

City of High Point

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



Meeting Minutes

Monday, February 15, 2010

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Finance Committee; Monday, February 1st @ 4:00 p.m.
Combined Meeting; Monday, February 1st @ 4:45/5:30 p.m.
Planning & Development Committee; Tuesday, February 2nd @ 2:30 p.m.
Manager's Briefing; Tuesday, February 2nd @ 4:00 p.m.
Public Safety Committee; Wednesday, February 3rd @ 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 Pugh and seconded by Mayor Pro Tem Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]**

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

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

PRESENTATION OF ITEMS

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

(all were present)

Resolution - re Condemnation of Property in Connection with Northwest Waterline Project

100022

Adoption of a resolution clarifying intent and extent of August 17, 2009 Resolution with regard to condemnation of a portion of certain property located at 533 Macy Grove Road, Colfax, NC in connection with the Northwest Waterline Project.

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

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

Adopted Resolution clarifying the intent and extent of the August 17, 2009 Resolution regarding condemnation of a portion of certain property located at 533 Macy Grove

Road, Colfax, NC in connection with the Northwest Waterline Project.

Resolution No. 1582/10-10

Introduced 2/15/10

Adopted 2/15/10

Resolution Book Volume XVI, Page 224

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

Purchase of One Used Refuse Truck

100024

Council is request to approve the purchase of one demo (used) refuse truck to complete the initial phase of planned equipment purchases for the automated refuse collection program from Amick Equipment Company in the amount of \$180,200.00.

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 purchase of one demo (used) refuse truck from Amick Equipment Company in the amount of \$180,200.00.

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

Contract Renewal - CIGNA HealthCare - 2010-2011 Employee Group Health & Dental Insurance Contract Renewals

100040

Seeking City Council approval authorizing the City Manager to execute contract renewal with CIGNA HealthCare for the employee group health and dental insurance. Contract will be effective for the period of April 1, 2010 - March 31, 2011.

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

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

Approved contract renewal with CIGNA HealthCare for the employee group health and dental insurance and authorized the City Manager to execute same. Contract will be effective for the period of April 1, 2010 through March 31, 2011.

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

Pending Items

Revised Economic Incentive Policy

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

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

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Committee Members: Douglas, Pugh and Alexander

(all were present)

Ordinance - Vacate/Close Dwelling - 1150-B Roberts Lane

100025 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a dwelling located at 1150-B Robert Lane belonging to Randy C. Ingram and Clinton M. Ingram.

Chairman Faircloth asked staff to provide an update on this housing case.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings].

Council Member Douglas inquired about a law recently adopted that would require a certain type of detector in all rental properties effective January 1st. Ms. Bossi explained this would not be part of the city's Minimum Housing Code and noted it would be the landlord's responsibility to make sure carbon monoxide detectors are in place.

Mayor Smothers asked if the city was responsible for relocating anyone other than the person whose name is on the rental contract. Cathy Gray with Community Development & Housing replied that it is addressed according to the name on the contract. Council Member Alexander stated that he would like to see legislation in place that would allow the city to recoup any costs incurred from the landlord(s) in these situations. Fred Baggett, City Attorney, felt it would be inappropriate to attempt to do this in the Short Session, but suggested it might be possible to introduce a bill for consideration in the 2011 session. He suggested the possibility of attaching special liens for unpaid utility bills like Greensboro does and asked staff how much a person is eligible for when relocating. Ms. Gray replied a person is eligible for an amount up to a maximum of \$1,800. Mr. Baggett also shared an idea that he had for the City to adopt a proposed ordinance making landlords responsible for the costs and to allow the city to bill for the expenses. If the bill is unpaid, the city could use the State Income Tax Setoff Program in an attempt to collect what's owed to the City.

There was no one present to speak on behalf of the property owner. Chairman

100027

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 525 Walnut Street belonging to Tony Lee Davis

Chairman Faircloth asked staff to provide an update on this housing case.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings].

No one was present representing the property owner in this matter.

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

Adopted Ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 525 Walnut Street.

Ordinance No. 6673/10-21 Introduced 2/15/2010
Adopted 2/15/2010
Ordinance Book Volume XVI, Page 158

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

Ordinance - Demolition of Dwelling - 1807 Johnson Street

100028

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1807 Johnson Street belonging to Irene Agapion.

Chairman Faircloth asked staff to provide an update on this housing case.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings].

No one was present representing the property owner in this matter.

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

Adopted Ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1807 Johnson Street.

Ordinance No. 6674/10-22 Introduced 2/15/2010
Adopted 2/15/2010
Ordinance Book Volume XVI, Page 159

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

Ordinance - Demolition of Dwelling - 1308 Vernon Place

100029

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1308 Vernon Place belonging to Selma L and Demetrious Gooden.

Chairman Faircloth asked staff to provide an update on this housing case.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings].

The property owner, Demetrious Gooden, who resides at 2211 Waynick Street, was present and addressed Council regarding this housing case. He informed Council that his plans were to make the necessary repairs by June to bring the structure into compliance.

Council Member Sims asked staff about the status of the unsafe violations. Ms. Bossi noted that most of the conditions still exist. Council Member Alexander explained to Mr. Gooden that if Council issues an order to demolish the structure 120 days from today, it would remove it from the agenda, but if the dwelling was not brought into compliance by June it start the process for demolition. Mr. Gooden stated the 120 days would allow him adequate time to make the repairs.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the 120 day Ordinance to demolish.

Adopted the 120-Day Ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1308 Vernon Place.

Ordinance No. 6675/10-23

Introduced 2/15/2010

Adopted 2/15/2010

Ordinance Book Volume XVI, Page 160

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

(all were present)

Services Committee.

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

(all were present)

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

100031 Approval of a resolution of intent that establishes a public hearing date of Monday, March 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of Sheldon Court, lying south of Eugene Avenue between Fala Street and Prospect Street.

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

Adopted Resolution of Intent establishing a public hearing date of Monday, March 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of Sheldon Court, lying south of Eugene Avenue between Fala Street and Prospect Street.

Resolution No. 1583/10-11

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 225

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

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

100032 Approval of a resolution of intent that establishes a public hearing date of Monday, March 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way, unnamed alley (15 feet in width), lying east of N. Hamilton Street between Guilford Avenue and Louise Avenue.

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

Adopted Resolution of Intent establishing Monday, March 15, 2010 at 5:30 p.m. as the date and time to consider a request to abandon an unimproved right-of-way, unnamed alley (15 feet in width), lying east of N. Hamilton Street between Guilford Avenue and Louise Avenue.

Resolution No. 1584/10-12

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 226

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

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

100033 Approval of a resolution of intent that establishes a public hearing date of Monday, March 15, 2010 at 5:30 p.m. to consider a request to abandon an unimproved right-of-way (identified as "E. Commerce Street" on Plat Book 5 Page 327) lying north of Franklin Avenue between Brentwood Street and New Street.

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

Adopted Resolution of Intent establishing the date of Monday, March 15, 2010 at 5:30 p.m. as the date and time to solicit public comment regarding a request to abandon an unimproved right-of-way (identified as "E. Commerce Street" on Plat Book 5 Page 327) lying north of Franklin Avenue between Brentwood Street and New Street.

Resolution No. 1585/10-13

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 227

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

MISCELLANEOUS**Request for Change in Bi-Laws - Historic Preservation Commission**

100039 Consideration of a request for a change in the bi-laws of the Historic Preservation Commission to allow for more than one resident of the same historic district to serve on the commission.

Mayor Smothers explained Council has been asked by a resident on Johnson Street to make a text amendment to the Development Ordinance that would allow more than one resident from the same historic district to serve on the Historic Preservation Commission and asked what the will of Council might be.

Council Member Faircloth explained that this was briefly discussed during the Public Safety Committee Meeting on February 3rd and felt it was a matter of the pleasure of the Council as far as whether or not there should be two members from one neighborhood. Council Member Bencini felt it wasn't an unreasonable request since there are presently 9 members on the board and three historic districts (Sherrod Park, Johnson Street and W. High).

City Attorney Fred Baggett explained this text amendment would have to go to the Planning & Zoning Commission first and they would make a recommendation to the City Council for Council's consideration. Council Member Sims expressed concerns, based on the tone of the letter submitted by Mr. Dudash on Johnson Street, that there are some folks in the community who feel that some people speak for them more so than others and it would seem that an individual from a particular neighborhood would speak for the entire neighborhood. Council Member Bencini cautioned against specific representation on the historic preservation commission and explained all the members on the commission are expected to represent the entire city--not just the neighborhood they might be from. Council Member Sims pointed

out she based her comments solely on the way the letter from Mr. Dudash was written and according to him, he was asked by several residents on Johnson Street to serve in this capacity.

Council Member Bencini moved to forward this request for a text amendment to the Development Ordinance for review by the Planning & Zoning Commission as to whether or not there should be a residency limit/representation from the historic districts on the Historic Preservation Commission. Council Member Faircloth made a second to the motion which carried unanimously.

Forwarded this request for a text amendment to the Development Ordinance for review by the Planning & Zoning Commission as to whether or not there should be a residency limit/representation from the historic districts on the Historic Preservation Commission.

A motion was made by Council Member Bencini, seconded by Member Faircloth, that this matter be referred to the Planning and Zoning Board. The motion carried by the following vote:

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

PUBLIC HEARINGS ON ITEMS

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

100034 Major Amendment to Conditional Use Permit 98-20- Westchester Christian Center

100036 Ordinance- Rezoning case 10-01- High Point University

Planning & Development Committee - Council Member Bencini, Chair

Major Amendment to Conditional Use Permit 98-20 - Westchester Christian Center

100034

a. A request by Westchester Christian Center to amend the Unified Development Plan for Conditional Use Permit 98-20. The site consists of approximately 52.8 acres lying along the east side of Westchester Drive, north of Whittier Avenue, west of Edgewood Drive and approximately 1,500 feet south of Phillips Avenue.

b. A request by Westchester Christian Center to clarify the use conditions of the permit to reflect changes to the Unified Development Plan.

The public hearing for this matter was held as duly advertised on Monday, February 15, 2010 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.

_____ Transcript: Public Hearing February 15, 2010 _____

Herb Shannon: The first case is a major amendment to CUP 98-20 Westchester Christian Center. This is a 52-acre mixed use development with a conditional use planned unit development mix designation located along the eastside of Westchester Drive and north of Whittier Ave. This development gained zoning approval in 1998. Divided into two tracts, Tract 1 is on five acres located along Westchester Drive that's for retail uses. The remaining 47 acres consists of the former mall which is now used as a church and has an office use and an adult day care facility. The southern portion of Tract 2 consists of various elder care uses. You have nursing home, conjugate care facility, and an assisted living facility. The applicant's proposing three amendments to the development of this site. That's why they submitted this request.

First, they're revising the Unified Development Plan. The initial plan called for there to be seven buildings along the eastern boundary of the site-there would be ten units in each building. They're revising that just to combine all that into one building that would be located in this general area. This area here was currently parking and that will remain as parking. They are also amending their conditional use permit to reflect those changes and they are also clarifying the terminology in the permit that relates to units and beds. Staff had no issues of concerns with this request and recommends approval. This amendment just clarifies the manner in which the final phase of this development will commence. The staff recommended statement of consistency is noted on pages 37 and 38 of your packet and the Planning & Zoning Commission reviewed this request at their January 26th public hearing and recommended approval. Are there any questions?

Council Member Alexander: Herb, didn't we do a street closing on that rear property line back there?

Herb Shannon: Yes. Edgewood Drive from Phillips used to go all the way down to Whittier and it was abandoned from about this area southward. So that portion of Edgewood Drive has been abandoned.

Chairman Bencini: Any other questions of Herb? [none] Anyone present care to speak in favor of this request?

Carlis Vernon: Mayor Smothers, members of Council, I'm Carlis Vernon, representing Providence Place, Westchester Christian Center. I'm here to answer any questions that you may have and support the action before you.

Chairman Bencini: Any questions of Mr. Vernon? [none] Thank you. Anyone else present care to speak in favor? [none] Anyone present care to speak in opposition? [none] Seeing no one, I'm going to close the public hearing and make a motion to approve this amendment based upon the findings of fact and the consistency with the City's Land Use Plan and adopting staff's statement.

Council Member Sims: Second.

Mayor Smothers: Any further comments? [none] All in favor, please say Aye. Aye. [all] Any opposed? [none] That motion carries. [9-0 vote]

_____end of transcript_____

Approved the Major Amendment to Conditional Use Permit 98-20 as request by Westchester Christian Center and clarified the use conditions of the permit to reflect changes to the Unified Development Plan based upon consistency with the City's Land Use Plan and staff's findings as written in the staff report.

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

Ordinance - Rezoning Case 10-01 - High Point University

100036

a. Conditional Use Public & Institutional (CU-PI) District.

A request by High Point University to rezone approximately 9.76 acres from the Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District. The site consists of the two blocks bounded by Montlieu Avenue, North Avenue, Fifth Street and Willoubar Terrace.

b. Major Amendment to Conditional Use Permit 00-26

A request by High Point University to amend the permit to add approximately 9.76 acres into the permit.

The public hearing for this matter and related matter **100035 Resolution- Street Abandonment 10-01- High Point University** was held on Monday, February 15, 2010 at 5:30 p.m. as duly advertised.

Staff combined the presentations for the cases.

Herb Shannon of Planning & Development gave an overview of the staff report for Rezoning Case 10-01 with accompanying request for a Major Amendment to Conditional Use Permit 00-26. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings.]

_____Transcript: Public Hearing February 15, 2010_____

Herb Shannon: *In regards to the zoning application, that's Zoning Case 10-01- High Point University is requesting rezoning in order to expand the campus along this southeastern boundary. The zoning site's approximately 9.76 acres and just to note to everyone where it's at, it's bounded on the south by Montlieu; along the western limits by Willoubar; Farriss along the northern limits North Avenue; and eastern limits of Fifth Street, so that is the area where the applicant is requesting rezoning from a Residential Single-Family 7 to a Conditional Use Public Institutional District and they are also requesting a Major Amendment to Conditional Use 00-26 to add this area to that permit.*

As you recall, Conditional Use Permit 00-26 governs the southeastern portion of the

university and how that area is developed so the proposal's to add this land area into that conditional use permit. As you can see from the map that's up now, the topography of our Land Use Map and our zoning, the area that is shaded in yellow has a land-use designation of low density residential. The area in the gray has a designation of institutional so this is an area that has a land use plan designation of institutional. The applicant intends to develop this area for student housing specifically for fraternities and sororities; however the PI District that's associated with Conditional Use Permit 00-26 allows any college or university use or any other public institutional use such as a school, administrative facilities, churches, elementary and secondary schools and any accessory use. So as you're reviewing this request you need to consider all the allowable uses that are allowed in that district. Now City Council recently adopted the University Area Plan. On page 68 of the packet, staff has outlined the policies of that plan as it relates to this request.

The applicant has offered several amendments to Conditional Use 00-26 that would govern compatibility and how this specific area would develop. This area is noted within that conditional use permit as Tract B and Bob, if you can go to that next slide please. This is the specific area that is noted as Tract B, the zoning site, and they have proposed to add a Section 2 c to their conditional use permit that governs how this specific area will develop.

Quickly, I just want to overview some of those conditions. All buildings in Tract B are to have a pitched roof. Fencing is to be installed on Montlieu Avenue and Willoubar Terrace. The height of lighting along the perimeter of the site is limited to 25' in height. There's no vehicle access permitted from Montlieu Avenue and Willoubar Terrace. Along the Montlieu Avenue frontage, there's some specific conditions. The maximum building height within the initial 100' is limited to 50'. There is a landscaping area, a street yard required along Montlieu. Conditions have been offered to increase the standards in that area. Instead of having an 8' wide area, the applicant's offered a condition for a 35 to a 100' wide area. The planting would be at a rate of five trees every 100 linear feet. Any existing trees that are preserved will be credited at a 2:1 ratio. Finally, the permit prohibits any loading area on any sides of the buildings that faces Montlieu Avenue. Along the Willoubar Terrace and North Avenue frontage, there's also conditions by the applicant for a higher street planting yard. Instead of just an 8' wide area where you have two trees and 17 shrubs every 100 linear feet, they propose a Type B planting rate which will have eight trees and 25 shrubs every 100 linear feet and the width of that planting area will be between 15 and 30 feet in width.

As you are aware for any type of rezoning, you have specific findings that are made in support of a conditional use permit and those are located on page 72 of your packet. I just wanted to touch on a few of those. First, the area proposed for rezoning has institutional land use map designation and the request is consistent with the land use plan. This is a contiguous area next to the university and the applicant has proposed development of complete sub areas as recommended by the University Area Plan. Bob, if you can put up the next slide please. This is a blow-up of one of the maps from the University Area Plan. As you recall, there are specific phasing areas and within each phase there were sub areas. This specific area we're looking at is 1-C and the

zoning site consist of sub area 3 and 4 of I-C and the applicant has acquired all the property within those sub areas so they're bringing in whole blocks and whole sub areas in, not just pieces of it as recommended or as strongly suggested by the University Area Plan.

Finally, the applicant has proposed conditions within their permit [tape changed to Side B]..... edge treatment of this Tract to assist in protecting the adjacent residential property. In conclusion, based upon the findings in the staff reports, we are recommending approval of the request to rezone this 9.7 acres to a Conditional Use Public Institutional District and approval of the Major Amendment request. On page 73 of your packet is the recommended statement of consistency and at the January 26th Planning & Zoning Commission public hearing, the commission recommended approval.

Are there any questions on the street abandonment or the rezoning request?

Council Member Alexander: Herb, I want to make sure that I understand....the street that will be abandoned there, Woodrow, it will be blocked there at Willoubar Terrace?

Herb Shannon: The specific area to be abandoned is from Willoubar Terrace to Fifth Street.

Council Member Alexander: Right, but will there be some type of road blockage in there?

Herb Shannon: The applicant maybe can address that. Once a specific development plan is submitted, we will take a look at, through the Technical Review Committee, how that area is proposed to be developed, but it would no longer be a public street whether it's removed or blocked.

Council Member Alexander: I was just curious as to what type of new traffic pattern might occur because you have a number of dormitories in there with parking and then with parking, you're going to be adding some Greek housing that will have some parking there and how that traffic might change the traffic patterns that currently exist in that neighborhood.

Herb Shannon: I think the applicant can probably go into more detail. The one thing that I would call your attention to, there is a specific condition in the permit, that there's no access from Montlieu and no access from Willoubar Terrace. Any access point would have to be to the east toward Fifth Street or to the north toward North Avenue.

Mayor Smothers: There was a condition 2a underneath that, it says the applicant has updated the standard as to screening of mechanical, electrical equipment from the adjacent street.

Herb Shannon: The initial permit had some specific screening requirements.....Bob

if you could go back to the first map please. As the university has added property westward, there were specific screening requirements along Fifth Street. Those screening requirements were specifically only along Fifth Street. The applicant has updated that and those screening requirements are from any public streets in this area-not just along Fifth Street.

Mayor Smothers: *I see, thank you.*

Chairman Bencini: *Any other questions from Herb? [none] Anyone present care to speak in favor of this request?*

Ron Guerra: *Good evening Madam Mayor and members of Council, my name is Ron Guerra and I am Director of Construction & Renovation at High Point University, address 833 Montlieu Avenue, High Point, NC 27262. As Herb succinctly put forth what we are planning to do there, we have worked very closely with staff in order to make sure that what we are planning to build there really is complimentary to not only the university, but also to the neighborhood surrounding it. We are planning, as Herb mentioned, a hard edge along Montlieu and Willoubar and Mr. Alexander, there will be.....Woodrow will be closed. As a matter of fact, we are thinking of putting in a solid part of a brick wall that they typically put in to avoid the light peering in and so forth. So we are taking into account all of these uses. We work very hard with the staff as I said so that we can not only accommodate the Greek housing, but other things as they may come along and we want to make sure that we work in concert with them to include anything that can come about there in that Part B. I don't think I have anything else to add other than we had a very good community meeting as is required and as we typically would do even if it was not required. We had an attendance of 14 folks to come to the meeting which was quite a bit more than we usually have. They were all very interested in what we were planning to develop there and the meeting lasted for over two hours or so. Myself and Greg Mercer presented and Dr. Scarborough was there was well. Everybody seemed to be very happy with what we were planning to develop there. So that basically concludes what I have to say and to say as Herb very eloquently put it what we're trying to do. If you have any questions, I'd be glad to answer them.*

Chairman Bencini: *Any questions of Mr. Guerra?*

Council Member Sims: *Just one....the same question I asked earlier. Are all of those properties vacant that are within that Tract B?*

Ron Guerra: *Yes, we have one property, 804 Willoubar Terrace which we purchased recently. I believe it was closed on January 25 or somewhere around there and the gentleman is moving out. He should be out completely by the end of February and then the other homes that we have along Fifth Street are university homes which have student housing there, but as far as any other residents that are not part of the university-everybody is.....it's vacant.*

Council Member Sims: *It's my understanding that this is intended for Greek housing, is that correct?*

Ron Guerra: Right, yes. That's the present development plan.

Council Member Sims: So the existing neighbors that will be left, once you do this and I'm understanding that there's a possibility you may do a brick wall, maybe not, I don't know what that's going to look like, but have we addressed the issues around noise with them being that close to residential areas?

Ron Guerra: Yes we have. The wall will be very similar to the wall that you see around most of the perimeter of the campus. In addition to that, that piece of property the way that it's contoured, it has a slope down towards North Avenue. We intend to keep that, so in essence, you'll have quite a few of the homes that will be underground if you will so that means as you exit the home, there will be a bank that comes up and that is a natural noise abatement where any noise coming out will be heading up and out. There will be the landscape buffers, which again, landscape acts as a great buffer and noise deterrent. Plus, there will be very, very strict rules as to how these houses are maintained. I mean these are going to be top end homes. Our student life department is taking this very seriously and they will have very strict enforcement rules.

Mayor Smothers: I was going to ask of the 9+ acres, how much of that acreage will be occupied by the Greek Village?

Ron Guerra: I'm trying to recollect now....you're referring to the built upon acreage?

Mayor Smothers: Yes.

Ron Guerra: I can defer to....

Mayor Smothers: The reason I asked that question is Herb reminded us that any uses permitted within Public Institutional would be applicable to this area, but then we've only talked about the Greek Village, so I just wondered if it's going to pretty much occupy that area.

Ron Guerra: Yes. Our plan is to occupy that and again we're in the process of designing it where it will have 14 homes in an oval shape with a road around so you'll have a very nice traffic pattern with parking all in there so there's enough parking for the residents of those homes and with the traffic ingress and egress from that point into the university, that will avoid any traffic heading into Montlieu and into other parts. We will have an emergency ingress, egress on North Avenue that will be with a...what they call a knock box in case fire or police need to get in, they'll be able to get in there.

Council Member Alexander: The height of these homes.....are these single story homes or will they be multiple and if they're multiple will it be more than two floors, two and a half, three?

Ron Guerra: *No, they will be two stories and they will be approximately 6,000 sq. ft. each so they're like big grand Georgian homes is the design. As you know the university tends to do things in a grand scale and that's the current plan is to have different elevations also so that you don't have every single home looking the same way. Inside it's a different story. We intend to use a lot of the same features for efficiencies, but the exteriors will have a different porch, you know different exterior features, so they'll be different on the outside.*

Council Member Faircloth: *Mr. Guerra, did I understand you to say that the plantings are in excess of what we require as far as number of trees...I believe maybe staff said that.*

Ron Guerra: *That is correct. We are planning to do that and again that was in concert with working with staff so that we could maintain especially along Montlieu and Willoubar a nice buffer area that would protect not only with the Greek housing, but if it's academic or something else, it would be very well protected. So it does exceed what is required.*

Council Member Faircloth: *Would that be considered a park like area or a barrier?*

Ron Guerra: *Both. What we've got planned to do is a tree survey because obviously we would like to keep every mature tree that's significant on the site. We have scheduled with our engineer to do a tree survey. Most of the trees that we'll be able to save will be along the Montlieu Avenue side simply because of grading conditions. When you start to grade the site and you head toward north, it becomes a little bit more impossible to save trees, but we will look at individual trees if there happens to be one that's maybe one-third down and we can't keep it and it's substantial, we will. The effect will be a barrier and also a park like setting right along those borders there because it will be big enough.*

Chairman Bencini: *Any other questions of Mr. Guerra? [none] Anyone else present like to speak in favor of this request? [none] Anyone present care to speak in opposition?*

Larry Chason: *My name is Larry Chason, 1417 Guyer Street. I'm not sure this pertains to this exact thing, but I had a couple of questions. Along Montlieu Avenue at the corner of Montlieu Avenue and East College, the university has constructed a wall and as best I could tell from the website, no permit has been issued for it. Maybe it's an oversight on my part, but there was supposed to be an electrical easement there on Harrison and they've built the wall within probably 5'....*

Chairman Bencini: *Excuse me. Could you point out on the map where you're talking about?*

Larry Chason: *It's not on that map.*

Mayor Smothers: *Is the intersection at....*

Larry Chason: *It's the intersection of E. College say if you're going out Montlieu and the parking lot's right here and where Harrison Street is....*

Mayor Smothers: *That's not in this area.*

Chairman Bencini: *If that question is relevant to what we're talking about here, we'll be happy to talk about it.*

Larry Chason: *But I want to know how many more large 50' High Point University signs are you going to allow them to erect. Does that come under an ordinance or are you just going to let them keep putting them up? It reminds me of a theme park or a speedway.*

Chairman Bencini: *Lee, do you care to address that? But I think we need to address it in terms of the subject property-that's what we're talking about tonight.*

Lee Burnette: *The university does have a permit for the signs there on the wall. Those are considered development entrance signs and they are allowed so many per street entrance.*

Larry Chason: *Do they have a limit on how many they can put up?*

Lee Burnette: *There are limitations, but it's based on the number of entrances.*

Mayor Smothers: *None of this is connected to an outside roadway.*

Larry Chason: *Well at the corner up there, they'll have another High Point University sign.*

Chairman Bencini: *It sounds to me from what Mr. Burnette said, by right they will have that sign.*

Larry Chason: *It's overkill to me. I mean every corner, you've got a High Point University sign. You wouldn't let a private individual or a business do that, would you? Thank you.*

Chairman Bencini: *Thank you Mr. Chason. Anyone else care to speak in opposition? [none] Seeing no one, I'm going to close the public hearing and I guess we'll do the street abandonment first. I'll make a motion to approve the street abandonment.*

Council Member Sims: *Second.*

Mayor Smothers: *Any further discussion on the street abandonment? [none] If not, all in favor, please say Aye. Aye. [all] Any opposed? [none] Motion carries. [9-0 vote]*

Chairman Bencini: *Next I'll make a motion to approve the Conditional Use rezoning and*

Major Amendment to the Conditional Use Permit based upon findings of fact and staff's statement in regards to consistency to the Land Use Plan and appropriateness to the neighborhood.

Council Member Blakeney: Second.

Mayor Smothers: I have a motion and a second. Are there any questions about the motion or further discussion about the petition. If not, all in favor, say I. Aye. [all] Any opposed? [none] **Motion carries. [9-0 vote]**

Council Member Sims: Madam Mayor, I just would like to make one comment. I understand that even with best plans, sometimes with young people that it's very hard to control noise and all the other stuff that goes along with it, so I would just ask that the university be really sensitive to those residences that will be in close proximity to the housing when it does go into place or when it is put into place and that we kind of monitor that situation to make sure that the neighborhood is not affected by what happens with that housing. I know you all try to do the best you can, but a lot of things happen at 1:00 or 2:00 o'clock in the morning and so you're not there to see it, but the neighbors see it, but just be sensitive to that issue.

Council Member Alexander: In addition to that, there have been issues with construction times in other properties where 7:00 on a Saturday morning or even a Sunday, there has been construction going on at early hours. I don't know what kind of urgency or timetable that you're under. Most of the time with the university it's urgent, but I don't know what you're under here, but there still is a surrounding neighborhood so construction times would be something that I'd appreciate you being mindful of.

Ron Guerra: We are definitely taking the noise element very seriously. As I spoke.....other than the bankment on most of the homes, we also plan to have some fencing behind those terraces. As far as the construction, we're planning for it to be only on North Avenue for traffic construction to come in through that area alone. This is a project that as of right now is not under the gun where we've got to go, go, go so I don't anticipate that situation, but we will be mindful of that. If it does come to that, we'll be mindful of the noise ordinances and so forth and keep it respectable.

Council Member Faircloth: Madam Mayor, if I may make one comment. I think those of us who have visited other universities, some major universities not too far from us, and have seen Greek housing off the campus and in neighborhoods causing problems. I want to compliment this university for this particular design that keeps it a part of the university itself and I think that speaks a lot for the consideration of quality that we see there.

Ron Guerra: Thank you very much and that was the idea to try to keep it as a community and not have it spread out all over the place.

_____end of transcript_____

Approved rezoning of this property from Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District and approved Major Amendment to Conditional Use Permit 00-26 as requested by High Point University based upon consistency with the City's Land Use Plan and staff's findings as identified in the staff report.

Ordinance No. 6676/10-24

Introduced 2/15/2010

Adopted 2/15/2010

Ordinance Book Volume XVI, Page 161

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

Resolution - Street Abandonment 10-01 - High Point University

100035

A request by High Point University to abandon that portion of Woodrow Avenue lying between Fifth Street & Willoubar Terrace.

The joint public hearing for this matter and related matter **100036 Ordinance-Rezoning Case 10-01- High Point University** was held on Monday, February 15, 2010 as duly advertised.

Staff combined the presentations for the cases.

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

The public hearing for this matter was held in conjunction with **100036 Ordinance-Rezoning Case 10-01- High Point University**. For specific comments made at the public hearing regarding this matter, please refer to this matter.

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

Adopted Resolution authorizing the abandonment of a portion of Woodrow Avenue lying between Fifth Street and Willoubar Terrace.

Resolution No. 1586/10-14

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 228

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

Resolution - Street Abandonment 10-02 - City of High Point**100037**

A request by the Technical Review Committee to abandon an unimproved alley lying north of Countryside Drive between N. Centennial Street and Eastchester Drive.

The public hearing for this matter was held on Monday, February 15, 2010 at 5:30 p.m.

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

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

Adopted Resolution authorizing the abandonment of an unimproved alley lying north of Countryside Drive between N. Centennial and Eastchester Drive.

Resolution No. 1587/10-15

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 229

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

Resolution - Street Abandonment 10-03 - City of High Point**100038**

A request by the Technical Review Committee to abandon an unimproved, unnamed right-of-way, lying south of Beaucrest Avenue between Guyer Street and Arden Place.

The public hearing for this matter was held on Monday, February 15, 2010 at 5:30 p.m.

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

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

Adopted Resolution authorizing the abandonment of an unimproved, unnamed

right-of-way, lying south of Beaucrest Avenue between Guyer Street and Arden Place.

Resolution No. 1588/10-16

Introduced 2/15/2010

Adopted 2/15/2010

Resolution Book Volume XVI, Page 230

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

For Information Only:

Proposed Guidelines for Appointments to Boards & Commissions

Chairman Faircloth informed Council that the Public Safety Committee did meet on February 3rd and completed discussion on boards and commissions.

Abandoned Structures List

Council Member Sims questioned the process staff uses for placing housing cases on the Agenda for Council action. She noted there are some that have been on the list for over fifteen years that haven't been dealt with. Edwin Brown, Inspections Administrator, explained that staff has had problems determining actual ownership for some of the aged cases and noted staff has developed an active list on how old they are and have started proceedings to take from the oldest and Council would start seeing some of those by the next meeting.

Council Member Alexander asked if there was anything the city could do legislatively for these situations that might assist staff in finding some of these property owners. Fred Baggett, City Attorney, explained that there is a requirement that they have to exercise good faith in locating the owners and for those that cannot be located, it can be done by an advertisement in the newspaper. Council Member Douglas expressed concerns about the time it seemed to be taking for some of the cases. Council Member Pugh offered his personal assistance in helping to find property owners that staff could not locate.

Council Member Sims pointed out Council Members get a lot of pressure from constituents regarding the structures that are on the list and nothing seems to be happening with them. Council Member Faircloth suggested possibly working with the tax department and foreclosing on ones with liens. Mr. Baggett advised that the city has worked with the tax department and they have cooperatively done this in the past, but it's a long process that must be followed.

Pat Pate, Assistant City Manager, explained that staff does periodically update Council this whole issue and there are structures in various states and conditions with different issues and felt it would be beneficial for staff to prepare an updated report on the status of the structures to bring back to Council. He encouraged Council to make staff aware of any issues/concerns they may have on specific structures. Council Member Faircloth suggested it may make a more positive impact by doing sections

(neighborhoods) rather than doing the structures one-by-one in various locations throughout the city.

NCLM Meeting

Council was reminded of the NCLM District 9 Grass Roots Meeting/Reception scheduled for Tuesday, February 16th @ 3:00 p.m. at the Plato S. Wilson School of Commerce.

Air Force Band Concert

It was announced that ushers were needed for Thursday and Saturday nights at the Air Force Band Concert- High Point Theatre.

February 11th Poem

Council Member Blakeney read a poem, *Hallelujah! Let Us Celebrate Our Golden Seat* penned by former Council Member Ron Wilkins in commemoration of the 50th Anniversary of the Sit-In Movement.

[a copy of the poem will be attached as a permanent part of these proceedings in **Exhibit Book Volume X, Page 46**]

High Pointer to Compete in Olympics

Council Member Faircloth reminded everyone that High Pointer, Heather Richardson, would be competing in the speed-skating competition at the Olympics tomorrow.

ADJOURNMENT

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

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk