

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
DECEMBER 7, 2015 – 5:30 P.M.**

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Mayor Bencini called for a moment of silence and asked everyone to remember the sacrifices that were made at Pearl Harbor. The Pledge of Allegiance followed.

Present Council Member Alyce Hill, Council Member Christopher Williams, Mayor Pro Tem James Davis, Council Member Jason Ewing, Council Member Jay Wagner, Council Member Jeffrey Golden, Mayor Bill Bencini, Council Member Latimer Alexander, and Council Member Cynthia Davis

RECOGNITIONS AND PRESENTATIONS

150377 Proclamation- Freemason's Day

Mr. Michael Rinehardt, Master Mason of the Numa F. Reid Lodge, No. 344 here in High Point, will be in attendance to accept a Proclamation proclaiming December 14th as "Freemasonry Day" in the City of High Point.

Mayor Bencini read the proclamation proclaiming December 14th as "Freemasonry Day" in the City of High Point. Michael Rinehardt, Master Mason of the Numa F. Reid Lodge, No. 344 accepted the proclamation, along with former Mayor Arnold J. Koonce, Jr., who offered remarks.

Following the presentation of the proclamation, Mayor Bencini and Mr. Rinehardt and Mr. Koonce participated in a photo opportunity.

150378 North Carolina AWWA Awards

Recognition of the following Public Services Department employees who received awards at the North Carolina American Waterworks Association (AWWA) conference:

John Hodges, Wastewater Plants Manager - 2015 recipient of the Donald E. Francisco Educator of the year Award

Bouthan Vannavong - 1st Place for Photo Contest "Members at Work" and 3rd place for "Structures"

Wendell Pickett - 3rd Place for "Best Tasting Water"

Terry Houk, Director of Public Services, recognized the preceding employees for awards received and noted these employees work under Carol McDowell, Assistant Director of Public Services. Photo opportunities followed the recognitions and presentations of the awards.

PUBLIC COMMENT PERIOD

Note: These comments are summarized: However, a full transcript of the comments will be attached in Legistar as a permanent part of these proceedings.

Patrick Harman, 1214 Woodland Place (Hayden-Harman Foundation), addressed Council regarding placement of speed humps on Washington Street. He also issued an invitation to attend the Tree Lighting Ceremony on Washington Street on December 12th at 4:30 p.m.

Lenore Bittle, 3850 Eagle Glen, addressed Council regarding the opening of a conference and event center in High Point to be located in the old Hickory Printing building. She anticipates bringing in 5-10 jobs when the conference center is open and respectfully requested the City's assistance with 15 additional parking spaces on the Townsend side.

Mayor Bencini asked City Manager, Greg Demko, to have staff contact Ms. Bittle regarding her request.

Jason Harris, 1109 Skeet Club Road, addressed Council regarding the metal poles being installed as part of the Skeet Club Road widening project. He felt he was facing a devastating decision by the City to bisect their properties with new transmission lines on metal poles that are 115 feet in height, as well as relocation of existing utilities that are on the south side of the road. Mr. Harris stated that he was never notified of this by the City and had not been compensated for it. He pointed out this is the only section of the entire transmission project where the City is not using their public utility easement and decided to piggyback on the NCDOT right of way that they have acquired as part of the Skeet Club Road widening project.

He expressed concerns regarding the devaluation of his property and questioned location of the poles. He informed Council that this would eventually result in a major fight for the City at a huge cost. At the advice of a Greensboro attorney, Henry Isaacson, who is representing his neighbors in Greensboro, he shared the following facts with Council:

- 1) The City has indicated that the pole had to be placed on his side of Skeet Club Road due to property across the street which is eligible for historic designation.*
- 2) There is an existing public utility easement and existing poles on the other side of the street.*
- 3) In all other areas with these poles, the City met and negotiated with the property owners for just compensation.*

Mr. Harris felt like he was being treated differently than everyone else. He requested that the City place these poles in the existing public utility easement, or bury the power lines in recognition of the historic architecture report that has been observed by the DOT in the shaping and position of this new highway.

In an effort to be brought up to speed, Council Member C. Davis stated that she would like to be briefed on the private conversations that she knows have taken place among some members of Council, and possibly with the City Attorney.

Rick Moore, 4302 Johnson Street (Corner of Skeet Club/Johnson), also addressed Council regarding the installation of the poles for the Skeet Club Road widening project. He advised Council that he learned of these poles on December 17, 2014 while reviewing the agreement that NCDOT presented him for just compensation of his property. He questioned a section in the agreement and asked for further explanation from NCDOT, but was told by Oteka Cherry with NCDOT that the City of High Point and NCDOT could do pretty much what was needed in that realm. At this time, Mr. Moore ceased negotiations with NCDOT and rejected their offer hoping to find out more details for the project. He informed Council that none of the renderings/drawings showed the huge 115 foot poles in his front yard. He expressed concerns that the poles would totally destroy the pastoral scenic properties in this area.

Mr. Moore appealed to the City Council to stop work on the project until the first of the year in an effort to resolve these concerns. In addition to what the poles do to the aesthetics of the neighborhood, he also mentioned health hazards that the poles could bring as well.

Martin Schlaeppli, 4414 Johnson Street, also addressed Council regarding the installation of the poles for the Skeet Club Road widening project. He expressed shock when he heard about the poles that were being installed. When he purchased his property in 1986, he shared that the City of High Point approached him about providing the electric service instead of Duke Power and offered to put the power lines underground. He expressed concerns that the City Council allows department heads to oversee these projects and make these types of decisions. Mr. Schlaeppli pointed out this is not an industrial park, but a rural area and the poles take away from the beauty of the area. He encouraged Council to personally drive and view the area.

Charity Jackson, 226 Hobson Street, addressed Council regarding the Washington Street project. She asked if it would be possible for staff to provide an update on the project. She inquired about the historic marker that was discussed and approved, but has not been erected and asked if a location has been decided on. She also asked about the proposed locations for the covered bus stops. Ms. Jackson concluded her comments with her concerns relating to speeding on Hobson Street and asked for assistance from the City to help resolve this issue.

Mayor Bencini asked City Manager, Greg Demko to have staff contact Ms. Jackson in regards to her concerns.

CONSENT AGENDA ITEMS

Chairman J. Davis announced that the Finance Committee met on December 2nd and took action to forward these matters to Council with a favorable recommendation.

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

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair

Committee Members: J. Davis, C. Davis, Hill, Williams (All were present)

150379 Contract - Substation Transformers

Council is requested to approve contract with SPX - Waukesha in the amount of \$1,237,126.00 for the purchase of two (2) Substation Transformers (30 MVZ) for the new North College Drive substation and the Russell Street Substation.

Approved contract with SPX Waukesha in the amount of \$1,237,126.00 for the purchase of two (2) Substation Transformers (30 MVZ) for the new North College Drive substation and the Russell Street Substation.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150380 Prime Site Tower Upgrade

Council is requested to approve contract with Branat Construction Company in the amount of \$228,700 to upgrade the City's Commerce Street prime site tower and foundation system.

Approved contract with Branat Construction Company in the amount of \$228,700 to upgrade the City's Commerce Street prime site tower and foundation system.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150381 Supplemental Agreement No. 8 - NCDOT - High Point Train Depot Improvements

Council is requested to approve North Carolina Department of Transportation (NCDOT) Supplemental Agreement No. 8 for the High Point Train Depot Improvements (passenger platform roof).

Approved the NCDOT Supplemental Agreement No. 8 for the High Point Train Depot Improvements.

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

150382 Municipal Agreement - CMAQ Grant -Greenway Project

Consideration of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a CMAQ grant for the Deep River Greenway project.

Approved consideration of a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the CMAQ grant for the Deep River Greenway project.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150383 Budget Ordinance Amendment - CMAQ Grant - Greenway Project

Adoption of an ordinance amending the 2015-2016 Budget Ordinance to appropriate funding in the amount of \$1,236,000 for the NCDOT CMAQ Grant for the Greenway project.

Adopted ordinance amending the 2015-2016 Budget Ordinance to appropriate funding in the amount of \$1,236,000 for the NCDOT CMAQ Grant for the Greenway project.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Hill, that the Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7181/15-64

Introduced 12-07-2015: Adopted 12-07-2015

Ordinance Book Volume XIX, Page 59

PENDING ITEMS

150284 Budget Ordinance Amendment- Little Red Schoolhouse

Adoption of a budget ordinance to appropriate funding in the amount of \$95,750 to relocate and stabilize the Little Red Schoolhouse to its final location on the High Point Museum Campus.

Note: This matter has been pending since September 8, 2015. This matter was discussed on several occasions in the Finance Committee. At the last Finance Committee meeting held on December 2, 2015, the Committee directed staff to put a MOU together for consideration at the next meeting and to make sure the Historical Society concurs with it.

REGULAR AGENDA ITEMS

COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Golden, Chair

Committee Members: Golden, Alexander, Ewing, & Williams (All were present)

150384 Ordinance - Demolition of Structure - 303 Kennedy Avenue

Consideration of adoption of an ordinance ordering the Inspector to effectuate the demolition of a structure located at 303 Kennedy Avenue belonging to Steven L and Jeannie Shamka.

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report for the structure at 303 Kennedy Avenue. She reported several major violations and structural issues (roof, flooring, electrical, mechanical, and plumbing need to be replaced). The owner did not appear for the hearing and the necessary

repairs to the structure (estimated at \$46,050) exceeds 50 percent of the tax value (\$21,100). No repairs were made and no permits have been obtained.

Council Member Alexander pointed out a typo on the compliance date in the staff report and questioned why a year has lapsed before being put on the City Councils agenda. Ms. Bossi replied that staff did try to get the property owner to commit to making some of the repairs; however, the property owner contacted staff several months into the process and walked away from the property.

Mayor Pro Tem J. Davis asked about the number of structures that have been demolished and owned by the City and pointed out the list continues to grow.

There was no one present to speak regarding this matter.

Adopted ordinance ordering the Inspector to effectuate the demolition of a structure located at 303 Kennedy Avenue.

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

Ordinance No. 7182/15-65

Introduced 12-07-2015: Adopted 12-07-2015

Ordinance Book Volume XIX, Page 65

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair

Committee Members: Wagner, C. Davis, J. Davis, & Golden (All were present)

150385 Wendover Hills Wesleyan Church - Water/Sewer Connection Request 15-03

A request by Wendover Hills Wesleyan Church for an exception to the City's Water and Sewer Extension Policy for 2206 Joy Drive. The site located on the south side of West Wendover Avenue, approximately 1/2 mile west of Piedmont Parkway, along the west side of Joy Drive.

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

This is a request for an exception to the City's water/sewer extension policy. The site is over 3 acres and requires City Councils review and approval. Wendover Hills Wesleyan Church is proposing to construct a new church on a vacant 7.6 acre parcel lying along the south side of West Wendover and the west side of Joy Drive. This site is approximately 1/2 mile from the intersection of West Wendover Avenue and Piedmont Parkway.

The church met with the Planning and Development Department to discuss the possibility of annexation application; however, it was determined that the property is part of a recorded subdivision, and does not abut the City's corporate limits. The State statutes do not allow the annexation of one parcel and does require annexation of

the entire subdivision. The church was not successful in obtaining the required signatures from all the property owners in the subdivision, so it was determined that it could not be annexed. The City's water/sewer extension policy does have a provision that allows the applicant to submit a request to City Council or to TRC for connection to City utilities without annexation. The TRC reviewed the request and had no objections based upon the following:

1) This is one of the City's doughnut holes. This property is surrounded by the City's corporate limits and City's services and service vehicles are already established in this area. When it's eligible to be annexed, it would be logical extension based upon the City's annexation policy.

2) As part of the development of the new church facility, the applicant will be extending water and sewer lines along Joy Drive. That would open up these other properties in the subdivision for annexation if they abut the City limits. So with the extension of the utilities any if the property owner along the east side of Joy Drive desire to connect to City utilities and wish to voluntarily annex, it would open up this area for annexation.

Mr. Shannon reported that the church would be signing an annexation agreement that states they will annex into the City when eligible. Staff is recommending approval of this request based upon the water/sewer extension policy adopted by Council.

Mayor Pro Tem J. Davis asked if the church would be billed double water/sewer rates. Council Member C. Davis stated she did not have a problem with this request as long as the church was aware that they would be paying double rates.

Chairman Wagner asked if there were any additional questions/discussion regarding this request. There were none.

Approved request by Wendover Hills Wesleyan Church for an exception to the City's Water and Sewer Extension Policy for property located at 2206 Joy Drive.

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem J. Davis, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150386

Fibertech Networks - Right-Of-Way Encroachment Permits - RE-15-0001, RE-15-0002, RE-15-0007, RE-15-0008, RE-15-0009, RE-15-0010, RE-15-0011, RE-15-0016 RE-15-0017, RE-15-0018 & RE-15-0020

A request by Fibertech Networks to allow 11 utility poles to be erected within the right of way in various areas of the City where utilities have been placed underground. The poles encroach into the right-of-way at differing amounts dependent upon location. Justin Westbrook with the Planning and Development Department provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Mr. Westbrook pointed out the City Council previously approved a pole attachment agreement in August 20, 2015. They are proposing to hang most of these on the City's

poles; however, there are some poles that they will need to create for certain reasons (small cell antenna poles). He explained these are two separate requests, one for above ground and the other for underground utility areas. They will all tie into a macro, which is the normal cell phone tower that is becoming harder and increasingly difficult to build to get zoning approval for. This will enable them to extend their network without having to create a whole new cell phone antenna.

Fibertech has identified this wheel and spoke network as their overall goal. Mr. Westbrook shared maps identifying the locations of these poles. The proposal calls for 33-foot poles with small cell antennas (7 above ground and 11 in the underground utility areas). He mentioned the poles in the underground utility area are mostly along downtown and North Main Street as well as the HPU vicinity.

Mr. Westbrook mentioned that Fibertech is proposing stealth poles that are meant to blend in more with the streetscape and would be similar to existing poles in the surrounding area. These poles will favor a lamp post or something more aesthetically pleasing to the eye. He then shared an illustration that Fibertech provided. No equipment is visible on these poles; the equipment is internally located in these poles. He shared some renderings of what the poles would look like and shared some photos of the poles that Fibertech is trying to mimic.

He then introduced Mike Ross with Fibertech who was available to answer any technical questions.

Council Member Alexander inquired about what would happen should an accident occur causing damage to a pole. Mr. Ross replied they have a toll free number that incidents can be reported to 24/7. Council Member Alexander advised from a response time the City would want to remove the pole and reopen the street as soon as possible. Mr. Ross further clarified that in emergency situations they would clear the streets and deal with it as soon as possible. Mayor Bencini asked if their customers would be aware of an interruption in service in the case if a pole is destroyed. Mr. Ross explained the poles are equipped with alarms and they are notified immediately if this happens. Council Member Alexander questioned whether or not Fibertech has worked with City staff on a procedure for clearing obstructions from the roadways.

Mayor Pro Tem J. Davis asked if anyone has reached out to HPU since they have reimbursed the City and spent a lot of money to have utilities buried underground. Mr. Westbrook advised that the three poles that were changed from above ground to underground was due to HPU. Mr. McCaslin further explained that the poles in the underground area would be street light poles with street lights.

Council Member C. Davis asked for an explanation from staff as to the make ready \$100,000 reimbursement process and if these poles would be installed as part of the street paving and water improvements being done. Mr. McCaslin pointed out that Council has already basically approved the underground areas. He explained that the poles in the project area (Westwood/Parkway) would be stealth poles because of the underground utilities in this area. As far as the make-ready work, the electric department has already given Fibertech an estimate of that work and it will be paid by the time the work is completed.

Council Member C. Davis asked if the City Council could deny this request and City Attorney, JoAnne Carlyle, replied that the Council could not deny it. Mayor Pro Tem J. Davis inquired about recovering the cost of electricity on the poles with a light attached. Mr. McCaslin replied that these light poles will go up where existing street lights so the electricity use will be the same.

Council Member C. Davis questioned how this matter moved from the Prosperity and Livability Committee to the Planning and Development Committee since it started out in the Prosperity and Livability Committee. She expressed concerns that there seems to be a "catch-all, pass along" and she did not approve of that.

Approved the request by Fibertech Networks to allow 11 poles in the underground utility area to be erected within the right of way in various areas of the City where utilities have been placed underground. The poles encroach into the right of way at differing amounts dependent upon location.

A motion was made by Council Member Wagner, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150387

Fibertech Networks - Right-Of-Way Encroachment Permits - RE-15-0003 through-0006, RE-15-0012, RE-15-0015, & RE-15-0023

A request by Fibertech Networks to allow 7 utility poles to be erected within the right-of-way in various areas of the City. The poles encroach into the right-of-way at differing amounts dependent upon location.

Note: This matter was discussed with related matter **150386 Fibertech Networks - Right-of-Way Encroachment Permits - RE-15-0001, RE-15-0002, RE-15-0007, RE-15-0008, RE-15-0009, RE-15-0010, RE-15-0011, RE-15-0016, RE-15-0017, RE-15-0018, & RE-15-0020.**

Please refer to this matter for specific comments made regarding this matter.

Approve a request by Fibertech Networks to allow 7 utility poles (above ground) to be erected within the right of way in various areas of the City.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS

150388

Berkley Group, LLC - Special Use Permit Case 15-01

A request by the Berkley Group, LLC to allow a Telecommunication Tower exceeding the height limits of the Conditional Use Limited Office (CU-LO) District. The site is lying along the west side of Baker Road approximately 1,100 north of S. Main Street (301 Baker Road).

Note: Since this a quasi-judicial proceeding, oaths of office were administered by the City Clerk to those persons desiring to speak and offer testimony regarding **Special Use Permit Case 15-01**.

Transcript

Chairman Wagner: Next we have several items for public hearing. The first item is Berkley Group, LLC- Special Use Permit Case 15-01.

Herb Shannon (Senior Planner): This next case is Special Use Case 15-01. It's a request to allow a telecommunications tower exceeding the height limit of the Conditional Use Limited Office District. The site in question is located along the west side of Baker Road, approximately 1,000 feet north of S. Main Street. Just to note to everyone where we're at. This is Baker Road. Main Street. The parcel that's highlighted in green is the site in question where the applicant has submitted the Special Use Permit. This site is undeveloped and heavily wooded and has an existing conditional use limited office zoning that was granted in the 1980s. The Development Ordinance permits telecommunication towers in all residential, office and commercial districts as a use by right, but if they exceed the height limits of that district a special use permit is required. In the LO District, the maximum building height and structural height is 50 feet. In this case, the applicant is proposing to install a 140-foot tall monopole communications tower upon this site. Thus they have requested this special use permit.

The tower is proposed to be located upon the northern portion of the site. It's proposed to be 140-foot tall. It's proposed to have four co-locations with four antennas and access for maintenance will be from Baker Road. With a special use permit, it requires an analysis by the City Council.

Included in your packet are various findings that staff has commented on and staff will just touch upon those items. Justin, if you can go to the next slide please. This is a site plan of the site. There's a stream that runs along the northern portion of the site. The area you see in gray is a flood zone area. The tower is proposed to be developed along the northern portion of this site. That is because in the future when this site develops for office use, that leaves the remaining portion of the site available for office development.

One of the factors reviewed is public safety. The applicant has submitted an aeronautical study from their aviation consultant noting that the proposed 140-foot tall structure would not exceed federal aviation regulation standards and would not adversely affect any plane flights in the area.

Additionally the consultant has noted that due to the fact that the tower will be less than 200 feet in height, no special markings or warning lights would be required from the top of the tower. Another item that's looked at is does it meet the requirements of the development ordinance in regards to setback. In this case the site meets and exceeds setback requirements for a tower of this height. As far as compatibility with surrounding uses, to the north is a single-family dwelling. Due to the location of the stream the tower will be over 280 feet from that abutting use. To the west is an

undeveloped site, but the Land Use Plan and zoning has that area slated for commercial use. Everything along the west side of Baker Road, the Land Use Plan has slated for office use. On the east side of Baker Road, that is the division line between the City of High Point and Archdale. Even though those single-family homes are on the other side of the road in Archdale, we still confirm that the site will be meeting all setback requirements. In this case the tower will be over 150 feet from the front property line of those abutting residential dwellings.

There was also a concern of what those property owners across the street would see. The applicant has offered a condition in their SUP that they will preserve all trees within 50 feet of the site. If for some purpose in the future the site develops and the trees need to be removed, they've offered a condition to install a 30-foot wide Type A planting yard around the tower compound. A Type A planting yard is the most stringent planting requirement required by our Development Ordinance. It requires 14 trees and 33 shrubs every 100 feet and the purpose is to screen any ground equipment from the site.

Based upon the findings and the conditions included in the applicant's Special Use Permit, staff is recommending approval of the request for a communications tower at this location. This request was reviewed by the Planning & Zoning Commission at their November public hearing and they recommended approval of the request by a vote of 7-0. Justin, if you can go to the next slide please. This is just an aerial photo of the site. As you can see it is fairly heavily wooded. As I've noted, to the west, south is all intended for commercial use, residences on the north and to the east and based upon the conditions the applicant has offered, the applicant is meeting or exceeding all standards of the development ordinance. Are there any questions of staff at this time?

Chairman Wagner: Any questions for Mr. Shannon? Thank you Mr. Shannon. There's one person who has signed up to speak. Beth Koonce.

Beth Koonce: Good evening, Mayor Bencini and members of Council. My name is Beth Koonce. My address is 300 N. Main Street in High Point and I'm here tonight representing the Berkley Group, who is the applicant in the Special Use Permit request. Just a couple of things to add to Mr. Shannon's staff report. We were not required to do a public neighborhood meeting, but we decided to do one anyway and we sent 28 notices to the 28 adjacent property owners within the list that the city gave us. We only had four people attend the meeting, but we did give the handout that showed the location of the tower, the dimensions. We talked about the screening. We talked about the access point and the only questions that I got that I felt people at all were concerned about concerned the screening. And as Herb pointed out, we've given a pretty significant buffer yard, plus this site is heavily wooded. The Berkley group has no plans to do anything with any of the existing vegetation other than clear the access point and the tower site. The other question that they had, they were concerned that we were trying to have some sort of request for multi-family. And, of course, this is a cellular tower, not apartments.

Just a quick word about safety. These towers are built to withstand sustained winds of 112 m.p.h. They're engineered so that if by some chance they should fall, they would

collapse on themselves and hopefully fall in place. I've got Bonnie Newell here with the Berkley Group. She is a principle with the Berkley Group and she can answer any technical questions that you might have. So Bonnie and I are available for any other questions, but that concludes are presentation.

Chairman Wagner: *Thank you, Ms. Koonce. Is there anyone else? Is there anyone who had any questions? Okay. Thank you very much.*

Is there anyone else here who didn't sign up who would like to speak on this item? [none] Okay. Then I'm going to make a motion for approval of Special Use Permit Case 15-01.

Mayor Bencini: *There's a motion. Is there a second?*

Council Member C. Davis: **Second.**

City Attorney JoAnne Carlyle: *You need to close the public hearing.*

Chairman Wagner: *That's right. That's my fault. I declare the public hearing closed and then I will reiterate my motion.*

Council Member C. Davis: **Second.**

Mayor Bencini: *We have a motion and a second. Any further discussion? [none] All in favor, say Aye. [all] Opposed? [none] That motion carries. [9-0 vote]*

[End of Transcript]

Approved Special Use Permit 15-01 based upon the conditions and preliminary findings of fact as outlined in staff report and compatibility with the surrounding zoning and in harmony with adjacent development in this area.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that Special Use Permit 15-01 be approved. The motion PASSED by a 9-0 unanimous vote.

150389

Ordinance - Kotis Properties, Inc. - Zoning Amendment Case 15-17

A request by Kotis Properties, Inc. to rezone a 0.67-acre parcel from a Heavy Industrial (HI) District to a General Business (GB) District. The site is lying along the east of the W. English Road, directly opposite of Boyer Street (2401 W. English Road).

The Public Hearing for this matter was held on Monday, December 7th at 5:30 p.m.

Herb Shannon with Planning and Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings. The applicant is requesting to rezone a .067 acre parcel from a Heavy Industrial (HI) District to a General Business (GB) District. There are two existing vacant buildings on the property and the applicant desires the GB zoning to market the property for retail use. This portion of the west English Corridor is zone almost exclusively for

heavy industrial use except for some general business to the south. After an evaluation from the staff, they were concerned that this could be construed as spot zoning and they had to make a determination as to if the request would be in compliance with the City's Land Use Policies.

Mr. Shannon explained spot zoning is a situation involving a zoning amendment that reclassifies a small parcel area differently than the surrounding area. He advised that spot zoning could be considered illegal in North Carolina unless the jurisdiction can establish a reasonable policy. He further explained based upon existing case law, factors that should be considered are the size of the tract and land use patterns, while balancing the benefits and detriments, looking at the relationship of uses and compatibility with the plan.

Prior to 1985, the City's zoning regulations were accumulative in that if you had an industrial zoning, it also permitted all the uses the lower zoning classifications (i.e. retail). Mr. Shannon shared there are many lingering results of this in this area (i.e. single family, convenience store, office uses, industrial, night club, limousine rental). He added that the established right of way on West English and the railroad track constrains the area for any type of land consolidation. Additionally, directly south to the site there is an established sewer line and a stream which further restricts the area for future expansion. He noted the GB district does allow some industrial uses and the HI district allows some GB district uses so this would not totally introduce uses that could not be developed in that area.

As for compatibility with the Land Use Plan, staff pointed out that although the area is classified as heavy industrial in the Land Use Plan other considerations were made such as: the Community Growth Vision Statement, Core City Policies, the fact that other zoning cases have occurred in this area, and the fact that GB zoning has been established in this area to the south which also sets policy for this area. Staff determined that looking at all of these spot zoning would not necessarily be illegal.

Mr. Shannon noted if the City Council desires to rezone this site reference should be made to the staff report and the reasonableness and public interest statement. Key points that staff noted were: this site is in the Core City area, and because of the rail corridor without the assemblage of large parcel areas it is going to basically remain an area with smaller parcels with some industrial, business, retail use. Mr. Shannon advised that if the property is rezoned to GB it would not necessarily change the character of the area. The Planning and Zoning Commission reviewed this case at their November meeting and unanimously recommended approval of 7-0.

Mayor Pro Tem J. Davis questioned whether or not this would in fact be construed as spot zoning. Chairman Wagner believed it would not due to the various reasons previously stated and felt there was definitely a rational bases for approving it. Council Member Alexander shared that the owner of the convenience store told him that Southern Film Extruders has an interest expanding further south. He questioned the long term residential component in this area and felt that Southern Film Extruders would have already tried to acquire additional property if they wanted it. Council Member Alexander recalled one of these properties being used as an ethnic night club and pointed out there was some history there.

Mayor Bencini stated that Southern Film Extruders has had a couple of expansions in the last decade or so. Council Member Alexander agreed and shared that the City actually approved incentives for them at one point. He did not see this as being spot zoning.

Council Member C. Davis reminded Council that this was a public hearing. At this time, Chairman Wagner opened the public hearing and asked if anyone was present to offer comment regarding this matter.

Jeff Nemrich, 1410 Mill Street, Suite 102, Greensboro, (Owner of Kotis Properties), provided some background information on the property. He shared that they recently purchased the property in 2014, with prior back taxes that were owed. They planned to renovate the building and re-tenant it with retail, but found out that it was zoned heavy industrial. He explained the free-standing buildings were really retail properties.

Chairman Wagner asked if there was anyone else present to speak. There being no further comments, the public hearing was closed.

Adopted ordinance to provide for the rezoning of this property from a Heavy Industrial (HI) District to a General Business (GB) District based on consistency with the City's adopted plans and findings as identified in the staff analysis section of the staff report. Council considers this action to be reasonable and in the public interest.

A motion was made by Council Member Wagner, seconded by Council Member Hill, that Rezoning Case 15-17 be adopted. The motion PASSED by a 9-0 unanimous vote.

Ordinance No. 7183/15-66

Introduced 12-07-2015: Adopted 12-07-2015

Ordinance Book Volume XIX, Page 66

150390

Resolution - City of High Point - Street Abandonment Case 15-11

A request by the Technical Review Committee to abandon a portion of an unimproved right-of-way lying between N. Centennial Street and Forrest Street, approximately 300 feet north of Charlotte Avenue.

The Public Hearing for this matter was held on Monday, December 7, 2015 at 5:30 p.m.

Herb Shannon of Planning and Development Department provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings. Mr. Shannon explained this is a proposal to abandon an eastern portion of an unimproved right of way lying between North Centennial Street and Forrest Street. Based on the location of a perennial stream and 100-year flood zone that crosses this right of way, it is unlikely that it will be economically feasible to justify construction of a public street between Forrest Street and North Centennial Street at this location. Staff shared some photographs of the unimproved right of way that is being recommended for abandonment. Staff recommends approval of the street

abandonment. The Technical Review Committee reviewed this request noted no objections. Mr. Shannon reported at the sewer easements would be retained.

Council Member Alexander asked if the City did a storm water improvement project in this area. Mr. Shannon affirmed this and pointed out the property on the corner was acquired for the project.

At this time Chairman Wagner opened the public hearing. There was no one to speak. So the public hearing was closed.

Adopted Resolution approving Street Abandonment Case 15-11 based on the public's interest and conveyance of the right of way to the abutting property owners is found not to be contrary to the public's interest and found not to deprive owners in the vicinity of the right of way reasonable means of ingress and egress to their property and retention of 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right of way.

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

Resolution No. 1598/15-69

Introduced: 12-07-2015: Adopted 12-07-2015

Resolution Book, XIX, Page 69

150391

Resolution - City of High Point - Street Abandonment Case 15-12

A request by the Technical Review Committee to abandon a partially improved right-of-way lying along the west side of Dillon Road, directly opposite of Bales Chapel Road (*lying between 3321 & 3403 Dillon Road*).

The Public Hearing for this matter was held on Monday, December 7, 2015 at 5:30 p.m.

Herb Shannon of Planning and Development Department provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings. Technical Review Committee reviewed this request and identified no issues related to the abandonment of this right of way. The right of way is 20-feet wide and approximately 550-feet long and is partially improved with a 140-foot long driveway off Dillon Road that serves a single family home to the south (3321 Dillon Road).

Mr. Shannon advised that the three parcels abutting this right of way all have frontage and driveway access to improved public streets and the abandonment of the public's interest in this right of way will not deprive any owner of reasonable access to their property. If this request is approved, a portion of the existing driveway will be on the abutting property to the north, however, to the south would still have the right to continue to use it for access. Mr. Shannon noted these two property owners have been in discussion as to a land swap after this right of way is abandoned so that the entire driveway serving 3321 Dillon Road is on this property under their ownership.

At this time Chairman Wagner opened the public hearing and asked if there were any comments.

Mr. Beach, owner of the property at 3321 Dillon Road, addressed Council regarding this matter and urged approval.

Adopted Resolution approving Street abandonment case 15-12 based on the public's interest and conveyance of the right of way to the abutting property owners is found not to be contrary to the public's interest and found not to deprive owners in the vicinity of the right of way reasonable means of ingress and egress to their property.

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

Resolution No. 1599/15-70

Introduced: 12-07-2015: Adopted 12-07-2015

Resolution Book, XIX, Page 70

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

Committee Members: Ewing, Alexander, Hill, & Wagner (All members were present)

150392

Public Art Policy

Consideration of an amendment to the City's Public Art Policy.

Chairman Ewing advised that this change expands the program from limited/defined locations to citywide locations and allows the City to accept artworks. He noted the artworks can now be displayed on any public property once evaluated and approved by the City Manager.

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

GENERAL BUSINESS AGENDA

150393

City of High Point Purchasing Policies and Procedures (Revised)

City Council is requested to approve the revised City of High Point Purchasing Policies and Procedures in order to maintain compliance with State statutes and various grantor agencies.

This matter was discussed in detail during a Manager's Briefing held on Monday, December 7th at 4:00 p.m. prior to this meeting.

Approved the revised City of the High Point Purchasing Policies and Procedures in order to maintain compliance with State statutes and various grantor agencies.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150394**Appointment of Mayor Pro Tem - January 1, 2016 - December 31, 2016**

Appointment of Mayor Pro Tem for the period of January 1, 2016 - December 31, 2016.

Mayor Bencini opened the floor for nominations.

Mayor Pro Tem J. Davis nominated Council Member Jeff Golden. Mayor Bencini then asked if there were any further nominations. There being none, the floor was closed for nominations.

Approved the appointment of Council Member Jeff Golden as Mayor Pro Tem for the period of January 1, 2016 to December 31, 2016.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150395**Change in City Council Meeting Schedule - MLK Holiday**

Council is requested to reschedule the Regular City Council Meeting scheduled for Monday, January 18, 2016 to Tuesday, January 19, 2016 at 5:30 p.m. due to the Martin Luther King, Jr. Holiday.

Approved request to reschedule the Regular City Council Meeting scheduled for Monday, January 18, 2016 to Tuesday, January 19, 2016 at 5:30 p.m. due to the Martin Luther King, Jr. Holiday.

A motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Williams, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

150396**Standing Committee Assignments**

Discussion of the Standing Committees of City Council.

Mayor Bencini advised that he had this item placed on the agenda because Council is going into its second year and he wanted to give Council members an opportunity to serve on another committee if they do not like the committee they are currently serving on. He suggested it be done as a tradeoff where one member of Council swaps with another. He noted that while he expected no immediate action on this he did want to put it out there for consideration.

Council Member C. Davis asked if the Mayor was referring to the four standing committees and it was noted that this was the case. She then encouraged the second committee she serves on (Planning and Development Committee) to meet more often. She commented that she would really like to be more engaged and if that committee does not meet then the four members assigned to that committee are not getting much

work. Mayor Bencini assured Council Member C. Davis that the Planning and Development Committee would be very active in the near future due to the pending adoption of the new Development Ordinance.

This matter was brought before Council at the request of Mayor Bencini for informational purposes.

150397

Approval of the Minutes of Previous City Council Meetings

- Planning & Development Committee: October 20th @ 4:00 p.m.
- Finance Committee: October 28th @ 4:00 p.m.
- Manager's Briefing Session: November 2nd @ 4:00 p.m.
- Prosperity & Livability Committee: November 11th @ 9:00 a.m.
- Finance Committee: November 11th @ 4:00 p.m.
- Manager's Briefing Session: November 16th @ 3:00 p.m.
- High Point City Council Regular Meeting: November 16th @ 5:30 p.m.
- High Point City Council Special Meeting: November 20th @ 1:00 p.m.

Transcript of Discussion

Mayor Bencini: *The next item is approval of minutes.*

Council Member Alexander: **Move to approve.**

Council Member Wagner: **Second.**

Mayor Bencini: *any further discussion?*

Council Member C. Davis: *Yes. I had brought it up some time ago that we should really move from in-part minutes to in-full minutes. At our last Finance Committee meeting, was an example where that would be beneficial as to the conversation that Chris Williams and I had in regards to an item that was discussed. It caused a stink in the room with staff and council and I think the general public, seeing how our meetings are not televised, that true transparency in the minutes in full would give them that transparency to be able to see who's asking what and who's answering what. One of the examples that I do have for this evening is minutes done on November 16th, they were extremely vague. I was talking to the gentleman that did the review of the Analysis of Impediments and the report from UNCG housing study and the part that gets in the minutes really surprised me because I asked the question about the red areas and how long they had been around and that sort of thing and it said 1960s. I asked the question, but it doesn't say who the question was asked to because I certainly didn't have that knowledge until after I asked the question. So that's an example where we're missing detail that should be in our minutes. And now that we have an assistant city clerk to assist with this task, I strongly urge council...I will support the minutes that we have before us in part, but I would really encourage this Council to consider seeing how our meetings are not televised and the audios are not placed on line for review of the general public, that it would expedite meetings that we have in the future if our meetings are done in full. Otherwise we have to ask staff to go back and listen to the audio and then come back.*

So it does two things. One, it expedites questions we have during a committee meeting or meetings and two, it does directly inform the general public as to what has been discussed in full.

Mayor Bencini: *Are there any requirements about having verbatim minutes?*

City Attorney JoAnne Carlyle: *No. A majority of the cities do exactly what we do.*

Council Member C. Davis: *But we can, in fact, request that they be done in full.*

Mayor Bencini: *We can request it. Council can. But, again, I think a couple of things. Number one, I think it's sort of an onerous burden to put on staff to do verbatim and if we have recordings, then if we need to go back for some person be it a legal purpose, then we've got that information.*

City Attorney JoAnne Carlyle: *Keep in mind you guys will have to read the minutes.*

Mayor Bencini: *I really don't want to read that many minutes.*

Council Member C. Davis: *Well I doubt that our minutes are being read in full by most anyway. But the problem if you had been at the Finance Committee meeting, I was very disappointed in staff's reaction to my recall of an incident in regards to Mr. Williams' position on a matter and it was very unprofessional and put me at odds with staff during that meeting, which I do not want to see a repeat of.*

[End of Transcript]

Approved the preceding minutes as submitted.

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

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.*

CLOSED SESSION OF CITY COUNCIL (PERSONNEL)

150398

Vacation/Sick Leave Accumulation Rate

Council is requested to approve the vacation/sick leave accumulation rate for the City Attorney and City Clerk to match the maximum rate as the City Manager's, which is the highest rate allowed by the Personnel Resolution.

At 7:15 p.m., **Council Member Williams moved to go into Closed Session to discuss a personnel matter pursuant to N.C. General Statutes 143-318.11(a)6. Council Member Ewing made a second to the motion, which carried unanimously. [9-0 vote]**

Upon reconvening into Open Session at 8:06 p.m., Mayor Bencini announced that the following action would be necessary as a result of the Closed Session.

Approved Vacation/Sick Leave Accumulation Rate for the City Attorney and City Clerk to match the maximum rate as the City Manager's, which is the highest rate allowed by the Personnel Resolution.

A motion was made by Council Member Wagner, seconded by Council Member Golden, that this Matter be approved. The motion PASSED by a 9-0 unanimous vote.

ADJOURNMENT

Upon motion Council Member Wagner and seconded by Mayor Pro Tem J. Davis the meeting adjourned at 8:07 p.m.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk
