

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
May 16, 2016 – 5:30 P.M.**

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Bencini called the meeting to order and asked everyone to stand for a moment of silent prayer. The Pledge of Allegiance followed.

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)*

PUBLIC HEARINGS

160125 Public Hearing- Proposed City of High Point FY 2016-2017 Annual Budget

Monday, May 16, 2016 at 5:30 p.m. is the date and time established to receive public comments on the proposed City of High Point Budget for FY 2016-2017.

Prior to receiving comments from public speakers, Eric Olmedo, Budget and Performance Manager, gave a presentation on the major changes to the proposed 2016-2017 budget.

Note: This a brief summary of the comments made during the Public Comment Period for the budget. The transcript containing the full dialogue is hereby attached in Legistar as a permanent part of these proceedings.

Chairman J. Davis opened the Public Hearing for public comments on the proposed City of High Point FY 2016-2017 Annual Budget.

The following person(s) addressed City Council regarding the budget:

Debbie Lumpkins, Executive Director, of the High Point Arts Council, Janette McNeill, Board Chair, of the High Point Arts Council, Dottie O'Connor, and Mark Harris all spoke in support of funding for the High Point Arts Council. They expressed concerns about the decreased funding over the years and felt the City be investing more in the Arts. They all felt the arts are essential to a well-rounded City.

David Willett addressed Council with concerns regarding ElectriCities, burned structures process. He applauded City crews on a great job paving the streets and asked Council to do something about the electric rates.

Chairman J. Davis solicited additional comments on the budget. There being no further comments, the public hearing was closed.

Council will receive public comments at a Special Meeting on Thursday, May 19, 2016 at 3:00 p.m. acknowledge public hearing held.

FINANCE COMMITTEE - Council Member J. Davis, Chair

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

CONSENT AGENDA ITEMS

Chairman J. Davis announced that the Finance Committee met on Wednesday, May 11, 2016 and favorably recommended the following matters for approval.

Council Member J. Davis then moved to approve the following matters: 160126, 160127, 160128, 160129, 160130, and 160131. 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.

160126 Contract - Purchase of Front Loading Refuse Truck

Council is requested to approve the purchase of a Peterbilt truck with New Way front loading refuse body from Scranton Manufacturing Company in the amount of \$228,987.22.

Approved the purchase of a Peterbilt truck with New Way New Way front loading refuse body from Scranton Manufacturing Company in the amount of \$228,987.22.

A motion was made by Council Member J. Davis, seconded by Council Member Williams, to approve this purchase. The motion passed by a 9-0 unanimous vote.

160127 Budget Ordinance Amendment - Purchase of Front Loader Refuse Truck

Council is requested to adopt a budget ordinance amending the 2015-2016 Budget Ordinance to appropriate funds in the amount of \$228,988 for the purchase of a Front Loader Refuse Truck.

Adopted ordinance amending the 2015-2016 budget ordinance to appropriate funds in the amount of \$228,988 for the purchase of a Front Loader Refuse Truck.

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

Ordinance No: 7205/16-25

Introduced 5/16/2016; Adopted 5/16/2016

Ordinance Book Vol. XIX, Page 88

160128 Sole Source Contract - Underground Switches

Council is requested to approve a sole source bid recommendation to Trayer Engineering in the amount of \$119,448.00 for the purchase of six (6) 15kV Underground Switches.

Approved a contract to Trayer Engineering in the amount of \$119,448.00 for the purchase of six (6) 15kV Underground Switches.

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

160129 Change Order - Eastside WWTP Solids Handling Improvements

Council is requested to approve a change order in the amount of \$371,083.73 to the Wharton-Smith, Inc. contract for the Eastside WWTP solids handling improvements.

Approved a change order in the amount of \$371,083.73 to the Wharton-Smith, Inc. contract for the Eastside WWTP solids handling improvements.

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

160130 Approval of Lease for City Owned Residences

Council is requested to authorize the city attorney's office to execute five-year lease agreements on five residential dwellings that are property of the City of High Point.

Authorized the city attorney's office to execute five-year lease agreements on five residential dwellings that are property of the City of High Point. Properties are located at: 118 Underhill Street, 1420 Bragg Avenue, 3330 Hillside Drive, 809 Aberdeen Road, and 811 Aberdeen Road.

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

160131 Retire and Sale of Police K-9 Sable

Council is requested to retire Police K-9 Sable and declare as surplus property to allow her to be purchased by Major Ken Steele who will assume all responsibility and liability for her care.

Adopted resolution authorizing the sale of retired K-9 Sable to Major Ken Steele who will assume all responsibility and liability for her care.

A motion was made by Council Member J. Davis, seconded by Council Member Williams, that this matter be adopted as recommended. The motion passed by a 9-0 unanimous vote.

Resolution No: 1617/16-17

Introduced 5/16/2016; Adopted 5/16/2016

Resolution Book Volume XIX, Page 87

REGULAR AGENDA ITEMS

160146 Revised Interlocal Agreement on Tax Collection - Guilford County Tax Office

Council is requested to approve a revised Interlocal Agreement on Tax Collection with the Guilford County Office replacing Section 13 of the agreement. This agreement was approved

at the May 2nd City Council meeting, however the County would not accept the City's revision to the agreement.

Since this item did not appear on the prepared agenda, a motion was made by Council Member Alexander and seconded by Council Member J. Davis to suspend the rules to place it on the agenda for consideration. The motion carried by a 9-0 unanimous vote.

Randy McCaslin, Deputy City Manager, advised the tax agreement was approved last month; however, Guilford County did not agree with it. Article 13 changes the word "may" to "shall." He explained this refers to Guilford County properties that are to be foreclosed on for unpaid taxes. The City will bid on the properties in the city limits if no one shows up to bid.

Adopted a Resolution authorizing the Mayor to execute a revised Interlocal Agreement on Tax Collection with the Guilford Office replacing Section 13 of the agreement. This agreement is for the collection of ad valorem tax listing and collection services for the period of July 1, 2016 - June 30, 2021. (This agreement was approved at the May 2nd City Council meeting, however, the County would not accept the City's revision to the agreement.)

Council Member C. Davis expressed concerned over Section 12 of the agreement which addresses involuntary annexations. She requested to have those words removed from the agreement because High Point does not do involuntary annexations. City Attorney, JoAnne Carlyle, had no problems leaving the verbiage in.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, that this matter be approved. The motion passed by an 8-1 unanimous vote as follows:

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

**Resolution No: 1619/16-19
Introduced 5/16/2016; Adopted 5/16/2016
Resolution Book Volume XIX, Page 89**

160147 Donation of Retired Service Animals - Local Act

Council is requested to approve an amendment to a Local Act on the donation of retired service animals to add the City of High Point.

Since this item did not appear on the prepared agenda, a motion was made by Council Member Alexander and seconded by Council Member J. Davis to suspend the rules to place it on the agenda for consideration. The motion carried by a 9-0 unanimous vote.

City Attorney, JoAnne Carlyle, advised this is merely a Housekeeping item. She has discussed this with Fred Baggett, the City's State Legislature Lobbyist, and he indicated that

High Point could be added to the Cities listed in the bill all though the local bill filing has passed.

Authorized the City Attorney's office to file an amendment to House Bill 1009 to add the City of High Point which will allow for the municipality to donate any horse, dog, or other animal used by the municipality's police department or any other municipal agency to the officer or employee who had normal custody and control of the animal during its service to the municipality when the animal is deemed no longer fit for public service.

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

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

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

160132 Clarification to Ordinance to Demolish Dwelling - 1110 Blain Street

Council is requested to continue with an ordinance ordering the inspector to effectuate the demolition of a dwelling located at 1110 Blain Street belonging to CBC Investment Properties, LLC. The ordinance was adopted at the March 21, 2016 City Council meeting and contained an inaccuracy in the staff report which listed the property value at \$1,700 when the actual value was \$7,100.00.

Lori Loosemore, Interim Supervisor for Local Codes, explained that, although, Council took action on March 21, 2016 to adopt the ordinance, because it contained a clerical error in the tax value (it was listed at \$1,700 instead of the correct amount of \$7,100). She reported the estimate for repairs to the dwelling remains at \$41,300.

Ms. Bonnie Rudy, Manager, CBC Investment Properties, LLC., 6211 Hickory Creek Road, Winston-Salem, NC., owner of the property addressed Council on this matter. She advised that they did not receive the letter about the meeting on March 21st until that same day so she was not able to make the meeting. She informed Council that they are trying to market the property and noted the actual value is \$22,000 because it was reassessed after the fire that occurred in 2012. She shared that they have always kept the property taxes paid and they do have a buyer who is interested in making the necessary repairs. Therefore, she is requesting additional time and advised that she has been working with the Inspections Department, and Mike McNair, Director of Community Development and Housing. Mayor Pro Tem J Davis reiterated that the fire was in 2012. Ms. Rudy confirmed yes, but stated they were in litigation for a year and half and was paying a mortgage on the property.

Council Member Alexander proceeded to read the background information contained in the staff report and pointed out an order to repair or demolish was issued on December 13, 2012; however, no action has occurred by the compliance date of March 13, 2013. Staff reported that the necessary repairs to the dwelling exceed the current tax value and felt that the demolition was warranted.

For clarification, Ms. Loosemore reiterated that notice was sent to the property owner and the hearing was held on December 13, 2012. At that time, it was deemed that the repairs to the property exceeded 50 percent of the tax value, which resulted in an order to repair or demolish. Ms. Loosemore advised that no repairs were made and no appeals were received from the property owner so it was brought to the City Council for demolition.

Ms. Rudy stated that she never received a letter from the City. Council Member Alexander inquired about how the letters notification process and how the letters are mailed. Council Member C. Davis was bothered because the owner did not receive the letter until right before the meeting. Mayor Pro Tem Golden pointed out that contradicts the 2012 notice. Ms. Loosemore clarified that the letters are mailed 7-10 days before the hearing by both regular mail and certified mail through the USPS. Ms. Rudy responded by saying that she had not heard anything from the City in 2-1/2 years until she had received notice of this meeting. She had been emailing Inspector, Scott Wall, who no longer works for the City. She felt like she had not had adequate response from the City.

Council Member Williams wanted confirmation on how long the property was in litigation and Ms. Rudy confirmed it was 1-1/2 years. She confirmed that they settled out of court with the insurance company. Council Member Alexander asked Ms. Rudy why she had not fixed the property and she advised that they had been trying to sell the property as is. She noted they had been maintaining the property itself. Council Member C. Davis pointed out that they do have a potential buyer for the property. Ms. Rudy confirmed this but noted they do not have a signed contract to purchase.

Council Member Ewing questioned the timing from the adoption of the order to demolish and the actual demolition. Randy McCaslin, Deputy City Manager, advised that if action were to be taken at this meeting, there would be a 30-day period and then staff would go to purchasing to finalize the demolition and it would be approximately 45 days. He advised another consideration would be to place some kind of timeframe for the new purchaser to make the necessary repairs.

Council Member Ewing suggested that even with the adoption of the ordinance and the fact that Ms. Rudy has a buyer and if she were to come back on June 6, 2016 with a signed contract, we can then remove the ordinance for demolition. Mr. McCaslin suggested putting something into a new consideration for the next meeting on June 6, 2016. Council Member Alexander suggested that Ms. Rudy and the potential buyer plan on attending the City Council meeting on June 6, 2016.

160133**Transfer of Property - Bank of North Carolina - Infill Housing Needs**

Council is requested to approve the transfer of a lot located at 524 Radford Street, upon completion of the purchase from Guilford County, to the Bank of North Carolina to build a new, single family home to be sold at cost to a qualifying home buyer.

Deputy City Manager Randy McCaslin, requested this matter be continued to the June 6, 2016 City Council meeting.

A motion was made by Council Member Wagner, seconded by Council Member Ewing, that this matter be continued to the June 6th City Council meeting. The motion passed by a 9-0 unanimous vote.

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

160134 Initiation of Zoning Map Amendments

A request by the Planning and Development Department to initiate a zoning map amendment process so that the new Development Ordinance can be made effective.

Note: At the request of the Planning staff, this matter was actually heard after the Public Hearing for 160136 New Development Ordinance.

Ms. Heidi Galanti reviewed the 41 areas that have been identified that will require rezoning under the new Development Ordinance. The majority are governmental and religious institutional areas. Together they cover 36 of the 41 areas. She anticipates the first group of zoning changes go before the Planning and Zoning Commission in July or August and hopes to conclude with City Council by the end of October and recommend the January 1, 2017 adoption date. She shared that a zoning map application will be available on the City's website which will allow the public to enter an address which will show them how the property currently zoned and how it can be zoned under the new ordinance. There will be a description of the zoning districts with additional fact sheets that they can also access.

Approved the request by the Planning and Development Department to initiate a zoning map amendment process to coincide with the new Development Ordinance which goes into effect January 1, 2017.

A motion was made by Council Member Wagner, seconded by Council Member Williams, that this matter be approved. This motion passed by a 9-0 unanimous vote.

160135 Resolution of Intent - Annexation 16-03

Approval of a Resolution of Intent that establishes a public hearing date of Monday, June 20, 2016, at 5:30 p.m. to consider a voluntary contiguous annexation request. The proposed annexation site is approximately 2.15 acres and lying along the west side of St. Johns Street, approximately 750 feet north of Skeet Club known as Guilford County Tax Parcels 01694450, 01694451, 01694452, and 01694453.

Adopted Resolution of Intent establishing Monday, June 20, 2016 at 5:30 p.m. to consider a voluntary contiguous annexation request.

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

**Resolution No: 1618/16-18
Introduced 5/16/2016; Adopted 5/16/2016
Resolution Book Volume XIX, Page 88**

PUBLIC HEARINGS FOR PLANNING & DEVELOPMENT ITEMS**160136 New Development Ordinance**

Monday, May 16, 2016 is the date to receive public comments on a request by the Planning and Zoning Commission to adopt a new Development Ordinance for the City of High Point Planning and Development Department.

Note: (Council Member C. Davis left the Council meeting without being excused and was not present when the vote was taken on this matter. Pursuant to North Carolina General Statute 160A-75, her vote will be counted as a yes vote.)

The Public Hearing for this matter was held on Monday, May 16, 2016 at 5:30 p.m.

Heidi Galanti, Senior Planner provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

She shared a timeline/history for the project.

- 2007 - Core City Plan which called for the rewrite for the development ordinance primary because the current ordinance was written in 1992 is oriented in suburban development, is difficult for infill and revitalization, and it treats development as one size fits all.
- 2008/2009 - Consultants prepared a Code Assessment of the current Development Ordinance. It was presented at the Planning and Zoning Commission and City Council at that time and they were given the notice to proceed with the development ordinance rewrite.

Ms. Galanti stated how the recession hit and in the fall in 2011 the City applied for and received a community challenged grant from HUD to do the project.

- In 2012, we established an 18-member Advisory Committee and worked with that committee and worked with the consults to refresh the 2009 Code Assessment.
 - Held joint meetings with the Planning and Zoning Commission and City Council regarding the refresh code assessment.
 - Started drafting the ordinance.

While drafting the new ordinance that took place in 2013-2015.

- Worked with the update Advisory Committee and met with them multiple times on the three different modules of that project.
- We held public review meetings and tested the draft ordinance.
- Held joint meetings with the Planning and Zoning Commission and City Council on each module.

Ms. Galanti shared that the Planning and Zoning Commission held a Public Hearing on February 9th and based on the comments they received at the public hearing, asked staff to

draft some changes for their review. Staff presented those changes to the Commission at a work session on February 13, 2016. On March 22, 2016 the Planning and Zoning Commission recommended a revised draft by a vote of 7-0. Staff then presented the Planning and Zoning Commission's the recommended draft to the City Council at a Manager's Briefing Session on April 7th.

Ms. Galanti explained how the document includes 10 chapters but governs zoning, environmental, and sub divisional regulations. She added that the document is to be a replacement of the City's current development ordinance. Currently, the City's ordinance has 38 zoning districts; there are 28 zoning districts in the new Development Ordinance. She continued that many of the new districts are a translation form the old districts which meant that the zoning district has been renamed and in some cases combined with other districts and a rezoning is not required. She noted some of the zoning districts in the old development districts such as: RS-20, RS-40, RS-15 and RS-12 have now been combined into a new R-3 district, which does not require rezoning.

However, there are some instances where properties will require rezoning of the property to new zoning districts. For example, the Public and Institutional (PI) district under the old Development Ordinance has split into two districts: Institutional (I) and the Parks and Natural Resources (PNR) district. She noted the areas that are currently zoned PI district in the old Development Ordinance have been evaluated and some will translate under the new institutional district which is intended to accommodate large size institutional uses in a campus like setting such as the Hospital and High Point University. She did state that other areas will have to be rezoned based on the current use of the property.

Ms. Galanti advised these necessary rezoning's will take time for staff to prepared and process and staff is suggesting the effective date for the new development ordinance to be January 1, 2017. Once the ordinance goes into effect, there will be a one year period where applicants can opt to use the standards in the new development ordinance or the old development ordinance. She stated that the purpose of this is to provide options in the case of some unforeseen circumstances where the new development ordinance can unintentionally delay the applicant from moving forward with the development project.

At this time, Chairman Wagner opened the Public Hearing and asked if there was anyone present who would like to speak regarding this matter.

Jerry Corns, Oakview Road, addressed Council regarding a 60-year old family-owned store located on the corner of James Road and Oakview Road. He informed Council that the canopy over the gas pumps was damaged during an ice storm in January 2016 and it had to be removed. He had made a number of requests for a permit to replace the canopy with a new canopy on the existing site. Several years ago when Oakview Road was widened, this canopy was deemed noncompliant; however, it was grandfathered because it was there before the road construction. In the event the structure were ever damaged beyond 50% it would need to be removed, and replaced to conform with the current development code or the property owner could appeal to the Board of Adjustment for a variance.

Mr. Corns pointed out that he had met with David Fencl, Senior Planner, and Robert Robbins, Development Administrator, of the Planning and Development Department. Mr. Corns disputed that the damage exceeded 50 percent. He removed the structure because of age and safety considerations. He was advised by a contractor to take it down and build a new one, but his permit was declined. He appealed to Council to be awarded a permit to build the new canopy without going through the Board of Adjustment appeal process.

Chairman Wagner requested for the City Manager to meet with Mr. Corns to help resolve this matter.

Randy Hemann, Assistant City Manager, addressed Council and advised that the James Road widening changed the setback of this canopy and staff recommended to Mr. Corns to apply for a variance through the Board of Adjustments, but he chose not to take that route.

Judy Stalder representing TREBIC, 115 South Westgate Drive, Greensboro, commended staff in getting this new Development Ordinance to City Council for a Public Hearing. She especially thanked staff and the Planning and Zoning Commission as well as City Council for partnering with TREBIC and letting them participate in the process. She also expressed appreciation for the opportunity to serve on the Advisory Committee. TREBIC also endorses the one-year transition period between the old and the new.

With no other speakers to come forth, Chairman Wagner closed the Public Hearing.

Adopted a new Development Ordinance for the City of High Point Planning and Development Department with the effective date of January 1, 2017.

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

**Ordinance No: 7206/16-26
Introduced 5/16/2016; Adopted 5/16/2016
Ordinance Book Vol XIX, Page 89**

160137 Ordinance - Zaki Uddin Khalifa - Zoning Map Amendment 16-06

A request by Zaki Uddin Khalifa to rezone approximately 3.46 acres from the Main Street (MS) District to the Central Business (CB) District. The site is lying along the west side of S. Main Street, between W. Grimes Avenue and Taylor Avenue (600 S. Main Street).

The joint public hearing for this matter and related matter 160138 Text Amendment 16-01 was held on Monday, May 16, 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 petitioner is requesting this property be rezoned from the Main Street (MS) District to the Central Business (CB) District in order for the facility to be used for a market showroom.

In conjunction with this zoning request, the applicant has also submitted an amendment to the Development Ordinance (Text Amendment Case 16-01) to remove this block from the Main Street (MS) District, Sub Area C, so as to allow the requested CB District to be considered for this property. Approval of this zoning request is contingent upon approval of this text amendment application.

Mr. Shannon advised that the Planning and Zoning Commission heard this matter at its meeting on April 26, 2016 and is forwarding it to the City Council by a 6-0 vote with a favorable recommendation.

Chairman Wagner opened Public Hearing for the Zoning Map Amendment Case 16-06.

Mr. John Ruffin, 147 South Cherry Street, Winston-Salem, NC, representing, the property owner, stated he was in attendance to answer any questions Council or staff may have.

Chairman Wagner asked if there was anyone present that would like to speak in support of or in opposition to this request. There being none, he closed the Public Hearing.

Adopted an ordinance rezoning this property from the Main Street (MS) District to the Central Business (CB) District based on consistency with the City's adopted plans and Council finds their decision to be reasonable and in the public interest.

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

Ordinance No: 7207/16-27

Introduced 5/16/2016; Adopted 5/16/2016

Ordinance Book Vol XIX, Page 90

160138

Ordinance - Zaki Uddin Khalifa - Text Amendment 16-01

A request to by Zaki Uddin Khalifa to amend Section 9-4-5(a)(1) (Special District) of the Development Ordinance to revise the boundary of the Main Street (MS) District.

The joint public hearing for this matter and related matter 160137 Zoning Map Amendment 16-06 was held on Monday, May 16, 2016 at 5:30 p.m.

Note: For specific comments made during the joint public hearing, please refer to related matter 160137 Zoning Map Amendment 16-06.

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.

Mr. Shannon reported that in addition to the Zoning Map Amendment 16-06, the applicant is also asking for considering of a text amendment (Text Amendment 16-01) to amend section 9-4-5(a)(1) (Special District) of the Development Ordinance to revise the boundary of the Main Street (MS) District.

Adopted ordinance requested by Zaki Uddin Khalifa to amend Section 9-4-5(a)(1) (Special District) of the Development Ordinance to revise the boundary of the Main Street (MS) District.

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

Ordinance No: 7208/16-28

Introduced 5/16/2016; Adopted 5/16/2016

Ordinance Book Vol XIX, Page 91

160139

City of High Point - Special Use 16-01

A request by the City of High Point (Electric Utilities Department) to allow a Utility Service Facility (electrical sub-station) in the Residential Single Family 7 (RS-7) District and the Residential Single Family-5 (RS-5) District. The site is lying along the east side of N. University Parkway, between Boundary Avenue and Graves Avenue (1404, 1406 & 1408 Boundary Avenue and 1605 Graves Avenue).

Transcript

Herb Shannon, Senior Planner: This next agenda item is a Special Use Permit 16-01. This is a request from the City of High Point Electric Utilities Department. They are requesting a special use permit to allow a utility service facility specifically substation in a residential zoning district. The parcel that is in question is approximately 1.08 acres lying on the east side of University Parkway between Boundary Avenue and Graves Avenue. This is North University Parkway, Boundary Avenue to the north Graves Avenue south and the area that is cross-hatched is the site in question for the special use permit. I would note that the site is currently zoned residential. The special use permit is not a rezoning. The zoning is going to remain residential. Utility service facilities are permitted in all residential zoning districts, subject to obtaining a special use permit and the development ordinance requires utility service facilities to meet specific development standards and development criteria and to be compatible with the surrounding area which is located. And there are specific findings which I will go into later in the report.

A special use review....the primary purpose is to ensure that that request of the facility is appropriate for that location and if there are any issues that they are sufficiently mitigated. This site is located from the Core City area and currently there is an issue with electrical service in that portion of the Core City. There are three electrical substations in the surrounding area that have been forced to handle electric service in this area and those facilities are currently over capacity. The star represents the site in question. The three substations that handle this area, there's one to the south. The Filter Station off of East Martin Luther King, Jr. Drive. There's one off Eastchester just East Main Street directly south of Carolina Diner in that little shopping plaza and the third is off of Deep River Road near the end section with Gordon Street.

The City has requested this application for this special use permit to try to relieve a service load. A three of those other substations are at capacity attempting to serve this area. This is

a composite map noting the service area. The site in question is right here. The area that is outlined in purple that would be the service area of that substation. The filter station to the south, it kind of serves the area outlined in blue. If approved, they would be able to remove this area from that service station. The facility off of Eastchester that is outlined by the area in orange. If approved, this area would be able to be removed from that service area. And Deep River Road service area is kind of outlined in yellow, if approved this portion can be removed from that service area and that will relieve the pressure on those other three substations.

Included in your staff report, is several findings. One of the key items that was looked at is if the use meets all the required development standards. Based upon the site plan provided, staff has made a determination that the request is able to meet the requirements of the Development Ordinance. The City will have submit for grading permits and will have to submit a landscape plan for the City to approve.

This is a general layout of the site. Access is proposed to be from Boundary Avenue. Another issue that was looked at is that the use will not substantially injure the value of adjoining properties or there is a public necessity. This facility is a public necessity based upon the reasons outlined previously; those other substations are over capacity in this service facility as needed to meet the growing demands of the citizens in this portion of the City.

Finally, we looked at the character of the surrounding area and will the request be in performance with the uses in the surrounding area or have there been appropriate conditions to mitigate the impact. This site is unique in that it sits in a hole and as part of the development, it will be graded down a few feet even further along Graves Avenue it's about 15-18 feet below the Graves Avenue street elevation. Along Boundary it's about 8-10 feet below the Boundary Avenue street elevation. By sitting lower into that hole for the lack of a better term, that would help screen the facility from abutting neighbors. In addition, staff is proposing with the concept plan that would have to be approved that the permit of the site be circled with vegetation. Previous substations have included similar site plans for the perimeter of the site to be surrounded by evergreen trees to offer year round screening of the facility. There are two single family homes directly to the east. The Development Ordinance requires a Type-A planting yard. That's our most stringent planting yard next to those single family homes that requires 33 shrubs, and 14 trees every 100 linear feet. Basically, a minimum of 51 trees would need to be planted along this eastern boundary site. It is proposed for a majority of those to be evergreen trees. In addition, the special use permit has a condition that a minimum six-foot high wood fence, opaque fence be installed along that entire eastern property line to further provide screening to the abutting property owners.

Lee, if you can go to the next slide. I just wanted to show you some examples of other substations that went through this process and received approval.

This is the facility off of Barrow Road. It's aligned between the Fire Station and the Cottesmore Residential development. This was approved in 2007. Similar type of landscaping plan where giant arborvitae proposed to be plant around the perimeter of this

site and those are fast growing evergreens and would offer year-round screening and would grow up to 20-25 feet in height.

This is our latest facility that was approved in 2011 off of Penny Road across from the Glenn Eagle residential development. Those trees are starting to mature. In the future will provide similar type screening as the Barrow Road site. That is the type landscaping which is proposed to be around the perimeter of this site. In regards to compatibility, only 40 percent of the sites going to be developed. You're gonna have the substation in the middle, there will be a security fence around it and around that will be buffer areas and the landscaping.

Based upon the limited area of development, the 40 percent, the proposed landscaping plan and the screening that would provide next to adjacent property owners and the fact that this is a public necessity, staff is recommending approval of this special use permit.

The Planning and Zoning Commission reviewed this at the April meeting and they made the determination that the request is meeting all the requirements of the Development Ordinance and that it is a public necessity and they recommended an approval by a vote of 6-0.

That is a brief summary of the requests. Is there any questions of staff at this time?

Council Member Alexander: *So Herb, the stockade fence will go along beside the homes at the property line and then the vegetation is behind the stockade fence. Then there's another internal fence?*

Herb Shannon: *Yes, this is the actual service facility. There will be an eight foot high chain link fence around the substation as a security measure.*

Council Member Alexander: *Okay, and everything outside that fence would be grass or gravel or what?*

Herb Shannon: *It would be a grass-landscape area. I would note there is a significant drop from Graves Avenue and along Boundary into the site, so landscaping would be placed up at the upper end. And then the site drops down about 18 feet from Graves Avenue and approximately 10 feet from Boundary. But the intent is that the landscaping be placed on the highest portion on the edge of the property.*

Council Member Williams: *What's in the entrance there? What's going to be.....*

Herb Shannon: *This is the entrance drive into the site. And then you have the security fence right there.*

Council Member Williams: *So that's just going to be open?*

Herb Shannon: *Yes, because you do have to have a paved driveway for entrance into the site for the service vehicles that would visit the site a few times a week.*

Mayor Pro Tem Golden: *Herb, have we met with the two families adjacent to the property?*

Herb Shannon: *There were no neighborhood meetings. Public notices were sent out for both the Planning and Zoning Commission and City Council meeting to all property owners within 300 feet and that would have encompassed those two neighbors. I did not receive a call specifically from those two neighbors. I did receive some calls from other adjacent property owners and explained what was proposed and noted the public hearing dates.*

Mayor Pro Tem Golden: *And what was that reception like? Were they positive or negative or what?*

Herb Shannon: *I would say, most of the callers wanted to know if the City would be willing to buy their property. The other callers just said, I saw the sign, what's going on? After I explained it to them, and noted the public hearing date and no one, as far as the phone calls I received, objected.*

Council Member C. Davis: *What about putting the entry way over on University Parkway versus Boundary so that the neighbors don't have to be bothered? Then you just turn in right off of University Parkway.*

Herb Shannon: *Due to topography, that would be difficult because you would have to have a transition drive that would eat up more of the site and it would be difficult for the site to even work for that use because of that topography difference.*

Council Member C. Davis: *I have a couple of questions for Garey, if you don't mind or Randy.*

Randy McCaslin, Deputy City Manager: *Garey wasn't sworn in.*

Council Member C. Davis: *I'm Sorry. Well, I guess the question...Hopefully, you can answer that one--is what does it cost the City do a complete substation right there at that location. What is the cost to the City?*

Randy McCaslin, Deputy City Manager: *We will have anywhere from \$3 to \$5 million in this substation.*

Council Member C. Davis: *Okay. How much would it cost the City if we decided, because I'm looking at your comments from the Planning and Zoning Commission, it says, "McCaslin responded that the City looked at expanding that facility, referring to the one over near Parkway and Martin Luther King Drive." What would the cost be to the City if we expanded an existing substation?*

Randy McCaslin, Deputy City Manager: *I was going to cover that in my comments in just a minute.*

Council Member C. Davis: *Okay, could you give me the answer.*

Randy McCaslin, Deputy City Manager: Well, the filter substation which is right where the mark is, is at capacity. There is no expansion capability there. There is some property across the street, across Washington Street across the railroad tracks in there and the City owns part of that. It's like 13 different tracts in there. The City owns part of it. The rest of it is owned by the Housing Authority. The Housing Authority has Federal Regulations they would have to abide by and we, of course, could use our side. The larger portion there, right there, is an in-ground water tank, old water tank from the old water plant. Our plans there are to tear down the old sediment basins at the water plant, put them in the water tank and then cover it over with a good amount fill dirt and hopefully be able to use that area for additional athletic fields somewhere down the road for the park that's in the area.

The remaining area, most of the area along the frontage of Washington Street, the city doesn't own. That's owned by the Housing Authority. The property that we own, in the back part, could it be used for this purpose, more than likely, yes. But it also backs up to residential properties some of which are Habitat homes on Brooks Avenue. Putting the substation here would impact more property owners and more houses than the site we are proposing.

Council Member C. Davis: And what would the cost be roughly?

Randy McCaslin, Deputy City Manager: I have no idea on the cost figures there. It is a heavily wooded lot. All that area is heavily wooded. A lot of land and trees, a lot of grading would have to be done there and trees taken out as well as a pretty substantial roadway built in there to serve that all the way down from Washington Street. Because to get in there to build a substation we'd have to be able to access that with 1) heavy equipment, 2) a crane to install the transformers, and 3) tractor trailer trucks to bring in the transformers in.

Council Member C. Davis: But we did look at it considering that facility, but we don't have any numbers.

Randy McCaslin, Deputy City Manager: We did look at filters, we did look at that. And due to the fact that we didn't own the property as well as the additional costs, we went on to the preferred site. The preferred site, one, as Herb very adequately said, it's sitting low, it's easy to screen, it's right beside a 100 KV line so we're not having to add any additional 100 KV poles that we've talked about before. It is our preferred site.

Council Member Williams: I've got a question. Is that area, is it the reason why it's blank, did it have prior problems with run off going down in that?

Randy McCaslin, Deputy City Manager: To be honest, I couldn't tell you. I don't know what the topography is of that area is. I don't know whether there are run off problems or not. I don't know how the City ended up with that property over the years.

Council Member C. Davis: Herb, could you show me where the park is? I'm sorry.

Randy McCaslin, Deputy City Manager: That's the preferred site right there. Do you have the topography of the other site Herb? Down closer to.....right there? Right there. Yeah,

you've got a low place right there. I don't know how much of that would actually be useable. But, you can see Brooks Avenue just to the north there and all of those houses there would be a greater impact at that than at location than at the preferred site.

Council Member Williams: *My question was for Greg, but that's okay you answered that.*

Council Member C. Davis: *Herb, could you go back to the other picture to where the site was over near Washington Street where the water tank is? Where's the park at in relation to the site over here? Okay, there and then they were thinking about burying the water tank and putting in more fields there?*

Randy McCaslin, Deputy City Manager: *Right there.*

Council Member C. Davis: *Okay, thank you.*

Mayor Pro Tem Golden: *Herb, you talked about need, in the event that this did not happen, what are we looking at in the near future as far as power goes?*

Randy McCaslin, Deputy City Manager: *We have to have an additional substation. The filter location, as we said, is heavily overloaded. That carries a majority of the Furniture Market district so you know from Furniture Market, the power needs ramp up very quickly during that period of time then drop back down. But, we need to get some of the load off the filters so we don't have a problem during the Furniture Market. We've also got Deep River and Eastchester that also need the load taken off of them so we've got to find a location for a substation.*

Mayor Pro Tem Golden: *And we've got to find a location that services this area.*

Randy McCaslin, Deputy City Manager: *Yes, and the further you are from it, the more difficult it is to serve it. I was going to point out this service area here. This is the area that would be served. It does serve High Point University. High Point University is our largest single power user in the City, but it also serves an area much larger than the University and will make the power in these additional areas as we hope they redevelop in the future, will be more reliable. Because if we leave them on filter sooner or later we're going to have a problem.*

Council Member Ewing: *Randy, the areas in the purple that would be the new substation service area, most of those neighborhoods are they older?*

Randy McCaslin, Deputy City Manager: *It's Core City, yes sir, they would be older neighborhoods with older services.*

Council Member Ewing: *So, if one of our goals in creating more infill development and improving more of the Core City as those homes are either torn down and rebuilt or just rehabilitated and completed upgraded. What capacity.... if the current substations are fairly overloaded now, a lot of the older homes that might still be on the 100 AMP service, is there an upgrade to a 200 AMP service? What...*

Randy McCaslin, Deputy City Manager: *That's an additional power requirement. Yes sir. And that would put a greater service load on the Filter plant, especially at Deep River and Eastchester also.*

Council Member C. Davis: *You see, my concern is this, is the fact that 1) we don't know where the University's expanding to because we haven't gotten an updated University Area Plan so the cost, is the cost built into the current budget for this power station or is there an amendment that we would have to make once the budget's done?*

Randy McCaslin, Deputy City Manager: *We've been budgeting for this station for the last 3-4 years.*

Council Member C. Davis: *And then the second part is seeing how we don't know whether the University's going to move further towards Eastchester or one of the other substations that could handle whatever it is that they develop in the near future, I'm still curious as to dollar amount for the expansion. So, without that number, I'm not sure that I've got the answer that I need.*

Randy McCaslin, Deputy City Manager: *I can't give you the cost on what the other sites, potential sites would be. I can give you the cost on the preferred site and that's where we'll have \$3-\$5 million investment there.*

Council Member C. Davis: *I guess where I'm having trouble is the fact that it says that the City looked at expanding the facilities. So if we looked at expanding a facility, I would think that we would know the cost of what that expansion would have been versus building a new plant.*

Randy McCaslin, Deputy City Manager: *When I said that, I was referring to the Filter substation site and it is at capacity and it cannot be expanded.*

Council Member Ewing: *So when you talked about expanding facilities you were looking at capacity before you were looked at dollars because if it can't handle capacity, there's no use at looking at the dollars.*

Randy McCaslin, Deputy City Manager: *Well, there's no more room for an additional transformers on the site. You can't increase the capacity of the substation without increasing the number of transformers. So there's just physically, there's no more room there.*

Council Member C. Davis: *Well, actually the comment Jason that I'm looking at within the report just so we're all clear, is that Mr. McCaslin responded that the City looked at expanding that facility, however, it is not close enough to the area that needs to be served and would require the installation of additional 100KV lines or AND 100-foot tall poles which has been unpopular in other areas of the City.*

So, for me, that doesn't go along with what you were trying to say. So I was just curious if we were looking at it, what was the cost if we did it versus the \$3-\$5 million range. That's all, I was just curious if we had an idea of what that would cost us to do.

Council Member Ewing: *I think, and where I was at, was if that specific facility doesn't have the ability to add capacity they would never go through a cost approach to figure out what it would cost if it can't handle it.*

Council Member C. Davis: *Yeah, but cost wasn't part of the statement.*

Council Member Ewing: *But that's what you were looking for.*

Randy McCaslin, Deputy City Manager: *I would also point out that the two additional substations that Herb had on the map, Penny Road that is our most recent substation, and Barrow Road the other substation, we had the picture of, both of those.... Penny Road is right across the street from a residential development. Barrow Road backs right up to Cottesmore Subdivision. Cottesmore is fully developed and, to my knowledge, we've never had a complaint coming from Cottesmore regarding the substation and it is directly adjacent to the backyards of several houses in Cottesmore.*

Council Member Alexander: *Is there any sound, smell, or any negative impact on any of the adjacent properties from the substation?*

Randy McCaslin, Deputy City Manager: *Wouldn't be any smell. Those transformers create heat so they have fans on them that have to cool them off, so there might be some humming from some of the fans but, then, again, there's not a great deal. We have substations all over town that abut residential properties and, to my knowledge, never had a complaint about any noise emanating from the substations.*

Council Member Alexander: *I know it's hard to compare something, but would you say that the average air conditioner fan would be comparable to a fan on a transformer? I mean just ballpark it.*

Randy McCaslin, Deputy City Manager: *Ballpark, I'm sure it is. I have no idea about the decibels.*

Council Member Alexander: *It would be like your neighbors A/C coming on.*

Council Member Wagner: *You said you had a presentation, have you pretty covered everything?*

Randy McCaslin, Deputy City Manager: *I've pretty much covered it now.*

Chairman Wagner: *Okay, so nothing else from you. Is there anyone else from staff who's going to be speaking? Herb or no, okay.*

I have two folks that signed up to speak on this. Yeah, two. The first one that signed up was Susan Wood. And you were sworn, correct?

Susan Wood: *Yes,*

Chairman Wagner: *Okay*

Susan Wood: *Hello my name is Miss Susan Wood and I'm the Director of Habitat for Humanity in High Point/Archdale/Trinity, my residential address is 3645 Rising River Lane, Greensboro/High Point.*

We feel that a site here as the proposed site is detrimental to the City's Land Use Plan. That plan quotes to encourage development and enhance and preserve neighborhoods. The neighborhood along Boundary Avenue, and Boundary does lead into a school, is an established Core City neighborhood that is solid and strong. The neighborhood to the south of the plan, the Graves Avenue area, is a neighborhood that Habitat, thousands of volunteers and the City Community Development Department has been working strongly to redevelop and improve.

To date Community Development has allocated over \$1.5 million in HUD/HOME funds. Habitat has a \$3 million investment in that neighborhood and we are growing that. We have five homes currently under construction. The City in 2010 changed the zoning to encourage development in this neighborhood along with their own land use plan. I would ask that Council send this request back to staff and ask them to reconsider other locations.

The Tudor Avenue location which is the area to the bottom across from the station that Randy mentioned is yes, part of that is own by the City. Part of that is owned by the Housing Authority. That area is very hard to develop because of its closeness to the railroad tracks. Federal government doesn't want you to use their money to develop that close to a railroad track so, unless Randy can tell us what the Housing Authority's specific restrictions are and whether or not they'd be able to sell that to the City, I don't think that location should be crossed out as not an option. Especially since they don't have a dollar figure on how much that would cost. I do know that that site is relatively flat because I've driven my car up into it. There's a little road up there. I just have a Chevy. And, it would be easy to get equipment in and out of it. That site also drops significantly from University Avenue so there is trees there, but they could be a natural boundary.

We are concerned about the evergreen trees that are going to be planted up on the site on Graves and Boundary. Those trees when they are up on Barrow Avenue they are beautiful. They have been there for ten years. If those trees go down in this inner City location, they will become a haven for illegal activity.

At our habitat sites, we are constantly clearing out underbrush and finding all kinds of paraphernalia from drug activity and this as Habitat and the community is fighting to bring this neighborhood out, this would be a step backwards in trying to get the foot traffic and the crime traffic and the drug traffic out of that neighborhood.

Those trees are just going to provide an opportunity for people to hide behind them. When you talk to the police and they talk to you about securing your home, they say don't put privacy fences, don't put thick hedges because it's just an area for criminals to hide and that would become an issue there.

I have some families with me from the neighborhood. If you from the Boundary Street or the Graves Street area would you please raise your hand. I would like to acknowledge them. Elizabeth. They've been very patient with their families. I also want to point out with the Graves Avenue area has been recognized statewide as a jewel in the crown. We have been recently in the North Carolina Housing Financing Agency Annual Report. They've put our Graves Avenue houses there as an example of how building is an economic development issue and they highlighted one of our houses. Also, the local media has highlighted the Graves Avenue area as place of inner-city Development that is positive and going on in High Point. Not low income inner-city development, not Habitat inner-city development, but inner-city development. This area is a jewel in High Point; it is shining brighter every day. It is the entry way to parks and schools and a substation here would be detrimental to the community. I have copies for this and would love to take questions if you all have any.

Council Member Alexander: *Would you feel a fence, a stockade type fence around the property would alleviate your concerns?*

Susan Wood: *I'm not quite sure what a stockade fence is, is it a privacy type fence.*

Council Member Alexander: *Six foot*

Susan Wood: *Six foot that people could not get behind it?*

Council Member Alexander: *Yes...*

Susan Wood: *And it...what up to the edge of the substation? It might, it would alleviate my crime concerns of people hiding in those bushes but it would not alleviate the image and the consequences of having that substation right at the entry of two established High Point neighborhoods.*

Council Member Alexander: *Well, we've got to put it somewhere...*

Chairman Wagner: *Are there any more questions?*

Susan Wood: *I understand and I would just ask that Council consider sending this back to staff and asking them look further into the Tudor Street area, talk to the Housing Authority and see if they would be interested if they are able to give that land or sell that land inexpensively to the City. I also think about the water area and thinking that that would be would a park area. It is not adjacent to the park, people would have to cross a very busy street and through a fenced church parking lot to get to the park. It's not ideal for that.*

Chairman Wagner: *Anyone else have any questions for Ms. Wood? [none] Thank you, Ms. Wood.*

Susan Wood: *Thank you so much for your time.*

Chairman Wagner: *The other person that signed up was Sabrina White Astucci. Did I say your name right? Good, I got lucky on that one.*

Sabrina White Astucci: *I first want to say thank you for you guys taking the time out to listen to what I have to say. I did speak with Mr. Herb about that, I did call him and inquire about what was going on about the rezoning and he said it was a substation that was going be placed there. At the time I was on my way on to Karate with my daughter and hadn't had a chance to look up what that substation would look like and what all it would do.*

I moved into the area into a Habitat home. I was blessed with one. I really strongly think they should actually look at the property that is actually on Washington Street where it's where the water station is that they're talking about. The little piece of land that they do have, I really strongly think they should look there. My reasoning in back that is because that area where they're wanting to putting at is not my house that it backs up to, but it is one of my neighbor's houses that it backs up to.

Excuse me, I didn't tell you my address, 317 Murray Street. I've been in my house for six years now and when I moved there, there was no substation. I understand that we need it to help with the power, not only power where I live at, but other people also. But I also look at the fact that I went in and I've actually looked at what substations are and what they do.

I'm just going to be frank with you. I've already got health conditions and putting a substation there, for me with the health conditions that I have, and I'm not only thinking about myself, I'm thinking about the elderly and other people that live in the area. I don't think it would be fair to them and I'm taking myself out of the whole look of everything. It wouldn't be fair to them because you've got to look at the fact that, yes, this thing is going to be putting off heat and yeah there's fans on there to cool that thing, but can you imagine how much heat it's actually putting off for an elderly person that is living in a house that doesn't have air condition and only has a fan to cool them off. And there is....I know an elderly couple that lives across the street on Murray where it would be right in front of that substation.

The only thing I'm asking, is if City go back and try to find someplace else that's going to be close enough where they can put where it's not inconveniencing anybody. I know that we need it, I'm not disputing that at all. But if they could look at that one area. I understand that you guys are saying that the City, well the city is saying that the Federal Government owns part of it, I guess, it's from like the Housing Authority with the Daniel Brooks area. It's probably some of their land, but the other part of that land you are looking at a flat piece of land. And, yes I know it's going to back up to some of those houses on Brooks, but if it doesn't have to be that far off up the road. From what I've seen, when I pass by there, I'm 42-years-old. I've lived in High Point practically all my life. I was born here. I remember passing by there.... there's never been nothing on that one spot of land as far as I can remember. Why would that piece of land not be able to be used? If you guys can just go back, rethink things, I'd appreciate it. Thank you.

Chairman Wagner: *Thank you very much. Is there anyone else who was sworn who is not on my list who wants to speak? [none] Then I will close the public hearing on this item.*

And just to get the discussion going, I will make a motion for approval of Special Use Case 16-01.

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

Council Member Alexander: *I'll make a Second.*

Mayor Bencini: *We have a motion and a second. Any further discussion?*

Council Member Alexander: *I'd like to ask a question of staff. Would it be possible, I don't know what our setbacks are or what Board of Adjustment would allow as a variance for that topography in there. Would it be possible to put a stockade fence around the outside except for the driveway area and then to bring that stockade fence into the driveway area so that we could keep activities out of that piece of property?*

Lee Burnette, Planning and Development Director: *The property is large enough where you could put a stockade fence around it. It may not be such that it would be on the property line surrounding like I said putting in the setbacks. And also the Ordinance still requires some level of vegetation. So the vegetation would still have to be there.*

Council Member Alexander: *So in front of the stockade fence if you put some low growing shrubs and then a stockade fence and trees behind that, I mean you know, if you had some small shrubs that were four feet or less that's gonna probably keep that activity out of there.*

Lee Burnette, Planning and Development Director: *I want to say that is theoretically possible. However, there are some topography issues as Herb noted on the site and they haven't done the site grading plans yet. They are required to accommodate the required landscaping so that figures into it as well. So, I don't know what kind of issue that would pose but I would say again in terms of*

Council Member C. Davis: *I have another thought in regards to the site itself. Have we considered maybe approaching High Point University to see what they have available in and around the campus as it is going to be a substation that serves the University. Do they own the property from Eastchester all the way back towards the University? There on that corner maybe where it's wooded or what not maybe there's a section in that area that could be utilized. I don't know, I'm just curious is there a piece of property on the edge of campus other than this particular location they anticipate growing into that we might be able to use.*

Mayor Pro Tem Golden: *I don't know about that but I don't think it's unreasonable for us to have staff to look at another site and doing some kind of cost analysis on what it would cost to develop there.*

Council Member C. Davis: *Me too.*

Council Member Williams: *Are we talking about where the Housing Authority owns?*

Mayor Pro Tem Golden: *Talking about Washington Street...yes, the Washington Street site that is partially owned by the Housing Authority.*

Council Member Ewing: *Randy, where are we at from a timing standpoint? From now until when we want to have this up and running, equipment acquisition.... but what kind of timeline are we looking at?*

Randy McCaslin, Deputy City Manager: *You have already approved orders for the transformers. They take 12 months or so to construct, and should be in within the next 2-3 months and it's going to take that long to do the site prep work to get it ready to have a place to put the transformers when they do arrive.*

Council Member Williams: *Is it anything specifically with the design of the transformers depending on the location or is it just something that's general, or does it affect it at all? I'm asking.....*

Randy McCaslin, Deputy City Manager: *It was designed, we have an electrical engineer and it was designed for this substation, yes.*

Council Member Williams: *For that site?*

Randy McCaslin, Deputy City Manager: *Not site specific, it's for the load.*

Council Member Williams: *Okay, I understand that. I was just wondering if it makes a difference and if it holds up production.*

Randy McCaslin, Deputy City Manager: *No, it's designed for the load not the site.*

Council Member Alexander: *I'd like to see.....I think the site's going to work. I'd like to see either a six-foot chain fence or six-foot stockade fence located around the site. You might have some vegetation in front of it that's relatively low, but if that site's boxed in as tight as we can get it, and I think our police do a pretty good job of riding by, you know, they can make sure that the integrity of the fence remains there. I think I can support it as long as we try and answer the questions of, you know, making sure that we're not providing a site for misbehavior.*

Council Member Williams: *I actually still would like to see what the possibilities are at the Washington Street site but... Here's a question, how do you secure the entrance if it were to pass, the preferred site, how would they secure the entrance to keep anybody from just driving in or anything like that. How is that secure or not?*

Randy McCaslin, Deputy City Manager: *Well, the interior chain link fence would be locked.*

Council Member Williams: *I understand that point.*

Randy McCaslin, Deputy City Manager: Put up a cable there at a straight someone coming in. Not at the security fence there at the driveway, just from keeping people coming in.

Council Member Williams: Our point was worried about somebody going in and doing stuff behind the fence.

Randy McCaslin, Deputy City Manager: We could put up about any kind of fence that you want from a cable to some kind of gated fence if you'd like.

Mayor Pro Tem Golden: While you guys are talking about fencing now, you've got to think about the neighborhood. You don't want to put a huge chain link fence in these people's neighborhoods that they have to look at every day.

Council Member Alexander: Well, I appreciate that, but they've cited the issue of security and we can secure the area and with the security you are looking at a fence, or we can vegetate the area and they're concerned it would provide a screened area where undesirable activities might occur and they'd like that removed from their neighborhood. So there's a balance there, and I don't know how to strike the balance, but if the neighbors are concerned about hidden activities a stockade fence with a gate would stop that.

Council Member C. Davis: I've got another thought too, the neighbors don't want it there and I can perfectly understand that especially if we can see a cost savings for the City to put it elsewhere. But when you're looking at the relevant area plans too when you consider the University as identified as a key corridor in the Core City plan and it recommends that it be treated as a gateway to the University for both aesthetics and functional improvements. Is it something the University is going to want their seeing how we haven't approached them to see if they have an optional piece of property that moves in towards the campus or on another location? Because they're the ones that are going to be using the substation the most. It will be dedicated to them. So not only is it not going to look pleasing to the neighbors here, but I would assume that the University's not going to like the placement of it either.

Mayor Bencini: We have a motion and a second. All those in favor say Aye.

Mayor Bencini; and Council Members Alexander, Hill, Wagner, J. Davis and Ewing. [6]

Mayor Bencini: Those opposed?

Mayor Pro Tem Golden, and Council Members C. Davis and Williams: Nay.[3]

Mayor Bencini: Noes, raise your hands please. One, two, three. **That MOTION CARRIES.**

[end of transcript]

Approved Special Use 16-01 to allow a Utility Service Facility (electrical sub-station) in the Residential Single Family 7 (RS-7) District and the Residential Single Family-5 (RS-5) District based upon the findings of fact as outlined in the staff report and that the request is generally consistent with the surrounding zoning and development in this area and the use is a public necessity and will meet development criteria of the Development Ordinance.

A motion was made by Council Member Wagner, seconded by Council Member Alexander, that this matter be approved. The motion carried by a 6-3 vote.

Aye (6): Council Member Hill, Council Member Ewing, Council Member Wagner, Mayor Bencini, Council Member Alexander, and Council Member J. Davis

Nay (3): Council Member Williams, Mayor Pro Tem Golden, and Council Member C. Davis

160140 Ordinance - BSC Holdings - Zoning Map Amendment 16-07

A request by BSC Holdings to rezone an approximately 25.5 acres parcel from a Conditional Use Residential Single Family-9 (CU RS-9) District to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District and the Residential Single Family-9 (RS-9) District.

The site is lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road (8711 Bame Road).

Transcript

The Public Hearing for this matter was held on Monday, May 16, 2016 at 5:30 p.m.

Herb Shannon: Herb Shannon, City of High Point Planning and Development Department. Zoning Case 16-07 is an application to rezone a 25.5 acre parcel lying along the south side of Bame Road approximately 1,900 feet west of Sandy Ridge Road. Just to note to everyone where we're at, this is Sandy Ridge Road. This is Bame Road. The site that's highlighted in the blue area that is the size in question. This property was annexed into the city by a voluntary annexation in 2007. At that time, it was granted a Conditional Use Single Family Residential-9 or RS-9 District zoning. At that time, the property was supposed to sell the site to a developer that was looking to do a 90-unit single-family subdivision. The initial subdivision proposal never took off and the site has been sitting vacant ever since then. It's always been eligible for development to the RS-9 standards.

As you may recall, last November, there was a Special Use permit application submitted to allow a 160-foot tall telecommunications tower on the site. That was approved. The approval of that tower will alter the manner in which the site could be developed. Instead of the entire site being able to be developed, when you have a tower, no new residential lots can be established within 160 feet of that tower based up-on the height. So, therefore, this zoning request proposal is to rezone the site from its current Conditional Use RS-9 and they are proposing that the western portion of the site be rezoned to a Conditional Zoning RS-9 and that is proposed to be sold off to a developer who desires to develop single family homes on the property.

The eastern portion of the site, the Tract B area is proposed for General Zoning RS-9 District. The property owners are proposing to maintain ownership of that portion of the site. Due to its narrow configuration and the location of a Piedmont Natural Gas line that runs along the eastern boundary of that tract, that portion of the site has limited development opportunities. The property owners noted long-term they may consider subdividing off a lot for a new single-family home along the front, but the rest of the site will remain for the proposed telecommunications tower.

The main reason this request is being brought to you today is the developer is proposing to purchase Tract-A. He is requesting that the Zoning condition that required a turning lane at the intersection of Bame and Sandy Ridge Road be removed. When this was initially approved in 2007 for the proposed 80 units, there was a proposed condition that a turn lane be installed at the intersection of Bame and Sandy Ridge Road. That requirement covers the entire site. Under this new proposal, all those previous conditions that were adopted in 2007 are being transferred over into this new case, except for that one item. The main reason this is proposed for removal is the proposed widening of Sandy Ridge Road. There is a Traffic Improvement Plan that has been approved and funded for the widening of the Johnson Street and Sandy Ridge Road corridor from Skeet Club Road all the way up to I-40. That project includes intersection improvements at the intersection of Bame and Sandy Ridge Road that will improve that intersection for that new four-lane roadway. Because that project has been funded, it has an anticipated start date of 2021; the Transportation Department has noted no objections with the removal of that condition knowing that long-term that intersection improvement will be part of that corridor improvement. So the main issue is the removal of that one condition. The zoning stays the same as far and will still be under the same RS-9 zoning district standards. In fact, the density will be reduced and since that tower is proposed there, this eastern portion of the site is limited so the density will most likely be reduced from approximately 80 single-family homes to approximately 60 single-family homes. All the other conditions remain as initially approved.

In this case, staff suggests the requested rezoning for Tract A to be Conditional Zoning RS-9 and Tract-B to be RS-9 is reasonable in the public interest as the request is consistent with the Land Use Plan. Development intensity as permitted by the RS-9 District is not changing. It will still meet the same standards. Future transportation improvements associated with the Sandy Ridge Road widening will improve that intersection of Bame and Sandy Ridge Road and the requested RS-9 District does not significantly alter the previously adopted findings used for approval of this request in 2007. The Planning and Zoning Commission reviewed this application at the April public hearing and recommended approval by a vote of 6-0. Are there any questions?

Council Member Alexander: *Herb, where's the right-of-way for widening Sandy Ridge and has it been dedicated yet?*

Herb Shannon: *I will ask Transportation to address that. I don't know the answer as to what phase of that project they're in at this time.*

Mark McDonald: *[inaudible- speaking from audience]*

Chairman Wagner: We'll hear from the applicant.

Barry Siegal: Thank you, good evening. My name is Barry Siegal, 3929 Tinsely Drive, Suite 104, High Point. I think Herb Shannon pretty much summarized it very concisely. We met with the neighborhood and there is, in fact, a summary of the meeting in the package that you have and we've had some additional conversation and I think some of the issues besides the fact some, I guess do not appreciate the encroachment of the City of High Point out into the County is the fact of the concern of the Bame Road the condition of Bame Road. And, one of the conditions of the 2007 zoning approval was that the Developer would have the requirement to improve Bame Road from Atkins Road which is approximately 1400 feet or so down back toward to Sandy Ridge to improve Bame Road to NCDOT standards. That is, in fact, a condition in this that has not changed. I trust that you perhaps might hear something about that from one of the neighbors. There were also comments or questions about the preservations of trees particularly with regard to neighborhood to the south of Rosemount and there is (if you look in your package) there is a creek that runs along southern boundary along the site. There is a portion of the site that is south of that creek and, of course, that area would not be disturbed and then, of course, there are requirements for undisturbed areas around the creek anyway. And, one of the other question or discussions that came up with regard to the additional stubbing that's required by transportation to a stub to the western property line and in the original zoning back in 2007 there were the requests or conditions for two stubs into that and with this modified request there's this condition only for one stub. And, the adjourning property owner had asked whether or not could in fact be deleted and I think Transportation spoke to that at the Planning and Zoning meeting and certainly can speak to that this evening.

I'd be more than happy to answer questions that you'd have. You know, our intent is to develop this, build homes in the \$225,000-250,000 price range and, as Herb Shannon had said, basically the property could be developed today okay under the existing conditions with the caveat that one would make the improvement on Sandy Ridge Road at Bame Road that would be ripped up and perhaps a couple of years from now. So, I think that Transportation must I'm not speaking for them recognizes that condition now based upon the big change from 2007 doesn't make any sense to hold. I'll be happy to answer any questions that you may have.

Chairman Wagner: Anyone have any questions for Mr. Siegal. Okay, thank you. The only person that I have signed up is Kay Sterling. Please come forward. We have your address. You've written it down so you can go ahead and speak.

Kay Sterling: I'm Kay Sterling. I live at 8731 Bame Road, High Point, NC., which is right beside the corner. I've lived there almost 40 years. As it has been said, the developer could develop right away. He's made that perfectly clear to us. So regardless of what I say, he is saying, it does not matter because we can develop it just as it has been originally proposed. I am not sure I like that approach, but, none-the-less, he may be right. My considerations are the stubs. I can see why the City of High Point would want stubs because it encourages development. I do not want my land developed. It will not be developed, I can tell you that. But, if your goal is to facilitate development, I have an entrance to my property so there is no

need for a stub. So, I am asking and, by the way, that is one thing that the developer and I do agree on--not to have a stub. So, I am asking that be eliminated from the requirement.

Also, I understand out of the requirement, there will be some kind of holding pond. With the concerns of mosquitoes, I think that they should be required to put some kind of water flow, not just in that one, but in all of them to try to keep down the mosquitoes and other such things but definitely mosquitoes. And I think we all know why.

Another thing that I am concerned about is Bame Road. The road is too narrow. It is too narrow for the people that live on it, but we all have been there for many years. When I pass a car coming from the opposite direction, I slow down and let that person pass. Otherwise, I may lose a mirror. So when you add 60 more houses, at least 120 cars on Bame Road and, by the way, is only about 17 feet in some areas. We've measured it. I have been talking to NCDOT, an engineer, and he saying that no one has approached him at all about doing anything with Bame Road, but something needs to be done to it...widening it specifically. I know that the developer does not want to go to the expense to build a turn lane. I'm not going to speak to that, but I am going to speak that it does need be widened.

I met with NCDOT a couple of weeks ago. A couple of engineers along with my son and myself and we discussed it. What I fear will happen is the developer will go forward and then there's going to be so many complaints because it is a state maintained road and there's going to be a lot of complaints about it's not wide enough, we have school buses, people cannot pass and that sort of thing. And then there will be such an uproar that NCDOT will then have to widen it at tax payer expenses. Except for development, Bame Road would not be widened. It wouldn't touch in any way. So, why should a developer put in development on a road that is too narrow already and at some point is going to have to be widened? Why should it be at the expense of the tax payer--that would be the tax payers of Guilford County of North Carolina and if there is any Federal Funds it will be Federal money too. And all of that is unnecessary and I think that there should be a requirement that the developer widen Bame Road. Becky Smothers even said a number of years ago, Bame Road is not a Road it is a lane, it's not wide enough to be a Road. That is what Becky Smothers said in her own words. So, I happen to agree with that.

But the point is if the development is going to go in as proposed, then the developer needs to pay to widen Bame Road certainly to the development. Not all the way into Bame Road because that would not be necessary. But, certainly, I have concerns that the developer had said that he is going change the lay of the land which means that he will have to cut down all the trees. You cannot change the lay of the land if there are trees there. So, I have concerns about what he is going to do to change the lay of the land because it is rolling land. I have heard everything he has said but I do not see how he is going to accomplish it based upon what he said at a meeting that he held. But, none-the-less, to wrap it up, I don't want a stub at my property; there's no need for it. There is another entrance to my property and if they are unsightly they encourage trespassing and I don't want a stub facing my property. The second thing is the holding pond. I think they should be mandated to put something in a holding pond to keep the water moving. When the developer walks away, it be then up the homeowners association to keep it up and I don't feel good about that because it usually doesn't happen, but at least it needs to start out that way. And Bame Road needs to be

widened to accommodate the extra traffic that's going to occur on Bame Road, certainly from Adkins to the development. Thank you very much.

Chairman Wagner: Is there anyone else present who didn't sign up, but would like to speak on this matter? Okay, not seeing anyone, I'll close the public hearing. Mr. Shannon, would you like to address, again, the portion about the widening of Bame Road?

Council member Williams: As he's coming up, can you give me the price range of the homes that he's going to be developing?

Barry Siegal: Yes Sir. \$225,000 to about \$250,000. They will probably be about 2,500 square feet to approximately 3,000 square feet.

Mark McDonald: The improvements to Bame Road to Adkins Road to the western property boundary, there would be a condition in the 2007 rezoning that continues through this action and that would make improvements to Bame Road that would widen it from approximately 17-feet wide to a minimum of 20-feet wide via an overlay of about 3.5 inches of base and surface course asphalt.

Chairman Wagner: And that's to NCDOT standards?

Mark McDonald: Yes.

Chairman Wagner: Does anybody have a transportation question?

Council Member Ewing: While you're up, I've got a question regarding the turn lane. Sandy Ridge Road....what's the timeline on that?

Mark McDonald: it's in the environmental documentation process right now and it is funded at least for the early stages of construction probably in 2021. Just to clarify a point on the turn lane. The turn lane that was in the 2007 rezoning was an east bound, right turn lane on Bame Road--not a turn lane on Sandy Ridge Road. It's off of Bame Road onto Sandy Ridge. With the reduction in the number of homes being built, we didn't feel like that turn lane was necessary.

Chairman Wagner: Okay, thank you Mr. McDonald. To get the discussion going, I will make a MOTION for approval of this item and state that it is consistent with the city's adopted plans and it's reasonable and in the public interest for the reasons as stated in the staff report.

Council Member J. Davis: SECOND.

Mayor Bencini: We have a MOTION. And a SECOND from Mr. Davis. Any further discussion? [none] All those in favor, say Aye.

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

Mayor Bencini: *Opposed? [none] That MOTION CARRIES.*

[end of transcript]

Adopted ordinance to rezone an approximate 25.5-acre parcel from a Conditional Use Residential Single Family-9 (CU RS-9) District to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District and the Residential Single Family-9 (RS-9) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest.

With no other speakers to address City Council, Chairman Wagner closed the public hearing.

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

Ordinance No: 7209/16-29

Introduced 5/16/2016; Adopted 5/16/2016

Ordinance Book Vol XIX, Page 92

GENERAL BUSINESS AGENDA

160141 Appointment - Boards & Commissions - Historic Preservation Commission - Patrick

Council is requested to confirm the appointment of Doris Patrick to the Historic Preservation Commission as Council Member Golden's (Ward 1) appointment. Appointment to be effective immediately and will expire July 1, 2018.

Approved the appointment of Doris Patrick to the Historic Preservation Commission effective immediately and expiring July 1, 2018.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Ewing, to appoint Doris Patrick to the Historic Preservation Commission. The motion passed by a 9-0 unanimous vote.

160143 Appointment - Boards & Commissions - Citizens Advisory Council - Farabow

Council is requested to confirm the appointment of Matthew Farabow to the Citizens Advisory Council as Council Member Hill's (Ward 3) appointment. Appointment to be effective immediately and will expire on May 31, 2018.

Approved the appointment of Matthew Farabow to the CAC. Appointment effective immediately and will expire May 31, 2018.

A motion was made by Council Member Hill, seconded by Council Member Wagner, that this Matthew Farabow be appointed to the CAC. The motion passed by a 9-0 vote.

160142 Minutes to be Approved

- Manager's Briefing; Monday, May 2nd @ 3:30 p.m.
- Regular City Council Meeting; Monday, May 2nd @ 5:30 p.m.
- Planning & Development Committee Meeting; Tuesday, May 3rd @ 4:00 p.m.

- Finance Committee Meeting (Non-Profit Funding Requests) Thursday, May 5th @ 4:00 p.m.

The preceding minutes were unanimously approved as submitted..

A motion was made by Council Member Williams, seconded by Council Member Hill, that the preceding minutes be approved. The motion passed by a 9-0 unanimous vote.

150270 Boards and Commissions - Vacancy Report

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

This is attached for informational purposes only.

COUNCIL COMMENTS

Council Member Williams expressed his gratitude for the Inasmuch Project from the past weekend. With that, 160 volunteers came out to service and revitalize 11 homes. He also thanked the Community Housing Solution, the Housing Consultants Group and The City of High Point in the Southside Neighborhood along with other churches and organizations from the local area. Council Member Williams encouraged any future volunteers to speak with Mr. Mike McNair, Director of Community Development, for the next targeted area the Burns Hill organization.

ADJOURNMENT

Upon motion duly made and seconded, the meeting adjourned at 8:00 p.m.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Maria A. Smith
Deputy City Clerk