

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
March 21, 2016 – 5:30 P.M.**

ROLL CALL AND MOMENT OF SILENCE

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

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

Present:

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

RECOGNITIONS AND PRESENTATIONS

160056 Proclamation - Arbor Day

The Mayor will read a proclamation declaring March 18, 2016 as Arbor Day in the City of High Point, and a representative from the NC Forest Service will present the City's 12th consecutive Tree City USA award.

Mayor Bencini read the Proclamation into the record declaring March 18, 2016 as Arbor Day in the City of High Point and presented the Proclamation to Andy Piper of Planning & Development.

Mr. Piper reported that High Point has an Urban Forestry Committee that consists of Andy Piper (Planning & Development), Charles Collier (Electric Department); Ken Sult (Public Services- Streets), Jeff Bodenheimer (Parks & Recreation Department). He then recognized those in attendance from the Mid-Week Garden Club and explained they were very instrumental in getting the initial Tree City USA application through in 2004 and have also been really helpful over the years in assisting with Arbor Day celebrations/tree planting projects. He thanked the Urban Forestry Committee and the Mid-Week Garden Club for their time and efforts over the years.

At this time, Mr. Piper introduced David Masters, the Guilford County Ranger for the N.C. Forestry Service. Mr. Masters presented the City of High Point with the 2015 Tree City USA award. He shared that High Point was one of 85 cities/towns in North Carolina and one of over 3,400 in the Nation to receive this recognition.

Following the presentation, Mayor Bencini joined Mr. Piper and Mr. Masters for a photo opportunity.

Introduction- Human Relations Manager

At this time, Jeron Hollis, Director of Communications & Public Engagement Director, introduced Fonta Dorley, the Human Relations Manager and announced today was her first day on the job.

PUBLIC COMMENT PERIOD

Mayor Bencini opened the floor for Public Comment and reminded those desiring to speak about the 3-minute time limit. He explained the floor would be open for 30 minutes and after that time, those that do not get to speak would be afforded another opportunity at the end of the meeting.

Gail Armentrout, 216 Montlieu Avenue, addressed Council in opposition of Street Naming Case 16-01 (Montlieu Avenue between N. Centennial Street and N. Main Street)) as set forth by the Planning & Zoning Commission. She felt renaming this section of Montlieu would cause more confusion and pointed out there are other "segmented" streets in the City of High Point with the same name that would also need to be addressed. She implored Council to consider amending the ordinance to preserve the historical significance of Montlieu Avenue. She reported that they had set up a Facebook page that will show there are 3,000 other residents who feel the same way. She then read some of the Facebook posts and asked Council to amend or change the ordinance.

Michael Armentrout, 216 Montlieu, also addressed Council in opposition of Street Naming Case 16-01 (Montlieu Avenue). He implored that Council have some sense of fairness and decency in this matter and felt there were some things that matter much more than progress. He felt it was time that Council put the brakes on this and exercise its authority to say No. He, too, mentioned the historical significance of this section of Montlieu Avenue.

David Rosen, 4309 Hardaway Court, addressed Council regarding the positive changes that are taking place in the city (i.e. Say Yes to Education; Selection of the new Police Chief). He mentioned the residence requirement and felt there was no reason that the new police chief should not live in the city. He asked Council to put aside the politics, personal interests, and egos and do the right thing.

Jonathan Fritz, a Professor at GTCC, presented a Get Well card for a student who was seriously injured at the crosswalk on S. Main Street in front of GTCC three weeks ago and asked Council members to sign the card so he could present it to the student. He also mentioned that one week prior to this accident, a moped driver was seriously injured and he felt if City Council does not act quickly, there will be many more accidents, including fatalities. He reiterated that the motorists continue to speed and pointed out this was his third time addressing Council regarding this matter. He proposed that the City Council do what it takes to enforce the law and he would like for the City Council to contact the District Attorney and do something about it.

Council Member C. Davis suggested the city manager and transportation director consider putting in some rumble strips and assigning a police officer to this area for enforcement of the speed because it was important that the pedestrians are safe.

Kelly Donithan, 314 Montlieu Avenue, addressed Council in opposition to changing the name of Montlieu Avenue (portion from N. Centennial Street to N. Main Street). She pointed out they have already lost part of Montlieu Avenue to High Point University and felt people would get lost. She, too, felt this was a historical section of Montlieu Avenue and the other section of Montlieu would be more suitable for renaming.

Matthew Stafford, 122 Truitt Street, a new resident of High Point, asked Council to consider waiving the \$25 wheelchair ramp fee. He explained paying the fee could be problematic for handicapped people and pointed out Greensboro did repeal their fee. He asked High Point to follow Greensboro and repeal the fee for building a wheelchair ramp.

Andy Turner, 3409 Corvair Drive, informed Council that leaders in the community should be citizens in High Point. He asked Council to make a change to the residence requirement so the new police chief would have to live in the City of High Point.

Louis Thibodeaux, 1242 Kensington Drive, addressed Council regarding the new police chief and believed all department heads should live in the City of High Point. He asked Council to revisit this issue because many citizens disagree with the previous vote.

John Forsyth, 1224 Kensington Drive, addressed Council regarding the stormwater project in his neighborhood. He mentioned the creek behind his house and noted the rain basically overloads the creek which causes major erosion damage. He noted the engineers and surveyors indicated that they are planning on digging ditches through the backyards and increasing the amount of water that goes through the creek by three times and expressed concerns that the creek cannot hold the water it currently gets. He noted this would result in a significant property loss for him and noted there has been no mention about a reduction in the tax rate as a result of the property loss. He asked the Council to address these problems for him, as well as his neighbors and suggested Council put some pressure on the County Club by having them put in a retention pond.

Council Member C. Davis explained that a tax rate reduction would require the property owners to reach out to the Guilford County Tax Department for a reassessment.

Sandra Deal, 815 Hartley Hill Court, addressed Council in opposition to the Section 108 loan. She stated she was still opposed to the housing development being built at this location. She felt the housing units would drive down their property values and stressed that she does not want a low income housing project in her backyard. She requested Council deny this matter.

Note: *The following residents addressed Council during the second portion of the Public Comment Period.*

Laurie Edwards addressed Council on behalf of the High Point Regional Association of Realtors located on Eastchester Drive in High Point. She felt it was important for them to be

the voice of the property owners of High Point that they represent. She then read a PROCLAMATION into the record that addressed issues such as the Skeet Club Road Widening Project and the Montlieu Street Renaming.

A copy of the PROCLAMATION is attached in Exhibit Book, Volume XI, Page 31

Lou Howard, 1228 Kensington Drive, addressed Council regarding the water run-off they have in the rear of their property--drain from Payne Creek. She spoke about the Sedimentation Pollution Control Act of 1973. She introduced into the record, a copy of the legislation, as well as a Memorandum dated November 23, 2015 from Matthew Dockham, Director of Legislative Affairs. She pointed out this Act is still in effect.

A copy of the hand-out is attached in Exhibit Book, Volume XI, Page 32

CONSENT AGENDA ITEMS

Chairman J. Davis announced that the Finance Committee met on March 16, 2016 and favorably recommended the following matters for approval: 160057 Contract Renewal- Sum Total Timekeeping Software; 160058 Contract- High Point Library Improvements Phase 1; 160059 Contract- Allen Jay Aerial Outfall Replacement; 160060 Contract Renewal- Sludge Thickening Polymer; 160061 Contract- City Street Resurfacing; 160062 Contract- Asphalt Supplier; 160063 NCDOT Supplemental Agreement- Greenway Trail; 160064 Budget Ordinance Amendment- Fire Department Grant; 160065 Financial and Compliance Audit Contract- 2015/2016.

Council Member J. Davis then moved to approve the preceding matters. Council Member Williams made a second. The motion carried unanimously.

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

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

160057 Contract Renewal - Sum Total Timekeeping Software

Council is requested to approve a renewal to the Sum Total Timekeeping Software contract.

Approved a renewal to the sum Total Timekeeping Software contract.

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

160058 Contract - High Point Library Improvements Phase 1

Council is requested to approve contract awarding Bid 50 to Bar Construction Company in the amount of \$795,382.00 for the Phase 1 of the High Point Public Library Plaza project.

Approved the award of the contract to Bar Construction Company in the amount of \$795,382.00 for Phase I of the High Point Public Library Plaza Project.

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

160059 Contract - Allen Jay Aerial Outfall Replacement

Council is requested to approve contract awarding Bid No. 51 to Gilbert Engineering Company in the amount of \$448,094.00 for the Allen Jay Aerial Outfall Replacement.

Approved contract with Gilbert Engineering Company in the amount of \$448,094.00 for the Allen Jay Aerial Outfall Replacement.

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

160060 Contract Renewal - Sludge Thickening Polymer

Council is requested to approve an extension to the SNF/Polydyne contract in the amount of \$300,000 for the purchase of sludge thickening polymer for use at the Eastside and Westside Wastewater Treatment Plants.

Approved an extension to the SNF/Polydyne contract in the amount of \$300,000 for the purchase of sludge thickening polymer.

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

160061 Contract - City Street Resurfacing

Council is requested to approve contract awarding Bid No. 52 to Blythe Construction, Inc. in the amount of \$1,892,438.20 for street resurfacing throughout the city.

Approved contract with Blythe Construction, Inc. in the amount of \$1,892,438.20 for street resurfacing throughout the city.

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

160062 Contract - Asphalt Supplier

Council is requested to approve contract awarding Bid No. 28 to APAC - Thompson Arthur Inc., in the amount of \$548,300 for supplying asphalt materials to city crews for maintenance functions such as patching potholes and short overlays.

Approved contract with APAC-Thompson Arthur, Inc. in the amount of \$548,300 for supplying asphalt materials to city crews for maintenance functions.

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

160063 NCDOT Supplemental Agreement - Greenway Trail

Council is requested to approve a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for a CMAQ grant for the construction of a Greenway Trail connecting the University Park on Deep River Road to the Piedmont Environmental Center on Penny Road.

Approved a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for a CMAQ grant for the construction of a Greenway Trail connecting the University Park on Deep River road to the Piedmont Environmental Center on Penny Road.

A motion was made by Council Member J. Davis, seconded by Council Member Williams, that this NCDOT Supplemental Agreement be approved. The motion PASSED by a 9-0 unanimous vote.

160064 Budget Ordinance Amendment - Fire Department Grant

Council is requested to adopt a budget ordinance amendment in the amount of \$20,000.00 for funds received from High Point University for the Fire Department for use in Youth Programs.

Adopted a budget ordinance amendment in the amount of \$20,000.00 for funds received from High Point University for use in Youth Programs.

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

160065 Financial and Compliance Audit Contract - 2015-2016

City Council is requested to approve Contract to Audit Accounts and related engagement letter with Cherry Bekaert LLP for the completion of financial and compliance audit services for the fiscal year July 1, 2015-June 30, 2016 in the amount of \$69,000.

Approved contract with Cherry Bekhaert LLP to audit accounts and related engagement letter for the completion of financial and compliance audit services for FY July 1, 2015 - June 30, 2016 in the amount of \$69,000.

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

REGULAR AGENDA ITEMS

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

*Committee Members: Golden, Alexander, Ewing and Williams
(all were present)*

160066 Public Hearing - Application for Section 108 Loan from HUD

Monday, March 21, 2015 at 5:30 p.m. is the date and time established for the second of two public hearings (first public hearing was held Monday, February 15, 2015 at 5:30 p.m.) required to authorize the Community Development & Housing Department to proceed with a Section 108 loan application from HUD in the amount of \$694,000.00; and to approve necessary actions associated with the amendment to the City's current Action Plan and Consolidated Plan. Following the close of this public hearing, Council is requested to authorize the appropriate city official to execute all necessary documents necessary for the submitting of the loan application to HUD.

The public hearing for this matter was held on Monday, March 21, 2016 at 5:30 p.m.

Note: This is the second of two required public hearings to complete the Section 108 loan application process, including substantial amendments to the City's 2015-2016 Annual Action Plan and the 2015-2019 Consolidated Plan.

Chairman Golden opened the second required public hearing and asked staff to provide some background on the matter.

Richard Fuqua, Affordable Housing Manager, explained the Section 108 Loan Guarantee Program is a HUD financing source that allows entitlement cities to secure federal loans large enough to pursue CDBG eligible projects. He advised that the city's first allocation was approved in May, 2010 with a total loan authorization of \$3.907 million. These Section 108 funds were used to finance the city's participation in the Addington Ridge and Kirkwood Crossing developments (combined utilized \$3.35 million of the total authorization). Mr. Fuqua explained the city was required to submit a new request for the allocation in order to access the unspent authorization for use in an additional multi-family development. These funds are proposed to be used to support the Hartley Ridge development, a proposed affordable workforce multi-family housing development.

Mr. Fuqua briefly shared the timeline/schedule for the process and based on Council's vote, it will be submitted to HUD. He noted the developer for the project would submit an application for tax credits and pointed out this would be very high quality construction.

Council Member J. Davis asked staff to define "workforce housing" and what the average rent would be. It as noted that "workforce housing" is basically housing for those who are

working, but may have lower incomes than average and the rent, although not yet formalized, would more than likely range between \$475-\$655 per month.

At this time, Chairman Golden opened the floor for comments in support of the request.

Craig Stone, 5614 Riverdale Road, President of Wynnefield Properties, spoke in support of this request. He explained this property is a continuation of the work they have done with the city over the last several years in the highly competitive NC Housing Finance Agency application process. He advised that there were about 150 applications this year for 35-40 awards and pointed out it is a very competitive process. They recently opened Admiral Pointe and just last week had the grand opening for Addington Ridge, and it was reported that they had 500-600 applications for the 58 units at Addington Ridge.

Council Member C. Davis asked the following questions:

- 1. How far away is the proposed property from Kirkwood?*

Mr. Stone replied it was less than two miles and added that this particular property was selected due to the close proximity to lifestyle amenities such as a grocery store, pharmacy and those things you would want retail access to.

- 2. Is the grocery store a requirement for the type of homes that are being built?*

Mr. Stone noted the requirement in the QAP is a number of different entities less than a mile and this was the criteria they used.

- 3. Have the conversations been had regarding lobbying efforts on behalf of Mr. Stone regarding the requirement for the distance of grocery stores to the proposed site.*

Mr. Stone explained it is a public process with a number of applicants that have lobbied and asked questions throughout the process. He shared that there was quite a bit of discussion this year concerning distances and they actually looked at lowering the distance, but he felt because of the overwhelming need and number of applications, the NC Housing Finance Agency decided that the housing funding they are providing throughout the state, they want them to have as good an access to the amenities as possible.

Council Member C. Davis commented that she is still willing to work on the distance barrier if it is on a bus route, etc... so that the mode of transportation to those amenities are there because the city does have a good transit system. She felt the biggest need is in the city's core.

Mr. Stone noted this proposed site was narrowed down from thirteen other sites that were considered and ultimately the criteria that the agency posted in the QAP determined how they arrived at the site that they hoped would be the most competitive for an award this year. Council Member C. Davis mentioned a conversation she had with the other council members who recently returned from D.C. regarding Walmart type stores that offer several amenities including groceries, pharmacies, which would give access to fresh fruits and vegetables. Mr.

Stone explained that the Agency looked at separating Walmart out this year because of the different functions it offers, but they ultimately decided to keep the same rules as they had before. Council Member C. Davis offered to help Mr. Stone brainstorm.

Chairman Golden asked Mr. Stone to address the following question:

- 1. What effect has their properties had on surrounding property values as well as crime in the area?*

Mr. Stone explained this is an investment by them where they make more than a 30-year commitment and they look for areas to invest in that over the course of time that will appreciate. They prefer a community in an area that over the course in time, the asset in the investment will remain and appreciate. He stated he was not aware of no national study that indicates anything to the contrary related to property value in a negative context, but there are some published reports that indicate that there may be a neutral or positive impact.

For clarification purposes, Council Member J. Davis pointed out that Council is being asked to authorize a Section 108 application for this, but this project is contingent upon the NC Housing Finance Agency award, so it will not happen without the Section 108 award.

Council Member Alexander asked Mr. Stone to address the screening process and expectations of the applicants. Mr. Stone replied that credit, criminal and a number of background checks are performed on each applicant and noted it takes about three weeks to go through the process. He further explained that the lease does have a number of enforceable requirements that would allow for eviction if necessary.

Chairman Golden then asked if there was anyone else who would like to speak in support of this request. There being none, he asked if there were any opposition comments.

Clifton Scott, 784 Avalon Springs Court, spoke in opposition. He expressed concerns regarding a decline in property values, traffic and safety issues, and felt it would create more problems with criminal activity in the area.

Dana Gardner, 2620 Ingleside Drive, also spoke in opposition to the Hartley Ridge development. She felt there were plenty of other areas where these apartments could be built. She also expressed concerns with an increase in crime in the area.

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

Prior to the vote being taken on this matter, Council Member C. Davis shared the only reservation she had was that the Kirkwood housing development that was recently approved is located less than two to three miles from this proposed development and she felt there were already housing options within this area with rental possibilities of \$500-\$600 per month.

Council Member J. Davis pointed out for this project to move forward, it would still have to go through the Planning & Zoning Commission and the City Council for approval of zoning change necessary for the development. City Attorney Carlyle clarified that the action tonight would just obligate the funds for the project, if the applicant receives the award from the NC Housing Finance Agency.

Adopted A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIGH POINT, PROVIDING CONSENT TO A SECTION 108 LOAN AUTHORIZATION FROM THE FEDERAL GOVERNMENT'S HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT IN THE AMOUNT OF \$694,000.00; APPROVING AND PROVIDING SECURITY FOR THAT CERTAIN HUD SECTION 108 LOAN IN THE AMOUNT OF \$694,000; AND THE EXPENDITURE OF SAID FUNDS FOR THE DEVELOPMENT OF A LOW INCOME TAX CREDIT DEVELOPMENT KNOWN AS HARTLEY RIDGE.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Alexander, to adopt the RESOLUTION PROVIDING CONSENT TO A SECTION 108 LOAN AUTHORIZATION FROM THE FEDERAL GOVERNMENT'S HOUSING AND URBAN DEVELOPMENT (HUD) DEPARTMENT IN THE AMOUNT OF \$694,000.00; APPROVING AND PROVIDING SECURITY FOR THAT CERTAIN HUD SECTION 108 LOAN IN THE AMOUNT OF \$694,000.00; AND THE EXPENDITURE OF SAID FUNDS FOR THE DEVELOPMENT OF A LOW INCOME TAX CREDIT DEVELOPMENT KNOWN AS HARTLEY RIDGE. The motion carried by the following 7-2 vote:

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

Nay (2): Council Member Wagner, and Council Member C. Davis

**Resolution No. 1609/16-10
Introduced 3/21/2016; Adopted 3/21/2016
Resolution Book, XIX, Page 80**

160068 Ordinance - Vacate/Close Dwelling - 303 Prospect Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating of a dwelling located at 303 Prospect Street belonging to Ruth L Wiseman Testamentary Trust; Lisa Jo Phillips TR; & Bianca Lea Kennedy TR.

Chairman Golden asked staff to update Council regarding this housing matter.

Katherine Bossi, Local Codes Enforcement Supervisor, reported the Emergency Repair Notice of Violation was issued January 25, 2016 due to an inoperable heating system with a compliance date of January 28, 2016. Due to the emergency nature of the violation a hearing with staff is not held, but it is scheduled for City Council action. The dwelling is still occupied and the repairs have not been made. Ms. Bossi advised that the tenant is four months behind on rent. She has had contact with the property owner, who has already

started the eviction process. She noted the action before Council tonight is to vacate the property and the ordinance to vacate would be effective immediately if adopted tonight.

Neither the property owner, nor the tenant were present.

Adopted Ordinance ordering the inspector to effectuate the vacating of a dwelling located at 303 Prospect Street.

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

Ordinance No. 7192/16-12

Introduced 3/21/2016; Adopted 3/21/2016

Ordinance Book, XIX, Page 75

160069

Ordinance - Demolition of Dwelling - 1110 Blain Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1110 Blain Street belonging to CBC Investment Properties, LLC.

Katherine Bossi, Local Codes Enforcement Supervisor, reported the structure was damaged due to a fire that was contained to a rear room. Staff issued an Order to Repair or Demolish with a compliance date of March 13, 2013 and stayed in contact with the property owner, who was in litigation with their insurance company on the fire claim. The property owner did request two extensions and provided documentation of the on-going litigation and it was their intent to either remove it, rebuild, or make the repairs. However, staff never heard anything else from the property owner and due to the fact that the tax value is only \$1,700, the estimate of repairs at \$40,300 does exceed 50% of the tax value.

Council Member C. Davis offered to make a motion to table this matter to see if it is an issue with the insurance company. Chairman Golden noted that although it could be due to an insurance issue, but pointed out the property owner has ceased communicating with staff. The property owner was not present.

At this time, Council Member Golden MOVED to ADOPT an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1110 Blain Street. Council Member Alexander made a SECOND to the motion.

Council Member J. Davis offered a SUBSTITUTE MOTION to wait 30 days and revisit due to the insurance issue.

Council Member Alexander pointed out this case goes back to 2013, so Council Member J. Davis WITHDREW his SUBSTITUTE MOTION.

Mayor Bencini then called for a vote on the original MOTION TO ADOPT an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1110 Blain Street.

Adopted Ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1110 Blain Street.

Following action being taken on this matter, Council Member C. Davis asked if staff has a list of dwellings on a demolition list. Ms. Bossi explained there are three ready to go out for bid and there would probably be a few more in April.

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

**Ordinance No. 7193/16-13
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 76**

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

REGULAR AGENDA ITEMS

160070 Resolution of Intent - Annexation 16-01

Approval of a Resolution of Intent that establishes a public hearing date of Monday, May 2, 2016, at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 6.3 acres lying along the east side of Eastchester Drive, approximately 600 feet south of Mendenhall Oaks Parkway (2760 & 2756 NC 68).

Adopted Resolution of Intent establishing a public hearing date of Monday, May 2, 2016 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 6.3 acres lying along the east side of Eastchester Drive, approximately 600 feet south of Mendenhall Oaks Parkway.

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

**Resolution No. 1610/16-11
Introduced 3/21/2016; Adopted 3/21/2016
Resolution Book, XIX, Page 81**

160071 Resolution of Intent - Street Abandonment 16-02

Approval of a Resolution of Intent that establishes a public hearing date of Monday, May 2, 2016 at 5:30 p.m. to consider a request by High Point University to abandon the eastern portion (approximately 72 feet) of the North Avenue right-of-way, lying west of N. Centennial Street.

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 2, 2016 at 5:30 p.m. to consider a request by High Point University to abandon the eastern portion (approximately 72 feet) of the North Avenue right-of-way, lying west of N. Centennial Street.

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

Resolution No. 1611/16-12
Introduced 3/21/2016; Adopted 3/21/2016
Resolution Book, XIX, Page 82

PUBLIC HEARINGS

160050 Redwolf Development Company, LLC. - Zoning Map Amendment 15-19

A request by Redwolf Development Company, LLC to rezone approximately 8.7 acres from the Conditional Use Public & Institutional (CU-PI) District to the Conditional Zoning Residential Multifamily-8 (CZ RM-8) District. The site is lying along the east side of Penny Road, abutting the north side of Horney Road (2000 Penny Road).

Note: A public hearing was held by the City Council on February 15, 2016 at 5:30 p.m. regarding this matter and related matter 160049 Redwolf Development Company, LLC-Plan Amendment 15-06. At that time, Council took action on Plan Amendment 15-06, which resulted in a FAILED vote due to a tie vote; however no vote was taken on the Zoning Map Amendment 15-19.

City Attorney JoAnne Carlyle explained when this matter and the Plan Amendment came to Council on February 15th, there was not a full board at that time. She advised there were several different ways Council could approach this with one being to offer the applicant an opportunity to have the matter heard by the full Council. She pointed out if a decision was made on the Zoning Matter, then the one-year waiting period might have applied, but no action was taken and this preserved the applicant's right to request it be heard by the full Council. She advised that Redwolf has obtained legal counsel, Charlie Melvin and that Mr. Melvin was present to address Council regarding this matter.

Charlie Melvin, Attorney representing the applicant, shared that he has represented Redwolf Development in their residential developments in this area for many years and they are requesting that Council set a date for the hearing for the Plan Amendment and the Rezoning that was described and contained in the agenda attachments when it came before the Council on February 15th. He pointed out both of these items, the Plan Amendment and the Zoning had a favorable recommendation and a unanimous recommendation by the Planning & Zoning Commission, so Redwolf would like to have the opportunity to come back before the Council at a date determined by the Council for a hearing by the full Council for a vote on the he Plan Amendment and the question on the rezoning.

Staff advised it would come back to the City Council on May 2, 2016 at 5:30 p.m.

Approved a public hearing date of May 2, 2016 at 5:30 p.m. for the Redwolf Zoning Matter and Plan Amendment.

A motion was made by Council Member J. Davis, seconded by Council Member Wagner to set a public hearing date of May 2, 2016 at 5:30 p.m. for this matter. The motion PASSED by a 9-0 unanimous vote.

160072 Keystone Group, Inc. - Annexation Case 15-09

A request by Keystone Group, Inc. to consider a voluntary non-contiguous annexation request. The proposed annexation site is approximately 114.18 acres, and lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road. The property is addressed as 8809, 8813 & 8819-R1 Boylston Road, and is also known as Guilford County Tax Parcel 0169014, 0169013 and 0168988.

Ordinance No. 7194/16-14
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 77

The public hearing for this matter and related matter 160073 Keystone Group, Inc.- Zoning Case 15-21 was held on Monday, March 21, 2016 at 5:30 p.m.

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

Transcript

***Herb Shannon:** Your next two agenda items, Annexation Case 15-09 and Zoning Case 15-21 are pertaining to the same property. Staff will provide a combined presentation; however Council must vote on each item separately.*

The property in question is approximately 114 acres lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road. The area that is highlighted in blue is the site in question. This is Adkins. This is Boylston. The applicant is requesting....or the property owner is requesting voluntary annexation. The applicant, Keystone Development, has requested rezoning to a PUD District.

In regards to the Annexation request, the application is requesting annexation in order to have access to city utilities. This annexation petition does represent a logical progression of the city's annexation policy in this area based on the follows:

First, proximity to the existing High Point corporate limits. This site's approximately 900 feet from the High Point city limits to the north at the northern terminus of Quail Meadow Lane and the city limits also in this area are approximately 1,300 feet to the east along the east side of Adkins Road and approximately 1,300 to the south along Bame Road.

Second, the city has established annexation agreements with surrounding cities. We have an annexation agreement with Greensboro and with the Town of Kernersville. Thus, the city's planning area as far as area where the city may annex extends all the way up to I-40 to the north and approximately a mile to the west just over the Guilford-Forsyth County line.

Next, proximity to city utilities. Both water and sewer are in this area. A sewer line runs through the middle of the site and city water lines are adjacent to the site along Boylston Road.

As to impact to service, the only comment that was received was from the Police Department in which they noted at the time of build-out, there may be a need for additional officers to cover this area at maximum build-out. I would note for the record this annexation petition is just for the 114 acres associated with this site. None of the other surrounding areas are part of this annexation application. If approved, the applicant has requested the annexation become effective on July 4, 2016.

Bob, if you can go to the next slide please. This is just a blow-up of the site. In regards to the zoning portion of this request, the applicant is requesting that once the property is annexed, we must establish city zoning on the property. The applicant is requesting that a Planned Unit Development Residential District be established upon this site. The PUD District encourages the most economical and efficient development under unified ownership. The main advantage of the PUD District is the flexibility it offers to the developer. Specifically standards of the Development Ordinance are set aside and the Conditional Zoning Ordinance, which is part of the PUD approval process that is part of your package would govern the development of this site. However, the scaled setbacks along the perimeter of this site from 150 feet should be in harmony with the development.

As Council may recall, you did review a similar request in November, 2015 that was denied. Under this application, the applicant is proposing a 300-unit multi-use development consisting of a combination of single-family detached dwellings and townhomes and twinhomes. Bob, if you can go to the next slide please.

Included with the PUD is a PUD Master Plan. You may have to zoom out a little so you can see the entire property. As part of the PUD approval, there is a Master Plan that lays out conceptually where specific uses may be permitted on this site. The applicant has divided this tract into six distinct tracts.

You have Tract A, which is in this portion of the site. The applicant has noted per his PUD Master Plan with their zoning conditions, this area is to be developed with single-family detached dwellings, up to a maximum of 40 units.

Tract B is located along the eastern and southeast portion of the property. The Conditional Zoning Ordinance offered by the applicant notes that this area is to be developed for a single-family detached dwelling, up to 120 units.

Tract C is located in the middle of the property. The Conditional Zoning Ordinance offered by the applicant notes that this area is either to develop with single-family detached dwellings, the whole tract as single-family, or the whole tract could be developed with townhomes or twinhomes up to 80 dwelling units.

Tract D is towards the middle and southern portion of the tract, up to 110 units has been offered by the applicant. It can be developed with either single-family detached dwellings or townhomes.

Tract E along the western boundary of the site could be developed with either single-family dwellings or townhome dwellings up to 160 units.

The final tract at the entrance, the applicant has noted that would either be an active amenity area where they will have a clubhouse, or they may develop up to 30 units consisting of single-family detached dwellings or townhome dwellings.

There is a perennial stream that runs through the middle portion of the site associated with flood areas. The Master Plan notes that to be the common area. I would note that several of the tracts have different options and could be single-family or townhome. The unit counts the applicant has noted is a maximum. For example, if one of those tracts developed as single-family and did not reach that maximum, but you could possibly reach that maximum if it develops with the townhomes. The applicant has offered a condition that the entire site will not exceed more than 300 dwelling units. Yes, you have that table that is in the staff report that lays out the maximum for each tract. That does exceed 300 units, but that just offers the applicant flexibility as they develop the individual tracts. But as conditioned, no more than 300 dwelling units is permitted for this development.

With their application, you have included is their PUD Master Plan which is this document that you see on the screen. They've also conducted a Traffic Impact Analysis on this site and offered conditions and higher standards than what is required by the Development Ordinance.

The key difference between this application and what the Council reviewed last November is primarily the density. At that time, a maximum of 450 dwelling units were proposed. And just so we're clear, the city's Development Ordinance goes by gross density to include the entire area in determining density. That equaled a density of 3.9 units per acre. This application that is before you today, there is a maximum of 300 dwelling units. So they basically reduced the density count by 150 dwelling units and that equates to approximately 2.6 units per acre.

Other change, Tract F of the site, the applicant has noted that if it is developed with townhomes, a maximum of four units per structure is permitted. They've also offered in Tract F a higher setback standard along the eastern boundary of Tract F and the southern boundary that a minimum setback of 50 feet is required.

They've also included a condition in regards to construction traffic. They've offered that all construction traffic must come from Boylston Road and that they will provide a construction entrance from that location. That was a concern that was voiced by adjacent property owners in the past as to how construction traffic would access the site.

There is quite a bit of information in your packet as far as analysis and staff looked at not only the Conditional Zoning findings, but also the PUD findings. I'm just going to touch base on the key items from that analysis.

Number one- Consistency with the adopted plans. The Land Use Plan designates this portion of the city's planning area for low density residential, which permits development up to five units per acre. Based upon the conditions offered by the applicant, this development will have a density of approximately 2.6 units per acre. The proposal also consists of various goals and objectives of the Land Use Plan and the Northwest Area Plan.

Another item that was considered, Compatibility with Surrounding Uses. The applicant has laid out this PUD where you have the higher intensity uses toward the middle portion of this site and single-family mainly toward the eastern portion of the site where they abut an existing single-family subdivision that has smaller lots. And when I say smaller lots, those lots average between one and one and a half acres, but they have concentrated the more intense uses-the townhome uses-toward the center part of this site or toward the western part of this site where they abut larger lots, five acres or larger.

The applicant has included a summary of their Traffic Impact Analysis and based upon that, they've offered a condition that they will install a westbound left turn lane to access the site. Thus, traffic traveling westbound on Boylston Road, they've offered a condition that there will be a left bound turn lane for accessing the site from Boylston Road.

Another key item that was looked at was Equal or Higher Quality as far as Development Standards. They've offered a condition to provide an active recreation areas. That's one of their items that's part of the PUD development and they've offered a condition that the active recreation area will be developed at the point they reach 200 units. With a development of this size, up to 7.5 acres of recreation area is provided. They basically have noted that they're not going to wait until they get the 299 units to develop that; they've offered a condition that at the point 200 units are developed, they will put in that active recreation element. If not, no more units can be developed.

In this case, staff suggests to approve the applicant's request is reasonable in the public interest.

Number one, it is consistent with the Land Use Plan and the Northwest Area Plan and promotes the Policy of Goal 3 of the Land Use Plan as far as providing a wider range of housing opportunities. Two, the configuration of the tract as depicted on the Master Plan is compatible with the surrounding area and to minimize impact as far as environmental impacts, the applicants proposes that the single-family portion mainly be concentrated on the eastern portion of the site where the terrain is not as steep. If you're going to develop single-family on a steeper terrain, they require more grading. They've noted where you have the steepest terrain next to the stream, they're proposing that area for townhomes where they can work with the land to reduce the amount of grading.

Finally, by bringing this entire area as one planned development, it assists in assuring a cohesive development rather than coming in a piece mill fashion. Therefore, staff is recommending approval of the requested Planned Unit Development Residential District for the site. This request was reviewed by the Planning & Zoning Commission at their January 26th public hearing and the Commission recommended approval by a vote of 8-0.

Finally, as Council is aware, the General Statutes require Council place into the official record a statement of consistency with the adopted city plans and explain why the action they take is reasonable. This may be accomplished by including a statement that staff has provided in the staff report. That is a brief summary. Are there any questions on the annexation or the rezoning request?

Council Member Alexander: *Herb, just for my knowledge, where is the Airport Overlay Noise Cone?*

Herb Shannon: Bob, if you can go back to the first slide please. This site is within the Airport Overlay. It's within Overlay Area 3, which it does not prohibit residential use. You can have residential uses. It's just that there would be higher construction standards to reduce indoor versus outdoor noise. I believe if you page down, I believe I included a slide that noted the various Airport Overlay Cones-sorry, Overlay Zones.

Council Member Alexander: So these homes would be built to that standard?

Herb Shannon: Yes.

Council Member Alexander: Thank you.

Herb Shannon: This is a slide showing the various zones. Zone 2 is in this purple area. Zone 1 is in the orange area. Residential use is not permitted in Zone 1 or Zone 2. And just to correct myself, the site is actually in Zone 4-not Zone 3. Zone 3 requires a higher construction standard. Zone 4 requires notification. Anyone buying property or a home within this development is required to be notified that they are in an Airport Overlay Zone and there may be noise impact in Zone 4.

Council Member Alexander: What will happen....I know the Airport is considering a third parallel runway. Do we have any idea where or what impact that might have on this?

Herb Shannon: I don't know if I can clearly answer that question because I don't have that information. This is based upon the information we have at this date. I believe Mr. Burnette may be able to provide more detailed information.

Lee Burnette: That third runway was done for Master Plan purposes and we don't have any timeframe for that. In discussions with the Airport recently, they are probably in a year or so start another Part 150 Analysis which analyzes the noise and flight projections.

Council Member Alexander: What impact or what....if these folks are in Zone 2 now...

Council Member C. Davis: Zone 4.

Council Member Alexander: ...Zone 4 now and all of a sudden, four isn't four because we've got three runways instead of two. What happens to those citizens? You're telling me that they get a notice like the folks who are in a flood plain get a notice. What happens beyond that?

Lee Burnette: It's really not a function of.....It's a function of where the noise is, but it's also a function of what type of aircraft, flight pattern, that type of thing. Most of the flights in this area are flights that are taking off or landing, creating circular patterns, so it's really hard to project. The best information we have is the Part 150 Analysis that was done back in 2009 that they are scheduled to do again very soon.

Council Member Alexander: We lived through that, didn't we Bill?

Mayor Bencini: Yes we did.

Chairman Wagner: Are there any other questions for Mr. Shannon? [none at this time]
Thank you, Herb. Now we'll hear from the applicant.

Judy Stalder: My name is Judy Stalder, 665 N. Main Street. Thank you for a second chance to address the concerns about development of this property, make you comfortable approving this request. I want to address mainly the things that have been discussed in public hearings. I think Mr. Shannon did a thorough job of giving you the details of the development. The first thing I want to talk about are the changes.

The density has been reduced 150 units across this property. So from 450 to 300 units. This will end up developing roughly half townhome and twin home and half single-family homes and that split will be determined by the market. That's why the flexibility is built into the Planned Unit Development statistics. So as you look at each tract, it says specifically if it has to be just single-family and then there are several tracts that can be either single-family or townhomes and townhomes and that allows us the flexibility to build to the market. All the units are intended for owner occupancy and just to be clear, we're counting townhomes, not by the building, but by the number of units and the townhomes. So that's a total of 300 units.

On Tract F, Keystone is meeting staff's recommendation that no more than four townhome units will be in each building if townhomes are built on that tract and they'll have a minimum setback of 50 feet from the existing Quail Meadows subdivision. The contract entrance will be limited to Boylston Road and the stub road that was debated in the public hearings will be determined at the staff level. The Technical Review Committee will determine where that needs to be in order to provide access to all properties once this is developed. And that's just an example of staff thinking ahead.

A Traffic Impact study was completed by a licensed Transportation Engineer, John Davenport according to the guidelines of NCDOT and the High Point DOT and it was reviewed by the licensed engineers. No improvements to existing intersections were found to be warranted based on the projected traffic patterns and the projected Transportation Improvement Programs already approved by the State. It did recommend a left turn lane to the site access and the owner/developer has agreed to do that. Road maintenance for roads outside of this development is the responsibility of NCDOT. The State is well aware of these developments long before the first car pulls out of the driveway of the first house. In fact, the State is aware of when improvements are required and have already stated that work would begin on the Boylston Road Bridge. Just like the NCDOT, the schools are aware of what's going on in these areas before the first school child walks out with her backpack in the mornings. This development will have less impact than a completely single-family development. Townhomes and twinhomes generate half the number of students or school aged children as single-family homes across the Nation. That's US Census Bureau data. We looked at our sister development, Trellises, for confirmation of that. We have eight school aged children in 50 units. That's about .16 students per unit. So the fact that this will be roughly half townhomes and twinhomes means that the impact on the schools will be minimal. And I do want to remind you, once again, that schools are aware that land is developing. They're aware that our County is trying very hard to encourage economic development and that schools are one of the reasons that we can draw people here.

Environmental concerns of the property are somewhat centered on the west fork of the Deep River. I want you to know that that stream will be protected in four ways. First, there's a 100-foot buffer required on either side of the stream, so that's a 200-foot buffer where disturbance is limited. This Planned Unit Development shows a map that preserves this space and any flood area associated with the stream. The third way it's protected is that the Oak Hollow Lake General Watershed Rules apply here, so there will be water quality control features. And all the development in that stream area is subject to approval by the North Carolina Department of Environmental and Natural Resources. If you've ever worked with them, you know they always err on the side of caution. Many of the environmental issues on this property are a result of the logging that took place on this property. Our Civil Engineer, Chuck Truby, is here to talk to you about how development of this property will solve some of those issues.

Chuck Truby: *Good afternoon, Mayor and Council. My name is Chuck Truby, 4400 Tynning Street. I'm President of CPT Engineering located here in town. I'm going to be real brief because I know we've talked about this site before, but one thing I really want to stress is with the reduction in density, now we're at 2.6 units an acre. That's pretty typical of an RS-12 family subdivision. So we're really not asking for any more density than you would get in a typical all single-family type subdivision.*

About the logging and stuff, when they went in and timbered this site they kind of left it in pretty bad shape and the vegetation that exists there right now is very sparse. I would suggest that during heavy rains, there's probably some good sediment run-off from this site and with the requirements that we're required to do as far as wet ponds, controlling run-off to pre and post development rates and also cleaning the water before it enters the streams, I would say that we are going to improve water quality by developing this piece of property.

So that's pretty much all I have to say. If y'all have any questions, any engineering questions, I'm here to answer them.

Council Member C. Davis: *Well I'll ask the same question I asked the last time. I'm very concerned about the photograph that we had last time that showed ditches or gullies within the property itself. I'm very concerned about whether or not the depth of them based on some of the comments that were made last time and some of the aerial photographs that were seen, whether or not you can get that filled in. Are you going to let the property sit so that the ground becomes compacted to fill in so that if you have to add more in order to fill in those trenches and those craters if you will, how's that going to impact this project? And this is just one of the concerns that I have.*

Chuck Truby: *Yes. Basically when we laid this out, not only was the topography considered, but we also considered what we had surrounding the property. So I really tried to focus the single-family pods around the single-family houses and then we put the townhomes in the interior of the site, which also happens to be the areas that had topographical issues. What we do, when we go out on the site and start grading a phase, we'll have a geotechnical engineer on the site. They'll be testing the soil to make sure that you are obtaining the proper compaction. We'll be grading flat areas for the townhomes. The townhomes are going to be sitting on different, basically different levels. So you'll have*

a level up here and then you'll have a slope going down and then you'll have another flat level. Basically, all those gullies will be filled in and graded flat and then of course after we build the units, they'll be seeded. The gullies will be gone when the project is developed.

Council Member C. Davis: *I guess, in my mind, what I'm thinking is...for instance, I'm going to use my driveway. I've got a small, it was a small indenture in the drive, it's a gravel driveway. That small indenture overtime has expanded and trust me I can use some driveway work, Jim. But what concerns me is the more gravel we put in, the more sand, the more crushed stone, the more everything-even trying to fix just a simple little hole in a driveway, the more the rain came, the more it expanded, the more of a problem we had. Not to mention run-off from coming across the road into the driveway area, adding to that problem. What concerns me, and I don't know, is the amount of time that it would take for all that fresh dirt to really settle good. My concern is cracks in foundation, giving away if there's an underground stream or something that we don't know about because we haven't got into really digging into the property if no one's there yet. So those are the concerns that I have. But I don't know if you can grade it, and Jimmy would know better than I....Councilman Davis I mean, about the compacting of the dirt because it takes time for it to settle really well. So that's a concern that I have.*

Chuck Truby: *When the dirt is being moved, they have rollers out there that is compacting the soil as you bring every 6-12 inch lift of soil, that is completely compacted. Then there is an actual geotechnical engineer on site that is monitoring that compaction as it goes in to assure that you are getting the 95% compaction rate that you're supposed to have. So that's guaranteed. The way that we set our sites up to be graded is we'll have our drive going through the site. We set our townhomes or our single-family houses above the new roadway and generally around a 5% grade on the driveway going up to the units. So all the units will be sitting above the roadway and the water will drain to the roadway and then we have all underground piping. So the entire subdivision will have underground pipes that take care of all that run-off, so that run-off will not be flowing across the ground, it'll be going into the pipes and those pipes convey that run-off to our new ponds. They store it, clean it, then release it into the stream.*

Council Member C. Davis: *So you don't have any concern about run-off into the roadway at all?*

Chuck Truby: *No, and our driveways will be concrete and the roads, of course, are asphalt. No, I assure you-especially with the reduction in units. We have more room to play with now and so this will be a top notch development when we're done.*

Council Member C. Davis: *Thank you.*

Chairman Wagner: *Any other questions? Thank you. Is that it from the applicant?*

Scott Wallace: *I'll be brief. Thank you Council. My name is Scott Wallace. I'm President of Keystone Group, which is a division of Keystone Homes. My office is at 3708 Alliance Drive in Greensboro, 27407. I just would like to say thank you for the opportunity and we look forward to investing into another high quality, first class community here in High Point. I would love to answer any questions that you may have.*

Council Member Alexander: I did have a question regarding.....I know you said all of your construction traffic would come off Boylston Road. When would you anticipate the cut-ins at Sweet Meadow and Quail Meadow? How far along in your development before you actually open those for vehicular traffic?

Scott Wallace: Sweet Meadow will likely be earlier than Quail Meadow simply because it's closer to where we'll start developing. Regardless of when we do open it, we will not allow or will prohibit construction traffic through those. And generally during the construction phase of a development, we prefer to not have the ingress and egress through existing roads, so we will probably open it at the very last opportune time while working with the City of High Point Transportation and Engineering just for the fact that we like to keep control of our neighborhood. When you have a lot of ins and outs of a neighborhood, it kind of makes it more available for thefts and other behaviors that shouldn't be going on. So I hope that answered your question.

Chairman Wagner: Any other questions for the applicant? [none at this time]. Thank you very much. Ms. Stalder, are you finished as well? Okay. You faked me out because you walked up to the mic again.

Okay, now keeping this orderly, if there's anyone here who would like to speak in favor of this request, please come forward and give your name and address. Just give us your name and address for the record.

Katherine Idol Richardson: I'm Katherine Idol Richardson, 4798 Ellisboro Road, Stokesdale. I'm one of the Idol heirs and I'm the owner of the property. We got the best realtor that we could find. We did our research on this development. This is the best we could find and we beg you to please annex and rezone this property. It will be a plus for everybody. Not as big of a plus for us because we had to reduce our price, but for High Point and the surrounding neighborhood it's going to be a real plus.

Chairman Wagner: Thank you. Is there anyone else who would like to speak in favor of the request? Okay, I know we have some folks here who want to speak I opposition and there was a sign-up sheet. I'd like to get to those who are on the sign-up sheet first, but if you're opposed, we'll get to you.

The first one I had was Jim Hedgecock:

Jim Hedgecock: I'm Jim Hedgecock. I'm at 8857 Boylston Road. I'll try to be under my three minutes, quickly. Two things I'd like to clear before I start talking. Number one, is you've heard the old adage "statistics don't lie, but statisticians do." Don't you believe that two point something. You have to take out all the flood plain, which is 200 feet and you have to take out all the outside lines. Remember you've got a pipe line in here. So they're about double that now, but under your rules, that's okay. You don't build a house in the lake. If there's a lake there, you can't build it.

Number two, the noise zone...they are building the third runway. Now I live at 8857 Boylston Road. Now let me tell you something, at one, two three o'clock in the morning they

shake my house and it's a well-built house. So you can believe whatever you hear, but the real world is being out there. I asked for a barrier, a 20-foot high thing with some Conifers on it and everybody said no we don't need it. I would like to....we've all heard the thing of the Trail of Tears of the Indians. Well this, folks, is a trail of tears of Ball Mountain. Ball Mountain, this is where it is. I've lived out there since 1958. We started out with a big racetrack in order to get control of that area out there. The next thing that came along is extraterritorial jurisdiction. We had a tractor caravan. We must have had I don't know, 50 tractors that went to Southwest High School. Commissioners said you'll have a right to choose and you'll have a right to help your destiny and we defeated it that night and the next week, the Planning Board in High Point, Greensboro and Kernersville got together and divided us up and we happened to hit High Point. I don't mind that, but we had no choice in it. High Point commissioned a study that said the land that you're talking about tonight would be in five acre tracts of single-family and y'all blessed it. But that's gone.

I would just like to ask one thing. We have been given a tremendous amount of goose and bull organic fertilizer over the years. We would just ask....they said that they were going to build 300 houses on it total. We would just like for you to, if you okay this, to seal it and never let them build any more than 300 houses period.

Chairman Wagner: *Okay, thank you Mr. Hedgecock. I don't see anyone else on my list that was signed up, so if you just want to come up one by one and give us your name and address. Anyone else who would like to speak in opposition?*

Lou Howard: *My name was on that list.*

Chairman Wagner: *What is your name?*

Lou Howard: *Lou Howard.*

Chairman Wagner: *Okay, I've got you.*

Lou Howard: *My name is Lou Howard. I live at 1228 Kensington Drive, High Point, NC. And I'm speaking about the same creek that my neighbors, two of my neighbors spoke about and that's the....*

Chairman Wagner: *This is a public hearing for this zoning item. This is not the Public Comment Period. This is not the time for you to speak on that. This is only a public hearing for this annexation and zoning case. We're willing to take more public comment at the end of the meeting and you'll have your opportunity then. Is there anyone else to speak on this item? Okay, please come forward and give us your name and address.*

Todd Smith: *Hello. Good evening. My name is Todd Smith. I live at 8839 Boylston Road in Colfax. My property is one of those that will be directly impacted by this development. My property actually is bordered in part by the west fork tributary of Deep River, so I'm very concerned about what happens to that tributary.*

I'm not against....the Commission knows as I've said in the past, I'm not against that property being developed. I understand that eventually it will be developed. It's just a

matter of who develops it and when and why. The issue here is that the development in question does not meet the standards, does not meet the aesthetics of what that area currently entails. It's going to damage the property values of folks like myself and my neighbors. And as I pointed out at the last meeting, I want to point out that if High Point's very own Northwest Area Plan which I'm sure all of you have a copy of, in that Northwest Area Plan it literally states on Page 32 in direct reference to this very tract of land that's in question. And I'm quoting...."a tract of land is intended to preserve the rural character through the construction of homes on very large lots, ideally a minimum of five acres." It's five acres per home, which is in line with what's currently out there.

One of the things that's very misleading about the developer's plans, it talks about 300, 400 homes on this tract, but in reality everybody has agreed that in all likelihood no development will ever happen on the other side of the west fork of Deep River because it will cost too much to put a bridge over it. So we talk about a 114 acre tract, but in reality probably only about, I think about 60-65 acres is what is actually going to be developed. When you put the 300 homes on that, it's going to wind up being a fifth of an acre per home instead of one home per five acres, which the Northwest Area Plan on Page 32 actually says is what High Point planned for that area. So I'm not against it being developed, I am against this particular development. It's too many. It's too dense and the infrastructure can't support it. It really should be a development that has larger lots with larger houses and that would still provide High Point with the tax base that it's looking for. It would just be more expensive homes with a higher tax rate. Thank you.

Chairman Wagner: *Thank you, Mr. Smith. Is there anyone else who would like to speak on this matter? Okay.*

Larry Woodard: *Hello. Larry Woodard. 906 Quail Meadow Lane. A couple of discrepancies. The Overlay showed in was in District 4 for the Airport noise and the paperwork for the Zoning Commission says it's in Level 3. As far as elementary schools, the children will go to Colfax not Southwest and Colfax is already really overloaded and my concerns are the same as his. It looks like from the proposed map, original map, it comes up to 300 units on the right side of the stream and with the cost of the bridge, you would think that the 300 units would be on the right side of the bridge. My concern is that this stays one site and you only have 300 units and at a later date, the land to the left side is not sold off to somebody else and you have another 150 units come in. That's my concern. At the zoning meeting he said the entire property would be used for the 300 units. I hope that is public record and that you can hold someone accountable to what they say to a Zoning Commission and to the City Council as to what they're going to do. Thank you.*

Chairman Wagner: *Thank you very much. Is there anyone else? Okay, please come forward.*

Allison Brown: *My name is Allison Brown. I live at 8704 Sweet Meadow Road, that little stick right there. Mr. Bencini, Members of the Council, thank you for hearing us. I remember Council Member [C] Davis came to look at the site and we really appreciate that. That shows that you guys care. Thank you, again. Democracy is incomparable. As*

a young mother of three children age three and under, my husband and I have sought solace in Colfax from the hustle and bustle in Greensboro. I grew up in Greensboro and have watched my mom and dad's neighborhood, the neighborhood that I grew up in, got developed even further behind where there was an area like this and now when my kids go over to their grandparent's house where I used to play in their yard, there are now people racing down the street. It's a 25 m.p.h. neighborhood, but they're coming down at 50 every single day. Even though we're not directly there, there's already.....our road is very small and does not have a curb and when the logging happened that they were talking about, on our road, there is a humongous like dent in the road where the trucks were coming through our neighborhood dragging those logs out and it has never been repaired by the city, even though it's a city maintained road. So, I don't make any claim to know the stats. I support all of my neighbors who have taken their time to present them. There's a lot of forward focus on the future single families with not a whole lot of regard for the existing and past single families that live in this area. Let's remember our own passive images of bikes and strolls in the neighborhood that I'm taking with my kids. If there's an entrance to a gigantic neighborhood, in my place I'm going to have a hard time letting my kids run and there's been considerations about schools. I'd just like to ask any of my fellow citizens even if you're not here for this issue, will you stand if you're opposed to this with me? Right now? [about 3-4 people stood up]. Thank you. That's very helpful. And I just want to ask, please consider my kids and the other kids that are moving into this neighborhood-into my own neighborhood and not just the potential dollar amounts in the city's bank account. We're raising the future leaders of our country, so please proceed with caution. My husband who could not be here tonight would ask me to petition Keystone for the use of the club house facilities if this does go through. [laughter]. So, thank you.

Chairman Wagner: *Is there anyone else who would like to speak? [none] Okay, seeing none then I'll declare the public hearing on this item to be closed. We are required to vote on this separately.*

So on the Annexation Case, I'll MAKE A MOTION FOR APPROVAL OF ANNEXATION CASE 15-09.

Mayor Bencini: *We have a motion. Is there a second?*

Council Member Ewing: **SECOND.**

Mayor Bencini: *Any further discussion? This would be contingent I presume upon the approval of the....*

Chairman Wagner: *Contingent upon the approval of the zoning.*

Council Member C. Davis: *I'd just like to say that based on what's being proposed and actually riding out there and looking at the area, I don't feel that this project really complements the area. I think that it does, in fact, take it further into the future, but the homes that are existing there currently if we're looking at what's already there, this*

project doesn't complement that. It goes way into something else. So I won't be supporting the annexation.

Council Member J. Davis: *I've got a question that may do more with the zoning part of it, for the engineer. There was a question raised about the 300 homes being on one side of the creek and not including the other side of the creek. Does that include both sides of that property?*

Chuck Truby: *First of all, the condition is written and it's 300 units total.*

Council Member J. Davis: *For the whole tract?*

Chuck Truby: *For the whole tract. I don't think we can get 300 units on the east side by itself. I don't know that for sure. I mean if it ended up being more townhomes and single-family lots possibly, but the intent is to develop all the property and use it all with a maximum of 300 units. Now if we get down and say if we have 250 on the east side of the stream and we have....it's going to cost say you know one-half million dollars to get it across the creek, then there's a chance that that left side wouldn't be developed, if it didn't make sense financially. But just so everybody knows, the condition says no more than 300 units. Without coming back to you all, with the rezoning he can never put more than 300 units there.*

Council Member J. Davis: *So with the topography, you could actually end up with less than 300 units.*

Council Member C. Davis: *If we're going to comment on the zoning part of it too, then I'm going to go ahead and chime in as well, even though we were to do the annexation first. Mr. Alexander is correct about the Airport. There was a meeting that I attended as well as the Mayor and Councilman Ewing out at Grandover in regards to the Airport and future plans for that. So that's also driving my decision on this particular matter. So I just wanted to throw that out there as well.*

Mayor Bencini: *Any other comments? Seeing none, all those in favor, say Aye.*

Bencini, Golden, Alexander, Williams, Hill, Wagner, J. Davis, Ewing: *Aye.*

Mayor Bencini: *Opposed?*

Council Member C. Davis: *No.*

Mayor Bencini: *That MOTION carries. [8-1 vote] [Council Member C. Davis dissenting]*

Chairman Wagner: *I will MAKE A MOTION FOR APPROVAL OF ZONING CASE 15-21 and state for the record that the development is consistent with adopted plans and that it is in the public interest for the reasons stated in the staff report.*

Mayor Bencini: *We have a MOTION. Is there a SECOND?*

Council Member Ewing: **SECOND.**

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

Council Member C. Davis: *I'd just like to reiterate my decision to vote AGAINST this project because I do not believe it's in keeping with the area in which it's being proposed and the Airport expansion is also a factor for me.*

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

Bencini, Golden, Alexander, Williams, Hill, Wagner, J. Davis, Ewing: *Aye.*

Mayor Bencini: *Opposed?*

Council Member C. Davis: *No.*

Mayor Bencini: *That MOTION carries. [8-1 vote] [Council Member C. Davis dissenting]*

[end of transcript]

ADOPTED Ordinance providing for the annexation of this property with an effective date of July 4, 2016.

At this time, Mayor Bencini called for a 10-minute recess.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that to adopt the Ordinance providing for the annexation of this property with an effective date of July 4, 2016. The motion carried by the following 8-1 vote:

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

Nay (1): Council Member C. Davis

160073 Keystone Group, Inc. - Zoning Case 15-21

A request by Keystone Group, Inc. to rezone approximately 114.18 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, to the Planned Unit Development - Residential (PDR) District. The site is lying along the south side of Boylston Road, approximately 1,300 feet west of Adkins Road (8809, 8813 & 8819-R1 Boylston 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 matter 160072 Keystone Group, Inc.- Annexation Case 15-09 was held on Monday, March 21, 2016 at 5:30 p.m.

Note: For specific comments made for Zoning Case 15-21 during the public hearing on this matter, please refer to related matter 160072 Keystone Group, Inc.- Annexation Case 15-09

ADOPTED the Ordinance approving Zoning Case 15-21 based on consistency with the City's adopted plans and based on the findings as identified in the Staff Analysis section of the staff report. The Council finds this action to be reasonable and in the public interest.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, to adopt the Ordinance amending the official zoning map of the City of High Point and providing for the rezoning of this property. The motion carried by the following 8-1 vote:

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

Nay (1): Council Member C. Davis

**Ordinance No. 7195/16-15
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 78**

160074 BSC Holdings - Zoning Map Amendment 16-01

A request by BSC Holdings to rezone approximately 15.6 acres from a Conditional Zoning Residential Single Family-9 (CZ RS-9) District to an amended Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying south of Clinard Farms Road and east of Barrow Road (4540 Barrow Road).

The public hearing regarding this matter was held on Monday, March 21, 2016 at 5:30 p.m.

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

This zoning site is part of a larger 56-acre tract that was granted its current CZ RS-9 District zoning in 2013. At that time, the property was proposed to be developed for a private school and included transportation conditions to mitigate traffic impacts from a school with a student population of approximately 1,500 students. The scale of the school project has since been reduced and only the eastern portion (41 acres) of the overall 56-acre parcel will be used for the school. The property owner is proposing to sell the western 15 acres of this parcel to the applicant in order to develop a single-family subdivision. In order to facilitate the residential development, the applicant has submitted Zoning Map Amendment 16-01 for consideration of an amended CZ RS-9 District to remove previously adopted transportation conditions, which were placed on this 56-acre parcel.

Mr. Shannon advised that the applicant is proposing approximately 46 single-family homes on this site and this will effectively be an extension of the Cottesmore subdivision. When the plan was initially submitted, the applicant proposed a condition that access would be taken from the south and would do an extension to the Cottesmore development and there would be a stub to the property to the east. The High Point DOT did provide a memorandum dated January 2nd in which they noted that an access point needed to be provided to Clinard Farms Road. Mr. Shannon noted this has always been a condition since the property was annexed in 2007 and rezoned in 2014. The initial application from the applicant did not include the connection to Clinard Farms Road and staff had voiced concerns that there would be the existing 230+ units in the Cottesmore subdivision plus the proposed 46 units all using two access points onto Willard Dairy Road. The Planning & Zoning Commission heard this matter on February 23rd and at that time, the applicant amended the request to provide that access to Clinard Farms Road. Mr. Shannon pointed out the only change from the Transportation Department's recommendation was instead of a right-in, left turn lane, there would only be a left turn lane into the site from Clinard Farms Road.

Based upon this amendment, staff suggests that the approval of the applicant's request is reasonable, in the public interest and that the requested CZ RS-9 District is consistent with the Land Use Plan and subject to the public street connection being provided to Clinard Farms Road as recommended by the Transportation Department, traffic impact issues would be addressed. The Planning & Zoning Commission is recommending approval of this request with the amendment offered by the applicant to provide the access to Clinard Farms Road.

Council Member Alexander inquired about the configuration of the intersection at Piedmont Parkway, Clinard Farms Road, Barrow Road. Mr. Shannon noted the proposed realignment with the Piedmont Parkway extension, which includes expansion of the two lanes to four lanes with a median, and the extension would continue westward and will eventually connect to the intersection of Johnson Street and Sandy Ridge Road.

Council Member J. Davis pointed out the RS-9 area would probably be developed in the future and asked if this property would be required to have an entrance on Willard Dairy Road. Mr. Shannon noted that there have been concept plans submitted to staff for review last summer for a single-family development, but no official plans as far as plat approval have been submitted. At that time, staff did note that any development of this site would have to include some type of stub. Council Member J. Davis asked if it would not make more sense to stub the street and not have two accesses that close to the intersection of Piedmont Parkway. Mr. Shannon explained that was an issue that was discussed at the Planning & Zoning Commission meeting and the end result was that area was identified as a location for a median cut, so it would provide access directly to the site. Council Member J. Davis noted his biggest concern is the traffic that backs up since opening Phoenix Academy and he questioned having a stub street in such close proximity.

Mr. Shannon noted to mitigate traffic impacts, staff was recommending a direct connection to Clinard Farms Road, but there is no guarantee when or if this site will even develop. Until that time, the Development Ordinance requires at least three points of access due to over 200 homes using the access points to the south of this existing subdivision.

At this time, Chairman Wagner asked the Transportation staff to come forward to talk about the transportation issues.

Mark McDonald, Director of Transportation, advised that the feasibility study that was done for Piedmont Parkway shows an intersection with Barrow Road and the next break in the median would be at Blackberry Ridge, where staff is asking for the access to this site to be located. The next access median break will be where the school entrance is now and there would be one more before getting to Eastchester Drive. He noted these are spaced according to State regulations. He explained there could be access at Blackberry Ridge if it develops before the project is done, but when the project goes through and the median is constructed, any access to this site would become a right-in, right-out condition.

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

*The applicant, **Barry Segal**, distributed a copy of the Original Zoning Request to the City Council. He pointed out that they reluctantly and hesitantly agreed to the conditions that were being proposed at the February 23rd Planning & Zoning Commission meeting, with a clear caveat and understanding that they wanted some time to further explore it. He reported that they have explored it and respectfully requested that Council consider their original application and if Council finds this is not unacceptable, then he would ask and challenge Council to consider possible alternatives.*

He noted their concerns were with the transportation issues and made the following points:

- 1. Economics. The cost of putting in a road to Clinard Farms Road and making the improvements that transportation is asking (left turn lane) involves a lot of cost and rework on Clinard Farms Road. In the process, they will lose a minimum of one lot which will result in a \$60,000 loss). The cost for them to have to build the road to get to Clinard Farms Road would be another \$50,000 and the improvements they would be required to make on Clinard Farms Road could run \$150,000-\$200,000 and this would result in an estimated additional cost of close to \$300,000. Mr. Segal noted this increased cost would have to be factored into the cost of the lots/houses for the development, which makes the development questionable, or they could cut the quality of the homes, but they prefer not to do this.*
- 2. Impact on Cottesmore. Mr. Segal pointed out the median cut opens up the ability for people to do a drive-thru or a cross drive-thru the Cottesmore development. He also pointed out that the property on the other side of Clinard Farms Road is currently earmarked for commercial development because of the Noise Cone. He shared that the Cottesmore residents do not want trucks driving through their neighborhood and they would prefer not to have the drive with a full median cut.*
- 3. Access points. Mr. Segal advised that they did propose a stub into the Thomas property in the middle, and although he has made Mr. Thomas an offer, they are still in negotiations. He explained the connectivity is being required because Mr. Thomas is looking to develop his property as single-family and he is also developing as single family. Mr. Segal stated he did not oppose going out to Clinard Farms Road, but did*

oppose having the full access. He noted he understands that Mr. Thomas will want, require and need a direct access to Clinard Farms Road and that at that point in time it will be a right-in, right-out. He felt this would eventually give the third access point into this development.

4. Plans change. Mr. Segal reminded Council that he came to City Council in 2012 and asked them to reconsider some plans for Piedmont Parkway, which was part of the Granite Ridge Apartment development that they did. The major plan was to have office use on the 6.7 acres with industrial across the street, but they were unable to try to develop it for office, so they came to the City Council to extend the Granite Ridge complex and build villa homes instead on the 6.7 acres. Council agreed at that time that there was no need to have a driveway to the median cut, so they closed the driveway that was already in place when Piedmont Parkway was built. They also talked about the third access point at that in which Council and staff agreed and they put in an emergency gate on a road that was serving as a drive in order to meet the three access points. He pointed out in the four years since that time, it has never been used.
5. Proximity to driveways. Mr. Segal explained they have laid out a proposed driveway in the center of the Thomas property and laid out the driveway to the schools and noted there was about 500-600 feet in between the drives. He felt not having a driveway into the Cottesmore development was detrimental. He advised the 46 lot development would be integrated with the Cottesmore subdivision and would share the amenities.

Mr. Segal respectfully requested that Council look at their original request and consider the merits of going back to the original request and if for whatever reason Council feels that they cannot support this, consider allowing him to explore alternatives because what is proposed economically does not make sense and is not in the neighborhoods best interest.

At this time, Mr. Segal offered to address any concerns.

Mayor Bencini asked about the total number of lots in the Cottesmore development. Mr. Shannon replied there are approximately 234 (combination of single family and townhomes) and that number does not include the area to the south.

Council Member J. Davis asked how it would connect if the Thomas property is developed and the city requires connectivity. Mr. Segal replied they would lose one lot and would be coming off their street through lot #23, and they would still stub into Mr. Thomas' property and Mr. Thomas' property would stub directly into theirs.

Council Member Ewing asked if there was ample width to accommodate a connector street to Clinard Farms Road to line up with Blackberry Ridge and Mr. McDonald replied that there would be ample width to make the connection.

Mr. Segal informed Council that had Phoenix Academy not elected to sell the 16 acre tract to them, they would have never got a third stub street because under the current zoning for Phoenix Academy there is no requirement for them to connect to their stub streets due to it

being a different use. He explained now with Phoenix Academy contracting with him to sell the property and with Mr. Thomas' property being single family, triggered the requirement for the third connection.

Council Member Alexander mentioned that Council Member Williams had suggested putting in an emergency access point at the cul-de-sac next to the Fire Station and Mr. Segal felt that would work and advised they could either run it through the lot that comes out to Barrow Road or alternatively with Council's endorsement they can put in a gate with a Knox Box and come through the parking lot. Council Member Alexander pointed out this would eliminate most of the cut-thru traffic going through the neighborhood.

At this time, Chairman Wagner opened the public hearing and asked if there was anyone to speak in favor of the request.

Ed Price, 914 Northshore Court, respectfully asked that Council support the original zoning application. He noted that the connectivity would come and many times stub streets have been allowed to count as future connectivity. He pointed out that Piedmont Parkway was the big unknown and stressed that they have worked very hard to make this development as economically feasible as possible.

Chairman Wagner asked if there were any additional comments in support. There being none, he asked if there was anyone present who would like to speak in opposition to the request. No one was present to speak in opposition. The public hearing was declared closed.

Before making a motion, Chairman Wagner solicited responses from the Transportation Department and Fire Department regarding the emergency gate that was suggested. Mark McDonald, Director of Transportation, stated he was opposed to this and felt gating of a public street was not an appropriate means of access or to satisfy requirements in the ordinance. He pointed out the development was close to twice the limit of three access point and he did not buy the argument of cut-thru traffic at this location due to the good network of roads. He strongly urged consideration of the additional access. Fire Chief Tommy Reid also was opposed due to uncertainty as to how the access would be controlled. He felt there should be a better solution and preferred the proposed access point.

At this time, Council Member Ewing MOVED TO APPROVE ZONING MAP AMENDMENT 16-01 WITH STAFF'S RECOMMENDED ENTRANCE ON CLINARD FARMS ROAD.

The motion FAILED due to lack of a SECOND.

At this time, Council Member J. Davis MOVED TO APPROVE MR. SEGAL'S ORIGINAL PLAN WITH THE STUB STREET INTO THE THOMAS PROPERTY AND REQUIRE AN EMERGENCY ACCESS POINT ON THE CUL-DE-SAC BEHIND THE FIRE STATION.

Council Member Williams made a SECOND to the MOTION. The MOTION CARRIED BY THE FOLLOWING 8-1 VOTE.

A motion was made by Council Member Davis, seconded by Council Member Williams, that this matter be adopted. The motion carried by the following 8-1 vote:

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

Nay (1): Council Member Ewing

Following the vote on this matter, Mr. Shannon wanted to make sure everyone was clear that Council's approval is the amended Zoning at P & Z that the applicant submitted where Condition A 1, Subsection A is being deleted and Council approved the original Zoning request with the amendment that there would be an emergency access from the fire department parking lot into the cul-de-sac with the applicant making the installation.

All agreed.

**Ordinance No. 7196/16-16
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 79**

160075

Whistlestop Lodges, LLC. - Special Use 15-05

A request by Whistlestop Lodges, LLC to allow a Tourist Home (Bed & Breakfast) in the Residential Single Family-9 (RS-9) District. The site is lying along the north side of Ferndale Boulevard, approximately 120 feet west of Locke Street (702 Ferndale Blvd).

Transcript

Chairman Wagner: *Do you want to give us a run down on the rules for Special Use Permits?*

City Attorney JoAnne Carlyle: *I'm sure that you can do that just as well. Parties have to be sworn in and you will have to, in order for this to pass, you will have to adopt all of the required Findings of Fact which have been provided in the staff report that you've received. With regards to evidence, if I hear something that you can't take into consideration, I'll kind of wave the red flag and let you know and let the person know that's coming to you as well. Bottom line is to keep in mind that you are receiving facts, so you really can't take into consideration opinions when you make a decision.*

Chairman Wagner: *So this is a little bit different. It's not a zoning case, it's a quasi-judicial hearing so we're supposed to take evidence into account, which is essentially expert evidence, not opinion.*

City Attorney Carlyle: *I'm presuming that no one has had any ex-parte' communication.*

Council Member Alexander: *I received a....I believe it was an email from Guilford County Schools.*

Council Member J. Davis: *I did also.*

Chairman Wagner: *I think we all received that.*

Mayor Bencini: *I received an email, but it does not influence me in any way.*

City Attorney Carlyle: *And none of you spoke or responded to the email? That's good enough.*

Chairman Wagner: *Okay, let's hear from staff on this.*

City Attorney Carlyle: *Madam Clerk is going to swear them in.*

Chairman Wagner: *Anyone that's here to speak on this matter has to be sworn.*

[oath administered to those desiring to speak on this matter]

Herb Shannon: *City Council, our next item is Special Use Case 15-05. This is a request for a Special Use to allow a tourist home also known as a bed and breakfast in the Residential Single Family-9 District. The site is lying along the north side of Ferndale Boulevard, approximately 120 feet west of Locke Street. Just to note where we're at. You've got Lindsay to the east. This is Ferndale. This is Locke Street and the cross-hatched location is the site in question. The applicant is requesting a Special Use to allow a bed and breakfast use at this location. The applicant owns this property and also owns the abutting property to the rear that she lives in. She's proposing to have a four room bed and breakfast facility.*

The Development Ordinance allows a bed and breakfast use in any residential district, subject to meeting the development standards of the Development Ordinance. And those are:

- 1. Property Separation: The proposed use has to be at least 400 feet from any rooming house, boarding house or other bed and breakfasts.*
- 2. No more than six guest bedrooms.*
- 3. It must be operated by a live-in resident manager within a structure that was originally constructed as a single-family dwelling. It has to have one kitchen and only serves meals to those guests and the maximum limit of the stay of guests is 15 days per sixty day period.*

Included in your staff report are findings and staff offers these findings for this request.

First, that the request will not materially endanger the public health and safety. The facility proposed by the applicant will have a maximum of four rooms.

As far as traffic, it will be similar intensity as if it was still used as a single-family dwelling.

Another finding is that the request will meet all the requirements of the Development Ordinance. Staff has made a determination that this is meeting all requirements of the Development Ordinance.

Next, that the use will not substantially injure the value of adjoining or abutting property. You have an existing single-family dwelling on this property and a proposal for a four bedroom bed and breakfast is similar intensity as a single-family dwelling and no new building construction is proposed. There's not going to be any new expansion in that existing single-family dwelling. The only new development on this site is the applicant is putting a parking area to the rear of this site.

Finally, the last item we looked at, the location and character of the use shall be in harmony where the area is located. Staff finds that the request will be in harmony with the surrounding area based upon the following.

First, the site is across the street from other non- permitted residential uses. You do have Ferndale Middle School directly across the street from this site. I will also note that this site is near the edge of where this area transitions from Office use to Residential. Directly to the east of Locke Street, this entire area to the east, is zoned General Office Moderate Intensity. So you have various single-family uses, office uses and multi-family uses that are permitted. In fact, directly at this intersection you have an existing office building and directly across the street next to the school, you have an existing apartment complex. So you have other situations where you have other non-single family residential uses in this area.

We also noted in our staff analysis that this site is not in the middle of a residential neighborhood. It is located on the outer edge. Ferndale is a collector street. It is intended to handle higher levels of traffic. It's not a situation where two or three streets are backed up in the middle of a residential subdivision where you're directing all that traffic into the middle of the subdivision. This lot is on the outer edge of the subdivision off a collector street and based upon that, staff has made a determination that this request meets the requirements of the Development Ordinance and staff is recommending approval of the request to allow a Tourist Home in the RS-9 District at this site.

This request was reviewed by the Planning & Zoning Commission at their February 23rd meeting and the Commission recommended approval of this request. Bob, if you could just go down to the next few slides. We included some pictures to give you a better idea of the location of the site. This is the view of the structure in question. This is the view from Ferndale. This is the rear of the site where the applicant has proposed to add parking to serve this proposed use. And this is just a survey of the site.

That is a brief summary of the applicant's proposal. Are there any questions of staff at this time?

Mayor Pro Tem Golden: *You said it was approved. What was the vote?*

Herb Shannon: *6-0.*

City Attorney Carlyle: *I thought it was 5-1.*

Herb Shannon: *I'm sorry. I made a mistake. I need to refer back to my notes. I believe there was one vote in opposition.*

Council Member C. Davis: *It was 5-1.*

Herb Shannon: *Yes. I'm sorry. It was a 5-1 vote. The one that voted in opposition, that particular commission member did not note a specific reason for voting in opposition.*

Chairman Wagner: *Thank you Mr. Shannon. We'll now hear from the other party that was sworn.*

Suzanne Fairchild: *Thank you Mr. Mayor, Ladies and Gentlemen of the City Council.*

Chairman Wagner: *Can you give us your name for the record?*

Suzanne Fairchild: *Suzanne Fairchild, 503 Gatewood Avenue, High Point 27262. Thank you to the staff of the Planning & Zoning Department and community members in attendance. Thank you for considering my Special Use application and for considering the B & B home in a Residential Single-Family District. I'm the homeowner of 702 Ferndale Boulevard. I purchased the house in July 2015. As you can see it's taken nine months for me to get to this point, which I believe shows evidence that I have been very thorough and very complete in my consideration and in my preparation for what I hope to be a bed and breakfast home. I will be the proprietor of the business. I do not reside there, but I do live directly behind the Ferndale house on Gatewood Avenue and I have secured a commitment of two High Point University students. Both very mature, impressive young men.*

The first will occupy....there are actually five bedrooms in the home; four will be available to guests and the fifth one will be occupied by the resident manager. Both resident managers are High Point University students. The first will occupy the home beginning in early April through the middle of August when he is on break between his junior and senior year. He intends to stay in High Point during that time to assist me in those duties and to be employed in a student painting business. The second High Point University student will have graduated when he arrives in late August and is intending to be a graduate student in elementary education. He will commit to staying for a two-year period. So between myself and my resident managers, I have supervision and proprietorship of the residents well covered. I want to assure you that I have vetted as best as possible both these young men. I have met with them personally. Both have toured the property with me, so as to know exactly the layout of the premises and the obligations that I expect of them and I have intentions of executing a binding contract with both of these young men individually so that my expectations and their duties are properly and clearly laid out. There will be no surprises on my part or on their part or on the part of my guests. I have also met and communicated extensively with their parents and as you know nobody can give you the nature of a young persons character better than their mom. Both sets of parents are also as interested in knowing that their sons are going to be living in quarters that are safe and well-appointed as much as I am in knowing that both young men will protect my investment to the best of their abilities. I also intend to vet my guests as much as possible and as much as is legal and non-discriminatory as I fully intend for the bed and breakfast to be a place of respite, quiet

relaxation and a place compatible with the ability of out-of-towners to conduct one-on-one business.

I absolutely have no intention of allowing the property to deteriorate or to fall into disrepair or to be harmed by any guests in any way. Guests who seek out the quarters of the bed and breakfast, the booking of the bed and breakfast want a homelike atmosphere and they usually tend to treat the home with respect because of that. It's different than renting a motel room. Guests do not intend to intrude on the residents who live in the home, nor on the neighbors surrounding.

I'd like to clarify and expand on just a few points that Mr. Shannon made in the staff report. I do not intend to permit more than eight guests to occupy the premises at any one time. I do not intend to permit any set of guests to stay more than seven nights, even though 15 nights is in line with the ordinance. Because this is the standard, seven nights, that is set in the State's definition for a bed and breakfast and I intend to adhere to the stricter standard, even though the local Code allows for a longer stay.

I've also already contacted the Guilford County Health Department. I've learned that I am not required to meet the standards of a commercial kitchen, but I am going to apply for food preparation and serving permit as is in line with a bed and breakfast. I've met with the High Point Fire Marshall, who has indicated that I am not required to install a sprinkler system, but I am going to request the Fire Marshall or the Fire Department conduct a courtesy fire safety inspection and I intend to adhere to any recommendations that they make from that inspection.

Regarding safety in general, there is only light foot traffic on Ferndale and my side of the house, my side of the street doesn't have sidewalks. So there are very few students who actually walk on that side of the street. Thus, I do not believe that safety will be an issue with traffic coming in and out of the bed and breakfast establishment.

You may know, I hope, from your packet that I sent the neighbors within the specified radius a "Dear Neighbor" letter and I hope you've had a chance to read it because it's stated in very general, simple, friendly terms what my intentions are. I received a kind hand written note from a woman who owns property three doors down from the bed and breakfast. She wished me well. She supported my endeavor and she was very kind and encouraging. There are residents of the neighborhood who have patiently sat here tonight to show support for me and there's also a tenant of mine who resides in a conventional single-family home that I also own that I rent out as a traditional house. These folks have not stood up to be sworn in to speak on my behalf, but I do believe that they could and would if asked to do so and would be able to speak to my integrity, my determination and my neighborly attitude.

I intend to join the High Point Chamber of Commerce. I intend to conduct my business in a manner that supports the neighborhood, that supports High Point's business community and is in line with my own conscientious set of principles and values. I believe my business will support and promote spending, jobs, dry cleaners, restaurants, grocery stores because my guests will be out-of-towners and will be looking to spend their dollars in High Point when they're here. I also want you to know that I have spent a significant amount of money to enhance my property. I say that only because I want you to know that the integrity of the bed

and breakfast home is of utmost importance to me and to my investment in that and I think that enhancing the property has increased the property value, or will increase or enhance the property values of the surrounding homes.

I'm happy to answer any questions you have and I'll try to do so to the best of my ability. Thank you.

Chairman Wagner: *Does anyone have any questions for Ms. Fairchild?*

Council Member Williams: *The first is...you said out-of-towners, is it a possibility that your target guests will be like market-goers?*

Suzanne Fairchild: *I have tentatively secured bookings for the month of April and for part of May. If I am unable to receive the Special Use Permit, I will tell those guests that they cannot fulfill their booking, or I cannot fulfill their booking. But as an example of the kind of bookings that I expect would be wedding parties. I have a young man who is a groom and his parents and grandparents that want to come for a long weekend during his wedding ceremony. I have a group of eight people, combination of some couples and some single adults, who are coming from various parts of the country to attend a wedding at Wesley Memorial. I have a family coming from Ft. Lauderdale, Florida to attend High Point University's May graduation. I have a party of six coming for seven nights from Missouri to be market guests. If all goes well, they intend to sign a contract with me to be spring and fall market guests indefinitely. I have received a booking inquiry for a group of young women from Raleigh who are part of a running club, who intend to run a half-marathon that's being sponsored here in High Point. They want to come on a Friday night, run the race on Saturday, relax on Saturday evening and return to Raleigh on Sunday. So I envision this to be much more than just market traffic. I hope that it can be short term, very short term--one or two night overnight visitors--who are traveling from the mountains or the coast or vice versa from northern parts of the mid-west or eastern seaboard down to Florida or something like that. It would be a very convenient way to break up your trip and still have a very pleasant stay.*

Chairman Wagner: *Any other questions?*

Council Member Alexander: *I have one for the attorney. With Special Use Permits, if 50 years from now the property changes hands and the use of it as a bed and breakfast would cease for a period of time, would the Special Use Permit continue and follow the property or once the use is broken, then it would have to come back?*

City Attorney Carlyle: *It follows the property.*

Council Member Alexander: *It follows the property. Thank you.*

Herb Shannon: *Mr. Alexander, just to expand on that. If the uses ceases to operate more than eighteen months as a bed and breakfast, it reverts back to just a single-family zoning and they would have to receive a new Special Use Permit. So if they stop for more than eighteen months, it loses the Special Use Permit.*

City Attorney Carlyle: My apologies.

Council Member Alexander: That was really what I was looking for. I didn't know if this was a forever kind of thing or if a termination of use after a period of time would revert back to the RS-9. Thank you.

Suzanne Fairchild: May I make a comment? I have no intention of selling the property in the near future and I think you're heard a lot of what-ifs and speculative comments about other kinds of proposals. So we don't know what the future holds, healthwise or what have you, but I have no intention of selling the property in the near future. If I were to do that, I hope you would believe me when I say that I would market it very clearly to any potential owner, future owner, as either a single-family residence or clearly help them transition to a successful bed and breakfast endeavor as I expect I will be able to maintain.

Chairman Wagner: Thank you, Ms. Fairchild.

Suzanne Fairchild: May I just ask one additional request? Since those in support are offered a chance to speak first, I don't know if anyone will be speaking in opposition to this.

Chairman Wagner: Well you were the only one that was sworn in.

Suzanne Fairchild: Okay, I guess that answers that. But if there is any reason to delay or be of concern, I would at least ask you to postpone or delay your decision until I've had a chance to provide any additional answer that you may need.

Chairman Wagner: Thank you, Ms. Fairchild. With that, I'll close the public hearing. I will make a **MOTION FOR APPROVAL OF SPECIAL USE PERMIT 15-05** incorporating the findings of fact in the staff report.

Mayor Bencini: We have a MOTION. Is there a SECOND?

Council Member Williams: SECOND.

Mayor Bencini: Any further discussion?

Council Member C. Davis: I'd just like to say that I think it's a great idea, especially considering where I reside in coming on and off 85 there by Green and Fairfield that we do have some eyesores and some places in our city that are supposed to accommodate visitors that just aren't appealing. So I think that this bed and breakfast gives that a great lift for our city that we are providing other options.

Mayor Bencini: Any other comments?

I just want to give a little historical perspective. Number one, we've had a bed and breakfast on the historic portion of Johnson Street for many years. I'm not sure if it's still operating, but I don't think it ever created any kind of problem. It was right in the middle of historic single-family residences. And there's a couple of people I see out there in the crowd tonight that remember another non-residential facility at the corner of Meadow and Chestnut on the

northwest intersection. Ed Price was a regular customer there. A place called Henry's. And I think Mr. Bradner back there may have gone to Henry's a few times too. Okay. It was not to the same level of a class facility like I know Ms. Fairchild's facility is going to be because at this place, you could get something to eat and it wasn't very good. Okay. And you could turn your bottle in and you could either get a two cent deposit back on your bottle, or you could get a cigarette. So I think this represents a real upgrade in the neighborhood.

Ed Price: *Can I speak?*

Chairman Wagner: *You had to be sworn.*

Ed Price: *The Guilford County Schools had sent a letter.*

Chairman Wagner: *I think that we acknowledged receipt of the letter before we started.*

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

All: Aye.

Mayor Bencini: That MOTION carries. [9-0 vote]

A motion was made by Council Member Wagner, seconded by Council Member Williams, that Special Use 15-05 be approved. The motion PASSED by a 9-0 unanimous vote.

160076

Henry & Josephine Williams - Annexation 16-02

A request by Henry & Josephine Williams to consider a voluntary contiguous annexation of approximately 0.9 acres lying along the east side of St. John's Street. The property is also known as Guilford County Tax Parcels 0169447 and 0169448.

The joint public hearing for this matter and related matters 160077 Zoning Map Amendment 16093 and 160078 Street Abandonment 16-01 was held on Monday, March 21, 2016 at 5:30 p.m.

Herb Shannon with Planning & Development provided an overview of the staff report for this annexation request. The applicant is requesting annexation of these two parcels (0.92 acres) in order to have access to city utilities. The annexation site is abutting, but is not part of, the adjacent Meadow Valley subdivision where single family homes are being constructed. Adjacent parcels along St. John's Street are currently within the High Point corporate limits and city utilities consisting of improved public streets, water lines and sewer lines have been installed. The applicant has submitted this annexation application, zoning application and street abandonment application so that the annexation site and abutting right-of-way land area may be combined and re-subdivided to orient lots toward St. John's Street for the development of three to four single family dwellings.

Mr. Shannon advised this annexation petition represents a logical progression of the city's Annexation Policy for this area as the parcels proposed to be annexed are surrounded on three sides by the city's corporate limits. City services and service vehicles are already

present in this area and the annexation of these two parcels will not negatively impact the city's ability to provide services in this area.

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 in support of or in opposition to this request. There was no one present to speak and the public hearing was declared closed.

Adopted the Ordinance providing for the annexation of this property with an effective date of March 21, 2016.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, that this Annexation Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7197/16-17
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 80**

160077

West Mountain Funding, LLC - Zoning Map Amendment 16-03

A request by West Mountain Funding, LLC to rezone approximately 1.4 acres from a Conditional Use Residential Single Family-9 (CU RS-9) District and Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to the Residential Single Family-9 (RS-9) District. The site is lying along the east side of St. John's Street, approximately 750 feet north of Skeet Club Road.

The joint public hearing for this matter and related matters 160076 Annexation 16-02 and 160078 Street Abandonment 16-01 was held on Monday, March 21, 2016 at 5:30 p.m.

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

The applicant is proposing to build single family homes on these parcels and is also requesting annexation and initial city zoning in order to have access to city utilities. Adjacent parcels along St. John's Street are part of the Meadow Valley Subdivision. City utilities consisting of improved public streets, water lines and sewer lines have been installed and single family homes are being constructed in this subdivision.

The requested RS-9 District is consistent with the Low-Density Residential land use classification established by the Land Use Plan Map for this area and is the same zoning established for the abutting Meadow Valley Subdivision.

This matter was heard by the Planning & Zoning Commission on February 23, 2016 and they recommended approval by a vote of 6-0. Staff is also recommending approval of the request to rezone 1.4 acres to a RS-9 District.

Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if there was anyone present to speak in favor of or in opposition to this request. There being no one present to comment, the public hearing was closed.

Adopted Ordinance providing for the rezoning of this property from a Conditional Use Residential Single Family-9 (CU RS-9) District and Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to the Residential Single Family-9 (RS-9) District based upon consistency with the city's adopted plans and the findings as outlined in the staff report. The Council finds this action to be reasonable and in the public interest.

A motion was made by Council Member Wagner, seconded by Council Member C. Davis, to adopt the Ordinance approving the Zoning Map Amendment providing for the rezoning of this property. The motion PASSED by a 9-0 unanimous vote.

**Ordinance No. 7198/16-18
Introduced 3/21/2016; Adopted 3/21/2016
Ordinance Book, XIX, Page 81**

160078 West Mountain Funding, LLC - Street Abandonment 16-01

A request by West Mountain Funding, LLC to abandon a portion (approximately 250 feet) of the unimproved Indian Drive right-of-way. The right-of-way to be abandoned is lying along the east side of St. John's Street, approximately 750 feet north of Skeet Club Road.

The joint public hearing for this matter and related matters 160076 Annexation 16-02 and 160077 Zoning Map Amendment 16-03 was held on Monday, March 21, 2016 at 5:30 p.m.

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

West Mountain Funding, LLC has requested to abandon the unimproved eastern half of the Indian Drive right-of-way (ROW). The ROW is lying east of St. John's Street, approximately 750 feet north of Skeet Club Road, and was recorded in 1964 on a map entitled "Staton Park Subdivision- Deep River Township- Guilford County, NC"> The portion of Indian Drive to be abandoned consists of a 251-foot by 60-foot (approximately 15,098 square feet) unimproved area that was intended to provide access to the Staton Park Subdivision from Resthaven Road. Although platted and recorded, this subdivision was never developed and most of its land area has been re-platted into what is now the Meadow Valley Subdivision. The applicant is proposing to combine the land area of this ROW with the abutting parcels to the south, re-subdivide the lots and orient them toward St. John's Street so as to develop 3 to 4 single family dwellings.

The abutting parcel to the north is developed and has an existing driveway access to St. John's Street; and the lots to the south will face and take access from St. John's Street. Parcels to the east will continue to have access to the Resthaven Road and the remaining open segment of Indian Drive. For these reasons, this street abandonment request will not deprive abutting property owners access to their property.

The Technical Review Committee reviewed this request and identified no issues related to the abandonment of this ROW; however, Duke Energy has utility lines crossing this ROW which requires an easement to be retained over these lines. Staff is recommending approval of this request.

Following the presentation of the staff report, Chairman Wagner opened the public hearing and asked if there was anyone present to speak in favor of or in opposition to this request. There being no one present to comment, the public hearing was closed.

This abandonment of the public's interest and conveyance of the ROW 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 ROW reasonable means of ingress and egress to their property, which includes the retention of a 30-foot wide Duke Power utility easement, which also includes Time Warner Cable lines and NorthState Communication lines, centered over all existing electric lines with and crossing the right-of-way.

Adopted the Resolution authorizing the abandonment of the unimproved Indian Drive right-of-way.

A motion was made by Council Member Wagner, seconded by Council Member Alexander, that this Resolution authorizing Street Abandonment 16-01 be approved. The motion PASSED by a 9-0 unanimous vote.

Resolution No. 1612/16-13
Introduced 3/21/2016; Adopted 3/21/2016
Resolution Book, XIX, Page 83

GENERAL BUSINESS AGENDA

160079 Appointments - Economic Development Corporation Board

Council is requested to confirm the appointment of Jim White and Ken Cochran to the High Point Economic Development Corporation Board effective immediately and expiring December 31, 2016.

Approved the appointment of Jim White and Ken Cochran to the High Point Economic Development Corporation Board.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, to approve the appointment of Jim White and Ken Cochran to the High Point Economic Development Corporation Board. The motion PASSED by a 9-0 unanimous vote.

160080 Reappointment - Guilford County/City Insurance Advisory Committee

Council is requested to confirm the reappointment of John Causey to the Guilford County/City Insurance Advisory Committee to be effective immediately and expiring December 21, 2018.

Approved the re-appointment of John Causey to the Guilford County/City Insurance Advisory Committee.

A motion was made by Council Member C. Davis, seconded by Council Member Ewing, to approve the re-appointment of John Causey to the Guilford County/City Insurance Advisory Committee. The motion PASSED by a 9-0 unanimous vote.

160081 Contract - Guilford County Economic Development Alliance

Council is requested to authorize the mayor to execute an agreement between Guilford County, City of Greensboro, Greensboro Partnership, High Point Economic Corporation and City of High Point establishing the Guilford County Economic Development Alliance.

_____ Transcript _____

***Mayor Bencini:** Next is the contract for the Guilford County Economic Development Alliance. I believe it was Councilwoman Davis who asked about some of the language in there and Madam Attorney, something in there about an audit. I believe you had a question?*

***Council Member C. Davis:** Yeah. Well I had a couple, but the one that I mentioned to you because I thought maybe we had the wrong document because when we received what the Leadership Group approved and so forth and then we get this. I thought maybe there was some.....that we had the wrong document. I'll start on page 6 and this one doesn't have anything to do with the audit that I mentioned to you earlier. But at the bottom of page 6, the second bullet up from the bottom, even though not in Guilford County, the two groups will work together on the regional effort to develop the land, the clients of Greensboro, Liberty, mega site and don't really have a concern in regards to working with other than on the following page, page 7.....at the bottom (3), it says that the parties agree and understand that the alliance budget fund shall be used exclusively for economic development purposes such as funding to conduct research, consulting services related to marketing, branding costs associated with developing product marketing materials, advertisement, publications, direct mail to consultants, website development, maintenance, and other related items to recruitment of business and industry to Guilford County. So with that statement, it takes me back to the previous page where it says that even though not in Guilford County, I'm concerned about the dollars being used outside of the county because those dollars are being provided Guilford county citizens, Greensboro citizens and High Point citizens. So I just wanted to point that concern out in case somebody didn't catch it or didn't see that. I just wanted to bring that to the Council's attention.*

The other item was on page 8, Item F. I have others, but these are just the ones that I feel you guys would really want to hear. An independent audit of the alliance's finances shall not be required, which we knew. But I implore you to consider putting some language in there because the document that we received I guess last month stated that the Partnership would

do an audit of the alliance when they did their audit and none of that language is in here. So I would just ask that we try to make the two documents that were allowing the mayor to sign off on be consistent with what we already know what those changes are just to carry us through for safeguards.

Mayor Bencini: *Back to your earlier point about the monies being spent on the mega site. Loren, I don't think....and you can correct me if I'm wrong, but I don't think the Guilford County Economic Development Alliance is the lead organization with this mega site are they?*

Loren Hill, President- High Point Economic Development Corporation: *The Greensboro Partnership has been working with them of course and High Point would be fully knowledgeable of what's going on there.*

Mayor Bencini: *But it's not the intention to use the joint funding from the three jurisdictions to develop that site.*

Councilwoman C. Davis: *Then maybe we should consider removing that item from there if it's not required because this is the Economic Development Alliance Agreement that you're signing and with that in there.....I don't know so I'm just asking.*

Council Member Ewing: *For clarification, the second bullet on page 6 from the bottom is what you're referring to?*

Council Member C. Davis: *Right.*

Council Member Ewing: *Now that says....*

Council Member C. Davis: *Even though not in Guilford County.*

Council Member Ewing: *Right....that we will work together, but that's not pertaining to budget. Item (e) that you brought up was pertaining to budget and specifically identifies it will only be used for expenses related to recruitment and business in Guilford County. So I think that sort of accomplishes what you're....*

Council Member C. Davis: *Well, so you guys will understand where my mind went when I was reading through the document....what I was reading or read into this because it's under the alliance part of it, I would really see it removed just because in my mind....I'm not an attorney....but if I'm reading it it implies because we're working towards that end on the mega site that we would be using some resources of some sort in relation to the alliance-whether it be time that we're paying our staff or whatever. That's where my mind went. I just wanted to bring it to your attention because that's how I read it.*

Council Member J. Davis: *Well, right below it says High Point lies within three other counties and the EDC will handle projects within the city limits of Randolph, Forsyth and Davidson County. So it kind of goes both ways.*

Mayor Bencini: *I think everybody knows materially this is Guilford County . Now will something happen outside? Will somebody from Greensboro hear about the possibility for us to go out near Ralph Lauren in Forsyth County and come talk to Loren about that? Sure. That's what a cooperative agreement is about. I don't see a problem here. I really don't think we need to go back and rewrite the contract. I'm satisfied that this thing covers the bases as we understand them and, you know, we can look at this thing and say well technically something could happen. But I think that if technically something happens big enough, we'll know about it.*

Council Member J. Davis: *I read through the thing and the only question I have is, you know, Cynthia brought up the audit and you know we're using taxpayer's money and I know the chairman of the board has to present a budget. It would be whoever the chair is alternating years. So is that going to be the audit basically---the budget that's presented? There has to be some kind of accounting for our \$100,000.*

Mayor Bencini: *First of all, it's not a forensic audit anyhow.*

Council Member C. Davis: *Well I'm not asking for a forensic audit.*

Council Member J. Davis: *Well you've got to have some accounting. You know if somebody asks....the media or somebody, what did you spend \$100,000 on.*

Mayor Bencini: *There will be an annual accounting. An annual accounting is not the same thing; however as an audit.*

Council Member C. Davis: *Well I wasn't.....when I mentioned it in email to Council some weeks ago, I was never inferring ever, a forensic audit of any sort. Just an independent person that was not engaged in this endeavor so that everyone was clear and free because you've got three government bodies. You've got two EDCs. It was never my intent to say that there was any type of mishandling of dollars or would be, just more or less of a safety net because we're all working together and an independent set of eyes....just like when we have....or included in our annual audit that the auditors that do our books, or look at our stuff at least looks at this. And I know that can be done based on whoever the Finance Committee chair is at the time. But if it's in the document, then we already know that we have fulfilled the obligation to our constituents inside the City of High Point.*

Council Member J. Davis: *Greg had sent an email a couple of weeks ago I think that said that Greensboro Partnership being a non-profit they'd have to have their books audited anyway. This account would be audited....and I'm okay with that because that's accounting. But I don't know how you put it in there to say that.*

Council Member C. Davis: *Well, we'd just make it line up with what the Leadership approved.*

Council Member Alexander: *This is a one-year contract, am I correct?*

City Manager Greg Demko: *Correct. It's a one-year contract. Any review of the monies would be off the spending work plan that's approved by the Leadership Group and monitored by the Leadership Group and approved by the Leadership Group.*

Mayor Bencini: *So there are checks and balances already in place.*

Council Member Alexander: *Well, and should this head in a direction that we don't want, we give notice and step out.*

Mayor Bencini: *Loren, you wanted to say something?*

Loren Hill, President- High Point Economic Development Corporation: *I'm the treasurer of this body and at every meeting I will report in an open meeting everything that is spent, so it will be very clear how the money is spent*

Council Member J. Davis: *And you're keeping minutes for the meetings, so I would be good with that.*

Council Member Ewing: *I'd feel comfortable with this and Mr. Mayor, I'D LIKE TO MAKE A MOTION TO APPROVE THE CONTRACT AS PRESENTED.*

Council member J. Davis: **SECOND.**

Mayor Bencini: *All those in favor, say Aye. Aye. Opposed? [Council Member C. Davis] No [8-1 vote. That motion carries.*

A motion was made by Council Member Ewing, seconded by Council Member J. Davis, to authorize the mayor to execute an agreement between Guilford County, City of Greensboro, Greensboro Partnership, High Point Economic Development Corporation and City of High Point establishing the Guilford County Economic Development Alliance. The motion carried by the following 8-1 vote:

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

Nay (1): *Council Member C. Davis*

160082 **City of High Point Employee Personnel Resolution**

Continuation of discussion from the March 10th Special Meeting of City Council - Employee Personnel Resolution- re Residence Requirement.

Transcript

Mayor Bencini: *There was some interest from some council members to open this back up for discussion, so it's open for discussion.*

Council Member C. Davis: *I would like to see us rescind what was voted on previously. I think that the reason it was written the way that it was prior is as we heard constituents express their concerns, having vested chief's, manager's, directors in our city, living in our city interacting with the constituents and our citizens day-to-day is extremely important and it keeps them.....very conscientious of the decisions they're making that impacts because it also impacts them. I just think that we jumped the gun by changing it. I didn't support it then and I don't think it's something that we need to change. If anything, it's something that we need to reverse.*

Mayor Pro Tem Golden: *I did support it initially and I immediately had some heartburn about it. Of course the phones started ringing and the paper started writing and it confirmed what I was thinking. So I, too, think we might have jumped the gun. I think we were all concerned about the search for a chief and we overlooked the fact that we had a standard that we already had people adhering to and it had never been a problem before. So I, for one, would like to see us change it if at all possible.*

Council Member J. Davis: *You know when we originally discussed this, I objected to it because I knew that the citizens of this city would have heartburn over it and I think we've all seen that. We've had two people speak about it tonight and there have been several articles in the paper. Now I don't know about the rest of you, but I have had many conversations with people in the community that were very upset that Council done that and I'm going to share with you that a city manager from a neighboring city caught me off guard in D.C. and he asked me....he said what are you trying to do steal one of my assistant chiefs? And I said are you talking about the police chief and he said yeah. I said well, you know, the city manager hires the police chief. I don't know who has applied, we don't have anything to do with that. He said that's the reason why cities have these types of agreement in place so that you don't rob talent from city to city. And he acted like he was very upset about it. I shared it with the rest of council when we were in D.C. and so, you know, it affects more than just us.*

Council Member Williams: *I concur with my colleagues. Only to say that the initial decision to say yes to it....the first thing that came to my mind was to get the best possible applicant, but after having discussions with a couple of community forums and plenty of phone calls and emails also....I mean people were pulling me out of line at the bank just to make the point that they disagreed with that. And after hearing that, I can say I feel the same way.*

Council Member Ewing: *I think from a human resources and advertising concern that I would have is that we approved it and then we advertised that we would allow it and now the applicants that we have gained with that understand were going to turn around and consider eliminating that. I think we made the decision and we've got to stick with it and take whatever weapons come flying at us. We can discuss it on a larger level.*

Council Member Williams: *Can we get an answer on how many applicants we picked up because of it?*

Greg Demko: *I believe it was 15 and when we had the conversation and changed, it was either 15 or 18 and we ended up with 33. I can't say that the additions were because of the*

change because it was late in the process and people may have been waiting on their applications to apply. We did get up to 33. As I mentioned before, I was expecting between 50-100 because of our reputation. So I can't really say why we received the additional ones.

Council Member Wagner: *I think that it's important that we also look at exactly what we decided that day. We basically..my understanding was we gave the manager the flexibility to consider applicants that don't currently live in the city. But that also doesn't mean that the person that we hire is not going to live here. And I think the manager clearly knows what the sentiment of the council is and despite the flexibility that we gave him, I would not hesitate to say that there's probably no one sitting here who thinks that the police chief should be allowed to live outside the city. I mean I want the police chief to live in High Point, but I also want to be....from a management standpoint, I believe that we hired Mr. Demko, who was the best person for the job and we have to give him the flexibility to do his job and to find us the best person that we can find. It is clearly my desire that the police chief live inside the city and I have other desires on who I think should get that job, but unfortunately I have no say in it. So, for me it's more of a question of are we working with our manager and empowering our manager to do the best job that he can do. I think he full well understands that we want the police chief to live in the city and I'm sure that he will take that into account in terms of his hiring process.*

Council Member C. Davis: *The change that we made, though, just didn't affect the police chief. It affected directors, the police chief, the fire chief and our managers.*

City Manager Demko: *And one of the reasons that I alerted Council to the issue that we were having with the police chief and it's been brought out several times in comments and letters to the editor about we should be talking to these people and convincing about the good points of High Point. It's pretty tough if they are not sitting in front of you. It's pretty tough if they don't come up and apply and if they're the best person, for me to have the opportunity to sell High Point to the police chief. So that's one of the reasons that you were asked to consider changing that. When we've got an internationally renowned public safety operation like we do, also a big write-up in this month's Governing Magazine about many of our programs. The federal agencies have grants patterned off of our work and to get 15 to....even 33 applicants-that's pretty tough.*

Council Member Hill: *Well I'll say.....Jeff, I feel your heartburn. I don't like it either at all, but I kind of feel what Jason is saying. If we've solicited and gotten this many more applicants, it feels a little bit shady to pull the rug out from under them at this point.*

Council Member J. Davis: *If we haven't hired anybody, he can't say that the other applicants come in. And I will tell you from being very involved in the same firm that hired Greg that is hiring the police chief, they told us that we were going to have 50-75 applicants. We got one-third of that. Okay? Then at the last minute we got a flood at the last minute. It was the same deal.*

Council Member C. Davis: *People don't see the notices until after they've passed.*

Council Member Alexander: *Is there a motion on the floor?*

Mayor Bencini: *There's not a motion yet.*

Council Member C. Davis: *I did make a motion. I made a motion to rescind it.*

Mayor Bencini: *Oh, you did?*

Mayor Pro Tem Golden: *I don't think she made a motion.*

Council Member C. Davis: *I did when I opened. I said that I would make a motion that we....*

Mayor Pro Tem Golden: *You were opposed though, so I don't think you can do it.*

City Clerk Lisa Vierling: *You said that you would like...*

Council Member Alexander: *Is there a motion on the floor?*

Council Member C. Davis: *No.*

Council Member J. Davis: *I would **MOVE THAT WE REQUIRE ALL OF OUR CITY LEADERSHIP, DIRECTOR LEVEL EMPLOYEES, FIRE CHIEF, POLICE CHIEF, AND MANAGEMENT TEAM LIVE INSIDE THE CITY LIMITS OF HIGH POINT.***

Mayor Bencini: *We have a motion. Is there a SECOND?*

Mayor Pro Tem Golden: **SECOND.**

Mayor Bencini: *Any further discussion?*

Council Member Ewing: *I'd just like to say one quick thing, but to echo what Greg was saying. As somebody who relocated to this area from five states away eight years ago, when you look at the Triad and High Point specifically from the internet and someone who deals with relocation people frequently, High Point doesn't look like High Point is when you're looking at housing, looking at schools and multiple places on the internet. So I support what Greg said about unless you have the people sitting in front of you, it's really hard to sell what High Point has to offer from afar.*

Council Member C. Davis: *But I think, too, that the comments that were made about our schools at that time and that was one of the reasons that these individuals didn't want to come here. If we don't support our schools and we don't support Guilford County Say Yes, which is what we all signed off on and we're all advocating that our cities are improving and our schools are improving, then what message does that say?*

Mayor Bencini: *I don't think this policy was about our schools....*

Council Member C. Davis: *No, it wasn't, but that was the statement that was made.*

Mayor Bencini: *It was part of the discussion, but it wasn't what we're talking about. I'm fine with what we made a decision on. Let's just call the question.*

Council Member Wagner: *Hold on, I'd like to speak on it. I'm not going to support it for a couple of reasons. Well for the reason I already said, but also I believe our prior policy was that the department heads had to live within the planning area.*

City Manager Demko: *The planning area, correct.*

Council Member Wagner: *So, I think that requiring them to live in the city limits might be a little bit too restrictive and I don't know what the effect would be on the existing department heads that we have who currently don't live in the city limits.*

Mayor Pro Tem Golden: *I'm okay with amending it to say planning area.*

Council Member C. Davis: *Planning area is fine with me.*

Mayor Bencini: *Alright, we have a MOTION and a SECOND. Any further discussion?*

City Attorney JoAnne Carlyle: *Do you want to do just a friendly amendment?*

Council Member J. Davis: *I'll do a friendly amendment for the planning area.*

City Attorney Carlyle: *So basically that would be like....I mean it would pretty much be putting it back like it was before.*

City Manager Demko: *Reinstating the past policy.*

City Attorney Carlyle: *Right. Same result as rescinding what was done. Okay.*

Mayor Bencini: *Alright, all in favor of putting it back the way it was and I guess that means effectively making sure that all department heads do live within the planning area.*

Council Member J. Davis: *Well we have two currently that I think somewhere down the road, they are grandfathered in. Yeah moving forward.*

Mayor Bencini: *All those in favor of that motion, say Aye.*

Mayor Pro Tem Golden, and Council Members C. Davis, J. Davis and Williams: *Aye.*

Mayor Bencini: *Raise your hands please. One, two, three, four. All those opposed?*

Mayor Bencini, and Council Members Alexander, Hill, Wagner, and Ewing: *No.*

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

[end of transcript]

A motion was made by Council Member J. Davis, seconded by Mayor Pro Tem Golden, to rescind previous action taken by the Council at the February 15th Special Meeting regarding Section 5.3 of the City of High Point Personnel Resolution regarding Residence Requirements. The motion failed by the following 4-5 vote:

Aye (4): Council Member Williams, Mayor Pro Tem Golden, Council Member C. Davis, and Council Member J. Davis

Nay (5): Council Member Hill, Council Member Ewing, Council Member Wagner, Mayor Bencini, and Council Member Alexander

160083

Approval of the Minutes of Previous City Council Meetings

- Special Meeting (Pre-Budget #1); January 7th @ 3:00 p.m.
- Finance Committee; January 13th @ 4:00 p.m.
- Manager's Briefing; January 19th @ 4:00 p.m.
- Regular Meeting; January 19th @ 5:30 p.m.
- Special Meeting (Pre-Budget #2); January 21st @ 3:00 p.m.
- Manager's Briefing; February 1st @ 4:00 p.m.
- Regular Meeting; February 1st @ 5:30 p.m.
- Special Meeting (Pre-Budget #3); February 4th @ 3:00 p.m.
- Community Housing & Neighborhood Development Committee; February 9th @ 10:00 a.m.
- Finance Committee; February 10th @ 4:00 p.m.
- Special Meeting; February 15th @ 3:30 p.m.
- Regular Meeting; February 15th @ 5:30 p.m.
- Special Meeting (Pre-Budget #4) February 18th @ 3:00 p.m.
- Prosperity & Livability Meeting; March 2nd @ 9:00 a.m.
- Special Meeting (Pre-Budget #5) March 10th @ 3:00 p.m.

Approved the minutes from the preceding meetings as submitted.

A motion was made by Council Member Alexander, seconded by Council Member C. Davis, to approve the preceding minutes as submitted. The motion PASSED by a 9-0 unanimous vote.

160030

Boards & Commissions - Vacancy Report

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

[Vacancy Report.pdf](#)

Attachments:

Note: This information is included for informational purposes only.

Other Matters:**Crosswalk at The Brown Truck**

Council Member Wagner reported that a pedestrian was also hit while crossing the street in the vicinity of The Brown Truck. He mentioned that on a recent visit to Chapel Hill, he noticed that they mark their crosswalks to make them more visible by painting them bright colors and putting strobe lights on crosswalk signs. He noted these are some of the things that we can do to improve visibility of the crosswalks.

Montlieu Avenue Street Renaming

Council Member C. Davis stated she would like Council to consider adopting a resolution to not change the name of Montlieu Avenue on either side based on the reasons that were voiced by residents in tonight's meeting.

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:58 p.m. upon motion duly made and seconded.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk