City of High Point

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

Meeting Minutes

Monday, April 6, 2009

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Rev. Jim Summey offered the invocation. Boy Scout Will Thomas led everyone in the Pledge of Allegiance.

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

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

Combined Meeting; Thursday, March 19th @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

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

Motion was then made by Mayor Pro Tem 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
Committee Members: Bencini, Douglas and Alexander

(all were present)

Contract - Bid No. 1250 - Soft Drink Vending Contract

090053 Approval of contract awarding Bid No. 1250 for the Soft Drink Vending Contract for re-sale of soft drink products at multiple City of High Point locations. Purchasing and the Parks & Recreation Department recommends that the contract be awarded to Pepsi with a first year estimeated cost of $80,431.12 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.

Approved contract awarding Bid No. 1250 for the Soft Drink Vending Contract to Pepsi with a first year estimated cost of $80,431.12, which is the lowest responsible and responsive bidder meeting specifications.

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

Contract - Bid No. 34 - Special Transportation Services for the Elderly and Disabled

090063 Approval of contract awarding Bid No. 34 to provide special transportation services for the elderly and disabled. Purchasing and Transportation Services recommends that contract be awarded to MV Transportation, Inc. in the amount of $170,000.00 which is the lowest responsive and responsible bid 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 awarding Bid No. 34 to provide special transportation services for the elderly and disabled to MV Transportation, Inc. in the amount of $170,000.00 which is the lowest responsive and responsible bid meeting specifications.

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

Contract - Bid No. 42 - Wire

090064 Approval of contract awarding Bid No. 42 for the purchase of Wire to replenish stock. Purchasing and the Electric Department recommends that contact be awarded to Stuart Irby in the amount of $198,200.00 which is the lowest responsive and responsible 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 awarding Bid No. 42 for the purchase of wire to replenish stock to Stuart Irby in the amount of $198,200.00 which is the lowest responsive and responsible bidder meeting specifications.

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

Municipal Agreements - NCDOT - Traffic Control Maintenance

090072 Council is requested to approve Municipal Agreements from the North Carolina Department of Transportation (NCDOT) renewing reimbursement schedules for maintenance services provided by the City for various traffic control measures.

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

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

Approved the Municipal Agreement with NCDOT renewing reimbursement schedules for maintenance services provided by the City for various traffic control measures.

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

Core City Branding and Marketing Plan

090079 Consideration of Core City Branding and Marketing Plan in the amount of $35,000.00.

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

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

Approved the Core City Branding and Marketing Plan in the amount of $35,000.00.

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

Budget Ordinance Amendment- Appropriate Additional Funds- High Point Community Foundation

090080 Council is requested to adopt a budget ordinance amendment amending the 2008-2009 budget to appropriate an additional $15,000 in the General Fund to reflect the monies received from a grant award to the City from the High Point Community Foundation which will be used exclusively for the development of marketing materials related to the Core City project.

Since this matter did not originally appear on tonight's Agenda, **motion was made by Council Member Sims, seconded by Mayor Pro Tem Bencini that this matter be added to the Agenda for consideration. Motion carried unanimously. [9-0 vote]**

This matter was briefly discussed [along with corresponding Matter 090079 Core City Branding and Marketing Plan] during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

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

Adopted ordinance amending the 2008-2009 Budget Ordinance in the amount of

$15,000 for receipt of grant funds from the High Point Community Foundation which will be used exclusively for the development of marketing materials related to the Core City project.

Ordinance No. 6615/09-15 **Introduced 04/06/09**
Adopted 04/06/09
Ordinance Book Volume XVI, Page 100

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

Resolution - Supporting the NCLM Annexation Laws

090082 High Point City Council declares its continued support for the sound principles that form the basis of North Carolina's annexation statutes and expresses its opposition to any moratorium on annexation and to modifying statutes to require a vote of those proposed for annexation as this will ultimately harm the majority of North Carolinians through higher taxes, more expensive bond costs and creeping community decay.

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

Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Alexander and second by Council Member Sims to suspend the rules so that this matter could be considered. The motion carried unanimously.

Council Member Alexander explained that this is a resolution regarding two bills (one in the house and one in the senate) that address some of the annexation issues and protects the rights of cities, towns and villages to annex.

Adopted Resolution declaring High Point's continued support for the sound principles that form the basis of North Carolina's annexation statutes and expresses its opposition to any moratorium on annexation and to modifying statutes to require a vote of those proposed for annexation.

Resolution No. 1508/09-36 **Introduced 04/06/09**
Adopted 04/06/09
Resolution Book Volume XVI, Page 150

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

Resolution - Supporting Local Control of Local ABC Boards & Opposing Forced Mergers of Local ABC Boards

090081 Council is requested to adopt a Resolution supporting local control of local ABC Boards and opposing forced mergers of local ABC Boards.

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

Since this matter did not originally appear on tonight's Agenda, motion was made by Council Member Alexander and second by Council Member Sims to suspend the rules so that this

matter could be considered. The motion carried unanimously.

Mayor Smothers explained that the resolution basically states that it should be a local decision regarding the merger of the ABC systems and that the City Council is opposed to the State mandate to merge the ABC systems.

Adopted Resolution Supporting Local Control of Local ABC Boards and Opposing Forced Mergers of Local ABC Boards.

Resolution No. 1507/09-35 **Introduced 04/06/09**
Adopted 04/06/09
Resolution Book Volume XVI, Page 149

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 was first introduced on March 5, 2009 at which time it was placed in the Finance Committee for further discussion.

This matter will be discussed during a Briefing Session held on Tuesday, April 7th at 4:00 p.m.

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

(all were present)

No Left Turn Restrictions - Montlieu Avenue School

090067 The Department of Transportation requests that City Council approved the following addition to Article P of the City ordinance:

Schedule IV. Turn Control, Section A
NO LEFT TURN, exiting Montlieu Elementary School driveway to Montlieu Avenue, School Days only from 7:15 a.m. to 8:00 a.m. and from 2:30 p.m. to 3:00 p.m.

Mark McDonald, Director of Transportation, explained this matter was brought to the city's attention and requested by staff at Montlieu School. During peak periods, the school has been experiencing major problems with traffic and congestion at the school which jeopardizes the safety of the children. The school did put up their own sign for a no left turn, but later was told by the Police Department that it wasn't enforceable. Lt. Walter Haviland met and talked with school representatives and they are proposing that the city make an amendment to Article P of the city's Traffic Schedule to include the no left turn restriction for the hours posted so it would be fully enforceable by the police department in hopes to improve the conditions at the Montlieu Avenue School site.

Council Member Sims asked if staff had any contact with the PTSA about these issues at

the school. Mr. McDonald replied that he wasn't aware of any conversations with the PTSA and that most of the dialogue regarding the situation was between the school staff and the police department.

At this time, Lt. Haviland briefed Council regarding the situation. He explained that it comes down to a safety issue where parents seem to be in a hurry and let their children out prematurely so they're crossing in a highly congested area with vehicles across the parking lot. The vehicles attempting to make left turns are slowing down the process which also causes major traffic backup on Montlieu negatively affecting the traffic flow. He noted that they also tried to get voluntary compliance from the parents, but this method has not been successful. He reported if the amendment is passed, it would result in a $25 fine (per state statute) plus an additional cost of court which is approximately $121.

Chairman Faircloth asked if it would be the practice of the police department to start with issuance of warning tickets and Lt. Haviland explained they plan to have an officer stationed at the school for about a week to ten days and they would also be distributing fliers to the parents warning them of the fact that it would be enforced by the High Point Police Department. He pointed out their goal was not to write tickets, but rather to address the issue of child safety for the school system. Chairman Faircloth pointed out the uniqueness of this situation and asked if there were any other areas in the city with this same type of control. Mr. McDonald noted there weren't any existing situations with enforcement such as this at schools, but there were turn restrictions that exit into the public right-of-way from private property that are enforceable at other locations.

Approved the addition to Article P, Schedule IV, Turn Control, Section A prohibiting left turns exiting Montlieu Elementary School driveway to Montlieu Avenue, School Days only from 7:15 a.m. to 8:00 a.m. and from 2:30 p.m. to 3:00 p.m.

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

Ordinance - Demolition of Structure - 1012 Asheboro Street

090069 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1012 Asheboro Street belonging to Wesley Norris and Francis B. Norris, Heirs c/o Lounette Bridgeman.

Chairman Faircloth asked staff to update Council on this matter.

Katherine Bossi, Local Codes Enforcement Supervisor, explained the property has been vacant since 2002 and staff initiated a housing case requesting repair or demolition after several years of numerous public nuisance violations for overgrown grass and weeks and several attempts to get it secured. She noted staff held a hearing on December 11, 2008, but no owners or heirs of the property showed. Staff did contact one of the heirs by telephone and they stated they have no funds and it wasn't their intent to repair the property. A 90-day order to repair or demolish was issued December 11th and there have been no actions by the owners or any attempt to repair and the estimated repairs exceed 50% of the tax value.

Adopted ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1012 Asheboro Street belonging to Wesley Norris and Francis B.

Norris, Heirs c/o Lounette Bridgeman.

Ordinance No. 6612/09-12 **Introduced 04/06/09**
Adopted 04/06/09
Ordinance Book Volume XVI, Page 97

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

Ordinance - Vacate/Close Dwelling - 908 Randolph Street

090070 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 908 Randolph Street belonging to Schwarz Properties, LLC.

Katherine Bossi, Local Codes Enforcement Supervisor, reported that staff received a complaint from the occupant claiming there were many things that were wrong with the dwelling and the owner refused to make the repairs. The first inspection was conducted on January 29, 2009, but the property owner did not show for the hearing. At that time, staff issued an order to repair or vacate with a compliance date of March 27th, but there has not been any communication with the property owner, no repairs have been made. On Friday, April 3rd, the property owner did come in and purchase an electrical repair permit, and the dwelling is still occupied.

Council Member Sims questioned the family being allowed to stay in the structure since January with the heating equipment being unsafe to operate. Ms. Bossi explained that staff couldn't properly test the equipment for the heating system because the return in the floor was covered up with a piece of plywood and the grate wasn't fitting properly.

Council Member Alexander pointed out the family would need to be relocated and wanted to make sure they would be taken care of and that they wouldn't be penalized regarding their lease due to Council's action tonight. Mayor Smothers felt this was a valid point. She asked staff to report back and pointed this was an example of irresponsible ownership. Ms. Bossi reported that staff has had a couple of other cases with this particular property owner and there seems to be a pattern that they're not making the repairs until after the tenant moves out for whatever reason.

Council Member Sims reiterated her concerns that the tenant was allowed to remain in the house while using space heaters for supplemental heat. Ms. Bossi stated after talking with the inspector once he turned the case over to her to bring to Council, she should have done a 48-hour notice at least to get the heating situation repaired. The Mayor suggested it might be helpful to flag repeat cases by the same particular owners.

No one was present to address Council regarding this matter.

Adopted ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 908 Randolph Street belonging to Schwarz Properties, LLC.

Ordinance No. 6613/09-13 **Introduced 04/06/09**
Adopted 04/06/09
Ordinance Book Volume XVI, Page 98

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

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

(all were present)

Resolution - 2009 Guilford County Solid Waste Management Plan Update

090068 Council is requested to adopt a Resolution approving and endorsing the 2009 Guilford County Solid Waste Management Plan Update.

Richard McMahon, Asst. Director of Public Services, gave a brief report on this matter. These Solid Waste Management Plans are state mandated and are required to be updated every three years with the last one in 2006 for Guilford County. The state's current goal is 1.35 tons per capita of solid waste with plans to achieve this through education, recycling, waste reduction, household hazardous waste, yard waste composting.

Council Member Alexander complimented staff for including the e-waste for household hazardous waste clean-up. Mr. McMahon explained the details are being finalized for this and it's planned for June 20th.

Adopted the Resolution approving and endorsing the 2009 Guilford County Solid Waste Management Plan Update.

Resolution No. 1502/09-30 **Introduced 04/06/09**
Adopted 04/06/09
Resolution Book Volume XVI, Page 144

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

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

(all were present)

Minor Amendment - Conditional Use Permit 98-20 - Westchester Christian Center, Inc.

090073 A request by Westchester Christian Center, Inc., to amend Condition II.A.2 of the permit in regards to allowable number of access points to Edgedale Drive. This site is approximately 50.7 acres and lying along the east side of Westchester Drive, north of Whittier Avenue, west of Edgedale Drive and approximately 1,500 feet south of Phillips Avenue.

Note: This matter was discussed with matter **090075 Resolution- Street Abandonment 09-05- Westchester Christian Center, Inc.** *Please refer to* **090075**

for specific comments made.

Approved the Minor Amendment to Conditional Use Permit 98-20 to amend Condition II.A.2 of the permit regarding the allowable number of access points to Edgedale Drive.

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

PUBLIC COMMENT PERIOD - 5:15 P.M.

Concerns About Recently Adopted Ordinances

Glenn Chavis, who resides at 137 Orville Drive in High Point, was present to address Council regarding the adoption of the last two "feel-good" ordinances, specifically the Defecating/Urinating Ordinance and the Panhandling Ordinance. He expressed concerns that the Council adopted these ordinances without any statistics whatsoever. He explained that Council kept using generic numbers and terms (i.e. occasionally; a couple; several; same ones; different locations; a lot of complaints; overwhelming complaints, etc....) He felt complaints were being directed through Council Member Pugh when they should be going through the Police Department. Council Member Pugh acknowledged that the residents did complain to him and he felt it was his obligation to do do something about his constituents concerns because he was elected to represent them. Mr. Chavis asked Council Member Pugh not to interrupt him during his three minutes he was given to speak.

At this time, Mayor Smothers used the gavel and announced that the situation was getting out of hand.

Mr. Chavis asked Council to deal with numbers and specifics because this would help put him and a lot of other citizens at ease and thanked Council for their consideration.

At this time, Council Member Pugh was given an opportunity to speak to clarify his position. He explained that there's a big effort to revitalize South High Point in his ward and folks are spending millions of dollars to revitalize it and when people disrupt, intimidate and scare the shoppers by doing indecent things in front of them, they deserve relief and shouldn't have to put up with it.

Brown's Chapel Holiness Church- Demolition of Structure

Catherine Brown, Pastor of Brown's Chapel Holiness Church located at 2210 Chambers Street asked for the city's assistance in tearing down a structure they own at 2405 Brentwood Street near the church property. She explained that the city ordered the church to tear down the structure because it was unsafe. She noted that many in her church are on fixed incomes and do not have the means to pay to have it torn down and the church plans to build a church on the property in the near future. Mayor Smothers explained that if the city does demolish the structure, a lien would be attached to the property for whatever it costs and the lien would eventually have to be paid at some point. It was further explained that the lien would have to be satisfied if money is borrowed on the property or at the time the property is sold.

Council Member Pugh offered to personally help the church out by possibly doing some fundraisers in the community. The Mayor informed Ms. Brown that staff would send her a letter summarizing the action and the consequences so she would have it for reference.

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.

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

Finance Committee - Council Member Whitley, Chair

Public Hearing - Outside Agency Funding Requests

090065 Monday, April 6, 2009 at 5:30 p.m. is the date established to receive public comment for Outside Agency funding for the City of High Point 2009-2010 Annual Budget.

Chairman Whitley explained staff revised the numbers on the spreadsheet for the Outside Agency Funding Requests due to the numbers being incorrectly reported for the Museum.

The following representatives of the various agencies seeking funding addressed Council:

High Point Area Arts Council

Debbie Lumpkins, Director of the High Point Area Arts Council at 305 N. Main Street, addressed Council. Ms. Lumpkins publicly thanked the Mayor and City Council for their past support of the Arts in High Point on behalf of the High Point Area Arts Council and their six affiliated arts organizations: Carousel Theater, High Point Ballet, High Point Community Concerns, High Point Community Theatre, Piedmont Artists and the NC Shakespeare Festival. The Arts Council respectfully submitted their funding request which had an overall decrease of 5.6% as per the city's request.

She shared how the arts have grown during the first year at their new location at 305 N. Main Street and how they are maximizing use of the space they have. Their arts organizations use the facilities for meetings and rehearsals and they have made their space available to other groups in the community as well. The Arts Council has initiated a "Celebration Band" in honor of the city's 150th Birthday (Sesquicentennial) and has not had a concert band since the 80s. In partnership with a non-profit leadership program at High Point University, the Arts Council is now hosting a series of workshops for non-profits featuring grant writing, fundraising, board development, volunteer management and strategic planning.

Chairman Whitley asked Ms. Lumpkins to give Council an idea of what percentages

the city is funding compared to the overall fundraising numbers. Ms. Lumpkins stated she was not prepared to have these numbers ready, but could possibly provide them later.

Council Member Sims inquired about the minority composition of the board and Ms. Lumpkins noted there are two minorities on their 20-member board.

Council Member Faircloth asked about the number of people who are actually using their facility in a typical week. Mr. Lumpkins replied that it was difficult to come up with a number since there are so many other people coming into the building that are furniture related, Community Theater, etc.....She felt as the building and space becomes more and more available, they hope to have more programs.

Piedmont Triad Ambulance and Rescue

Paula Lineberry, Chief of the Piedmont Triad Ambulance and Rescue, submitted a request for funding. They are a non-profit ambulance company that responds to emergencies and non-emergency situations for the citizens of the Piedmont Triad community and provide many services to the community without a charge to our citizens. Ms. Lineberry shared some of the additional services they provide throughout the year. She thanked Council for their past and continued support and favorable consideration for funding in the upcoming budget.

The Mayor asked Ms. Lineberry about the area they serve. The Piedmont Triad Ambulance and Rescue serves three counties: Guilford, Randolph and Davidson and Ms. Lineberry noted that they answered 33,000+ calls last year and they receive no funding from Guilford County.

Rosetta C. Baldwin Foundation Museum

Julius Clark addressed Council to request funding (a $75,000 continued operation grant over a three-year period) on behalf of the Rosetta C. Baldwin Foundation Museum. He explained the operating budget would enable Rosetta C. Baldwin Foundation to operate the Museum, thus expanding communication access to the east central quadrant of the city in electrifying the Core City's plan of revitalization, their efforts in the historical district and the surrounding neighborhood. He shared some information regarding several new projects in the Museum for the neighborhood and the community at large (i.e. Alumni Reunion, African American Adventures, etc...) He noted these projects enable them to provide constructive youth programs that teach history, introduces people to creative computer based applications, builds self-esteem and social skills, develops and improves pride in the neighborhood, etc....

He informed Council that last month they were not able to continue operation of the Museum due to no income, but the High Point Convention and Visitor's Bureau extended funds to them to pay the utilities which enabled them to meet and greet approximately 75 students that came to visit the Museum from the Oakview community. He asked for Council's favorable consideration of their funding request.

Council Member Sims inquired about the number of non-minorities on this board and Mr. Clark replied there were three.

Council Member Blakeney asked Mr. Clark about numbers for the Alumni reunion and if this would be the first one. Mr. Clark explained they had one at the grand opening, but this would be the first Alumni Association reunion. He expressed concerns about the lack of participation and attendance from the City when they do things in the community that are endorsed by the City such as the Veteran's Day service and hoped that the City would somehow embrace it and attend this year to show them they're doing the right things. He also mentioned that he would love to change the name of the Greenhill Cemetery to Greenhill Memorial Garden so the City could buy into it and hopefully make it something that's worthwhile as it's a valuable territory that needs attention.

High Point Museum

Carol Young, Chairman of the Board of Trustees for the High Point Museum at 1859 E. Lexington Avenue, addressed Council on behalf of the Museum and presented their 2009-2010 funding request. She shared about some upcoming exhibits that they are excited about and extremely proud to present: The Furniture Heritage Exhibit (opening date scheduled for May 26th); John Coltrane Exhibit (scheduled to open in 2010-2011); discussions underway with the Doll Museum, etc....). She informed Council that the budget they submitted was bare bones and represents numerous cuts (over $33,000) and as a result, these reductions will drastically affect the exhibits as they will not be able to change the exhibits that come through the Museum from time to time. She reported they will not be able to open the historical park every weekend and by not doing so, this would result in a savings on utilities, staffing, and other items that require them to be open on weekends. In order to accommodate the city's request in a reduction of 5.6% in their budget, they took action to place a freeze on all salary increases as well as all travel/education and cut their employees benefits in half. The programs at the Museum provide educational opportunities to the schools and internships for local universities and Ms. Young reported it is their desire and very important for them to continue this partnership with the community.

Ms. Young stressed the importance of Council's favorable consideration in approval of the budgeted amounts they submitted so that the Historical Society and its efforts to raise funds to open the John Coltrane exhibit and the many other areas of growth for the Museum can spend their time in nurturing these exhibits so they can continue benefiting the community for its future.

The Mayor asked about attendance numbers at the Museum on the weekends. Ms. Young stated they do have those statistics and she would be delighted to provide that information. She also reported there are four minorities currently serving on the Museum Board.

Theatre Art Galleries

Mark Crown, Executive Director with the Theatre Art Galleries (TAG) at 220 E. Commerce, addressed Council on their behalf. He noted TAG has operated the Visual Arts Center in High Point for the past 33 years and they have been an independent non-profit for 16 of those years. TAG's purpose is it bring the visual arts to High Point through exhibitions and education. He informed Council that the $31,000 that

they have received in the past from the city represents approximately 17% of their overall budget. He reported approximately 20% of their board members are minority (5 out of 25).

Mr. Crown briefly described some of their exhibits and which highlight the creative endeavors of over 150 artists and children in High Point and surrounding communities. TAG also offers existing programs such as exhibiting artist diversity, community outreach, collaborations, classes, or events and plan to offer expanded programs in the future (i.e. Spanish speaking and ESL children in the community, series of classes and workshops for foster children and families in the community, creative teacher training, etc...). In the 20008-2009, TAG expanded into the schools program to include after school ACES programs and doubled their summer camp program last year as well. Sixty-one percent of the students participating in the TAG programs did so at no charge with an additional 8% participating at reduced costs through scholarship programs. He explained the funding that is provided by the city enables them to offer these programs and to be as inclusive as possible for the entire community. He concluded his remarks by publicly thanking Council for their support of TAG in the past.

For clarification, Council Member Faircloth asked if all the outside agencies were asked to consider a reduction in their budget funding requests and Mr. Boynton explained they were all asked to reduce their budget requests by 5.5% to 6% and only two outside agencies complied with the city's request.

Chairman Whitley asked if there were any additional comments from outside agencies. There being none, the public hearing was closed. Chairman Whitley explained Council would take the comments and information provided under advisement and consideration as they proceed with the city budget process.

Planning & Development Committee - Council Member Bencini, Chair

Ordinance - Annexation 09-02 - Vernon & Lois Shivers - Hedgecock Road

090045 Consideration of a voluntary contiguous annexation for approximately 3 acres. The site is lying along the north side of Hedgecock Road, opposite Hedgewood Lane (864 Hedgecock Road), and also known as Davidson County Tax Parcel 01-07-73.

The joint public hearing regarding this matter and related matter **090046 Ordinance- Rezoning Case 09-02- Hedgecock Road- Vernon & Lois Shivers with accompanying Conditional Use Permit 09-02** *was held on Monday, April 6, 2009 at 5:30 p.m.*

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

Note: For specific comments made at the joint public hearing, please refer to **090046 Ordinance- Rezoning Case 09-02- Hedgecock Road- Vernon & Lois Shivers with accompanying Conditional Use Permit 09-02.**

Following the conclusion of the public hearing, Council denied the voluntary contiguous annexation petition for this property filed by Vernon & Lois Shivers.

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

Ordinance - Rezoning Case 09-02 - Hedgecock Road - Vernon & Lois Shivers

090046

a. Conditional Use Residential Multifmaily-12 (CU RM-12) District.
A request by Hedgecock Road, LLC, to rezone approximately 5.6 acres from the Residential Agricultural-3 (RA-3) District, within Davidson County's zoning jurisdiction, and from a Conditional Use Residential Multifamily-8 (CU RM-8) District, to a Conditional Use Residential Multifamily -12 (CU RM-12) District. The site is lying along the north side of Hedgecock Road, opposite Hedgewood Lane. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. Conditional Use Permit 09-02
A request by Hedgecock Road, LLC, for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, development/dimensional/architectural standards, landscaping, fencing & screening, right-of-way dedication, vehicular access, and transportation improvements.

T*he joint public hearing regarding this matter and related matter* **090045 Ordinance-Annexation 09-02- Vernon & Lois Shivers- Hedgecock Road** *was held on Monday, April 6th @ 5:30 p.m.*

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

_____Transcript: Public Hearing: 4/6/09_____

***Mayor Smothers**: Herb, before you begin, I would encourage the folks that are here on the Hedgecock Road annexation which I'm assuming the majority of you who are in attendance are here on that-if you have a spokesman, it probably helps advance the whole matter of information coming before us and we certainly don't want to deny anyone the opportunity to speak, but we would ask you not be repetitive. We'll be glad to have you come to the microphone and state your name and state you're in opposition as long as you can just say what you're in opposition to and the reasons and not get into too elaborate an explanation.*

***Chairman Bencini**: Madam Mayor, just as a matter of disclosure, I have been contacted multiple times through e-mails through folks interested in this case and I just wanted to disclose that and say that it has not affected the way I've looked at this case.*

***Mayor Smothers**: I, as well, have had e-mails and a letter. You know, unfortunately for those who send those to us, you usually send it before we even get the information.*

So sometimes it's a little difficult to understand. We don't get the reports until right before the Council meeting.

***Mayor Pro Tem Whitley**: I have received them as well, Madam Mayor.*

***Council Member Alexander**: I have as well.*

***Council Member Sims:** I think we all have.*

***Council Member Faircloth**: I have too, as well as a couple of personal contacts.*

***Mayor Smothers**: We have to disclose that because this is a quasi-judicial procedure and we have to declare that it has not influenced us in any way and that we'll be open to all comments at the public hearing.*

***Herb Shannon:** Yes, Herb Shannon with the City Planning & Development Department. I will be providing the staff overview for Annexation Case 09-01 and Rezoning Case 09-02 dealing with property lying along the north side of Hedgecock Road. It's a combination annexation and rezoning request. Just so everyone is familiar with the area we're dealing with, this is Hedgecock Road. This is Old Plank Road. The area in question is this area right here. Everything that you see in white has already been annexed and is part of the City of High Point. The areas that you see in gray, site questions and other areas are areas that have not been annexed into the city. The overall site consists of two parcels. You can leave it right there, Doug. If you can just zoom in. You have one parcel here that's currently in the city and this other parcel here that's proposed to be annexed. The total site's about 5.6 acres. This eastern parcel right here is about 3 acres that currently has a single-family dwelling upon it and that's the party that's being requested to be annexed into the City of High Point. As you can see, this is a donut-hole type situation. All this surrounding property has been annexed and has been developed. City service vehicles currently serve this area, so the annexation of this site would not add any additional costs as far as garbage trucks, recycle pickups, they're already going out in that area and there's already water and sewer lines in this area that can service the site. Based upon the estimate of the annexation cost/benefit analysis summary, it's anticipated at the time this site develops, that it would generate positive revenue in proportion to the city services that it receives. Doug, go to the next slide please.*

In regards to the annexation request, I mean the rezoning request, that would include the annexation site, this adjacent site. This western parcel is currently zoned conditional use RM-8. This site's currently within Davidson County and is Residential Agriculture-3. The applicant is requesting that this entire area, this cross-hatched area, be rezoned to a Conditional Use Residential Multi Family-12 District. I would note that this site was part of this entire parcel here when it was annexed back in 2004. It does have that Conditional Use RM-8 zoning upon the site. The applicant is proposing to develop the site in two stages. The first phase would be the western parcel where they are proposing to put one multi-family development upon that site. It would be a three-story, twenty-four unit structure. The second phase, there's been no set time with the developing of this site in the future. I should

note that this western parcel, multi family uses are currently permitted upon that site today. In August 2008 a site plan was approved for developing a three-story, multi-family unit upon that site and that's currently a permitted use. That was for an eighteen unit structure. That permit is valid until August 2010. The applicant's zoning request would increase the number of units from an 18-unit structure to a 24-unit structure to add six additional units.

In regards to issues of concern, there were no major issues of concern. Under minor, staff did point out in the staff report the land use map classification for this site. Doug, if you can go to the next slide please. This is a composite of our Land Use Map and Zoning Map. The areas you see in the orange is designated as Moderate Density Residential. The area in brown is designated as Medium Density Residential and Multi-Family of 8-12 units per acre. To the north, you have an existing multi-family development, the Heritage Ridge Development-it's a twin home development. Further to the north, there's townhome development. There is an existing multi-family development in this area and to the south you have the Delmar subdivision (single-family subdivision) and part of the Laurel Oak Ranch subdivision.

In viewing this proposal, staff looked at the overall development trends in this area and what we looked at is this…..from the Guilford County line which is right here westward between Hedgecock Road and N. Main Street/Old 311. Basically our Land Use Plan supports multi-family uses in all that area. You do have the recreational land use designation for the existing soccer field, but all this area based upon our Land Use Plan supports some form of multi-family uses. There's about 190 acres in this general area. The area to the north consists of undeveloped parcels, single-family homes or vacant parcels. In the future, we anticipate growth in that area. The southern part of this 190 acres is pretty much fully developed with various multi-family uses. The only undeveloped area is this area right here where the applicant is proposing a rezoning request. In looking at that area, we looked at the zoning. We looked at the uses and the applicant's proposal for RM-12 does not introduce any new uses in this area. The current zoning already permits multi-family and we have an RM-12 and an RM-8 in this area. So we looked at the fact that this is not going to set any type of precedent where this is not the first multi-family use out in this area. That area north of Hedgecock Road has already been established by our Land Use Plan existing zoning with multi-family uses.

Chairman Bencini: *Herb, where are all the RM-12s.*

Herb Shannon*: At the intersection of Old Plank Road and Hedgecock right here-that's the existing RM-12 development that was annexed in 2002.*

Chairman Bencini: *But that's the only one?*

Herb Shannon*: There's some other ones off the screen. There's an existing multi-family development in this area, an apartment complex, and right in this area, there's an apartment complex.*

Chairman Bencini*: But in that area that you just defined, which would be west of the*

Guilford County line and north of Hedgecock and south of 311, that's the only one.

***Herb Shannon**: I would also note that these developments to the north, they're also considered multi-family.*

***Chairman Bencini:** They're multi-family, but they're not RM-12, they're RM-8.*

***Herb Shannon:** That's correct. As you're aware with any rezoning request, there are specific findings that are required and those are outlined on page 94 and 95 of your packet. Key items to note upon. The applicant to address public safety concerns offered to restrict the location of access points and to provide turn lanes. To ensure the request that RM-12 zoning would be compatible with adjacent uses, they've offered conditions to increase the setback from Hedgecock Road. The ordinance requires a 25' setback; they've offered a 35' setback. They've offered to restrict building height to three stories which is approximately 40-50 feet. All of the surrounding zoning, the multi-family and single-family, permit buildings up to 50 feet, so they've offered the condition that the building height what could be developed on adjacent parcels. They've also offered the condition regarding parking. There will be no parking in front of the building. It can only be on the side or to the rear. So from Hedgecock Road to wherever any buildings develop, no parking is permitted. Parking will have to be to the side or to the rear. They've also offered a higher landscaping planting yard along the Hedgecock Road frontage. The ordinance only requires a 8-foot wide planting yard with two trees and 17 shrubs every 100 linear feet. They've offered to provide a Type C planting yard which is a 20-foot width. The same number of shrubs are required, five trees ever 100 linear feet. I will also note that the Land Use Plan supports multi-family, both moderate and medium density in this area, so this proposal is not introducing a new use into this area and because there are similar multi-family uses in this area, it's not setting a precedent-it's just filling in the last developable piece of property in this area.*

I would note, the final key issue that staff looked at in this request is density. That's the main thing we focused on. The RM-8 zoning that's currently there, you can do the exact same use. The main difference is density from eight units per acre to twelve units per acre. This is a very limited area. It's not as large as some of the other larger tracts that have come through in this area. That limited area would limit the number of units that could be developed and there are also some physical constraints. Doug, if you'll put up the next slide please. In their first phase, the only area there could be a building placed is right in this area and only one building can go here. You have an existing 150-foot wide Duke Power right-of-way that kind of cuts through the western third of this tract. No buildings can go in that area and Duke Power has been fairly restrictive on parking or having anything under their easement, so with the requested RM-12 district and its physical constraint, you can only put one building on this site and that's mainly in this area. This portion of the site does have a little bit more flexibility as that easement is not on that portion of the property. But, I would also note that under new stormwater regulations that have been adopted, some of the earlier developments in this area weren't required to put in stormwater control ponds. That gave them more land area to develop. Under today's standards, any development upon this parcel would have to put in stormwater control ponds so you

couldn't just pave the whole site and develop the whole site. Once you count in your setback, your required parking, your stormwater control ponds-that reduces the amount of area you have to develop so you just couldn't put buildings everywhere as some of the other developments in this area had that opportunity.

So in conclusion, staff is recommending approval of this request based upon the findings outlined in the staff report and that is to recommend approval of the Conditional Use RM-12 District. Staff's statement of consistency is located on page 95 and 96 of your packet. The Planning & Zoning Commission reviewed this request at their January 27th meeting and recommended approval by a vote of 8-0. I would also note that a valid protest petition has been filed with the Planning & Development Department. We reviewed it and determined that it is a valid protest petition, therefore a favorable vote of ¾ majority or seven members of the Council is required to approve the rezoning request. In regards to the annexation portion, that's just a simple majority. That's a brief outline. Are there any questions?

Council Member Alexander: *Herb, you made a comment that the current zoning there is Conditional Use RM-8 and that could only be one building and that building….your comment was it was going to be a three-story building or it could be a three-story building?*

Herb Shannon: *Under the current RM-8 and the requested RM-12, they can do single-family, townhomes, twinhomes, or a multi-family structure. All those uses are currently permitted or could be permitted if this request is approved. The applicant has noted to us that at this time, they're looking at a multi-family structure.*

Council Member Alexander: *And the RM-8 or the zoning out there would have a maximum height of 50 feet, so it's zoned RM-8 now and they're asking to move it to RM-12 to increase that. You kind of threw me when you said it's currently set up for one building of three-stories because I didn't remember that.*

Herb Shannon: *This site was annexed and obtained the RM-8 zoning in 2004. Last August, a site plan was submitted and approved to develop one, eighteen-unit multi-family structure on this portion of the site in question. That has been approved because it's currently permitted.*

Mayor Smothers: *And it would have been three stories?*

Herb Shannon*: They are proposing a three story, 18-unit structure and that's permitted and has been approved.*

Mayor Smothers*: Right, and you said that the petitioner is restricting the height to three stories if they get RM-12.*

Herb Shannon*: Yes, that is conditioned in their permit.*

Council Member Alexander*: Alright, when we approved that, we just approved it for RM-8. There wasn't an attached drawing or any type of….*

Herb Shannon: *No, when this entire development came through, there was not any type of sketch plan that noted what type of use it would be. The applicant, at that time, presented their proposal for twinhomes, but there was no site plan approved for part of your review. Whether it's twinhomes, townhomes or multi-family, that was all a permitted use.*

Council Member Alexander*: I just wanted to make sure because I did not remember permitting a 50-foot high building out there. I remember going to Conditional Use RM-8.*

Council Member Whitley*: Herb, as I said earlier, I've had previous conversations and e-mails regarding this case. Through that I have found out that some developers in the area who wanted to develop had asked for RM-12 in some of the other areas. What makes the difference now compared to when staff turned them down a few years ago?*

Herb Shannon*: Did they note where they were looking? I know there was a meeting we had, but nothing official was turned in on Old 311 near Highway 66 which is about a mile and a half north of here and we had noted some concerns with that, but no official application came in.*

Council Member Whitley*: One of them actually specifically stated this particular area and the other one stated some of the other areas that have already been developed out-that they were interested in adding RM-12 to some of those and staff was not interested in entertaining that option.*

Herb Shannon*: Did they give you specific site because I don't recall it.*

Council Member Whitley*: My impression was it's part of the two RM-8s north of this property.*

Herb Shannon: *I would just note to you with the Planning & Development Department, I had the opportunity to be the lead staff person that would head up those meetings. The only proposal for multi-family other than this area was about a mile and a half to the north near Highway 66 and Old 311. That site ended up being annexed and rezoned for single-family.*

Mayor Smothers*: Herb, the information we have says it's 5.6 acres. Now by the time you do setbacks, you take out the Duke Power easement and you put in a retention pond, how much land is left? Not a whole lot.*

Herb Shannon*: Not a lot. Now the applicant may be able to give you more specifics, but that is one of the items we looked at. There's not a lot left where you would have such a large piece of property that the density would be out of character with that area. That was one of the key items that staff looked at regarding this specific proposal.*

***Mayor Smothers**: so actually the constraints of the property, you're going to limit how much can be on it-period.*

***Herb Shannon:** Yes.*

***Council Member Faircloth**: Mr. Shannon….it seems that in the past, we've sort of tried to transition various building sizes and so forth so they were complementary of each other as they move to higher or lesser density. I can't quite see where the transition is with this piece of property. I know you're saying there's an RM-12 right up the street, but it's surrounded by RM-8 and it was approved originally, at least part of it for an RM-8. I don't see a transition there, I see almost something that cropped up in the middle here that doesn't complement either side. Can you sort of speak to staff's thinking there?*

***Herb Shannon:** We looked at that in a lot of detail and went back and forth in our analogies of it and what led us to our recommendation was the fact that this was a very limited site area and the fact that multi-family is already permitted in this area on a portion of this site. We were comfortable with the fact that if rezoned to RM-12, the density, the building height intensity could be similar to what is currently permitted in that area and the fact that this is pretty much a donut hole enclosed by surrounding development that wouldn't set an inappropriate precedent for this area.*

***Mayor Smothers**: As I'm recalling, just the topography there, the RM-12 that's across Old Plank Road, that is significantly elevated from both Hedgecock and Old Plank Road.*

***Herb Shannon**: Yes. In fact we have some photos of the area that may help you if you haven't had a chance to go out there and visit the site.*

***Mayor Smothers**: But this land is not that….I mean it's higher than the soccer fields.*

***Herb Shannon**: This is looking across the site from Hedgecock Road. I would note to the rear, there is a berm in this area. Behind it are the twin homes of the Heritage Ridge development. You can kind of see the roof line. You can just go through those. This is another view. This is the area where the twinhomes transition to the townhomes. This would be where the primary structure on the western part of the site would be placed at. Next slide. This is looking from the entrance of the Delmar subdivision. This is the existing house that's on that site to be annexed. This is a fairly high point or flat part of an area where it slopes down and you can see only the roof line of the twinhomes. Next slide. Just another picture of the existing home that's out there. Next slide. And this is looking from the rear from that existing twinhome development which is a cul-de-sac Chas Court and this is that berm that's kind of is existing in that area and you can kind of sort of see the roof lines of the homes in the Delmar subdivision. Not to say that if the site develops, you're not going to see any buildings upon this site, but at least from the twinhome development, it's not flat where you're going to see all of it-you're probably from the second floor up. And of course, you can see the towers from the Duke Power line.*

Council Member Whitley: *Herb, I'm looking at Google Earth. The center of that house elevation is 861. The center of the property where I would assume the three-story building would be placed is around 858. Yet across Hedgecock and into the backyard of those homes, you're now looking at 849. That's a significant elevation between those homes.*

Herb Shannon*: Doug, if you could go to our first zoning map please. Hedgecock Road is somewhere in the ridge line of this area. This is the high points right here, then it slopes down and in the Delmar subdivision, they do have a raised berm along the front, but then it does grade down towards the south. Hedgecock Road is the ridge line in that area, so this is kind of the high point in that area.*

Chairman Bencini*: Any other questions for Herb? Thank you. Anyone present like to speak in favor of this request?*

Jim Morgan: *Mr. Chairman, Mayor and City Council, I'm Jim Morgan, 1801 Westchester and I represent the Shivers and this LLC. To get started, Mr. Shannon would you bring me back to that map that shows the power line easement there? I wanted to point out a couple of things that I think are important. You saw some pictures of the power line, but in addition to that-and Mr. Shannon you may be able to help me-there is a proposed loop or road that goes behind there and I think that's important to remember. I don't know if that's been….I don't think there's been any right-of-way bought, but I think that is proposed. Mark, what would that be called?*

Mark McDonald*: That's part of the Westside Thoroughfare.*

Jim Morgan*: The Westside Thoroughfare and I don't know when it'll be built, but I think it's important to remember that's what's planned for sometime in the future. Now with that, let me give you a little history that may or may not be helpful. Am I wrong about that manager?*

Mayor Smothers*: I don't think that roadway will ever be constructed.*

Jim Morgan*: Well, I don't know if it ever will or not, but I know if you got ready to build on it, we would have a difficult time building on it because it is proposed-let me just put it that way. Now, let me give you just a little bit of history which helps me and I hope it helps you. When these young gentlemen came to see me about this project, first of all, I was surprised. I said do you know what's going on with our economy and there's nobody talking about doing any building or anything and they said yes we do. So I said well, before I take this case, I want to go talk with Lee and staff before I agree to get in because I don't want to charge a fee and I don't want to be involved with it if we've got staff opposed to it. Now with that, we did that. Now, Herb if you would help me again and point out the site that these young men and gentlemen own and they bought that, Mr. Alexander, sometime in November of last year after this other planning had been through. So what they wanted to do was that they wanted to develop this property and they wanted to change the density from 18 units which they understood they had approved, to 24 units or they wanted to add six units to what they had that they could build on there. Now, the question was, why do you need to have*

an additional six units and their response was, and I think it's an important part of the reason that we're here, is that they wanted to upgrade these apartments-certainly to get more rent and to be more economically feasible-and I'm going to let Mark Craven tell you in a minute about how they plan to do it and what the difference is between these apartments and some others that may have vinyl siding and those types of things that you can ride all over town and see. They wanted to make these a higher class apartment that would fit better in the neighborhood. Now, what can they do right now? I think this is important to remember. As I understand it, they can go out and build 18 units. They can be three stories high on this present piece of property. The only other thing they're asking here is to be able to add six units. Now what happened when we went to zoning? Frankly I understand where they were coming from. They said, we will not look favorably upon this proposal unless you will talk to the Shivers who live there and they would agree to be annexed and brought into the city. Now, let me say-emphatically-that I have represented these folks. It's an elderly couple. They have no intention in developing this property at this time and they have no intention of moving or selling. Now of course at some point in time, that's going to happen. But the only reason that that property is even in play here is the fact that zoning wanted that included. Now, these guys have been my friends and I've worked with them for years. We don't really care about that and if we made a mistake about that, I'm sorry and maybe you can send it to committee and help us out. I don't know, but that's the reason that it's here. Now, but if you look at this property out there-in my opinion, as a developer in the past, I'm not sure what else this property can be used for as you go forward. Remember your limitations with a proposed road in the back, with the power line coming across that divides one-half of it. So, kind of in conclusion, we attempted to work with staff and with Mark in doing some things, and I'm going to let Mark Craven come up and tell you exactly what they plan to do.

Mayor Smothers: *Mr. Morgan, I'm a little confused and maybe I didn't hear you correctly. I thought you said they wanted to go from RM-18 to 24?*

Jim Morgan*: They can build 18 units now on their property. Planning has said we can build 18, three-story units on our property. What we want to do is we want to upgrade those and we want to build 24 and if I misspoke on the….I'm not misspeaking on the numbers, but I may have used the wrong terminology. The RM and I apologize for that. Again, I'm honored that you've got these young gentlemen that want to develop it and I'm not sure you can develop with anything else. I'm impressed with what they want to do there. We don't have any interest in that other property-we don't own it. We don't want to develop it. We just want to do what we want to do to our property and I don't want to do anything to the staff because I understand if you look at it and you look at the big picture, the Shivers property is the only one in the area that's not in the city. So we went to them, we talked to them and told them what they wanted to do and they agreed to go along with this petition to help them out. I'll be glad to try to clarify and answer any questions.*

Mark, if you'll kind of tell them what you plan to do.

Mayor Smothers*: Now, is what you're submitting to us a site plan?*

Mark Craven: *No, there's a site plan in it, but there's also some other information I'd like you to look at.*

Mayor Smothers*: Right, but you're not….*

Chairman Bencini: *It's not part of the conditions?*

Mark Craven*: No, the site plan is not part of the conditions.*

Chairman Bencini: *It's for informational purposes only.*

Mark Craven*: Yes, it's just a brochure for you guys, yes sir.*

Mark Craven: *My name is Mark Craven.*

Mayor Smothers*: Let's make this part real fast because all this is going to be is an illustration.*

Mark Craven*: Well I can definitely make it fast. I, myself, Chuck Overby and Brandon Turner-we are here representing Hedgecock Road, LLC and also Mr. and Mrs. Shivers for the proposed rezoning of 5.6 acres. I was going to go through my conditions, but I do want to make it fast and Herb did a way better job than I could ever do. So I am going to focus on a couple of things. This site is what I would consider an ideal in-fill site. Everything around it has been developed. Our 2.46 acres has a number of limitations to it. They've all been addressed. I have a power line going through the back of my property. We've got setbacks, but we are our own little island right there. There is CU-RM 12 to the east of us, CU-RM 8 to the west of us. There's a great soccer club with a bunch of soccer fields around us, so we're sitting there pretty much on our own. We're split of by a number of factors and I think that the main reason why I'm here and I spent the time to try to rezone this piece of property is the fact that we could not build an 18-unit apartment building and have it carry the same quality as the surrounding properties. Even though the surrounding properties are for sale product. We are looking to develop an apartment building and…..[tape changed to Tape #2, Side A]…..to do it. If you look at the tab for the elevation plan. This is an elevation rendering of our proposal. As you can see, it is a Class A apartment building. I've spent a lot of time with my architect looking at the plans. We have enclosed the balconies to give it extra square footage and also to keep from noise and distractions so they won't be bothered…you know balconies have a tendency to have people on them making noises and they don't want to bother the neighbors. On top of that, adding square footage to the apartment units. You can add value there with it and have more square footage to rent. Also I think that there's a huge distance from me to a lot of the surrounding neighbors that I didn't go out and literally measure it, but I do have aerial pictures in the back of my pamphlet showing it and if you turn to the aerial plan…..these are some of the same pictures that Herb showed. I parked my SUV in the middle of my piece of property right where my building footprint would be-it's a silver SUV. If you look at the picture location, number 1 of the pictures I have in my brochure….I mean that's a very long distance from that number 1 picture is from the main entrance of Delmar subdivision in your*

booklets. If you flip the page to picture Number 2 in your booklets, that's also from one of the entrances to Delmar subdivision-their second entrance. You can flip through the rest of the pictures and you can see….picture number 3 is from the entrance at Heritage Ridge. You can't even see my SUV from that picture. So there's a lot of distance.

The site, we knew up front had a lot of obstacles and when we went to crunching numbers to build an 18-unit building there which is only three stories high, the quality wasn't there and I don't want to build a product that doesn't have good quality. I'm from High Point. Born and raised in High Point, so are both of my partners and my family lives in High Point. We have existing apartments we own and I want to build something that I can keep up and fortunately do a lot of property management on and keep it going for years to come for my children and that's why we're here. It's a difference of six units. I'm not going to run to the bank because of it, but I can guarantee you that I can build a better quality product there. I cannot guarantee you that I can build a good quality product with an 18-unit building and that's why I've taken the time and energy and the headache to do this. That's why the neighbors need to know this is something that needs to be worked on through everybody when it comes to rezoning. I've tried to reach out and talk to the neighbors and I bet you that half of the neighbors here don't understand that I can already building a three-story 18-unit apartment building. I'll bet you half of them don't. Them coming to oppose it may affect them and their property values if I have to build the 18-unit building that will not be the quality that they want to see and so they need to understand that. I've tried to reach out and talk to them through e-mails and phone conversations and a lot of them….there are some here that would like to talk, but I think that was a big obstacle to overcome. Thank you for your time.

Alexander: You keep mentioning the word "quality" and I guess I'm a little slow on this up-tick. You're able to build whatever you want to. Now explain to me, when you talk about quality, if you have fewer units, you'll have less façade work, less….what is it that…..

***Mark Craven:** Well the quality and I can get a general contractor up here, but the less number of units, less extra money you can spend on the setbacks, the landscaping which is an upgraded landscaping, the interior quality of the units and in this case with our proposal, we're going to add more square footage to the apartment units which in return will have a higher rent. So you can actually get a higher rent out of somebody who wanted to rent a property and would have to pay a higher rent which would filter out a lot of things. Also anything from the quality of the unit in the flooring, the painting*

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

Ordinance - Text Amendment 09-02 - Eastchester Park Partners, LLC - Off Street Parking Requirements

090074 A request by Eastchester Park Partners, LLC to amend Table 5-6-1 entitled Off Street Parking Requirements of the Development Ordinance pertaining to reducing the minimum required parking for office use.

p.m.

Doug Loveland of the Planning and Development Department presented an overview of the staff report. ***Note: The staff report will be attached as a permanent part of these proceedings in Legistar.***

Following the presentation of the staff report,Council Member Whitley expressed concerns to the parking requirement for medical/dental office uses and felt the number of spaces proposed to be required would be inadequate. Mayor Smothers felt the situation would take care of itself. Council Member Alexander felt the demand for parking at any one moment in time for these types of services would be reduced because they are spreading their services out over time and more days to meet the demands of their clients--so he has no problem with it.

Chairman Bencini opened the public hearing and asked if anyone was present who would like to comment. There being no one present to offer comment, the public hearing was closed.

Adopted Ordinance amending Table 5-6-1 entitled ***Off Street Parking Requirements*** of the Development Ordinance pertaining to reducing the minimum required parking for office uses.

Ordinance No. 6614/09-14 **Introduced 04/06/09**
Adopted 04/06/09
Ordinance Book Volume XVI, Page 99

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

Resolution - Street Abandonment 09-05 - Westchester Christian Center, Inc.

090075 a request by Westchester Christian Center, Inc. to abandon the unimproved portion of right of way known as Edgewood Drive, lying east of Westchester Drive, between Whittier Avenue and Phillips Avenue.

T*he public hearing regarding this matter was held on Monday, April 6, 2009 at 5:30 p.m.*

Mark Schroeder of Planning and Development gave an overivew of the staff report which will be attached as a permanent part of these proceedings.

Council Member Alexander pointed out that it would prove to be very costly for the church to cross the gas line that's in the right-of-way and wanted to make sure they were aware of this. Council Member Faircloth pointed out this was a major right-of-way and asked if it could be retained while still allowing the private drive so that that the city could still have the option of using it should the need arise in the future if the uses revert to something else. Mr. Schroeder explained they would have to meet the Transportation Department's regulations and they would be required to improve and extend public improvements to the point where they want the driveway. (approximately 250-300 feet). City Manager Strib Boynton noted they would basically have to extend the street down to there and the driveway that they build

would be to a lesser standard. Council Member Sims agreed with Council Member Faircloth and noted that once the city abandons it, access will be cut off from the other side.

Council Member Pugh asked any of the residents on Whittier had made any inquiries about this request. Mr. Schroeder replied that the public hearing signs were posted and that staff has not had any calls or inquiries other than a walker he talked to while posting the sign who agreed they have had a problem with speeding.

Following the presentation of the staff report, Chairman Bencini opened the public hearing for comments.

Speaking in favor of the street abandonment request were: Carl Wright, Bill Noble and Carlos Vernon.

Carl Wright pointed out that one of the problems with any future possibilities of extending the road is the location of the perennial stream and noted it would be quite expensive to go in and make the kind of improvements necessary to replace the culvert and they certainly have no intention of doing that. He also mentioned problems with bums or different people using the property in the past for various illegal purposes. It is the applicant's intention to have control of who uses this portion of the road and it would allow them to put the gate and controlled access fairly near the existing terminus.

Bill Noble, representing Steward Enterprises in Jefferson, Louisiana--the owner of Davis Funeral Home and Floral Garden Memorial Park--also spoke in favor. He stated they were excited to develop this part of the road because of the lighting that will be added and other things that will help further protect their property. He respectfully requested Council pass the resolution abandoning the unimproved portion of this right-of-way.

Carlos Vernon, 1701 Westchester Drive, spoke in favor. He expressed excitement about what is happening at Westchester Christian Center and First Wesleyan Church. He informed Council of a number of issues they are experiencing:

1. *Close proximity to a high crime area*
2. *Traffic control. Traffic to the church would basically be using the intersection on Westchester at the traffic light and the traffic for Providence Place or the major tenants would use the rear entrance as a new entrance off Phillips Avenue with a gate separating the traffic going up to Village 1 and Village 2. They propose to bring Village 2 traffic off Whittier and Village 1 off Westchester at the bottom of the hill where the big sign used to be.*
3. *Safety concerns. Cars tend to go through the parking lot at a fast rate of speed in the high traffic areas, so they are proposing to slow traffic down by gating off and limiting the parking or traffic through there from the parking of Village 2 across the back.*

Mr. Vernon pointed out the street in its current condition has an unkept look and they plan to beautify the area to make it more attractive.

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

Adopted Resolution abandoning the unimproved portion of right-of-way known as Edgewood Drive, lying east of Westchester Drive, between Whittier Avenue and Phillips Avenue.

Resolution No. 1503/09-31 Introduced 04/06/09
Adopted 04/06/09
Resolution Book Volume XVI, Page 145

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

Resolution - Street Abandonment 09-02 - City of High Point

090076 A request by the City of High Point to abandon unimproved right of ways known as Southview Street and Prinston Street, lying east of Bennett Place, between Starr Drive and Amherst Avenue.

The public hearing regarding this matter was held on Monday, April 6, 2009 at 5:30 p.m.

A copy of the staff report will be attached as a permanent part of these proceedings.

There was no one present to speak regarding this matter.

Adopted resolution abandoning unimproved right-of-ways known as Southview Street and Prinston Street, lying east of Bennett Place, between Starr Drive and Amherst Avenue.

Resolution No. 1504/09-32 Introduced 04/06/09
Adopted 04/06/09
Resolution Book Volume XVI, Page 146

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

Resolution - Street Abandonment 09-03 - City of High Point

090077 A request by the City of High Point to abandon an unimproved portion of right of way known as Moffitt Drive, lying north of Welch Drive, between Druid Street and Snider Street.

The public hearing regarding this matter was held on Monday, April 6, 2009 at 5:30 p.m.

A copy of the staff report will be attached as a permanent part of these proceedings.

There was no one present to speak regarding this matter.

Adopted resolution abandoing unimproved right-of-ways known as Southview Street and Prinston Street, lying east of Bennett Place, between Starr Drive and Amherst Avenue.

Resolution No. 1505/09-33 Introduced 04/06/09
Adopted 04/06/09
Resolution Book Volume XVI, Page 147

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

Resolution - Street Abandonment 09-04 - City of High Point

090078 A request by the City of High Point to abandon an improved portion of right of way known as Beddington Street, lying west of Woodbine Street, between Blake Avenue and West Market Center Drive.

The public hearing regarding this matter was held on Monday, April 6, 2009 at 5:30 p.m.

A copy of the staff report will be attached as a permanent part of these proceedings.

There was no one present to speak regarding this matter.

Adopted resolution abandoing unimproved right-of-ways known as Southview Street and Prinston Street, lying east of Bennett Place, between Starr Drive and Amherst Avenue.

Resolution No. 1506/09-34 Introduced 04/06/09
Adopted 04/06/09
Resolution Book Volume XVI, Page 148

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

FOR INFORMATION ONLY:

Proclamation- National Community Development Week
Mayor Smothers read the proclamation into the record proclaiming the week of April 12-18, 2009 as National Community Development Week and presented it to Mike McNair, Director of Community Development and Housing.

Mr. McNair introduced staff present for the occasion and also introduced Jerry Mingo, Chairman of the Weed & Seed Steering Committee. Mr. Mingo shared some information on the events that have been planned in commemoration of National Community Development Week.

Mayor Smothers noted there was a tremendous turn-out of those in attendance for the lead-free housing grant kick-off that was held at High Point Regional Health Center

last week. Congratulations were extended to the Community Development staff on this accomplishment.

Proclamation- Fair Housing Month

Mayor Smothers read the proclamation into the record proclaiming the month of April, 2009 as Fair Housing Month and presented it to Al Heggins, Director of Human Relations.

She also congratulated Ms. Heggins on the on the success of the recent Youth Congress. [applause]

Recognition- National League of Cities- High Point Communities Against Violence (CAV)

Mr. Boynton presented a check in the amount of $2,000 from the National League of Cities to Rev. Jim Summey, the Executive Director of High Point Communities Against Violence in recognition of receipt of the 2008 Gold Award for Communities Against Violence to help advance the cause. [applause] This is a prestigious and competitive award given out by the National League of Cities and they recognized the leadership of the High Point CAV and the High Point Police Department.

Recognition- Brian Donnelly

Police Chief Fealy presented a plaque to Brian Donnelly who will soon be retiring as a Chaplain with the High Point Police Department. Mr. Donnelly has provided twenty years of volunteer service to the Police Department. [applause- standing ovation] Mr. Donnelly gave accolades to the Police Department and stated he has thoroughly enjoyed serving the Police Department and the community.

Recognition- High Point Children's Cabinet

Travis Burrell, representing I AM NOW, Inc. introduced members of the High Point Children's Cabinet: Marsha Slane, Ms. McNair, Barbara Frye, and Bernita Sims. The High Point Children's Cabinet was started due to the need to address foster care issues in High Point. Mr. Burrell reported that in April 2003, there were 184 children in custody in High Point that represented 37% of all children in custody in Guilford County. Fifty-six children from High Point were waiting to be legally adopted. The group recognized that they had a lot of children that were not being adopted and a lot of children were going out of High Point into other communities as a result of an inadequate amount of foster parents in High Point. As a result of further study and addressing these issues, the group has been successful in getting more foster homes, more foster parents in High Point to prevent those children from leaving High Point so the children have been able to share a connection in the community where they're from. He pointed out that although they have made tremendous strides, there was still room for improvement and encouraged more foster parents, adoptions, mentors, involvement, etc….. [applause]

Barbara Frye mentioned a video that was put together by the Department of Social Services and hoped all the City Council Members could view it at some point.

Council Member Sims reiterated that this group came together six years ago after initially realizing there was a problem in High Point with High Point children not being placed in homes in High Point. She explained the program would not have been so successful had

it not been for the support they received from agencies such as the United Way, Children's Initiative, Department of Social Services, Family Services of the Piedmont, etc…… She explained they really like to see the process work with more community support to assist families on the front-end so the children don't have to be removed from the home. She urged the community's support and thanked everyone for theit past and continued support in this endeavor.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Rebecca R. Smothers, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk