Moderate Intensity (CU GO-M) District to a Conditional Zoning Limited Business (CZ-LB) District. The site is lying at the northwest corner of Piedmont Parkway and Guilford College Road.

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

Herb Shannon of Planning & Development gave an overview of the staff report for this rezoning case. [copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Council Member Alexander stated while he doesn't have any issues with this development, he questioned the layout of the drive-thru and asked if it could possibly be oriented to the inside of the property like the Chik-Fil-A at the corner of Hartley/Main as opposed to the outside. Mr. Shannon explained that staff was not concerned with the orientation of the drive-thru due to it being surrounded by a commercial development and the main factor they looked at was compatibility as to whether this would be an appropriate use at this location and also looked at the stards as far as pitched roof vs. not having a pitched roof.

At this time, Chairman Whitley opened the public hearing and asked if there was anyone present who would like to offer comments in support of this request.

Barry Siegal, 3411-D West Wendover Avenue, Greensboro, spoke in favor of the request on behalf of himself and Willard Tucker, the original developers of the James

Landing development. He explained that they have a tremendous vested interest as they still own the shopping center and felt anything they do to the outparcel would be very, very crucial not only to their vested interest, but to the development and neighborhood. He added that there is such a substantial difference in grade that if one is coming to the site from Hilltop Road coming up to Guilford College Road before it crosses Piedmont Parkway, it would not be visible. He also pointed out any layout would have to take into consideration those locations for the fixed access points from Guilford College Road/Piedmont Parkway as well as to the outparcel itself.

Mr. Siegal also shared that they did hold two neighborhood meetings and had two neighbors speak on their behalf at the Planning & Zoning Commission meeting.

Nancy Kenan, 3137 Highbridge Circle- Highlands @ James Landing townhome community, also spoke in favor of this request. She explained that their association has been involved with a number of rezoning issues in this particular area and they have worked with Mr. Siegal and Mr. Tucker on those issues. She noted the residents do not have any concerns or issues with the proposal before Council tonight.

Chairman Whitley asked if there were any additional comments in support of this request. There being none, he asked if anyone was present to speak in opposition. There being no further comments, the public hearing was declared closed.

Following the presentation of the staff report and the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance rezoning approximately 6.02 acres from the Conditional Use Limited Business and Conditional Use General Office Moderate Intensity (CU GO-M) District to a Conditional Zoning Limited Business (CA-LB) District based on consistency with the City's adopted plans. Council finds this action reasonable and in the public interest based upon staff's statements as outlined in the staff report.

Ordinance No. 6815/11-23 Introduced 4/18/2011

Adopted 4/18/2011

Ordinance Book Volume XVII, Page 23

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

Ordinance - Rezoning Case 11-02 - High Point University

110069

Conditional Zoning Limited Business (CZ-LB) District.

A request by High Point University to rezone a 0.28 acre parcel from the Limited Office (LO) District to a Conditional Zoning Limited Business (CZ-LB) District. The site is lying at the southwest corner of E. Lexington Avenue and Fifth Street (1124 E. Lexington Avenue).

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

Herb Shannon of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the presentation of the staff report, Chairman Whitley opened the public hearing and asked the petitioner to come forward.

Ron Guerra, representing High Point University, 833 Montlieu Avenue, addressed Council in favor of the request. He pointed out the site they are attempting to rezone is to be in conformance with the rest of the area. They have also stricken a number of the allowed uses in the LB district. He further explained that they weren't particularly looking to purchase this piece of property, but in order to complete the sale of another piece of property, they felt it would add to the purchase as a whole. He noted they would perhaps use the property for faculty offices and maybe some limited storage of security department items in the basement (i.e. cones, etc....) but they do not anticipate any heavy traffic uses at this site.

Council Member Corey inquired about whether the university would be responsible for property taxes on this property and Mr. Guerra replied that he wasn't sure since it wasn't their typical CZ-PI zoning and would be a business use.

Chairman Whitley asked if there was anyone else present that would like to comment in support of or in opposition to this request.

Mable Froneyberger, who resides at 1204 McCain Place, stated she was not necessarily in opposition to the rezoning, but did want to know what the rezoning would do to the residential area of McCain Street and Fifth Street. Chairman Whitley noted only the property listed in the rezoning request submitted by the university would be rezoned and her property would not be affected.

Council Member Henley expressed some safety concerns regarding the fencing around the adjacent property. Council Member Sims noted the business is actually a caterer/restaurant business and she was told they installed the fencing for safety reasons to prevent break-ins.

Chairman Whitley asked if there were any additional comments. There being none, the public hearing was declared closed.

Following the presentation of the staff report and conclusion of the public hearing on this matter, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance rezoning a 0.28 acre parcel from the Limited Office (LO) District to a Conditional Zoning Limited Business (CZ-LB) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest based on staff's statements as identified in the staff report.

Ordinance No. 6816/11-24

Introduced 4/18/2011

Adopted 4/18/2011

Ordinance Book Volume XVII, Page 24

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

Ordinance - Rezoning Case 11-03 - High Point University

110070

Conditional Zoning Public & Institutional (CZ-PI) District.

A request by High Point University to rezone approximately 6 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site is bounded by Willoubar Terrace, North Avenue and Fifth Street.

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

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

Council Member Sims asked if staff has done any type of analysis to determine the actual reduction in property tax revenues as a result of the university's expansion. City Manager Strib Boynton replied that an analysis has not yet been done, but staff would be doing an analysis as they get into next year's budget.

Council Member Henley asked staff to elaborate on the environmental constraints to this property. Mr. Shannon explained there is a stream that might make development difficult when this block is zoned and it may need to be combined with adjacent land area because they would need sufficient land area without getting into those environmentally sensitive areas. He pointed out with the proposed parking lot, the university is proposing that to be along the southern boundary of the block away from the stream and out of the stream buffers.

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

Ron Guerra, representing High Point University, 833 Montlieu Avenue, addressed Council in favor. He explained their immediate need for this property is for a very temporary parking lot (25-50 cars) and they intend to put in a gravel lot if they are allowed. Regarding the environmental stream, he informed Council it is the university's long-term plan to utilize the stream and enhance it.

Chairman Whitley asked if there was anyone else present who would like to offer any comments in support of or in opposition to this request. There being no further comments, the public hearing was declared closed.

Following the presentation of the staff report and the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance rezoning approximately 6 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest based on the staff's statements as outlined in the staff report.

Ordinance No. 6817/11-25 Introduced 4/18/2011
Adopted 4/18/2011
Ordinance Book Volume XVII, Page 25

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

Land Use Plan Amendment 11-02 - High Point University

110071

A request by High Point University to change the land use map for approximately 7 acres from Low Density Residential to an Institutional land use designation. The site consists of a two (2) block area bounded by North Avenue, Willoubar Terrace, Montlieu Avenue and N. Centennial Street.

The joint public hearing for this matter and related matters **110072 Rezoning Case 11-04; 110073 Street Abandonment 11-01- Willoubar Terrace** was held on Monday, April 18, 2011 at 5:30 p.m.

Prior to the presentation of the staff report, Mayor Smothers questioned the objections of the two Planning & Zoning Commissioners who didn't support the Land Use Plan. Council Member Henley stated he also questioned their reservations because staff is saying the university is executing on its plan in a consistent, predictable way. He expressed concerns that there are issues these two Planning & Zoning commissions keep bringing up. He hoped staff was enlightening them as a community as to what's going on at the university rather than that just being a little bit of a flag to throw in the process.

Cindy Davis, 413 Evergreen Court, stated she could speak to this issue as she was one of the two Planning & Zoning Commissioners that voted against it. Mayor Smothers suggested Ms. Davis discuss this with Council Member Henley after the meeting.

Heidi Galanti of Planning & Development gave an overview of the staff report for Land Use Plan Amendment 11-02.

Following the presentation of the staff report and conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Resolution authorizing the change to the land use map for approximately 7 acres from Low Density Residential to an Institutional land use designation based on consistency with the City's adopted plans. Additionally Council finds this action to be reasonable and in the public interest based on the staff's statements as outlined in the staff report.

Resolution No. 1660/11-11**Introduced 4/18/2011****Adopted 4/18/2011****Resolution Book Volume XVII, Page 11**

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

Ordinance - Rezoning Case 11-04 - High Point University**110072**

Conditional Zoning Public & Institutional (CZ-PI) District.

A request by the High Point University to rezone approximately 7 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site consists of a two (2) block area bounded by North Avenue, Willoubar Terrace, Montlieu Avenue and N. Centennial Street.

The joint public hearing for this matter and related matters **110071 Land Use Plan Amendment 11-02; and 110073 Street Abandonment 11-01- Willoubar Terrace** was held on Monday, April 18, 2011 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Sims asked how much water run-off would result due the property gently sloping towards Centennial. Mr. Shannon explained the applicant would still have to address the City's stormwater requirements, but he wasn't sure of the specific volume. Ron Guerra, representing High Point University, noted that Jamestown Engineering is currently working with and assisting them on the stormwater issues.

Council Member Sims also asked if the university's signature fencing played into the whole process of changing the setbacks. Mr. Guerra explained the reduced setback was in terms of both the character of the housing which is more residential and also in terms of the need for space due to this being such a small parcel of land being 7.05 acres. He further explained that due the narrowness of the property towards North Avenue, it makes it very difficult for them to attain the number of beds they are looking for.

Mr. Guerra also expanded on the architectural nature of the townhomes and pointed out the townhome units would be really nice and would range from 2,300 sq. ft. to 2,700 sq. ft.. The development will consist of about 50 units combined into the eleven buildings allowing for 300 beds. Each unit will have a full-sized kitchen, a dining area for all the students that live in the townhome unit, a common area, a washer/dryer, etc.... and they will also have a clubhouse, a pool, meeting room, exercise room, etc....

Mayor Smothers asked about the lighting since the parking lot is proposed to be located on the interior of the property. Mr. Guerra noted according to the zoning conditions, they are not allowed to have light drifting out of the property so they would have a combination of the bigger lights they rent from the City and around the

actual buildings they plan to install acorn lighting that would be decorative in nature.

Council Member Sims asked if there has been any discussion around sidewalks on this portion of Centennial. Mr. Guerra explained they have talked about the possibility of sidewalks there and are open to sidewalks although for the safety of their students, they like for them to be in the campus. Council Member Sims pointed out that the students still like to run outside of the campus and felt sidewalks were necessary. Mr. Shannon pointed out sidewalks along Montlieu and Centennial would be required per the Development Ordinance.

Mayor Pro Tem Alexander suggested at some point, the university may want to consider amenities such as a walking track/area for use by the community with the distance identified in some way. Mr. Guerra noted they had discussed the possibility of a mixed use development on the northern part of the campus with a lot of walking areas and a lot of open areas.

Chairman Whitley opened the public hearing and asked if there was anyone present to offer comments.

Cynthia Davis, 413 Evergreen Avenue, addressed Council. She noted that she would not speak in opposition as she does sit on the Planning & Zoning Commission. She wanted to clarify why she voted the way she did at the Planning & Zoning Commission meeting. The Mayor informed Ms. Davis that she certainly is entitled to vote as she chooses, but the process at the Planning & Zoning Commission somewhat differs from the Council's process and Council Members don't attend the Planning & Zoning Commission's meetings, nor do they get involved with the discussions and deliberations at those meetings. Ms. Davis stated she basically wanted to assure Council that as a member of the Planning & Zoning Commission she does do her homework and she couldn't vote on the cases without having read the High Point University Area Plan in its entirety. She noted that staff only provided the members with an executive summary of the plan.

Mayor Smothers pointed out that all Planning & Zoning Commissioners go through an orientation period and felt existing plans would have been reviewed and if this was not the case, she offered an apology because this was information they should have had in advance. Council Member Sims felt it was incumbent upon those individuals serving on the Planning & Zoning Commission to familiarize themselves with the plan because of the university's continuing expansion and growth.

Charity Belton, 112 Cedrow Drive, Assistant Secretary on the Executive Board for the Cedrow Residents Association, addressed Council. She noted that she wasn't speaking in opposition, and really agreed with installation of sidewalks. She explained that their association has started a walking program for their seniors and to introduce and promote the university that's in their area, they have started walking along the boundaries between Montlieu, N. Centennial around to Washington Street and Gordon and hopes the university will consider putting sidewalks in all these areas so the community can be involved in what they are doing and promoting it as well.

Mr Guerra pointed out that the university is a registered and certified Arboretum and as they expand the Arboretum and they continue to grow the gardens, etc... they plan to make it where folks can do self-guided tours through the university.

Council Member Corey asked if High Point University reserves any scholarships exclusively for High Point students. Council Member Sims replied in the affirmative. Don Scarboro, 1108 Ferndale Blvd, Vice President of Community Relations at High Point University, confirmed that they do and explained they were in the final selection process of two of their first generation full scholarships that go to local High Point students who attended one of the Guilford County schools. He noted they are anxiously awaiting a response back from a gentleman that has been offered the scholarship with High Point University being number one on his list behind Duke, Carolina and NC State (who have all also offered him a full ride).

Following the presentation of the staff report and the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Ordinance rezoning approximately 7 acres from the Residential Single Family-7 (RS-7) district to a Conditional Zoning Public & Institutional (CZ-PI) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest based on the staff's statements as outlined in the staff report.

Ordinance No. 6818/11-26

Introduced 4/18/2011

Adopted 4/18/2011

Ordinance Book Volume XVII, Page 26

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

Resolution - Street Abandonment 11-01 - High Point University - Willoubar Terrace

110073

A request by High Point University to abandon an improved portion of Willoubar Terrace between Montlieu Avenue and North Avenue, an improved portion of Woodrow Avenue between N. Centennial Street and Willoubar Terrace, and an unimproved 10-foot alley between Willoubar Terrace and N. Centennial Street.

The joint public hearing for this matter and related matters **110071 Land Use Plan Amendment 11-02; and 110072 Rezoning Case 11-04** was held on Monday, April 18, 2011 at 5:30 p.m.

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

Mayor Smothers asked for clarification from staff that there are no utilities in the alley and staff confirmed there are not any utilities in the alley. Chairman Whitley asked staff about the distance for protection of the utilities next to Centennial at Woodrow.

Mr. Schroeder explained that upon site approval and killing of the utilities, the Mayor could actually sign off on an easement reconveyance to release those easements which should only take a matter of days.

Mayor Smothers commended staff for looking forward in terms of the impacts in regards to transportation.

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

Ron Guerra, representing High Point University, 833 Montlieu Avenue, addressed Council. He explained they have incorporated the deceleration turn lane from Woodrow towards North Avenue in anticipation of development and they envision North Avenue being privatized at some point and would be one of the entrance points to the university and they hope to get away from the huge dorm style buildings and do some creative-mixed use type housing and student services in the northern part.

Chairman Whitley asked if there were any additional comments. There being none, the public hearing was declared closed.

Following the presentation of the staff report and conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Resolution abandoning an improved portion of Willoubar Terrace between Montlieu Avenue and North Avenue, an improved portion of Woodrow Avenue between N. Centennial Street and Willoubar Terrace, and an unimproved 10-foot alley between Willoubar Terrace and N. Centennial Street with the dedication of additional right-of-way along the eastern limits of N. Centennial Street to accommodate a future right turn lane(s) to North Avenue and the abandonment of the public's interest and conveyance of these right-of-ways to the abutting property owners is found not be contrary to the public's interest and found not to deprive owners in the vicinity of the right-of-way or in the subdivision reasonable means of ingress and egress to their property.

Resolution No. 1661/11-12 Introduced 4/18/2011
Adopted 4/18/2011
Resolution Book Volume XVII, Page 12

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

Resolution - Street Abandonment 11-02 - High Point University - Improved Portion of Fifth Street

110074

A request by High Point University to abandon an improved portion of Fifth Street between Zenith Lane (private) and North Avenue.

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

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

Chairman Whitley opened the public hearing for comments.

Mr. Ron Guerra, representing High Point University, 833 Montlieu Avenue, addressed Council in support of the street abandonment request.

Chairman Whitley asked if there was anyone else present who would like to comment. There being no further comments, the public hearing was declared closed.

Following the presentation of the staff report and conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation.

Adopted Resolution abandoning an improved portion of Fifth Street between Zenith Lane (private) and North Avenue with the retention of a public utility easement over the entire right-of-way for the existing sanitary sewer, water, and electric utilities based on preliminary findings 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. 1662/11-13 Introduced 4/18/2011
adopted 4/18/2011
Resolution Book Volume XVII, Page 13

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

For Information Only:

Mayor Smothers recognized representatives from Boy Scout Troops 55, 25 and 26 as well as Scout Masters Sid Adams and Jeff Moore.

Proclamation- Community Development Week

Mayor Smothers read the proclamation into the record proclaiming the week of April 25-April 30th as Community Development & Housing Week in High Point. Judy Jones (Highland Mills Neighborhood Association) and Anthony Clinton (Cedrow Neighborhood Association) were present to accept the proclamation as well as share some of the activities scheduled in commemoration of the event.

Council Member Pugh- Surgery

Mayor Smothers wished Council Member Pugh well regarding his upcoming surgery. Council Member Pugh stated he hopes to be back the third week in May.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk