

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
SEPTEMBER 21, 2015 – 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 James C. Davis (Ward 5); and Council Members Cynthia Y. Davis (At-Large), Latimer Alexander (At-Large); Jeffrey Golden (Ward 1), Christopher Williams (Ward 2), Jay Wagner (Ward 4), and Jason Ewing (Ward 6).

Absent:

Council Member Alyce Hill (Ward 3)

RECOGNITIONS/AWARDS

150297 Solid Waste Association of North America

Mr. Mike Spencer, Solid Waste Disposal Division, and Mr. Chip Vanderzee, Environmental Services Division, will be in attendance for recognition by the Solid Waste Association of North America (SWANA).

Terry Houk, Director of Public Services, recognized two Public Services employees:

Mike Spencer, Solid Waste Superintendent, who was selected as an Unsung Hero by the Solid Waste Association of North American (SWANA); and

Chip Vanderzee, Solid Waste Collection Superintendent, who attained SWANA Certification as an Integrated Solid Waste Management Systems Technical Associate.

Robby Stone, Assistant Director of Public Services, also congratulated these two employees and provided additional details on their outstanding accomplishments.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

*Committee Members: C. Davis, Hill and Williams
(Hill was absent)*

Chairman J. Davis reported that the Finance Committee met on Thursday, September 17th and recommended approval of 150298, 150299, 15302, and 150303. He advised that 150301 Interlocal Agreement- PART Electric Vehicle Charging Station will remain in the Finance Committee for receipt of additional information.

Mayor Pro Tem J. Davis then moved approval of 150298, 150299, 150302 and 150303. Council Member C. Davis made a second to the motion, which carried unanimously.

Action on these matters will be reflected throughout these minutes as being made and seconded by the same persons.

150298 Budget Ordinance Amendment - Washington Street Property Demolition

Adoption of a Budget Ordinance appropriating funds in the amount of \$75,032.00 for the demolition of property located at 736 Washington Street (Odd Fellows Lodge) and 701 Washington Street (First Baptist Church) and the removal of the stained glass windows in the church.

Adopted an Ordinance amending the 2015-2016 Budget Ordinance to appropriate funds in the amount of \$75,032.00 for the demolition of property located at 736 Washington Street (Odd Fellows Lodge) and 701 Washington Street (First Baptist Church) and the removal of the stained glass windows in the church.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this Budget Ordinance Amendment be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

Ordinance No. 7170/15-53

Introduced 9/21/2015; Adopted 9/21/2015

Ordinance Book, Volume XIX, Page 53

150299 Eastside Wastewater Treatment Plant - UV System Repair

In order to complete the purchase, City Council is requested to:

(1) Approve an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment for the Public Services Department from EW2 Environmental. State statute (G.S. 143.129(e)(6) requires City Council to specifically authorize "qualified sole source" exceptions to the bid laws prior to awarding the contract. This purchase for the Public Services Department continues to meet the standard for "standardization considerations" as a qualified exemption. Representatives of the Public Services Department will be present to answer any questions which may arise.

(2) City Council is requested to approve the acquisition of the Trojan UV equipment from EW2 Environmental. The required funds of \$84,781.38 for the purchase are budgeted in the Water & Sewer Operations Fund.

Approved an exception to the bid laws under the "sole source qualification" for the purchase of Trojan UV equipment from EW2 Environmental; and approved the acquisition of the Trojan UV equipment from EW2 Environmental.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

150300 Municipal Agreement - NCDOT

Approval of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Second Strategic Highway Research Program (SHRP2) Transportation Visioning for Communities Grant.

Chairman J. Davis advised that the Finance Committee felt additional information was needed and asked staff to report on this matter.

Mark McDonald, Director of Transportation, advised this is a grant from the Federal Highway Administration made possible through safety legislation several years ago. The portion that High Point applied for was recommended through the Southwest Renewal Foundation to look at transportation visioning for the community. He explained the intent of the grant application that was submitted was to look at the rail depot, Hi tran terminal, and to look generally in the area bounded between Elm and Wrenn to the east and west and Kivett and Commerce to the north and south in an effort to determine how to integrate development with multi-modal transportation. He further explained that there is no match required for the \$50,000; however, should additional funding be needed, the MPO is offering up to \$25,000 in planning funds to supplement the \$50,000 for the study, of which 20% of the \$25,000 would be city funded.

Chairman J. Davis advised discussion during the Finance Committee meeting centered around the PIT area and questioned whether the legal issues have been cleared up regarding the property owners/deeds. Mayor Bencini questioned what the PIT area would have to do with multi-modal transportation. Mr. McDonald explained that it falls in the general area of redevelopment and staff would look at the pros and cons of various types of redevelopment of the PIT area. Council Member C. Davis pointed out verbiage in the grant that stated there is an interest in creating an entertainment venue to take advantage of the multi-modal transportation and that the study would be done in and around those areas for that purpose. As a matter of clarification, Mr. McDonald advised that the purpose of the study was not to explore opportunities for entertainment venues, but look for broader redevelopment for the use in that area. Council Member C. Davis took exception to Mr. McDonald's response and pointed out the verbiage clearly states an entertainment venue.

Approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Second Strategic Highway Research Program (SHRP2) Transportation Visioning for Communities Grant.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Williams, that this matter be approved. The motion carried by the following 7-1 vote:

Aye (7):	Council Member Williams, Mayor Pro Tem J. Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, Mayor Bencini, and Council Member Alexander
Nay (1):	Council Member C. Davis
Absent (1):	Council Member Hill

150301 Interlocal Agreement - PART Electric Vehicle Charging Station

Approval of an Interlocal Agreement with the Piedmont Authority for Regional Transportation (PART) for the installation of an electric vehicle charging station which will be located at the City's Library.

Chairman J. Davis advised that 150301 Interlocal Agreement- PART Electric Vehicle Charging Station will remain in the Finance Committee for receipt of additional information.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Davis, that this Agreement be postponed and remain in the Finance Committee for receipt of additional information from staff. Matter to be returned by 10/5/2015. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

150302 Resolution - Authorizing Financing Contract - Motorola Communications Systems Upgrade

City Council is requested to authorize the City Manager and Financial Services Director to accept the proposal for the installment financing contract with Whitney Bank, to authorize the borrowing as evidenced in the attached resolution, and to prepare and execute the necessary documents in connection with the financing agreement, contingent on the Local Government Commission's approval.

Adopted Resolution authorizing the financing contract with Whitney Bank for the Motorola Communications Systems Upgrade; authorized the City Manager and Financial Services Director to accept the proposal for the installment financing contract with Whitney Bank and to execute the necessary documents in connection with the financing agreement--contingent upon the Local Government Commission's approval.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent].

**Resolution No. 1479/15-50
Introduced 9/21/2015; Adopted 9/21/2015
Resolution Book, XIX, Page 50**

150303 Report of Independent Accountant - Local Government Employees' Retirement System

City Council is requested to accept the auditor's attest report letter for the special audit testing procedures on the City's participant data and related payroll records provided to the Local Government Employees' Retirement System.

Accepted the auditor's attest report letter for the special audit testing procedures on the City's participant data and related payroll records provided to the Local Government Employees' Retirement System.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member C. Davis, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

150319 Revision to the Standing Committees of City Council- Meeting Dates/Times (Finance Committee)

Consideration of a revision to the meeting date/time for the Finance Committee as follows: The Finance Committee will meet at 4:00 p.m. on the Wednesday preceding the 1st and 3rd Monday meeting of the High Point City Council (effective September 21, 2015).

Motion by Council Member Alexander, second by Mayor Pro Tem J. Davis to suspend the rules so this matter could be placed on tonight's agenda for consideration. The motion to suspend the rules carried by an 8-0 unanimous vote.

Approved the Revision to the Standing Committees of City Council (2014-2017) to change the time of the Finance Committee Meeting to 4:00 p.m. on the Wednesdays preceding the 1st and 3rd Monday Council Meetings.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

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

150304 Appeal of Driveway Ordinance - Family Dollar Store

Request received from Premier Builders and Development Company, Inc. on behalf of Family Dollar Store, appealing the City of High Point's Driveway Ordinance to close an existing driveway on Westchester Drive at the former Burger King property.

Mr. Jack Somers, 1400 Eastchester, Suite 104, addressed Council in regards to an Appeal of the Driveway Ordinance received from Premier Builders and Development Company, Inc. on behalf of Family Dollar Store. Mr. Somers advised Council that Premier Builders and Development Company has developed several Family Dollar Stores, as well as a Walgreens in High Point and they are interested in redeveloping the old Burger King building on Westchester to a Family Dollar Store. He explained they currently have a 15-year lease signed by Family Dollar Store and informed Council that it is essential that they keep the current driveway open because without the driveway, they will not be able to get their transfer trucks in for inventory purposes. Mr. Somers reported that they plan on taking down the existing Burger King building, constructing a new store and they are asking for Council's permission to keep the driveway open.

City Attorney JoAnne Carlye pointed out this is not actually an appeal, although it is labeled as such on the agenda. She explained the ordinance refers to it as a variation and suggested renaming the term because it is not really a variation, but more of a consideration where Council is giving the authority through the ordinance to take into consideration cases such as

this. Ms. Carlyle advised Council that the ordinance identifies five findings that should be considered and distributed a copy of the page identifying these findings to Council. She asked that staff weigh in to assist Council in evaluating the findings and reiterated these were not really findings of fact and this was in no way to be considered a quasi-judicial hearing.

At this time, Mark McDonald, Director of Transportation, provided some background information on this particular site. He explained that Westchester Drive is part of the City's major thoroughfare network and noted there are provisions in the Driveway Ordinance regarding driveway access on major thoroughfares. He further explained that redevelopment of existing sites for different purposes brings the provisions into play and pointed out this particular driveway does not meet the requirements in the existing ordinance. He advised that the site does not have the necessary road frontage to support a driveway in compliance with the current Driveway Ordinance. Mayor Bencini argued that it met those conditions at some point in the past, or the development would not have occurred. He pointed out the gas station adjacent to the old Burger King, which is also on a corner and also has a driveway beside it. He noted it appears to him that staff is not taking re-development into consideration as it relates to the new ordinance; as if a new facility would be built on the property and staff is trying to figure out how to reuse an existing facility on an existing lot. Mr. McDonald stressed the intent of the Driveway Ordinance is to create a safer traffic environment. Mayor Bencini asked about the number of accidents that have occurred at the Burger King intersection over the years in which Mr. McDonald replied that the Burger King has been closed for a number of years and he did not have that information tonight. Council Member C. Davis shared that she lives one street away from this location and accidents happened often and for this purpose, the driveway is already there, the access is there, they are going to demolish the Burger King and put in something that would enhance the community. She advised that she did not have an issue with the request, if it could be approved.

Council Member Alexander mentioned frequent "flea market" type events that have recently taken place on the Burger King property and pointed out this commercial activity is non-taxed and non-regulated. He expressed his support for this property being redeveloped and felt Council should do everything possible to support it. Mr. McDonald informed Council that this property does not come close to meeting the requirements. Mayor Bencini asked about NCDOT's involvement and authority in the decision. Mr. McDonald replied that it would require NCDOT's approval and NCDOT issued driveway permit. Mayor Pro Tem J. Davis asked staff to identify any other issues that would be non-conforming besides the driveway. Mr. McDonald noted the driveway is the primary issue of concern with staff and pointed out the driveway on Ward Street does meet the requirements for the side street, but the driveway along Westchester does not.

Council Member Alexander expressed concerns about stacking of traffic that occurs on Ward Street and pointed out the Marathon Gas Station is a busy store. Council Member C. Davis reiterated that the Burger King Property is truly an eyesore to the neighborhood and she would really like to see something developed at that location. Mayor Bencini added that he did not see the intensity of use and did not see the traffic counts increasing with regards to the old Burger King and the newly proposed Family Dollar Store.

Approved a variation to the Driveway Ordinance Pursuant to Section 6-1-73(f) based on the fact that it meets the criteria stated in that section of the Ordinance to allow the use of the driveway in this location.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

PUBLIC HEARINGS

150305 Resolution - Land Use Plan Amendment Case 15-02 - Carolina Custard LLC

A request by Carolina Custard LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

The joint public hearing for this matter and related matter **#150306 Zoning Case 15-14- Carolina Custard LLC** was held on Monday, September 21, 2015 at 5:30 p.m.

Andy Piper, a Senior Planner in Planning & Development, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

This request is to change the Land Use Map classification for approximately 13 acres lying along the west side of Eastchester Drive, and to the north and south of Penny Road from Office and Restricted Industrial to Community/Regional Commercial. Mr. Piper prefaced his presentation by stating there will be consideration of another Land Use Plan Amendment case at tonight's meeting for an undeveloped parcel to the west of this property.

Over the last 20 years, the area generally has expanded quite a bit with the Palladium and the Shoppes at Deep River, and with the Piedmont Centre (a corporate park) further south towards the intersection. The result has been that basically this area that was initially established as office has become surrounded by commercial uses and corporate parks and because of this, staff looked at the entire 13-acre area and felt it would be more appropriately classified as Regional Community Commercial, so staff is not only including the applicant's request, but the entire area as part of this request.

Mr. Piper advised that the Eastchester Corridor Plan also recommends that commercial development be located at major intersections, which the entire area is now viewed as one large node. Staff is recommending approval of Land Use Plan Amendment 15-02 because it is consistent with the land use policies, goals and objectives, and due to changes in the area that the proposal to develop a commercial use makes the requested change to Community Regional Commercial appropriate. The Planning & Zoning Commission also reviewed this request at their August 25th meeting and recommended approval by a vote of 8-0.

Council Member Alexander asked about the stormwater and if the ponds in this area were considered regional or private ponds. Lee Burnette, Director of Planning & Development explained it was a farm pond originally, so the existing development was allowed to be treated, but any new development has to go through Davis Lake.

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

Adopted the Resolution approving Land Use Plan Amendment 15-02 to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial for the site lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem J. Davis, that this Resolution approving Land Use Plan Amendment Case 15-02 be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

Resolution No. 1480/15-51

Introduced 9/21/2015; Adopted 9/21/2015

Resolution Book, XIX, Page 51

150306

Ordinance - Zoning Case 15-14 - Carolina Custard LLC

A request by Carolina Custard LLC to rezone a 0.92-acre parcel from the Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (2719 Eastchester Drive).

*The joint public hearing on this matter and related matter **150305 Land Use Plan Amendment Case 15-02- Carolina Custard LLC** was held on Monday, September 21, 2015 at 5:30 p.m.*

Herb Shannon, Senior Planner with Planning & Development, provided an overview of the staff report for Zoning Case 15-14, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon advised the applicant has submitted as part of this request, the Conditional Zoning Ordinance where they have offered conditions that restrict some of the higher intensity commercial uses and they have offered a condition to reduce the standards for the landscaping requirements. He pointed out the Development Ordinance does allow applicants to request less restrictive standards, but Council is under no obligation to accept those reduced standards.

The staff's analysis of this request does identify that this particular area is surrounded by non-residential uses, with an area to the north that has not been officially annexed by the City of High Point. However, the Land Use Plan does note at the time this area is annexed, it will be a non-residential type use. As for consistency with the adopted plans, the Land Use Plan request submitted by the applicant would address the issue of having a Community Regional Commercial zoning, and if approved, along with the Conditional Zoning Ordinance and the standards of the Eastchester Corridor Plan, which does encourage commercial uses at specific commercial intersections. The request would be consistent with adopted plans.

In regards to the applicant's request to reduce the planting yards, one of the findings staff looked at was to minimize or mitigate any adverse impact on adjacent property. There is an existing single-family home directly to the north of the site and the Development Ordinance notes that where commercial uses abut residential uses, a 30-foot wide Type B planting yard is required. The applicant has requested a Type C planting yard, which is an average width of 20 feet and can be reduced to 10 feet if an opaque fence is installed. The applicant is proposing a Type C planting yard along the entire northern boundary of their property. The standards of the Type C planting yard, with the understanding that the ordinance requires a fence for a reduction of 10 feet to mitigate direct impact on the abutting residential dwelling. A key concern that staff noted was the headlights shining onto the residential property and the fence would effectively block that impact on the adjacent residential property.

Additionally, the applicant has offered to prohibit some of the higher intensity uses. Mr. Shannon pointed out the list of prohibited uses are similar to what previous Councils have adopted for other commercial zoning districts in this area and in this case, staff suggests that the applicants request for rezoning is reasonable and in the public interest for the following reasons:

1. Subject to the approval of the Land Use Plan Amendment, this request would be consistent with the Land Use Plan.
2. Since the abutting property to the north when annexed would most likely develop for a non-residential use and the requested Type C planting yard would have the criteria of a fence being installed if it is reduced to 10 feet, which would mitigate any impact on the adjacent residential property owner.
3. The request exceeds the HB District and would produce an orderly development pattern, as this area is surrounded by non-residential use.
4. The conditions offered by the applicant to prohibit the higher intensity automobile-related uses is consistent with the policy that Council has adopted for other commercial zoning parcels in this area.

Based upon these findings, staff is recommending approval of the rezoning request. This case was also reviewed by the Planning & Zoning Commission at their August 25th meeting and the Commission recommended approval.

At this time, Chairman Wagner opened the public hearing and asked if there were any comments. There being none, the public hearing was closed.

Adopted the Ordinance approving Zoning Case 15-14 to rezone this property from the Conditional Use General Office-High Intensity (CU GO-H) District to a Conditional Zoning Highway Business (CZ-HB) District based on consistency with the City's adopted plans for the reasons as stated above and as outlined in the staff report.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that the Ordinance approving Zoning Case 15-14 be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

Ordinance No. 7171/15-54
Introduced 9/21/2015; Adopted 9/21/2015
Ordinance Book, Volume XIX, Page 54

150307

Ordinance - Annexation Case 15-07 - Grayson and Berntha

A request by Everette & Patricia Grayson and Theodore & Gretchen Berntha to consider a voluntary contiguous annexation of an approximate 0.24-acre parcel lying north of the intersection of Penny Road and OSSI Court.

*Chairman Wagner asked to be recused from discussion and voting on **150307 Annexation Case 15-07, 150308- Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15** due to a conflict of interest.*

Motion by Council Member C. Davis to recuse Council Member Wagner from discussion and voting on these issues, which was seconded by Council Member Alexander and carried unanimously.

Mayor Pro Tem J. Davis chaired this portion of the meeting due to the recusal of Chairman Wagner.

*The joint public hearing for this matter and related matters **150308 Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15** was held on Monday, September 21, 2015 at 5:30 p.m.*

*Although staff combined the presentations for **150307 Annexation Case 15-07, 150308- Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15**, separate action will be taken on all three cases.*

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

Regarding Annexation Case 15-07 request, the applicant is dealing with two parcels and requesting it for commercial development. The 0.24 acre parcel is just outside the city limits and the applicant is proposing to annex this parcel so it can be combined with the abutting site for development of a commercial use. Directly to the west, this parcel was annexed to facilitate development of a dentist office to allow for additional parking. Mr. Shannon pointed out this is a very similar situation. Staff feels this annexation petition represents a logical progression of the City's Annexation Policy and since the City already has service vehicles in this area, annexation of this site would not negatively impact the City's ability to provide public services for this parcel.

In regards to Land Use Plan Amendment 15-03, Mr. Shannon reported that this case is exactly the same as the previous Land Use Plan Amendment Case 15-02 to change the Land Use Plan designation for approximately 13 acres from Office and Restricted Industrial to Community Regional Commercial. Land Use Plan Amendment 15-03 was reviewed by the Planning & Zoning commission at their August 25th meeting and they recommended approval.

In regards to Zoning Case 15-15, Mr. Shannon noted this request, too, was very similar to the previous request and pointed out this area is in the City, has a zoning of Conditional Use General Office-High Intensity and proposal to establish zoning for the area to be annexed from Agricultural. Both are proposed to go to a Conditional Zoning Highway Business District in order to facilitate the development of a restaurant on this site. Mr. Shannon advised that the character of this area has changed and used to be somewhat a rural area or large lot, single-family over the past 25 years. Since that time, the area has developed and is surrounded by non-residential uses. The allowance of the requested Conditional Zoning Highway Business District would be consistent with the development pattern that has already been established in this area.

Mr. Shannon noted in order to mitigate impacts, the applicant has also offered a Conditional Zoning District with higher intensity commercial uses proposed to be prohibited. The applicant has offered the same uses that Council has prohibited for other commercial uses in this general area with regards to previous zoning requests. In this case, staff suggests the applicant's request is reasonable and in the public interest for the following reasons:

- 1. Subject to approval of Land Use Plan Amendment 15-03, the request will be consistent with the Land Use Plan and adopted policies.*
- 2. Conditions offered by the applicant would ensure the development would be consistent with the pattern established in this area, with the existing Highway Business use already established in this area.*
- 3. The request is consistent with Goal #5 of the Land Use Plan as far as ensuring an orderly development pattern.*

For these reasons, staff is recommending approval of the Land Use Plan Amendment and Zoning Case 15-15. The Planning & Zoning Commission reviewed these cases at their August 25th meeting and also recommended approval.

*Following the presentation of the staff report on **150307 Annexation Case 15-07, 150308-Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15**, Acting Chairman J. Davis opened the public hearing and asked if anyone was present who would like to speak in favor of or in opposition to these three requests.*

Tom Mincher of Winstead Properties LLC, 701 Woodland Drive, Greensboro, the applicant, spoke in favor of the request and announced he would be glad to answer any questions.

There being no questions, Acting Chairman J. Davis asked if there was anyone else who would like to speak. There being none, the public hearing was closed.

The following actions were taken:

- 1. Adopted Ordinance providing for the Annexation of this 0.24 acre parcel lying north of the intersection of Penny Road and OSSI Court.*
- 2. Adopted Resolution changing the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land*

use designation based on the findings as outlined in the staff report that the request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

3. Adopted Ordinance providing for the rezoning of approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. (approval of the rezoning request is contingent upon City Council approval of the voluntary annexation request).

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, that the Ordinance providing for the annexation of this property be adopted. The motion carried by the following 7-0 vote:

Aye (7): Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Golden, Mayor Bencini, Council Member Alexander, and Council Member Davis

Absent (1): Council Member Hill

Recused (1): Council Member Wagner

150308 Resolution - Land Use Plan Amendment Case 15-03 - Winstead Properties, LLC

A request by Winstead Properties, LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

The joint public hearing for this matter and related matters #150307 Annexation Case 15-07- Grayson and Berntha and 150309 Zoning Case 15-15- Winstead Properties, LLC was held on Monday, September 21, 2015 at 5:30 p.m.

Note: Staff provided a joint presentation on all three matters: 150307 Annexation Case 15-07, 150308- Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15; however separate action will be taken on them individually.

For specific comments made at the public hearing, please refer to **150307 Annexation Case 15-07** above.

Adopted Resolution approving Land Use Plan Amendment Case 15-03 changing the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial for the site lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, to adopt the Resolution approving Land Use Plan Amendment Case 15-03. The motion carried by the following 7-0 vote:

Aye (7): Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Golden, Mayor Bencini, Council Member Alexander, and Council Member Davis

Absent (1): Council Member Hill

Recused (1): Council Member Wagner

Resolution No. 1481/15-52

Introduced 9/21/2015; Adopted 9/21/2015

Resolution Book, Volume XIX, Page 52

150309 Ordinance - Zoning Case 15-15 - Winstead Properties, LLC

A request by Winstead Properties, LLC to rezone approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matters #150307 Annexation Case 15-07- Grayson and Berntha and 150308 Land Use Plan Amendment Case 15-15 was held on Monday, September 21, 2015 at 5:30 p.m.

Note: Staff provided a joint presentation on all three matters: 150307 Annexation Case 15-07, 150308- Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15; however separate action will be taken on these matters individually.

For specific comments made at the public hearing, please refer to **150307 Annexation Case 15-07** above.

Adopted Ordinance approving Zoning Case 15-15 to rezone approximately 2.59 acres lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road) from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that the Ordinance providing for the rezoning of 2.59 acres lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road) be adopted. The motion carried by the following 7-0 vote:

Aye (7): Council Member Williams, Mayor Pro Tem Davis, Council Member Ewing, Council Member Golden, Mayor Bencini, Council Member Alexander, and Council Member Davis

Absent (1): Council Member Hill

Recused (1): Council Member Wagner

Ordinance No. 7173/15-56
Introduced 9/21/2015; Adopted 9/21/2015
Ordinance Book, Volume XIX, Page 56

150310 Resolution - Street Abandonment Case 15-07 - City of High Point

A request by the Technical Review Committee to abandon the unimproved Patrick Avenue right-of-way lying east of Randall Street.

*Note: Council Member Wagner re-joined the meeting at this time after being recused for the following matters: **150307 Annexation Case 15-07, 150308- Land Use Plan Amendment Case 15-03 and 150309 Zoning Case 15-15** that were discussed previously.*

The public hearing for this matter was held on Monday, September 21, 2015 at 5:30 p.m.

Herb Shannon, Senior Planner with Planning & Development, provided an overview of the staff report for Street Abandonment Case 15-07, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon advised Council that this is part of the city's continuing project to abandon the many unimproved right-of-ways within the City of High Point. This portion of Patrick Avenue to be abandoned is a 46 x 150-foot long unimproved area that was intended to provide access to the abutting area to the east that is part of the Garden Heights subdivision (platted in 1955). Due to the steep topography in this area, which drops about 20-30 feet from Randall Street back down and the location of the stream and a very wide flood plain area, this area has never developed. Staff is recommending the abandonment of this portion of the Patrick Avenue right-of-way. Mr. Shannon noted if abandoned, no property owner would be deprived of reasonable access. He pointed out there were several calls, but no objections from adjacent property owners were voiced. This request was reviewed by the Technical Review Committee in July and no objections were raised. The Public Services and Electric Department did identify some utilities in the area which resulted in retainment of an electrical easement, as well as a stormwater easement. The abandonment of the public's interest and the conveying of this right-of-way to the abutting properties is found not to be in contrary to public interest and would not deprive any abutting property owner reasonable access to their property.

Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if anyone was present who would like to offer comment. There being none, the public hearing was declared closed.

Adopted Resolution approving Street Abandonment 15-07 authorizing the abandonment of the unimproved Patrick Avenue right-of-way lying east of Randall Street. This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not

to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. This request includes retention of the following easements:

- 1) *Retention of a 30-foot wide stormwater easement centered over existing stormwater drainage pipe within and cross the right-of-way; and*
- 2) *Retention of a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way.*

Resolution No. 1582/15-53

Introduced 9/21/2015; Adopted 9/21/2015

Resolution Book, Volume XIX, Page 53

150311

Resolution - Street Abandonment Case 15-08 - City of High Point

A request by the Technical Review Committee to abandon excess right-of-way, from a former cul-de-sac, along the north and south side of Hunterwoods Drive.

The public hearing for this matter was held on Monday, September 21, 2015 at 5:30 p.m.

Mr. Shannon provided an overview of the staff report for Street Abandonment Case 15-08, which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Shannon reported that in the 1970s, this subdivision to the east was developed, which extended from Waterview westward and terminated at this location in a cul-de-sac. In the 1990s the cul-de-sac to the west developed which resulted in an extension of Hunterwoods Drive. The excess asphalt from the former cul-de-sac was removed, leaving the right-of-way in place. As part of the city's on-going street abandonment process, staff is recommending the abandonment of the excess right-of-way from the former cul-de-sac (a 120-foot diameter cul-de-sac that was left at that location) and staff is proposing that this remain as a thru street. Mr. Shannon advised that staff received several calls asking if this meant the city was going to close Hunterwoods Drive and emphasized that Hunterwoods Drive would not be closed. The proposal is to keep it as an improved street, but to the east and west of the cul-de-sac there is a 60-foot right-of-way and the proposal is that the 60-foot right-of-way be maintained and only the excess to the north and south would be abandoned. The Technical Review Committee reviewed this request in July and identified no concerns. However, at the Planning & Zoning Commission meeting, there was a question as to the location of the gas line. In response to the question, staff contacted Piedmont Natural Gas and had them go out and flag it and the gas line sort of mirrored the old asphalt. Therefore, staff is proposing that an easement be reserved over that portion of the gas line that would cross into that northern area.

Mr. Shannon noted the property owner to the north would have the additional land area added to their parcel, as well as the two parcels to the south which will have the southern portion of the cul-de-sac added to the front of their parcels. This matter was reviewed by the Planning & Zoning Commission and they, too, recommended approval, but asked that staff get with Piedmont Natural Gas to confirm the location of the gas line and this has been done. Mayor Pro Tem J. Davis advised that a property owner did call him regarding this matter.

At this time, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to this street abandonment request.

Phil Price, 1801 Hunterwoods Drive, acknowledged that he did contact Mayor Pro Tem J. Davis about this. He expressed concerns regarding liability and that the property would be given to him, but he did not want to be taxed on property that he could not do anything with. Mr. Price was informed that Guilford County would make the determination as to if this additional property would reflect a change in the property value. Staff noted a minimal amount of property such as this typically does not trigger a red flag event. Mayor Bencini felt Mr. Price would have a good case for an appeal if the county did increase the value. After Mr. Price discovered that the gas line was about three feet deep, this alleviated his concerns regarding liability.

Chairman Wagner then asked if there was anyone else who would like to speak in favor or against this street abandonment case. There being no further comments, the public hearing was closed.

Adopted Resolution approving Street Abandonment Case 15-08 authorizing the abandonment of excess right-of-way from a former cul-de-sac, along the north and south side of Hunterwoods Drive. This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. This recommendation includes the retention of a 20-foot wide Piedmont Natural Gas line easement centered over all existing Piedmont Natural Gas lines within and crossing this right-of-way.

A motion was made by Council Member Wagner, seconded by Council Member Alexander, that the Resolution be adopted approving Street Abandonment Case 15-08 authorizing the abandonment of excess right-of-way from a former cul-de-sac, along the north and south side of Hunterwoods Drive. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

**Resolution No. 1583/15-54
Introduced 9/21/2015; Adopted 9/21/2015
Resolution Book, Volume XIX, Page 54**

GENERAL BUSINESS AGENDA

150312 North Main Street Speed Limit Ordinance

The North Carolina Department of Transportation (NCDOT) is requesting Council approval of Certifications of Municipal Declaration to repeal the existing 45 mph speed limit and enact the proposed 35 mph speed limit northward on North Main Street in the vicinity of the Hobby Lobby.

Mark McDonald, Director of Transportation, advised that the North Carolina Department of Transportation is requesting a speed limit change on N. Main Street. The current speed limit going northward on Main Street is 35 mph to Hobby Lobby and then changes to 45 mph from that point out. Mr. McDonald noted that NCDOT has conducted an investigation and evaluated speed limits along this section of Main Street north of that point and it has been

determined that the 45 mph speed limit should be lowered to 35 mph. This is a concurring action for that recommended change.

Mayor Bencini stressed that the 45 mph speed limit was established long before properties developed in this area and as a result of the speed limit, there were quite a few acceleration and deceleration lanes that were forced upon property owners. He advised that he did not have a problem with the 45 mph speed limit. Mayor Pro Tem J. Davis stated he did not either, but questioned why it did not stop at Belview and continued all the way to the Wilco. Council Member Alexander pointed out the wide width of the roadway, with two lanes of travel with a center turn lane would not slow most people down. He asked how staff would go about educating the public regarding the change and asked if there was any statistical information on accidents in this area. Mr. McDonald replied that NCDOT's recommendation was based on traffic congestion, driveway density, and crash history and pointed out there are 40 driveway cuts in this area, three traffic signals, four other public street intersections and there have been 219 crashes along this stretch of N. Main Street over the last 5 years. As far as educating the public, Mr. McDonald suggested message boards could be strategically placed on N. Main Street advising the public of the speed limit change on a certain date, but noted speed limits are changed routinely across the state with no advertisement from the state.

Mayor Bencini asked staff if Council has any leeway in opting not to adopt the concurring speed limit ordinance. Mr. McDonald replied that staff has never had this happen and noted Council generally goes along with the recommendations for changes from NCDOT. Council Member Ewing posed a question regarding whether this speed limit change would warrant adjusting the timing of the traffic signals and staff acknowledged it would require some changes to the timing of the signals. Council Member Wagner felt making a change in the speed limit in this area was dependent upon the average speed and expressed concerns that it might be creating a situation causing more people to break the law. He noted he could see dropping the speed limit in pedestrian-friendly areas where walking is encouraged, but didn't feel this area was conducive to walking. Council Member C. Davis shared a differing opinion and advised that she has seen pedestrians in the middle of the intersection trying to get across the street and felt reducing the speed limit could accommodate with that, not to mention there are neighborhoods around this area where people walk. She suggested obliging NCDOT because at some point, the City of High Point may need positive consideration from NCDOT as the redevelopment efforts along Main Street continue.

Mayor Bencini asked if there were any additional questions of staff. There being none, he asked if there was a motion.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, that this matter be adopted. The motion failed due to the following 4-4 tie vote:

Aye (4):	Council Member Ewing, Council Member Golden, Council Member Alexander, and Council Member C. Davis
Nay (4): Bencini	Council Member Williams, Mayor Pro Tem J. Davis, Council Member Wagner, and Mayor
Absent (1):	Council Member Hill

150313 Appointments - Boards & Commissions - Human Relations Commission

Council is requested to confirm the following appointments to the Human Relations Commission:

- David Rosen (Recommended by Council Member Jay Wagner - Ward 4)
- Ralph Rodland (Recommended by Council Member Alyce Hill - Ward 3)
- Fatih Oguz (Recommended by Council Member Jim Davis - Ward 5)

Council Member Alexander reported that he did talk with a gentleman today who has agreed to serve on the Human Relations Commission, but he has not yet submitted his application to serve. It was suggested that this appointment be placed on the next Agenda once the application is received.

At this time, Council Member C. Davis moved approval of the appointment of the preceding individuals to the Human Relations Commission. Council Member Wagner made a second to the motion.

Mayor Pro Tem J. Davis asked if it would be appropriate to take action on all the appointments on the agenda at once.

Mayor Pro Tem J. Davis then made a substitute motion to approve all the appointments on the agenda. Council Member Wagner made a second to the substitute motion, which carried by the following 7-1 vote.

Aye (7): Council Member Williams, Mayor Pro Tem J. Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, Mayor Bencini, and Council Member Alexander

Nay (1): Council Member C. Davis

Absent (1): Council Member Hill

Note: Action on these matters will be reflected throughout these minutes as being made and seconded by the same persons.

Approved the preceding appointments to the Human Relations Commission.

150314 Appointment - Parks & Recreation Commission - Todd Nifong

Council is requested to confirm the appointment of Todd Nifong to the Parks & Recreation Commission as the Ward 4 appointment. Appointment is effective immediately and will expire July 1, 2018.

Approved the appointment of Todd Nifong to the Parks & Recreation Commission. Appointment to be effective immediately and will expire July 1, 2018.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, that the preceding appointment be approved. The motion carried by the following 7-1 vote:

Aye (7): Council Member Williams, Mayor Pro Tem J. Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, Mayor Bencini, and Council Member Alexander

Nay (1): Council Member C. Davis

Absent (1): Council Member Hill

150317 Appointment - Board of Adjustment (Alternate) - Tyler Walsh

Council is requested to confirm the appointment of Tyler Walsh to the Board of Adjustment as an Alternate member. Appointment is effective immediately and will expire July 1, 2018.

Approved the appointment of Tyler Walsh as an Alternate on the Board of Adjustment. Appointment effective immediately and will expire July 1, 2018.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, that the preceding appointment be approved. The motion carried by the following 7-1 vote:

Aye (7): Council Member Williams, Mayor Pro Tem J. Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, Mayor Bencini, and Council Member Alexander

Nay (1): Council Member C. Davis

Absent (1): Council Member Hill

150318 Reappointment - Planning & Zoning Commission - Jim Armstrong

Council is requested to confirm the reappointment of Jim Armstrong to the Planning and Zoning Commission. Reappointment is effective immediately and will expire July 1, 2018.

Approved the reappointment of Jim Armstrong to the Planning & Zoning Commission. Appointment effective immediately and will expire July 1, 2018.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Wagner, the preceding appointment be approved. The motion carried by the following 7-1 vote:

Aye (7): Council Member Williams, Mayor Pro Tem J. Davis, Council Member Ewing, Council Member Wagner, Council Member Golden, Mayor Bencini, and Council Member Alexander

Nay (1): Council Member C. Davis

Absent (1): Council Member Hill

150315 Nomination - Re-Election of Latimer Alexander - ElectriCities Board of Directors

Council is requested to endorse the nomination of Latimer Alexander to a second term on the ElectriCities Board of Directors as a weighted voting member. This is a three (3) year term and will expire November 2018.

There was some question as to if the previous substitute motion would include the nomination for ElectriCities. Council Member Wagner pointed out this was a nomination and treated different than an appointment because the actual appointment would be approved by another body.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, to approve and submit the nomination of Council Member Latimer for reappointment to the ElectriCities Board of Directors. The motion PASSED by an 8-0 unanimous vote.

150316 Approval of the Minutes of Previous City Council Meetings

- Special Meeting; August 27th @ 9:00 a.m.
- Finance Committee; September 3rd @ 4:00 p.m.
- High Point City Council; September 8th @ 5:30 p.m.
- Special Meeting; September 10th @ 9:00 a.m.
- Special Meeting; September 11th @ 9:00 a.m.

A motion was made by Council Member C. Davis, seconded by Council Member Wagner, that the preceding minutes be approved as submitted. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

150270` Boards and Commissions - Vacancy Report

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

Note: This information is included for informational purposes only.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Hill was absent]

ADJOURNMENT

Respectfully Submitted,

William S. Bencini, Jr.

Attest:

Lisa B. Vierling, MMC
City Clerk