City of High Point

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

Meeting Minutes

Tuesday, January 18, 2011

4:45:00 PM

Council Chambers

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE MINUTES FROM PREVIOUS MEETINGS

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

Combined Meeting; Monday, January 3rd @ 4:45/5:30 p.m.
Manager's Briefing (ElectriCities); Tuesday, January 4th @ 3:30 p.m.
Facilities Tour; Thursday, January 6th @ 9:00 a.m.

The Deputy Clerk covered the following meetings. The minutes for these meetings were incomplete at the time the previous meetings were distributed to Council for approval and will be forwarded to Council for approval at the February 7th meeting:

Finance Committee; Monday, January 3rd @ 3:30 p.m.
Planning, Economic Development & Information Technology Committee; Tuesday, January 4th @ 8:30 a.m.
Public Safety & Community Development; Tuesday, January 4th @ 2:00 p.m.

FINAL ACTION TAKEN AT THIS MEETING

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

Motion was then made by Council Member 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 Alexander, Chair
Committee Members: Whitley, Smothers and Corey

[all were present]

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

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

[all were present]

Ordinance - Vacate/Close Structure (48 Hour Order) 804 Evans Street

110008 Adoption of an ordinance ordering the Inspector to effectuate the vacating and closing of a structure (48 Hour Order) located at 804 Evans Street belonging to Schwarz Properties, LLC.

Katherine Bossi, Local Codes Enforcement Supervisor, gave an update on this housing case. She informed Council that the plumbing blockage has been corrected, and explained that the gas furnace is being repaired by the property owner with baseboard heat. The unit was inspected today, but didn't pass inspection.

Chairwoman Sims pointed out that the Council has had numerous problems in the past with this property owner and because of that, she suggested that Council leave the order in place to vacate/close this structure.

There was no one present to speak regarding this housing case.

Following Ms. Bossi's update, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the Inspector to effectuage the vacating and closing of a structure located at 804 Evans Street.

Ordinance No. 6794/11-02 **Introduced 1/18/2011**
Adopted 1/18/2011
Ordinance Book Volume XVII, Page 2

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

PLANNING, ECONOMIC DEV. & INFORMATION TECHNOLOGY COMMITTEE - Council Member Whitley, Chair
Committee Members: Sims, Henley and Moore

[all were present]

Resolution - Northwest Area Plan

100357 Consideration of a resolution to approve the Northwest Area Plan as requested by the Planning & Development Department.

The joint public hearing for this matter and related matter **100358 Resolution- Land Use Plan amendment Case 10-04- City of High Point** was held on Monday, December 20th at 5:30 p.m. At that time, it was recommended that this matter be placed in Committee for further discussion.

Chairman Whitley reported this matter was discussed in the Planning, Economic Development & Information Technology Committee on Tuesday, January 4th at 8:30 a.m. and the committee recommended this matter be forwarded to the City Council with a favorable recommendation for adoption as written and to have the High Point MPO and TAC evaluate High Point's interest in the North/South connector with a report back to the committee.

Council Member Pugh questioned the usefulness and purpose of the line located on the map for the North/South connector and stated he didn't think it was in compliance with the Heart of the Triad. Mayor Smothers pointed out the line on the map does not depict where the corridor for that roadway might be and this was the whole purpose of doing a feasibility study.

At this time, Chairman Whitley made a motion to place both the resolution for the Northwest Area Plan and the resolution for the Land Use Plan Amendment on Thursday's Agenda with a favorable recommendaiton for adoption.

Adopted resolution approving the Northwest Area Plan as requested by the Planning & Development Department and to ask that the High Point Transportation Department pass on to TAC and the MPO to evaluate High Point's interest in the North/South connector with a report back to the committee.

Resolution No. 1650/11-01 **Introduced 12/20/2010**
Adopted 1/18/2011
Resolution Book Volume XVII, Page 1

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

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

Resolution - Land Use Plan Amendment Case 10-04 - City of High Point

100358 Consideration of a resolution to amend the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department. The land area associated with this amendment is approximately 10,260 acres lying within the northwestern portion of the City's Planning area generally lying south of I-40, west of Kendale Road & Sandy Ridge Road, northwest of Skeet Club Road and north of the Davidson/Forsyth County line.

The joint public hearing for this matter and related matter **100357 Resolution-Northwest Area Plan** was held on Monday, December 20th at 5:30 p.m. At that

time, it was recommended that this matter be placed in Committee for further discussion.

Note: Please refer to Matter **100357 Resolution- Northwest Area Plan** for specific comments made regarding this matter.

Adopted resolution amending the city's Land Use Plan in accordance with recommendations of the Northwest Area Plan as requested by the Planning & Development Department.

Resolution No. 1651/11-02 **Introduced 12/20/2010**
Adopted 1/18/2011
Resolution Book Volume XVII, Page 2

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

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

Pending Items

Text Amendment 10-08- City of High Point - re Development Inspections Regulations

100325 A request by the City Council to consider a text amendment to Chapter 11, Development Inspection Regulations, of the Code of Ordinance of the City of High Point to include relocation costs paid by the City as cost allowable as a lien against property subject to enforcement action under the minimum housing code. (This item will be discussed in Committee on Tuesday, February 22nd at 9:00 a.m.)

Chairman Whitley reported that he had planned to discuss this in committee on February ith, but had received a request from TREBIC, who has an interest in the matter, to postpone it for another couple of weeks because they would be in Washington, D.C. on February 8th.

MISCELLANEOUS

Appointment - Parks & Recreation Commission - Jerry Southern

110012 Council is requested to confirm the appointment of Mr. Jerry Southern was the Ward 6 appointment to the Parks and Recreation Commission to fill the unexpired term of Donna Brown.

Approved the appointment of Jerry Southern to the Parks & Recreation Commission.

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

PUBLIC COMMENT PERIOD

but allowed Ms. Shepherd the opportunity to speak since there were a few minutes to spare prior to the time for the public hearings.

Eunice Shepherd, 516 Hill Street, addressed Council regarding a recent incident involving the Police Department that occurred at her residence on Friday, January 14th. She informed Council that the police lied to her to gain entry into her home and stated the police told her that someone broke into her house that had a felony warrant, but once they got inside they were actually looking for her son. She explained the police told her to get out of her own house and she refused because they did not have a search warrant. Mayor Smothers informed Ms. Shepherd that the Police Chief was present at tonight's meeting and suggested she get with him and schedule a time to go in to see him to discuss it once she gives him the opportunity to get the facts together.

Council Member Sims asked for staff to provide an updated report to Council regarding this matter.

PUBLIC HEARINGS ON ITEMS

Planning, Economic Dev. & Information Technology Committee - Council Member Whitley, Chair

Second Reading - WCA of High Point, LLC - Application for Franchise Expansion

110009 Tuesday, January 18, 2011 at 5:30 p.m. is the date and time established for the second reading to consider an application for a franchise expansion of the WCA Construction and Demolition Debris Landfill. (1st reading was hold Monday, January 3, 2011.)

Chairman Whitley noted this was the 2nd reading of the WCA of High Point application for a franchise and pointed out it was unanimously approved at the 1st reading that was held on Monday, January 3, 2011 at 5:30 p.m. He asked if there were any additional questions or comments from Council.

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

Approved the application for a franchise expansion of the WCA of High Point Construciton and Demolitoin Debris Landfill.

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

Special Use Permit 10-01 - Alicia Layton - E. Parris Avenue/Kirkwood Street

110010 A request by Alicia Layton for a Special Use Permit to allow a bar with a capacity over 100 persons in a Conditional Use General Business (CU-GB District). The site is lying at the northwest corner of E. Parris Avenue and Kirkwood Street (133 E. Parris Avenue).

were duly sworn.]

_____Transcript: Public Hearing: January 18, 2011_____

Chairman Whitley*: The next item we have is a special use permit by Alicia Layton. This is on E. Parris Avenue. Some of the groundwork was laid a few months ago so it's back before us again for a modification. Herb are you going to present this?*

If you're here to speak on this case tonight, you'll need to be sworn in and if you'll come forward.

Herb Shannon*: Yes, the applicant is requesting a special use permit to allow a bar with a capacity of over 100 persons within the Conditional Use General Business District. The site in question is highlighted and cross-hatched on the map. This is East Parris. This is Kirkwood. The parcel in question is lying in the northwest corner of that intersection. A bar with a capacity of 100 persons or less is a permitted use in this Conditional Use General Business District. In order to have a capacity over 100 persons, a special use permit is required. A special use permit is a use in addition to those permitted by right in a zoning district. Such use requires analysis for its potential impact on the site and surrounding property owners. The purpose of the special use permit process is to allow the Planning & Zoning Commission and the City Council the opportunity to perform its analysis.*

As for surrounding zoning, the site's currently zoned Conditional Use General Business. To the north it is zoned Limited Business and there's an existing multi-tenant retail space. If you had a chance to visit that area that's where you have the Domino's Pizza facility. To the south, Conditional Use General Business with motor vehicle sales. To the east you have a shopping center zoning where you have an existing bank, a vacant parcel, and to the west there's also a general shopping center. That's the Home Depot facility. The site's currently developed. The front half of the structure is an existing restaurant. The rear half of that building is the area associated with this application. The applicant's currently operating a bar on this site for a capacity under 100 persons and they are requesting this special use permit to increase that capacity. The Land Use Plan designates this area as Community/Regional Commercial. Bob, if you could go to the next slide please. That classification is intended to serve a wide range of retail service uses. Everything that you see in red is designated Community/Regional Commercial and that kind of extends from the Main Street corridor and Eastchester corridor. This designation extends all along Parris Avenue over to Johnson Street.

As to the zoning history, there have been several bar uses at this site since the mid-1980s. As you may recall, the site was rezoned to a Conditional Use General Business District in May of 2010 and there have been previous zoning activities to the south. In this corner we have Conditional Use Business District to the south which occurred in the late 1990s. The Development Ordinance requires specific standards to be met for a bar with a capacity over 100 persons and those are outlined on page 10 and 11 of your packet. They pertain to property separation, orientation and screening and this property is meeting those criteria.

Staff has not identified any major issues. At the Planning & Zoning Commission meeting, one minor issue pertaining to parking was noted. Staff had noted at that time, there was sufficient area on the site for parking, it just has not been striped. I inspected the site the day the applicant had striped the site, so that is no longer an issue. The parking lot has been striped to meet the requirements of the Development Ordinance. On page 11 and 12 of your packet are the findings pertaining to this request. Key items I will just note…..there is an existing bar on this site; this would just increase the capacity. Since the 1980s there have been several bar uses in this area, so this request is not adding a new use to this area and also touch on the fact that the site is surrounded by commercial uses. The nearest residential use is over 410 feet away and that's just measured property line to property line. So you have a greater distance when you measure from building to building.

In conclusion, based upon the conditions and the attached Conditional Use Permit and the preliminary findings outlined in the staff report, staff finds that this request is generally consistent with surrounding zoning and development in this area and complies with the goals and objectives of the Land Use Plan and staff is recommending approval of the requested conditional use permit to allow a bar with a capacity of over 100 persons. The Planning & Zoning Commission reviewed this request at their December 14th meeting and recommended approval by a vote of 6-1. Are there any questions.

Council Member Sims: *Mr. Shannon, this particular location-have we looked at police activity or any of that previous police activity in this area with the existing or preexisting bar that was there before?*

Herb Shannon*: No.*

Mayor Smothers*: Is Fuji's still going to operate as a restaurant to the front of it?*

Herb Shannon: *Yes. Bob can you go to the next slide please? The Fuji Restaurant will be in the southern half of the building. The area highlighted in gray is the proposed location of this bar associated with this special use permit.*

Mayor Smothers*: Well I remember when they came in and they kind of halved the whole thing, but I noticed you said there were 131 parking spaces-does that include those spaces also for the restaurant?*

Herb Shannon*: Yes.*

Mayor Smothers: *We're going to let a 100 people go in the bar and there's a restaurant out there and they're all going to…..*

Council Member Alexander: *Yeah, but I believe the drinking's generally later in the evening. [laughter]*

Herb Shannon: *When staff analyzed it, we made the assumption, worst case scenario with both uses at capacity and they are meeting the parking requirements.*

Council Member Corey: *They might be carpooling too, right?*

Council Member Sims: *What's in excess of 100? I mean where does it cap?*

Herb Shannon: *Based upon the existing capacity of the Fuji Restaurant and the amount of parking that's on the site, staff calculates this facility, if approved, could have a capacity of approximately 245 persons.*

Council Member Pugh: *Isn't that a four-way stop right there?*

Council Member Sims: *Yes.*

Herb Shannon: *Four-way stop at that intersection? Yes.*

Mayor Smothers: *And it works really well.*

Council Member Sims: *You're saying that the bar alone, by itself, is that the number you just gave us?*

Herb Shannon: *We based that on the assumption that the restaurant was at maximum capacity and the amount of parking that was on the site, based upon that parking that is remaining, staff estimated a maximum capacity of approximately 245 people. And that's assuming both uses are operating at the same time at maximum capacity.*

Council Member Sims: *But what about the bar by itself?*

Herb Shannon: *The restaurant and the bar.*

Council Member Sims: *Okay, but you don't have a maximum number on the bar alone-occupancy wise?*

Herb Shannon: *It would have to be that 240 number based upon the parking and the Fuji Restaurant. We would not consider them separately because they could be operating at the same time.*

Council Member Pugh: *The square footage of the building, does that come into play as far as capacity? And is there any limitation there as far as capacity?*

Herb Shannon: *245:*

Council Member Pugh: *That is the max?*

Herb Shannon: *Yes.*

Mayor Smothers: *Are the two uses connected in the same building?*

Herb Shannon: *No. There's an entrance to the Fuji Restaurant in the front and the entrance to the bar would be to the rear.*

Council Member Whitley: *Any other questions?*

Council Member Henley: *I've got one more question. I'm trying to understand the calculations. This bar can accommodate 245 people per your calculation?*

Herb Shannon*: Yes.*

Council Member Henley*: Okay, so that would mean that also the Japanese Steak House is suitable for "x" amount of people and a lot of times that's based on the number of seats in a restaurant, is that still the case?*

Herb Shannon*: Yes.*

Council Member Henley*: Okay, let's say that's a 100.*

Herb Shannon*: The restaurant can have an approved capacity of 155 people.*

Council Member Henley: *So you're saying that campus is suitable for 400 people?*

Herb Shannon: *Yes.*

Council Member Henley: *In that 99 something 100 square foot building?*

Herb Shannon: *Yes.*

Council Member Henley*: Is it sprinkled?*

Herb Shannon: *I do not know. Mr. Brown from the Inspections Department just said that he does not believe it is sprinkled.*

Council Member Sims*: But it would be a requirement, is that correct….with that number of people?*

Herb Shannon: *No.*

Council Member Alexander*: If it were a new construction, it might be.*

Council Member Douglas*: So this is grand-fathered in?*

Herb Shannon: *In regards to the sprinkler system?*

Ed Brown: *You've got to understand that this is an existing building and had a situation where it was an accepted use to begin with and continues to be an accepted use, so that's where it's predicated that a sprinkler system in this particular situation is not required. If this were a brand new building it would be different, but in this*

particular case it's already an accepted use and he's permitted to get his occupancy based not only on the construction regulations, but also on the site plan regulations and the 245 persons is an adequate number based on the site plan regulations and it is also an adequate number as far as the construction.

Mayor Smothers*: Thank you Ed.*

Council Member Corey*: Is it likely that they'll get 100% of the capacity either in the restaurant or the bar……it's relatively small, is it not?*

Herb Shannon*: I don't know. Staff evaluated the worst case scenario both making capacity at the same time.*

Council Member Corey: *But that's the worst case scenario?*

Herb Shannon: *Yes.*

Council Member Douglas*: Herb, when was the last time this was an operational bar?*

Herb Shannon*: It's currently used as a bar right now with a capacity under 100 persons. They were previously a bar with a capacity over 100. I believe from the records, 2005 that was a grandfathered use, an existing non-conforming use. They lost their non-conforming status when that specific use bar with a capacity over 100 persons had not operated for 180 days.*

Chairman Whitley*: Any other questions?*

Council Member Sims*: The section on the back of that that was a private club at one point. Maybe….is there someone here to represent the owner, maybe they can give us some better answers.*

Herb Shannon*: The applicant is here.*

Chairman Whitley: *Okay, let's proceed. I'll ask the applicant to come up and state your name and address and proceed.*

Daryl Layton*: My name is Daryl Layton and do you want me to say my residential address or the commercial address?*

Mayor Smothers*: Whichever.*

Daryl Layton: *I'm at 3500 Langdale Drive in High Point. The business is 133B East Parris. First of all, let me apologize. I'm a little under the weather so I'm going to try not to appear to be the village idiot tonight. But I have taken some medication. To give you an overview….basically where I'm coming from, originally we were looking at the location. We had leased it at least six weeks prior to being functional because it takes about that long to get your alcohol permit. We rented the building on*

September 16, 2010. I have the original capacity certificate here. It is actually written for 270 which is what it was prior to us getting and when the inspectors came, they said they didn't see a problem writing a certificate for 270. Unfortunately, almost exactly a week after we opened on October 26, 2010, we were told, no you can't have 270-you can only have 99. Which is very detrimental to our business and the reason being, and I don't want to slander any other businesses in High Point, but our main goal was we know there are other bars in High Point with very questionable reputations and I wanted to offer a safe location for the college campus to have their events. The reason why it has been detrimental is once the college found out hey they can only have 100 people, then all the fraternities, sororities, soccer teams, etc…. that wanted to have socials and mixer events-they were like, no way Hosea you can't have that many people. So unfortunately the predicament that I'm in is we went with the assumption that we had the original 270, we spent about $20,000 to make the building much more presentable. I'd like it to be much more presentable than what it is, but I ran out of money unfortunately. We cleaned up the location. We spent the $600 for the application fee. I spent in the neighborhood of $1,000 cleaning up the parking lot so we could be in compliance with the zoning. Okay, I'm sorry, I just drew a blank.

But to give you a general idea, yes it is a private club. According to the State of North Carolina, since we do not serve food, we have to be a private club in which you do not have to be a member but every person has to be accounted for and signed in. The building is 4,000 square feet. There are four access points. Originally the fire inspector told me I could get rid of one of those access points, and I chose to do it because it was on the side of the building where there was nothing but trees and it was very secluded. It wasn't visible from the street or any other business, so I felt that was just not really a good access point to the building so I blocked that off in compliance with the fire inspector. So it now has three entrances/exits, etc….I'm sorry….like I said I'm on a lot of cold medicine and if you have any questions I'll be more than happy to answer them. Myself, I'm not actually…..I just recently moved to High Point. I couldn't tell you much about the previous locations. I know we haven't had any trouble with the law. I'm actually technically still a part-time firefighter and a God-fearing man, so I'm not expecting this place to turn into a place of under-aged drinking or cocaine or drugs or anything like that. If it gets to that point, I'll shut it down. That's just not what I'm all about. I just simply want to offer a safe location for people to come…..

Council Member Douglas*: You mentioned safe. What measures are you putting in place to make it safe?*

Daryl Layton*: Well primarily, we are abiding by all the laws of North Carolina which I know some other bars aren't. We have security. We're making sure people are signed in. The only time we allow under-aged persons in the facility is when it is a college-sponsored event and 99% of the time that's a fraternity or a sorority and they can be held accountable so not only do we accept responsibility for it, the sororities and fraternities have to accept responsibility because they can get in trouble as well if they allow some of this silly stuff to go on. So…..I don't want to slander other businesses, it's my understanding that there are other places that the college population has had events where they're synonymous with cocaine, weapons,*

under-aged consumption and that's absolutely what I'm not about. The mighty green dollar is not that important to me. As I said, if it gets to that point, I'll shut it down because I just don't want that.

Council Member Douglas: *So is this your first bar that you've opened and do you have any past experience?*

Daryl Layton: *Yes sir. When I was in college, like I said I was a bartender and I have ran a DJ company for the last 15 years that provides DJ services to restaurants such as JP Looney's, Ham's, and several other smaller bars in the area. So I'm very familiar with the operations and that's basically as I said before why I opened in the area. I found the need and was trying to meet that need. I can't stand here before you and say there's nothing ever going to happen at this facility. I don't want you to think that, but I will do everything within my power to make sure that it doesn't become a nuisance to society or High Point.*

Council Member Pugh: *You can't control what happens. You can try to control it, but you can't control every person that walks in the door. If two people decide to fight, you can try to break it up or have security to, but you can't control it. But you are held responsible for it.*

Daryl Layton: *Absolutely and that's why I'm trying to take every measure because I understand what the alcohol laws are all about and I do not want to lose my license because then I won't make any money. Like I said, I don't want to badmouth any other places. I just know that we stick by the rules. Other places, they don't have you sign in. They're very lax about the fake IDs. I actually have former police officers-not necessarily High Point-that are my bouncers and unfortunately we did confiscate three fake IDs the other night. Since they are a police officer and they are my bouncer, they're allowed to confiscate them. They don't have to give them back.*

Council Member Pugh: *Are you more of a sports bar oriented with food service or anything like that?*

Daryl Layton: *My ultimate goal is to have a sports bar, but I had to start somewhere and as I said we don't have a kitchen. The State of North Carolina-they have two places you could be, a restaurant or you have to be a private club. In fact, there are actually some bars in the area that because their food sales don't exceed their alcohol sales, they actually….even though they have a kitchen and a restaurant, they are also labeled as a private club. One thing you'll find with private clubs around here is that the State of North Carolina requires you to sign in. A majority of them, you just walk in. We make sure that you're signed in and we can account for you. We check the IDs. We have a black light, but unfortunately these fake IDs are getting really, really good-that's why I've asked police officers to help me. They can't technically legally check IDs, but if I'm checking IDs and I have a question I can say, Hey Officer so and so would you mind confirming whether this is real or fake. Mr. Pugh made a good point. I'm not going to guarantee you that nothing's going to happen, but long story short, this is the predicament I'm in. Honestly, I never would have opened the facility if I knew that I could only have 99 people in it. Not really trying to get you to throw*

sympathy toward me, but if it doesn't get passed, I'm probably going to close it.

Mayor Smothers*: Who did those certificates come from?*

Daryl Layton*: They both have the same signature and unfortunately I cannot make the signature out.*

Mayor Smothers*: Well I mean, it has…..*

Strib Boynton: *What name's on the top of them?*

Daryl Layton*: I'm not trying to get anybody in trouble or anything. This is just where I'm at and which way do I go. Are there any other questions? I hope I didn't waste your time. Thank you.*

Chairman Whitley*: Anyone else like to come forward and speak regarding this facility?*

Okay seeing none, I'm going to……Ms. Davis you need to be sworn in. [oath administered at this time]

Cynthia Davis*: Cynthia Davis. 413 Evergreen Avenue. I am here as a resident with the City of High Point. I have a concern in regards to not necessarily the bar in and of itself as much as the area that surrounds it--Raintree for instance. I think Ms. Sims had a great point looking at the crime in and around the area-not necessarily the bar by itself, but the activity that goes on in the surrounding parts of that. Having served on High Point Community Against Violence; we do have an officer here. The Chief is probably still in the building. Raintree is not that far from this site. Not far from this site, Chad Hodgin's son worked at that Domino's Pizza. There's a plaque outside that Domino's in his memory. There's a huge number of kids if you will that will be coming to the bar and we can't control where they go, but we need to be mindful of the number that is allowed in the bar and knowing the history of what's going on around the area is very important to me as a resident because I feel that we are all responsible for the lives of those within our city and if I didn't say what I was thinking, then I would be guilty of not speaking up. So I just wanted to do that.*

Chairman Whitley*: Thank you. Anyone else? You need to be sworn in. [oath administered]*

Alicia Layton: *My name is Alicia Layton, 3500 Langdale Drive.*

Council Member Sims*: Can you speak into the microphone?*

Alicia Layton*: My name is Alicia Layton, 3500 Langdale Drive. Daryl's my husband. I'm the one that signed up for the permit in the first place. I completely understand what you're saying and as a High Point resident also we live within five minutes of our location. We have done everything within our power to make sure that we don't let the sketchiness around there at all. We have some patrons that come from*

Raintree apartments, but they have given us no issues whatsoever. And honestly there's usually one night a week that we really have college kids in there unless it is a special function. They tend to stay on campus most of the time, so most of our clientele that we have is within the 28-45 year old range, so it's more so…..we thought we were going to have a lot of college kids, but in the same respect, we're kind of happy we're getting more of a community into it rather than just the younger crowd because they're a headache-a majority of the time, they're a headache. But we do want to give them that option there to where they have somewhere that they're not going to be worried about something bad happening to them because as a private club, that's the one thing that we do enjoy about it is that if we don't want someone in our establishment, we have the right to ask them to leave and there's nothing that they can do about it. You know we have them sign a membership form that has a lot of their information on it. If someone gives us issues, we have that stuff we can give to the police or that we can submit to someone that would need to have that information.

Council Member Pugh: *How many security personnel do you currently have for a 100 folks?*

Alicia Layton: *For a hundred, we have between three and four.*

Council Member Pugh: *Do you intend to increase that?*

Alicia Layton: *Yes. If need be. I mean I can't say that we are actually going to get 200 people in there at any time. I mean that's on a worst case scenario is that we'll have three to four there. If need be, then we would increase that. It's just, honestly, we haven't had any issues. We've been open for over three months now and we haven't had the cops called out there while we're in operation. We haven't had our ABC……the ABC person has come in already and saw no issues within the way that we are doing our business. We are following all the ALE guidelines and ABC guidelines. We are going straight from the book and if we have any questions, I'm not above calling ALE and asking them what do I need to do about this. You know how can I make this more efficient?*

Chairman Whitley: *Anyone else? [none] Okay I'm going to close the public hearing. Any additional comments or questions by members of Council? [none] All right, seeing none, I'm going to place this item on Thursday's Agenda with a favorable recommendation based on the Findings of Fact as outlined in the staff report.*

Council Member Alexander: *Second.*

Mayor: We have a motion and a second. Any further comments? [none] All in favor, please say Aye. Aye. [all] The motion carries. [unanimous] [9-0 vote]

_____*end of transcript*_____

Approved Special Use Permit Case 10-01 as requested by the petitioner, Alicia Layton, based upon the findings of fact as outlined in the staff report and the determination by staff that the request is generally consistent with the surrounding

zoning and development in this area and in compliance with the goals and objectives of the Land Use Plan.

National Register Nomination - Model Farm House

110011 The City Council will consider the nomination application of the Model Farm house, 2058 Brentwood Street, to the National Register of Historic Places, and will make a recommendation to the North Carolina National Register Advisory Committee as to whether the property meets the criteria for listing based upon the information presented in the application and on any testimony given.

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

Bob Robbins of Planning and Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings. The Model Farm is being nominated under two criteria; first as an important agricultural program of the Quaker Church to improve agricultural endeavors in the post Civil War South, and second as an early example of a triple-A roofed, L-plan house in Guilford County. The High Point Historic Preservation Commission reviewed the application on January 12th and made a recommendation to support the application.

Mayor Smothers asked if the outbuilding on the property would be part of the historic classification and Mr. Robbins replied it would not--that only the house itself is part of the nomination application. Council Member Alexander asked if it would preclude a structure from being relocated once on the Historic Register. Mr. Robbins replied that it would not preclude relocation of the structure, but in this particular case, it could lessen the historic value because part of the criteria under which it is being judged is the fact that it is in the location that it was constructed originally. Council Member Alexander suggested it could be relocated to the Museum and used as a teaching classroom. Council Member Pugh stated he would love to see it restored and kept in its natural state since there are very few of these homes left.

Council Member Sims asked staff about the intentions of the property owner. Mr. Robbins explained that the property owner had requested a rezoning of the property in 2006 and planned to make a bed and breakfast out of the home, but circumstances changed and the property owner is now living in California and trying to sell this property. Council Member Corey stated he personally visited the site and from what he saw, the property was in need of repair and commented on the condition and surrounding uses.

Mayor Smothers expressed concerns about giving the structure historic status just so it could be sold and asked if the property owner or representative was present.

At this time, Chairman Whitley opened the public hearing.

Jazelle Taylor Wells, 3502 Cloverdale Drive, Greensboro, NC, addressed Council. She explained she took on this project while she was in Graduate School. It was listed in 2001 as a local landmark by Guilford County and she proceeded to provide an overview of the history. Ms. Wells noted that the property owner purchased the

property in 2006 with the intention of developing it into a bed and breakfast type area, but her circumstances changed and she had to move out of state. She reported that the property owner hopes that someone can see the property with the same vision that she had and take it and rehab it into a functional part of the community again.

Mayor Smothers asked if there has been any interest in the property and Ms. Wells reported that it has been listed through Preservation North Carolina, but the interest has been very slow at this point. Council Member Henley asked if the property owner has granted an easement to Preservation North Carolina. Ms. Wells replied that she is not privy to that information, but has learned that Preservation North Carolina sometimes will own it for a day and then flip it, but the property owner certainly could place easements or covenants on the property. She pointed out that the property owner's motivation was not to get historic designation in order to increase the value, but driven by a sincere passion for the property.

Mayor Smothers asked for clarification that the local landmark designation offers some protection for the property and anyone wanting to purchase it could do so and reapply for historic designation. Ms. Wells affirmed that they could do so.

Chairman Whitley asked if there were any additional comments from the public regarding this National Register nomination for the Model Farm home. there being none, he declared the public hearing closed and entertained a motion.

Motion by Council Member Henley, second by Council Member Sims to approve the nomination application of the Model Farm house located at 2058 Brentwood Street to the National Register of Historic Places and make a favorable recommendation to the North Carolina National Register Advisory Committee based upon the property meeting the criteria for listing based upon the information as outlined in the application and testimony provided at the public hearing.

For further discussion, Mayor Smother reiterated her concerns and felt the person who purchases the property should be the one that makes application and not just somebody wanting to sell the property. Council Member Sims felt it was the owner's prerogative as it relates to what they decide to do with their property. Council Member Henley added that he has personally gone through the very onerous and burdensome process. He pointed out this was only the beginning of a lengthy process and not a financial gain tactic by any means.

There being no further discussion, the Mayor called for a vote on the motion. The motion carried by a 6-3 vote as follows:

Approved the nomination application of the Model Farm house located at 2058 Brentwood Street, to the National Register of Historic Places with a favorable recommendation to the North Carolina National Register Advisory Committee. The property meets the criteria for listing based upon the information as outlined in the application and based upon the testimony provided at this public hearing.

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

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

For Information Only:

Council Retreat

The City Manager reminded Council that the Retreat would be held on Friday, January 21st from 11:30 a.m. to 5:00 p.m. and on Saturday, January 22nd from 8:30 a.m. to 12 Noon at the Parks & Recreation Administrative Office Building located at 136 Northpoint Avenue. It was noted that the Saturday morning session for the City Council would be facilitated by Pamela Palmer of High Point University.

Change in Committee Meeting Schedule

Mayor Smothers pointed out there may be some discussion about changing the times of some of the committee meetings. Council Member Sims affirmed this and noted she plans on bringing it up for discussion at the upcoming Council Retreat.

ADJOURNMENT

There being no further discussion, the meeting adjourned at 6:10 p.m. upon motion duly made and seconded.

Respectfully Submitted,

_____
Rebecca R. Smothers, Mayor

Attest:

_____
Lisa B. Vierling, MMC
City Clerk