

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS, HIGH POINT MUNICIPAL BUILDING
NOVEMBER 18 2013 – 4:45/5:30 P.M.**

REGULAR MEETING ITEMS

Upon call of the roll, the following Council Members were present. Mayor Sims offered the invocation; the Pledge of Allegiance followed.

Mayor Bernita Sims, Mayor Pro Tem Britt Moore (At-Large), Council Member Rebecca Smothers (At-Large), Council Member Jeffrey Golden (Ward 1), Council Member Foster Douglas (Ward 2), Council Member Judy Mendenhall (Ward 3), Council Member Jay Wagner (Ward 4), Council Member James Davis (Ward 5), and Council Member Jason Ewing (Ward 6)

SPECIAL PRESENTATIONS

Workforce Development Update

Lillian Plummer, Staff Director for the Greensboro, High Point, Guilford County Workforce Development Board, was present and provided a brief update regarding the work of the Workforce Development Board. [a copy of the PowerPoint presentation will be incorporated in Exhibit Book, Volume XI, Page 4].

Following the presentation, Ms. Plummer acknowledged some board members that were present: Joan White, who is their former Chair and is now President of the NC Association of Workforce Boards; and Carl Robinson, who is on the Workforce Development Board Executive Committee and Chairman of their Youth Committee.

Carl Robinson appealed to the City Council for assistance in their quest to have the new administration in Raleigh understand what the Workforce Development Board does. They help facilitate the training so employers can have qualified and quality workers. They do this by working with Guilford Tech and other agencies to identify any shortcomings of individuals who need jobs and help train them. He shared that they would be making another trip to Raleigh next month with budget questions and other things to help them understand exactly what the purpose of the Workforce Development Board is and noted this was important because the Department of Commerce and Governor McCrory has appointed a committee to basically structure how they will operate in the future.

Council Member Smothers asked if it would be possible for them to get some additional information such as a resolution or other information that could be forwarded to the legislators and to petition the Department of Commerce. She then thanked them for their work in this capacity and commended Lillian Plummer for her efforts in helping High Pointers and others seeking jobs. Council Member Mendenhall shared that she and Ms. Plummer knew each other years ago when she was at the Chamber and they go back to the time they were at GTCC with the JobLink program. She, too, complimented Ms. Plummer on the outstanding job that she does.

Mayor Sims noted she has served for many years on the Workforce Development Board and enjoys a special relationship with them. She thanked Ms. Plummer, Ms. White and Mr. Robinson for coming and thanked them for the work they do.

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair
Committee Members: Wagner, Davis and Sims
(all were present)

Chairman Moore explained these matters were all discussed during a Finance Committee meeting held at 3:30 p.m. and all were being forwarded to the full Council with a favorable recommendation. He pointed out there were two additional items that came out of the Finance Committee (Non-Profit Agency Application Guideline Policy & Arts Council Challenge Grant) and both would require a suspension of the rules to be added to the agenda for consideration.

130303 Contract - Bid No. 02 - Restoration of the Lexington Avenue Elevated Tank

Approval of contract awarding Bid No. 02 for upgrades and restoration of the Lexington Avenue elevated tank. Purchasing and the Public Services Department recommends that contract be awarded to Caldwell Tanks, Inc., in the amount of \$623,300.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 02 - Lexington Avenue Elevated Tank Restoration](#)

Approved contract with Caldwell Tanks, Inc. in the amount of \$623,300.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130304 Contract - Bid No. 25 - Reclosers

Approval of contract awarding Bid No. 25 for the purchase of ten (10) reclosers. Purchasing and the Electric Department recommends that contract be awarded to Lekson Associates, Inc. (G&W) in the amount of \$169,960.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 25 - Reclosers](#)

Approved contract with Lekson Associates, Inc. (G & W) in the amount of \$169,960.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130305 Contract - Bid No. 32 - Circuit Switchers

Approval of contract awarding Bid No. 32 for the purchase of two (2) circuit switchers. Purchasing and the Electric Department recommends that contract be awarded to Chapman Company (S & C Electric) in the amount of \$104,797.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 32 - Circuit Switchers](#)

Approved contract with Chapman Company (S & C Electric) in the amount of \$104,797.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130306 Contract - Bid No. 29 - Incinerator Equipment Upgrade at Eastside Wastewater Treatment Plant

Approval of contract awarding Bid No. 29 for the procurement of specialized air emissions equipment and repair of the Eastside Waste Water Treatment Plant incinerator. Purchasing and the Public Services Department recommends that contract be awarded to Infilco Degremont, Inc. in the amount of \$7,784,900.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 29 - Incinerator Repair and Upgrades](#)

Approved contract with Infilco Degremont, Inc. in the amount of \$7,784,900.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130307 Contract - Change Order Request - ALS of North Carolina, Inc.

Council is requested to approve a change order in the amount of \$145,000.00 to the ALS of North Carolina, Inc. contract for the traffic signal work at the intersection of Montlieu Avenue and Centennial Street.

Attachments: [Change Order - Montlieu - Centennial Street Traffic Signal Installation](#)

Approved change order in the amount of \$145,000.00 to the ALS of North Carolina, Inc. contract for the traffic signal work at the intersection of Montlieu Avenue and Centennial Street.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

130308 Resolution - Lease-Purchase Financing - Bank of America Public Capital Corporation

City Council is requested to authorize the City Manager and Financial Services Director to accept the financing proposal, to authorize the borrowing through adopting the "Resolution Approving Financing Terms for an Installment Contract with Bank of America Public Capital Corp," and to authorize the preparation and execution of the necessary documents in connection with the installment financing agreement for purchase of fire trucks and front-end loader.

Attachments: [Lease Purchase Financing - Fire Trucks Front End Loader](#)

Adopted "Resolution Approving Financing Terms for an Installment Contract with Bank of America Public Capital Corp.," and authorized the City Manager and Finance Services Director to accept the financing proposal to authorize the borrowing and authorized the preparation and execution of the necessary documents in connection with the installment financing agreement for purchase of fire trucks and front-end loader.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1348/13-71

Introduced 11/18/2013; Adopted 11/18/2013

Resolution Book, Volume XVIII, Page 71

130309

Resolution - Local Government Commission - Proposed Issuance of Bonds

City Council is requested to adopt "Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Issuance of Transportation Improvement Bonds, Parks and Recreation Improvement Bonds and Firefighting Facilities Bonds by the City of High Point, North Carolina; and establish the date of Monday, December 2, 2013 at 5:30 p.m. as required by state law on the issuance of the referenced 2/3 bonds.

Attachments: [Resolution - Proposed Issuance of GO Bonds - LGC](#)
[Signed Bond Resolution and Statement of Debt](#)

Adopted "Resolution Making Certain Findings and Determinations and Authorizing the Filing of an Application with the Local Government Commission in Connection with the Proposed Issuance of Transportation Improvement Bonds, Parks and Recreation Improvement Bonds and Firefighting Facilities Bonds by the City of High Point, North Carolina"; and established the date of Monday, December 2, 2013 at 5:30 p.m. to receive public comments as required by state law on the issuance of the referenced 2/3 bonds.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1349/13-72

Introduced 11/18/2013; Adopted 11/18/2013

Resolution Book, Volume XVIII, Page 72

130310

Resolution - North Carolina Department of Transportation - Home Furnishings Market Grant

Council is requested to adopt a Resolution authorizing the City Manager to execute documents to enter into an agreement (FY14 Demonstration Grant Program) with the North Carolina Department of Transportation (NCDOT) in the amount of \$1,200,000.00 for support of transportation activities for the bi-annual International Home Furnishings Market in High Point.

Attachments: [Market Authority Grant Award - NCDOT](#)

Adopted Resolution authorizing the City Manager to execute documents to enter into an agreement (FY'14 Demonstration Grant Program) with the North Carolina Department of Transportation (NCDOT) in the amount of \$1,200,000.00 for support of transportation activities for the bi-annual International Home Furnishings Market in High Point.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1350/13-73

Introduced 11/18/2013; Adopted 11/18/2013

Resolution Book, Volume XVIII, Page 73

130325

ARTS COUNCIL CHALLENGE GRANT (CENTENNIAL STATION)

Consideration of an Arts Council Challenge Grant in an amount up to \$200,000 to assist in retiring the debt for the Arts Council's new home, Centennial Station.

Since this matter did not originally appear on today's agenda, **motion was made by Mayor Pro Tem Moore, seconded by Council Member Ewing to suspend the rules so it could be added to the agenda for consideration. The motion to suspend the rules carried unanimously.**

Chairman Moore mentioned that Council Member Wagner brought the proposal to Council for consideration and asked him to give a quick overview of the proposed challenge grant. Council Member Wagner explained this is a proposed \$200,000 matching grant for the High Point Area Arts Council and it is essentially a challenge to the citizens of the City of High Point to come forward in an effort to help the Arts Council pay off the debt on their new Arts Center located at Centennial Station. He shared some positive aspects of the building (Centennial Station): they are making use of a building that needed to be readapted and reused; the building is in the downtown area where the Arts should be putting them in a position to contribute to the renewed vitality of the downtown, which is something that many have studied and wrestled with for a while. He noted that the IGNITE High Point plan includes a grand vision for the revitalization of the downtown and he felt the Arts are a big part of that. He shared that the Arts are also a big economic generator for cities. He believed that High Point citizens do support the Arts, but felt Council should as well because of the many other cultural things that Council supports (i.e. Library, Museum, etc...). He further explained that this is a challenge grant that challenges the Arts Council to go out and raise the money and makes provisions for the Council to match citizen contributions up to and including \$200,000.

At this time, Council Member Wagner moved that the City Council support the Arts Council Challenge Grant up to \$200,000 based upon the proposed draft submitted. Council Member Mendenhall made a second to the motion.

For further discussion, Chairman Moore felt it was important to keep in mind that as Council makes decisions regarding what services/programs will be supported/funded, everybody's interests are diverse and different and programs preferred by some, may not be preferred by others. He pointed out to keep in mind this is an important part of the bigger picture and hoped Council will consider this going forward.

Council Member Mendenhall shared that she has been a long-time supporter of the arts, and has chaired the Arts Council Board as well as chaired the fund drive in the past, but she voiced concerns because of all the requests the city has been getting throughout the year and Council's desire for it to be more structured, but she would support it. She agreed that everything that Council does in the community is not going to be for everybody. She mentioned \$50,000 worth of grants that the Arts Council has applied for and stated she did have some reservations and felt the challenge grant should be restricted to monies raised from within the community, rather than grants, but she would not amend the motion to that effect.

Council Member Smothers sympathized with the predicament the Arts Council is in regarding the outstanding debt for the building, but her concern was that there has been no public appeal to raise the money. She did not feel that government is the first place these organizations should be going to and pointed out the citizens were paying for the funding three-fold (though Guilford County taxes, City of High Point taxes and private donations). She pointed out the greenway, parks and recreation facilities and amenities such as the library were all supported by public vote--by referendum. She did not think a matching dollar-for-dollar challenge would be the best way for them to raise the money needed.

Council Member Golden noted he would not be in favor of the challenge grant because some other non-profit organizations came to the City Council for funding, but were unsuccessful even though they shared that they would have to close their doors without the funding. He objected to the city trying to help a non-profit agency pay off their mortgage quicker. He also brought up the fact that Council did not see fit to approve funding for the R.C. Baldwin Museum even after they indicated that the funding was critical for them to keep their doors open.

Mayor Sims weighed in and felt this was like comparing apples to oranges in this particular case. She stated she does believe in the Arts Council and what it does. She noted she was not sure as far as it being all encompassing taking into consideration all arts funding and funding of the visual arts as well as the other arts, and strongly felt this is a conversation that should take place because there could not be a separation of the arts where one is determined more important than another. She pointed out the situation with the R.C. Baldwin Museum was a different issue because it was tied to their lack of a non-profit status although they did eventually get it corrected. She stated that she would support the motion because she felt that it is incumbent for the city to offer its support for this in order to be the single, most livable city in the United States of American although she knows people struggle with this and question the government's role and responsibility to these entities in the community. She strongly felt the city has an obligation to provide and enhance certain things that are available in the community.

Council Member Ewing stated that although he agreed with some of the statements that were made, he questioned how many non-profits in the city are essential for either public safety, public service or any purpose within the city. He agreed that the arts are certainly an economic driver, but did not agree with the city helping to pay off a mortgage debt and paying for "brick and mortar." He felt this would open up the doors for the many other non-profit agencies in the city to ask the city to do the same for them. He also pointed out that it is uncertain what the results will be of the Theatre Study Committee that is currently reviewing the Theatre. While Council Member Ewing questioned why more citizens have not given to the Arts Council and felt it shows a lack of support and if the citizens truly wanted to support it, they would have been on board in pledging more than what they have. He compared it to the pledges/money that the Duany study raised with private dollars this year, which showed there were many investors that supported that cause. He concluded his comments by stating in comparison to other cities that do have a home for their arts, a lot of these were driven by the city and mentioned that there has been a significant investment in Greensboro's GPAC, but they have identified exactly how it is going to be structured and it would be part of their city government.

Mayor Sims asked if there were any additional comments or questions regarding the motion. There being none, the motion FAILED by the following 4-5 vote:

Aye(4): Mayor Sims, Mayor Pro Tem Moore, Council Member Mendenhall, and Council Member Wagner

Nay(5): Council Member Davis, Council Member Douglas, Council Member Ewing, Council Member Golden, and Council Member Smothers

130326

NON-PROFIT AGENCY APPLICATION GUIDELINES

Consideration of a Non-Profit Agency Application Guidelines Policy that is being recommended by the Finance Committee.

Since this matter did not originally appear on today's agenda, **motion was made by Mayor Pro Tem Moore, seconded by Council Member Ewing to suspend the rules so it could be added to the agenda for consideration. The motion to suspend the rules carried unanimously.**

Chairman Moore explained this policy came about as a result of some issues and concerns that were voiced regarding the process the City currently uses in funding non-profit agencies. He noted that the Finance Committee and City staff was charged with drafting guidelines for consideration and he credited Council Member Davis with bringing the rough outline to them for consideration.

Council Member Mendenhall encouraged Council to talk about establishing priorities on an annual basis and also encouraged Council to see what is going on in the community to see if there is a particular focus of interest or if there are special priorities for consideration and felt this should be done timely enough so that those non-profits applying would be able to identify whether or not they meet that criteria. Council Member Smothers pointed out the timeline that is identified in the proposed is January 6, 2014 that the applications are made available to these organizations and suggested those priorities should be identified prior to the applications being made available. Council Member Mendenhall felt it is important if Council desires to get specific, then it should be done early on moving forward because of

the timing being so close. Council Member Smothers noted that Council has been concentrating on the list that the city manager has provided in the past which pretty much replicates what has been done before. She questioned several of the non-profits on the funding list and felt most of these were centered around arts/entertainment rather than PTAR and National Guard being more of a necessity type service.

Mayor Sims believed there was still time to narrow down the focus in an effort to determine which direction Council would like to go. She suggested maybe it might be a natural fit to start with The City Project because of the various projects going on with it, then move towards some other priorities moving forward maybe to identify it through the budget process/discussions. Council Member Mendenhall agreed as Council discusses the budget in the upcoming months, that there will be areas that they might identify as good focus areas for the coming year.

Approved the Non-Profit Agency Application Guidelines as submitted.

A motion was made by Council Member Davis, seconded by Council Member Douglas, that the Non-Profit Agency Application Guidelines be approved as submitted to Council by the Finance Committee. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - 5:30 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

130311 Ordinance - Annexation 13-04 - 350 South Land Holdings, LLC

A request by 350 South Land Holdings, LLC to consider a voluntary non-contiguous annexation of approximately 1.54 acres, of the former Joe Drive right-of-way, lying approximately 1,750 feet north of Sandy Ridge Road.

Attachments: [01.Staff Report ANX13-04](#)

*The joint public hearing for this matter and related matter **130312 Amendment to Zoning Case 12-11- 350 South Land Holdings, LLC** was held on Monday, November 18, 2013 at 5:30 p.m.*

Herb Shannon of Planning & Development provided an overview of the staff report for Annexation Case 13-04. [the staff report will be incorporated in Legistar as a permanent part of these proceedings].

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there were any comments.

Tom Terrell, 529 W. Parkway Avenue, attorney representing 350 South, was present in support of the annexation request and was available to answer any questions.

There being no questions, Chairwoman Smothers asked if there were any additional comments. No one else was present to speak and the public hearing was declared closed.

Adopted Ordinance providing for the annexation of approximately 1.54 acres along the northern portion of the former Joe Drive right-of-way, lying approximately 1,750 feet north of Sandy Ridge Road with the annexation being effective upon adoption.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7014/13-46
Introduced 11/18/2013; Adopted 11/18/2013
Ordinance Book, Volume XVIII, Page 46**

130312 Amendment to Zoning Case 12-11 - 350 South Land Holdings, LLC

A request by 350 South Land Holdings, LLC to amend Conditional Zoning Case 12-11 (CZ12-11) to:

- a. Add approximately 1.54 acres, of the former Joe Drive right-of-way, lying approximately 1,750 feet north of Sandy Ridge Road.
- b. Rezone approximately 1.54 acres from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to an amended Planned Unit Development-Mixed (PDM) District.

Attachments: [02. Staff Report amendmentZ12-11 10-14-13](#)

*The joint public hearing for this matter and related matter **130311 Annexation Case 13-04-350 South Land Holdings, LLC** was held on Monday, November 18, 2013 at 5:30 p.m.*

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

Chairwoman Smothers opened the public hearing after the presentation of the staff report and asked if there was anyone present who would like to offer comment.

Tom Terrell, 529 W. Parkway Avenue, attorney representing 350 South, was present in support of this request and was available to answer any questions.

There being no questions, Chairwoman Smothers asked if there were any additional comments. No one else was present to speak and the public hearing was declared closed.

Adopted Ordinance Amending "The City of High Point, North Carolina Development Ordinance," Pursuant to Section 9-3-12, Zoning Map Amendments, of the Development Ordinance based on consistency with the City's adopted plans. Additionally Council finds this action to be reasonable and in the public interest based on staff's statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, that this Amendment to Zoning Case 12-11 be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7015/13-47
Introduced 11/18/2013; Adopted 11/18/2013
Ordinance Book, Volume XVIII, Page 47

130313 Land Use Plan Amendment 13-01 - High Point University

A request by High Point University to change the land use plan map for approximately 8.3 acres from Low Density Residential to an Institutional land use designation. The Planning and Development Department has amended the request to include an additional 0.5 acres. The site consists of a two (2) block area bounded by Montlieu Avenue, N. Centennial Street, Barbee Avenue and Fifth Street (private street).

Attachments: [03. LUPA13-01 & Z13-08 Staff Report](#)

*The joint public hearing for this matter and related matter **130314 Rezoning Case 13-08** was held on Monday, November 18, 2013 at 5:30 p.m.*

Andy Piper of Planning and Development presented the staff report for Land Use Plan Amendment 13-01, which is hereby attached in Legistar as a permanent part of these proceedings.

*Please refer to **130314 Rezoning Case 13-08** for specific comments made at the joint public hearing.*

Adopted Resolution Amending the Land Use Plan for the High Point Planning Area by redesignating approximately 8.8 acres (Guilford County Tax Parcels 0190022 through 0190059) from Low-Density Residential to Institutional based on consistency with the City's Adopted Plans and staff's findings as identified in the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Land Use Plan Amendment be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1351/13-74
Introduced 11/18/2013; Adopted 11/18/2013
Resolution Book, Volume XVIII, Page 74

130314 Ordinance - Rezoning Case 13-08 - High Point University

A request by High Point University to rezone approximately 8.3 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site consists primarily of a two (2) block area bounded by Montlieu Avenue, N. Centennial Street, Barbee Avenue and Fifth Street (private street).

Attachments: [03. LUPA13-01 & Z13-08 Staff Report](#)

*The joint public hearing for this matter and related matter **130313 Land Use Plan Amendment 13-08** was held on Monday, November 18, 2013 at 5:30 p.m.*

Herb Shannon of Planning and Development provided 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, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment regarding Rezoning Case 13-08.

Transcript of comments

Chris Dudley: *Good evening. My name is Chris Dudley. I live at 1365 Trafalgar Drive in High Point and I'm the Chief of Staff at HPU. Mayor Sims and members of the Council, first I'd like to take an opportunity to tell you how grateful we are to you and to members of the city staff for working with us during this transformational period that's taking place in the life of HPU. You've helped to guide our thinking. The city staff has been incredibly helpful and has been a wonderful resource to us and has really provided you all and the city staff has really provided true leadership for our city. I think we can all agree that a strong High Point University is good for the City of High Point and a strong City of High Point is good for High Point University. University growth leads to more jobs, more visitors, more spending, more economic benefit, more community service, more community outreach, more cultural and athletic opportunities, more visibility, more branding for our city across the country and across the world. Currently the university's economic impact is approximately \$500 million on our community. High Point continues to experience success and opportunities for growth and our admissions applications are well up over this time last year. The university has plans for new facilities to accommodate physician assistant studies, physical therapy, pharmacy, undergraduate science, more housing, more parking and hopefully down the road other significant projects that will bring great benefit to our city. The new health programs that I just mentioned will employ approximately 100 faculty and staff and enroll over 700 students, bringing new economic activity and benefit to our city as well as a multi-million dollar capital investment. Estimates right now show that investment being north of \$100,000,000.*

Growth is not always without challenges and the university takes its responsibilities very seriously when it comes to being a good community partner and being responsive to our neighbors. We are not always perfect, but we do respect every citizen in our community and we always try to balance the needs of the university and the needs of our neighbors and the needs of the community. Currently there are only three logical areas for growth adjacent to campus. We own all the properties in these areas with the exception of five parcels. We've had multiple conversations with each of these home owners, but to date have been unable to an agreement on terms to purchase the property. The logical areas for growth that we're going to discuss tonight are areas between Montlieu Avenue, Centennial and Fifth Street, between Centennial and E. Farriss and Fifth Street, and along W. College from Lexington to E. Farriss. Tonight we'll be requesting that the city rezone this property and also abandon Willoubar and W. College. Each and every one of the issues we discuss tonight is critical if we are to move forward and build health sciences, pharmacy, undergraduate sciences, dorms and parking in our city. Without this rezoning and the closing of the streets, these projects will be very, very difficult to complete. I thank you in advance for considering these requests and I thank you for all you do to support and lead our city to a prosperous future. Thank you.

Chairwoman Smothers: *Thank you, Mr. Dudley. Is there any questions of him at this time? [none] Is there anyone else who would like to speak?*

Teresa Jackson: *Good evening. I'm Teresa Jackson and I reside at 1806 Danzler Drive in High Point. I have worked for Big Brothers, Big Sisters of the Central Piedmont for the past eight years and I can tell you that HPU's growth is not only good for the city's economy, but it is also great for our organization as well as other non-profits in our community. In 2005, Big Brothers, Big Sisters*

had 100 matches that involved HPU students as Bigs. Today, we have over 300 and growing. Our total of over 550 children that we served last year, 2/3 of them were served by HPU students volunteering as Big Brothers and Big Sisters. HPU students are incredible in volunteering their time to help with our underserved populations in our city. I am on campus every day, along with many children with Big Brothers, Big Sisters. HPU is always welcoming and encouraging to Big Brothers, Big Sisters children and their families. And they have sponsored and continue to have numerous events throughout the year for our families. It's absolutely wonderful. I am thankful every day for HPU's growth as it does help for Big Brothers, Big Sisters to serve more children in our community. And I can say that one of my joys in the job that I am blessed to do is being able to work with HPU students and to see the passion in those college students that want to get involved in our community, that want to give back and be a part of the High Point community. And, even more than that, is the joy that I get to see on the faces of the children who a lot of them live within several miles of HPU and they've never stepped foot on campus before, but because of our program and the partnership that we have with HPU and their students, these children get to go on campus. And to hear an elementary school student look around and say, Wow I want to go to challenge and Wow I want to go to HPU is just incredible. It's one of the highlights of my job. So I would just like to ask you to please join me tonight in voting for these requests so HPU can continue to grow because the children in our program are the ones that benefit from this support. Thank you.

Chairwoman Smothers: *Thank you, Ms. Jackson. Is there anyone else who would like to speak either for or against?*

Adrian Wilson Middlebrook: *Good evening. My name is Adrian Wilson Middlebrook. I live at 803 E. Farris Avenue. My statement.....Twenty three years ago, my husband and I chose to purchase our home on E. Farris Avenue partly because our children could walk to school. It was a quiet neighborhood. Mostly because we could afford it. At that time, High Point College showed no signs of transforming into the present day HPU. What sometimes feels like a ravenous behemoth stalking the neighborhood from behind its area enhancement gates. I submit in the past several years, HPU controls the community climate for residents. For instance, the number of access points to my home continues to dwindle every few years. Increasingly, the university atmosphere generates a perception that community residents are interlopers instead of neighbors. In my family's case, we did not choose to reside on or near a large university campus. However, recent actions taken by HPU continue to dictate that choice to us. For the record, I am unopposed to orderly expansion and growth on a good-faith basis. I support the university's efforts to achieve its success. I understand fully the neighborhood structure must change; however, I must acknowledge a lack of opportunities HPU has devoted to engage us-the community residents-in a meaningful dialogue about its future plans.*

None-the-less I think it is totally unreasonable. It's an unreasonable expectation for me to sacrifice the right to live in a stable, residential environment in order to accommodate frenzied land grabbing. University officials advocate for future growth without concrete expansion plans while seeking amended restrictions on zoning requirements from the city. Clearly HPU is willing to destroy the residential integrity of this community with marginal benefit to property owners. Residents affected by these plans are taxpaying citizens who demand and deserve respect from the city. Our homes are more than just faceless, nameless, single-family parcels destined for acquisition and demolition to satisfy HPU's need to grow. Just like it's blaring, 24/7 lighting, HPU has a moral responsibility to illuminate the city and the community about its expansion plans and to provide specific details about the effects on property values related to its rezoning requests and develop better methods to engage and inform its neighbors on a regular basis. For the record, the university officials have not made an offer to discuss purchasing my property, nor have I approached them. Thank you. [applause]

Chairwoman Smothers: *Thank you, Ms. Middlebrook.*

Ron Guerra: *Good evening, Madam Mayor, City Manager, the rest of the Council. My name is Ron Guerra. I am Director of Construction/Renovation for HPU and I'm going to speak directly to this case that is before you now. Herb did an excellent job of presenting what we're trying to do as far as rezoning this particular area. Some of the properties have come to us without us engaging the buyers in trying to buy their properties. For example, I got an email from something that happened today. A realtor contacted me about three properties that they want to see if we have an interest in purchasing. This happens all the time, where we get requests to see if we have an interest in buying properties and some of the requests have come from that area there and we've been able to reach a mutually acceptable price and so we've closed. There were comments that were made at the Planning & Zoning hearing and just now as you heard Ms. Middlebrook. And some that we've taken very, very much to heart. When we had our neighborhood meeting regarding these rezonings, we have a lot of our information on the website. It talks about what we plan to do, activities and so forth. However, when I did bring that up, a gentleman very politely reminded me that he was an older gentleman and did not have a computer and that was a great statement. I mean it really lit up a bulb in my mind and I said, well sir you've got a very good point and I'd like to take that back to the university to see that we can speak with our communications department so that we can keep neighbors more informed about what the university is doing. We have regular meetings with the city staff as they can attest to regarding our plans. They're held every month on a Wednesday at 10:30. We discuss our plans. There have been comments made as to why we don't have a Master Plan. Any one of them can come up and tell you that we will come up with a plan, show certain things and then the next month it's completely changed. We are driven by the needs of the university-not necessarily where we're going to place things. I think you've heard me before up here talk about that. At some point, we may have needs for academic buildings, for restaurants, etc... You know, this is a numbers game, enrollment plans a lot in what we build. So we'll definitely look for the needs, then try like a puzzle piece because of the landlocked situation to fit what we need on the land that we are buying. So as Herb said, this is what we're trying to do to rezoning this area. I know it is outside the University Area Plan. We have built previously parking areas which I can show you pictures of that are very, very much enhanced. You cannot tell that there's a parking lot behind there. If you would like to see pictures, I can show you that if that's what we decide to build there. So with that, I'd like to see if you have any questions for me that I may be able to answer.*

Mayor Sims: *I have a couple. You just made a statement a few minutes ago that talks about your plans being very fluid, which is part of the problem because they are fluid. When we first embarked on this journey with the growth of HPU, one of the things at that point in time, to me that was very problematic, was the growth of the university and the neighborhood or the community not knowing where that growth was going. So we thought we had put that puppy to bed when we talked about the University Area Plan, where you were going, what you thought you might want to do. We didn't lock you into it; we just wanted some kind of idea. So when you talk about the fluidity of your plan at this point, that, again, becomes problematic because we talk in this proposal about it being parking, but there's no assurance that that's what is going to happen. So the neighbors in that community-and it is a community to them-and I understand what the university wants to do and I have agreed as this growth has happened, I'm okay with that. But I think that we really need to go back and revisit what that growth plan looks like because I don't think it's fair to the community to purchase and then tell. I think that we need to know, once you started that process across Montlieu, we needed to have a conversation about what we thought that was going to be and if it was parking, then let's talk parking. But if there are other plans that the university has, I think it's incumbent upon you to share so that individuals don't get blindsided by whatever comes along. I think it's very important that you be open and honest in the discussion that you have regarding what that growth is going to look like because it is transitioning and changing the entire landscape of a community. It's not as if there are abandoned houses, abandoned manufacturing facilities, abandoned anything-they are people. Actual bodies, living in these properties. They may not be the owners, but they live there. So I just encourage you guys....you need to come back again and let's have a real conversation about what that growth looks like because all through this document I am reading that these are things that we didn't talk about.*

These are things that were not shared and if, in fact, that it's the case, then that's troublesome to me that we don't know where you're headed because I don't think anybody on this Council really knew what your plans were regarding that property on Montlieu. We talked about some things, but we didn't talk about that.

Chairwoman Smothers: *Madam Mayor, if I may....you know we, of course, read the staff report and also the report from the Planning & Zoning Commission where this same issue was raised and I had communicated with Mr. Dudley about tomorrow....the Comprehensive Planning Committee will meet, and I think it's time for us to sit down and talk about what, logically, can be contained within a growth plan. It may not look like the old one did because they can identify capital needs and they can identify at least areas that these particular build-outs need to be in reasonable proximity. They don't know exactly where they'll be, but they will know and the community will realize what they are building toward. So I wonder, and this is just a personal kind of reaction from me, when we draw a very permanent line if we aren't to some degree putting both those that live in those areas and the university in a natural conflict over price. And, you know, people do need to have some prospects of what their future looks like. I totally agree. And they need to be able to make choices, but at the same time, I think we need to be realistic and challenge the university to identify what they see within a reasonable period of time, and it may not all work out just like that.*

Mayor Sims: *And that's fine if it doesn't.*

Ron Guerra: *If I may, please. I'd like to put the Council at rest. This is what we're applying for now. Obviously if we move to do anything else, we have to come before Council again and we have to present plans as to what we are going to do which means working with staff, going through the P & Z process again, and coming again to City Council. It's not like we're saying we don't know what we're going to do there and then all of a sudden there's a playground there or there's a huge building or what have you.*

Chairwoman Smothers: *Ron, we understand all that, but there's a community that also wants to know what that snapshot is and that's why I'm saying tomorrow we'll have this discussion in more detail, probably just the beginning of the discussion because it'll have to come back to full Council even though the full Council is not on the Committee. So I think this is really discussion for another day, but certainly the concerns are right to be raised now, but the resolution is not going to be tonight.*

Ron Guerra: *Right. I just wanted to, again, put the board at ease. This is what's before you now and whatever we do later will come before you again. Are there any other questions for me, please? Thank you very much.*

Chairwoman Smothers: *Is there anyone else who would like to speak now?*

Anthony Belton: *Good evening. My name is Anthony Belton. I live at 2900 E. Kivett Drive. I am the Vice President for the Cedrow Resident's Association. I think it's unrealistic when we talk about the expansion of what we want to see as a vision for the city to be in opposition of an entity that's looking to expand that we were talking about expanding the city, especially when we don't have an opposition to support such as manufacturing to accompany that kind of expansion. So I'm definitely in support of what HPU wants to do. As far as their involvement in the community, I've been in partnership with HPU from our resident's association standpoint since 2009 when we first started doing National Night Out. HPU has supported all of our efforts. They've allowed us to use their shuttle buses to run tours to our community. We have about 170 houses within the Cedrow borders. Within that community we've been able to have those tours go over to the university. They supported us as far as t-shirts and hats and things that they bought for the National Night Out. That was for 2010, 2011 and 2012. This year for 2013, we actually had our National Night Out at HPU. We had over 2,000 attendees. I think it's a huge support for what we're trying to do for National*

Night Out. I think it allows quite a bit of the community to participate in a huge community function as well as see the kind of support that a large entity like HPU is bringing to such a small establishment such as our association. They've also given out tickets to our youth as far as basketball games. One of the high schools on Oakview actually had the panther go over and visit their school. So I definitely would like to support the enhancement that HPU is trying to do. I share the sentiment as far as being blindsided on exactly what might appear after we give the go ahead and we're kind of blindsided with what might show up. But that's going to be a little more transparent, then you definitely have my vote. I'd just like to speak on the part of their involvement with the community that quite a few neighborhoods and individuals have been able to benefit from that.

Chairwoman Smothers: *Thank you, Mr. Belton. Is there anyone else who would like to speak?*

Charity Belton: *Hi, my name is Charity Belton. I live at 226 Hobson Street and I am the President of the Washington Street Business Association and I'm here just to share some information about the support that HPU has provided the Washington Street Historic District. Several.....we have had our Unity Festival for the last four years. The very first year, HPU came out and provided transportation to our community and from the parking lot of Penn Griffin and throughout the community, they picked them up for those that did not have transportation and brought them to the Unity Festival. They did that for the first two years and then the second two years, they have participated by providing staff volunteers, student volunteers, as well as additional transportation. I'm also in support of them just helping out within the community as a whole in our district. They also are in partnership with the Hayden-Harmon Foundation on Washington Street. They have a non-profit management office on Washington Street at 613 E. Washington Street as well and those HPU students that are either graduates or current students, they are in that office and they have a monthly activity program at the new park that's on Washington Street. Also there's a Narcotics Anonymous program that's also on Washington Street that the non-profit management of HPU is a part of and has partnered with us as it relates to that. Also with the High Point Fine Art Guild, with the artists. So HPU has done a lot as far as being involved, but again I would like to add to that concern, please let us know. You know, we need to have community forums. Although we support you expanding within the community, but you cannot leave us blindsided. We need to have more community forums. So with that being said, let's meet outside of a planning commission, outside of a council meeting, outside of other meetings that are government related. And, last but not least, there is also the rich boy, rich girl prep, non-profit office, that's at 613 Washington Street. These are HPU students that are very involved. This last unity festival, which we are grateful for the city....the police department and the city as a whole and parks and recreation....there were some students that were just traveling through and walking in the community from HPU and at the last minute they decided to go ahead and volunteer, so they joined in at the last hour and volunteered for the whole day. So that is something to be said for the type of quality of students that we do get here at HPU and now they are on our permanent list to volunteer on a regular basis. So I just wanted to share our support as well as our concern to have community forums immediately upon any decisions that you have regarding our community. Thank you.*

Chairwoman Smothers: *Thank you, Ms. Belton. Is there anyone else?*

Charles Huff: *Thank you Ms. Smothers, Mayor Sims and Council. My name is Charles Huff. I live at 1474 St. Michael's Lane. I know many of you. Some of you may not remember me. I was born and raised here in High Point. I go all the way back to 1938 and I'm really here to do two things and I thank you for the opportunity to speak. First of all, I want to personally again endorse the comments I made to the newspaper that they kindly printed in which I wanted to thank this council and the city staff, city manager and all those involved for the wonderful that they have done in supporting HPU. As most of you know, I grew up here and went to schools here and am a graduate of HPU and very proud of what's happening. I also can have some sympathy with you in terms of the difficulties of dealing with such a dramatic organization. In one of my past lives, I was chairman of the City School Board for a city in Tennessee and I recognize how difficult it is sometimes to see the forest for the*

trees and I know how difficult it is sometimes to feel that the big picture is what we really need to look at. And the reason I wrote the letter is because I had heard that some of our wonderful friends in the Triad were seeking desperately to attract this new School of Pharmacy and Health Sciences. I sincerely felt that this was something that was really important, not only to our community, but to this area of the country. And as HPU has now done with attracting students throughout the world. As you can see when you go to the university and you see the flags that are flying from all the countries from around the world. I think their foresight in seeing that something like this was so desperately needed-not just for the City of High Point, but for improving health care in this country that we all right now are quite concerned about. And I think with the research that they're going to be doing in this facility to try to find better ways to deliver better health care and the fact that they have attracted some of the keenest minds in this country in the area of health sciences and in the area of pharmacy, that this will be possible. And just as all of us are so proud to take our visitors to the university as I always do and I know many of you do, to show how proud we are of such a wonderful facility that because of what they're now doing and planning in this new school, that we will see other dramatic changes take place. And as I listened to those that live within that community express their concerns, I can certainly understand the reason for that, just as the city has dealt with the dramatic growth of the furniture market. I can remember when there was just one building on Main Street and I also, however, realize that my own career has taken me to many parts of this country and almost without exception everywhere that I have been and they found out that I was from High Point, they would respond by saying, oh....the furniture market or oh yes, I've been there to buy furniture. But the amazing thing to me in the last six years when I have traveled and just this last couple of weeks, I returned from Sarasota, Florida where I had a chance to play some good golf in some warm weather and meet some new golfing friends....when they found out where I was from, guess what? They didn't mention the Furniture Market, they mentioned High Point University. And not only did one of them mention HPU, he said that he had been reading about it and had gone on the website and was simply blown away. He said I've got to come there and see that facility because it's sort of beyond belief. Is it really as good as they say it is? And, obviously, I responded, yes it's probably even better than they say it is. And he also said well the reason I went to look for that is because I have a very close friend whose son is a student there and they have just fallen in love, not only with the university, but with your city. And I had to say to them, well you should live there. And all of us who do live here and call this our home are so proud of the HPU. And really I'm proud of you for being able to do the things that I never did do. I had the opportunities to spend some time in city government and I chose not to do it because I just didn't have the nerve and the willingness to put up with the kind of things that you put up with and I just want to thank you very much for that and wish you God speed and I also want to say I'm all for HPU and thank you so much for your support.

Chairwoman Smothers: *Thank you, Mr. Huff. Is there anyone else that would like to speak to the Land Use Plan or the rezoning case that's before us right now? Either for or against? If not, I'm going to close the public hearing on those two items. And I need to get some clarity from Herb.*

The Land Use Plan as well as the zoning, the university petitioned for a request that's 8.3 and you all have suggested 8.8 acres. Right?

Herb Shannon: *Yes.*

Chairwoman Smothers: **So I move that the request for the Land Use Plan amendment be approved for 8.8 acres as recommended by the staff based on the consistency with the staff report.**

Council Member Mendenhall: **Second.**

Mayor Sims: *I have a motion and a second. I just wanted to say and clarify to the university that I'm not opposing what you're doing, I'm just asking for a little bit more transparency in the process. We*

have an obligation not only to the university, but to our residents as well. So while I think the growth that you guys are doing is absolutely is fantastic and we all have bragging rights around HPU. I'm sure everybody that's sitting up here has at one point in time done that. I still believe that we have an obligation to our citizens to make sure that they understand what you are doing and they understand the decisions that we're making as we sit up here as this body. So I just wanted to make sure that you all understand that. Any other comments or questions regarding the motion? [none] Seeing none, all those in favor, signify by saying Aye. Aye. [all] Any opposed? [none] The motion passes. [9-0 vote.

Chairwoman Smothers: The next motion will be in regards to Zoning Case 13-08 and that is....I move that the request by HPU to rezone 8.3 acres from Residential Single-Family RS-7 to CZ-PI be approved based on the findings of fact in the staff report and including the conditions offered by the university.

Council Member Mendenhall: Second.

Mayor Sims: I have a motion and a second to approve Rezoning Case 13-08. Any additional comments or questions concerning the motion or this rezoning? Seeing none, all those in favor, signify by saying Aye. Aye. [all] Any opposed? [none] Motion passes. [9-0 vote]

[end of transcript]

Adopted Ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

Note: Since the site is outside the growth areas identified in the University Area Plan, the Planning & Zoning Commission desired that the City Council specifically note for emphasis a statement from page 5 of 8 in the staff report under Consistency with Adopted Plans: "If additional expansion of the campus outside these growth areas are anticipated by the University, then the City Council's policies, established in the University Area Plan, to protect the surrounding established neighborhoods will become irrelevant. Such action will lead to the further decline of these neighborhoods and its housing."

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7016/13-48
Introduced 11/18/2013; Adopted 11/18/2013
Ordinance Book, Volume XVIII, Page 48**

130315

Resolution - Street Abandonment 13-19 - High Point University

A request by High Point University to abandon Willoubar Terrace, an improved right-of-way lying approximately 490 feet east of N. Centennial Street, between Montlieu Avenue and Barbee Avenue.

Attachments: [04. Staff Report SA13-19](#)

The public hearing for this matter was held on Monday, November 18, 2013 at 5:30 p.m.

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

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment.

Ron Guerra, Director of Construction, High Point University, 833 Montlieu Avenue, spoke in favor of this street abandonment case and announced his availability to answer any questions.

Chairwoman Smothers asked if the public safety issues raised at the Planning & Zoning Commission meeting had been addressed and she was advised that it had been addressed. She then asked if there were any additional questions/comments. There being none, the public hearing was closed.

Adopted Resolution authorizing the abandonment of Willoubar Terrace, an improved right-of-way lying approximately 490 feet east of N. Centennial Street, between Montlieu Avenue and Barbee Avenue based on staff's findings as identified in the staff report and with the retention of the utility easement.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

**Resolution No. 1352/13-75
Introduced 11/18/2013; Adopted 11/18/2013
Resolution Book, Volume XVIII, Page 75**

130316

Land Use Plan Amendment 13-02 - High Point University

A request by High Point University to change the land use plan map for approximately 6.3 acres from Low Density Residential to an Institutional land use designation. The Planning and Development Department has amended the request to include an additional 0.7 acres. The site consists of a one (1) block area bounded by E. Farriss Avenue, N. Centennial Street, Willoubar Terrace (private street) and Fifth Street (private street).

Attachments: [05. LUPA13-02 & Z11-03 Amendment Staff Report](#)

*The joint public hearing for this matter and related matter **130317 Amendment to Zoning Case 11-03** was held on Monday, November 18, 2013 at 5:30 p.m.*

*Note: For specific comments made at the public hearing regarding this matter, please refer to **130317 Amendment to Zoning Case 11-03**.*

Andy Piper of the Planning and Development Department provided an overview of the staff report for Land Use Plan Amendment 13-02, which is hereby attached in Legistar as a permanent part of these proceedings.

Adopted Resolution Amending the Land Use Plan for the High Point Planning Area by redesignating approximately 7 acres (Guilford County Tax Parcels 0190072 through 0190089) from Low-Density Residential to Institutional based on consistency with the City's Adopted Plans and the findings/statements as identified in the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that Land Use Plan Amendment 13-02 be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1353/13-76

Introduced 11/18/2013; Adopted 11/18/2013

Resolution Book, Volume XVIII, Page 76

130317

Amendment to Zoning Case 11-03 - High Point University

A request by High Point University to amend Conditional Zoning Case 11-03 (CZ11-03) to:

- a. Add approximately 6.3 acres and rezone the additional land area from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The land area to be added to CZ11-03 consists primarily of a one (1) block area bounded by E. Farriss Avenue, N. Centennial Street, Willoubar Terrace (private street) and Fifth Street (private street).
- b. Amend conditions of Conditional Zoning Ordinance CZ11-03 pertaining to lighting, building setback, fencing and vehicular access.

Attachments: [05. LUPA13-02 & Z11-03 Amendment Staff Report](#)

The joint public hearing for this matter and related matter 130316 Land Use Plan Amendment 13-02 on Monday, November 18, 2013 at 5:30 p.m.

Herb Shannon of Planning and Development provided an overview of the staff report, which is hereby attached as a permanent part of these proceedings. He pointed out that the Planning & Zoning Commission recommended approval of this request as submitted by the applicant and noted their approval did not include the staff's suggestion that the condition regarding the parking lot remain.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present to comment.

Ron Guerra, Director of Construction at High Point University, 833 Montlieu Avenue, spoke in favor of the request. He addressed the situation with the parking lot and shared some photos of regular parking areas, perimeter parking areas and pointed out the cars are barely visible due to the topography, their signature fence and landscaping. He explained the university's reasoning for removing this condition was because of the way that they treat parking.

Mayor Pro Tem Moore felt there has always been a misconception in the public's eye regarding the university's signature fences and asked Mr. Guerra to quickly address this.

Mr. Guerra explained that it is basically a demarcation of where their campus ends and gives a presence of entering a university area. He noted that the fences are not to keep the public out and explained that the HPU campus is open to anyone until 10:00 p.m.

Chris Dudley, Chief of Staff at High Point University, added that the fencing is not a new concept and pointed out many other colleges and universities around the country have similar fencing, including

Wake Forest University. He shared that the fence is not new to a transformed HPU that began in 2005, and noted a fence was put up at the corner of N. College and Montlieu and has been there for a long time and since the university found it to be appealing, they have extended this type fencing to other areas as well. He encouraged the public to come and check out HPU and reiterated it is not their intent to restrict anyone from coming in during daylight hours.

In regards to the revision that staff recommended, Council Member Ewing asked if this poses any challenge that HPU currently has for the property. Mr. Guerra explained the university would like to maintain maximum flexibility as to placement for parking, buildings, etc....

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

Adopted Ordinance Amending "The City of High Point, North Carolina Development Ordinance," Pursuant to Section 9-3-12, Zoning Map Amendments, of the Development Ordinance based on consistency with the City's adopted Plans and adoption of the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that Amendment to Zoning Case 11-03 be adopted. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7017/13-49
Introduced 11/18/2013; Adopted 11/18/2013
Ordinance Book, Volume XVIII, Page 49**

130318

Ordinance - Rezoning Case 13-09 - High Point University

A request by High Point University to rezone approximately 4.1 acres from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The site is lying along the west side of W. College Drive, between W. Lexington Avenue and the northern portion of E. Farriss Avenue.

Attachments: [06. Z13-09 Staff Report](#)

The public hearing for this matter was held on Monday, November 18, 2013 at 5:30 p.m.

Herb Shannon of Planning and Development provided 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, Chairwoman Smothers opened the public hearing and asked if there were any comments.

Ron Guerra, Director of Construction, High Point University, 833 Montlieu Avenue, spoke in favor of the request. He pointed out that there is one house on the map that the university does not own, but he happily reported that HPU has spoken with Mr. Mays on many occasions and that Mr. Mays let them know that he is content in living within a university campus.

Chairwoman Smothers asked if there was anyone else present who would like to offer comments.

Clayton Mays, owner of the property located at 1001 W. College, addressed Council. He shared some photographs of his house and noted that he would have some additional comments at the time Street Abandonment Case 13-21 is heard. He noted that the entire area has been acquired by the university with the exception of his property. He pointed out that the residential character of the street has already been seriously altered and suggested as far as future development goes; he suggested they retain as much acreage as possible for urban green space, retain the native shade trees, and get a hold on storm water management. He shared that big rain storms cause serious flooding issues on his property and at times both driveways are inundated with water where the curbs are not even visible. He felt it would behoove the Council as well as High Point University to be aware of those and come up with a resolution.

Chairwoman Smothers asked if there were any additional comments.

Martha Ward, 1001 W. College Drive, shared her concerns with Council. She started by giving a brief history about her unique historical home that was featured in Benjamin Briggs' 2008 book, The Architect of High Point, North Carolina, A History and Guide to the City's Churches and Public Buildings and describes the home as post World War II and an early example of modern High Point architecture. She shared that they value its history, uniqueness, location, warmth and charm and they wanted to save it from the wrecking bar. She noted a city's uniqueness is directly measured by a city's ability of foresight to value, respect and support the notion that not all buildings need to be bulldozed down. She believed that High Point leaders have never even asked HPU for any plans. In closing, Ms. Ward requested another FEMA flood plan review as it relates to the severe flooding that plagues the W. College and Farriss area as the last study was done in 2007. She explained the culvert is too small to carry rushing and accumulating storm water downstream and this needed to be addressed as well as the creation of a retention pond just north of her home between W. College and Fifth Street. In her opinion, she felt the street closing should not be approved in this his area until there is safer storm water controls in place. She suggested the city and HPU work together as a team on this challenging matter to get it resolved.

Chairwoman Smothers asked if there was anyone else who would like to comment. There being no further comments, the public hearing was closed. She informed Ms. Ward that any activity on the property regarding rezoning and reuse adjacent to her property would require HPU to have a storm water management plan, so some of these concerns would be addressed.

Adopted Ordinance providing for the rezoning of this property from the Residential Single Family-7 (RS-7) District to a Conditional Zoning Public & Institutional (CZ-PI) District based on consistency with the City's adopted plans and adoption of the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Mayor Pro Tem Moore, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7018/13-50
Introduced 11/18/2013; Adopted 11/18/2013
Ordinance Book,, Volume XVIII, Page 50**

130319 Resolution - Street Abandonment Case 13-21 - High Point University

A request by High Point University to abandon that portion of W. College Drive, an improved right-of-way, lying between W. Lexington Avenue and Panther Drive (private street).

Attachments: [07. Staff Report SA13-21](#)

The public hearing for this matter was held on Monday, November 18, 2013 at 5:30 p.m.

Herb Shannon of Planning & Development provided 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, Chairwoman Sims asked if there were any comments or questions.

Mayor Pro Tem Moore asked staff if this closure would affect the Mays in their ingress and egress. Mr. Shannon explained that would be part of the Council's determination and state law requires reasonable access. He pointed out this is a corner lot with a circular drive and they would still have access to their property from E. Farriss Avenue. Mayor Sims asked if it was known what the cost would be to the property owner to change their address and Mr. Shannon noted he did not have this information. Council Member Ewing inquired about the flooding on the property and asked when the last substantial flooding occurred on the property.

Ron Guerra, Director of Construction, High Point University, 833 Montlieu Avenue, explained they have never seen a storm of such proportion that would flood that area. He pointed out the property owner would be able to retain their services by keeping it open and he learned that they would not have to be readdressed and could keep their present address.

At this time, Chairwoman Smothers asked Dan Pritchett if he could comment regarding the flooding.

Dan Pritchett, Jamestown Engineering, 809 Arbordale Drive, High Point, informed Council that FEMA would be issuing new maps in the near future and explained the maps should be out this March on a preliminary basis for the city's review. Mr. Pritchett noted that he has had conversations with city staff regarding the flooding in this area and in it is his opinion that everything done thus far by the university has mitigated any effect the flooding may have.

Council Member Davis asked if it was the university's intention to continue using the street as a two-way street and if HPU has worked out an agreement with Mr. Mays. Mr. Guerra replied that they do intend to continue using the street as a two-way street and noted the university does not have a formal written agreement with Mr. Mays, but they have discussed it and they have an understanding that HPU does not intend to impede any of Mr. Mays' services and that Mr. Mays does not intend to block off his half of the street.

Chairwoman Smothers asked if there were any additional comments.

Martha Ward, 1001 W. College Drive, reiterated that they were not offered any plans, so they do not know what the university plans to do on the street and pointed out they do experience flooding which can happen during a very common storm. She noted there are times that they cannot even get out of their driveway due to the flooding and expressed concerns about additional flooding if the university puts in a parking lot due to the increase in impervious surface.

Clayton Mays, 1001 W. College Drive, noted that he had some serious reservations about the closing in general as well as specifically because when the reports came out the public access easement was not in the plan, so they expressed concerns about what would happen in the scheme of continuing to receive city services as it relates to big trucks, fire trucks, police cars, etc..... He noted that they learned at the Planning & Zoning Commission meeting that the city had negotiated a revision to the easement and he felt it would work. He suggested that Council be very careful about approving this and encouraged some oversight as to what happens. He noted he was not suggesting that this Council would do anything to thwart reuse of that street from Lexington or from E. Farriss, but noted eventually it could be blocked off by a future Council. Regarding the readdressing of his property, Mr. Mays stated he would not like to have a Panther Drive address and shared that he has lived in this home for 46 years and raised his family there so it holds a lifetime of memories.

Chairwoman Smothers asked if there were any additional comments or questions.

Mayor Sims inquired about the property owners responsibilities to the retained portion once the road is abandoned. Mr. Shannon explained it becomes the property owner's private property, subject to the retention of utility easements. City Manager Strib Boynton pointed out HPU would take care of the road in front of the house.

There being no further comments, the public hearing was closed.

Adopted Resolution abandoning that portion of W. College Drive, an improved right-of-way, lying between W. Lexington Avenue and Panther Drive (private street) based on reasonable access to the property with retention of the following easements: 1) The retention of a utility easement over the entire width and length of W. College Drive for all existing utility lines (water, sewer, electrical, gas, etc...); 2) The retention of a minimum 20-foot wide Greenway Easement over the existing Greenway trail where it crosses W. College Drive; and 3) The retention of a public access easement over the entire width and length of the southern portion of W. College Drive from the northern ROW line of E. Farriss Avenue/southern property line of 1001 W. College Drive to the southern ROW line of E. Farriss (approximately 210 feet).

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

**Resolution No. 1354/13-77
Introduced 11/18/2013; Adopted 11/18/2013**

Resolution Book, Volume XVIII, Page 77**130320 Resolution - Street Abandonment 13-17 - City of High Point**

A request by the Technical Review Committee to abandon the southern 245 feet of the Berkley Street right-of-way.

Attachments: [08. Staff Report SA13-17](#)

*The public hearing for **Street Abandonment Case 13-17** was held on Monday, November 18, 2013 at 5:30 p.m.*

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

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to offer comments. There being none, the public hearing was closed.

Adopted Resolution abandoning the southern 245 feet of the Berkley Street right-of-way based on the findings as identified in the staff report and retention of Duke Energy poles and lines and an electrical utility easement.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1355/13-78
Introduced 11/18/2013; Adopted 11/18/2013
Resolution Book, Volume XVIII, Page 78

130321 Resolution - Street Abandonment 13-18 - City of High Point

A request by the Technical Review Committee to abandon the eastern 285 feet of Ogden Court, a partially improved right-of-way lying approximately 50 feet south of Market Center Drive and east of Ogden Street.

Attachments: [09. Staff Report SA13-18](#)

*The public hearing for **Street Abandonment Case 13-18** was held on Monday, November 18, 2013 at 5:30 p.m.*

Herb Shannon of Planning and Development provided an overview of the staff report which is hereby attached as a permanent part of these proceedings. [This abandonment request removes the city's and the public's interest; it does not remove any interest or encumbrances the railroad company has over this area.]

Chairwoman Smothers opened the floor for comments. There being none, the public hearing was closed.

Adopted Resolution abandoning the eastern 285 feet of Ogden Court, a partially improved right-of-way lying approximately 50 feet south of Market Center Drive and east of Ogden Street based on staff's findings as identified in the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1356/13-79

Introduced 11/18/2013; Adopted 11/18/2013

Resolution Book, Volume XVIII, Page 79

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130322 Housing Authority Board of Commissioners - Reappointment - Ed Squires

Council is requested to confirm the reappointment of Ed Squires to the High Point Housing Authority Board of Commissioners. Reappointment is effective immediately and will expire December 22, 2018.

Attachments: [Reappointment Ed Squires](#)

Approved the reappointment of Ed Squires to the High Point Housing Authority Board of Commissioners.

A motion was made by Mayor Sims, seconded by Mayor Pro Tem Moore, that this reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

130323 Boards and Commissions - Vacancy Report

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: [Vacancy Report](#)

This information is attached for informational purposes only. No action is required on this item.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130324 Approval of the following Minutes

- Finance Committee meeting held Monday, November 4th @ 4:00 p.m.
- City Council Regular meeting held Monday, November 4th @ 4:45/5:30 p.m.
- City Manager's Briefing held Thursday, November 7th @ 9:00 a.m.

Approved the preceding minutes as submitted with the corrections to the November 7, 2013 Manager's Briefing Session Minutes as suggested by Council Members Smothers and Mendenhall.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Smothers, that the preceding minutes be approved. The motion PASSED by a 9-0 unanimous vote.

Additional Comments

Veteran's Day Parade

Mayor Pro Tem Moore reported that the Veteran's Day Parade was very successful and well attended and hoped Thanksgiving would be special for everyone.

City Manager Strib Boynton pointed out the effort to purchase the flags flying on Main Street was led by former Council Member Latimer Alexander and asked those seeing him to thank him for his efforts.

ADJOURNMENT

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

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk