

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*



Meeting Agenda

Monday, December 8, 2014

5:30 PM

Council Chambers

City Council

*James C. Davis, Mayor
Foster L. Douglas, Jason P. Ewing,
Jeffrey J. Golden, Judith P. Mendenhall,
Britt W. Moore, Rebecca R. Smothers,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**REGULAR AGENDA ITEMS**

- [140371](#) Budget Ordinance Amendment - Meredith Street Apartment Demolition
Council is requested to adopt an ordinance amending the 2014-2015
Budget Ordinance to appropriate funds in the amount of \$55,600 for the
demolition of the Meredith Street Apartments.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

- [140372](#) Minutes to be Approved
Regular Council Meeting - Monday, November 17th @ 5:30 p.m.
Special Meeting - Tuesday, November 25th @ 4:00 p.m.

- [140373](#) Approval of Closed Session Meetings
Closed Session Minutes to be Unsealed/Approved
December 17, 2012
December 20, 2012
July 15, 2013
August 5, 2013
September 5, 2013
October 7, 2013
October 21, 2013
March 17, 2014
April 7, 2014
May 5, 2014
June 5, 2014
July 21, 2014
September 15, 2014
October 2, 2014

Closed Session Minutes to be Approved (Permanently Sealed)
February 17, 2014
February 27, 2014
March 3, 2014
March 17, 2014
April 3, 2014
April 21, 2014
May 5, 2014
June 10, 2014
July 21, 2014
August 15, 2014
October 6, 2014
October 16, 2014
November 3, 2014
November 25, 2014

Closed Session Minutes to be Approved (but to remain sealed at this time as to not frustrate the purpose)

October 1, 2012

October 15, 2012

December 17, 2012

October 6, 2014

November 3, 2014

Remarks from Outgoing City Council Members

ADJOURNMENT

6:00 p.m. - INSTALLATION OF 2014-2017 CITY COUNCIL/ORGANIZATIONAL MEETING

OATHS OF OFFICE ADMINISTERED TO NEWLY ELECTED CITY COUNCIL MEMBERS FOR 2014-2017

ORGANIZATIONAL MEETING OF THE 2014-2017 CITY COUNCIL

- [140374](#) Election of Mayor Pro Tem
Consideration of the election of Mayor Pro Tem. Term to be effective immediately and will expire on year from the date of election.
- [140375](#) Consideration of Appointments to Committees of City Council (2014-2017)
Council is requested to confirm the appointments of respective Council Members to serve on the various Standing Committees of the City Council for the period of 2014-2017.
- [140376](#) Confirmation of Appointments of Council Liaisons to the Various Boards and Commissions for the period of 2014-2017
Council is requested to confirm the appointments of the respective Council Members to serve as liaisons to the various boards and commissions. Appointments to be effective immediately and liaisons will serve until the next organizational meeting of the Council in 2017, or until further action is taken by Council.
- [140377](#) Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council
Consideration of an Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council. Meeting schedule to be effective December 8, 2014.

ADJOURNMENT AND RECEPTION



STANDING COMMITTEES OF CITY COUNCIL – COMPOSITION
(2014-2017)

Day & Time of Meetings

Finance Committee

Jim Davis, Chair
Cynthia Davis
Alyce Hill
Chris Williams

1st & 3rd Monday (Council Week)
@ 4:30 p.m.

Community Housing & Neighborhood Development Committee

Jeff Golden, Chair
Latimer Alexander
Jason Ewing
Chris Williams

2nd Tuesday @ 10:00 a.m.

Planning & Development Committee

Jay Wagner, Chair
Cynthia Davis
Jim Davis
Jeff Golden

Tuesday after 1st Monday meeting
@ 4:00 p.m.

Prosperity & Livability Committee

Jason Ewing, Chair
Latimer Alexander
Alyce Hill
Jay Wagner

1st Wednesday @ 9:00 a.m.

These committees will meet as needed and could be subject to cancellation if there is no business to be considered.

Sec. 2-1-22 - Official action by city council. (High Point Code of Ordinances)

Official action by the city council can only be taken at a regular, special, or continued meeting of the city council, which includes continued public hearings and properly scheduled or called meetings. No standing or special committee of the city council shall have the power to act for the city council regardless of the number of city council members on the committee or present.

All committee meetings are open to the public, and interested parties are encouraged to attend and participate.

**HIGH POINT CITY COUNCIL
NOVEMBER 17, 2014 – 5:30 P.M.
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

MINUTES

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Council Member Golden offered the invocation; the Pledge of Allegiance followed, which was led by Troop Members of Cub Scout Troop 24.

Present: Mayor James C. Davis (Ward 5), Council Member Rebecca R. Smothers (At-Large), Council Member Britt Moore (At-Large); Council Member Jeffrey Golden (Ward 1), Council Member Foster Douglas (Ward 2); Council Member Judith P. Mendenhall (Ward 3); and Council Member Jay Wagner (Ward 4); and Council Member Jason Ewing (Ward 6)

RECOGNITIONS AND PRESENTATIONS

140337 Cub Scout 24 - Covenant United Methodist Church

The Cub Scout Troop 24, Wolf Den, of Covenant United Methodist Church and their Den leaders, will be present at the Monday, November 17th meeting to lead the City Council meeting in the Pledge of Allegiance.

Some of the Troop 24 Cub Scouts and family in attendance were: Anthony Meriwether, Ben Beamer, Tristen Loria, Jakob Erhart, Connor Horning, Colten Frias, Graham Sutherland, Eric Jackson, Alex Biege, Andrew Biege, Nicholas Pipkin, Bryce Welder, Elias Woodruff, Aris Pappas.

140338 Presentation- Keith Pugh - APWA NC President's Award

Mr. Russell Byrd, President of the North Carolina APWA (American Public Works Association), will be present to present Keith Pugh, Engineering Services Director, with the APWA NC President's Award.

Mr. Russell Byrd, PE, PWLF, APWA-NC Chapter President, was present to recognize Keith Pugh, Director of Engineering Services. He noted that in June he presented the President's Award to Mr. Pugh. This award is given at the discretion of the President to individuals who make significant contributions to the success of a Chapter. Mr. Byrd then shared a long list of Mr. Pugh's contributions to the APWA at the national and state level: board member and past president of the Administrative Management Division; Chapter Executive Board Member since 2007; current Chair of the National Government Affairs Committee; current member of the NCLM Legislative Action Committee for Planning and Environment; on the National Awards Review Committee; current Chair of the Chapter Awards Committee; planned their State Conference in 2010; Chapter President in 2011; in 2012 he became one of the inaugural members of the National Public Works Leadership Fellow Program; in 2013, he co-chaired the 2013 APWA North American Snow Conference, which was held in Charlotte (the first time this event was held south of the Mason Dixon); in 2014 he is the current representative on the Council of Chapters for the Chapter. He pointed out Mr. Pugh is the only member of the APWA-NC Chapter to receive the President's Award four times. These awards are indicative of Mr. Pugh's outstanding contributions to the Public Works profession.

Mr. Byrd then read the plaque that was presented to Mr. Pugh recognizing his efforts during the year which have contributed to the success of the APWA-NC Chapter and added without Mr. Pugh's contributions, they would not have a Chapter. [applause/standing ovation]

Keith Pugh shared that his staff carried some of this load, as well as his family and friends, while he has been away and expressed appreciation for the support he has received from the City of High Point and his APWA family. [applause]

140339 Proclamation - Police Reserve Officer Unit Day

Police Chief Marty Sumner and Captain Gart Evans, Executive Officer of the Reserves, and members of the High Point Police Reserve Officers, will be present to receive a Proclamation designating Monday, November 17th at "High Point Police Reserve Officer Unit Day" in the City of High Point.

Mayor Davis read a Proclamation into the record designating Monday, November 17th as "High Point Police Reserve Officer Unit Day" in the City of High Point. The Proclamation was presented to Chief Sumner and Captain Gart Evans. [applause and standing ovation]

Chief Sumner then asked the Reserve Officers present in the audience to remain standing so they could be recognized.

14034 Recognition - High Point University Sports Teams - Big South Championships

Members of the High Point University Women's Soccer Team, Men's Cross Country Team and Women's Cross Country Team will be in attendance for recognition as Big South Championship winners.

Council Member Moore read the following statement into the record in recognition of the High Point University Bit South Championship Teams.

"Be Extraordinary! If you look on the promotional and marketing information for High Point University, that is a repeated theme for their organization. And truly, High Point University has been extraordinary. Whether it is building or developing a campus that is unlike any in the county, or being named as the best Regional College in the South for three consecutive years, High Point University has transformed our community and is one of our city's crown jewels.

High Point University's mission of creating an extraordinary environment has even spread to their athletic programs. For 2014, three of the University's sports programs have won the 2014 Big South Conference Championship. Congratulations to the High Point University Women's Soccer team coached by Marty Beall; the High Point University Women's Soccer team coached by Mike Esposito; and the High Point University Women's Cross Country team coached by Jenna Wrieden.

You have not only made your university proud, you have made the entire High Point community proud. We would like to applaud your accomplishments and encourage you to continue your extraordinary tradition of excellence.

At this time, I would like for High Point University's athletic director, Dan Hauser, to come forward and make a few remarks and recognize any visitors he may have brought with him in the audience."

Mr. Hauser then introduced some of the athletes that were present in the audience:

- HPU Women's Soccer: Head Coach Marty Beall; Elise, a senior
- HPU Women's Cross Country: Head Coach Jenna Wrieden; and Nataya, a sophomore.
- HPU Men's Cross Country: Head Coach Mike Esposito; and Jeff, a junior.

Mr. Hauser praised the student athletics on their achievements with academics and shared that their collective GPA is a 3.13. They also graduate 97% of the students athletes that complete their eligibility at HPU graduate.

The student athletes present were then given an opportunity to share their comments.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member Moore, Chair

140341 Contract Extension - Sharpe Brothers - Resurfacing

Council is requested to approve a contract extension (change order no. 3) with Sharpe Brothers in the amount of \$284,459.08 to complete the resurfacing of Cedrow Drive from Pendleton Street to Scientific Street as well as other paving projects within the city.

Mayor Davis asked staff if this would complete the Cedrow Drive improvements. Keith Pugh, Director of Engineering Services, replied that it would.

Approved a contract extension (change order no. 3) with Sharpe Brothers in the amount of \$284,459.08 .

A motion was made by Council Member Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140342 Supplemental Agreement- NCDOT - Model Farm Road Bridge Replacement

Council is requested to approve a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) for the replacement of the Model Farm Road Bridge.

Council Member Ewing asked about the breakdown of the cost. Terry Houk, Director of Public Services, explained NCDOT would be responsible for \$848,000 and the City of High Point would contribute \$212,000 to the project.

Approved a Supplemental Agreement with North Carolina Department of Transportation (NCDOT) for the replacement of Model Farm Road Bridge.

A motion was made by Council Member Mendenhall, seconded by Mayor Davis, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote.

140343 Contract - Jacobs Place - Stormwater Improvements

Council is requested to authorize the execution of contract with Hazen & Sawyer in the amount of \$287,476.00 for the design and contract administration for the Jacobs Place watershed (Jacobs Place 1 and Jacobs Place 5) stormwater improvements.

Approved the contract with Hazen & Sawyer in the amount of \$287,476.00 for the design and contract administration for the Jacobs Place watershed (Jacobs Place 1 and Jacobs Place 5) stormwater improvements.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140344 Contract - Cameron Development Group - Corporation Drive Pump Station

Council is requested to authorize the execution of contract with Cameron Development Group in the amount of \$381,690.00 for the replacement of the existing Corporation Drive Pump Station.

Authorized the execution of contract with Cameron Development Group in the amount of \$381,690.00 for the replacement of the existing Corporation Drive Pump Station.

A motion was made by Council Member Moore, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote.

140345 NCDOT - Demonstration Grant - Furniture Market Transportation Funding

Council is requested to authorize the Interim City Manager to execute a Transit Developmental Program Noncapital Public Body Grant Agreement with the North Carolina Department of Transportation (NCDOT) for the Furniture Market Transportation Funding Grant in the amount of \$1,200,000.00.

Authorized the Interim City Manager to execute a Transit Developmental Program Non-capital Public Grant Agreement with the North Carolina Department of Transportation in the amount of \$1,200,000.00.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1418/14-58
Introduced 11/17/2014; Adopted 11/17/1014
Resolution Book, Volume XVIII, Page 140**

140346 Purchase of Property - 3308 E. Kivett Drive

Council is requested to authorize the City Attorney's office to proceed with the purchase of property located at 3308 E. Kivett Drive for possible future expansion of the Traffic & Sign Shop.

Mayor Davis inquired about an appraisal for this property. Henry Moon, Right-of-way Agent, explained the appraisal came in below tax value at \$53,600 and noted plans are to demolish the structure on the property. He explained that the City now owns all property around it.

Council Member Ewing asked if there was an immediate need for this property. Mr. Moon replied there was not an immediate need, but was recommending acquiring it while it was available.

Authorized the City Attorney's office to proceed with the purchase of property located at 3308 E. Kivett Drive for possible future expansion of the Traffic & Sign Shop.

A motion was made by Council Member Smothers, seconded by Council Member Douglas, to authorize the City Attorney's office to proceed with the purchase of the property located at 3308 E. Kivett Drive. The motion PASSED by a 7-1 vote as follows:

Aye (7): Council Member Douglas, Council Member Golden, Council Member Mendenhall, Council Member Smothers, Council Member Wagner, Moore, and Mayor Davis
Nay (1): Council Member Ewing

140347 Lease of Property - Main Street Parking Deck - 115 S. Main Street

City Council is requested to authorize the Interim City Manager to execute a lease agreement for the Main Street parking Deck with the High Point Plaza Hotel.

Council Member Smothers pointed out nothing has changed since Council was last briefed on this matter and expressed appreciation for the improvements that will be made.

Authorized the Interim City Manager to execute a lease agreement for the Main Street parking Deck with High Point Plaza Hotel.

A motion was made by Council Member Wagner, seconded by Council Member Mendenhall, to authorize the Interim City Manager to execute a lease agreement for the Main Street Parking Deck with the High Point Plaza Hotel. The motion PASSED by an 8-0 unanimous vote.

140367 Capital Project Ordinance Amendments

Council is requested to adopt a capital project ordinance amendments for the Series 2012 Downtown Improvements Project.

Council Member Smothers shared that she sent a summary of the Comprehensive Planning Committee meeting to Council that reflects what was discussed in Committee.

Adopted capital project ordinance amendments for the Series 2012 Downtown Improvements Project.

A motion was made by Council Member Moore, seconded by Council Member Mendenhall, that these Capital Project Ordinance Amendments be adopted.. The motion carried by the following 7-1 vote:

Aye (7): Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, Moore, and Mayor Davis
Nay (1): Council Member Wagner

Ordinance Nos:

1805/14-84 page 137

1806/14-85 page 138

1807/14-86 page 139

Introduced: 11/17/2014; Adopted 11/17/2014

Ordinance Book, Volume XVIII, Page(s)

Pending Items

140296 Contract - Washington Street Streetscape Project

Engineering Services recommends that Council approve the base bid with both alternates and award contract ENG2014-003 Washington Street Streetscape Project to Atlantic Contracting at the bid amount of \$438,327.50. (At the October 6th City Council meeting this item was referred back to committee to receive further information.)

This matter was initially introduced on October 6th and was referred back to Committee at that time to receive further information.

140297 Budget Ordinance Amendment - Washington Street Streetscape Project

Council is requested to adopt a budget ordinance amending the 2014-2015 Budget Ordinance to appropriate funds for the Washington Street Streetscape Project.

This matter was initially introduced on October 6th and was referred back to Committee at that time to receive further information.

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

140348 Citizen Participation Plan

Council is requested to adopt the Citizen Participation Plan as required by HUD which provides citizens an adequate opportunity to participate in an advisory role in planning, implementing, and assessing HUD programs.

Mike McNair, Director of Community Development & Housing, provided an overview of the Citizen Participation Plan and explained that HUD now requires the City Council to adopt policies rather than have departmental policies. This policy lays out how the City will communicate with citizens providing opportunities for their input. It also identifies the public notification process for hearings, amendments, etc..., as well as the process on the role of the Citizens Advisory Council.

Chairman Douglas asked staff to explain how High Point is an "entitlement city." Mr. McNair explained the legislation identifies the CDBG allocations each jurisdiction receives which is based on size (population) and demographic information. He noted that although

the City is entitled to receive allocation of CDBG dollars, the City still has to ask for it and provide HUD the information they need.

Adopted the Citizen Participation Plan as required by HUD which provides citizens an adequate opportunity to participate in an advisory role in planning, implementing, and assessing HUD programs.

A motion was made by Council Member Douglas, seconded by Council Member Mendenhall, to adopt the Citizen Participation Plan. The motion PASSED by an 8-0 unanimous vote.

140349

Residential Anti-Displacement and Relocation Plan

Council is requested to approve the Residential Anti-Displacement and Relocation Plan which furnishes citizens with plans for minimizing displacement of persons as a result of activities assisted with federal funds and to assist persons actually displaced.

Council is requested to approve the Residential Anti-Displacement and Relocation Plan.

Mike McNair explained this plan states that the City prefers not to displace people, and in the case that it does happen, it lays out the benefits and how staff goes about deriving the benefits. He pointed out that the City did have a Relocation Policy that was enacted in 2000, but ended by Council action in 2012. Council Member Ewing asked how this applies to the HUD 108 dollars. Mr. McNair replied that it would still apply and the City would still be responsible to ensure that it is in accordance with the law. Council Member Golden questioned a statement in the document that states that the City of High Point does assist when lower income tenants who have to move. Mr. McNair pointed out it would only apply if it is due to some action the City of High Point has to take and if the City causes a displacement, the City would be required to follow through with relocation.

Approved the Residential Anti-displacement and Relocation Plan which furnishes citizens with plans for minimizing displacement of persons as a result of activities assisted with federal funds and to assist persons actually displaced.

A motion was made by Council Member Douglas, seconded by Council Member Golden, to approve the Residential Anti-Displacement and Relocation Plan. The motion PASSED by an 8-0 unanimous vote.

140350

Demolition - Meredith Street Apartments

Council is requested to award contract for the demolition of the Meredith Street Apartments.

Chairman Douglas informed Council that there is an investor interested in this property and he actually met with Mike McNair on Thursday. He explained they are currently in the information gathering phase and the potential investor is interested in receiving similar tax credits as was previously made available for this property, as well as similar financing through the Section 108 loan funds. Due to the interest in another potential investor, Chairman Douglas noted that he was inclined to place this matter in Committee.

Chairman Douglas then made a motion to put this matter in Committee and postpone a decision until December 8th. Mayor Davis made a second to the motion.

For further clarification, Council Member Ewing then asked if bids have been received for the demolition of the apartments. City Manager Randy McCaslin reported that fourteen bids were received from a low range of \$35,600 to a high of \$499,000 and the bids were good through December 8th. Chairman Douglas reiterated his desire for some additional time before a decision is made because he had concerns about the demolition because it would rid the City of some much needed affordable housing. Council Member Smothers stated she understood the interest in trying to preserve the buildings, but pointed out there is never any activity until it is put on the agenda for action by Council. She pointed out that Council has continued and postponed a decision to demolish numerous times.

Discussion followed regarding whether or not the bids would still be good after December 8th and whether the potential investors questions on tax credits would even be answered within that time period. Council Member Ewing asked Mr. McNair about his confidence level that this investor would follow through and do something with the site. Mr. McNair noted that although that was the first time he met this investor, he appeared to be knowledgeable and indicated that he had prior experience with this type of project.

Mayor Davis pointed out that the funds have been exhausted in this year's budget for demolitions due to the Kilby Hotel demolition and asked how it would be paid for and from what account. Mr. McCaslin explained that staff would come back to Council with a budget amendment if the bids are approved tonight and the money would actually come from fund balance. Mr. McCaslin pointed out in addition to the demolition charges, there would also be an additional cost of \$19,897 to remove the asbestos.

At this time, Council Member Ewing offered a substitute motion to award the demolition bid to the lowest bidder to move forward with the demolition of the Meredith Street apartments. Council Member Wagner made a second to the motion.

For further discussion, Council Member Moore shared that he has heard from several people in that community during the last six months to a year that they appreciate Council's patience in trying to do the right thing, but they felt like it is time for them to be demolished. Chairman Douglas pointed out there is already a shortage of affordable housing and commented that over the years, the Council just was not forceful enough with Mr. Schwarz to get them demolished. He felt it was only fair to give some other investor an opportunity to save the apartments.

There being no further discussion, the substitute motion carried unanimously to award the demolition bid to the lowest bidder and move forward with the demolition of the Meredith Street apartments.

A motion was made by Council Member Ewing, seconded by Council Member Wagner, to award the demolition bid to the lowest bidder to move forward with the demolition of the Meredith Street apartments.. The motion PASSED by an 8-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE - *Council Member Smothers, Chair***14035 Resolution of Intent - Street Abandonment Case 14-08**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way lying along the north side of Cedrow Drive, between Runyon Drive and Twain Avenue.

Adopted a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon excess right-of-way lying along the north side of Cedrow Drive, between Runyon Drive, between Runyon Drive and Twain Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1419/14-59
Introduced 11/17/2014; Adopted 11/17/2014
Resolution Book, Volume XVIII, Page 141**

140352 Resolution of Intent - Street Abandonment Case 14-09

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon portions of three alleys lying south of Ferndale Boulevard, between N. Lindsay Street and Oakwood Street.

Adopted a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon portions of three alleys lying south of Ferndale Boulevard, between N. Lindsay Street and Oakwood Street.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution of Intent be adopted. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1420/14-60
Introduced 11/17/2014; Adopted 11/17/2014
Resolution Book, Volume XVIII, Page 142**

140353 Resolution of Intent - Street Abandonment Case 14-10

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by the Technical Review Committee to abandon the unimproved portion of the Dade Street right-of-way, lying to the east of the Westbury Way Subdivision, between Westbury Drive and Boyce Avenue.

Adopted a Resolution of Intent that establishes a public hearing date of Monday, December 15, 2014 at 6:15 p.m. to consider a request by Technical Review Committee to abandon an unimproved portion of the Dade Street right-of-way, lying to the east of the Westbury Way Subdivision, between Westbury Drive and Boyce Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution of Intent be adopted. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1421/14-61
Introduced 11/17/2014; Adopted 11/17/2014
Resolution Book, Volume XVIII, Page 143**

140354 Easement Reconveyance High Point University

A request by High Point University to reconvey a utility easement, within the former Willoubar Terrace right-of-way, located on the site of the Centennial Square II Student Housing project.

Approved a request by High Point University to reconvey a utility easement, within the former Willoubar Terrace right-of-way, located on the site of the Centennial Square II Student Housing Project.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to approve this Easement Reconveyance as requested by High Point University. The motion PASSED by an 8-0 unanimous vote.

140355 Oakwood Cemetery (Private Portion) - Transfer of Ownership to the City of High Point

Council is requested to authorize the Interim City Manager to negotiate an agreement with Mr. Charlie Dye to transfer the private portion of Oakwood Cemetery to the City of High Point.

This item was discussed in the Comprehensive Planning Committee on Tuesday, November 11th and favorably recommended this action.

Chairwoman Smothers noted this matter has been discussed thoroughly in the Comprehensive Planning Committee. She pointed out there were other properties involved as well. City Attorney JoAnne Carlyle clarified that the transfer of the private portion of Oakwood Cemetery from Mr. Dye to the City of High Point does include five parcels. Council Member Mendenhall shared that she spoke with Ann Andrews this morning and she wanted to assure the City that there are others that can help answering any questions, identification of ownership, etc.... and that she personally offered her services to assist the City in trying to clear up the record keeping.

Approved a request to authorize the City Manager to negotiate an agreement with Mr. Charlie Dye to transfer all five parcels of his cemetery properties in High Point to the City as per the maps included in the packets.

A motion was made by Council Member Smothers, seconded by Mayor Davis, to authorize the Interim City Manager to negotiate an agreement with Mr. Charlie Dye to transfer the private portion of Oakwood Cemetery to the City of High Point. The motion PASSED by an 8-0 unanimous vote.

140356

Main Street Project

The Comprehensive Planning Committee recommends to the Council to authorize the Interim City Manager to begin the engineering on the underground electric, water and sewer line replacement, and intersection improvements on North Main Street from Westwood to Parkway.

Authorized the Interim City Manager to begin the engineering on the underground electric, water and sewer line replacement and intersection improvements on North Main Street from Westwood to Parkway.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to authorize the Interim City Manager to begin the engineering on the underground electric, water and sewer line replacement, and intersection improvements on North Main Street from Westwood to Parkway. The motion carried by the following 7-1 vote:

Aye (7): Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, Moore, and Mayor Davis
Nay (1): Council Member Wagner

140359

Video Sweepstakes Establishments Within the City of High Point

Council discussion regarding the operation of video sweepstakes establishments within the City of High Point.

Chairwoman Smothers shared that discussion regarding this matter was also held during a Comprehensive Planning Committee and explained there are two choices before Council: one, to direct staff to begin a process to address an ordinance that is already on the books, which permit video gaming sweepstakes; or two, to develop a process by which a permit is granted and appropriate fees associated with it. Council Member Mendenhall asked for some guidance from the city attorney.

City Attorney JoAnne Carlyle explained that basically what is before Council is a business that has not been determined to be illegal; however, the City of High Point is not issuing the privilege licenses, so this opens up the City to some exposure. She also noted that there is an ordinance already adopted that clearly specifies that Council has already considers that and Council has zoned it in the past to allow these businesses. She advised that Council is looking at the privilege license, as well as the permit for the business and these are not to be confused. She noted that at the point the privilege licenses are issued, it is not the time to make a determination as to whether or not the business is a legal business. She pointed out staff's job is to offer the license and receive the payment for it and after this it would be up to

the Police Department to go in and investigate if there is suspicion that the business is illegal. Ms. Carlyle shared that there have been some acquittals across the state where they have tried to shut down the operation of some sweepstakes establishments, and they've come in and defended and have been successful. She noted to the contrary, there has also been some reversals and there is no way for a prediction to be made until it actually occurs what we are dealing with and whether or not it is illegal or not.

It was noted that all privilege license fees would go away at the end of June, 2015 anyway due to recently adopted legislation. Council Member Mendenhall questioned what the Council was being asked to do. Ms. Carlyle further explained that internally, the Customer Service Department to withhold issuing any licenses and she does not think that's a good idea.

Directed staff to implement Ordinance already in place.

A motion was made by Council Member Smothers, seconded by Council Member Ewing, to direct staff to implement the ordinance that has already been adopted. The motion carried by the following 6-2 vote:

Aye (6): Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, and Mayor Davis

Nay (2): Council Member Wagner, and Moore

MISCELLANEOUS

140332 Designation of Deputy City Clerk

Pursuant to G.S. 160-A172, Council is requested to designate Thomas Vincent as Deputy City Clerk.

Designated Thomas Vincent as the Deputy City Clerk.

A motion was made by Council Member Mendenhall, seconded by Mayor Davis, approve the designation of Thomas Vincent as the Deputy City Clerk. The motion PASSED by an 8-0 unanimous vote.

140357 Appointment - NCMPA1 First Alternate Commissioner - William Bencini, Jr.

At the request of Mayor Jim Davis, the City Council is asked to confirm the appointment of William (Bill) Bencini, Jr. as the NCMPA1 First Alternate Commissioner replacing Bernita Sims.

Approved the request of Mayor Jim Davis to confirm the appointment of William (Bill) Bencini, Jr. as the NCMPA1 First Alternate Commissioner replacing Bernita Sims.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to confirm the appointment of William (Bill) Bencini, Jr. as the NCMPA1 First Alternate Commissioner replacing Bernita Sims.

140358 Amendment - Ordinance Establishing Dates and Times for Official Sessions of City Council

Council is requested to adopt an amendment to the ordinance establishing dates and times for official sessions of the High Point City Council.

Mayor Davis explained this was necessary so Council could move the swearing-in/organizational meeting from December 1st to December 8th.

Adopted an amendment to the ordinance establishing dates and times for official sessions of the High Point City Council.

A motion was made by Mayor Davis, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

**Ordinance No. 1808/14-87
Introduced 11/17/2014; Adopted 11/17/2014
Ordinance Book, Volume XVIII, Page 140**

140368 Municipal Election - November 4, 2014 – Canvassed Results

Council is requested to acknowledge receipt of the canvassed results of the Municipal General Election held on Tuesday, November 4, 2014 for the Mayor and High Point City Council.

Acknowledged receipt of the canvassed results by the Guilford County Board of Elections of the Municipal General Election which was held on Tuesday, November 4, 2014 for the Mayor and High Point City Council.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to acknowledge the canvassed results of the Municipal General Election held on Tuesday, November 4, 2014. The motion PASSED by an 8-0 unanimous vote.

PUBLIC HEARINGS - 6:15 P.M.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

140360 Ordinance - Zoning Case 14-10 - McDonald's USA, LLC

A request by McDonald's USA, LLC to rezone an approximate 0.6 acre portion of a larger 1.3 acre parcel from a Residential Single Family-7 (RS-7) District to the General Business (GB) District. The rezoning area is lying along the east side of Cleveland Street, approximately 320 feet south of Greensboro Road.

The public hearing for this matter was held on Monday, November 17, 2014 at 6:15 p.m.

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

This is for the existing McDonald's located on Old Greensboro Road and is a proposal to demolish the existing facility in order to build a larger restaurant. The rear portion of the site is zoned residential and this was in place prior to the current ordinance being adopted. The applicant is requesting this rezoning so the rear portion of the site can also have the General Business zoning to facilitate the proposed redevelopment of the site. The portion of the property that is proposed for rezoning that is currently used for parking will still be used for parking. Development will still face Greensboro road. The rezoning will make this non-conforming parking lot conforming and would promote redevelopment in the Five Points area which is noted as an objective in the Core City Plan.

Staff is recommending approval of this zoning request. The Planning and Zoning Commission met On October 28, 2014 and also recommended approval of Zoning Case 14-10 by a vote of 7-0.

Chairwoman Smothers noted that several months ago, Council discussed the need for doing a transportation and land use plan for the Five Points area and assumed that since no changes have been made, everything is still in place as before. She expressed concerns that this has not been initiated.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there were any comments in support of or in opposition to this request.

Mr. Brian Michot, Vice President for Kimley-Horn Associates and site civil engineer, 333 Fayetteville Street, Suite 600 in Raleigh, representing McDonald's Corporation, spoke in favor of the request. He advised that the lower portion of this site is currently being used for parking and a drive-thru lane for the restaurant. He noted that McDonald's would like to demolish the existing building and construct a new building and use the existing parking and put the drive-thru in the rear portion of the property, which is currently zoned residential and would need to be zoned commercial. Mr. Michot asked for Council's support of this request.

Chairwoman then asked if there was anyone else present who would like to speak. There being no further comments, the public hearing was closed.

Adopted Ordinance rezoning an approximate 0.6 acre portion of a larger 1.3 acre parcel from a Residential Single Family-7 (RS-7) District to the General Business (GB) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest based on staff's findings as outlined in the staff report.

A motion was made by Mayor Davis, seconded by Council Member Moore, to approve Zoning Case 14-10 as requested by McDonald's USA, LLC. The motion carried by the following 7-1 vote:

Aye (7): Council Member Douglas, Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Wagner, Moore, and Mayor Davis
Nay (1): Council Member Smothers

Ordinance No. 1809/14-88**Introduced: 11/17/2014; Adopted 11/17/2014****Ordinance Book, Volume XVIII, Page 141****140361 Amendment to Zoning Case 12-07 - Greenwood & Charles, Inc.**

A request by Greenwood & Charles, Inc. to amend Conditional Zoning Ordinance 12-07 to: Add a 0.6 acre parcel; and Rezone a 0.6 acre parcel from the Residential Single Family-7 (RS-7) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Old Winston Road, approximately 130 feet east of Bellevue Drive (925 Old Winston Road).

The public hearing regarding this matter was duly held on Monday, November 17, 2014 at 6:15 p.m.

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

Mr. Shannon explained this is an amendment to Zoning Case 12-07 and noted this parcel has had commercial zoning since the mid-1990s and in 2012, the parcel was rezoned so that the entire site would be governed one zoning district. The applicant is proposing to add a .06 acre parcel to the rear of the site due to the fact that the realignment of Old Winston Road significantly impacted the rear portion of this parcel. The rear portion of the site was cut off and this resulted in a limited use for this parcel. Additionally, the initial zoning had a requirement for a minimum 25-foot lot buffer yard and this restricted what they could do with the rear of this site, so the applicant is hereby requesting to amend this case to add this one parcel to the rear of the property. Mr. Shannon then shared the findings of staff and the considerations in making their recommendation. He pointed out all existing conditions that were adopted in 2012 would still be in effect. He also advised that included in the staff's analysis is a statement that staff will not be supporting any further expansions further east on Old Winston due to the proximity to the residential neighborhood.

The Planning staff is recommending approval of the Amendment to Zoning Case 12-07 and on October 28, 2014, the Planning and Zoning Commission met and recommended approval of this request by a vote of 7-0.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to comment either in support of or in opposition to this request.

Abigaile Pittman, 210 Louise Avenue, consultant representing the applicant, spoke in favor of the request. She explained this new land area would be added to the existing 1.9 acres and the purpose of the request was to provide a more uniform shaped site for future development. She reiterated that all zoning conditions already in effect would remain in place and the request would also require a significant buffer along the eastern edge. Ms. Pittman confirmed that there would not be any further development to the east of this site.

Chairwoman Smothers then asked if there were any additional comments. There being none, the public hearing was closed.

Adopted Ordinance approving the Amendment to Zoning Case 12-07 based on consistency with the City's adopted plans. Additionally Council finds this action to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to approve Rezoning Case 12-07. The motion PASSED by an 8-0 unanimous vote.

**Ordinance No. 1810/14-89
Introduced 11/17/2014; Adopted 11/17/2014
Ordinance Book, Volume No. XVIII, page 142**

140362

Ordinance - Zoning Case 14-11 - The Model Farm in High Point, Inc.

A request by The Model Farm in High Point, Inc. to rezone a 1.9 acre parcel from a Conditional Use Highway Business (CU-HB) District to a Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Brentwood Street, approximately 1,000 feet south of Business 85 (2068 Brentwood St).

The public hearing for this matter was duly held on Monday, November 17, 2014 at 6:15 p.m.

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

Mr. Shannon pointed out this is the property of the historic Model Farm house. The applicant is requesting rezoning from the existing Conditional Use Highway Business to a new Conditional Zoning Highway Business District. The primary purpose is to expand allowable uses to allow for reuse of the existing historic structure. The applicant is proposing to broaden the range of office or business/professional uses that may be permitted on the property. The site is surrounded by a Corporate Park District and the end result of this would be that Office and Business Professional uses that are permitted in the surrounding properties would also be permitted on this site. Mr. Shannon advised when they obtained zoning approval, the uses were restricted and reiterated the main purpose of this case would just add office uses. He noted that no additional retail uses would be added and the applicant is bringing over all the same conditions that were previously adopted in 2006.

The Planning staff is recommending approval of this request. The Planning and Zoning Commission met on October 28, 2014 and also recommended approval of Zoning Case 14-11 by a vote of 7-0.

Adopted Ordinance authorizing the rezoning of a 1.9 acre parcel from a Conditional Use Highway Business (CU-HB) District to a Conditional Zoning Highway Business (CA-HB) District based on consistency with the City's adopted plans. Additionally, Council finds this action to be reasonable and in the public interest by adopting the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to approve Zoning Case 14-11. The motion PASSED by an 8-0 unanimous vote.

**Ordinance No. 1811/14-90
Introduced 11/17/2014; Adopted 11/17/2014
Ordinance Book, Volume XVIII, Page 143**

140363 Special Use Permit - TowerCom Enterprise

A request by TowerCom Enterprise to allow a Telecommunication Tower exceeding the height limits of the Residential Single Family-12 (RS-12) District. The site is lying along the west side of Johnson Street, approximately 680 feet south of Hampton Park Drive (3929 Johnson St).

Prior to the public hearing being held on this matter, those persons desiring to speak were duly sworn.

_____ Transcript: SUP- TowerCom Enterprise _____

Chairwoman Smothers: This is a Special Use Permit, TowerCom Enterprise and it's to allow a telecommunications tower exceeding height limits of the Residential Single Family Districts. The site is lying along the west side of Johnston Street, approximately 680 feet south of Hampton Park Drive.

I would remind Council that this is a Special Use Permit, which is quasi-judicial, which means those that give testimony must be sworn.

City Attorney Joanne Carlyle: We do have.....we've received a request for a continuance. There's an interested party that wanted to speak to that tonight.

Chairwoman Smothers: Well, we're going to have the public hearing.

Unidentified in audience: Will I be heard then?

Chairwoman Smothers: You can be heard with the public hearing, yes, certainly. But first we're going to have a presentation. That's what we do with a public hearing. You all, many of you who are here and have signed up to speak, have attended the Planning and Zoning Commission and I think you were probably given parameters of what is admissible as evidence for consideration. So, we can have the Attorney review those again if it might be appropriate Mr. Mayor for the record?

Mayor Davis: Sure.

City Attorney JoAnne Carlyle: Obviously, the people that give...

Chairwoman Smothers: You might want to stand up so they can hear you.

City Attorney Joanne Carlyle: The witnesses tonight that come before you will have to be sworn as their testimony has to be applicable to the application specifically tonight. It is not a time for you to solicit public comment or opinions. If the applicant can produce competent and substantial evidence that the standards which have been previously adopted by the City are met, the applicant is legally entitled to the permit. Both sides have a constitutional right to not only offer testimony, but to cross-examine and to present rebuttal evidence. And the Council should make clear that irrelevant evidence, if it is received, will not be taken into consideration in making your factual findings.

Mayor Davis: Anyone have any questions for Joanne?

Chairwoman Smothers: I just want to make sure everyone understood that, what the playing field was. Since it is quasi-judicial, I would ask Council Members to disclose if they have had conversation about this in such a manner that would have, would alter their ability to judge fairly.

Mayor Davis: Well, I'll be the first to disclose I've had several conversations with neighbors and friends that live up in north High Point, Old Mill Road. But it would not impair my judgment in the case if that's what we're asking. But I have had conversations, I've picked up the phone, they've literally called my parents and said "Tell Jim, you know, he needs to fix this." But I have had conversations; do I need to recuse myself?

Chairwoman Smothers: No, I think you just have to disclose that you have been contacted and that it would not impair your judgment. Anybody else need to make that disclosure?

Council Member Moore: I need to make that disclosure, as well. I have been contacted concerning the issue. But I don't believe that will impair my ability to make judgment.

Chairwoman Smothers: Thank you Mr. Moore. Staff, or whomever. We may have to have more than one group. How many people plan to speak? If you could raise your hands please. Because we'd like to swear you at one time, or twice, depending on how far around the Bible goes. Now, you all on your honor. If you haven't been sworn in, you're going to have to let us know. You have to come up, here.

[Speakers sworn in by Lisa Vierling, City Clerk.]

Chairwoman Smothers: We'll begin with the presentation by the staff.

Herb Shannon, Senior Planner: Special Use Permit Case 14-03 is a request to allow a telecommunications tower exceeding the height limits of the Residential Single Family RS-12 District. The Development Ordinance permits telecommunication towers in all zoning districts within the City. Any such facility that exceeds the height limits of that district is required to seek Special Use Permit approval.

The site in question, that's highlighted in green, located along the west side of Johnston Street, this is Johnston Street, this is Old Mill. This is the property of Tabernacle Baptist Church. The applicant is TowerCom Enterprise and they have submitted this Special Use Permit application to allow a 165 foot tall tower on the property of Tabernacle Baptist

Church. Included with this application is a Special Use Permit which includes site development conditions and a Special Use Permit site plan. Summary of the proposal: that the communications tower is to be located on the southern portion of this property in a wooded area lying south of the Colonial Pipeline gas easement. The site in question is highlighted in green and this is the specific location where the tower is supposed to be located. The Colonial gas line runs in this direction. Bob, you can go to the next slide please. This kind of shows that gas line a little clearer. And the tower is supposed to be located in this wooded area lying on the southern portion of the site.

The type of tower proposed is a 165 foot tall monopole tower and the applicant has noted that a minimum of four antenna locations will be made available. The Development Ordinance requires a minimum of three. Access will be from the existing church driveway. The church has an existing circular driveway from Johnston Street. Access to this area will be from that existing driveway that currently exists on the property.

As far as landscaping, except for the clearing for the placement of the tower compound, which will be approximately a hundred by hundred foot area, the Special Use Permit includes a condition that all the existing trees in the southern portion of the site are to be preserved.

Included in the staff report is a staff analysis. The Planning and Development Department offers the following comments relative to the requested findings. First, that the use would not materially endanger the public health or safety. Staff has found no evidence that the placement of the proposed tower's location will pose a public safety hazard. Separation setback standards of the Development Ordinance are being met and the applicant has included in their pack of information a determination of no hazard to aviation, which is a letter from the FAA.

Second finding, that the use would not substantially injure the value of adjoining or abutting properties. The proposed tower exceeds the minimum setback criteria. With this being a monopole tower and surrounded by residential uses, the Development Ordinance requires that it be set back a distance, from the property line, equal to its height. The applicant is exceeding that requirement from setback from abutting properties. In addition, the tower will be approximately, at least 300 feet from the nearest single family dwelling. As conditioned in the attached Special Use Permit, staff has found no evidence to date that the place of a 165 foot tall tower at this location would substantially injure the value of adjoining properties.

The next finding is that the location and character of the use shall be in harmony with the area in which it is located and general conformance with adopted plans. The applicants propose that place this facility in a wooded area. With a 165 foot tall tower you're going to see the top of the tower. The main item that staff was looking at, what's on the ground, the compound area, where they have all their equipment, their sheds with all their technical equipment. With it being placed in this wooded area and setback more than 165 feet from the property line, abutting property owners will not see that tower compound area or the equipment that's associated with it. That screening will ensure that the request will be in harmony with the surrounding area. Based on the conditions in the attached Special Use Permit application and the preliminary findings of fact, staff finds that the request will be compatible to the surrounding area and in harmony with the adjacent area and we are recommending approval of this request for a telecommunication tower at a height of 165 feet

on this property. The Planning and Zoning Commission reviewed this request at their October 28th Public Hearing and recommended approval by a vote of 4 to 3. Dissenting votes, the main issues that were raised, were concerns that the tower request would not be compatible with the adjacent residential neighborhood. Those were the main concerns from those members who were dissenting.

That is a brief summary. Bob, if you can go to the next slide please. I believe you have most of this item in your packet, but for members of the public, this is the wooded area in question. The applicant's proposal to clear approximately a hundred by a hundred foot compound area and access drive to that area. Next slide Bob. This is a blowup of the compound area where you have different equipment cabinets or sheds where you have for the providers. I believe you do have that information in your packet.

That was a brief summary, are there any questions from the Council Members on this proposal or on the staff analysis?

Mayor Davis: How deep of a footing do they have to dig to put in the ground to support that pole?

Herb Shannon: I believe that would be a question that the applicant can address. You want to know how deep the footings would have to be? I believe the applicant can address that during their presentation.

Council Member Moore: Where is the next nearest tower?

Herb Shannon: I believe the applicant has done a detailed analysis and I believe they can also address that. I believe there are some to the south, where you have the Duke transmission line. Their analysis had shown some antennas on the top of those. And there's a tower further to the north approximately two miles north of the site.

Council Member Moore: It seems to me like maybe, we're going to end up having, I know this is going to be discussed, but maybe the applicant and their whole process, maybe I fired the question too soon.

Chairwoman Smothers: Because I was thinking there was one out at the Disc Park.

Council Member Moore: Near Fire Station #5.

Chairwoman Smothers: Yeah.

Council Member Moore: Is there one there?

Herb Shannon: I believe the applicant when they give their presentation can go over their detailed analysis.

Council Member Moore: Herb, you're basically telling us that you want us to hear from applicant, aren't you?

Herb Shannon: Our presentation shows they've met the required findings of the Special Use Permit. I would note that the Ordinance notes that there should be no other tower within 3,000 foot radius. The applicants included in their backup materials that there is no other tower within that distance.

Chairwoman Smothers: I guess that answers the question.

Mayor Davis: Are they going to plant any additional vegetation around the chain link fence like a lot of them do?

Herb Shannon: The Special Use Permit notes that they are to preserve all the existing vegetation outside that area. It includes a provision that for some reason a storm comes in or you get another ice storm that knocks out vegetation they have to at least maintain a minimum Type A planting yard along the tower compound. A Type A planting yard is the most stringent planting requirement noted in the Development Ordinance which has to have a minimum width of 50 feet. So if for some reason that is existing vegetation is destroyed by some act of God, they will have to maintain that minimum planting standard in that area.

Mayor Davis: But the way it's currently proposed they won't do any planting?

Herb Shannon: They're not proposing any planting. They will preserve what is in place outside of that area to be cleared for their access drive and the compound.

Council Member Ewing: Is there a duration of time the Special Use Permit is good for?

Herb Shannon: As long as the property is continued to be used for that purpose it may continue on. The only thing that is noted in the Special Use Permit is that if it ceases to operate for more than eighteen months then it becomes void. But as long as it continues to operate it can continue on.

Chairwoman Smothers: Further questions for Mr. Shannon?

Mayor Davis: I've got one more. If we weren't hearing this because of the height, would be hearing it at all?

Herb Shannon: If they met the height requirement with, for the residential district, which is fifty feet, it would just be a permitted use.

Chairwoman Smothers: Thank you. Would the applicant like to make a presentation?

Karen Kemerait: Good Evening. My name is Karen Kemerait and I'm an attorney with the law firm of Styers and Kemerait in Raleigh and I'm here on behalf of TowerCom and T-Mobile and also the Tabernacle Baptist Church. I have a number of people who are with me tonight. I have representatives, George Davis with TowerCom, several representatives of T-Mobile to answer any questions that you might have. And then there are a number of representatives of the church who are sitting in the back row of the church. If you can raise your hands for the City Council members.

I'd like to begin, and I'll be somewhat brief, because I have, there are a couple of other people who are going to be speaking as well. But, I'd like to begin by saying that we're here today asking that the City Council grant our request for a Special Use Permit for the 165 foot monopole. As the Council knows, the Development Ordinance allows towers in residential districts if they are above fifty feet in height, that I think Councilor Davis mentioned, then it is pursuant to a Special Use Permit. And we have either met or exceeded all of the telecommunications provisions of the Development Ordinance and we have also complied with and provided evidence of all of the findings for a Special Use Permit. For that reason, we are asking that the Council approve our request.

I'd like to begin by providing some information about the need for this tower. This information is included in the application materials. But I have blown up the radio frequency information from the T-Mobile engineers. This map, is the first map, it shows the location of the towers will be located. And the red indication shows a proposed site that has not yet been constructed. The black sites are towers for locations where T-Mobile currently is providing service. So this gives an indication of a real need for phone services in this location. As you can tell from the, that map, the service area is going to be north of I-74 and west of Oak Hollow Lake. Once the tower has been constructed, there will be excellent service in the area. Currently, we have a propagation map that shows the current service in the area and as you can see there is very light green and yellow. And light green and yellow indicates that there is insufficient service and gaps in service. So these are the connecting sites. So this area there's going to be insufficient service and as people are traveling from these two tower sites, they're going to experience dropped calls. So this area needs coverage, cell phone coverage anyway, and also to insure you have connectivity through the sites is very important that this tower is constructed.

So the next propagation map shows the coverage that will be available once the tower's constructed. And this is where the tower will be located. As you can see it fills in the large gap in coverage and it also provides connectivity between the site to the west and the site to the north so that the problems with dropped calls will be resolved. And this one as well, south of lake. So the problems of the dropped calls will be resolved once this tower is constructed.

So once the antennas are activated and the tower's been constructed, there will be excellent coverage north of I-74, west of Oak Hollow Lake, also in the residential areas along Johnson Street and Old Mill Road. I wanted to point out also that we've found an excellent location for this cell tower. It is very important that we find a location in which T-Mobile can provide the required service that it needs. So it is very site specific. We have to find a very specific location where the coverage is needed and where it will be provided. Also, it is important that we find a site that will meet all ordinance requirements. And as I mentioned earlier, we have found a site that does better than that. We exceed the ordinance requirements especially in regard to setbacks which I think is a very critical component of ordinance requirements. And this site is especially important because it will allow no impact to the neighboring properties. We have located as shown on the map a property that, where the tower will be located south of the church, and in a very heavily wooded area.

I did want to speak for a minute about the landscaping question. The heavily wooded area is comprised of pine trees, hardwoods and very thick vegetation. And because of this heavily

wooded area it will effectively screen the base of the tower and equipment and the bottom half of the tower from view completely off the site of the tower, off the side of the Baptist Church property. We have not proposed any additional landscaping at this point because in order to put the landscaping in outside of the fence compound, that would mean that we would in effect have to remove existing mature vegetation. We could certainly do that, if that's what the Council would prefer. But the most effective way of screening the tower would be to retain all that existing vegetation because it is very mature and it's heavily wooded. So it will effectively screen the base of the tower and as I mentioned the bottom half of the tower.

George Davis with TowerCom has provided some information, that's not required of the ordinance, but we wanted to show that this, that the proposed tower, will have no impact upon the adjacent residential properties. And we prepared photo simulations. And those photo simulations, that Mr. Davis will speak to, show that from many of the vantage points the proposed tower will not be visible at all. And from those vantage points in which it will be visible, it will just be the top half of the tower. The bottom half of the tower will not be visible and the equipment compound and equipment area will also not be visible.

At the P&Z hearing, there were some objections and concerns from some of the nearby residents and I think that you'll likely hear the same objections and concerns. And their objections and concerns at the P&Z Commission hearing were essentially that they did not want to have to see the tower from their backyard or their front yard. That they objected to a tower being located in a residential area and there was also a comment that the tower would be considered, that they believed it be an eyesore. And I wanted to remind the Council that, I'm sure the Council understands, but North Carolina law makes it very clear that a consideration of whether a tower is visible is not a relevant consideration for the City Council or Board of Commissioners. And a, the governmental entity does not have the discretion, or may not deny a permit based upon a concern that a use that's permitted by a Special Use Permit would be visible. That cannot be a ground for denying a Special Use Permit. Also, any type of testimony or statements about a belief or a concern that they tower could be an eyesore, they don't want to see it, that is considered to be speculative opinion testimony and that type of speculative opinion testimony is not considered to be credible evidence and that also cannot be considered when deciding whether to approve or deny a Special Use Permit application.

I did want to provide some additional information to show that we have met not just the specific technical requirements of the telecommunications provisions of the Development Ordinance but that we've also met and exceeded all of the findings for a Special Use Permit.

The first one is that the use will not materially endanger the public health or safety if located where proposed. And we have provided evidence that the tower and the antennas on the tower will apply with all applicable FCC and American National Institute Standards rules and regulations and standards. Also, not only will it not endanger the public health or safety, but this tower will instead improve the public health or safety. Towers will allow residents and travelers access to 911 services during times of emergencies or natural disasters when other land line telephones might be down. So it will in fact improve the public health or safety.

The second standard we also have shown that we have met and that is that the use meets all required standards, conditions and specifications of the Development Ordinance. And we have shown, and I won't go through each of the standards, because Mr. Shannon has agreed that we have met all of the requirements. But that we have met each of the requirements. We have also exceeded, as I mentioned, the very important setback requirement. The tower will be set back in excess of the setback distances from all property lines. It will be located 330 from the northern property line, 169 feet from the eastern property line, 215 feet from the western property line, and 170 feet from the property line to the south. Also, I have provided you, provided the Council Members with the report about a property impact analysis. And we have shown, prior to providing that information, and then the study will confirm the other information, that the proposed cell tower will not substantially injure the value of adjoining or abutting property or that it is a public necessity. And first of all, I would submit that cell towers nowadays, and the desire for telecommunications coverage and broadband wireless services are essentially a public necessity. I think that everyone from schools, economic development purposes, working from home, people desire good telecommunications services.

In addition to that, we have provided a property impact analysis that's been performed by Molly Chisholm with Hylton and Crowder. And she is a North Carolina Certified Residential Appraiser and she's provided in the report a very thorough and detailed analysis of properties and towers in High Point and immediately in the vicinity of the proposed tower. Her expert opinion is provided on page two I believe of the report and her expert opinion is that the proposed monopole will not substantially injure the value of adjoining or abutting property. And she is here and she will provide information about her analysis and her methodology and her conclusion.

And then finally, we have met the last criteria for Special Use Permit. And that is that the location and character of the use shall be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs. The facts of this case are that the cell tower will be an unmanned facility. It will not have any noise; the extent of the noise is equivalent to a residential air conditioning unit. It will not generate any traffic in the area. At most, there will be one to two vehicle trips per month for maintenance purposes only. Also, the tower will not be lit. It is not required by FAA to be a lit tower so it will be an unlit, 165 foot tower. Also, as I've mentioned, it's going to be located in the wooded section of the property so that it will be screened from view from outside of the property. And I did want to mention as well another aspect of North Carolina law that is very clear. And North Carolina law is clear that when a use, such as a cell tower, is included as a special use in a particular zoning district, for example, residential zoning district as here, that therefore there has been established a prima facie case that the use is in harmony with the area in which it's to be located. In other words, a legislative decision has already been made that the tower is in harmony with the area in which it's to be located.

So we have provided through our application materials substantial, competent and material evidence that we have met all requirements of the ordinance.

And now, I'd like to, unless you have any specific questions for me at this point, I'd like to ask Molly Chisholm to come to the stand to talk about her...

Chairwoman Smothers: I do have a question. You mentioned how far the tower would be located from different residences. Are you talking about the tower itself or are you talking about the fence around the area where the tower will be contained?

Karen Kemerait: And I'm talking from property lines, not from residences.

Chairwoman Smothers: Okay.

Karen Kemerait: So the residences will all be located a farther distance from the property lines. From the tower itself, not the fence compound.

Council Member Moore: So the setback you're referring to, for my clarity, is to the tower or to the outlying **Council Member Moore** fence of the structure?

Karen Kemerait: To the tower and that's what required by the ordinance.

Chairwoman Smothers: But your point was that you exceed that.

Karen Kemerait: We exceed that, that's correct. We exceed it on, for each of the property lines, yes.

Chairwoman Smothers: Thank you.

Karen Kemerait: Okay thank you.

Molly Chisholm: Hello, my name is Molly Chisholm, I'm a Real Estate Appraiser with Hylton-Crowder here in High Point and I have been there for 21 years and I performed this Market Impact Analysis for TowerCom.

Karen Kemerait: Can you begin with your education and training as well?

Molly Chisholm: I'm sorry. I went to the University of North Carolina and graduated in 1981 with a business degree and I worked in mortgage banking and then became an appraiser 21 years ago.

Karen Kemerait: And are you certified as a residential appraiser by North Carolina?

Molly Chisholm: Yes.

Karen Kemerait: And can you, and I would tender Miss Chisholm as an expert in residential real estate appraisal. And I would also ask at the end of her testimony that her appraisal report be admitted into evidence.

Can you begin describing what exactly is a Property Impact Analysis or report to give the Council a little bit more information about what you've provided.

Molly Chisholm: Anytime you have a question about real estate to me the market is where you go to find the answer. In this case, I studied data in the market to isolate the factor of

proximity to cell towers or communications towers to see the effect that that had or no effect, or positive, negative, whatever on the sale price of the property.

Karen Kemerait: So what you were looking for was determination of no impact, some impact, could you describe what you were looking for, because you were looking for all three.

Molly Chisholm: I was looking for: did it have a positive impact, did it have a negative impact, did it have no impact.

Karen Kemerait: And did you personally inspect the Tabernacle Baptist Church property as part of your analysis and investigation?

Molly Chisholm: Yes I did.

Karen Kemerait: And then, can you just begin by walking the Council through your report and your analysis that led to your conclusion.

Molly Chisholm: Sure. As I've said, I was trying to isolate that variable in the market of the proximity to a cell phone tower. And so, I located five different towers in Guilford County and four of those are in High Point, one is in Oak Ridge. And tried to find sales of properties that were adjacent to or in very close proximity to a similar, you know, one of these towers. There are five individual sales that you'll see in the report.

The first one is in north High Point. It is in the neighborhood known as Meadow Creek and it is also in close proximity to a tower on Johnson Street. But it's further north than the subject proposed tower. That tower is much more obtrusive, it's the lattice style tower. It can be seen from a lot of properties in that neighborhood.

The second sale is located in Castle Pines, which is a townhouse development in north High Point off of Penny Road known as Wood Park. And that sale, there's a monopole cell tower on that, on Wood Park Drive also.

Sale number three is located on Sweetbriar Road and is in close proximity to a broadcast tower located at 1607 Country Club Drive.

Sale four is in Oak Ridge.

And then sale five is not only located in, it's directly adjacent to an electrical power line and a cell phone tower.

In each of these individual cases the proximity, the view, the height of the tower is at least the same as or greater than the proposed tower. Certainly the proximity of these properties are at least as close these cell towers, these ones that are already existing, or closer than the adjacent properties to the proposed tower would be. The next I did was to gather data from two neighborhoods that are in proximity to a cell tower. And that's on page 31 of your report, the neighborhood data. And so, I pulled all the sales that were in Meadow Creek subdivision. Sorry, the first thing I did was in Castle Pines and that's the one off of Penny

Road. There were four sales over the last 12 months in that neighborhood, that's a townhouse neighborhood. And so I pulled sales of townhouses in 27265 in Guilford County that were similar in age, quality of construction etc. and the price, or the sale prices of those sales per square foot was actually, ended up being less than the ones in Castle Pines which are, you know, in close proximity to this tower. I believe the ones in Castle Pines sold for an average of \$85.47 a square foot and the average of the others was \$80.12 a square foot. And I've also included days on market and things like that. They were basically the same.

The second neighborhood I studied was Meadow Creek and there were 11 sales in that neighborhood in the past 12 months and I compared those to, I pulled sales from, that were, of houses that were built, also in 27265 but not in Meadow Creek, similar in age, style, quality and again there was no difference.

And so my conclusion from my study was that the proximity to a cell tower had no impact on market value.

Karen Kemerait: Can you specifically read your conclusion which I believe you have on page two of your impact analysis?

Molly Chisholm: The whole thing?

Karen Kemerait: Just the...your conclusion.

Molly Chisholm: Okay. Based on the data in this analysis and from my numerous appraisals of homes near towers over the past 20 years I conclude that the proposed tower will not substantially injure and/or impair the property values of adjoining or abutting properties or properties within the neighborhood. The towers studied relative to sales and the analysis accurately represent the absence of impact on residential property values. In almost every instance these towers were closer, taller, or of more substantial design relative to the properties examined than the proposed TowerCom site. In addition, this data and my experience not only demonstrate that there will be no substantial injury or depreciation to adjoining, abutting or nearby properties. It indicates that there will be no injury or depreciation.

Karen Kemerait: We would ask that the property report be admitted into evidence at this time.

Chairwoman Smothers: The Clerk will record that. Any questions of Miss Chisholm, about her report. I think you been quizzed pretty well by the lawyer. I realize, we were just letting them present their...

Audience: Do we get to ask questions now or after?

Joanne Carlyle: The have the right to...

Chairwoman Smothers: Right, I was going to say that after the presentations but it doesn't matter. Would you like to do it while she's standing up here?

Council Member Moore: Can I ask a question of the attorney, Miss Smothers?

Chairwoman Smothers: I'm sorry?

Council Member Moore: Can I ask a question of the attorney before you do that? About this.

Chairwoman Smothers: Which attorney? That one, okay.

Council Member Moore: Is this first presentation of this analysis or was this part of the Planning and Zoning as well?

Karen Kemerait: This is the first presentation of this analysis. We've provided other information to show no impact on property values and it is included in our application report and also presented in evidence at the P&Z Commission as well.

Council Member Moore: Okay. So this is not, this has not been seen or offered to those that were in opposition of this proposed tower?

Karen Kemerait: Prior to the P&Z Commission hearing, we were not aware that there was any opposition. There was one neighbor who spoke to Mr. Davis, and he can speak to this, but his question was why the cell tower wasn't going to be located on his property instead. And that was an adjacent property owner. But that was the extent of the concern that we were aware of prior to the P&Z Commission hearing. And I did want to point out that prior to the P&Z Commission hearing, that all of the required notice was performed by the City and in addition on, I believe August the 18th, there was a newspaper publication in the local paper about the proposed tower and then on October the 10th Mr. Davis provided letters to all property owners unilaterally within 300 feet of the tower. He provided detailed information about the proposed plans and he also provided the time, date and location for the P&Z Commission hearing and provided his contact information and asked if anyone had any questions or concerns or wanted additional information to contact him and he did not receive any calls or concerns.

Council Member Moore: And you just said that was within 300 feet of the proposed?

Chairwoman Smothers: We'll need to let Mr. Davis offer that.

George Davis, TowerCom: Yes ma'am. The basis for the mailing was to preemptively send out information so that when people received information from Mr. Shannon and staff that they had a better understanding of what the project was about and that they knew who to contact if they had questions so there wouldn't be so much traffic into Mr. Shannon's office. We've often seen that a lot of reasons for concerns are people that have questions but don't really know who to get the answers from. We wanted to make ourselves available and provide some of the basic questions that we hear over and over again answered in that letter which has been presented to staff as part of evidence.

Chairwoman Smothers: I'm going to interrupt you.

George Davis: Yes ma'am.

Chairwoman Smothers: Could you just please for the record give your name and your address and I presume you're with TowerCom?

George Davis: Yes ma'am. My name is George Davis, my address is 315 Weycroft Grant Drive, Cary, North Carolina. I'm one of the principal owners of TowerCom. I've been in the wireless industry doing this for over 17 years.

Chairwoman Smothers: I'm sorry to interrupt you, but if we got much farther I might forget to even ask you.

George Davis: Yes, I'm with TowerCom. Not only am I representing TowerCom but I've been intimately involved in this project from day one. And I can tell you that the site selection process, which I won't go into, which is detailed in the letter that was presented before we started speaking. There was over a year analysis involved in locating this tower, working with Tabernacle Baptist Church, and eliminating other candidates before we came to this. I can stand in front of you and unequivocally say that we've done our research, we've done our homework and there's not a site that exists in the radius of this tower, or proposed tower, that better meets the requirements of your ordinance and is in more harmony, or would be in more harmony with the surrounding neighborhoods than what we've presented to you. This is, frankly, as good as it could possibly be for a tower in this area of High Point.

Chairwoman Smothers: Thank you. Is there any other thing you'd like to add?

George Davis: One of the Council Members had a question about the buffer I believe. The Type A buffer was something that we proposed initially when our meetings with staff, which we had several pre-application meetings, based on the existence of the vegetation we asked if there was any need to remove it because there was quite a concern about disturbing the natural environment there so that we could preserve it. What we decided to do and what we've certainly voluntarily agreed to do, we're going to maintain as a, basically protective easement, around the tower. If you look at that circle area, that area will not be impacted, we're not going to cut trees down in there. The church is not going to cut trees down in there. The area around there, again as staff pointed out, we can't control mother nature. We are aware of and have firsthand accounts of the tornado that went through there and are sensitive to that. If there is ever a point, including when we start construction, if staff inspects the property and determines that there is an area where needs to be enhancement we'll voluntarily do that Type A buffer and we will not hesitate to do so. So whether it's the time of construction or ten years from now we'll make that part of the Special Use Permit conditions and anyone that owns the tower would have to adhere to that.

Mayor Davis: Mr. Davis, you just stated that neither you nor the church would disturb the vegetation. So am I to assume that you're leasing all the wooded area or just leasing the 100 by 100 square foot?

George Davis: No, we can enter into a protective agreement with the church to preserve that area. They've already voluntarily told us that they plan to preserve that area. If you look at the gas pipeline, as you can see in that dash line area, if Mr. Shannon can point to it, the property as it's currently configured is really not that accessible for them. So, if you notice our access when we come off of their existing drive we're turning before we get to the access, before we get to the gas pipeline. We will not be able to cross that gas pipeline without substantial agreements from the gas company if we did. And I know the church has been in negotiations, or in previous talks to buy the property along Johnston Street, which would expand the size of that property. But, as far as protecting the existing vegetation, all parties have agreed that it's in the best interest to preserve that so that the site would remain in harmony. You know, we don't plan on getting your approval if you're gracious enough to grant it and then going in there and cutting down everything except the little strip around the site. That would not be what we're representing.

Chairwoman Smothers: Any other questions for Mr. Davis?

George Davis: I did want to show one thing real quick and if Council has any questions about the photo simulations, I believe Council Member Moore asked about the, I'm sorry it was Council Member Davis, Mayor Davis, spoke about the coverage and why we're here for the 50 foot, if this were under 50 foot would this just be approved. Most jurisdictions, and including yours, use that height requirement as kind of a catch-all to force and funnel these types of hearings in front of you for you to decide based on the merits of the site. There's a lot of people who could pick sites that don't do what we have accomplished here. But just for argument's sake, you saw the coverage before, this is if we built our site at the present location at 50 feet. You could see it really does absolutely nothing. Fifty feet in any residential jurisdiction really is, considering the topographical characteristics of High Point with the trees and other clutter, houses etc. would not accomplish anything. There's no lower height that would even come close to that, that would satisfy coverage. And we have coverage plots that show that and if Council desires we can present those as well. We also have the RF engineers and representatives from T-Mobile that could get into detail on that. But I realize we're already long on time and we don't want to delay you anymore.

Chairwoman Smothers: Further questions for Mr. Davis at this time?

Council Member Moore: So, you're representing the tower company and T-Mobile's going to put their services through that tower.

George Davis: Yes sir. TowerCom is an independent operator and developer of wireless tower sites. We're, towers, if you're familiar, and some people in the audience might not be are not active antennas. They're just a mechanism to get the antennas at a

height where they can broadcast. So it's a cold piece of steel just like a telephone pole would be. We build these sites and we build them to the best of our ability using our experience and try to attract additional users besides our anchor tenant, in this case T-Mobile. We're co-applicants because as staff pointed out, if we're just presenting a site with no leased anchor tenant, it wouldn't serve any purpose. We furthermore have gotten a letter of support from Sprint that this meets a future coverage objective for them and that's it's highly likely if approved that Sprint would be a candidate for this site as well.

Chairwoman Smothers: You have the ability to have four more.

George Davis: Staff requires three, we've presented a tower to you that accommodates four.

Chairwoman Smothers: Okay. Further questions for Mr. Davis at this time? He will be on call.

Council Member Ewing: I have a quick question for our staff. Just on clarification of a point of reference.

Chairwoman Smothers: Can we see if they're through with their presentation?

Council Member Ewing: Yes.

George Davis: The only other thing, and again if staff would like, we presented during the Planning and Zoning hearing and I know staff has them ready to pull up if you'd like to see them, the photo simulations. They're very good, they were done by someone who's been in this business and is an expert in digital imaging. They very accurately show, I personally was involved with taking of the pictures. We used a 35mm lens and from fixed positions where the site would be most obvious. Again, if we're talking about going down a road and the site's over here, you'd have to look up, go like this. We actually shoot right at it and show the worst possible shot that we can from those vantage points. And we did select ones around here, around different areas in High Point, including areas where some of the opposition came from and we presented those in Planning and Zoning. If Council would like to see those again and has any questions about those I'd be happy to present them.

Chairwoman Smothers: Let it roll.

George Davis: From the map you can see these various points. The first one, can you go back to the map real quick. A at the top, on Hampton Park Drive and Johnston Street will be the first shot. This is looking south towards the tower.

Next slide please. As you can see, the tower in the background past the power transmission lines is representative of what the tower would look like at 165 feet at the proposed location with T-Mobile at the top.

Next slide please. This shot was taken at the entrance of Old Mill Estates. The specific location was chosen because there was a couple of houses whose driveways face each other at that point so if you got right up to the stop sign, which I do have a picture from that in my file, you'd be looking right at the trees and one of the big power transmission poles. So I took this because this is somewhat of an unspoiled view if you will. And the information shows that there would not be any visible effect from this location. Again, these are verified against Google Earth using topographic information, site elevations, and then scaling in with digital imaging to represent what the tower would look like. So in this shot you don't see anything because you wouldn't be able to see it.

Next slide please. This was taken, I have to disclose that during the Planning and Zoning Hearing we presented a slide that showed a view from Whitney Court, the slide if you will was slightly off, if you're facing this picture to the right we realized that the bearing was off by a degree or two. So last Thursday I went back and retook the photo. That photo is taken from the center of Whitney Court. As you can see, with the amount of dense tree cover which is consistent with all the properties on that court, there is no visible effect and it's highly unlikely that there would be any ability for anyone from vantage points on that court to be able to see the site. Not even a little bit.

Next slide please. This is the view of you looking down Traceway Road. As staff and Miss Kemerait presented, the top of the tower is in view. We have a tree line on the site of approximately 60 to 70 feet on average so you can see the tower. This is a, if we need to go back to the map if you have any questions about the vantage point, but we picked this because if we got further down Traceway Road it would minimize the possible view because you'd have to see over the trees. So we wanted to make it the most obvious high traffic location on that road and this is what it would look like.

Next slide please. This is from a spot on Old Mill Road. Some of the opposition lives in this immediate vicinity. Again, because of the approximate tree line and inability to see past that, the distance to the site, which almost a quarter of a mile at that point, we are not expecting that even the top of tower will be visible.

Next slide please. This is from the intersection of Old Mill Road and Johnson Street. You can kind of see the tower. I know it's very slim there. And then off to the right you can see relative to one of the existing power transmission poles which are somewhat similar in design but obviously we don't have all the standoffs and wires because this is not a guy tower, it's a freestanding tower.

Next slide please. And I believe that was, I think that was it.

Again, these were done voluntarily prior to the Planning and Zoning hearing because we do understand that there's sensitivity about aesthetics. As Karen pointed out, it's not a basis, but we want to do our homework and we want to be able to backup what we say and not just make speculative judgments about whether who can see it and who can't see it. So that is why we presented this evidence and if you have any questions about the methodology or the shots themselves I'd be happy to answer it.

Chairwoman Smothers: Questions for Mr. Davis? If not, just a question to our attorney. Have you all finished your presentation?

Karen Kemerait: The Pastor of the Tabernacle Baptist Church would like to speak as well.

Chairwoman Smothers: Okay.

George Davis: He has a prepared brief statement.

Chairwoman Smothers: That's fine, go ahead. While he's coming up, excuse me, is it appropriate when they finish to ask, I think this gentleman over here had questions he wanted to ask.

Joanne Carlyle: It is. I was getting ready to say, what I would recommend, while the witness is there, go ahead and allow them to cross-examine and then parties can ask the witness whether or not they want to reserve them or whether they want to let them go.

Chairwoman Smothers: Well, I thought it might be important just to go on and get the case before the public before we start asking questions about it.

Joanne Carlyle: It's just the way cross-examination is done.

Chairwoman Smothers: Well, this ain't the court. Go ahead.

Pastor Casey Bradford: I'm Pastor Casey Bradford. I live at 1600 Round Hill Circle, Kernersville. And I've been pastoring the Church now going on eight years. We was approached by TowerCom to use our property, rent it, about two years ago. We began to talk with them and went into detail with them. They began to talk to us about what they would pay us to rent that property. As a Church, we came together, we were very unified with it, and talked about it and we felt the best use for this is to use it, to what we already do, and that's one time a month we meet and have a pantry. It starts at 9:30 on a Saturday morning and it goes until twelve. We usually have about 15 to 18 families come in. Some of these people don't have homes, some of these people do have homes, just hardships, single mothers, so on so forth. And we give them canned good products and to last them breakfast, lunch and dinner for the week. And then we also give them breakfast that day, that morning, and this would be a great help to us. And that's how we looked at it.

Chairwoman Smothers: You mean the income from the lease?

Pastor Casey Bradford: Yes ma'am. To help more folks. And obviously in the City of High Point and others from around in counties and cities.

Chairwoman Smothers: Pastor Bradford, Mr. Davis indicated, I believe it was he, that you all, the church, had committed not to cut any vegetation within that circle. That that is something that could be agreed to later. Has your Church committed to that?

Pastor Casey Bradford: Yes ma'am.

Karen Kemerait: And we would be willing to enter into a Conservation Easement that would be recorded as that.

Chairwoman Smothers: Okay, well I wanted his testimony as to that. Not your saying he would do it. Okay, thank you.

Pastor Casey Bradford: So that's what we wanted to use the money for and that's the reason why we're asking for the approval. And that was it.

Chairwoman Smothers: Thank you sir.

Pastor Casey Bradford: Yes ma'am.

Chairwoman Smothers: I appreciate your being here.

Council Member Mendenhall: Miss Smothers? At what point do you want us to ask questions of staff?

Chairwoman Smothers: Well, everybody probably wants to stand up for about two minutes. But I know that there is a gentleman who wants to ask questions of the petitioner. Miss Carlyle has indicated that should have happened before. But perhaps if he asks his questions and makes his presentation initially, that will clarify some of the issues for everyone. Can you write what you want to ask staff so you won't forget it?

Council Member Mendenhall: I know what it is. I have it in my mind.

Chairwoman Smothers: I have a list of people who wanted to speak but since you had raised questions I don't know if you're representing neighbors or. If you'd come up and give us your name please, and address.

Lee Cecil: Good evening Council, Mayor Davis. He's not there, I'm speaking to a chair. My name's Lee Cecil, I live at 1401 Wisteria Court. Which you can see at the top of most of the maps that have been up there. I've been in High Point 52 years, 27 of them practicing law although I've never been before this group, I'm used to dealing with one of you instead of this many. So, if I'm unfamiliar with procedure I'd ask you to forgive me for that.

I represent myself, my house is within 300 yards of the tower. I represent Kevin and Annie Murphy, who are in the neighborhood. I represent Alex Hatzudis and a few

members of his family. I represent Jeff and Betsy Smith whose property actually adjoins the site.

One of the things I would like to do, and we're sort of out of order here, but I need to ask questions of the expert witness. And while I'm on that, I spoke to Miss Carlyle earlier this week, and was hopeful that I could talk to the Council before the hearing about a motion to postpone the hearing. The reason for that is, my expert witness was in the hospital and can't testify. There was no expert testimony at Planning and Zoning and despite all the affirmations that evidence was presented, there wasn't any evidence. It was a lot of talk, wasn't any evidence that was substantial material evidence. We also hired an expert. We hired Miss Joyce Pusey who is a Standards Reviewer at a Winston-Salem, very highly credentialed expert witness that I have been involved with in the past. She took the assignment telling me that she had to be in the hospital the first of the week but would be out and would be able to testify. The end of the week, she told me she couldn't. She said she had to stay in the hospital two extra days and she couldn't testify. I talked to Miss Carlyle about that. I notified Miss Kemeraut about that. That I was going to be asking the Council to delay the hearing so that my witness could be here. We didn't get to hear that before we started. I don't know whether at some point the Council would entertain a request to hold that part of it open so I could get Miss Pusey here. I paid her. Miss Carlyle said I should bring the check. I hope you all would trust me on that, but I did bring the check. We retained this lady, we sent her data, she reviewed it, she was in the hospital. It would seem to me that nobody is prejudiced if we could let her testify at some point. I'm going to go on tonight with what we need to do. We've got a cross-examination that I'm going to do. But, we also retained a witness and the fact that she's not here, it's not my client's fault, it's not my fault.

Council Member Mendenhall: I'm sorry, but you've said she's a Standards Expert? What does that mean? I don't know what a Standards Expert is.

Lee Cecil: I'm sorry. She is a Certified Appraiser, but she also reviews the work of other appraisers to determine whether they meet the standards of USPAP. I will probably get this right, it's the Uniform Standards of Professional Appraisal Practice. So, in addition to forming her own opinions about a valuation service, not necessarily an appraisal, she reviews other appraisers work. And that is why I hired her.

Joanne Carlyle: Excuse me, did you bring anything tonight that represents a contract or some sort of agreement with her?

Lee Cecil: I did not do that. I talked to Miss Pusey on the telephone, she told me she would represent her, I sent her an email and mailed her a check. I have the check. But, that's what I did.

Chairwoman Smothers: Well let's get on with the.

Lee Cecil: Yes ma'am. I would like to ask some questions of Miss Chisholm. I'd like to see the report. I believe nothing presented at the P&Z, I haven't seen the report.

Chairwoman Smothers: Do you have an extra one? Here, you can use mine. We have extra ones.

Lee Cecil: Do I do this from here and have her stand up here at the same time, what do you want to do?

Chairwoman Smothers: Well she's already been sworn so she can sit and talk or, we need to have it recorded.

Lee Cecil: Give me just a minute to look through this. Miss Chisholm, you are a Certified Residential Appraiser, correct?

Molly Chisholm: Yes.

Lee Cecil: And you're with Hylton-Crowder.

Molly Chisholm: Yes.

Lee Cecil: Now you also presented an Impact Analysis Report for a tower in Surry County about a week ago, right?

Molly Chisholm: Yes.

Lee Cecil: Is that basically this report?

Molly Chisholm: No.

Lee Cecil: Well, are some elements of this report identical to the Surry County report. Such as, sale five on Cobblestone Bend.

Molly Chisholm: Yes.

Lee Cecil: The standard that the Council has to consider here is whether or not the cell tower will substantially injure of adjacent and adjoining properties. And when you were discussing this report, which I'm not going to have time to read standing here, when you were discussing it you used the term close proximity a lot. I heard the term adjacent once. Is the only tower adjacent property, property adjacent to a tower, you found Cobblestone Bend.

Molly Chisholm: Yes.

Lee Cecil: So, excuse me. I'm not going to be able to be interrupted by the other side, we didn't do that. The only property you have in your report that is adjacent to a property Cobblestone Bend. Is that correct?

Molly Chisholm: Yes, directly adjacent.

Lee Cecil: Okay, so all the rest of the analysis are properties that are more or less close to a tower somewhere.

Molly Chisholm: But in every case can be seen.

Lee Cecil: But that's not the standard, right. Your own attorney said that. The standard is not whether it can be seen. The standard is whether it will injure adjoining property.

Molly Chisholm: Right.

Lee Cecil: So, in the thirty some pages you've got here, we got one. Right?

Molly Chisholm: Yes.

Lee Cecil: Okay, let's talk about that.

Molly Chisholm: I could have put more that were from Surry County, Montgomery County, but I felt like it was appropriate to include everything in Guilford County.

Lee Cecil: I agree. Cobblestone Bend, this is sale number five. Everybody has a copy, but Councilman Smothers, I'm sorry.

Chairwoman Smothers: I have one.

Lee Cecil: In this instance on this sale. This is a townhome, is that correct?

Molly Chisholm: Yes.

Lee Cecil: And when you say adjacent to the cell tower property, the border of the town home development is adjacent to it, right.

Molly Chisholm: Yes, and it's an easement. Duke Power's, I think, easement that is a big corridor right there on Penny Road that contains this and then some cell towers as well.

Lee Cecil: So, and that's partially where I was going. It's actually adjacent to an easement, correct?

Molly Chisholm: Right.

Lee Cecil: Now, in terms of ownership of a townhouse and the property associated with a townhouse, how is that different from the residential neighborhood that we're talking about with the TowerCom project?

Molly Chisholm: Well, townhomes are adjoining each other, attached.

Lee Cecil: And how is the land owned in a townhome development? Differentiated from a condominium if you would.

Molly Chisholm: It's a, you do own the land under you, it's a planned unit development versus condominium where you only own the space in between the walls technically.

Lee Cecil: But it's a different form of ownership then say a residential property.

Molly Chisholm: Well, yes, but it's somebody's home.

Lee Cecil: Okay.

Chairwoman Smothers: Excuse me, Mr. Cecil. I understand that part of your approach is to impeach the testimony of this person.

Lee Cecil: Yes ma'am.

Chairwoman Smothers: So if you want to just to object to the fact that you don't buy into what she said I think that will be sufficient. Because we can go page by page through this report.

Lee Cecil: I'm not going to do that. I'm dealing with this one property. And under the Humble Oil Company versus Chapel Hill case I have the right to cross-examine her and I think Miss Carlyle will tell you that.

Chairwoman Smothers: Miss Carlyle is also telling me that you have a right to examine her. We have other people here who want to speak as well.

Lee Cecil: It won't take me long, it won't take me long.

Council Member Mendenhall: May I ask you one question?

Lee Cecil: Yes ma'am.

Council Member Mendenhall: You said this is the first time you've seen Miss Chisholm's report.

Lee Cecil: Except for this part which was in the Surry County report which I have seen.

Council Member Mendenhall: May I ask then what your certified standards person is using to determine whether or not this is a valid report.

Lee Cecil: I suspected this would be the same adjacent property because frankly, I don't think there are any more comps in Guilford County of a sale of property adjacent to a cell tower.

Council Member Mendenhall: So she has not seen Miss Chisholm's report?

Lee Cecil: She has seen this portion of it to the extent that...

Council Member Mendenhall: But she has not seen Miss Chisholm's report?

Lee Cecil: No, because I haven't.

Council Member Mendenhall: Thank you.

Lee Cecil: So what you did in terms of methodology was you picked you out comparable sales that are farther from the cell tower than your subject property.

Molly Chisholm: Right.

Lee Cecil: Did you look at all the comparable sales within how long, a year?

Molly Chisholm: Yes. In a year. I've used two comparables for each one and then I did a whole neighborhood study.

Lee Cecil: Okay, well I don't want to go into the neighborhood. I just want to ask you about this one. This is an adjacent property. I've pulled some comps other than the ones you used and you've got by comparison on page 28, you've got Single Tree Way, which sold in August 2014 for \$105,000, 1237 square feet, which comes to \$84.88 per square foot, built in 1998. The subject property that you're using, the adjacent property, 1269, 1999. So is it accurate that you picked the property that was comparable in size and age?

Molly Chisholm: Yes, in my opinion.

Lee Cecil: Okay. I've got another one here and I marked this as number one. This was also sold in August of 2014. This is actually four miles away and 704 Vinebury Lane and this one, 1162 square footage, this one sold for \$118,000 or, about \$101 per square foot. Why didn't you use that one? Because that would have been a property that sold for more than the property closer.

Molly Chisholm: Because I've been appraising real estate in High Point for 21 years and that's a superior development as far as quality of construction.

Lee Cecil: Okay, and that gets us to where we're going with adjustments anyway. You've done thousands of appraisals because you're an appraiser. Frankly, I've seen hundreds myself. When you pick comparable properties you make adjustments to those properties to make sure we're talking about apples and apples. For instance, a superior site in a comparable would call for a negative adjustment. But you didn't make any adjustments to your comparables.

Molly Chisholm: No, that's not what this is. This is not an appraisal.

Lee Cecil: I understand. But I'm talking to you about your methodology. So if all you're looking at to isolate the effect of the tower. If all you're looking at is age, square footage and price, don't these comparables that I'm looking at right here, 705 Vinebury Lane, 674 Sonoma, wouldn't those, under your methodology, indicate that because these sold for more, the tower did have an effect.

Molly Chisholm: No. Because I would not pull a sale from that development to compare it to Cobblestone Bend.

Lee Cecil: Would you adjust it?

Molly Chisholm: No, I just wouldn't use it. I wouldn't consider it as a comparable. Because I would be looking for something in a comparable development.

Chairwoman Smothers: Mr. Cecil, are you a Certified Residential Appraiser?

Lee Cecil: Ma'am, I've just cross-examined about ten dozen.

Chairwoman Smothers: Okay, well, are you about through with her?

Lee Cecil: Yes, I understand if that's where you want me to go, yes ma'am.

Chairwoman Smothers: Well, I'd like to hear your other objections other than you contest the information that she's presented.

Lee Cecil: Okay, we'll do that.

Chairwoman Smothers: I mean because you're over there talking about numbers and we're sitting here just kind of doing this.

Lee Cecil: Well, I don't want you to sit there and do that.

Chairwoman Smothers: Because I asked you earlier if you were just trying to impeach the witness and you said yes, and I said then we understand what you were doing.

Lee Cecil: I'm going to do exactly what you're telling me to do. My objection is, thank you Miss Chisholm. My objection is her methodology doesn't prove anything. You have to, sitting as the Council, you have to determine if they have presented material and substantial evidence. There are cases in the Court of Appeals, there cases in the North Carolina Supreme Court that say that evidence presented, even expert testimony, is not substantial and material if the methodology doesn't work. And what I was just cross-examining her about, and which she admits, but argues with me about, the application of the comparable standard. Is that she picked two properties, farther away than the adjacent properties, sold for the same thing, to allegedly isolate the effect of the tower. I

showed her two more that sold for more. Using those two, her hypothesis is turned over. It proves the contrary. So, you as the Council, are entitled to evaluate her report, you're obviously going to have more time with it than I am, although I have seen, as Councilwoman Mendenhall pointed out, I have seen this analysis. First of all, that's the only one that's relevant. Because the standard is they have to prove, not me, they have to prove, this is the applicant, they have to prove that the property values in the neighborhood that I'm in, that the people I represent, will not be substantially injured. Adjoining, adjoining, adjoining, that's what the standard is. Mr. Shannon has stated that correctly on his staff report which is very well done, it's been stated. But there's only one, in this report, that deals with an adjacent property. And in the case of Mann Media versus Randolph County about ten years ago where actually Mr. Crowder testified, the Supreme Court has made it clear that when you've got a standard set out by an ordinance, which is value of adjoining property, then you don't look at the value of property in the vicinity or in close proximity. So what she's got for you, is one relevant analysis in this impact study. Because only one of her properties, one, is an adjacent property. So, if you look at that, if you're satisfied...

Chairwoman Smothers: So we have one.

Lee Cecil: Right. If you're satisfied with her methodology I lose. That's all there is to it. Although, I would like the opportunity for the Council to hear on this issue, for the Council to hear what my expert says about her methodology. Who was not here, through no fault of my own. There was, Miss Kemerait was telling about what happened at P&Z, and the arguments were that the tower could be seen, it was going to be an eyesore. That wasn't my argument. My argument was that they did not prove their case. Saying you have a prima facie case is not the same thing as making a prima facie case. They have evidence today. They have evidence. They have an expert who stood up here and has delivered an impact analysis, the methodology of which I disagree with and don't think is credible. They have evidence. But you have to find that it's material and substantial. And I'm going to read you, just like Miss Kemerait did, I'm going to read you some of the law. An applicant for a Special Use Permit must make out a prima facie case by competent, material, and substantial evidence. Material evidence is evidence having some logical connection with the consequential facts or the issues. Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

If you look at her report and you take Cobblestone Bend and you see two cherry picked comps that sold for about the same thing, and you think that isolates the effect of the cell tower, no adjustments. We all know what's on an appraisal report, you adjust for site, view, size, room number, quality of build, all that stuff, no adjustments. If you think that that is substantial evidence that a reasonable mind might accept as adequate to support the conclusion that that cell tower has been isolated from all those over factors, and that's the only thing that we're considering, then they've proven it. I don't think they have. And that's my argument. I'm not going to argue about the points that I can't win, okay. I can't argue with you about radiation because it meets the FCC.

Chairwoman Smothers: And I don't think that's relevant anyway.

Lee Cecil: I would agree with you. I will say this, Miss Kemerait says that the North Carolina Supreme Court has held that if a conditional use is allowed in a zoning ordinance, then that is a presumed harmonious use. And that is correct. But it's incomplete. A tower, is a presumed harmonious use, I agree with that. But not this tower, they have to prove that this tower, if this was a 1500 foot lattice work tower, the base of which took up this room, there is no presumption, I don't think any Council Member is going to accept that that's a harmonious use. So, we wouldn't even have a Special Use Permit Ordinance if it was presumed, it wouldn't even be in there. A tower is presumed. But they have the burden of showing you that this tower is harmonious. I haven't heard any evidence on that.

I streamlined it.

Chairwoman Smothers: Any questions for Mr. Cecil?

I have a list of folks that have signed up. Do you want me to go down that list or Miss Mendenhall, perhaps you'd like to ask your question of staff?

Council Member Moore: Your expert witness will be out, when?

Lee Cecil: She is at home today. I communicated with her, we were talking about this document. She's not back in her office. She expects to be back in her office this week.

Council Member Moore: Thank you.

Chairwoman Smothers: Miss Mendenhall, you had a question?

Council Member Mendenhall: Yes, I just wanted clarification from staff on a couple things. On page six, I believe it is, of the staff report. One of the criteria was that the use will not substantially injure the value of adjoining or abutting property, that it is a public necessity, staff finds, your finding is that as conditioned in the attached permit, staff has found no evidence to date that placement of a 65 foot tall etc. etc. will essentially injure the value of adjoining property owners. Is that correct, staff?

Hugh Shannon: Yes.

Council Member Mendenhall: I would also like to ask our attorney, is visibility of tower something that is to be considered legally?

Joanne Carlyle: No, it's not. And, if I could ask the Planning Director, he may also in support of the staff's recommendation want to comment on something that Mr. Cecil just said, for clarification.

Council Member Mendenhall: May I ask one more thing? When this staff report was done, had you even looked at this?

Lee Burnette, Planning Director: That information did not exist at that time.

Council Member Mendenhall: So, that has no bearing on your staff report. That it was not going to injure the values of the property.

Lee Burnette: That's correct.

Council Member Mendenhall: Thank you.

Lee Burnette: At the time of the staff preparation we looked at the factors that the Council has to consider. The one being that the use shall not, or will not, substantially injure the value of adjoining or abutting property. Again, this is a finding that those in opposition to the request would make arguments towards. We look at adjoining or abutting, as a common terminology, whether it exists immediately adjacent there to or whether it abuts in close proximity. So there's not a clear line definition between abutting and adjoining as far as the consideration's given.

Council Member Mendenhall: Thank you.

Chairwoman Smothers: I would be glad to just go down this list if.

Council Member Ewing: I'd like to ask a quick question. Randy, you might know this or whoever else. Just for point of reference, the new utility poles we put along Johnson in the last few years. What's the height of those?

Terry Houk: They are a hundred feet tall.

Council Member Ewing: Hundred? Okay.

Chairwoman Smothers: A hundred feet tall. They looked it when they were laying on the ground. Anything else of Lee right now? The next person that I had was Casey, I think it's Casey, oh this is Reverend I think.

Pastor Casey Bradford: I spoke.

Chairwoman Smothers: And then, that's the attorney. 4115 Quarterstaff, Christina?

Christina Prentzas: Good evening Honorable Mayor Davis and Council Members. My name is Christina Prentzas and I live at 4115 Quarterstaff Drive in High Point. Actually I'm here on behalf of Mr. Alex Hatzudis and Ruella Bakakis. They're friends of mine and they have this property that is at 403 Traceway, 501 Old Mill Rd and 505 Old Mill.

Actually, I didn't know about this until after they had the P&Z meeting and I have pictures that they took.

Chairwoman Smothers: She's representing somebody else.

City Attorney Joanne Carlyle: She's representing them because of a language barrier.

Christina Prentzas: I went to the property last week and we took pictures and I'm sure that you know we had the tornado and the pictures that I have seen here prior, before the ones that I have are not similar to what we have. So that is one of my concerns because there's a lot of timbers that are down and a lot of brush that's gone from the pictures that we saw this evening from the opposing party.

Chairwoman Smothers: You're talking about the pictures that were in the report?

Christina Prentzas: Correct.

Chairwoman Smothers: Somebody make a note to find out when you took the pictures.

Christina Prentzas: Because I didn't see any of those shown tonight. These are the issues, the concerns of my friends. They're concerned about their property for appraisal purposes for, and also because they use two of the parcels, they have a community garden that they use and they're afraid of radiation.

Joanne Carlyle: I'm sorry to interrupt, but that is not admissible evidence for you to consider.

Christina Prentzas: Okay, I understand that. The most important thing to them is you can see the antenna. And, I know that as a citizen of High Point, we're concerned with all the Street Diet that we just had and we didn't pass and now I saw in the paper, I believe it was yesterday, that we want to spend about \$4 million to get rid of all the lines on Main Street to make it a more representable area. So, you know, to get electrical lines and bury them. So if we're doing that and then we're allowing towers to go up in residential areas we have to have some kind of happy medium here.

Chairwoman Smothers: You understand that towers in residential areas are permitted under North Carolina law?

Christina Prentzas: Okay, they can be permitted but I think that they can have something better than a metal pole. They have towers that look like trees.

Chairwoman Smothers: And some of them are stealth towers.

Christina Prentzas: So I would, if I don't know if you've considered that or not, but I think that we as citizens should have, like what are the footings somebody asked that earlier, they didn't answer that question. How deep do they have to go down?

Chairwoman Smothers: Is that relevant?

Christina Prentzas: The thing is, how deep are the footings because a lot of the people that live in that area, I know specifically on Traceway they have these, I think it's Colonial Pipelines, you can't dig but so deep. So how are you allowing these people to do it and the people that live there and pay property taxes, they can't. So, that's my issue. So I have those questions.

Chairwoman Smothers: Well, I don't know about Colonial Pipeline. I know they have an easement that's X amount wide and you can't do anything in that other than drive a car.

Christina Prentzas: But do we have any kind of a ordinances where these power lines they can look nicer than a big metal pole sticking in somebody's backyard. Because, like in those pictures.

Chairwoman Smothers: That's another day's discussion I think.

Christina Prentzas: Right, but you understand what I'm trying to get at. I mean it's an eyesore.

Chairwoman Smothers: Okay, you're telling me how they look is a problem. And you're concerned about safety.

Christina Prentzas: And the pictures that they showed earlier as heavily wooded but when you go, when I went last week it was not heavily wooded.

Chairwoman Smothers: There was some deciduous trees, right? Thank you. Thank you for coming and representing them.

Council Member Ewing: Madam Chair. Something she said caught my interest. And a question for staff. Because the property is, tax exempt, correct, it's institutional, is that correct? The whole property that the church is on.

Planning Director Lee Burnette: Typically yes. We haven't investigated whether it is or is not. If the church tax exempt.

Council Member Ewing: But would this affect it all being that there would be a revenue producing, for profit piece on a tax exempt parcel.

Chairwoman Smothers: That would be for them to clear up with the IRS.

Christina Prentzas: This is a petition where neighbors about this.

Chairwoman Smothers: Okay, we'll give that to the Clerk.

Council Member Mendenhall: That's an IRS question I believe Mr. Ewing, between them and the IRS.

Council Member Ewing: I was looking more from a property tax standpoint.

Chairwoman Smothers: Mr. Robert Hill? Royal Links Drive, Mt. Pleasant, South Carolina. Yes sir.

Robert Hill: Yes ma'am, I'm with T-Mobile.

Chairwoman Smothers: Okay, you were just here, thank you. Mr. and Mrs. Smith were represented by Mr. Cecil. Do you all want to speak also?

Steve Smith: I'm here in observance.

Chairwoman Smothers: Thank you. Has everyone spoken who wanted to speak that was sworn? Was he sworn?

Alex Hatzudis: My name Alex Hatzudis and I live over there on Traceway and I have these two more houses and I adjoin with that property over there. The property where they're talking about there are big trees down only small bushes they have over there. And I'm on the line where I'm from the property probably 20 feet away.

Chairwoman Smothers: Can you point out where that is Bob?

Alex Hatzudis: Yeah, there. And that property goes there, all this property go there. I do our garden, I'm over there every evening on the summertime on this and that. And I do walk over there. Why can I have this power over there next to me and 20 feet away or 30 feet away it could be. And probably I have 68 peoples around all the neighborhood around against this. To this power line. Okay. All those people who pay taxes to the city, the light bill and everything, we support the High Point city and all this stuff. Church not going to pay a dime for this problem. Well think about that before you give approve to do this power line over there. Thank you very much.

Chairwoman Smothers: Christina, he does understand it's not a power line?

Christina Prentzas: He's meaning the tower.

Chairwoman Smothers: The tower, right. Well I just want to make sure he understood it. Carries a signal. Understand. Well, is there anyone else who wanted to speak? Yes.

Annie Murphy: My name is Annie Murphy, I live at 913 Whitney Court. I'm going try to keep it together here. They presented their case. They had lawyers, money, pictures. We have a lawyer, thank goodness finally. And some backup. And they said they sent out letters. And they did, we got these letters ten days before the Planning and Zoning

Meeting. We tried to round up as many people as we could who were attached, you know, contacted about that. But we showed up at Planning and Zoning somewhat unprepared. And we may still be unprepared compared to them.

But I just wanted to address some of things that they were saying. The pictures he took especially. He's right in front of my house. And I'm telling you the pictures are not representative of what he said. They're from certain angles. My driveway goes up the hill, sometimes when there's snow it, I can't get up my driveway. He's at the bottom of the driveway taking a picture like this, so he's almost even level with the driveway. The same thing with the pictures from the street at Old Eden. They take them from angles to suit their case. They have all their arguments to suit their side. Obviously, that's what there here to do, they want the tower. He wants it for money, the church wants it for money, but nobody cares about the people that are all around it that get no money. That are paying the taxes. It is a for profit tower. They put up the tower, then they sell all the rings to everybody else who pays money to them and then where does the money go? Not to us. They say our values won't go down any more than they already are. We have the gas pipeline, we had a tornado go through that took through a ton of trees. We have airplanes that fly over us all the time. Let's see what else, we got the Duke Power lines going through our area. Do you really need to add a cell phone tower to our property values also? Like we have a hard enough time trying to sell our property as it is. You're going to add something else on to it. They say all our views and stuff is just speculative. Oh, you're going to see the tower, it's an eyesore. It's more than the eyesore. We already have the 100 foot towers that are going up and down Johnson. It's like that whole area is just being turned into an industrial area. I don't understand why that spot was so important. He said he took two years to find a spot, but suddenly we found a spot and right in this, look at those houses, look how many houses are there. Why there? You know, who did he investigate beforehand and why is this the best spot. I don't think it's in harmony. If any of you go out there and you stick a tower in the middle of all those houses it's not going to look in harmony. Again, speculative. I can't, you know, that's my speculation. But it's their speculation that it is in harmony. I'm going to even contend that it's going to be a curiosity factor for the children in the area. All those houses are going to make for kids, and they may not be little kids. They may be teenagers who want to go over there and see what's going on and want to climb the fence. Who wants to see, what else is, what are they doing over there? Even during construction there's probably going to problems over there.

I'm rambling and I'm trying to keep up with my notes. I guess that's it. I'm going to ask you please to see if we can't wait for our expert to help with the property values. That is really important to us, more than the eyesore, it's the property values. We're already contending with lots of things and the money factor. He's making money, they're making money, and we lose money. Thank you.

Chairwoman Smothers: Thank you Miss Murphy. Is there anyone else who would like to speak? Yes sir.

Kevin Murphy: Hello I'm Kevin Murphy I live at 913 Whitney Court also. And I also have a business at 1823 Eastchester which north of Route 74 and west of the lake and I get perfect signal there as well as my eighty people that work with me get perfect signal there.

My contention is that it is not in consistency and harmony with our property. We moved out there in 1998 and the reason why because of the beautiful land and the beautiful piece of property to be able to look at the woods. The trees there are about maybe 70 feet tall. And now you're talking about 160 feet tall. I mean that is not within, I don't know what you guys consider within harmony of your property when you're looking out at your property and now you're seeing a tower. Sure, I can't see the first 60 feet of the, the area around it, but I'm going to see 100 foot of that.

And right now, the pictures, I mean were completely misleading. We were one of the folks who said, well we know somebody at Whitney Court complained because the first pictures they took were not even facing at the tower but was in our neighbor's yard facing away from the tower. So, let's go back out there and take another picture because we know the people at Whitney Court were upset. So now let's go ahead and take the picture towards where the tower is to where my wife said, at the very bottom of my driveway. I mean that whole neighborhood is a hill like that. You go into my back of the yard, it's probably up another 50 feet from where he took that picture in the driveway. Can you see anybody? If you stand, if my wife stands behind a tree, and I'm standing there, I can't see her either. Because those photos were all taken behind trees and they were strategically positioned too, that, look you can barely see the tower. There's power lines and other light were in a perfect place. I work in a creative business. That's what my business does is we make images and try to fit them perfectly. Those images are not representative of the photos of what people are going to see in that area. That's all I have to say.

Council Member Moore: What cell provider do you use?

Kevin Murphy: Verizon. And one of the arguments made last time too is that people would be able to, in the poor tornado area, my neighborhood got hit, you'll now be able to make a 911 call. I made a 911 call. I get perfect signal at that area. And my offices. I'm not saying all the areas in that area do, but where I am, I use Verizon I have perfect signal. T-Mobile has less than 10 percent share, going to put up this big tower. How many people are actually going to use that service? And it's an eyesore to all the people in the neighborhood. And then the adjoining argument too that I heard doesn't make a lot of sense to me either. One property, and I believe the one property you mentioned was a townhome, correct? Well, a townhome we all know, has as they said, multiple units. Depending on what that unit is, are they even going to see that. The one property that's a townhome is not representative of all of our homes that are in that area.

Chairwoman Smothers: Thank you Mr. Murphy. Is there anyone else? Yes.

Jennifer Hudspeth Hughes: My name is Jennifer Hudspeth Hughes. I grew up in High Point, I lived on Oakview. My mother's house is towards the back of there, but she will see this tower from her house. If you look at the little point that comes out from the curve and the straight line. That is my house right in front of it. My next door neighbor Jerry White lives in that little tiny house right beside of us. And if you look out, and I know that the view is not what was important, but that will be in our front yard, in the side yard. From both sides you'll be able to see it. You'll be able to see it from my deck on the back side of the house. Not that I care that looking at it, but that will be looming over our houses, our property value, and our neighbors' property values. I don't know why this particular parcel of land is the most important thing, but I'm pretty sure that they could find a non-residential area, out here in this semi-rural, semi-residential area that this could be less obtrusive and less invasive into our lives. It will not affect us as far as our service because I don't use that cell carrier and I don't care if people's cell phones get dropped or not.

Chairwoman Smothers: You address?

Jennifer Hudspeth Hughes: 3922 Johnson Street. It's at the corner of Old Eden and Johnston Street.

Chairwoman Smothers: Right. Thank you. Do you want to question the witness?

Christina Prentzas: No, this is another question. Since, T-Mobile will be paying the church, correct?

George Davis: TowerCom will be paying the church.

Christina Prentzas: You'll be paying the church, so will that be tax write-off for you? I'm just asking.

Chairwoman Smothers: That's not part of this hearing. I'm going to rule that irrelevant.

Jennifer Hudspeth Hughes: My point was that 165 feet is a lot of yardage if you go out and measure it. It's not the tops of the trees. I'm surrounded by huge trees, but when the leaves come off or the leaves are not in that's going to be like, almost in my face. And almost in Jerry's face. She has a little tiny house, it's going to be, I mean, her house is probably not as wide as that tower is. But that should have no bearing on it. It's just right in front of our property. The street and the trees that are going to block the base of this thing are the only thing between us. A little bit of land, a little bit of scrubby trees, and some rubble from the tornado and that's it. And then there's our house. It's not in the backyard. It is facing our house. It is in our face. And it shouldn't be allowed. The zoning should not allow this. It should not even be considered. I don't know why even have to have this anyway. It's just absurd. Thank you.

Chairwoman Smothers: Thank you. Is there anyone else? Miss White, did you want to talk?

Miss White: No, I mean other than the fact that I have been there sixteen years.

Chairwoman Smothers: Was she sworn? We got to swear you in if you want to talk.

Miss White: Oh well then I'll just pass.

Chairwoman Smothers: Is there anyone else that wants to speak?

If not, I think the question becomes if the Council wants to close the Public Hearing or continue it?

Karen Kemerait: May I have an opportunity to speak about the continuance for thirty seconds?

Chairwoman Smothers: Yes.

Karen Kemerait: I will be very, very brief. First of all, I wanted to correct what Mr. Cecil stated about the standard and the criteria. Miss Chisholm's report is very thorough and very accurate. The standard is simply whether the use will substantially injure the value of adjoining or abutting property. And what she is considering, is she's considered some adjoining abutting properties to a cell tower. One of which. But she's also considering similarly situated homes from similar distances that have similar characteristics. It is not required that she locate adjacent properties to cell towers. Her conclusion needs to be whether there is going to be any injurious effect to adjoining or abutting properties for this particular cell tower. So her analysis is accurate and correct and thorough.

And then also, I would request the public hearing be closed and that, there has been evidence that this will in fact hurt property values. There was an opportunity for the attorney for the neighbors to provide a property impact report and that did not come today. And I think that he has stated that Miss Chisholm has reviewed all of the comps that are in High Point and in the area. So she has done a very thorough analysis of Guilford County and High Point. And there's been no evidence to the contrary as far as property impact reports.

And then finally, the Federal Telecommunications Act of 1996 and North Carolina law, Miss Carlyle may be able to speak about this as well, but any discussion about whether the service is needed and whether, because Verizon, their service from Verizon, therefore T-Mobile does not need service, that type of inquiry is not permitted by Federal or State law. Thank you.

Chairwoman Smothers: Thank you. The reason I asked you if you wanted to continue the Public Hearing is because if we continue, unless you're going to start all over in this

matter, it's either going to have to be resolved before this Council is out of office or it has to start over again.

There has been certainly a lot of testimony. There's no doubt in my mind, and I think I can speak for everybody else, that it's an issue that has certainly brought many in the neighborhood together. We've found over the years there's nothing like a rezoning or a Special Use Permit to do that. Usually it's in opposition to something. This Council can only consider certain parameters of findings, some of which tonight are your major concerns we cannot consider. Visibility is not an issue for us to consider. Substantial injury to value to property is the way the law reads. It's not as if it's different if it substantially can affect the property values.

Lee, when, do any of you know, when was the property posted as to the hearing that would take place before P&Z, do you have any idea? I'm talking now about the property being posted.

Lee Burnette: The zoning sign that was posted on the property by the Planning and Zoning Commission meeting on October 16th.

Chairwoman Smothers: Okay. So the sign was up, a while ago.

Council Member Mendenhall: Miss Smothers, did you want us to tell you whether or not we wanted to make the decision or continue it?

Chairwoman Smothers: Well, I can make a motion that we close the Public Hearing and we can decide it that way if you want to.

I move that the Public Hearing be closed.

Council Member Mendenhall: Second. Do you have to move that, or do you just close it?

Chairwoman Smothers: I'm thinking that's the way we're going to decide if we're going to continue it or we're not.

Joanne Carlyle: That kills it right there, you're right.

Council Member Mendenhall: If that's a motion, I'll second it.

Chairwoman Smothers: The motion is to close the Public Hearing.

Mayor Davis: I have a motion and a second to close the Public Hearing for Special Use Permit TowerCom Enterprises, Item Number 140363, all in favor say aye.

All: Aye.

Mayor Davis: Any opposed? Motion carries.

Chairwoman Smothers: Then I would move that a Special Permit be granted by the City Council based on evidence received into the record this evening on each of the following points: the use will not materially endanger the public health or safety if it's located where proposed. That the use does meet all required standards and conditions and specifications of the development ordinance. In addition, it does in fact exceed some of the standards that the City has. Number three, that the use will not substantially injure value of adjoining or abutting property. And that the use is a public necessity as evidenced by all the cell phones probably each one of us have in our purses. And number four, that the location and character of the use will be in harmony with the area in which it is to be located. Given the site plans that have been presented and will be adhered to in the construction of the tower as in general conformity with the plan of development of the City and its environs.

Council Member Mendenhall: I'll second it.

Council Member Moore: I have a question for Joanne please. In all that we've seen Joanne, and that's been presented, everything that you, we've heard and presided over, is in accordance with state law and all of our local laws?

Joanne Carlyle: Yes.

Chairwoman Smothers: I'm in sympathy with the visibility issue. I live and can see a tower from where I live. I also can hear traffic that is bombing down Westchester which I'm sure a lot of you can hear going down Johnson Street. These are facts of living in a city.

Mayor Davis: I understand the arguments also. What I didn't understand was there's a tower on Skeet Club Road that's real close proximity too that I get to look at every day in my front yard and I see the fence and the building and the base. I get to see the whole thing from my viewpoint.

Audience: We can't hear you.

Mayor Davis: I was talking about a tower that I get to look at every day out of my front yard too. If I understand it tonight, this is allowed by state law in a residential area. And the only way that can be changed is to get our legislators to change that, correct? Is that what I'm hearing?

Joanne Carlyle: It has to come from the General Assembly, that's correct.

Chairwoman Smothers: And the courts have ruled on some of the other issues.

Council Member Mendenhall: I, too, sympathize with the neighbors. But I also have a tower I can see. And I understand their concerns, but I think we have a responsibility to do what is legal and I think there has to be some acceptance of the staff's

recommendations that according to the standards that are in place, this meets those standards. And because of that, I don't think there's really any option other than to approve it.

Council Member Ewing: I'm also in agreement. I'm sympathetic for those that have to stare at something like this, but in a quasi-judicial hearing as this is, we just have to go off of the four findings of fact. And based on those four components I can't see any reason not to support this.

Council Member Moore: I just want to say one more thing, and this is probably kind of personal, because I see a lot of familiar faces and neighbors here, and friends. I guess that's part of local politics. But, I want to remind you that when I took the oath of office I swore that I would uphold the laws of the State of North Carolina as well as what's here. And I'm not an attorney, I'm not excited about it. But that's what I swore I would do. And I think that's what I have to do.

Chairwoman Smothers: Call his question.

Mayor Davis: We have a motion and a second to approve Special Use Permit for TowerCom Enterprise, Item number 140363. This has been called. Any further discussion or comments? Hearing none, all in favor say aye.

All: Aye.

Mayor Davis: Any opposed? The motion carries.

[end of transcript]

Approved the request by TowerCom Enterprise to allow a Telecommunication Tower exceeding the height limits of the Residential Single Family-12 (RS-12) District.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, to approve the Special Use Permit as requested by TowerCom Enterprises. The motion PASSED by an 8-0 unanimous vote.

140364

Ordinance - Text Amendment 14-06 - City of High Point

A request by the Planning & Development Department to amend Section 9-5-2(ttt) of the Development Ordinance, entitled Livestock and Bees, to remove provisions pertaining to Fowl and Apiaries (Bees).

The public hearing for this matter was duly held on Monday, November 17, 2014 at 6:15 p.m.

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

Chairwoman Smothers opened the public hearing and asked if there were any comments regarding Text Amendment 14-06. There being none, the public hearing was closed.

Adopted Ordinance amending Section 9-5-2 (ttt) of the Development Ordinance entitled Livestock and Bees, to remove provisions pertaining to fowl and apiaries (bees).

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by an 8-0 unanimous vote.

**Ordinance No. 1812/14-91
Introduced 11/17/2014; Approved 11/17/2014
Ordinance Book Volume XVIII, Page 144**

140365 Resolution - Street Abandonment SA 14-11 - City of High Point

A request by the City Manager's Office to abandon an unimproved right-of-way lying along the west and east side of S. Centennial Street, between Lake Avenue and E. Kerns Avenue.

The public hearing for this matter was duly held on Monday, November 17, 2014 at 6:15 p.m.

The staff report is hereby attached in Legistar as a permanent part of these proceedings.

Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to speak either for or against the Street Abandonment 14-11. There being no one present to speak, the public hearing was closed.

Adopted Resolution abandoning an unimproved right-of-way lying along the west and east side of S. Centennial Street, between Lake Avenue and E. Kerns Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Wagner, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1422/14-62
Introduced 11/17/2014; Adopted 11/17/2014
Resolution Book, Volume XVIII, Page 144**

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140321 Boards and Commissions - Vacancy Report

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

This information is attached for informational purposes only. No action is required on this item.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**140366 Minutes to be Approved**

- Community Housing & Neighborhood Development Committee: Tuesday, October 28th @ 9:00 a.m.
- Regular Council Committee: Monday, November 3rd @ 5:30 p.m.
- Special Meeting of City Council (Personnel) Meeting: Friday, November 7th @ 9:00 a.m.
- Special Meeting of City Council (Personnel): Monday, November 10th @ 9:00 a.m.
- Comprehensive Planning Committee Meeting: Tuesday, November 11th at 4:00 p.m.

Approved the preceding minutes as submitted.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the preceding minutes be approved. The motion PASSED by an 8-0 unanimous vote.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:50 p.m. upon motion duly made by Council Member Mendenhall and seconded by Council Member Douglas.

Respectfully Submitted,

James C. Davis, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Budget Amendment for Meredith Street Apartment Demolition

From: Eric Olmedo, Budget Manager

Meeting Date: December 8, 2014

Public Hearing: N/A

Advertising Date: N/A

Advertised By: N/A

Attachments: Budget ordinance

PURPOSE:

A budget amendment is needed to fund the demolition of the Meredith Street apartments.

BACKGROUND:

On November 17, 2014 the City Council approved the demolition of the Meredith Street apartments. At that time Council was informed that a budget amendment would be needed to fund the demolition. The low bid for demolition was \$35,600, and it is estimated that asbestos abatement will cost approximately \$20,000.

BUDGET IMPACT:

Funding in the amount of \$55,600 will be appropriated from fund balance.

RECOMMENDATION / ACTION REQUESTED: The Budget Department recommends and asks the Council to approve the budget amendment.

“AN ORDINANCE AMENDING THE 2014-2015 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FOR DEMOLITION OF THE MEREDITH STREET
APARTMENTS

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The City of High Point has determined it is in the City's best interest to demolish the Meredith Street apartments.

Section 2. In order to appropriate these funds, the 2014-2015 Budget Ordinance of the City of High Point, should be amended as follows:

(A) That the General Fund Building Inspection expenditures be amended as follows:

Demolitions	\$ 55,600
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(B) That the General Fund revenues be amended as follows:

Appropriated Fund Balance	\$ 55,600
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Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted December 8, 2014

**HIGH POINT CITY COUNCIL
SPECIAL MEETING
NOVEMBER 25, 2014 – 4:00 P.M.
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

MINUTES

ROLL CALL

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

Present: Mayor James Davis, Council Member Rebecca Smothers (At-Large), Council Member Britt Moore (At-Large), Council Member Jeffrey Golden (Ward 1), Council Member Judy Mendenhall (Ward 3), Council Member Jay Wagner (Ward 4), Council Member Jason Ewing (Ward 6)

Absent: Council Member Foster Douglas (Ward 2)

REGULAR AGENDA ITEMS

Mayor Davis called the meeting to order and announced the purpose of the meeting was to go into Closed Session for the purpose of personnel (city manager search) pursuant to North Carolina General Statute 143-318.11(a)(6).

Upon motion duly made and seconded, Council went into a Closed Session at 4:00 p.m. to discuss the contract of and appointment of a city manager.

Upon motion duly made and seconded, Council reconvened into Open Session at 4:11 p.m.

140369 Appointment of City Manager (Gregory Demko)

Consideration of Appointment of Gregory Demko as the new City Manager for the City of High Point.

Mayor Davis read the following from a prepared statement:

"When our previous City Manager retired this past July, one of the High Point City Council's highest priorities was to select the person who would carry this organization forward. We set a transparent process in motion that involved both the High Point community and city staff. Our mission was to address the needs of our residents and the needs of the organization in an efficient and responsible way.

After a rigorous and intense search process that involved careful deliberation and a very talented pool of candidates, we feel that we have found the person to lead this organization into a promising future.

The High Point City Council has selected Gregory Demko to manage High Point's budget of over \$340 million and staff of over 1300 employees. Greg brings a wealth of knowledge and experience with more than 35 years in local government. He is currently employed as the Assistant City Manager and Director of Finance for the City of Monroe. In the past, Greg has also served the City of Monroe as interim City Manager.

We felt his talents and abilities were an ideal fit for High Point and are excited to have him steering the organization. Greg understands our commitment to customer service, economic development, revitalization, good stewardship, and the maintenance of our community's high quality of life.

Our city faces challenges as we continue to grow and develop, but we are confident that Greg's leadership and proven track record are the right set of skills to help our City maintain the level of integrity and respect it has gained in the state, in the nation, and in the world. I look forward to the coming days, working with our new manager as he serves this great community and as he and his family become a part of the High Point family."

A motion was made by Mayor Davis, seconded by Council Member Smothers, that this appointment be approved. The motion carried by the following 6 -1 vote:

Aye (6): Council Member Ewing, Council Member Golden, Council Member Mendenhall, Council Member Smothers, Council Member Wagner, and Mayor Davis

Nay (1): Council Member Moore

Absent (1): Council Member Douglas

140370 Consideration of Contract with Gregory Demko Representing the Offer and Acceptance for the Position of City Manager

Consideration of contract with recently appointed Gregory Demko as High Point City Manager effective January 12, 2015.

Prior to the vote on the approval of the new City Manager's contract, Mayor Davis read the following from a prepared statement:

"I would like to thank Randy McCaslin for his dedication and selflessness, providing leadership and stability as the Interim City Manager for the last six months. We are fortunate to have such a great team player in our organization."

Approved the appointment of Gregory Demko as City Manager for the City of High Point effective January 12, 2015.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Contract with Gregory Demko Representing the Offer and Acceptance be approved. The motion PASSED by a 7 - 0 unanimous vote. [Council Member Douglas was absent]

Note: Council Member Moore did not verbally vote Aye or Nay on this matter and pursuant to North Carolina General Statute 160A-75 "failure to vote by a member who is

physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.”

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 4:17 p.m. upon motion duly made and seconded.

Respectfully Submitted,

James C. Davis, Mayor

Attest:

Thomas Vincent
Deputy City Clerk

**ORDINANCE ESTABLISHING DATES AND TIMES FOR OFFICIAL SESSIONS OF THE
HIGH POINT CITY COUNCIL**

WHEREAS, Article II, Section 2.5 of the Charter of the City of High Point (Chapter 501 of the Session Laws of 1979, as amended), requires that the City Council establish specific dates for all meetings, and provide for the call of special meetings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

Pursuant to Article II, Section 2.5 of the Charter of the City of High Point, that on and after December 8, 2014, there shall be held Regular meetings of the High Point City Council in the Council Chambers on the Third Floor of the Municipal Building, located at 211 South Hamilton Street, High Point, North Carolina. The meeting schedule shall be as follows:

Regular Meetings of the City Council shall be held on the first and third Monday of each month at **5:30 p.m.** with public hearings starting at **6:15 p.m.**

City Manager's Briefing Sessions shall be held on Thursday following the 1st and 3rd Monday regular meeting at 9:00 a.m. in the City Manager's Conference Room, unless otherwise announced.

Any Special Called Meetings—including Closed Sessions—may be called as provided by law.

All scheduled meetings shall be in accordance with the Open Meetings Law.

(these meetings could be subject to cancellation if there is no business to be considered)

FURTHER, that the Mayor, when present, shall preside at all meetings of the City Council. If the Mayor is absent, then the Mayor Pro Tempore shall preside. If the Mayor Pro Tempore is also absent, then any other Member of City Council may be selected to preside at the meeting.

Meeting schedule to be effective upon adoption.

Adopted by City Council
This 8th day of December, 2014

Lisa B. Vierling, MMC
City Clerk

<u>BOARDS/COMMISSIONS/LIAISON MEMBERS</u> <u>(2014-2017) High Point City Council</u>	
<u>ABC Board</u> - 3rd Wednesday- 2:00 p.m. , Administration Offices at 201 W. Fairfield.....	Hill
<u>Arts Council</u> - 4th Wednesday- 12 Noon - 121 S. Centennial.....	Wagner
<u>Board of Realtors-(Board of Directors)</u> Last Wednesday- Various times/locations	J. Davis
<u>Chamber of Commerce</u> ... 4th Wednesday- 4:00 p.m. - Board Room, Chamber of Commerce.....	Hill
<u>Citizens Advisory Council</u> - 4th Thursday- 6:00 p.m. - (various locations)	Golden
<u>Convention & Visitors Bureau</u> - 3rd Wednesday- 12 Noon – HPCVB @ 1634 N. Main, Suite 102.....	Alexander
<u>City Project</u> - 1st Mon. @ 1:30 - Chamber Office.....	C. Davis/Ewing
<u>Economic Development Corporation</u> - 1st Wednesday- 4 p.m. (none in Jan., July or Dec.) various locations	Ewing
<u>Furniture Market Authority</u> -(meet 4 times a year)	Williams
<u>Guilford County Gang Commission</u> (currently not active).....	
<u>Guilford County Local Emergency Planning Committee</u> - 2nd Thursday of month - 9 a.m- 12 Noon - Various locations (see attached schedule).....	C. Davis
<u>Guilford County Parks & Recreation Commission</u> - 2nd Tuesday- 6:30 p.m. – (4 th Floor Conference Room- Old Courthouse- Greensboro.....	C. Davis
<u>High Point Community Against Violence</u> - 1st Wednesday @ 8:30 a.m.	Hill/Williams
<u>Housing Authority</u> - 2nd Wednesday- 4:00 p.m. - Board Room (unless otherwise posted).....	Williams
<u>High Point Theatre Advisory Board</u> - 2nd Wednesday- 4:00 p.m. - High Point Theatre.....	Alexander
<u>Human Relations Commission</u> - 2nd Thursday- 5:30 p.m. - HRD Conference Room.....	Golden
<u>Library/Museum Board of Trustees</u> - 3rd Wednesday- 4:30 p.m. - Board Room- Library	Hill
<u>NC Municipal Power Agency (NCMPA-1) Electricities</u>	Alexander/ Bencini
<u>Parks & Recreation Commission</u> - 2nd Monday – 5:30 p.m. - Parks & Rec. Adm. Offices @ 136 Northpoint.....	J. Davis
<u>PART</u> - 2nd Wednesday @8:30 a.m. ..-PART Office- Greensboro.....	J. Davis
<u>Piedmont Triad Regional Council</u> Paul J. Ciener Botanical Gardens, Kernersville.....	Alexander
<u>Transportation Advisory Committee/MPO</u> - 4th Tuesday @ 10:00 a.m.	Bencini
<u>Welfare Reform Liaison Project</u>	Golden
<u>Workforce Development Board</u>	C. Davis
<u>Governmental Liaisons</u>	Alexander/Golden