

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
November 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 (7): *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), and Jason Ewing (Ward 6)*

Absent (2): *Council Members Jay Wagner (Ward 4), James C. Davis (Ward 5)*

FINANCE COMMITTEE - *Council Member J. Davis, Chair*
Committee Members: J. Davis, C. Davis, Alexander and Hill

(Chairman J. Davis was absent)

CONSENT AGENDA ITEMS

Council Member C. Davis chaired the Finance Committee portion of the agenda due to the absence of Chairman J. Davis. She reported that the Finance Committee met on November 16th and recommended approval of the following finance items **160352, 160353, 160354, 160355, 1260356, 160357, 160358, 160359, 160360, 160361.**

These matters were discussed by the Finance Committee, forwarded to the City Council with a favorable recommendation and placed on the Consent Agenda for approval. The matters on the Consent Agenda will be rolled into one motion for approval.

At this time, **Acting Chair C. Davis MOVED to approve all finance-related matters on the Consent Agenda. Council Member Williams made a second to the motion, which carried unanimously.**

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

160352 Contract - Engineering & Construction Services - Elevated Water Storage Tank - Potts Avenue

Council is requested to award contract to CDM Smith in the amount of \$157,975.00 for the engineering and construction services of a new elevated storage tank located on Potts Avenue.

Approved contract with CDM Smith in the amount of \$157,975.00 for the engineering and construction services of a new elevated storage tank located on Potts Avenue.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160353 Contract - Elevated Water Storage Tank - Potts Avenue

Council is requested to award contract for Bid No. 15 to Landmark Structures, Inc., in the amount of \$2,952,000.00 for construction of an elevated water storage tank located on Potts Avenue. This water storage tank will be replacing the Ward Water tank.

Approved contract with Landmark Structures, Inc. in the amount of \$2,952,000.00 for construction of an elevated water storage tank located on Potts Avenue.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160354 Contract - Kearns Water Plant Basin Demolition

Council is requested to award contract for Bid No. 20 to DH Griffin Wrecking, Company, in the amount of \$239,000.00 for the demolition of infrastructure at the old Kearns Water Plant.

Approved contract with DH Griffin Wrecking Company in the amount of \$239,000 for the demolition of infrastructure at the old Kearns Water Plant.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160355 Contract - Resurfacing of City Streets

Council is requested to award contract for Bid No. 07 to Thompson Arthur-APAC Atlantic, Inc., in the amount of \$1,902,251.12 for resurfacing of various city maintained streets.

Approved contract with Thompson Arthur-APAC Atlantic, Inc. in the amount of \$1,902,251.12 for resurfacing of various city maintained streets.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160356 Contract - Landfill Compactor

Council is requested to award contract, using a piggyback purchase from Macon County, NC, to CMI Roadbuilding, Inc. the amount of \$718,100.00 for the purchase of a CMI Model TM11 Trashmaster for use at the city's landfill.

Approved contract using a piggyback purchase from Macon County, NC, to CMI Roadbuilding, Inc. in the amount of \$718,100.00 for the purchase of a CMI Model TM11 Trashmaster for use at the city's landfill.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160357 Contract - Ilderton Chrysler Dodge- Police Vehicles

Council is requested to approve contract with Ilderton Chrysler Dodge in the amount of \$215,832.00 for the purchase of eight (8) 2017 Dodge Chargers for the Police Department.

Approved contract with Ilderton Chrysler Dodge in the amount of \$215,832.00 for the purchase of eight (8) 2017 Dodge Chargers for the Police Department.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160358 Contract - Structural Fire Fighting Gear

Council is requested to award contract (piggyback with City of Winston Salem) with Atlantic Emergency Solutions in the amount of \$40,000.00 for twenty (20) sets of Structural Turnout Gear for the Fire Department.

Approved contract using a piggyback bid with the city of Winston Salem with Atlantic Emergency Solutions in the amount of \$40,000.00 for twenty (2) sets of Structural Turnout Gear for the Fire Department.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160359 Grant Award - NC Governor's Crime Commission - Internet Crimes Against Children

Council is requested to approve the acceptance of a grant in the amount of \$41,702.10 received from the NC Governor's Crime Commission to assist in the investigation of Internet Crimes Against Children.

Approved the acceptance of a grant from the NC Governor's Crime Commission in the amount of \$41,702.10 to assist in the investigation of Internet Crimes Against Children.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, to accept this grant in the amount of \$41,702.10. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160360 Budget Ordinance Amendment - Appropriate Grant Funds - Internet Crimes Against Children

Council is requested to adopt an ordinance amending the 2016-2017 Budget Ordinance to appropriate funds in the amount of \$41,702.00 received from the NC Governor's Crime Commission for Internet Crimes Against Children.

Adopted an Ordinance amending the 2016-2017 Budget Ordinance to appropriate funds in the amount of \$41,702.00 for a grant received from the NC Governor's Crime Commission for Internet Crimes Against Children.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, that this Budget Ordinance amendment be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Member J. Davis and Wagner were absent]

Ordinance No. 7249/16-69

Introduced 11/21/2016; Adopted 11/21/2016

Ordinance Book Volume XIX, Page 132

160361

Grant Award - US Department of Justice - Office on Violence Against Women

Council is requested to approve the acceptance of a grant in the amount of \$414,333.00 for use in the High Point Police Department initiative on Offender Focused Domestic Violence Initiative.

Approved the acceptance of a grant in the amount of \$414,333.00 for use in the High Point Police Department initiative on Offender Focused Domestic Violence Initiative.

A motion was made by Council Member C. Davis, seconded by Council Member Williams, to approve acceptance of this grant in the amount of \$414,333.00. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member J. Davis, Chair

Committee Members: J. Davis, C. Davis, Alexander and Hill

(Chairman J. Davis was absent)

160362

Public Hearing - EDC Incentive Fund

Monday, November 21, 2016 at 5:30 p.m. is the date and time established to receive public comment on a funding request for a company which expects to expand at 4135 Mendenhall Oaks Parkway.

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

Sandy Dunbeck, Executive Vice President of the High Point Economic Development Corporation, provided details regarding the funding request by Total Quality Logistics (TQL), who expects to expand at 4135 Mendenhall Oaks Parkway. Ms. Dunbeck shared that TQL, based out of Cincinnati, Ohio, is the largest freight brokerage firm in North America. High Point is being considered along with multiple other out-of-state locations. TQL currently has operations in Durham and Charlotte and the location currently under consideration in High Point is 4135 Mendenhall Oaks Parkway. She then recognized Dan Gabbard, Director of Facilities and Real Estate for TQL.

Ms. Dunbeck reported that if TQL chooses the High Point location for this project, it would result in 70 full-time jobs that would be added over the next five years. The Year One base average wage of those new jobs would be approximately \$36,000. By Year two, TQL estimates the average wages to reach \$43,900 per year and by Year four, average wages are

anticipated to reach \$46,000 per year. She advised that these jobs would be on a commission structure and employees would be able to make considerably higher wages based upon their individual sales. These positions are largely logistics account executives (LLEs).

Staff is asking that the City Council consider authorizing up to \$70,000 in performance-based, financial incentives for this project. Any such incentive would be subject to the company meeting benchmarks outlined in the Performance Agreement and would be paid post-performance. Ms. Dunbeck reported that the State of North Carolina incentives have also been requested for this project and if granted would require a local

match. TQL understands that if performance-based incentives are authorized by the City Council, per the City's Incentives Policy, TQL would need to hold a job fair in central High Point to help with the City's goal to employ as many High Pointers as possible. Those involved in the job fair would be the Greensboro- High Point, Guilford County Workforce Development Board and the local NC Works Career Center on Idol Street. Pending Council's decision, TQL expects to make their location decision by early 2017. Ms. Dunbeck then turned the presentation over to Dan Gabbard.

Dan Gabbard, Director of Facilities and Real Estate for TQL, who has been with TQL for the past 11 years and has been a part of their widespread growth throughout the United States. He advised that High Point is one of the locations they are considering in 2017 for another wave of expansion. He noted that he has been involved in twenty expansions or twenty new offices during the past 12 months for TQL and communicated that High Point has received a lot of internal buzz regarding TQL.

Mr. Gabbard then shared TQL's history; the company was founded in 1997. He advised that TQL is a middle management shipper and receiver and they employ men and women, who are on the phone working with companies all around the country providing shipping arrangements for their freight. TQL is non-asset based and they are moving more than one million loads annually. The company was founded primarily on refrigerated freight and the food/beverage industry. TQL has 56 offices in the country currently in 24 states. They have over 4,500 current employees around the country. He reported that they employ a little over 200 in this area alone, as well as the Charlotte/Raleigh areas.

He advised that TQL has a great reputation and they are known to have the highest level of integrity and ability to exceed expectations in their industry. The company was founded on making strength and stability, which allows them to open these offices, while continuing to invest while most of their competitors are pulling back. He advised that TQL is award-winning with hard working sales personnel so this enables them to leverage that technology for their employees to help them become successful.

Mr. Gabbard pointed out their company is not customer or carrier driven, that they are driven by access to new sales, which is why they are evaluating new locations such as High Point, Guilford County. He noted they are driven by a young work force which consists of a lot of Millennials, and they desire to be where they would like to move as well because they enjoy business-friendly environments and economics. He noted that they have opened 52 offices across the United States since 2009, which has resulted in over 3,200 jobs at these locations. Approximately 95% of these positions that they anticipate hiring in this market will be the LAE (Logistic Accounting Executive) office positions. By Year two, they anticipate the LAE compensation to be around \$44,000 including the commissions. They also offer a very

competitive comprehensive health insurance program, 401 K plans, fitness centers and action gift programs, commuter benefits, paid time off and numerous employee engagement activities throughout the year.

With that being said, Mr. Gabbard advised that they are committed to bringing 70+ jobs to the High Point area over a five-year period with a \$500,000+ investment comprised of lease-hold improvements of the facilities they choose to select. He noted they are extremely active in multiple community service programs around the country such as United Way, Big Brothers and Big Sisters, and other local community programs as well. Mr. Gabbard concluded his presentation and entertained questions.

Mayor Bencini asked if TQL was doing truck loads only or if they were engaged in LTL. Mr. Gabbard explained that 90% of what they do is full truck load freight, but they do have a LTL Division that continues to grow. However, they continue to invest their time in the full truckload market because they know that \$50+ billion flows through which indicates the market is good for them.

Following Mr. Gabbard's presentation, Acting Chair C. Davis opened the public hearing and invited those people from the floor to comment. No one was present to speak in support of or in opposition to the request. The public hearing was closed.

At this time, **Council Member Ewing MOVED the funding request for TQL be APPROVED and authorized up to \$70,000 in performance-based incentives for the company's expansion. Council Member Hill made a SECOND to the motion, which carried unanimously.**

160351

Contract - Kersey Valley Landfill Administration Building

Council is requested to award contract for Bid No. 04 to DreamBuilt Construction, Inc., in the amount of \$682,850.00 for the construction of a new administration office at the Kersey Valley Landfill site. This item was discussed in the Finance Committee meeting held Wednesday, November 16th and the committee returned the item without recommendation. Action requested is to return this item to the Finance Committee to receive further information from staff.

Acting Chair C. Davis stated it was her understanding that this matter be placed on the Pending list per the Finance Committee's instruction.

Council Member C. Davis then MOVED TO PLACE THIS MATTER ON THE FINANCE COMMITTEE PENDING LIST. Council Member Alexander made a SECOND to the motion.

For further discussion, Mayor Bencini asked staff if there was some sort of timeline on the decision to move this matter forward. Deputy City Manager Randy McCaslin advised the bids would be good for another 15-30 days and they anticipate providing the information that the Committee was asking for at the next Finance Committee meeting. Council Member Alexander admitted that he asked the question at the Finance Committee Meeting because he felt the numbers came in a little high and he was hoping for a more competitive bid. This was based on a 3,200 square foot building with some grading work that is required. The Finance Committee felt a couple of hundred dollars a square foot was steep for a rugged constructed building.

There being no further discussion, **the MOTION to place this matter on the Pending List under the Finance Committee carried unanimously. [7-0 vote] [Council Members J. Davis and Wagner were absent].**

Matter was placed on the Pending List at the discretion of the Finance Committee to receive additional information from staff as to the price per square foot for the construction.

PENDING ITEM

160370 Comprehensive Fee Schedule - Public Services Department

Consideration of the proposed Comprehensive Fee Schedule for the Public Services Department of the City of High Point.

Note: The proposed fees for Public Services were removed from the adopted FY 2016-2017 Comprehensive Fee Schedule (160328) and will be discussed by the Finance Committee and considered at a future date.

Action was taken by the City Council at the November 7th Council Meeting to refer the proposed fees for Public Services back to the Finance Committee for further discussion.

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

Committee Members: Golden, Alexander, Ewing and Williams

(all were present)

PENDING ITEM

160330 Ordinance - Demolition of Structure - 512 Hines Street

Council is requested to adopt an ordinance requiring the building inspector to effectuate the demolition of a structure located at 512 Hines Street belonging to Eliseo Zavala. (At the November 7, 2016 meeting this item was deferred to the December 5, 2016 Council Meeting.)

Mayor Pro Tem Golden reminded Council that this matter would be coming back to Council at the December 5, 2016 Council Meeting.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair

Committee Members: Wagner, C. Davis, J. Davis and Golden

(Chairman Wagner and Committee Member J. Davis were absent)

Due to the absence of Chairman Wagner, Mayor Pro Tem Golden chaired this portion of the meeting.

PUBLIC HEARINGS**160363 Ordinance - Wesleyan Education Center - Annexation 16-07**

A request by Wesleyan Education Center to consider a voluntary contiguous annexation of approximately 1.89 acres lying along the south side of Sandy Ridge Road, approximately 570 feet west of Legacy Drive.

The property is addressed as 1928 Sandy Ridge Road and also known as Guilford County Tax Parcel 0169220.

The joint public hearing for this matter and related matter **160364 Wesleyan Education Center- Zoning Map Amendment 16-24 and 160365 Wesleyan Education Center- Special Use 16--02** was held as advertised on Monday, November 21, 2016 at 5:30 p.m.

Herb Shannon of Planning & Development explained items 160363 (Annexation 16-07), 160364 Zoning Map Amendment 16-24 and 160365 (Special Use 16-02) are related items, so staff would be doing a joint presentation, but Council would need to vote on these matters separately.

The staff report will be attached in Legistar as a permanent part of these proceedings.

Transcript of Public Hearing

Herb Shannon: *As the first three items also include a Special Use Permit, that is a quasi-judicial proceeding and anyone who wants to speak in favor of or in opposition for any issue regarding this case will have to be sworn in. So if the applicant and members of the public that want to speak on the Wesleyan case, please come forward to be sworn in.*

[City Clerk administered oaths at this time]

Herb Shannon: *Yes, Mr. Chairman. Annexation Case 16-07; Rezoning Case 16-24 and Special Use Case 16-02 all pertain to property owned by the Wesleyan Educational Center. The property lying along the west side of Johnson Street and south of Sandy Ridge Road. Just to note where we're located, this is Sandy Ridge Road. To the east is Johnson Street. In 2013, the Wesleyan Educational Center presented applications to annex and rezone this 66-acre parcel. That request was approved with an annexation, zoning and special use permit. Since then, they have purchased this 1.8-acre parcel which they surround on three sides and they are proposing to add that property to their educational facility they are proposing for that location. So they submitted an annexation, zoning and special use permit.*

In regards to the annexation request, as you can see the City's corporate limits surround this area and there's also adjacent property to the north that's also in the City. This is within the City's Planning Area, thus the inclusion of this property is a logical progression of the City's Annexation Policy in this area as we already have this area established as part of our Planning Area and while we already have property in the City Corporate Limits that surround this property. And there are already service vehicles traveling down the street serving those adjacent properties in the City's Corporate Limits.

As for the REZONING, as part of the annexation, the applicant submitted a rezoning application to establish initial City zoning on this property. They are requesting the same zoning that they proposed in 2013, a CZ, Conditional Zoning RS-9 on this property. The Land Use Plan does support that zoning for this area. And as you can see, you have that same zoning right next to it. Except for the expansion of this one-acre parcel, all the zoning conditions that would be on this new parcel and the existing parcel remain the same. So with all those same conditions being in place, there's no significant alterations or impacts on adjacent property owners. As for the ZONING, staff suggests that the approval is reasonable and appropriate as the request is consistent with the Land Use Plan and the inclusion of this parcel is consistent with Goal 5 of the Land Use Plan which seeks to promote orderly expansion of the City's Corporate Limits. The Planning & Development Department is recommending approval of establishing a Conditional Zoning RS-9 zoning for this property. The Planning & Zoning Commission did evaluate the ZONING request at their October 25th meeting and recommended approval.

In regards to the Special Use Permit, this is a Special Use Permit to allow a school on this larger property. This is the site plan that was approved in 2013. This new proposal....Lee, if you can go to the next slide....includes this 1.8-acre parcel into that site layout. The inclusion of this parcel has an additional 700-feet of street frontage along the Sandy Ridge Road frontage. It also provides sufficient separation from their other access point on Sandy Ridge Road which is right here, to allow an additional access point to the property. So they have submitted the Special Use Permit to request an update to the previous approval. All previous conditions of the initial Special Use Permit stays the same. They still have the one access point on Johnson Street, one access point on Centennial and they are proposing this additional access point. You still have the same layout with the educational building on the eastern portion of the property, an athletic field on the western portion of the property. This additional land area gives them the ability for that second access point and helps them squeeze in another athletic field, practice ballfield in that portion of the property.

If you had a chance to review the Special Use Permit, all those conditions are exactly the same as was previously approved. The only new condition is allowing this additional access point and they've offered the same access conditions as on their other Sandy Ridge Road access with left and right turn lanes. This layout still maintains the overall development scheme that was initially approved and the Planning & Development Department is recommending approval of this update to the Special Use Permit. The Planning & Zoning Commission reviewed this Special Use Permit at their October meeting and they recommended approval of this proposal.

So that's a quick summary of the annexation, rezoning and special use permit. Are there any questions of staff at this time?

Acting Chairman Golden: *I can open the public hearing for all three of them simultaneously, can't I?*

Herb Shannon: *Yes, just vote on them separately.*

Acting Chairman Golden: *At this time we're going to open the public hearing for ANNEXATION 16-07, ZONING MAP AMENDMENT 16-24 and SPECIAL USE 16-02. Is there anyone to speak for any one of these items?*

Luke Dickey: Good evening Mayor and members of the Council. My name is Luke Dickey with Stimmel Associates, address is 601 N. Trade Street, Suite 200, Winston Salem, NC, 27101. We are the site plan preparers for this plan. Mr. Shannon did a wonderful job with the presentation. He basically covered all my talking points, so I won't have much to add to that other than that we did hold a Neighborhood Meeting on September the 7th. We had a list of 27 neighbors provided by the planning staff and we expanded that to about 170 neighbors that we invited. Of that meeting, we had seven property owners attend; three signed a petition in SUPPORT, and since the public hearings have been announced we had another two owners to call in regards to that and we called them back and answered their questions. I hope you'll support this modification to the site plan and zoning, annexation for this 1.8 acres and I'll be happy to answer any questions if you have them. Thank you very much.

Acting Chairman Golden: Anyone else to speak any one of these items? Anyone to speak against? At this time, then, I'll close the public hearing for items ANNEXATION 16-07; ZONING AMENDMENT 16-24 and SPECIAL USE 16-02.

I will make a MOTION THAT WE APPROVE ANNEXATION 16-07.

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

Council Member Alexander: SECOND.

Mayor Bencini: MOTION and a SECOND. Any further discussion? All those in favor, say AYE.

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

Mayor Bencini: Any OPPOSED? [none] That MOTION CARRIES. [7-0 unanimous vote] [Council Members J. Davis and Wagner were absent]

Acting Chairman Golden: I MOVE THAT WE ACCEPT THE ZONING MAP AMENDMENT 16-24.

Mayor Bencini: We have a MOTION. Do we have a SECOND?

Council Member Alexander: SECOND.

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

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

Mayor Bencini: OPPOSED? [none] That MOTION CARRIES. [7-0 unanimous vote] [Council Members J. Davis and Wagner were absent]

Acting Chairman Golden: And lastly, I MOVE THAT WE APPROVE SPECIAL USE PERMIT 16-02.

Council Member Alexander: SECOND.

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

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

Mayor Bencini: **OPPOSED?** [none] **That MOTION CARRIES.** [7-0 unanimous vote]
[Council Members J. Davis and Wagner were absent]

[end of transcript]

Adopted Ordinance providing for the voluntary contiguous annexation of approximately 1.89 acres lying along the south side of Sandy Ridge Road, approximately 570 feet west of Legacy Drive, specifically addressed as 1928 Sandy Ridge Road and is also known as Guilford County Tax Parcel 0169220.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Alexander, that this Ordinance be adopted providing for the annexation of this property. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

Ordinance No. 7250/16-70
Introduced 11/21/2016; Adopted 11/21/2016
Ordinance Book, Volume XIX, Page 133

160364

Ordinance - Wesleyan Education Center - Zoning Map Amendment 16-24

A request by Wesleyan Education Center to rezone approximately 1.89 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying along the south side of Sandy Ridge Road, approximately 570 feet west of Legacy Drive. 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 **160363 Annexation 16-07 and 160365 Wesleyan Education Center- Special Use 16-02** was held as advertised on Monday, November 21, 2016 at 5:30 p.m.*

*Herb Shannon of Planning & Development explained items **160363 (Annexation 16-07), 160364 Zoning Map Amendment 16-24 and 160365 (Special Use 16-02)** are related items, so staff would be doing a joint presentation, but Council would need to vote on these matters separately.*

The staff report will be attached in Legistar as a permanent part of these proceedings.

Note: For specific comments made at the public hearing for **160364 Zoning Map Amendment 16-24**, please refer to **160363 Wesleyan Education Center- Annexation 16-07**.

Adopted Ordinance approving Zoning Map Amendment 16-24 and authorized the rezoning of this property from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District based

on adoption of the staff statements in the Staff Analysis section of the staff report, consistency with the City's adopted plans and finds this action to be reasonable and in the public interest.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Alexander, that this Zoning Map Amendment be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

Ordinance No. 7251/61-71

Introduced 11/21/2016; Adopted 11/21/2016

Ordinance Book Volume XIX, Page 134

160365 Wesleyan Education Center - Special Use 16-02

A request by Wesleyan Education Center to allow an Elementary & Secondary School use in a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying at the southwest corner of Johnson Street and Sandy Ridge Road.

*The joint public hearing for this matter and related matter **160363 Annexation 16-07 and 160364 Wesleyan Education Center- Zoning Map Amendment 16-24** was held as advertised on Monday, November 21, 2016 at 5:30 p.m.*

*Herb Shannon of Planning & Development explained items **160363 (Annexation 16-07), 160364 Zoning Map Amendment 16-24 and 160365 (Special Use 16-02)** are related items, so staff would be doing a joint presentation, but Council would need to vote on these matters separately.*

The staff report will be attached in Legistar as a permanent part of these proceedings.

Note: For specific comments made at the public hearing for Special Use 16-02, please refer to 160363 Wesleyan Education Center- Annexation 16-07.

Approved Special Use Permit 16-02 based upon the conditions in the Special Use Permit application, the preliminary findings of fact as outlined in the staff report, general consistency with the surrounding zoning and development in the area, and compliance with the goals and objectives of the Land Use Plan.

A motion was made by Mayor Pro Tem Golden, seconded by Council Member Alexander, that Special Use Permit 16-02 be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

160366 Ordinance - BSC Holdings - Zoning Map Amendment 16-21

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.

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

The staff report will be attached in Legistar as a permanent part of these proceedings.

Transcript of Public Hearing

Herb Shannon: Yes, this Zoning Map Amendment may be familiar. The applicant is requesting REZONING of a 15.6-acre parcel lying along the south side of Clinard Farms Road and E. Barrow Road. Just to orient everyone, you have Clinard Farms Road to the north and Barrow Road to the west. Council members may recall reviewing zoning on this site earlier this year. At that time, the applicant was requesting a Conditional Zoning RS-9 District for the property. Since this would be connecting to the abutting subdivision to the south, the Cottesmore Subdivision, and you would have the existing development and this proposed expansion, approximately 280 dwelling units using one access point which goes to the south to Willard Dairy Road, the Planning and Development staff and the Transportation Department recommended that an additional access point be provided to the north to Clinard Farms Road. The applicant had initially offered a condition that they would extend this stub street and do a stub street to the east.

At your last public hearing on this item, the City Council approved this zoning application. You did not grant the access to Clinard Farms Road, but instead you proposed there be an emergency access connection to the abutting fire station to the west. I believe there are some concerns since then from the Fire Chief about impact on that facility. The applicant has been working with the Fire Chief on ways to resolve that concern and they've done some shifting in their site plan and submitted this updated amendment to the zoning, which they are proposing to remove that emergency access point to the Fire Station. They have not offered, with their initial application, a connection to Clinard Farms Road as far as being a public street. At the Planning & Zoning Commission meeting, the applicant did offer a condition, which is included in your staff report that they would dedicate land for right-of-way for a future street connection, but they would not be putting in that public street connection. Thus they are requesting rezoning approval that would remove the emergency access drive to the Fire Station. They will still provide the stub street to the east and they have agreed to a condition at the Planning & Zoning Commission that there would be land dedicated in this area for either the city or a future developer to put in the actual paved street connection to Clinard Farms Road.

I think the key thing to note, the Planning Department and Transportation Department would recommend or would like to see the actual physical street construction in, but if Council does not agree to that, we would at least like you to accept the applicant's condition for having that land reserved so that sometime in the future that public street improvement could be installed.

Lee, if you can go to the next page please. That condition refers to an exhibit. This is the area where they have offered to reserve that area for right-of-way dedication for a future public street installation in the future. At the October 25th Planning & Zoning Commission meeting, this case was presented to the Commission members. They evaluated it and recommended approval with the condition that was offered by the applicant that that area be reserved for right-of-way dedication and future installation of a street. Just to be clear, all the applicant was proposing in the P & Z's approval was just to dedicate that area, not to put in actual physical improvements.

That's a brief summary of this case. Are there any questions of staff at this time?

Council Member Alexander: *Herb, how many feet of roadway are we talking about?*

Herb Shannon: *I don't have an exact count, but I'm guessing approximately 200 feet. It's 50-feet wide.*

Council Member Alexander: *Okay, and this development, about how many feet of roadway are they going to be installing?*

Herb Shannon: *I do not have the answer to that. The applicant may have that information. You're talking about that total linear footage?*

Council Member Alexander: *Right.*

Herb Shannon: *We do not have that information.*

Council Member Alexander: *It looks like it's less than 10% of the road surface that's being....are there any other obstacles in connecting to Clinard Farms Road?*

Herb Shannon: *Not that I'm aware of.*

Acting Chairman Golden: *If I'm understanding you right, he's saying that he's willing to reserve that space, but staff is recommending that we ask that he do more than that?*

Herb Shannon: *Since the initial review, staff had recommended that there be a physical connection. At your last review in March, the Council did not accept that recommendation and that's when you had a situation where a proposal for an emergency access to come in through the Fire Station parking lot. The Fire Chief had raised concerns with that and the applicant is attempting to work with him to resolve that by noting, by shifting some lots over. He has agreed to reserve that area as right-of-way, but not to install the actual physical street.*

Council Member Alexander: *How could someone else, other than the City, put that street in?*

Herb Shannon: *The only other property owner....Lee, could you go back one slide? You have an abutting property to the east. There's one single family home on that property. There has been some interest expressed over the past year of possibly placing a single family subdivision on that property. Staff recommended that if this ever came through, that their only access would be from this area reserved and that they install that access drive. It would be staff's recommendation that they not have another access point on Clinard Farms Road, but that they would use that area for the access. And as part of their subdivision approval, install that last portion of public streets.*

Council Member Ewing: *But regardless of the development of that other parcel, based on our current ordinance I believe it's three access points for what, 150 units?*

Herb Shannon: *That's what our ordinance recommends, yes.*

Council Member Ewing: *We're already 84 units beyond that with the existing subdivision and adding another 46 units without creating the access point, or putting the burden of creating the access point on a yet-to-be determined parcel.*

Council Member Alexander: *I don't see how we could. The RS-9 that's not developed, I don't see how we could restrict access to Clinard Farms Road and require them to go that way. I mean, I understand that there's going to be a stub street in there and everything like that, but we're going under the assumption that the RS-9 zoning is going to come in through the same owner that the CZ RS-9 is. If that doesn't occur, I don't see how we legally can say you can't have access to Clinard Farms Road.*

Council Member C. Davis: *We'd be shifting the cost to the RS-9 property instead of the developer who's developing now.*

Council Member Alexander: *But you still have to provide reasonable access.*

Council Member C. Davis: *I'm not agreeing with the shifting of the responsibility to the RS-9. I'm just pointing out that's what we would be doing if we didn't make that connection.*

Herb Shannon: *I would just note that as part of the subdivision review, the staff or the Technical Review Committee, evaluates all subdivisions and makes a determination as to the most appropriate location for access. It would be Council's decision how you wish to handle this as far as this zoning case. But whenever this comes in and we have no idea when or if that will be developed, but if they do come in for any type of subdivision approval, because this parcel does abut that right-of-way that the applicant is proposing to reserve, the TRC would look at having that as their access point.*

Council Member Ewing: *Mark, from a DOT standpoint, if that access point was cut through to Clinard Farms Road, what additional DOT guidelines would be required? Turn lanes, what stipulations would there be?*

Mark McDonald: *When the case was initially presented back in March, we had requested connection to Clinard Farms Road at that location across from Blackberry Ridge with the construction of turn lanes on Clinard Farms Road to accommodate the flow of traffic coming in and out from that side of the development. That particular location at Blackberry Ridge was selected because of the Piedmont Parkway extension study that was done a number of years ago showing a median break at that location. The next potential median break is all the way down where the school is now. So it was requested that the access point be there to serve these properties so that there could be full movement access at that location.*

Otherwise, when the Piedmont Parkway project is constructed, any other access that might be permitted along that frontage would be right-in, right-out.

Council Member C. Davis: *At that median break, would there be a red light or would it just be a free-for-all trying to get across that median?*

Mark McDonald: *That has not been determined. It may at some point warrant a traffic signal, but my guess right now is that it would not. It would just be an un-signalized intersection for access.*

Council Member C. Davis: *And how many residents live along the other, across the street?*

Mark McDonald: *At Blackberry Ridge? There's probably a dozen or so houses there.*

Council Member Alexander: *Mark, what if it was put in without a turn lane on Clinard Farms Road? What would you anticipate the delay due to leftovers there?*

Mark McDonald: *At times it could be a considerable delay. Traffic on Clinard Farms Road based on 2015 counts is somewhere around 4,700 per day. That spikes during peak hours obviously, but there could be considerable delay there for left turning vehicles and people waiting for people to turn left that are traveling westbound.*

Council Member Ewing: *Especially with the Phoenix Academy there, there's heavy traffic flow during morning and mid-afternoon that could back that up considerably with that turn lane, I think.*

Acting Chairman Golden: *Okay, thank you. At this time, we'll open the public hearing for 16-21 and if there's anyone in the audience that would like to speak regarding this issue, come forward and give your name and address.*

Barry Segal: *Good evening Mr. Mayor and Members of Council. My name is Barry Segal, 3929 Tinsley Drive. If I could, I'd please like to remind everybody that this particular case was heard, of course, as mentioned earlier, by City Council and approved by City Council and the condition was added that we provide access and this was at the recommendation of one of the council members. That we provide emergency access to the fire station. Okay, so basically based upon that approval, we, in fact, solidified our plans and started the development. As of today, okay, that property is developed and we are at the stage right now in getting ready to put the asphalt binder down.*

It was during the kind of final plans stage that we had discussions with the city manager because the fire chief had expressed his concern about the access coming into the fire station even though it was approved by the City Council to provide that access. There was no requirement, okay, to provide a road to Clinard Farms Road. Okay, so the current, okay, approved zoning is for, as you all know, for this development with the access to the Cottesmore development and an emergency access only to the fire station and with a stub road, okay to the property to the east which is the RS-9 that's owned by Mr. Thomas for the future extension of the network. And there was a great deal of discussion by City Council in terms of the concern about the potential number of drives coming out to Clinard Farms Road. If there was going to be a tie at Blackberry and then a tie through Mr. Thomas'. You know, there was a little concern about the proximity of the potential tie coming from Mr. Thomas' property, which is the RS-9 with regard to the drive coming into the Phoenix Academy School. So, you know there's a fair bit of discussion on that and on about the 11th hour, as we were solidifying our plans, I had an opportunity to talk to the Deputy City Manager Randy McCaslin and he arranged the meeting, okay, with the fire chief and myself. We sat and we talked about the chief's concerns, okay, and was there anyway that we could possibly do something. I promised at that meeting that we would take a real hard look because we were reasonably far along in the development at that particular point in time, but we had not yet put utilities in the ground.

And as a result of that, I said we could skinny all the lots up, okay, which was not what we wanted to do, but we could skinny them all up, shift everything to the west, okay, in order to provide a dedicated right-of-way, okay, to Clinard Farms Road. So that is what we did, okay, in the approved plans. We went ahead and we shifted all the lot lines. We shifted the utilities. Put everything in according to the plans in which the development is built. Now, with regard to the access to Mr. Thomas' property, they are all dedicated or will be very shortly, dedicated public streets that will provide, okay, a direct stub into Mr. Thomas' property, okay. And Mr. Thomas, I can't speak for him other than to say we have talked and at some point, he wants to sell his property. We just haven't seen eye to eye and whether we buy it or Mr. Thomas sells it to someone else. Okay, I can't tell you exactly how that will happen, but at that particular point in time Mr. Thomas will tie directly into the public streets and his developer, whether it will be him or us or whatever, then will have direct access out to Clinard Farms Road. They will have that extra, you know, approximately 150 feet, 200 feet of road to put in in that dedicated right-of-way.

Now, our reservation from day one when we came and we talked was frankly pure economics. Okay, you may recall that. We talked about the fact that we were doing just a small addition to the Cottesmore. Okay, and we, as a matter of fact, had originally proposed, okay, to Mr. McDonald dedicating a right-of-way, okay, to stub directly across. And unfortunately we didn't immediately see eye-to-eye on that and he had wanted a right deceleration lane and a left turn lane, which would have added a significant cost to that relatively small development. So we then came, and as you all recall, to City Council and there was a great deal of discussion on that.

So where we are this evening is very simply we want to go ahead and provide the dedicated right-of-way, but if for whatever reason the City Council doesn't approve this request this evening, unless I'm told differently, then we just go ahead and make our connection to the emergency station and then we will satisfy those conditions. We don't think that's in the best interest based upon the discussions we had. So we're here this evening at the request of staff to amend the application and we trust that you will work with us accordingly based upon the stage where we are and based upon kind of the approvals that we had and the understanding that we had. So I would be more than happy to answer any questions that you may have.

Council Member Alexander: *If we did not require you to install any turn lanes or anything on Clinard Farms Road, would it be, what would be your impact in just installing that small little, I guess it's 200 feet, 50-foot wide section of roadway? Would that be.....*

Barry Segal: *If the City Council requested us to go ahead in terms of "taking the extra step," we could go ahead and do that. That's certainly an additional cost. We're prepared to dedicate that right-of-way whether or not that is a good thing in terms of traffic today. I know that at the Planning and Zoning Commission meeting, there were some folks that came from the development across the street and they frankly were not very thrilled about the idea of having that access point. And I think they walked away from that meeting with the feeling that well, okay if this developer is not putting it in, which basically we were not proposing to put it in, then they don't have to worry about it today. It would happen five years from now, or ten years from now, or whatever it may be.*

Mr. Alexander, if your request is specifically would we be agreeable to put that section of road in, okay to Clinard Farms. The answer is yes. To be a good neighbor and citizen, we

certainly would do that. Our objection all along had been all the improvements that we would have had to undertake would have made this thing economically unfeasible. And then, frankly, where we are today with all the costs that we incurred and the commitments that we've made based upon the commitments from the city, okay. I just don't know how we can economically go ahead and put in all those improvements on Clinard Farms Road today based upon the fact that the development is virtually complete.

Mayor Bencini: *What's the cost of the improvements beyond just the 200-foot, 50-foot wide pavement?*

Barry Segal: *The engineers, our engineers estimated that it would be close to \$200,000 for left turn lanes and they'd have to overlay it, have to widen it, okay, and then the right deceleration lane I'm sure that Mr. McDonald can comment more on that. But those are the numbers that I'm hearing approximately.*

Council Member Ewing: *Does that sound accurate, Mark?*

Mark McDonald: *It's pretty much in the ballpark.*

Council Member Alexander: *So we've got....for a few dollars more we can get all the way to the street, cut that little gap that, as Mr. Segal said, will be developed when Mr. Thomas' property comes in. But in the meantime, we've got all these neighbors down here that are clamoring we'd like some access over there. Mr. Segal said he would fill that little short gap in, but economically could not deal with Clinard Farms Road, which is ultimately going to be Piedmont Parkway and we're going to ultimately deal with it anyway.*

Council Member Ewing: *Someday.*

Council Member C. Davis: *I'm still waiting to hear from the other people.*

Council Member Alexander: *The next bond referendum probably is going to have Piedmont Parkway on it. That's always been our....*

Acting Chairman Golden: *Let's finish with the hearing, then we'll come back to the discussion.*

Council Member Alexander: *Alright.*

Acting Chairman Golden: *Thank you. Is there anybody else here who would like to speak in favor of this project? Anybody to speak against this project?*

Chad Pollio: *I'm not really against it or for it. I want to sort of talk to you guys as a resident, so thank you Mayor and Council. I am a resident at Cottessmore development, 4408 Edbury Court. My name is Chad Pollio. I'm on the HOA there, so I talked to Barry and his group as they were going to put this in. Like it has been mentioned, we are already over the 180 homes and currently only have two real access points on Willard Dairy Road. And with the school there, the Southwest School district, the elementary, middle and high school, a lot of the traffic flows up and down Willard Dairy and Barrow Road there. So our access in the mornings when school is in session and when they let out, it's difficult to get out of our development because it backs up there. Putting in another additional 46 homes as he has suggested without an access*

to Clinard Farms would just continue to add to that backup and at the stop lights and pull it back to the streets that are inside the neighborhood. So that's a concern of some of the residents there. So we're just looking for having this third access point like it's part of the development zoning that it's supposed to have. So we'd like to see that put in when they do develop these homes. So the people that live on that side can access it that way and it would be another access point for people to come in or come out if they should be considering the traffic flows during the day. So I don't know if I'm opposed or approve what's going to be suggested because I don't know what's going to be approved. But I think we do need an access road from Clinard Farms Road now, as they're building not five years down the road because then we're dealing with five years of people already living and an additional 40 homes, an additional probably 80 cars that we're going to have to deal with as soon as he's done building in the next couple of years.

As far as RS-9 next to them, like you said, I don't know when that guys going to develop. He may be talking about it. A lot of people that own land probably talk about developing. We just don't know. Same thing with the Piedmont Parkway Extension. How long is that going to be? You don't know. You have to go through your hearings and approvals to get that done as well. So that could still be, like I said, another five to ten years before we have an access point. So those are my concerns and I wanted to voice those.

Acting Chairman Golden: I would like to hear from the chief on what his concerns were with that original plan.

Fire Chief Tommy Reid: My concern is kind of the same as where when we started. I was kind of in favor with what Mr. Segal was proposing, but it seems kind of minor when you say we are just going to come into the fire station. To put that access in there to meet the requirements, you've got to have a 25-foot wide access. You've got to have it gated. Then we have to move our generator. There's about five or six parking spaces in there that will have to be moved. So it's really, to me, it's not something....I mean we could live with it. We'll do whatever the final decision is, but in the long run I don't think that it benefits the city or the development, Cottesmore. There's a lot of things going there and when you say it's an access, well really it's a gated access that the only control would be by the fire station for us to be able to access that in an emergency where if those people need to get out, then you can open that gate, but it's not going to help those folks on a daily basis getting in and out of there. I can assure you. My son lives in that development and if you talk to anybody that lives in that development and just like that gentleman just said, trying to get in and out with that school in the morning. You've got the elementary school, the high school, and all that. A lot of traffic on Willard Dairy Road. So not just as a fire chief, but as somebody as a citizen, it is very hard to get in and out of those two entrances. If you figure those folks that live back there on the Clinard Farms side, it's a long way all the way over to the Willard Dairy side to get out. So I'm in favor with what you propose Mr. Segal. It sounds like a win-win to me.

Acting Chairman Golden: Thank you, Sir. Is there anybody else to speak on this matter? At this time, then, we'll close the public hearing.

Council Member Alexander: Wait a minute.

Acting Chairman Golden: We've got one more. I'm sorry.

Tanya Stewart: *I've got a bum leg. I'm sorry.*

Acting Chairman Golden: *Take your time.*

Tanya Stewart: *My name is Tanya Stewart. I live at 3616 Cottesmore Drive. My house is the fifth one in from Willard Dairy and basically I agree with Chad had said. I came to the Planning & Zoning Commission Meeting and it was a little disheartening to hear that the Planning & Zoning Commission had recommended that this additional access be put in because the transportation for High Point was recommending for 150 + and we will have almost 300 homes in that neighborhood when this is completed. And you guys didn't require it. So, as a citizen, I'm a little bit saddened because if the builder isn't required to do it, then the city is taking on that responsibility, which is our money. And I don't need my taxes to go up to pay for something so that the builder can make more profit. I bought my home four years ago. I knew full well what Cottesmore was going to look like. I saw the whole plan. It wasn't finished. I knew what was coming. I had no idea that this was a possibility. Because I don't live within 300 feet of that property, I didn't have any idea it took place. Because I go up and down Barrow Road to work in the morning and it's pitch black at 5:30 when I leave my house. I can tell you when school is in session if I take my kids, it is a nightmare. Cars back up. Like I said I'm five houses in and cars will back up to my house to get onto Willard Dairy. So I'd just like you to keep that in mind, what the Planning & Zoning Commission asked for you and what the residents that currently live in Cottesmore asked. I know the Barrow Ridge people are not happy, they spoke at the Planning meeting. If it can be moved to another location as long as they have access, that's what Cottesmore wants. We just want them to have an additional access to get out. So if it's onto Barrow, somewhere else on Clinard Farms, I'm okay with that. This side of the fire department. It's okay. It's just as long as we need another place to get out so that we're protected in our neighborhood.*

Acting Chairman Golden: *I'll try not to overlook anybody. Is there anybody else to speak on this issue? Well at this time, I'll close the public hearing and open up discussion for Council.*

Council Member Ewing: *I'll go ahead and give us a motion. I MOVE THAT WE APPROVE ZONING MAP AMENDMENT 16-21 WITH THE CONDITION THAT THE APPLICANT IS REQUIRED TO CREATE ACCESS TO CLINARD FARMS PER TRC RECOMMENDATIONS.*

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

Council Member Alexander: *Now, is that to install it? I'll SECOND THAT MOTION.*

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

Council Member C. Davis: *Yes. The only heartburn I have is not the fact that we need an entry onto Clinard Farms Road, but the fact that there's a split in the median and that there's no way to, unless we put a red light there, to regulate the traffic crossing during the busy hours of the day, which then could be used as a caution light I guess.*

Council Member Alexander: *There's no median.*

Acting Chairman Golden: *The median is not there yet.*

Council Member Alexander: *It's a two-lane road.*

Council Member C. Davis: *Well, we know that the median is coming. I'm thinking down the road, not necessarily present day. We know what we're looking at. So that concerns me. I understand the need for the access and unless we were guaranteed that when they develop the road that they would install a red light of some sort to mitigate that in and out there, I just see it bottlenecking from both sides and then where they have allowed for that break for people to make that U-turn to double back, it wouldn't be possible.*

Council Member Ewing: *Mr. McDonald, if it's constructed with the turn lanes as proposed, how much more effort would it be if we had to go in and put a stop light in there because of traffic issues?*

Mark McDonald: *Well if the congestion came such that a traffic signal was warranted, it would have to be designed and obviously constructed and the cost for that is probably somewhere in the neighborhood of \$150,000 to install a traffic signal. That's the kind of thing...with the improvements to the road, the widening of Clinard Farms and extension of Piedmont Parkway, construction of the median, we will be looking at those locations based on what the traffic volumes are at that time in order to determine where the most appropriate locations might be for traffic signals. There are numerous locations where there are median breaks on divided roads where there are not traffic signals. Traffic flows in and out just fine without them in a lot of cases. In most cases, traffic signals are not the Band-Aid or the fix-all for every situation.*

Council Member C. Davis: *The other problem I really have, that was my heartburn, is the fact that we told the developer when he was here before us the last time that a stub would suffice and he went ahead and developed the property with that thought that we gave him and that instruction. And said just use the fire department, so he's already moved forward and accommodated to set the land aside. So I sort of feel like we're to blame to a degree. And, you know, I'm just not sure how I feel about that.*

Mayor Bencini: *Any other comments? The motion that you made, Mr. Ewing, that was to require the TRC recommended left turn lanes?*

Council Member Alexander: *The second I made was not, I wasn't understanding the left turn lanes. I was just, I basically wanted to see that the 200-foot road put in to cross to Blackberry Ridge Road, without any turn lanes.*

Acting Chairman Golden: *Should the motion just read to the recommendation of TRC? And that will take care of it? That is what you recommended, right?*

Mayor Bencini: *He recommended the turn lanes.*

Council Member C. Davis: *Do you want to withdraw your second, though, Mr. Alexander?*

Is that what you're saying?

Council Member Alexander: *If that's the motion, I do.*

Council Member Ewing: *I guess the question, then, is if we just create an access point with no turn lanes and there's already heavy traffic at certain times and we identify once this is put in a year from now, we're still fifteen years away from Piedmont Parkway being extended and we've got to create action then the cost is on us to modify.*

Mayor Bencini: *Or you tell them to call the developer who created it.*

Council Member Ewing: *At our order.*

Council Member Alexander: *Well, I think if you come back in with a new development, Mr. Thomas' property, I think you could attach that as a condition there. But I really, if your motion doesn't get a second, I'll make a motion to just require the access point without the leftovers.*

Mayor Bencini: *You're either going to withdraw your second or you're going to modify the motion. So you're okay with the motion that you made?*

Council Member Ewing: *The TRC plans originally called for a left-hand turn lane and a right-hand turn lane? Or just left?*

Mark McDonald: *I believe both.*

Council Member Ewing: *Both? Do you recall traffic flow either....*

Mark McDonald: *Traffic volumes in that area are pretty evenly split. Probably the most critical of the two lanes would be the westbound, left-turn lane to establish the movement that would potentially stop the flow of traffic. The absence of a right-turn lane may slow down the traffic, but not necessarily stop it. One vehicle turning left would create congestion.*

Council Member C. Davis: *And I would be fine with a right-turn only.*

Mark McDonald: *Again, with a left-turn lane, it would....*

Council Member Ewing: *Right, from a traffic stopping standpoint. So, I would be okay with amending it **TO REQUIRE JUST THE LEFT-HAND TURN LANE AND ELIMINATE THE RIGHT**, but I think that left-hand turn lane is imperative if you're going to create access on a two-lane road where there's 4,500 trips a day. You're going to have some major stoppage.*

Council Member Alexander: *I think that changes the dynamic of....*

Acting Chairman Golden: *It changes everything because I think we're planning for the future when we're adding these turn lanes and I'm not sure how fair that is to the applicant being that we don't know how many years down the road.*

Council Member Ewing: *Well, the traffic is already there.*

Council Member Alexander: *Yeah, but he didn't create the problem and we're giving him a jam. I think we punch through that 200-foot.*

Mayor Bencini: *I see our city attorney has had some conversation with our city manager. Mr. Manager....*

Deputy City Manager Randy McCaslin: *Yeah, I think it's important for the Council to realize that the developer is going to have to accept whatever conditions you place on this. He has offered to not only dedicate, but build that section from his development out to Clinard Farms Road. If you go further than that and put a condition on where he would need to build the turn lanes, he's going to have to accept that and I don't think he's going to do that. So I say that to help your discussion.*

Acting Chairman Golden: *Helping? I don't think we need to put that on him.*

Council Member C. Davis: *I don't either.*

Acting Chairman Golden: *I just want, I'm willing to put the 50 x 200-foot access on him, but definitely not the two turning lanes.*

Council Member Ewing: **I'LL MODIFY MY MOTION.**

Mayor Bencini: **To SIMPLY IMPROVE THE 200-FOOT SECTION...**

Council Member Ewing: **THE DEDICATED RIGHT-OF-WAY TO CREATE ACCESS TO CLINARD FARMS.**

Mayor Bencini: *Well, he will create the access.*

Council Member Ewing: *Yes, access will be created.*

Mayor Bencini: *Alright. Are you okay with that Mr. Alexander?*

Council Member Alexander: *I am. Thank you.*

Mayor Bencini: *Any further discussion? All those in favor, say Aye.*

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

Mayor Bencini: *Opposed? [none]. That MOTION CARRIES. [7-0 vote] [Council Members J. Davis and Wagner were absent]*

[end of transcript]

Adopted Ordinance providing for the rezoning of this property 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 to amend the previous conditional zoning approval in order to revise vehicular access requirements to improve the 200-foot section of the dedicated right-of-way in order to create access to Clinard Farms Road, based on consistency with the City's adopted plans and the action being reasonable and in the public interest.

Ordinance No. 7252/16-72**Introduced 11/21/2016; Adopted 11/21/2016****Ordinance Book, Volume XIX, Page 135****160367****Ordinance - Dale Britt & Jeff Rives - Zoning Map Amendment 16-22**

A request by Dale Britt & Jeff Rives to rezone approximately 10.6 acres from a Conditional Use Residential Multifamily 12 (CU RM-12) District to a Conditional Zoning Residential Multifamily 12 (CZ RM-12) District. The site is lying south of W. Hartley Drive, approximately 25 feet east of Ingleside Drive.

Transcript of Public Hearing

***Herb Shannon:** Yes, your next item is Zoning Map Amendment 16-22. The land area associated with this request consists of approximately 10.6 acres lying along the south side of W. Hartley Drive just east of Ingleside Drive. Just to orient everyone, you have W. Hartley and this is Main Street. This is Ingleside Drive. The area that's cross-hatched is the site in question. This property obtained its current Conditional Use Residential Multi-Family 12 Zoning in January of 1996. The applicant is requesting rezoning of the property through a Conditional Zoning RM-12 District in order to modify those conditions that were placed on the site in 1996. That zoning case that was in 1996 consisted of the zoning of this site and the property to the north. That's the Hartley Square development.*

At that time, Hartley Drive did not go all the way through. The only access was via Main Street along Westover to Ingleside. And due to access issues and traffic issues, the zoning conditions at that time limit the entire site, the area to the north and to the south to 120 dwelling units. There was also a condition that the area lying south of the Hartley Drive right-of-way could not develop until Hartley was extended and there was also a condition that access had to be from Ingleside Drive.

The applicant is requesting this new zoning to remove those old restrictions. They are requesting to develop under the standards of the RM-12 District, which will allow up to 12 units per acre. And they're also asking that the access condition saying that you have to come from Ingleside Drive be removed and they have been working with our Transportation Department to put forth a condition for access from Hartley Drive. Under the RS-12 zoning, up to 127 dwelling units could be developed on this site. At the Planning & Zoning Commission, the applicant amended their condition to restrict the site to 95 dwelling units. Thus two conditions are:

- 1. Access shall be from Hartley Drive. And*
- 2. The site is restricted to a maximum of 95 dwelling units.*

Lee, if you can go to the next slide please. This site is classified on the city's adopted Land Use Map for Moderate Density Residential. This is a composite of our Land Use Map.

The area you see in kind of the orange color is designated as Moderate Density. The darker brown is Medium Density. Those classifications are intended for a wide variety of residential developments, be it single-family, townhomes, and multi-family. That Land Use classification for Higher Density residential was established for this portion of the city's planning area in 1985 and it was carried forward in 1992 and the 2000 Update of the adopted Land Use Plan. So for several decades, this area has been identified as a location for higher intensity development. The key issue is making sure the infrastructure was in place to support it.

I think a key item to note is I believe about three years ago, the Hartley Drive extension was put in. Therefore, the only way in and out is no longer along Ingleside and Westover through this residential neighborhood. There is now direct access straight to the N. Main Street corridor and because of that, the applicant has submitted this rezoning application.

In the Staff Analysis portion of your report, there are three key items that staff would like to touch upon. First, is consistency with the adopted Land Use Plan. As you can see from this map of the City's adopted Plan, the Plan does support higher density residential development in this area. Adjacent developments to the north, the Hartley Square development, is about 3.7 acres with 60 units and has a density of 16 units per acre. You have the Franklin Ridge Apartments. It's about 48 units on a little over five acres. That's about 9 units per acre. Fox Hollow multi-family development has 184 units on 14 acres. That's about 13 units per acre. And as you recall earlier this year, there was a rezoning application for this property at the northwest corner of this intersection for up to 84 units or about 10-14 units per acre. Based upon the manner in which this area has developed and the adopted Land Use Plan, the applicant's request is consistent with the Land Use Plan.

Conditions offered by the applicant would help mitigate impacts. Currently their zoning condition notes that access will be from Ingleside, which means you would have to come through the Avalon subdivision in some manner. Their new condition removes that and they have worked with Transportation doing a turn lane and have access directly from Hartley Drive. That would help mitigate traffic impacts.

There is also a common area that separates the Avalon subdivision from this site. And the Development Ordinance would require a Type C planting yard be installed along this western boundary of the property, which requires five trees and 17 shrubs every 100 linear feet. That's not going to totally screen your view of this site, but as that landscaping matures along that common area, it will help filter views from that residential subdivision to the zoning site.

Another key aspect is changes in this area. In 1995, this was the western limits of the City Limits. Since then there has been substantial development and the City Limits has expanded about a mile and a half westward to Horneytown Road and there's been substantial development in this area along this Hartley Drive corridor consisting of a combination of small lot single-family townhome and apartment complex.

Another key issue is the development pattern. The key issue pertaining to this site is not if multi-family is appropriate as the zoning already permits that. What is the appropriate

density? The applicant has offered a condition to restrict the site to 195 dwelling units and with the expansion of Hartley Drive, there's no longer one way in and out going through that residential neighborhood. You're now on a major thoroughfare, four-lane divided roadway that takes you to the N. Main Street corridor. Based upon the manner in which this area has developed over the past 30 years and the infrastructure improvements with the Hartley Drive extension, staff is making a recommendation of approval for rezoning to the Conditional Zoning RM-12 District with the conditions offered by the applicant.

Staff has noted in the staff report that this request is reasonable in the public interest as the request is consistent with the Land Use Plan, will promote an orderly growth pattern, and also address the Land Use Plan goal of providing higher densities at appropriate location. And

based upon the conditions offered by the applicant and the infrastructure improvements in this area, the request will be compatible with the surrounding area.

The Planning & Zoning Commission reviewed this request at their October 25th meeting and recommended approval with the conditions offered by the applicant by a vote of 5-1. As always, the Council must place in the official record, your statement of consistency and we do offer the items noted in the staff report for your consideration.

I'm sorry, I think I misspoke. It's a maximum of 95 dwelling units-not 195. I apologize. That is a brief summary of this request. Are there any questions of staff at this time?

Mayor Bencini: *The western boundary where the common area is. I believe you said it would be a Type C planting yard. How wide is that going to be?*

Herb Shannon: *Yes. I believe it's an average width of 20 feet. Lee if you can go to the next slide please. I think we have a blow-up of that area. So you do have some wooded areas here, but along that entire western boundary, the Development Ordinance would require that planting yard.*

Mayor Bencini: *There is currently is vegetation in that area.*

Herb Shannon: *There's vegetation on the common area on the Homeowner's Association. The elevation does drop off quite significantly in this area. But there is vegetation here and here. I believe if you scroll down, we do have an aerial. So there is some vegetation here, but the topography does drop off quite steeply and there is existing vegetation in this area and that's part of the Avalon subdivision common area.*

Mayor Bencini: *So the subject property is a lower elevation?*

Herb Shannon: *It's a higher elevation. You have a steep drop down here and then it quickly goes back up, so you have a high point in this area that will most likely require significant grading and then it drops down to a low point here where you have a stream corridor that stops right here and a sewer line that runs through this area. So you kind of go low, high, low and then up again.*

Mayor Bencini: *Thank you.*

Acting Chairman Golden: *At this time, we're going to open up the public hearing for Zoning Map Amendment 16-22, but I have several names here. So I'm going to ask that you guys limit your comment to three minutes and I'll call from the sheet first, then we'll take anybody that hasn't signed up. I have a Ms. Sandy Dill.*

Sandy Dill: *Don't you need to hear from the applicant first?*

Acting Chairman Golden: *I'm sorry. Yes, you are absolutely right. We'll hear from him first. Thank you.*

Tom Terrell: *Thank you. I'm Tom Terrell. My address is 529 W. Parkway, High Point. I represent the applicants, Dale Britt and Jeff Rives, who have owned this property for some*

time. I will tell you it's a delight to be here when the Land Use Plan and the staff and the Planning & Zoning Commission are all recommending that the rezoning be approved by the City Council.

Let me lift up and highlight a couple of the points out of the history that Herb said. First of all, when this property was purchased and originally rezoned, this was one tract right here and the lower portion is limited to 40 units, which is approximately four units per acre when the Land Use Plan, at that time, recommended up to 26 units per acre. It was limited to four and it was limited to four for one reason only and that's because Hartley Drive right here did not exist except as lines on a map. Access would have come from Ingleside and even at that time, access to Ingleside was not very good. Since 1996, three key things have happened.

First, Hartley Drive has been constructed. It is an underutilized major thoroughfare, but it now has been constructed. Ingleside has been constructed to come all the way across, but as has been pointed out, the City aligned Ingleside so that it does not abut this property. So there's really no possibility of access to Ingleside. And the third thing is that there has been a lot of development over the last twenty years and as you can see, RM-12, RM-8, RM-18 was just approved, RM-12, and a lot of density coming in you know in those numbers approved by this Council.

A couple of comments on the density itself. When this application was filed, it was for 125-127 acres depending upon what the exact acreage was calculated to be, but much higher. At Planning & Zoning that number was dropped to a 95-unit density cap. That is 32 units lower than what we think was technically possible or at least conceptually possible. It is a 25% lowering of the density and it's approximately 210 fewer vehicles trips per day than the Ordinance would normally allow at RM-12. As it is capped at 95, it is under nine units per acre.

Herb if you could put up that first slide, even that 95 is a question mark because of the topography. This is a stream feature that comes up right here into the site and most of the development would probably be right here. The cost of getting across that stream feature and you can see it's very steep topography, could be extremely expensive to avoid the stream banks and to create some type of a bridge for what might not be very much buildable space. So very likely, the number will be 95 less some number, but Mr. Britt and Mr. Rives are selling it, they are not getting it rezoned to build. They are going to allow whoever is their buyer to make those decisions based upon what they can put in. So it's up to the buyer to see how that would be done.

A couple of comments about transportation. At 127 units, our Transportation Department did not require a TIA. Certainly one would not be required at 95 units, but there is only one

way to get traffic in and out and that's at Hartley Drive and that would be from a right-in, right-out. There would be no left-over or full movement access because of the median at Hartley Drive.

Regarding all other conditions, this is for the Ordinance to decide. Mayor Bencini had asked about the landscaping. I guess our comment is if the Ordinance is inadequate, let's change the Ordinance, but there's plenty of buffer. Plenty of vegetation on the Avalon side, so we're just going to follow what the Ordinance says and we apparently when we adopted certain

standards, decided that when you have multi-family against residential, a Type C buffer is adequate.

Let me address two or three things that I think you're going to hear in just a few minutes. We had several folks suggest why don't you give this to the County, and let the County have it to add onto Rich Fork. Actually we've tried to get the County to buy it for that purpose. The County, as long as there's a dollar figure involved, the County has not been willing to discuss this with us. We have had some direct communications, but basically they would like a donation. And that's not going to happen. There are some other possibilities with that and Mr. Britt, who is here, can address those as to what could be done with and for the County.

Second, I think you might hear about some stormwater and stormwater endangering the environment. Actually stormwater is not a land use issue, it is an engineering issue and that's handled by Engineering for this site and for every site. It's really an Engineering issue.

And then, finally, what we have heard from the day this was filed is low income housing. It's the ghost of Wynnefield Properties application for 2014 that was met with substantial opposition from Avalon. I was not involved at that time, but I will tell you that it was withdrawn and to my knowledge, this is where Wynnefield is now developing. Right here. That was approved by this City Council sometime last winter/spring. But I think, if you're going to be concerned with what you'll hear, it's truly not low income housing. It's work force housing. It's tax credit housing. Then we need to ask that question of every multi-family development that comes in. There is no applicant, there is no....anybody under contract for that. I can tell you that's a fact. I'm glad to answer any questions. I know Mr. Britt has a couple of comments.

Acting Chairman Golden: *Anybody got any questions before we call Mr. Britt up?*

Tom Terrell: *Thank you for your time.*

Dale Britt: *Mr. Mayor and Council Members, my name is Dale Britt. I'm formerly of High Point. My wife and I moved to Morehead City, North Carolina in 2002, permanently down there. I had a career change down there and I still work every day. But High Point was good to me and I certainly enjoyed living here. We're enjoying our new home now and of course the reason I'm here tonight is to ask for your consideration on this rezoning.*

My history, I was in the real estate business in High Point and was active in the community on the board at the hospital and on the YMCA board just up the street there and tried to be a good citizen here. I've been trying to follow that in Morehead City/Carteret County also. I have been a developer for 25, almost 30 years now I guess and I've developed 25 some

communities, most have been in Guilford and Randolph County. I've developed several within the City Limits of High Point up off Skeet Club, there was the Vineyard and Orchard Knob, Camden Park and in the south end of town, Southpark subdivision and Fairfield. There's several others down that way and some in Archdale and out in the county. Millis Downs out in Guilford County and I developed the Hartley Square project, which is right across Hartley Drive here. And I don't need to reiterate, but obviously when Jim Boyer was planning director in 1996 when we came and we bought the property from Paul Ingle, and we came to the City to look at the rezoning and density issues. You know Jim made the recommendation because of the limited access that it be limited to a total of 100 units. We

developed 60 units there at Hartley Square, which is the crown of that community. I think it's been really nice for us. My philosophy has always been to, you know, to develop communities that my grandchildren and my children would be proud of. And if I go out to eat one night I don't want anybody throwing rocks at me.

If I still lived in High Point, I would be here asking for this same rezoning to develop it myself. But being absentee, it just doesn't make any sense for me. It would be too difficult for me to try it. We have ten acres that's only approved right now for 40 homes. The topography of the property and I'm sure you all have ridden by it and you can see these big hills there and then it falls right off into the creek. The topography is the biggest issue for the development. You couldn't develop, I don't think, 120 some odd units. In fact, I think the site plan that has been, that we have seen, based on the amount of grading and excavation work that would be there, it would be under 90 units probably. We put the 95 cap on it just to give everybody some level of comfort as far as the total density is concerned. But the bottom line is that if it's only, if the zoning is left in place for only 40 units, it's not going to be feasible to try to develop it simply because of the cost of excavation, the grading costs that are going to be involved with it.

I did speak with the Transportation Department with the Town of High Point, the City of High Point, to make sure that my information was correct and they did affirm that Hartley Drive is an underutilized major thoroughfare. You know the increased density, in my opinion, would not only be good for the City of High Point as far as the tax base is concerned, getting obviously more residents there. But it would also be good for everything that's around there. It's a short walk to the YMCA. It's a short walk to Main Street, the businesses that are along Main Street. So I think the increase, this increased density would certainly be good for the entire community from the standpoint of the business community and the YMCA community.

I appreciate your time and Jeff Rives and I respectfully and humbly ask for your support of this request. I'll be happy to answer any questions if you have any.

One more thing that I did leave out that Tom alluded to and that is the east side of the property, there is a very deep ravine that comes between the two sides. The east side of the property is not going to be developed. I don't want to commit, but would like to say that we'd be willing to work with the town and with a future buyer to look at the potential for a couple of acres. If we have a 95-unit density count, that could be built on something shy of eight acres. So if the staff and, of course, the planners in High Point, if it would be agreeable to them, and also if it would be agreeable with a potential buyer. Also since the property would not be used, it might be that an easement could be given there or potentially a gift given there to the Rich Fork Preserve to provide access to Hartley Drive and to add to that. Again, I don't want to give you any false hope that way, I'm just saying that we would certainly be willing to entertain that notion if it works for the City of High Point and it works for a potential buyer. Thank you very much.

Acting Chairman Golden: *Thank you. Alright, I'm going to try this again. At this time, I'll open up the public hearing for Zoning Amendment Case 16-22 and I will be starting with the first name on the list and if you guys will try to keep it around three minutes.*

Ms. Sandy Dill.....

Sandra Dill: *I would prefer to go last if that's alright.*

Acting Chairman Golden: *Toby Thomas.*

Sandy Dill: *She is going to donate her three minutes to me. She's right here.*

Acting Chairman Golden: *Do we donate minutes?*

Mayor Bencini: *We don't have any obligation to donate minutes.*

Acting Chairman Golden: *Ms. J. Edward McCracken.*

Unidentified Person in Audience: *The same thing, will donate three minutes.*

Mayor Bencini: *We don't donate minutes, so if you want to speak, you can come up here and speak. Otherwise you don't get to speak.*

Clifton Scott: *Good evening Mayor and Council. My name is Clifton Scott. I live at 784 Avalon Springs Court, just inside the Avalon first street, turn on the right, third house down. Like we continued over the last couple of years here and here again from developing these properties along Hartley. My biggest issue today, as in the past, is that as a citizen and as a person who grew up in multi-family housing or different housing, as I became able to get my own single-family home, I tended to want to give myself some peace and my kids peace and grandkids, you know in single-family development. But as we continue to look around, even in some of the other developments that come before you guys put single-family homes in and then we continue to put in multi-family units around those units. I don't think myself or, and I speak for most people in that community as a prior board member, we didn't sign on to get away from a lot of multi-family homes to get into a single home development to now have to be encircled by multi-family homes. I know it's an issue of, you know, a benefit of the businesses in the areas and things like that, but we provide a great service to those businesses as well. But to encircle, now encircle us inside a selection of multi-family homes is like you're intending to drive us out. If you look into the community now, there's more and more homes for sale signs going up, but not necessarily individuals buying because now they're being bought by brokers and property management companies because they can throw a renter in there who's happy to move into a single-family home. A lot of us that own our homes there, we're just getting tired of being built around and now we're enclosed in a circle. You know, whether we talk crime or traffic, or whatever comes with that, it still takes with the fact that I chose to move my family out of multi-family homes and move into a subdivision of single-family homes not to be surrounded by multi-family homes. I could have stayed where I was at you know essentially with the exception that I have my own house. I mean it benefits some and not benefit to all. It's just the fact that we're continuing to grow our cities and our subdivisions are now becoming cities. You know developers are building land outside the cities and putting single-family homes in, but then another developer comes along and says "well, let's reclassify this zone or this density so we can build multi-family homes." So the single-family home buyer is put back into the same situation that we attempted in most cases to try to move out of. Does anybody have any questions? That's all I have to say. What I'm being subjected to in this day and economy, you know, for some people it's just as easy to pack up and move. You know, for me, it's not. I have two girls in college and you know it's just not feasible to pack up and move at this point. But that's where we've been*

drive to, drive out of our neighborhoods because we're constantly getting multi-family homes. [beep] Thank you.

Acting Chairman Golden: Von Miller.

Von Miller: My leg went to sleep. Mr. Mayor, City Council Members, thank you for hearing my concerns. My name is Von Miller. I live at 408 W. Parris Avenue. The reason I'm addressing you is my concerns regarding this change in the rezoning of this property is the Rich Fork Creek Preserve. The property lies adjacent to the Rich Fork Creek Preserve. The density of development will affect the quality of the future usage for the citizens of High Point. This is High Point's part of the preserve system. It's High Point citizens who paid for it even though the County owns it. It was through taxes rendered from High Point residents. I am very....

Mayor Bencini: And also Guilford County. Guilford County bond referendum paid for it, so it's not just High Point citizens that bought it.

Von Miller: But it's High Point's portion of those purchases for the Preserve.

Mayor Bencini: You'd have to go back and look at all the different sites that were bought by Guilford County and I don't know how proportional it is, but it wasn't just High Point's money that just bought that. High Point's tax dollars went to buy the open space parcels all over the County, not just this one.

Well I was on the County Commission when we bought it so I think I know what I'm talking about.

Von Miller: I accept your admonishment, Sir; however, this is High Point residents and High Point citizens basic, real gem that may exist in the future for our High Point residents.

Mayor Bencini: I'm not arguing that, I'm just telling you that it's not accurate to say that High Point's taxpayer dollars only went into the purchase of Rich Fork Creek. That's not correct. Please proceed.

Von Miller: It is the Council's responsibility to look after the interest of the citizens who did purchase this land. It has the opportunity to be a real gem, a really wonderful place for High Point residents to utilize. I am concerned about the future run-off into the Rich Fork Creek itself. Much of the headwaters of that creek originate within this property. I'm concerned about future run-off from residential development, nitrogen for fertilizing lawns, as well as old cars. I've driven renegades and junk yards a lot of my life and they do leak fluids and those fluids do run downhill. I wish that you protect this preserve, the investments of the County residents, and the consideration of this rezoning. Thank you.

Mayor Bencini: Thank you.

Acting Chairman Golden: Mr. Mike Menzil.

Mike Menzil: I'm Mike Menzil, 810 Hartley Hills Court. Good evening. I come before you tonight to speak on behalf of the Avalon Homeowner's Association in opposition to this zoning map amendment. Let me start out by saying that Mr. Terrell, there's no buyer and no plans

currently to develop the property. Mr. Rives and Mr. Britt just want to make it more marketable. The Association does not believe that this to be the case. The Association was told by Mr. Terrell that even if the zoning map amendment is approved, the buyer would have to come back to City Council for approval to build. That's not true. As an example, Ms. Dill, President of our Association pulled the transcript from a City Council meeting dated 4/13/2015 when the Planning and Development Department needed to amend the 2014-2015 Action Plan and Section 108 funding so Kirkwood Crossing, a work force housing project, the City has partnered with Wynnefield Properties to build and to be approved for funding. In that meeting, Council Member C. Davis asked Michael McNair, when was the first notification sent out to the public. Do you remember? Mr. McNair replied in 2011 when the property was rezoned. It was not a requirement for these amendments to send out notifications. It is the Association's conclusion that if this zoning map amendment is approved, we will not be given the chance to challenge what is built on this site. As was the case in the above-mentioned example. It was four years between the notification of zoning and request for funding that didn't require notification. That is how Kirkwood Crossing, a low income, subsidized work force housing complex, was so easily passed. It is not common knowledge amongst most High Point citizens that the City has a developer looking for every available site to develop low income, subsidized work force housing. It is common knowledge amongst the members of the Avalon Homeowner's Association if the property fits HUD requirements, do everything you can to get the property for work force housing.

Per staff reports submitted by the Planning and Development Department, this zoning map amendment will add 16-17 additional students to High Point Central. What Council is not being asked to consider is that the City Council has already approved Hartley Ridge and Kirkwood Crossing, two work force housing projects. This site, Kirkwood Crossing and Hartley Ridge combined will add an estimated 49-53 more students to an already over capacity school. The maximum capacity for High Point Central is 1,392. What the City Council continually ignores, fall enrollment for 2016 was 1,474 for High Point Central. The staff report also states that the zoning map amendment will be generally consistent with moderate density and medium density residential development in the area. Is this consistent or not?

Next, the staff report states there will only be one access point to and from the site. It'll be located on W. Hartley Drive, but it also states [beep] that access can also be gotten from W. Parris Street and our subdivision. Our subdivision is only a one lane in and one lane out road. We cannot withstand any more traffic in our subdivision and with the added traffic from Hartley Ridge the City Council has already approved, there should be a requirement for a traffic study to be done, but the staff report said it was not required. If you'll look under Transportation, you'll see the average daily trips are listed at 4,000. It should be 7,681. The city is using the same data that was included in the staff report for the Hartley Ridge site that was approved just six months ago and they didn't do another traffic study after that.

Acting Chairman Golden: Mr. Menzil, thank you Sir. I have, I can't read it, but the address is 710 W. Parris. I can't read the name. [no show]

Alright, Ms. Dill, you're up.

Sandra Dill: Thank you. I am the current president. My name is Sandra Dill. I live at 815 Hartley Hill Court, High Point, North Carolina. I am the current president of the Avalon Homeowner's Association and I come before you tonight on behalf of the members of the

Association to oppose this zoning amendment and to bring to light some very disturbing facts about this case to the citizens of High Point. When members of our Association, myself included, attended the P & Z Commission meeting on October 25th to oppose this zoning amendment, Commissioner Tom Kirkman addressed Attorney Tom Terrell, who was representing Mr. Rives and Mr. Britt in this zoning case, by his first name. When it was conveyed to Mr. Kirkman that he had just called Mr. Terrell by his first name, Mr. Kirkman stated, "he is my friend." When Mr. Kirkman realized what he had just said, he also included, "you are my friend too." Mr. Kirkman is not my friend. I do not even know Mr. Kirkman other than seeing him in this building. That is not the case with Mr. Terrell.

Mr. Terrell gave a PowerPoint presentation during the meeting and after the public comment period was closed, Mr. Kirkman asked Mr. Terrell if his clients, Mr. Britt and Mr. Rives would negotiate on the number of units they were seeking. Mr. Terrell, without even speaking to his clients, stated that they would compromise with 95 units. Mr. Kirkman agreed to limit the density to 95 units. It is not a coincidence that Mr. Terrell's presentation listed 90 units and he settled for 95. As soon as we heard Mr. Kirkman start negotiating, we voiced our concerns and were ignored. At that point, we knew that Mr. Terrell was going to get his clients exactly what they wanted and he did.

And it has also come to the attention of the Association that Mr. Terrell has close, personal and professional ties with a multitude of people within the Planning & Zoning Commission, Community Housing & Development, the High Point Economic Development Corporation, and this very City Council. Mr. Terrell was the Chairman of the project steering committee for the High Point Core City Plan that City Council adopted on February 8, 2007. Also serving on that committee were Mayor Bencini and Councilman Jay Wagner. On Page 3 of the acknowledgements, it is stated and I quote, "Finally, a special thank you to Thomas Terrell for graciously taking on the role of chairman of the project steering committee and for his involvement with community presentations on the plan and his work on the project video." Mr. Terrell was also part of the drafting of the new Development Ordinance that will be taking effect in January, 2017. He served on the Update Advisory Committee, which also included Mayor Bencini, Council Members C. Davis, Jason Ewing and Jay Wagner.

The Avalon Homeowner's Association can also link Mr. [beep] Terrell to the following list of High Point city employees. Council Members Alexander, Golden, Williams and Hill; P & Z Commissioners Armstrong, Hough, Stone, Walsh and Kirkman; Community Development & Housing Director Michael McNair; Planning & Development Senior Planner Herbert Shannon, Jr., and Development Services Administrator Robert Robbins, who personally stated to me that he knew Mr. Terrell because he had been before Council numerous times before for zoning cases. Mr. Terrell is also a member of the Board of Directors for the High Point City Project and is a member of the Board of Directors for High Point Chamber of Commerce as is Mayor Bencini.

You may all be wondering why I bring all these connections up. I looked at the High Point City Council Code of Ethics and it states,

"Councilmembers should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- *Adhering firmly to a code of sound values;*
- *Behaving consistently and with respect toward everyone with whom they interact;*
- *Exhibiting trustworthiness;*
- *Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinion and ideas of others;*
- *Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves;*
- *Not reaching conclusions on issues until all sides have been heard; etc....*

Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach."

On October 19th, as the president of the Avalon Association, I sent an email to our Councilman Wagner and advised him of this zoning amendment and density increase request and asked Mr. Wager, "Do you support the rezoning of this property?" Mr. Wagner answered back and I quote, "This is the first I have heard of this situation. I will look into it and see what I can find out." When he didn't get back to us, I emailed him again on October 22nd asking, "Do you have any information for us" and also letting him know that another member of our community was told that the mayor advised the city council members not to have private conversations with their ward members and asked Mr. Wagner if that was true. When Mr. Wagner still did not respond, I emailed him one last time on October 24th and asked if there was any information or advice he could give us. To this day, we have never heard back from Mr. Wagner and we have been left to draw our own conclusions. The only two conclusions that the community can draw at this point are either what the member heard about what the mayor was saying is true because when Mr. Wagner did some checking and found out that Mr. Terrell was representing Mr. Britt and Mr. Rives, he decided to turn his back on our community. You should be reminded that you work for the citizens of this city, not the mayor as well as the rest of the Council.

Due to the fact that nobody on this Council has admitted prior to this zoning amendment hearing that they have had extensive personal and professional contact with attorney Tom Terrell, we, the Association believe that the City Council has violated its Code of Ethics at the very least. When the Planning & Zoning Commission held their meeting on October 25th, no commissioner admitted that they had close, personal and professional contact with Mr. Terrell either. Also in attendance at both the P & Z meeting and the City Council meeting have been employees of the Planning & Development Department and Housing & Economic Development Department, who have also neglected to divulge their close, personal and professional relationships with Mr. Terrell. It is the opinion of the Avalon community that this City Council should not vote on this matter due to all the reasons mentioned above. The Avalon community is aware that the city is planning to develop 250 or more low-income, subsidized workforce housing units in 2017 and believes that Mr. Terrell is using his extensive personal and professional contacts within the city to get this zoning amendment and density increase passed so that workforce housing can be put at this site.

Acting Chairman Golden: *Ms. Dill, I'm going to have to cut you off.*

Sandra Dill: *Okay. I will tell you that we have gathered all this information and created a packet that will be going in the mail tomorrow to the State Attorney General's Office hoping that they will investigate this matter. [applause]*

Mayor Bencini: *That's out of order.*

Acting Chairman Golden: *Is there anyone else to speak on this matter that did not sign up that would like to speak? Alright, then I will close the public hearing for this matter and open it up for discussion by Council.*

Council Member Alexander: *I'm extremely familiar with this piece of property over here. The Hedgecock family used to own a fair amount of it and I actually bought from a developer on the map there where it says CU RS-7, I actually bought that piece of property and was going to build a house there and Wayne Mabe's wife wanted to move across the street from her brother, Benny Inman, and she called me one day and I negotiated a wonderful deal, much to Wayne's chagrin. I'm real familiar with the creek that runs down through there. I'm real familiar with the drainage basin that's there because I was going to build a house there. The topography I'm very familiar with and it's a rough piece of land, but as development has occurred over the last 30 years, north, that drainage basin, that creek has gotten deeper and deeper and deeper. So it's all the way in many places down to the bedrock. I was very familiar with George Hedgecock. My family lived on the corner of Greenwood and Parris. We'd go down to George's property and we'd walk the property and George was constantly digging the creek out to get the sand to fill in his driveways. So there's been natural erosion in that area for many, many years. This small development is going to be required to have drainage collection on site and post up to the first inch of water. So I don't, I mean as far as the drainage issue, I don't see the drainage issue. And I'm very familiar with that piece of land and how rough it is because like I said, I was going to build a house there and I walked all that property 25 years ago and knew it extremely well. And they're right, the development that occurs is going to have to be on that northwest corner. As you move past that stream buffer going back towards that Rich Fork Creek there is rough and it's beautiful and it's undevelopable. So, I mean it's going to end up in that upper corner. So, I have no problem with moving forward with it.*

You know, I will tell you and you can look it up, Tom Terrell has donated \$100 to my campaign for however many years you want to go back and look, but I have no other influence with Tom Terrell. So I thank you for impugning or threatening to impugn my integrity, but it's not there.

Mayor Bencini: *Mr. Alexander, correct me if I'm wrong, I believe you and I both together worked really hard to work when Avalon was established as a neighborhood.*

Council Member Alexander: *Yes.*

Mayor Bencini: *There were folks that said this was going to be the end of the world when we built Avalon.*

Council Member Alexander: *On down to Londonderry Apartments and Shadow Valley and that kind of thing. It's typical once people move in, they don't want anybody else to move in.*

Council Member C. Davis: *Lee, I had a question for you. When I served on Planning & Zoning, the conditional use, there was some housekeeping that was being done to change the conditional uses to conditional zoning, which we implemented when I was on Planning & Zoning. Had this came through as a housekeeping item, I wouldn't have much problem with it and I really don't have a whole lot of problem because it's going from the units that are allowed right now is from 40 to 127. So they're actually knocking it down to 95, which is a 32 decrease in what's allowed if they were just doing housekeeping. Because all the conditional uses have to come back and be changed to conditional zoning. So with the decrease of 32, that's to the benefit of those neighbors that are here—not to the detriment of.*

And I would like to comment also on my familiarity with Mr. Terrell. On my tenure on Planning & Zoning was the only time that I knew Mr. Terrell and I've never had dinner with him. He's never contributed to my campaign and I don't know him outside these four walls. So with that being said because the number is going down and not up, I don't have a problem supporting this. But I will say this, that whoever buys the property can come back in and have it reheard again based on whatever they want to do with the property and then it would be revisited then. But because it is going down by 32, which is less of an impact on that neighborhood, I can support it.

Mayor Bencini: *Thank you, Ms. Davis. Is there anybody else?*

Acting Chairman Golden: *Yes. I did take the time to read about the opposition prior to tonight and it looks to me like all these issues was addressed except for one. They talked about the traffic. We talked about the schools. We talked about workforce housing. We talked about density being too high and we found out it's going to be lower than expected. We talked about the environmental impact. I'm just a little bit confused where you got the increased crime from. Does multi-unit housing automatically say more crime? Anybody can answer that in the audience. I just wanted to put that out. Yes, Ma'am.*

Sandra Dill: *If you'll look at this map down on Shadow Valley, I don't know 120 or whatever it is. I live on Hartley Hill Court.*

Acting Chairman Golden: *The 120 is not workforce housing.*

Sandra Dill: *Well, whatever the name of the low income housing apartment complex is that's on Shadow Valley. On Celtic Crossing, there's what they call the "tut." A panel has been removed from our fence that separates that apartment complex from us. The gentleman who lives in the house behind me, at 10 o'clock in the morning, they kicked in his backdoor and started carrying everything possession he had out of that house and through the woods over to the apartment complex. At 10 o'clock, shortly after—about 45 minutes after, they started carrying everything out, he came in the front door not knowing they were carrying stuff out the backdoor and saw them and called the police. The police*

brought the K-9 units out, but when they got into the woods, there were so many scents, they couldn't track them to a certain apartment over there. We've had graffiti in our neighborhood. We still have some that the city hasn't cleaned up. They're also responsible for the graffiti that was put on the gray wall by the condos that they developed.

Acting Chairman Golden: *Okay, I just wanted to see how multi-unit housing automatically increased the crime. Thank you.*

Council Member C. Davis: *I just wanted to point out, too, that when we're looking at it....*

Acting Chairman Golden: *The public hearing has been closed. I shouldn't have called her up.*

Council Member C. Davis: *The CU RM-12, the changeover to CZ RM-12, there's no change. The only change is the decrease of the 32 units that are going down. So the use is the same. The use is the same. Well right now, you see, what you don't understand and I want to make sure that you leave here understanding. Okay? I want to make sure that you understand so you have to listen to really understand. Right now it can be as little as 40 units or as many as 127. What they're wanting to go down to is 95. That's 32 less units. Thirty-two less. That's in your favor. That's not against you. It's in your favor.*

[several people in audience talking at once] [Mayor pounds the gavel]

Acting Chairman Golden: *I call the question.*

Mayor Bencini: *Any further comments?*

[Sandra Dill talking out of order] [Mayor pounds the gavel]

Mayor Bencini: *Any further Council comments? Is there a motion?*

Council Member Alexander: **MOTION TO APPROVE.**

Mayor Bencini: *Is there a SECOND?*

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

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

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

Mayor Bencini: *OPPOSED? That MOTION CARRIES. [7-0 vote] [Council Members J. Davis and Wagner were absent]*

[end of transcript]

A motion was made by Council Member Alexander, seconded by Council Member C. Davis, that Zoning Map Amendment 16-22 be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

Adopted Ordinance providing for the rezoning of this property from a Conditional Use Residential Multifamily 12 (CU RM-12) District to a Conditional Zoning Residential Multifamily 12 (CZ RM-12) District based on the statements contained in the Staff Analysis section of the staff report, consistency with the City's adopted plans, and finds this action to be reasonable and in the public interest.

**Ordinance No. 7253/16-73
Introduced 11/21/2016; Adopted 11/21/2016
Ordinance Book, XIX, Page 136**

GENERAL BUSINESS AGENDA

160368 Boards & Commissions - Reappointments - Housing Authority of High Point

Council is requested to confirm the reappointment of Commissioners Jim Grdich and Laura Wiley to the Housing Authority of High Point. Appointments will be effective December 22, 2016 and will expire December 22, 2021.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, that these re-appointments be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent].

160369 Minutes to be Approved

- Finance Committee Meeting; Thursday, November 3rd @ 4:00 p.m.
- Manager's Briefing; Monday, November 7th @ 3:30 p.m.
- Regular Council Meeting; Monday, November 7th @ 5:30 p.m.
- Community Housing & Neighborhood Development Meeting; Tuesday, November 8th @ 10:00 a.m.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, that the preceding minutes be approved as submitted. The motion PASSED by a 7-0 unanimous vote. [Council Members J. Davis and Wagner were absent]

Introduction of Communications Specialist Jolie Helton

Jeron Hollis, Director of Communications and Public Engagement, explained that his department has recently gone through some restructuring and proceeded to introduce his newest employee, Jolie Helton. Jolie comes to High Point from Greensboro.

ADJOURNMENT

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

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk