

**HIGH POINT CITY COUNCIL  
REGULAR MEETING  
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING  
JANUARY 19, 2016 – 5:30 P.M.**

**ROLL CALL AND MOMENT OF SILENCE**

*Mayor Bencini called the meeting to order and asked for a moment of silence, which was followed by the Pledge of Allegiance.*

*Upon call of the roll, the following Council Members were present:*

**Present:**

*Mayor William S. Bencini, Jr., Mayor Pro Tem Jeffrey Golden (Ward 1); and Council Members Cynthia Y. Davis (At-Large), Latimer Alexander (At-Large); Christopher Williams (Ward 2), Alyce Hill (Ward 3), Jay Wagner (Ward 4), James C. Davis (Ward 5) and Jason Ewing (Ward 6) (joined the meeting at 5:52 p.m.).*

**RECOGNITIONS AND PRESENTATIONS**

**160001      High Point Library - 14-15 Programming Award**

Mary Sizemore, Library Director and staff members, will be present to be recognized for receiving an award from the North Carolina Public Library Directors Association for a children's program entitled "Culinary Kids/Urban Culinarian: Cooking and Nutrition Class for children, Teens and Their Families."

*Mayor Bencini read a Declaration into the record recognizing the High Point Public Library for receipt of the 2014-2015 Programming Award for a Children's Program in a large library from the North Carolina Public Library Director's Association. This award was presented during their Annual Awards Banquet this past December. The award recognized the "Culinary Kids/Urban Culinarian Program," which was developed and implemented by library staff members Jim Zola, Melissa Koener and Nick Covington. This program features a series of nutrition and cooking classes intended to teach children, teens, and their families about basic nutritional health and how easy it can be to make healthy eating choices. Urban Culinarian is conducted by local chef and instructor N'gai Dickerson, who offers his services free of charge. Food from the Library's teaching garden is used for the classes with the Friends of the Library providing funds for any additional supplies.*

*Mayor Bencini thanked Mary Sizemore, Director of the High Point Public Library and her staff, for their on-going efforts in making the High Point Public Library one of the best Public Libraries in the State. [applause] A photo opportunity followed the presentation.*

**160013 Proclamation - High Point Fire Department 125 Anniversary - NC Governor's Office**

The High Point Fire Department will be presented a Proclamation from the NC Governor's Office in honor of the 125th Anniversary of the Fire Department.

*Mayor Bencini presented and read a Proclamation from Governor Pat McCrory into the record recognizing and honoring the High Point Fire Department for its 125th Anniversary. After the Proclamation was read, Mayor Bencini asked Chief Reid to come forward and presented him with the Proclamation. [applause] A photo opportunity followed the presentation.*

*A copy of the Proclamation is hereby attached in Legistar as a permanent part of these proceedings.*

FINANCE COMMITTEE - Council Member J. Davis, Chair  
*Committee Members: J. Davis, C. Davis, Hill and Williams*  
*(all were present)*

**CONSENT AGENDA ITEMS - Finance Committee**

*Chairman J. Davis announced that the Finance Committee met on January 13, 2016 and recommended the following matters for approval: 160014 Hazen & Sawyer Contract; 160015 Shook Construction Company Contract; 160016 Budget Ordinance Amendment-Acceptance of a Main Street Solutions Special Allocation Grant; 160017 Acquisition of Property for the Proposed Library Plaza Project; 160018 Amendment to the FY 2014-2015 Audit Contract; 160019 Acknowledge Receipt of the FY 2014-2015 Audit Report.*

**Council Member J. Davis then moved to approve the proceeding matters. Council Member C. Davis made a second. The motion carried unanimously.**

*Note: Although one motion was made to approve/adopt these matters, action on all of these matters will be reflected throughout these minutes as being made and seconded by the same persons.*

**160014 Contract - Hazen & Sawyer - Eastside Solids Handling Improvements**

Council is requested to approve a change order to the Hazen & Sawyer Contract in the amount of \$173,400 for the Eastside Solids Handling and incinerator improvements.

Approved a change order to the Hazen & Sawyer contract in the amount of \$173,400 for the Eastside Solids Handling and incinerator improvements.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this contract be approved. The motion PASSED by an 8-0 vote as follows:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**160015 Contract - Shook Construction Company**

Council is requested to approve a change order to the Shook Construction Company contract in the amount of \$136,884.72 for the Westside Wastewater Treatment Plant Phase 3 Improvements project.

Approved a change order to the Shook Construction Company contract in the amount of \$136,884.72 for the Westside Wastewater Treatment Plant Phase 3 Improvement Project.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote as follows:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**160016 Budget Ordinance Amendment - Acceptance of Grant**

Council is requested to adopt a budget ordinance amending the 2015-2016 Budget Ordinance to acknowledge receipt of a Main Street Solutions Special Allocation Grant from the Department of Commerce in the amount of \$1,000,000 to be used for the Library Plaza Project.

Adopted Ordinance amending the FY 2015-2016 Budget Ordinance to acknowledge receipt of a Main Street Solutions Special Allocation Grant from the Department of Commerce in the amount of \$1,000,000 to be used for the Library Plaza Project.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this Budget Ordinance Amendment be adopted. The motion carried by the following 8-0 vote:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**Ordinance No. 7183/16-03  
Introduced 1/19/2016; Adopted 1/19/2016  
Ordinance Book, Volume XIX, Page 66**

**160017      Acquisition of Property - Proposed Library Plaza Project**

Council is requested to authorize staff to proceed with the purchase of property located at 816 N. Elm Street for the proposed Library Plaza Project.

Authorized staff to proceed with the purchase of property located at 816 N. Elm Street for the proposed Library Plaza Project.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this matter be approved. The motion carried by the following 8-0 vote:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**160018      Amendment to Audit Contract for FY 2014-2015**

Council is requested to approve an extension of time for the Contract to Audit Accounts with Cherry Bekaert LLP for the completion of financial and compliance audit services for the fiscal year July 1, 2014- June 30, 2015 in the amount of \$63,000.00

Approved an extension of time for the Contract to Audit Accounts with Cherry Bekaert, LLP for the completion of financial and compliance audit services for the FY July 1, 2014 - June 30, 2015 in the amount of \$63,000.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, that this matter be approved. The motion carried by the following 8-0 vote:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**160019      Acknowledge Receipt - FY 2014-2015 Audit Report**

City Council is requested to acknowledge receipt of the City of High Point Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015 and related required communications from the City’s auditors, Cherry Bekaert LLP. Audit will be presented to the City Council at the Manager’s Briefing on January 19, 2016.

Acknowledged receipt of the City of High Point Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2015 and related required communications from the City's auditors, Cherry Bekhaert, LLP.

**A motion was made by Council Member J. Davis, seconded by Council Member C. Davis, to acknowledge receipt of the FY 2014-2015 Audit Report. The motion carried by the following 8-0 vote:**

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Mayor Pro Tem Golden, Chair

*Committee Members: Golden, Alexander, Ewing, and Williams (all were present. Ewing joined the meeting at 5:52 p.m.)*

**160020 Ordinance - Vacate/Close - 315-A Kearns Avenue**

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 315-A Kearns Avenue belonging to Nick Barnes.

*Chairman Golden referenced the memo from staff that was placed on the dais. Staff is recommending that this matter be removed from the City Council Agenda; repairs have been made to the heating system and it is now operational.*

*Removed matter from the Agenda (now in compliance).*

A motion was made by Mayor Pro Tem Golden, seconded by Council Member J. Davis, that this matter be removed from the agenda. The motion carried by the following 8-0 vote:

Aye (8): Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Pro Tem Golden, Mayor Bencini, Council Member Alexander, Council Member Davis, and Council Member Davis

Absent (1): Council Member Ewing

**160021 Ordinance - Vacate/Close - 315-B Kearns Avenue**

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 315-B Kearns Avenue belonging to Nick Barnes.

\_\_\_\_\_ Transcript \_\_\_\_\_

***Katherine Bossi (Local Codes Enforcement Supervisor):*** *We received a complaint from the tenant. It is a family situation. One part of the family lives in the A side, the other part of the family lives in the B side. We did the inspection on January 6th and discovered that the heating system in both units was not operable. We placed the property owner on written notice to make the repairs. That was an emergency repair order. The compliance date was January 11th. And the memo I sent stated, he did make the repairs to the A side, the B side he is still working on that to get the gas wall heater operable. He has given the tenants, or attempted to give the tenants some space heaters until he completes that repair and they refused that. So it is a request to vacate.*

***Chairman Golden:*** *Have the tenants moved out since they refused the space heaters?*

**Katherine Bossi:** *No, they are still there. We spoke with them and went out there this morning at 10 o'clock.*

**Chairman Golden:** *If we approve this vacate, how long will they have to get out of there?*

**Katherine Bossi:** *It's effective immediately. The next step would be processing a Summary Ejection or an Eviction for failure to comply with the ordinance to vacate.*

**Council Member Alexander:** *Are there any issues in....around helping these folks find some temporary housing? I mean it's one thing if your house doesn't have heat, it's another thing if you don't have a house.*

**Council Member C. Davis:** *Ms. Bossi, Councils before did away with the relocation program is that correct?*

**Katherine Bossi:** *Yes, that was administered through Community Development.*

**Chairman Golden:** *Do we know why they refused the space heaters?*

**Katherine Bossi:** *She said she didn't want them to have her heating bill, her power bill go up.*

**Council Member C. Davis:** *Did the homeowner say about how long it would take them to repair it seeing how he got A side done and B side is still pending? Because it sounds like he's doing his part to accommodate, but they are refusing his assistance.*

**Katherine Bossi:** *He is. We have not spoken with him directly. All of our communication has been through the tenant and she was the one that actually said that he came out there last Friday and offered the space heaters until he could get the B side fixed. This was not their initial complaint. When the inspector was out there, he observed that there was no heat in either unit. That was not their initial complaint.*

**Council Member C. Davis:** *Are they willing to wait on this individual to make those repairs? Did they convey that, or are they prepared to move out?*

**Katherine Bossi:** *I don't think I can answer that. I'm assuming that they're waiting on repairs to be made particularly if that was not even on their complaint list when they initially called us.*

**Chairman Golden:** *I was just wondering if they know if we approve this that they are going to be evicted.*

**Katherine Bossi:** *They are aware. Anytime staff goes out, when they first start the inspection, or even if I have an opportunity to talk to them when they call in the complaint, the process and the whole nine yards is explained to them. So they are aware of that.*

**Council Member Williams:** *Did they have any response like, okay, we're fine with that? I mean you hate to move on this because it's cold. You know.*

**Chairman Golden:** *I would just hate to think that we approve this and we're going to make somebody homeless, but it seems like the thing to do.*

**Council Member Alexander:** *You know, this Council used to have some assistance that helped folks with some temporary relocation or some temporary housing. You know, I think the weather is going to be 14 degrees tonight and they haven't had heat in that house for a while and it will be 15 degrees inside. So, but, you know, we could not find it in our heart to locate some folks for a short period of time in a hotel room or something like that until something can be repaired. That may be something that you may want to look at again.*

**Council Member C. Davis:** *JoAnne, how would we go about that seeing how we did away with that policy? Is that not something that we could do?*

**Chairman Golden:** *That could be something for my committee next week, but not right now.*

**Council Member J. Davis:** *Katherine, the tenants that are living there, do they want to move?*

**Katherine Bossi:** *They have not indicated to us. No.*

**Council Member C. Davis:** **I'd make a MOTION THAT WE TABLE IT FOR TWO WEEKS.** *They already know that the landlord is willing to provide them with a means of heat. It's a heating source that they willingly refused, but he may be able to get it on in the next two days. The next three days. We don't know that timetable. Is the owner is here tonight?*

**Katherine Bossi:** *I don't think so. We did not hear from him that he was going to attend....*

**Mayor Bencini:** *I'd like to ask the attorney. This is a Minimum Housing issue. Can we just decide we're not going to deal with the Minimum Housing issue?*

**City Attorney JoAnne Carlyle:** *If you table it, you're opening yourself up to some exposure, legally speaking. Because if you don't take action and you needed to to protect them. It's a difficult situation.*

**Council Member Alexander:** *I mean we had used Community Development dollars, didn't we Mike?*

**Council Member C. Davis:** *The program was done away with.*

**Council Member Alexander:** *We had used some Community Development dollars in years past with some moving and temporary housing expenses when we had cases like this, didn't we?*

**Mike McNair (Director of Community Development & Housing):** *Yes.*

**Council Member C. Davis:** *Mike, wasn't that program done away with by the previous Council? It was \$10,000.*

**Mike McNair:** *Yes, there was a concern that some of the landlords and tenants were playing gaining assistance.*

**Council Member J. Davis:** *JoAnne, if I may clarify...you said that if we have to adopt our ordinance or we're setting ourselves up to.....*

**JoAnne Carlyle:** *You have an obligation to take action. You have had your staff come before you and tell you that there's a family in an unsafe place. And that's why the request is here.*

**Mayor Bencini:** *Could we go ahead and move on this and at the same time, suspend the rules and direct Mike's staff to make funds available to the extent that we can to at least make sure that these folks aren't out in the cold?*

**JoAnne Carlyle:** *I think for it to be appropriate, and I'll kind of look to see if the has the funding before I go forward with this. You'd suspend the rules to consider an exception to the policy that you currently have in place. Go ahead and vote on that. So that you can allow those funds to be used in this situation.*

**Mayor Bencini:** *I hate to put you on the spot, Mike, but are funds available on a temporary basis to help this family out while, hopefully, these repairs get made.*

**Mike McNair:** *Yeah, we can provide some assistance if we don't probe too deeply into that. We could actually....and we have done this before in emergencies. Particularly when we die have that program and people required emergency housing, we have had a relationship with...*

**Council Member C. Davis:** *Open Door Ministries?*

**Mike McNair:** *Long-term....*

**Council Member Alexander:** *No, it was up there on....*

**Chairman Golden:** *Extended Stay down by the Wal-Mart.*

**Mike McNair:** *Right. We have had a relationship with them over the years and have actually put people up rather than they have to go out in the cold. Or in some cases where there wasn't any heat, we actually done that before. Because of the fact that we don't have a program in our budget to do that, we'd have to use General Fund dollars, which we can do.*

**Mayor Bencini:** *Well,. I think if we....*

**Council Member J. Davis:** *How long were you going to provide this assistance? Are you just doing it for a day or two? I mean, we're not accomplishing anything if it's just a day or two.*



**Mike McNair:** *Well that's what I was trying to find out, how long was it going to be before the guy replaces the heat.*

**Council Member C. Davis:** *Well, the other question that I would have is we provide non-profits with dollars to assist. Has anybody....do we know if the non-profits that we contribute dollars to such as Open Door Ministries, West End, any of those have emergency placement or emergency housing for this particular situation?*

**Mayor Bencini:** *I think there's probably any number of non-profits that do and have, but they're not here tonight. We have to act on the violation in front of us and once we act on that violation in front of us, then the presumption is those folks are going to be in the cold and we don't have another non-profit in the room tonight. Nobody has stepped up to say that we can take that over.*

**Council Member C. Davis:** *I think the question, Mr. Mayor, was more in line with asking staff if that was something that had been pursued prior to coming or considered prior to coming knowing that this was a possibility.*

**Council Member Wagner:** *Katherine, didn't you say that if they don't move out, we would have to go through the Summary Ejectment process?*

**Katherine Bossi:** *Yes.*

**Council Member Wagner:** *So, even if we approve it tonight, I mean you're looking at two weeks before you're going to get those people into court anyway.*

**City Attorney JoAnne Carlyle:** *Unless they just go ahead voluntarily and abide by the order.*

**Council Member Alexander:** *Well, the reality is that we have a family who is cold in our community.*

**Council Member C. Davis:** *Yes, we do.*

**Council Member Alexander:** *We've been notified that this is an unsafe condition and through the rules that we operate under with the state, we are bound to issue the vacate and close order. So, like I say, prior Councils felt that this was not a good way to use our dollars, but when you have to sit up here and you have to raise your hand and you have to put somebody out of their house and you have no place for them to go, you might want to revisit that policy.*

**Mayor Bencini:** *I would entertain a motion to suspend the rules in order to consider a temporary policy in regards to emergency housing.*

**Chairman Golden:** *SO MOVED.*

**Mayor Bencini:** *We have a MOTION, is there a SECOND?*

**Council Member Williams:** *SECOND.*

**Mayor Bencini:** *Any further discussion? [none] All in favor, say Aye.*

**Bencini, Alexander, C. Davis, Golden, Williams, Hill, Wagner, and J. Davis:** *AYE.*

**Mayor Bencini:** *OPPOSED? [none] That motion carries. [Ewing absent when this vote was taken] [8-0 vote]*

**Mayor Bencini:** *Okay, now we've got to craft a temporary policy. Mike, you've got experience because you used to administer the program in the past. Can you make a suggestion to us as to how we deal with this in light of the current case in front of us?*

**Mike McNair:** *It probably.....assuming there's room in the inn, so-to-speak, you could probably get them housed tonight. The question gets back to what Mr. Davis raised and that is how long.*

**Council Member Alexander:** *Well, I'd like to say that we get them out of the house tonight, or offer out of the house tonight. Get them into safe and clean housing for a period of fourteen days. This Council will meet again and we can be apprised of that in fourteen days. Hopefully, the heat will be put back on at 315-B W. Kearns Avenue and this family can move back into there.*

**Council Member C. Davis:** *The only question that I have is I understand that this is a temporary policy. Is this going to be a policy for this particular case, or is it going to be a temporary policy through the winter months? I just want to make sure that we're clear should anything come back to us so we've got something covering all bases.*

**Council Member J. Davis:** *I feel kind of uncomfortable because there's an unknown there, how long this is going to last and we're setting a precedent. I was at Hardee's today and I seen the place that you're talking about and I think the sign said \$209 a week, for a weekly rate. And, personally, if that's the case, I will donate the \$209 personally and I will pay for that first week. If someone else wants to step up to the plate, we can do that.*

**Chairman Golden:** *And not change the policy?*

**Council Member J. Davis:** *Yeah, and not change the policy right now.*

**Council Member C. Davis:** *It's \$209 a week, Jim?*

**Council Member J. Davis:** *That's what I remember on the sign today. I think they had changed their name and it had a banner out there that said \$209 weekly rate.*

**Council Member C. Davis:** *I can do a \$100.*

**JoAnne Carlyle:** *Let me ask you....because we'll need to be very specific about this. If, indeed, you intend to make a donation and you mentioned \$209. If that number is something else....*

**Council Member J. Davis:** *Well, of course, I'd have to....I don't think my wife would complain at \$209, but if it came back at \$1,000 or \$1,500 with this wedding that I'm paying for, she might have an issue with that.*

**JoAnne Carlyle:** *Right.*

**Chairman Golden:** *We've got somebody that wants to speak too.*

**Pastor Eric Peacock:** *I'm the Pastor at Westchester Baptist Church, coming for another matter. But if you'll give a week, then our church will give a week too at that price.*

**Council Member J. Davis:** *At \$209?*

**Pastor Peacock:** *Yes.*

**Council Member C. Davis:** *I can do a \$100, Jim, but the church wants the \$209.*

**Pastor Peacock:** *We'll handle that. Just tell me what I need to do.*

**JoAnne Carlyle:** *There's still.....there's just one thing. So, for example, you both agree tonight to \$209 a week and it's \$210. It would be much easier if you could just say that you would be responsible for a week. The church would be responsible for a week.*

**Council Member J. Davis:** *Well, we don't know what....I'm just basing it on what I seen on the sign.*

**JoAnne Carlyle:** *My theory is there will be a difference somehow and we need to address that.*

**Council Member Alexander:** *There's going to be a difference because there are hotel lodging fees and taxes.*

**Council Member C. Davis:** *Can we suspend this until staff has a chance to call?*

**Council Member J. Davis:** *Can somebody pick up the phone and call that place and see what it costs?*

**Council Member C. Davis:** *Have staff call and come back with the figures.*

**Council Member Wagner:** *Look on your iPad and see what it costs for a week.*

**Greg Demko (City Manager):** *But that also wouldn't necessarily change the action that's in front of you tonight.*

**Chairman Golden:** *Exactly. They will still have to vacate this property.*

**Greg Demko:** *And it's actually a separate transaction that you would be doing. I mean a humanitarian aspect versus city.*

**Council Member J. Davis:** *Being a married man of thirty years, I know what I should ask and what I shouldn't ask. If it gets more than \$209, I need to ask.*

**Council Member C. Davis:** *Jim, I can give you a \$100 towards your \$209.*

**Council Member J. Davis:** *I'm not worried about the \$209.*

**Greg Demko:** *Make it not to exceed \$250, then you'll be safe.*

**Council Member J. Davis:** *Well, if someone could....I don't know what the week's going to be. It could be \$1,400. I may be wrong.*

**Council Member Wagner:** *I don't know that we even need to act on it, we can just have a gentlemen's agreement and get this done.*

**Mayor Bencini:** *So we're not having a policy, okay? There is no policy at this point.*

**Council Member C. Davis:** *So we'll rescind that amendment?*

**Council Member Alexander:** *Well, I think that it is worthy of a committee and since this falls under Community Housing & Neighborhood Development, I think it's worthy of them at their next meeting to talk to staff, take a look at historically what we've done, and if they want to come back to Council with a policy in the future, so we don't stumble over ourselves. I think that would be appropriate. I do think that we need to take a look at this and understand that our actions are pretty much dictated that we have to pass this vacate and close order, but we need to realize that with those actions, come consequences to real people. I think if our Community Housing & Neighborhood Development Committee works with Mike and with others and reviews what we've done and comes back with a policy or a procedure for handling this, I think that would be the action that we need to take, beyond the approval of the vacate and close.*

**Mayor Bencini:** *Is there a motion then to place this matter into Mayor Pro Tem Golden's Committee to develop a policy to take care of these types of emergencies?*

**Council Member Alexander:** ***I'LL MAKE THAT MOTION.***

**Council Member Wagner:** ***SECOND.***

**Mayor Bencini:** *We have a MOTION and a SECOND. Any further discussion? [none] All those in favor, say AYE.*

**Bencini, Alexander, C. Davis, Golden, Williams, Hill, Wagner, J. Davis and Williams:** ***AYE..***

**Mayor Bencini:** *Any OPPOSED? [none] That motion carries. [9-0 vote]*

*Now we're going back to the original agenda item.*

**Chairman Golden:** *Being that we don't have a lot of choice, I'm going to **MOVE THAT WE VACATE.***

**Mayor Bencini:** *Motion to vacate.*

**Council Member Alexander:** **SECOND.**

**Mayor Bencini:** **MOTION and a SECOND.** *Further discussion? [none] All in favor, say **AYE.***

*All: **AYE.***

**Mayor Bencini:** **OPPOSED?** *[none] That motion carries. [9-0 vote]*

[end of transcript]

Adopted Ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 315-B Kearns Avenue.

**Ordinance No. 7184/16-04**  
**Introduced 1/19/2016; Adopted 1/19/2016**  
**Ordinance Book, Volume XIX, Page 67**

**160022**      **Spring Brook Meadows - Inclusion in Core-City Homebuyer Assistance Program**

The Community Development and Housing Department recommends approval of the modifications to the down payment assistance program to include Spring Brook Meadows in the Core-City Homebuyer Assistance Program.

*Chairman Golden asked staff to come forward.*

*Mike McNair, Director of Community Development & Housing, advised that Council modified the Homebuyer Assistance Program last year to add some features to it and since that time, the Housing Authority became aware of the revisions and asked if it might be possible to extend the boundaries to include Spring Brook Meadows. Staff had some discussions with them and they expressed an interest in partnering with the city and asked how the city could possibly help them with Spring Brook Meadows. Mr. McNair advised there are approximately 16 parcels left in this development and suggested that Council extend the Homebuyer Assistance Program to the Housing Authority.*

*Council Member C. Davis mentioned there are several brick homes on the street where she lives (Evergreen Avenue) that used to be HUD homes, but are now handled by the Housing Authority. She pointed out at one time the tenants were given an opportunity to purchase those homes if they lived there five years. She asked if Council could not also extend this*

*program to the single-family homes that are of like nature throughout the city since the policy is already in place. Mr. McNair replied that these homes are already in the Core City and because of that, would qualify for the assistance. Council Member C. Davis was not sure if these homes were still eligible for purchase through the Housing Authority because they are no longer under HUD for purchase because the homes transitioned from that five years ago, but people have been in some of the homes for 13-14 years. She asked if these homes are still for sale or for purchase. Mr. McNair stated that he was not aware of the specifics regarding these homes, but noted if the homes were in the marketplace, they could be sold and being in the Core City, they could qualify.*

*Council Member Ewing pointed out when Council changed the program in November to mirror the program being offered for Guilford County, one of the things was it was restricted to existing structures--no new construction was eligible and pointed out those sixteen remaining lots would be for new construction. Mr. McNair noted the State program would not apply, but they could take advantage of the City's program.*

Approved the modifications to the Core-City Homebuyer Assistance Program (down payment assistance) to include Spring Brook Meadows.

**A motion was made by Mayor Pro Tem Golden, seconded by Council Member Davis, to approve the modifications to the down payment assistance program to include Spring Brook Meadows in the Core-City Homebuyer Assistance Program. The motion PASSED by a 9-0 unanimous vote.**

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair  
*Committee Members: Ewing, Alexander, Hill and Wagner*  
*(all were present)*

**160023      Resolution - Lease Agreement - Community Garden Space**

Consideration of a resolution authorizing the lease of several parcels of vacant land to Hayden-Harmon Community Projects, LLC to be used as community garden spaces.

*Randy McCaslin, Deputy City Manager, pointed out staff presented information at the last Prosperity & Livability Committee meeting regarding the Hayden-Harmon Foundation's desire to lease several pieces of property that the City has obtained over the years to be used as community gardens. These are vacant and most are residential properties. The Hayden-Harmon Foundation will provide the insurance and maintenance on the lot and then turn them over to community groups for community gardens. Mr. McCaslin advised that the City would have no responsibility other than providing the land for the community gardens.*

*Council Member Golden asked about the duration of the lease and staff affirmed the lease would be for a one-year period and it could be brought back to Council for renewal, but there is no guarantee that these same lots would be leased next year.*

*At this time, Council Member Ewing moved adoption of the Resolution authorizing the lease of several parcels of city-owned vacant land to Hayden-Harmon Community Projects, LLC to be used as community garden spaces. Council Member Alexander made a second to the motion.*

*For further discussion, Council Member Williams suggested staff take a look at the instances involving continuous lots and engage developers in an effort to take advantage of the clusters of vacant lots for development because there is such a need for affordable housing. Mr. McCaslin noted this was one of the criteria that was considered and it was determined that there would not be a need for these lots in the next year. Further consideration was given to whether or not this property would be developable by a private developer or with City funds, but it was determined that these would not be.*

*Council Member C. Davis pointed out that the City would not be providing for clearing of these lots, nor would the City be providing water to these lots that this would be the responsibility of the person leasing it for the community gardens. Mr. McCaslin affirmed that the water would have to be provided by the Hayden-Harmon Foundation, but clarified that the City may end up putting a meter back in where an existing tap used to be.*

There being no further discussion, Mayor Bencini called for a vote on the motion to adopt the Resolution authorizing the lease of several parcels of city-owned vacant land to Hayden-Harmon Community Projects, LLC to be used as community garden spaces. The motion carried unanimously. [9-0 vote]

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

**Resolution No. 1603/16-04  
Introduced 1/19/2016; Adopted 1/19/2016  
Resolution Book, Volume XIX, Page 74**

## **160031**

### **Historical Marker Policy**

Consideration of the adoption of a Historical Marker Policy.

*Randy Hemann, Assistant City Manager, referenced the Historic Marker Policy in the packets. He advised that on occasion, people do request a historic roadside marker in the City and noted there are several that have already been erected in the City. He explained that there is not a policy in place that determines what these markers are to look like, the language to be displayed on the marker, etc.... He shared that Dorothy Darr has requested a historical marker for the Highland Mill area.*

*Mr. Hemann further advised that these requests would be reviewed through the Historic Preservation Commission, would be reviewed for historic accuracy and what the signs look like will be identified in the policy for continuity purposes. The City's guidelines are modeled after the State Historic roadside marker guidelines. Mr. Hemann shared at the request of the State, the City's historic marker signs will be different in appearance than those of the State. The State's markers are silver with black letters; the City will require black with silver letters. He further advised that the markers would also have the City's seal.*

**A motion was made by Council Member Ewing, seconded by Council Member Alexander, that the Historical Marker Policy be adopted. The motion PASSED by a 9-0 unanimous vote.**

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair  
*Committee Members: Wagner, J. Davis, C. Davis and Golden*  
*(all were present)*

**160024      Ordinance Amendment- Title 12, Chapter 2, Animals Article A -Chickens**

An amendment affecting the keeping of chickens under Section 12-2-2(e).

\_\_\_\_\_ Transcript \_\_\_\_\_

**Chairman Wagner:** *The first item on the agenda is an ordinance amendment that would allow for the commercial sale of eggs and the slaughter of chickens for personal consumption within the city limits. I don't know who on staff, if anybody wants to talk about this, but right now you're allowed to keep up to 5 chickens. No roosters. Up to five chickens in town. This would allow anyone who owns up to 5 chickens to sell the eggs. Presumably when the chicken gets....if you're hungry, you can slaughter the chicken for your own personal consumption. It doesn't provide for the sale of said chicken, only slaughtered for own personal consumption.*

*It says P & L, but it's actually Planning & Development Committee, took a look at this and there was a favorable recommendation from the Committee for its approval.*

**Chairman Wagner:** *So I will **MOVE** for its approval.*

**Mayor Pro Tem Golden:** **SECOND.**

**Mayor Bencini:** *Motion and a second. Any further discussion?*

**Council Member J. Davis:** *Mr. Mayor, may I make a substitute motion?*

*The Planning & Development Committee did not make a favorable recommendation. It was a split vote.*

**Chairman Wagner:** *You're right. I stand corrected on that.*

**Council Member J. Davis:** *I don't have an issue with selling the eggs, but from many people that I've talked about, there's no one that I've talked to that's in favor of slaughtering chickens. So I'd like to make a **SUBSTITUTE MOTION TO ALLOW THE SALE OF EGGS, BUT NOT THE SLAUGHTER OF CHICKENS.***

**Council Member C. Davis:** **SECOND.**

**Mayor Bencini:** *We have a **MOTION**, and a **SECOND**? Any further discussion?*

**Chairman Wagner:** *I think there was quite a bit of discussion and I do stand corrected on that. It was a 2-2 vote about this amendment. But, essentially what's going on now is most people are keeping chickens and they are already slaughtering their chickens. And this would require that they....let's see, Section E. if you go down and look for the bold*



*underline, section of the ordinance, it says that the slaughtering of chickens on the premises can be allowed.....is allowed under the conditions set forth below. The slaughter must be for personal consumption only and must be done on the property of the owner. Slaughter should not be visible from any public area or public row or any adjacent property and it has to be performed in a sanitary manner with all proper disposal of all waste materials. So my opinion is that we've taken steps to try to ensure that this isn't going to offend anybody and it's not going to be seen and it's going to be properly disposed of. That's why I support it. I don't support the substitute motion for that reason.*

**Council Member Alexander:** *What....with the substitute motion, what language of enforcement would you attach to that because it's already occurring. You know if you say that you can't do it, then you would have to have some methodology of enforcement and quite honestly, we don't have that.*

**Council Member Ewing:** *They currently can't do it under our current ordinance, is that correct?*

**Council Member Alexander:** *Yeah, but there's no enforcement.*

**City Attorney JoAnne Carlyle:** *Brent is our resident chicken expert.*

**Assistant City Attorney Brent Cole:** *I think depending upon the violation. If for instance, you had a chicken loose, that might be more animal control. It's a question of whether a violation is occurring, the eggs are being sold in an inappropriate place or the materials are not being disposed of properly. That may be a general police call. It would be a violation of the ordinance with a civil penalty associated with it, Chapter 12, Or Title 12 in this section. So there might be some kind of hybrid in the enforcement of response to that, but it would be very similar, as Mr. Ewing said, the way it's enforced now under the current ordinance and depending on what you decide to move forward with tonight, and decide how to enforce that later.*

**Council Member J. Davis:** *The premise of my substitute motion is I represent North High Point and it probably has the largest group of diversity of our citizens, you know from all different countries. When I've reached out to these people and asked them their opinions, the overwhelmingly discussion comes back and they said, no, we do not want our neighbors to be able to slaughter chickens in their backyards because they live in nice homes and nice neighborhoods and it's probably the newer part of High Point with the mostly newly developed neighborhoods and they're just not in support of it. There will be areas in town that will probably be in support of it, but overwhelmingly, everyone I've talked to says they didn't have an issue with selling eggs. But to have chickens in someone's back yard and I don't know if you've ever slaughtered a chicken, but you have to boil the chicken, defeather it, and do all the different things that you do. My grandfather used to take an axe and cut their head off and toss the chicken and it would run around with no head and blood, so that's the picture that most people have.*

**Mayor Bencini:** *So Mr., Davis, you think that if we pass the original motion that people in these nice subdivisions in North High Point are going to start slaughtering chickens just because they can?*

**Council Member J. Davis:** *No, but they're afraid that somebody in their neighborhood might. That's what they're afraid of.*

**Mayor Bencini:** *They're afraid that another person in a nice house beside them is going to do that.*

**Council Member J. Davis:** *Could do that. And that's the issue and it's a quality of life issue.*

**Chairman Wagner:** *I think it also bears mentioning that the recommendation for this ordinance amendment was brought to us by the Food Alliance as a way of helping to address some of the food hardship that we have in this city. We have a lot of folks who are already raising chickens, keeping them on their property. A chicken does reach a certain age where it doesn't lay eggs anymore. So really kind of what do you do with that chicken? I think their discussion this is kind of part of the life cycle of the chicken.*

**Council Member C. Davis:** *The reason I supported Mr. Davis' substitute motion is I live in a much different area than what Mr. Davis does and there are people that grew up on farms. I did. I know that process such as Mr. Davis described, but we live in an area that you have people that are low income individuals who are concerned about family safety as well as family food. You know if the birds aren't disposed of properly and if we don't define what proper is, there's no listing of that procedure here. If they're not disposed of properly, then you set up an environment for disease and infection, of family pets, for family members, for children out playing whether they're running barefooted. I don't know if people still do that, but I know that I did and my daughter did....throughout neighborhoods. It just sets a precedent for a pause that yes, we want people to feed themselves, but when those chickens age out of the laying of eggs stage, there are butchers that people can contact to butcher the bird properly and provide it back to the homeowner. Some say, well, that might be a little expensive. Well, it's a lot safer to ensure the proper disposal than it is to risk a community of disease. Because we are an international city and if you consider the fact that we area an international city, different people consider proper disposal differently.*

**Chairman Wagner:** *There are statutes regarding proper disposal.*

**Council Member C. Davis:** *It's not listed in this ordinance.*

**Assistant City Attorney Cole:** *Under our public services ordinance, we allow for the collection of animals under 100 pounds, so essentially you could dispose of it with your trash.*

**Chairman Wagner:** *You can just put it in the garbage.*

**Council Member Alexander:** **I call the question.**

**Mayor Bencini:** *Alright, call the question on the **SUBSTITUTE MOTION**, which is to not allow for the slaughter of chickens, but does include the rest of the original motion that Mr. Ewing made.*

*Council Member J. Davis: Sale of eggs.*

*Mayor Bencini: Right. All in favor of the **SUBSTITUTE MOTION** , say **AYE**.*

*Council Members C. Davis, J. Davis and Williams: **AYE**.*

*Mayor Bencini: **OPPOSED?***

*Mayor Bencini, Mayor Pro Tem Golden and Council Members Alexander, Hill, Wagner and Ewing: **NO**.*

*Mayor Bencini: That motion fails. [3-6 vote]*

*Now back to the **ORIGINAL MOTION**.*

*All those in favor, say **AYE**.*

*Mayor Bencini, Mayor Pro Tem Golden, and Council Members Alexander, Hill, and Wagner: **AYE**.*

*Mayor Bencini: Raise your hands. **OPPOSED?** One, two, three, four.*

*Council Members C. Davis, J. Davis, Ewing and Williams: **NO**.*

*Mayor Bencini: That motion carries. [5-4 vote]*

*Chairman Wagner: One other thing from the Committee, as well, the Committee also discussed the recommendation from the Food Alliance regarding changing some of the rules for keeping goats, even pigs and other livestock within the city. There is a proposed ordinance out there. I think Brent has that, but it was not given a favorable recommendation. I just wanted to report that to the Council. If that's something that any of you have strong feelings about, it can certainly be brought up even though it wasn't given a favorable recommendation.*

[end of transcript]

ADOPTED ORDINANCE AMENDING TITLE 12 - OFFENSES - CHAPTER 2. ANIMALS - ARTICLE A. GENERAL PROVISIONS - SECTION 12-2-2 REQUIREMENTS OF PENS AND ENCLOSURES FOR CHICKENS, PIGEONS, RABBITS, ETC.

**Ordinance No. 7187/16-05**  
**Introduced 1/19/2016; Adopted 1/19/2016**  
**Ordinance Book, Volume XIX, Page 68**

PUBLIC HEARINGS**160025      Faulk & Foster - Special Use Case 15-02**

A request by Faulk & Foster to allow a Telecommunication Tower exceeding the height limits of the Conditional Use Residential Single Family-9 (CU RS-9) District. The site is lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road.

*The public hearing for Special Use Case 15-02 was duly held on Tuesday, January 19, 2016 at 5:30 p.m.*

\_\_\_\_\_ *Transcript* \_\_\_\_\_

**Chairman Wagner:** *The next item on the agenda is Special Use Case 15-02. One thing I want to say before we begin the public hearings is in order to keep the meeting moving, we're going to hear from staff and from the applicant, but then when the floor is open to the community to speak, there is going to be a 3-minute limit on comments. Also, to keep repetition from occurring, I would ask that if you've come in a group that maybe you designate one person to speak for your group and that person will be given three minutes as well.*

*Okay, we'll hear from staff first. Anybody who wants to speak on this item, because it's a Special Use Permit, has to be sworn. So if you'll come forward and be sworn if you plan to speak.*

**Council Member C. Davis:** *That's any citizen that plans on talking on the matter.*

**Chairman Wagner:** *Yeah, anyone who plans to speak on this matter, please come forward to be sworn.*

*[Those persons desiring to speak were duly sworn by the City Clerk]*

**Chairman Wagner:** *With that, we'll hear from staff first, then the applicant.*

**Herb Shannon:** *This is Special Use Permit Case 15-02. This is a request for a Special Use Permit application for a 24-acre parcel lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road. Just to note to everyone where we're at, this is Sandy Ridge Road. This is Bame Road. The parcel that's highlighted and blue-shaded is the parcel in question for the Special Use Permit application. This parcel's directly east of the Saddlebrook subdivision and directly north of the River Landing development.*

*The applicant is requesting a Special Use Permit to allow a telecommunication tower that exceeds the height limit of the Conditional Use /Residential Single Family-9 District, which is the zoning on the property. The Development Ordinance permits telecommunication towers in all Residential, Office and Commercial Districts, subject to meeting the height requirements. However, if it exceeds the height requirement of that district, a Special Use Permit is required. For the RS-9 District, the maximum height.....building height, structural height is 50 feet. The applicant is proposing a 160-foot tall cell tower for the property.*

*Thus, they have submitted this application for a Special Use Permit. The applicant is proposing that this tower be placed upon the northeastern portion of this parcel, which is currently vacant. If you'll go to the next slide please, Andy, which is a blow-up of the site.*

*This is the approximate location-that little star. It's not 100 percent. The approximate location of where the tower is proposed to be located. It will be approximately 620 feet south of Bame Road and approximately 250 feet from the Saddlebred Subdivision, which is to the east. Access will be from Bame Road via an access drive that will come through this abutting parcel, which is also owned by the same property owner for servicing of that facility.*

*The applicant has noted a maximum height of 160-feet and this would be a stealth tower. A stealth tower is a type of tower where the antenna and arrays are disguised or are hidden in such a manner as to not be as visible. In this case, the applicant is proposing a tower where the antennas will be inside the structure. So when you typically see a cell tower, you may see the antenna array to the top. In this case, the antenna array will be located inside the tower, so you just see a long, tall structure. If you can go to the next slide please. This is a survey provided by the applicant noting the access drive and the more specific location of the tower compound. Next slide, please. This is an elevation submitted by the applicant of how the tower would look and they propose three antenna locations at the top. And as I noted, those antennas would be inside of the tower.*

*As you are aware, a Special Use is an additional use permitted by right in the zoning district and requires a great analysis for potential impact on surrounding properties. The purpose of this Special Use Permit process is to allow the City Council the opportunity to perform the analysis. Within your staff report are various findings. I will touch base on a few of those.*

*First, the use will not materially endanger the public health or safety. The Development Ordinance requires the applicant submit information or documentation from the FAA that the request will be meeting all their regulations. Included in your packet is a letter of Notice of Presumed Hazard from the FAA dated May 28th. Originally, the applicant was looking at a tower height of 189 feet. The letter from the FAA noted that that would exceed the height requirements as potentially impacting an air flight area. The letter does note that as long as the tower height does not exceed 160-feet, there would be no hazards. Therefore, the applicant has submitted his application for 160-feet. They have also included a letter from the engineer documenting the wind speed that the tower will be designed to withstand and the engineer has also stated that in the event of a failure, the tower is designed to collapse upon itself and would have a fall radius within 80-feet of the tower compound.*

*Another finding that staff evaluated was that the request would not substantially injure the value of the adjoining or abutting properties. Staff has found no evidence to date that the request would substantially injure the value of adjoining properties. This tower is required to be set back at least 96-feet from any adjacent residential properties. They are proposing over 300-foot setbacks from the property to the north and over 250-foot setback from the property to the east. They are also required to meet landscaping requirements. They placed this tower on the portion of the site that is wooded. So existing vegetation can count toward the landscaping. In the event the site is developed in the future for single-family homes and that existing vegetation is removed, the Development Ordinance has specific landscaping requirements that must be placed around all four sides of the tower compound area. You're*

going to see the tower. The main purpose of that landscaping is to screen that tower compound area.

The only impact that staff has been able to identify is to the property owner who signed off on his application. When this property was annexed and granted residential zoning in 2007, they were looking at doing a residential subdivision, but that did not come to fruition. The site is still vacant. With the approval of the tower on this site, any future residential development on this site would have to be set back at least 96-feet from the tower. So any future residential development would consist of fewer lots than initially proposed for this site, but that has impact on the property owner who has signed off on this application.

Finally, staff has noted the request will be in harmony with the area as they are proposing a stealth tower to minimize impact and are exceeding setback requirements. Therefore, staff is recommending approval of this request. The Planning & Zoning Commission reviewed this application at the December 8th meeting and recommended approval by a vote of 6-1. Their approval was with the condition that if in the event the additional landscaping has to be installed along the perimeter of this site, that it be evergreen in nature. The applicant has amended their Special Use Permit application to add a condition that any new vegetation that has to be installed would be at least 10% evergreen species. Andy, if you can just go to the next slide. This is just an aerial photo of the area.

Included in your packet is supporting documentation from the applicant where they've had some photo simulations and information coverage area. I'll let the applicant go into those specific supporting documents. Are there any questions from staff at this time?

**Council Member Alexander:** Herb, I have a question. It's a rather large piece of property for just one item on there. You've talked about housing and its setback. Could another pole be located on that same property?

**Herb Shannon:** No. One of the standards is that towers have to be located at least, in a residential area, they have to be at least 3,000 feet away from another existing cell tower, unless they can document that tower doesn't meet their height requirement. That's one of the reason why we require co-locations, there could be at least three antenna locations. So it's just not one tower, one antenna. To kind of minimize the number of antennas, the Development Ordinance requires at least three locations be placed on the tower, but another tower could not be placed on this site. They would not meet the 3,000 foot separation requirement.

**Council Member Alexander:** And if in the future, they need to replace the tower, what would be involved with that? Would it be a new application?

**Herb Shannon:** As long as they are putting it in the exact same location and not exceeding the height limits, they would just receive appropriate building permits. If they are going to move it around or propose to go higher, they would have to receive a new Special Use Permit approval.

**Council Member Alexander:** Thank you.

**Council Member Ewing:** *What about a different type of tower. Height, location is the same, but what about.....*

**Herb Shannon:** *Their application is specifically for a stealth tower, so if in the future they are proposing a different type of tower, they would have to receive a new Special Use Permit approval.*

**Council Member J. Davis:** *Define stealth tower. Give me a definition of stealth. What does that mean?*

**Council Member Alexander:** *The internal....the arrays are inside.*

**Council Member J. Davis:** *So it's not painted to look like a tree or nothing like that?*

**Herb Shannon:** *The intent of the stealth tower is to disguise the antenna in such a way to make it less visible. That can be done in a number of different ways. In this instance, they are putting it inside the structure, so you have some situations where you have it designed to look like a tree. There are some churches that have extra high crosses or steeples with antennas inside those structures. There have been water tanks designed with antennas located inside where it looks like a fake tank. But something, as much as possible, to attempt to disguise the use so it's not as visible as a cell tower.*

**Council Member J. Davis:** *So it's basically just going to look like a large flag pole without a flag.*

**Herb Shannon:** *Yes.*

**Council Member Wagner:** *Any other questions for staff? [none] Thank you, Mr. Shannon. Okay, now we'll hear from the applicant.*

**James LaPann:** *Good evening. My name is James LaPann. I am a Zoning Specialist with Faulk & Foster. Just briefly, before I get going on my presentation, I just wanted to note that this distinguished looking gentleman received some flak because he was the chicken specialist. Well, I used to be a city attorney and in my city up north, we had a lot of problems with dogs and doing their business and we had a code that prevented that. Because of that, I became the dog defecation litigation specialist. So I would say that I would much rather have been a chicken expert than a dog defecation litigation specialist.*

**Mayor Bencini:** *After the adoption of the ordinance tonight, you may have a future here in High Point. [laughter]*

**James LaPann:** *I'm going to leave my card. I am a Zoning Specialist and I work for Faulk & Foster and we represent Verizon in a large area. In this particular location, we are asking that you go along with the staff's recommendation of permitting this tower. The important part of my job today is to demonstrate to you that we have complied with each and every element of the ordinance. Because that's really the basis of our application for the Special Use Permit. We have complied with all aspects of it and we believe that our application does support the Special Use Permit regulations. First off, I'd like to go over briefly and as*

*quickly as responsible, go over our application where we indicated that we were in compliance with the law. What we did is we submitted....we took the Code and put it out in text and we put next to each and every element of the Code, how we had complied with it. We call that our Ordinance Compliance statement. In this particular case, as Mr. Shannon indicated, we have placed this in a wooded area. It's about 600 feet back from the roadway within that wooded area. You'll note on the slide that's on the screen at this point in time shows the red dot, that is the latitude and longitude of the center of the tower as located on Google Earth or something like that. It's going to be an unnamed building. It's just a building there that has our equipment in it and it has that tower that you have seen a drawing of.*

*The Code requires that.....it is in a scenic overlay district and we have proposed a stealth tower. A stealth tower, as Mr. Shannon indicated, it can be within a church steeple or look like a tree or whatever is going to have the least impact on the community. I don't believe a stealth tower is required in this particular case, but because of the fact that there is housing nearby, Verizon Wireless has gone to the extra expense of designing this as a single pole that goes up in the air. And I will show you some photo simulations of how it's going to look in that area in a moment. It does have space inside that pole for the extra antennas. You're not going to see any antennas, but if someone decides to co-locate there, they can co-locate and we have room within our compound to put in their equipment. The color of it is going to be the regular gray color, the galvanized steel that is a typical color of cell towers. There's not going to be any lighting on it. It's under 200 feet; therefore, the FAA does not require lighting and there won't be any. It's much better for the neighborhood that the silhouette will be dark and will not be seen. As far as signs go, the only signs that are going to be on that compound are going to be Warning signs. Where we have houses, where we have children, where we have people that are furious, we have an 8-foot high chain link fence with barbed wire on the top and a locked gate to make sure that nobody gets in.*

*This is one of our photo simulations. The way that this exhibit has been prepared is that the person who is preparing the simulation goes to the site, goes to several sites around that area, and tries to find from where is the tower going to be visible because it may not be visible from all spots around there. What they do is they take a balloon, a big red balloon, and they put it up the exact number of height of the tower and that is shown over in this smaller area. It's hard to see here, but there is a balloon right there. It's a little red balloon. So that is how we determine it. You might not have seen it on the tower if you look at the picture, it's in there, but it's at the very top of the pole. You cannot see any of the base of it, fence. If you can go to the next slide please.*

*This is to the east. Yes, it's to the east of the tower, there is a housing development. There is one particular road that does not have a lot of houses on it. As you see, there are no houses on the right hand side, but if you look in that direction, that is one of the more visible spots, but it is a pole similar to what you might see in a light pole or an electric transmission pole.*

*This is from Bame Road. There is an individual who lives in one of the lots that's fairly close to this spot and indicated that from his house, which is located right over here, that he could look through the trees and he can see the tower. Now at the Planning Commission, we indicated that we weren't aware of that, but if he could send me some photos of that, we'd be happy to take care of that prior to today's meeting. I haven't received any photos from him,*



*but I did talk with the Planning staff and that was part of the Planning Commission recommendation that, if indeed, after that is built and it is visible from anybody in that area, that we will add additional landscaping to do that. It's hard sometimes to maintain trees out when you're not tending them every day. So we had requested that there be the ability to put some fencing there. It's going to be a much better block for that individual. So, I believe, the way it's stated now it would be okay to have it half fence and half evergreen. Our plan is to make sure that neighborhood does not have to look at that base. No one has to. If you could go to the next slide, please.*

*Again, you can barely see that tower rising, kind of coming out of the top of that house there. We're not putting a flag on there. Some of them do have flag poles with big flags on them. This is just a pole going up. Next slide please. One of the questions that people commonly ask why is it that you need to put a tower in that particular spot. To answer that, this is a radio frequency map that has been generated by our engineers and Verizon. Siting the pole and the antenna is done scientifically. It's not done by, you know, this looks like a nice street or whatever. It's not haphazard at all. There's a lot of science that goes into this. It's a huge project and there's a lot riding on where this tower is going to be. As it is right now, you see different colors there. The white is where you can't get coverage at all. Dark blue is if you're on the street and you're holding your thing and waving it around, we've all done that at some point in time or another, that's where you get very little signal. And you'll notice that this is the site plan we are proposing right here, as you pull over towards this area here, there's a lot of blue here. Anybody that's driving on this road that's having a problem or anybody that lives over here and somebody has a heart attack or something like that, they can't call very well in this area. I recently was doing some research on another site and I found that between 60-70 percent of the calls made to 9-1-1 at this point in time are made on cell phones. So it's very, very important.*

*Next is the light blue. You can talk on your cell phone in your vehicle. The green you can do it inside a building. And the orange is urban level. It's good for in the building and out of the building. You can see in this area, and people are going up I believe it's Spring Street.....*

**Council Member C. Davis:** *Sandy Ridge.*

**James LaPann:** *Sandy Ridge Road here. It's not the best coverage and this is our site. If you can go to the next slide please. As you can see after this proposed tower goes in, the thought is that this area now is much better. There's still blue in between these two sites, but much less. Very little and for anyone traveling along this road, it's going to be in good shape. You've got very good coverage. Not to belabor it, but the improvement is very, very dramatic. Although there may be people that live in a certain spot that can get cell signal or whatever, scientifically that's what it looks like putting that tower in.*

*As far as the Special Use Permit itself goes, there are certain requirements that are findings that need to be determined and just to state it again, the staff and the Planning Commission have all stated that we have met those. First, is that the use will not materially endanger the public health or safety if located where proposed. As far as it falling down or anything like that, it's not going to. We've indicated from our engineers they're not going to fall anywhere near anybody, it's 460 feet or something from the nearing residence, 600 feet from the road. It's way back in there. We did have some comments at the Planning Commission. And I see*

*that the couple that made those comments are here today. A very nice couple that care a lot about their family and certainly that's very well warranted. Their big concern at that point in time regarding endangering the public health or safety was the potential radiation from the cell tower at that location. Although we didn't push that at the time, there was a statement from the attorney to the Planning Commission at that time that the radiation is not an issue or is not one that can be used to make a determination in this particular kind of case and I would just bring that up as well here. But, aside from the legalities of it, there are a lot of studies from the American Cancer Society and other groups that there is no danger to people living in the region of that. I had a project where the people lived right next to a tower and we did a lot of research on that and the Federal Communications Commission doesn't even look into possible radiation unless are you at a point within ten meters on the business end of that. Since this is a 160-foot tower, nobody's going to be within ten meters of that unless they're on a crane. There's no danger to people with the latest FCC regulations.*

*The second item is that the use meets required standards, conditions and specifications of the Development Ordinance and there has been a finding by the Planning Commission and a recommendation.*

*The third is the use will not substantially injure the value of adjoining or abutting properties. I would like to indicate that that regulation does talk about adjoining or abutting properties and the only relevant issues would be someone that had an adjoining property or an abutting property was going to have a problem with injuring the value and I don't believe there was anyone at the Planning Commission meeting that was an adjoining or abutting property owner and they did not present any evidence of it. That's one of the reasons why the Planning staff and the Planning Commission recommended approval.*

*Fourth, is that the location and character of the use be in harmony with the area and is to be located in general conformity with a plan of development. By putting this back into the trees, making a stealth tower, we do believe that we have met that obligation and we do appreciate your review of this tonight. I'll be happy to answer any questions that anyone has at this time or I can come back later.*

**Council Member Alexander:** *Can you talk about what, if any sound would be there. Are there any generators on site that would run? Impact, you've already talked about. Light....that there is not a beacon. So, what about sound?*

**James LaPann:** *There are generators. It's operated by electricity and in the case there is a power outage, we want to make sure that people can still use their cell phones. There is a generator on site. Since the nearest neighbor is about 300 feet, a football field, away, I don't believe there's going to be.....I'm not....I'm sworn to tell the truth here, I don't know what the details are with the sound of the generators. I can say that it's quite a ways away. I'm sure they're going to exercise them, like any generator. And probably from time-to-time, they are going to run.*

**Council Member Alexander:** *Right, but over a long period of time and especially during quiet hours, there would be no sound?*

**James LaPann:** *No, there is no sound to the operation of that, other than in an emergency situation or testing or maintenance situation, for the generator to run. There will be no sound to that.*

**Chairman Wagner:** *Any other questions of the applicant? [none] Thank you very much. Okay, the floor will now be open to the citizens who would like to come forward. I do have a list of some folks who signed up and I'm going to call them first and I would just remind you that you will have three minutes to speak and, you know, again if you have a group, I would prefer if you would pick someone to speak for your group. The first on the list is Evelyn Weir.*

**Evelyn Wehr:** *Thank you for letting me speak tonight. It's a very important issue to me. Although cell phone companies and other agencies say there's very little pose to having health risks in the neighborhood, I've done extensive research which I would like to leave with you.*

**Chairman Wagner:** *Ma'am, I have to tell you from your attorney, we're basically not allowed by law to consider those.*

**City Attorney JoAnne Carlyle:** *You're absolutely right. The federal law prohibits that. It does not prohibit you from hearing her comments, but it does prohibit you from taking that into consideration when you're making your decision.*

**Chairman Wagner:** *You can speak, but understand that we can't take what your comments are into account.*

**City Attorney JoAnne Carlyle:** *If I may also point out while I have your attention, that also applies to Mr. LaPann because he also made some comments to the opposite of that.*

**Evelyn Wehr:** *What I learned was that in some instances with as little as 4,180 feet from a cell tower, over an 8-10 year period, there is a three times more events of cancer in residences near a cell tower. My residence is 300 feet away. And I also learned that it does affect property values, despite what I heard this evening. I bought this home thinking that I was going to stay there forever and it doesn't appear that I'll be able to now because I'm certainly not going to live in a place where I feel there are health risks and my property's going to be de-valued.*

*Here it says the site is lying along the south side of Bame Road, 1,900 feet west of Sandy Ridge Road. That makes it appear that it's far away, but to the residents of this community, we don't care if it's a designer tower. The appearance has nothing to do with our concern. Our concern is the safety for our grandchildren, our children and our health. Thank you for listening.*

**Chairman Wagner:** *Thank you, Ms. Wehr. The next person on the list is Katrina Daniel.*

**Katrina Daniel:** *My name is Katrina Daniel. I want to speak out of concern for a cell tower in our beloved neighborhood. My family and I moved to Bame Road 21 years ago. We love the quiet country that we enjoy there. A residential setting, the beauty, the peace that is there*

*and I'm worried that with a proposed cell tower that this will change my community, my neighborhood as I know it. Our friend was speaking about cell phone coverage. We have lived there for 21 years and for 16 years we've had Verizon coverage and before that we had U.S. Cellular and I have never had any problems getting coverage anywhere and I live at the bottom of Bame Road. I never had any trouble there. I never had any trouble on Sandy Ridge Road, so why do we need this in our community? I'm concerned that maybe an alternate site analysis may not have been conducted. I don't know for sure. I'm concerned. We have a historic house in our neighborhood that is of great value to us. We have a church in our neighborhood. I appreciate the fact that they want to say that the cell tower is in harmony with our area, but we don't have anything that tall in our neighborhood and personally, we don't want it. I am concerned about the health risks as well, but I'm concerned that some company is out to make a commercial investment in my neighborhood. My friend here just spoke about our home values, the aesthetics. I know they want to make it look as good as they can, but I moved there 21 years ago to spend the rest of my life there. I don't want to have to sell my home and move because of something that's there that we don't want. We didn't ask for it. To be honest, it warmed my heart to hear you speaking of people that were going to be put out in the cold. Even chickens being killed. Please consider my neighborhood. Would you want a cell tower right up the street from you? I urge you to really consider this for me and my neighbors. Thank you.*

**Chairman Wagner:** *Thank you, Ms. Daniel. The next person, I think it's Justin Rohme?*

**Justin Rohme:** *Before I get started, may I give you a petition with over 125 signatures?*

**Chairman Wagner:** *You can hand that to the Clerk.*

**Justin Rohme:** *Like I said, my name is Justin Rohme. I live at 8623 Bame Road. Two and a half years ago, my wife and I bought our first house. We looked at many areas in High Point, Greensboro, Pleasant Garden and we chose Colfax. The reason why we chose it was the excellent school districts, the overall appearance of the community. I love coming home at night, my wife as well, seeing the sunset and not seeing a 160-foot tall cell phone tower in the distance. That's something that we really appreciate. But more importantly, I know you can't take safety into consideration, but we have a 7-year-old little girl and my little girl much like any of you that have children, is my life. And my little girl, from the research that we have done, and overhearing her mom and I talk is terrified just as much as we are and the other people coming up here. My little girl watched her grandfather pass away three years of brain cancer. My grandmother passed away with brain cancer. I have reports here, contrary to what's been said before you tonight that state that living within 300 meters of a cell phone tower increased certain cancers. Certain cancers such as lymphatic cancer and bone marrow cancer-especially in children. I also have that report saying that the 300 meter was done just down the road at UNC-CH, so that is a local study that was conducted. Also other studies have found that levels of radiation emitted from cell phone towers can damage cell tissue and DNA causing miscarriage in women, suppressing immune function and causing other health problems. I know you can't take that into consideration, but I need to speak on that. Also, there have been reports done across the world and in Australia that found that children living near TV and FM broadcast towers, along with cell phone towers develop Leukemia at three times the rate than children living seven miles away. Other studies found that the radiation from cell phone towers, like I mentioned, can affect DNA.*

*There was a study that was done and there was a study that the risk of cancer quadrupled among people living within 350 meters. That's myself, my wife and my 7-year-old daughter that I mentioned. And also property value. Property value is a big thing and I don't want to sell my house. I haven't even been in my house for two and a half years yet. We bought our house thinking much like these other two women, that we weren't going to have to turn around and sell it. That's my investment and I don't personally think that a company such as Verizon or anybody else has a right to come into an established neighborhood and set up shop and take my property value. I think that's something that should be illegal, to be quite honest with you all. I'm sorry that I'm kind of shaking in my voice. This is something that I feel strongly against. I hope that you all can respect that. That's really all that I have to say, but before I close out here, they say that RF rays....there's been no studies to prove that they are dangerous, but several years ago, there were three things that were proven to be okay that turned out not to be: asbestos, lead paint and BPA. All those things have proven to be deadly at this time and BPA is a actually being removed off the market. Asbestos and lead paint is illegal at this time. Thank you.*

**Chairman Wagner:** *Thank you. The next person on the list looks like Fred Bame.*

**Fred Bame:** *Mine is going to be short and sweet. Maybe not sweet. I'd like to know how far it is from the cell tower to my house. Can somebody tell me that?*

**Chairman Wagner:** *Can staff maybe address that?*

**Fred Bame:** *2744, just straight through the bushes.*

**Chairman Wagner:** *Could you point it out on the map, do you think?*

**Fred Bame:** *Okay, my house is right there. So how far is it from there to my house?*

**Chairman Wagner:** *Can staff eyeball that?*

**Herb Shannon:** *I'm just going to have to make an educated guess. It's probably less....*

**Chairman Wagner:** *The scale is 1 inch to a 1,000.....*

**Herb Shannon:** *What we scaled is from Sandy Ridge Road to the site is approximately 1,900 feet and your house is in this area?*

**Fred Bame:** *Back up the road.*

**Council Member C. Davis:** *Back this way.*

**Chairman Wagner:** *Right there.*

**Fred Bame:** *Right in there probably.*

**Herb Shannon:** *That's approximately 1,000 feet.*

**Fred Bame:** 1,500 feet to the historical house down the road. Les Eger can tell you. You need to call him. It has to be 1,500 feet from a historical residence. My house was built in 1740s and has been in my family almost 300 years. It has a very detrimental effect on it. The house is part brick and part log. The bricks....something about these rays ruin it. It just takes them down. But anyway, 1,500 feet. Les Eger with the Guilford County zoning or whatever it is. He can give you the exact thing because they were going to put one in front of my house less than six months ago and of course they couldn't because it was right in front of my house, but if you can find out from him. I don't know. I'm saying it's about 1,000 feet from the location to my house. That's what concerns me the most. I have grandchildren living next door, so thank you.

**Chairman Wagner:** Thank you, Mr. Bame. Is there anyone else who'd like to come forward who was sworn at the beginning who hasn't had a chance to speak that's not on the list? Okay, seeing none, I will close the public hearing. Just to get the debate going, **I'LL MAKE A MOTION FOR APPROVAL OF SPECIAL USE PERMIT CASE 15-02.**

**Mayor Bencini:** There's a motion, do we have a second?

**Council Member Alexander:** I'll **MAKE A SECOND.**

**Mayor Bencini:** We have a **MOTION** and a **SECOND.**

**Chairman Wagner:** Does staff a response to Mr. Bame's question regarding the distance?

**Herb Shannon:** I couldn't quite understand what he was saying. Les Eger with Guilford County....that may be a standard for unincorporated property. That is not a standard for the City of High Point.

**Council Member C. Davis:** Do we have to honor that?

**Council Member J. Davis:** I would like to clarify one thing. There's nothing in the Development Ordinance that says that a tower cannot be there up to 50-foot in height. We're hearing this because it's above 50-foot in height. So a tower is allowed there, up to 50-foot without having to come before Planning & Zoning and Council.

**City Attorney JoAnne Carlyle:** Right, and it's the extra height that you're here to hear.

**Mayor Bencini:** That's triggering the Special Use Permit.

**Fred Bame:** I referred to Les Eger with the Guilford County Planning & Development.

**Chairman Wagner:** Thank you, Mr. Bame.

**Council Member C. Davis:** With High Point being inside the County, do we have to honor.....

**Chairman Wagner:** *The public hearing has been closed. It's now just time for Council to talk amongst themselves.*

**Unidentified Person in audience:** *[inaudible]*

**Chairman Wagner:** *Well the public hearing has been closed for everyone. It's just now time for.....there's a motion on the floor and it's time for Council to discuss that motion.*

**Council Member C. Davis:** *JoAnne, with the City of High Point being within Guilford County do we have to honor the county aspect of that?*

**City Attorney JoAnne Carlyle:** *We have ordinances that address that.*

**Council Member C. Davis:** *I just wasn't sure if there was something that went beyond that due to the utility pole conversation we had previously about historic property. I wanted to make sure I asked that question to make sure that it was clear.*

*I do have a question for staff if anybody's here that can answer it. One of the comments that was presented was the ability to use your cell phone to text 9-1-1 and being able to be found with that. Is there anybody here from our 9-1-1 offices that can elaborate whether or not you can accurately pinpoint someone from their cell phone because I was under the impression that it's a hit or miss situation. So is there anybody here that can speak to that?*

**Unidentified Person in audience:** *[inaudible]*

**Mayor Becini:** *Any further discussion?*

**Council Member J. Davis:** *Jay, your motion was for approval. Planning & Zoning made a condition about the landscaping.*

**Chairman Wagner:** *I believe they went back and redid their application to include that. It's already been included.*

**Council Member J. Davis:** *So that's already included?*

**City Attorney JoAnne Carlyle:** *I think it was 50 percent evergreens.*

**Chairman Wagner:** *They revised their application, so that's already before us.*

**Mayor Bencini:** *I would just remind Council that per staff's analysis, this Special Use Permit does meet the findings of fact. Any further discussion? [none] All those in favor, say AYE.*

**Mayor Bencini, Mayor Pro Tem Golden, and Council Members C. Davis, Alexander, Williams, Hill, Wagner, J. Davis, and Ewing: AYE.**

**Mayor Bencini: OPPOSED?** [none] **THAT MOTION CARRIES.** [9-0 vote]

*[end of transcript]*

Approved Special Use Permit Case 15-02 based upon the conditions and findings identified in the staff report, compatibility with the surrounding zoning, and the request is in harmony with adjacent development in the area.

**A motion was made by Council Member Wagner, seconded by Council Member Alexander, that Special Use Permit Case 15-02 be approved. The motion PASSED by a 9-0 unanimous vote.**

**160026 G.H.K. Developments, Inc. - Plan Amendment Case 15-05**

A request by G.H.K. Developments, Inc. to change the Land Use Map classification for approximately 12.1 acres from Institutional, Office and Low Density Residential to a Community/Regional Commercial classification. The site is lying approximately 225 feet west of N. Main Street, north of Fisher Avenue, east of Idol Street and approximately 165 feet south of Westchester Drive.

*The joint public hearing regarding this matter and related matter **160027 G.H.K. Developments, Inc.- Zoning Map Amendment Case 15-18** was held on Tuesday, January 19, 2016 at 5:30 p.m.*

*Chairman Wagner announced that staff would present the staff reports on these matters, the applicant would be allowed to speak, then the floor would be open for public comments with a three-minute time limit each.*

*Andy Piper with the Planning and Development Department provided an overview of the staff report for Plan Amendment Case 15-05, which is hereby attached in Legistar as a permanent part of these proceedings.*

**Note: Action was taken on both the Plan Amendment Case 15-05 and the Zoning Map Amendment Case 15-18 separately; however, please refer to 160027 Zoning Map Amendment Case 15-18 for specific comments made for both matters.**

*Mr. Piper noted the site is located at the southeast corner of Main and Eastchester/Westchester and is bounded by Idol Street, as well as Fisher Avenue on the south with much of the site undeveloped. He noted there are currently two churches, and an office building on the site and the portion of the site that is going to be rezoned has two existing single-family dwellings.*

*Regarding the adjacent land uses, Mr. Piper advised to the north and east, there are several different varieties of retail and commercial uses; single-family homes are located to the south as well as a Fire Department and a Maintenance Facility; a cemetery is located to the west, and a few single-family residential dwellings. He reported that the*



*applicant is requesting the Land Use Plan designation for approximately 12 acres be amended from Institutional Office and Low Density Residential to a Community/Regional Commercial classification and staff had to consider several land use policies to evaluate this request.*

*One was the Community Growth Vision Statement which encourages larger commercial developments to locate near key intersections where there are suitable land use and development patterns already existing. It also encourages having goods and services in proximity to neighborhoods. Mr. Piper explained the Land Use Plan includes goals and objectives that promote the efficient use of land to serve the city's land use resources through in-fill development at appropriate locations and it also recommends that there be a transition in land uses where feasible. He noted that although it does not provide any specific recommendations for this site, the Core City Plan also encourages in-fill development particularly in the N. Main Street area which is kind of seen as the alternative traditional downtown and also where uses would be within walking and bicycling distance to neighborhoods.*

*Mr. Piper stressed it is also important to analyze the surrounding area to determine whether the proposed change is logical and pointed out over the past 20 years, the other three corners of this major intersection have developed with significant commercial development. The current land use designations actually date back to the previous Land Use Plan of 1992, which was carried forward with the current plan and these designations were selected more in recognition of the uses already in place. This request not only meets several of the goals and objectives of the Land Use policies and is also consistent with the development patterns that have emerged in the area. Staff is recommending approval of the Land Use Plan Amendment Case. This matter was heard by the Planning & Zoning Commission at their December 8, 2015 meeting and they recommended approval by a 6-0 vote.*

*At this time, Mr. Piper handed the rest of the presentation over to Herb Shannon of Planning & Development, to provide an overview of the staff report for Zoning Map Amendment Case 15-18.*

Adopted Resolution approving Land Use Plan Amendment Case 15-05 to change the Institutional, Office and Low Density Residential land use designation for approximately 12.1 acres to the Community/Regional Commercial land use designation based on consistency with the City's adopted plans. The Council further finds that this action is reasonable and in the public interest based on the statements outlined in the Staff Analysis section of the Staff report.

**A motion was made by Council Member Wagner, seconded by Council Member Davis, to adopt the Resolution changing the Land Use Map classification for approximately 12.1 acres from Institutional, Office and Low Density Residential to a Community/Regional Commercial classification. The motion PASSED by a 9-0 unanimous vote.**

**Resolution No. 1604/16-05**  
**Introduced 1/16/2016; Adopted 1/19/2016**  
**Resolution Book, Volume XIX, Page 75**

**160027**

**G.H.K. Developments, Inc. - Zoning Map Amendment Case 15-18**

A request by G.H.K. Developments, Inc. to rezone approximately 13.2 acres from a Residential Single Family-7 (RS-7) District, Residential Single Family-9 (RS-9) District, Limited Office (LO) District and the Conditional Use Limited Office (CU-LO) District to the Conditional Zoning Shopping Center (CZ-SC) District. The site is lying approximately 225 feet west of N. Main Street, north of Fisher Avenue, east of Idol Street and partially along the south side of Westchester Drive.

*The joint public hearing for this matter and related matter 160026 Plan Amendment Case 15-05 was held on Tuesday, January 19, 2016 at 5:30 p.m.*

*Herb Shannon of Planning and Development provided an overview of the staff report for Zoning Map Amendment Case 15-18. which is hereby attached in Legistar as a permanent part of these proceedings.*

*The applicant has submitted an application to rezone approximately 13.2 acres from a Residential Single Family-7 (RS-7) District, Residential Single Family-9 (RS-9) District, Limited Office (LO) District and the Conditional Use Limited Office (CU-LO) District to the Conditional Zoning Shopping Center (CZ-SC) District in order to facilitate the development of a proposed 55,000 square foot commercial development. Mr. Shannon noted the development will take place in the middle of this site and all the existing buildings on the site are proposed to be razed with the exception of the Westchester Baptist Church, which will remain for a time, but in the future that site and facility may also be razed and be developed for commercial uses.*

*The Shopping Center District is primarily intended to accommodate a wide range of higher intensity commercial, retail, business, personal service uses serving the community and region and is intended to be established on larger sites with some shared parking, shared vehicle circulation and shared landscaping, signage. Mr. Shannon reported that with this proposal, the applicant has submitted a Conditional Zoning Ordinance, which includes conditions prohibiting certain uses of the SC District. The applicant is proposing conditions for higher landscaping standards and architectural standards, along with transportation conditions.*

*Mr. Shannon pointed out the site is located near the intersection of two major thoroughfares and noted that there has been quite a bit of commercial development in this area over the past 30 years. This proposal would mirror development occurring on the north and south side of Westchester Drive as far as commercial uses expanding further into that area. He explained a major difference is with the church owning a majority of this property, it was not a residential neighborhood as from the north. Although there are some residences along the south side of Fisher Avenue, he pointed out this lot primarily consisted of commercial uses along the perimeter, and some office uses along the Fisher Avenue frontage.*

*To ensure compatibility, the applicant has offered higher landscaping standards along Fisher Avenue and they have offered to meet some of the higher Eastchester Corridor standards regarding screening of loading docks, architectural standards, etc.... Mr. Shannon acknowledged the fact that this came in as one total development, it would provide for a unified development and this would assist in having shared parking and landscaping to ensure compatibility with the surrounding area.*

*In addition to these standards, Mr. Shannon advised that the applicant has also offered several transportation conditions to mitigate impact. In conjunction with direction from the Transportation Department, they have submitted a Traffic Impact Analysis and those findings have also been incorporated into the zoning conditions for this site.*

*Staff suggests approval of the applicant's request and finds it reasonable in the public interest. Subject to approval of the Plan Amendment, staff also finds that the rezoning request will be consistent with the Land Use Plan and is consistent with Goal #5 and Objective 8 of the Land Use Plan as it promotes an urban design pattern that will occur in an orderly fashion. Mr. Shannon reiterated that the applicant has also offered architectural screening conditions to ensure compatibility with adjacent uses and offered various transportation conditions to mitigate traffic.*

*Staff recommends approval of the request for Conditional Zoning Shopping Center district on this site. The Planning & Zoning Commission met on December 8th and by a 6-0 vote has forwarded this request for rezoning to the City Council with a favorable recommendation for approval. Mr. Shannon further advised there were some questions as some of the transportation issues were being finalized and confirmed that those have been finalized and incorporated into the Conditional Zoning application that is before the Council this evening.*

*At this time, Chairman Wagner asked the applicant to come forward.*

*Tom Terrell, 529 W. Parkway, Attorney with Smith Moore Leatherwood, representing the applicant, addressed Council. He prefaced his comments by providing a deeper history on this site and noted it has changed a lot over the past century. He shared that this area used to be called "Mechanicsville" because many of the mechanics used to build and repair machinery here that served the furniture and textile companies in the community. He noted in the last several years, efforts started in an attempt to put all of these parcels together so that the last quadrant could develop, which is adjacent to two of the largest thoroughfares and one of the largest intersections in the city.*

*In terms of community support, Mr. Terrell advised for a site this size to have almost unanimous 100% community support was practically unheard of. He shared that they had their first community meeting at Lebanon Methodist, which is the oldest occupant in the neighborhood. He reported they had a very positive meeting with the congregants of Lebanon Methodist and an equally positive meeting at Westchester Baptist. Several of the residents expressed appreciation for putting in a traffic light were Idol crosses Westchester. Mr. Terrell then introduced Gordon Cobb, Jr.*

*Gordon Cobb, Jr. President of G.H.K. Developments out of New Orleans, addressed Council. He informed Council that he and his business partners have been working on this assemblage*

*of property close to three years and were looking forward to making a long-term investment in High Point. He noted the site is approximately 13.2 acres bounded by Main Street, Westchester, Idol and Fisher and it also consists of eleven parcels. He shared that this site does have some significance to his company as his dad developed the Walgreens site on the corner of Westchester and Main Street back in the early 2000s. In addition, he noted that his godfather also lives down the street from the site of one of his sons, so they really want to do it right and make sure that everything is well-received by the public.*

*Mr. Cobb explained they are proposing to develop a 49,000 square foot grocery store with approximately 6,500 square feet of shop space and two outparcels with one of those on Main and one on Westchester. He then referenced the map showing the overall assemblage they put together and noted the light green on the map identifies the property they will retain after the development. He noted the purple identifies two lots that they currently have under contract, but they plan to donate those lots to the owner of the Ham's parcel in order to create a shared entrance off Main Street.*

*Mr. Cobb advised this development would provide approximately 1,000 construction jobs from start to finish of the project and would provide about 125-150 employees for the grocery use. Regarding the traffic impact, he reported that they have been working closely with the High Point Transportation Department and NC Department of Transportation to create the access points that were recommended and supported by the Traffic Study. In addition, they will be installing a traffic light at the intersection of Idol and Westchester at their expense. He reiterated that they realize the importance of the effect of landscaping on development and pointed out they met or exceeded the landscaping requirements for the entire project. The landscaping will be fully irrigated to ensure their long-term investment. Mr. Cobb further advised that they recognize that some of the residential lots across from their development will be facing ingoing parking spaces, so they have designed the site so that the grades will be lower and screened by a hedge row so lights will not be shining into the houses.*

*He shared some general elevations that their architect has been working with, which included some of the themes from the Walgreens and use of some of the same brick materials, etc... in an effort to create some harmony and synergy for the project. Mr. Cobb explained they have been working parallel with their full construction design to have 100% submittals to the City of High Point within 30-60 days and if they receive approval from Council tonight to move forward, construction would start in the early summer with an anticipated completion timeframe of 10-12 months for a project of this size. After Mr. Cobb concluded his remarks, he welcomed any questions.*

*At this time, Chairman Wagner asked if there were any questions by Council for the applicant. There being none, he opened the public hearing and reminded those speaking to limit their comments to three minutes.*

*Eric Peacock, Pastor of the Westchester Baptist Church, addressed Council in support. He assured everyone that Westchester Baptist Church would not be leaving the City of High Point because they love the City of High Point and have such a rich history here. He shared that the church currently has all kinds of issues with the building and they were uncertain about how they would be able to fix those issues. They have been praying that someone*

would offer them the resources they would need to move and relocate and G.H.K. Developments came to them about two years ago with their proposal. He clarified that it was mentioned earlier that 98% of the church was in favor, but it was actually more like 94%-95%.

Donnie Robinette, representing the Church of the Living God on Fisher Street, also addressed Council in support. He noted they have three properties in High Point and this would provide an opportunity for them to move this property to where they feel they can be more effective. He expressed excitement for the development and felt it would be a major plus to the City of High Point and would be a great boost to them as well. He informed Council that the Church of the Living God, as well as the Church of the Living God Conference is in total agreement with the development.

Jill Harwood, a member at Westchester Baptist Church for over 18 years, also addressed Council in support. She shared there has been a lot of prayers in this decision and she felt this would be a great thing for the church, community and the developers for the project. She thanked G.H.K. for allowing the church to stay on the land because it would have been a great expense to them otherwise.

Chairman Wagner asked if anyone else was present who would like to speak in support of or in opposition to these requests. There being no further comments, the public hearing was closed.

Adopted Ordinance amending the Zoning Map to rezone approximately 13.2 acres from a Residential Single Family-7 (RS-7) District, Residential Single Family-9 (RS-9) District, Limited Office (LO) District and the Conditional Use Limited Office (CU-LO) District to the Conditional Zoning Shopping Center (CZ-SC) District based on consistency with the City's adopted plans by adopting the statements in the Staff Analysis section of the staff report.

**A motion was made by Council Member Wagner, seconded by Council Member Davis, to adopt the Ordinance providing for the rezoning of approximately 13.2 acres from a Residential Single Family-7 (RS-7) District, Residential Single Family-9 (RS-9) District, Limited Office (LO) District and the Conditional Use Limited Office (CU-LO) District to the Conditional Zoning Shopping Center (CZ-SC) District. The motion PASSED by a 9-0 unanimous vote.**

**Ordinance No. 7186/16-06  
Introduced 1/19/2016; Adopted 1/19/2016  
Ordinance Book, Volume XIX, Page 69**

## GENERAL BUSINESS AGENDA

### **160028 Amendment of the City of High Point Fair Housing Ordinance**

Council is requested to adopt an amendment to the City of High Point Fair Housing Ordinance.

*Before asking Director Hollis to address Council on the city's processes, City Manager Demko noted there have been discussions with Council in the past as part of the Human*

*Relations Commission regarding the different ordinances and the authorities and powers contained in those ordinances. He advised that Fair Housing happens to be one of the very important areas that the city deals with and having a process that complies with HUD and the State is very important.*

*Jeron Hollis, Director of Communications & Public Engagement, made reference to the memo in Council's packet that summarizes the staff's recommendation to amend the current Fair Housing Ordinance. He provided a little background information and noted it was written in 2007 and staff is recommending to amend the ordinance so that it accurately reflects practices currently being used to deal with fair housing issues that may come in to the City of High Point. He advised that the current ordinance tends to be a little confusing because it does not accurately reflect the way these complaints are handled or the authority and function of the Human Relations Commission. He then read the following statement into the record that details and gives a general overview of how the city handles incoming fair housing issues.*

***"Currently the Human Relations function exists as a vision of the Communications & Public Engagement Department. Resident concerns involving housing issues are received by city staff and referred to the appropriate agencies that have the resources and authority to investigate and respond."***

*Mr. Hollis explained the amended ordinance would reflect how the city handles incoming fair housing issues as identified in the previous statement.*

Adopted an Ordinance amending Title 4 Entitled "Government and Administration", Chapter 3 "Boards and Commissions", Article A, Entitled "Human Relations Commission"

**A motion was made by Council Member Alexander, seconded by Council Member Wagner, to adopt the Ordinance amending the City of High Point Fair Housing Ordinance. The motion PASSED by a 9-0 unanimous vote.**

**Ordinance No. 7187/16-07  
Introduced 1/19/2016; Adopted 1/19/2016  
Ordinance Book, Volume XIX, Page 70**

**160032 Change in City Council Meeting Schedule - National League of Cities Meeting**

Council is requested to cancel the Regular City Council Meeting scheduled for Monday, March 7, 2016 due to several Council Members traveling to Washington, DC to attend the National League of Cities 2016 Congressional City Conference.

Approved a change in the City Council Meeting Schedule to cancel the Regular City Council Meeting scheduled for Monday, March 7, 2016 due to several Council Members traveling to Washington, DC to attend the National League of Cities 2016 Congressional City Conference.

A motion was made by Council Member J. Davis, seconded by Council Member Hill, to cancel the Regular City Council Meeting scheduled for Monday, March 7, 2016. The motion PASSED by a 9-0 unanimous vote.

**160029**      **Approval of the Minutes of Previous City Council Meetings**

- Manager's Briefing; Monday, January 4th @ 3:0 p.m.
- City Council Meeting; Monday, January 4th @ 5:30 p.m.
- Planning & Development Committee; Tuesday, January 5th @ 4:00 p.m.
- Prosperity & Livability Committee; Wednesday, January 6th @ 9:00 a.m.
- Special Called Meeting; Friday, January 8th @ 4:30 p.m.

The minutes of the preceding meetings were unanimously approved as submitted.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, that the preceding minutes be approved as submitted. The motion PASSED by a 9-0 unanimous vote.

**160030**      **Boards & Commissions - Vacancy Report**

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

*Note: This information is included for informational purposes only.*

**OTHER BUSINESS**

**2015 Financial Report**

*City Manager Demko publicly announced that the city received a clean opinion of the 2015 Financial Report and congratulated Jeff Moore, Financial Services Director, and his staff for running a nice finance operation with good internal controls and preparing reports that would comply with the necessary standards. He also thanked the City Council for their stewardship and all department heads for their efforts in making sure we have a good financial operation of the city.*

**Audio Available- Kensington Neighborhood Meeting (Stormwater)**

*Council Member C. Davis advised that she and Council Member Hill attended the Kensington Neighborhood meeting recently held at Emerywood Baptist Church on Saturday and announced that the audio from that meeting is available for any member of Council that would like a copy. She noted that copies of the audio have already been provided to the city manager and staff for informational purposes.*

**ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 7:35 p.m. upon motion duly made and seconded.

Respectfully Submitted,

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William S. Bencini, Jr., Mayor

Attest:

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Lisa B. Vierling, MMC  
High Point City Clerk