

City of High Point

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



Meeting Minutes

Tuesday, January 20, 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

Upon call of the roll, Mayor Pro Tem William S. "Bill" Bencini, Jr., and Council Members Latimer B. Alexander, IV., Mary Lou Andrews Blakeney, John Faircloth, Michael D. Pugh, and M. Christopher Whitley were present.

Council Member Alexander offered the invocation; the Pledge of Allegiance followed.

Mayor Rebecca R. Smothers (surgery) was absent as well as Council Members Foster Douglas and Bernita Sims (attending inauguration ceremony).

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

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Alexander, seconded by Council Member Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [6-0 vote] [Absent: Mayor Smothers and Council Members Douglas and Sims]

Motion was then made by Council Member Whitley, seconded by Council Member Alexander that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [6-0 vote] [Absent: Mayor Smothers and Council Members Douglas and Sims]

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

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

Finance Committee; Monday, January 5th @ 4:30 p.m.

Combined Meeting; Monday, January 5th @ 4:45/5:30 p.m.

Public Safety Committee; Wednesday, January 7th @ 9:00 a.m.

Special Meeting (Training Session); Monday, January 12th @ 1:00 p.m.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair**

Committee Members: Bencini, Douglas and Alexander

(all were present except Douglas)

090015

Council is requested to authorize staff to execute an agreement between the City of High Point and the North Carolina Department of Transportation(NCDOT) for the North-South airport Connector Feasibility Study.

Mark McDonald, Director of Transportation, explained this agreement allows the city to participate with the state in funding to perform a Feasibility Study for a High Point Airport Area (North-South) Connector. The City of High Point will manage the \$375,000 study (state's portion will be \$300,000; city's portion will be \$75,000). The state will provide some oversight during the feasibility study process to ensure conformance with current guidelines. Mr. McDonald also reported that any excess funds required for the project would be shared on an 80% (federal) and 20% (city). The purpose of the study is to develop a preferred facility type and alignment and a right-of-way reservation map within the expected corridor.

Council Member Bencini inquired about how this blends with the earlier discussions about a westside thoroughfare and if the Westside Thoroughfare has been shifted in terms of the terminus. Mr. McDonald explained that when the Thoroughfare Plan was modified to include this route, it was also shifted to turn that off of Plank Road and shift the Westside Thoroughfare up to 66/311 interchange--so it would be an extension of that (north of 311).

Council Member Alexander asked about a time line for the project. Mr. McDonald noted that the study would not set a time line for it, but would establish whether the project is feasible for further environmental studies and would also look for potential corridors that could be used so it could go to the next step of the environmental plan.

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

Approved Agreement with NCDOT for the North-South Airport connector Feasibility Study.

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

090016

Council is requested to authorize staff to execute a municipal agreement with the North Carolina Department of Transportation (NCDOT) for the proposed improvements to the at-grade railroad crossing on Hoskins Street between Kivett Drive and Gordon Street/Washington Drive.

Council Member Faircloth explained this matter was initially discussed in 2008 and there was quite a bit of discussion with the community around a proposal to actually close this crossing. Council took action to deny closing the crossing and now some refinements to the crossing will have to be made because of construction and increase in train traffic through the corridor. He asked Mr. McDonald, Director of Transportation, to bring Council up-to-date on the status.

Mr. McDonald explained this would be a new agreement with NCDOT that supercedes a 2003 agreement for signalization of the Gordon/Hoskins intersection. Since that time, the railroad continued to change its plans about what they were going to do with the crossing (gates, signals, etc....) so nothing was ever finalized until Norfolk Southern chose to proceed with these plans (double tracking and upgrading the gates). The traffic signal for the intersection has to be upgraded to accommodate the dual tracking so that when NCDOT Rail Division started looking at this, they concluded the agreement needed to be updated to accommodate the traffic signal. The new agreement increases the amount from \$50,000 to \$110,000.

Council Member Alexander asked if there were plans to improve the number of lanes in this area so that right-hand turns and through traffic can continue because this was a busy, traveled street and the length of the trains could pose a problem in the area. Mr. McDonald replied that this is probably the way it's going to be for a while. He noted a good part of the intersection itself was within the railroad right-of-way and this prohibits the ability to widen it given the location of the tracks. He suggested it might be possible to restripe the intersection to accommodate the right turn because the right turn movement during train pre-emption would actually be prohibited and they do intend to make some improvements to the curb radii on both corners next to the railroad.

Council Member Faircloth reiterated that the city and public were assured by a railroad official that these improvements could be done to make this a safe intersection/ crossing. Council Member Alexander asked about overhead utility lines in this vicinity. Mr. McDonald acknowledged there were utility lines running along the north side of the street and a major line that ran across from Kivett Drive that went over the railroad and tied into that, but this has already been moved to get it out of the intersection (the only poles that should exist there where the traffic is proposed will be the city's, North State, Time Warner, etc...).

Council Member Whitley expressed concerns with someone turning in there and stopping while waiting on a train then trying to maneuver out in the opposite direction towards Washington. Mr. McDonald suggested there might be a way to shift the lanes over by pavement markings or it might be possible to create a physical barrier to disallow that type of movement, but this wasn't something that has been looked at. Council Member Pugh suggested a no right-turn going east on Washington when it triggers with a train. Mr. McDonald noted this would be part of it. Council Member Blakeney inquired if plans were to install substantial gates

because this was a very congested area and felt that a right-turn would be needed. Mr. McDonald replied that part of the gates have recently been replaced by the railroad and they plan on having gates that come down from both sides that would seal off Hoskins Street on both sides of the track so that you can't go around the gates.

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

Approved agreement with NCDOT for the proposed improvements to the at-grade railroad crossing on Hoskins Street between Kivett Drive and Gordon Street/Washington Drive.

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

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair

Committee Members: Douglas, Pugh and Alexander

(all were present except Douglas)

There were no matters appearing on tonight's Agenda for consideration by the Public Safety Committee.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present except for Chairwoman Sims)

There were no matters appearing on tonight's Agenda for consideration by the Public Services Committee.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members: Blakeney, Pugh, Sims and Faircloth

(all were present except Sims)

090008

Approval of a resolution of intent that establishes a public hearing date of Monday, February 16, 2009 at 5:30 p.m. to consider a request by High Point University to abandon the northern portion of the Harrison Street right-of-way that is lying north of Meadowbrook Boulevard and south of Montlieu Avenue.

Chairman Bencini called Council's attention to the amended resolution and map placed on the dais.

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, February 16, 2009 at 5:30 p.m. to receive citizen comment regarding the street abandonment request filed by High Point University to abandon the northern portion of the Harrison Street right-of-way lying north of Meadowbrook Boulevard and south of Montlieu Avenue.

Resolution No. 1474/09-02

Introduced 01/20/09

Adopted 01/20/09

Resolution Book Volume XVI, Page 116

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

090009

Consideration of the reinstatement of Mark Walsh as a full member of the Planning & Zoning Commission.

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

Approved the reinstatement of Mark Walsh as a full member of the Planning & Zoning Commission.

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

090019

Council is asked to consider instructing staff to prepare two proposed text amendments to the Development Ordinance for Council's consideration as follows:

1. An Amendment to limit the time that the Board of Adjustment could continue a case before making a decision on it; and
2. An Amendment that would prohibit consideration of a text amendment that is related to a pending Board of Adjustment case.

Since this matter did not originally appear on the Agenda, motion was made by Council Member Alexander, seconded by Council Member Whitley to suspend the rules relative to placing it on tonight's Agenda for consideration. The motion carried unanimously. [6-0 vote] [Mayor Smothers and Council Members Douglas and Sims were absent].

Council Member Alexander moved to instruct staff to draft language in preparation of the preceding two text amendments to the Development Ordinance. Council Member Whitley made a second to the motion which carried unanimously. [6-0 vote] [Mayor Smothers and Council Members Douglas and Sims were absent].

Staff will draft the language for the text amendments and then will forward it to the Planning & Zoning Commission and City Council for consideration.

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

090017

Council is requested to confirm the reappointment of Michael Ellerbe and Mary Brown to the Housing Authority Board. Appointments will be effective immediately and will expire December 22, 2013.

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

Approved the reappointment of Michael Ellerbe to the Housing Authority Board. Appointment effective immediately and will expire December 22, 2013.

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

Council entered into closed session at 5:15 p.m. pursuant to N.C. General Statute 143-318.11(a)(4) to receive information from economic development regarding proposed incentives for a specific company. Motion carried unanimously. [6-0 vote] [Mayor Smothers and Council Members Douglas and Sims were absent]

Council reconvened into open session at 5:25 p.m. Mayor Pro Tem Bencini announced that there was no action taken as a result of the closed session.

PUBLIC HEARINGS ON ITEMS

090014

The High Point City Council will conduct a Public Hearing on Tuesday, January 20, 2009, at 5:30 PM in Council Chambers, third floor of City Hall, 211 S. Hamilton Street, to explain and receive comments concerning the Community Development & Housing Department's proposed plans for expenditure and activities of the Neighborhood Stabilization Program (NSP) grant funds.

The public hearing for this matter was held on Monday, January 20, 2009 at 5:30 p.m.

Chairman Whitley explained this public hearing was required prior to submittal of a grant request to the NC Division of Community Assistance (DCA) for approximately \$5 million of the \$52.3 million of NSP (Neighborhood Stabilization Funds) of funds that have been allocated to be distributed to local governments and non-profits by the state. The application is due on February 3rd and the city has already submitted a Letter of Intent to apply with this public hearing being part of the process.

Mike McNair, Director of Community Development and Housing, reviewed the proposed use of the NSP funds and asked for Council's favorable consideration in moving forward with the application for these funds. He referred Council to the packet of information staff compiled for the program and called Council's attention to the summary of the major points as follows:

*Funds were authorized in July 2008 by Congress
Purpose of the program was to prevent neighborhoods from becoming destabilized due to foreclosed or unoccupied properties
One difference in this program is HUD extended the income range (120% of the median)
created a new category identified as Low/Middle Income (this will allow the city to go into neighborhoods that they traditionally don't work in)
These funds will assist the city in acquiring foreclosed properties, make the necessary repairs and sell the properties
Once properties are resold, it allows the city to put the money into the blighted properties within the Core City*

Mr. McNair then shared a map of the areas of greatest needs (areas with the highest foreclosures, sub-prime loans, defaults (pre-foreclosure) and also a high incidence of substandard properties. Color schemes within the grids on the map reflect density (the green squares indicate foreclosures throughout the city; red indicates areas where the relatively dense number of foreclosures). He reported that most of the foreclosures tended to occur in 27265 or in 27262. He pointed out that most of the blighted properties were in 27260.

Council Member Alexander inquired if there would be a local match with these grant monies (if funded). Mr. McNair explained it would be all federal funds, passed through to the state (no match on the city's part). He explained the grant the city is applying for has the range of \$2,000,000 to \$5,000,000 and staff feels comfortable that the city's application would get favorable consideration due to the fact that Guilford County is in the top 10% in the state as far as highest incidents of foreclosures. Council Member Alexander also asked if strict guidelines were in place that would prohibit property owners from coming to the city to ask for assistance to keep their homes from being foreclosed on. Mr.

McNair explained that this type of scenario would not be allowed in the program and pointed out that the city would not be able to pay more than 85% of the appraised value and it has to be sold for no more than 85% of the appraised value (the discount must be passed on to the buyer). Council Member Pugh asked how the city would fit into the competitive process of purchasing the foreclosures and Mr. McNair noted that the city would probably look at the bank-owned homes and don't anticipate bidding. Council Member Alexander inquired about the length of time it could take to turn the homes over. Mr. McNair pointed out the program requires the funds to be obligated within 18 months and spent within four years and the whole purpose of the program is for the city to pass the discount on to the buyer to help people get back into homes or to buy homes that would otherwise stay empty.

Chairman Whitley asked if there were any provisions in place that would prohibit the homes from being sold to people as rental property. Mr. McNair replied that it would have to be for home ownership and the city certainly has the flexibility to say "no" to rentals and the city would act cautiously to make sure that the property won't be purchased just to flip it.

Chairman Whitley opened the public hearing and asked if there was anyone present who would like to comment regarding this matter. There being none, the public hearing was declared closed.

Following the closure of the public hearing, the Committee recommended that staff be authorized to move forward with the submittal of the application for the Neighborhood Stabilization Program grant funds.

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

090010

A request by the City of High Point Planning and Development Department to amend the City's Land Use Map: (1) to designate approximately 34.73 acres as Restricted Industrial designation; and (2) to remove approximately 68.75 acres from Heavy Industrial and Restricted Industrial. This amendment is pursuant to a recent annexation agreement boundary change with the City of Greensboro for property at Pegg Road and Gallimore Dairy Road, and property between Boulder Road and Chimney Rock Court.

The public hearing regarding this matter was held on Tuesday, January 20, 2009 at 5:30 p.m.

Gregg Morris of Planning & Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
LAND USE PLAN AMENDMENT CASE 08-05
December 9, 2008*

Applicant: City of High Point Owner: Area 1. R&J Hudson Family Ltd. Partnership, Pleasants Family Farm Ltd. Partnership, Stella L Pleasants et al. Area 2. Martin Marietta Materials, Inc., Carolina Cast Stone, Inc., E. W. Wilson, City of Greensboro

*Proposal: Area 1. To designate approximately 34.73 acres of planning area recently acquired from the City of Greensboro with a Restricted Industrial land use classification. Area 2. To remove the Heavy Industrial and Restricted Industrial designations from approximately 68.75 acres of High Point's former planning area recently transferred to Greensboro's planning area. From: Area 1. Undesignated Area 2. Heavy Industrial and Restricted Industrial
To: Area 1. Restricted Industrial Area 2. Undesignated*

Site Information

Location Area 1. The northeast quadrant of the intersection of Gallimore Dairy and Pegg roads. Area 2. South of Chimney Rock Rd. between Boulder Rd. and Chimney Rock Ct.

Acreage Area 1. Approximately 34.73 acres. Area 2. Approximately 68.75 acres.

Current Land Use Area 1. Undeveloped farm fields and forest with a residence and support structure. Area 2. Rock quarry, other industrial use, single-family dwelling

Existing Zoning District(s) Area 1. Agricultural (AG) in Guilford County's jurisdiction. Area 2. Heavy Industrial (HI) and Restricted Industrial (RI), in Guilford County's jurisdiction.

Physical Characteristics Area 1. Fairly flat, draining gently from north to south. Area 2. Fairly flat, draining gently from north to south.

Relevant Overlay District(s) Area 1. City Lake General Watershed Area. Area 2. City Lake General Watershed Area.

Street Access and Street Classification

<i>Street Name</i>	<i>Classification</i>	<i>Approximate Frontage</i>
<i>Area 1. Gallimore Dairy Rd.</i>	<i>Pegg Rd.</i>	<i>Millwood School Rd.</i>
<i>Major Thoroughfare</i>	<i>Local Street</i>	<i>Local Street</i>
<i>1,850 feet</i>	<i>840 feet</i>	<i>800 feet</i>
<i>Area 2. Chimney Rock Rd.</i>	<i>Boulder Rd. .</i>	<i>Chimney Rock Ct.</i>
<i>Local Street</i>	<i>Local Street</i>	<i>Local Street</i>
<i>1,800 feet</i>	<i>1,400 feet</i>	<i>1,000 feet</i>

Surrounding Zoning and Current Use

North Area 1. CD LI Area 2. HI Industrial, in Greensboro's jurisdiction
Industrial, in Greensboro's jurisdiction
South Area 1. AG Area 2. HI Undeveloped, in Guilford County's jurisdiction
Rock Quarry
East Area 1. CD LI Area 2. HI, LI Industrial, in Greensboro's jurisdiction
Industrial, in Greensboro's jurisdiction
West Area 1. CU LI Area 2. LI Undeveloped Industrial, in Guilford County's
jurisdiction

Surrounding Land Use Designations

North Area 1. Undesignated Area 2. Undesignated
South Area 1. Restricted Industrial (RI) Area 2. Heavy Industrial (HI)
East Area 1. Undesignated Area 2. Undesignated
West Area 1. Restricted Industrial (RI) Area 2. Undesignated

Purpose of Existing and Proposed Land Use Designations

Existing Designation Area 1. N/A Area 2: Restricted Industrial: This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. Heavy Industrial: This classification includes the whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale, open land uses like wastewater treatment plants, landfills and quarries.

Proposed Designation Area 1. Restricted Industrial: This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
Area 2. N/A

Land Use Plan Amendment History

Case # Date Description

There is no relevant land use plan amendment history.

Background

High Point and Greensboro entered into an annexation agreement in 1988. The agreement formed the basis of the city's planning area in High Point's north and northeast. Recently, a proposal was made to trade a portion of High Point's planning area for part of Greensboro's planning area. Rather than amend the existing agreement, which was due to expire in 2018, an entirely new agreement was reached in October 2008. This agreement will be in effect until 2038. A land use designation must be provided to High Point's new planning area in keeping with the city's standard planning practices. At the same time, High Point's designated land use classifications on the area ceded to Greensboro need to be removed so the Land Use Plan map accurately portrays the city's planning area.

Relevant City Plans

Land Use Plan for the High Point Planning Area.

Staff Analysis

Most requests for a change in a land use designation on the Land Use Plan map are from one designation to another for the purposes of a rezoning to accommodate a development proposal or as the result of a new or updated small area plan. This request is different in that one subject area (Area 1) was recently added to High Point's planning area through a new annexation agreement with Greensboro, while the other area (Area 2) was transferred from High Point's planning area to Greensboro's under the same agreement. This requires an original land use designation for the former and the removal of land use designations from the latter. Area 1 consists of farm fields and forest land with a home and support structures. Area 2 is part of a large quarry and also includes another industrial use and a single-family dwelling.

The property gained from Greensboro is recommended for Restricted Industrial designation because it is in a developing industrial area consistent with that

designation. It is bounded on the north and east by existing industrial uses in Greensboro. Industrially zoned land in High Point's city limits designated for Restricted Industrial use lies to the west, while agricultural property in Guilford County, but in High Point's planning area, borders the property on the south. This property is also designated with a Restricted Industrial classification. In addition, Area 1 is placed in Zone 2 of the Airport Overlay District, making it undevelopable with new residential uses.

Recommendation

The Planning and Development Department recommends approval of the Land Use Plan amendment to designate approximately 34.73 acres in the city's planning jurisdiction for Restricted Industrial use and to remove the Heavy Industrial and Restricted Industrial designations from approximately 68.75 acres no longer in the city's planning jurisdiction.

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments in support of or in opposition to this request. There being none, the public hearing was declared closed.

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

Adopted resolution amending the City's Land Use Map by:

- 1) designating approximately 34.73 acres as Restricted Industrial; and*
- 2) removing approximately 68.75 acres from Heavy Industrial and Restricted Industrial*

*Resolution No. 1475/09-03
01/20/09*

Introduced

Adopted 01/20/09

Resolution Book Volume XVI, Page 117

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

090011

A request by the City of High Point Technical Review Committee to abandon an unimproved 50 foot wide right-of-way located west of Worth Street, opposite Friends Avenue.

The public hearing regarding this matter was held on Tuesday, January 20, 2009 at 5:30 p.m.

Bob Robbins of Planning and Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-23
December 9, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in an unimproved 50 foot wide right-of-way located west of Worth Street opposite Friends Avenue.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Friends Avenue</i>	<i>Local Street</i>	<i>Approx. 50 ft. R/W - N/a</i>
<i>Worth Street</i>	<i>Local Street</i>	<i>Approx 50 ft. R/W - 32 ft. Curb & Gutter</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RS-7</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>South</i>	<i>RS-7</i>	<i>Single Family Residential</i>	<i>City Open Space</i>
<i>East</i>	<i>RS-7</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>West</i>	<i>RS-7</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 50 foot wide by 136 foot long unimproved right-of-way containing approximately 6,800 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners.

If approved, this existing excess right-of-way, as platted in Plat Book 23 Page 16, will be equally divided between the properties to the north and south of the unimproved right-of-way. The TRC reviewed this request on April 16, 2008 and identified no issues that would prevent its abandonment. The retention of a sanitary sewer easement is necessary for an existing 10-inch sanitary sewer line that crosses the right-of-way.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property. There is a small tract of land (less than 4,000 sq. ft. in area) located at the western terminus of Friends Avenue. This tract is owned by an adjacent property owner with frontage on Wesley Drive.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing line based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if anyone was present who would like to speak regarding this request. There being none, the public hearing was declared closed.

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

Adopted Resolution authorizing the abandonment of an unimproved 50-foot wide right-of-way located west of Worth Street, opposite Friends Avenue.

Resolution No. 1476/09-04

Introduced 01/20/09

Adopted 01/20/09

Resolution Book Volume XVI, Page 118

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

090012

A request by the City of High Point Technical Review Committee to abandon an unimproved portion of right-of-way known as Cliffside Avenue located south of Tryon Avenue, between Cassell Street and Martin Street.

The public hearing regarding this matter was held on Tuesday, January 20, 2009 at 5:30 p.m.

Bob Robbins of Planning and Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-24
December 9, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in an unimproved 20-30 foot wide right-of-way located south of Tryon Avenue between Martin Street and Cassell Street.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Cliffside Avenue</i>	<i>Local Street</i>	<i>Approx. 20-30 ft. R/W - Unimproved</i>
<i>Cassell Street</i>	<i>Minor Thoroughfare</i>	<i>Approx 65 ft. R/W - 48 ft. Curb & Gutter</i>
<i>Martin Street</i>	<i>Local Street</i>	<i>Approx. 50 ft. R/W - 32 ft. Curb & Gutter</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RS-5</i>	<i>Single Family Residential</i>	<i>Vacant</i>
<i>South</i>	<i>RS-5</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>East</i>	<i>RS-5</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>West</i>	<i>RS-5</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 20-30 foot wide by 255 foot long unimproved right-of-way containing approximately 6,650 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners. All abutting property with the exception of 901 Martin Street (south of the abandonment) is owned by the City of High Point.

The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. If approved, this existing excess right-of-way, as platted in Plat Book 16 Page 73, will be equally divided between the properties to the north and south of the unimproved right-of-way. The retention of a 20-foot sanitary sewer easement centered on an existing 8-inch and 21-inch sanitary sewer line is necessary where it encroaches into the right-of-way. The area is also entirely within a flood way and 100-year flood zone.

The abandonment of the public's interest and conveyance of the right-of-way to

abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing lines, based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if anyone was present who would like to speak regarding this request. There being none, the public hearing was declared closed.

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

Adopted Resolution authorizing the abandonment of an unimproved portion of right-of-way known as Cliffside Avenue located south of Tryon Avenue, between Cassell Street and Martin Street.

Resolution No. 1477/09-05

Introduced 01/20/09

Adopted 01/20/09

Resolution Book Volume XVI, Page 119

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

090013

A request by the City of High Point Technical Review Committee to abandon an unimproved right-of-way located east of Sales Street between Triangle Lake Road and Roberts Lane.

The public hearing regarding this matter was held on Tuesday, January 20, 2009 at 5:30 p.m.

Bob Robbins of Planning and Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE SA08-25
December 9, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in an unimproved 16 foot wide right-of-way located east of Sales Street between Holt Avenue and Roberts Lane.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Holt Avenue</i>	<i>Local Street</i>	<i>Approx. 30 ft. R/W - 16' Gravel</i>
<i>Roberts Lane</i>	<i>Local Street</i>	<i>Approx 60 ft. R/W - 18 ft. Ribbon Pavement</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RS-9</i>	<i>Single Family Residential</i>	<i>Single Family Dwellings</i>
<i>South</i>	<i>RM-8</i>	<i>Residential Multi-family</i>	<i>Single Family Dwelling</i>
<i>East</i>	<i>RS-9</i>	<i>Single Family Residential</i>	<i>Single Family Dwelling</i>
<i>West</i>	<i>RS-9</i>	<i>Single Family Residential</i>	<i>Single & Multi-family Dwellings</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 16 foot wide by 568 foot long unimproved right-of-way containing approximately 9,000 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners.

The TRC reviewed this request on April 23, 2008 and identified no issues that would prevent its abandonment. If approved, this existing excess right-of-way, as platted in Plat Book 7 Page 38, will be equally divided between the properties to the east and west of the unimproved right-of-way. The retention of a 20-foot sanitary sewer easement centered on an existing 8-inch sanitary sewer line is necessary where it encroaches into the right-of-way. The abandonment will provide the existing multi-family development located to the west of the 16 foot alley with an additional 8 feet of frontage on Roberts Lane.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing line, based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if anyone was present who would like to speak regarding this request. There being none, the public hearing was declared closed.

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

Adopted Resolution authorizing the abandonment of an unimproved right-of-way located east of Sales Street between Triangle Lake Road and Roberts Lane.

Resolution No. 1478/09-06

Introduced 01/20/09

Adopted 01/20/09

Resolution Book Volume XVI, Page 120

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

*Request for Evaluation of Designated Road- Adjacent to Fairlane Road
Council Member Whitley asked staff to evaluate a designated road (an unimproved right-of-way) opposite of Fairlane Road. He asked that staff check into it to see if this right-of-way might also need to be closed in the future.*

Mayor Pro Tem Bencini asked staff to report on the status of the number of unimproved right-of-ways that have been closed to date. Mr. Robbins explained approximately 275 have been identified by TRC that need to be closed and they have completed approximately 25-30% of these closures to date. Council Member Faircloth asked who is responsible for the taxes on the property when the right-of-ways are closed and the property is split between the affected property owners. Fred Baggett, City Attorney, explained that once the city abandons the right-of-way and the appropriate quit claim deeds are drafted, the property becomes private property and the property owners are responsible for the taxes. A brief discussion followed regarding the process that Guilford County goes through to pick the property up as private property to be taxed.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 5:50 p.m. upon motion duly made and seconded.

Respectfully Submitted,

*William S. "Bill" Bencini
Mayor Pro Tem*

Attest:

*Lisa B. Vierling, MMC
City Clerk*