

City of High Point

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



Meeting Minutes

Monday, December 1, 2008

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem M. Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., John Faircloth; Michael D. Pugh; Bernita Sims; Lisa Stahlmann, and Ronald B. Wilkins were present.

Council Member Wilkins offered the invocation; the Pledge of Allegiance followed.

Present: Council Member Whitley, Mayor Smothers, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh and Council Member Sims

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Sims, seconded by Mayor Pro Tem Whitley to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [9-0 vote]

Motion was then made by Council Member Stahlmann, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [9-0 vote]

Note: As a result of this action, there is no need for the Thursday morning meeting.

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Wilkins and second by Council Member Pugh.

Finance Committee Meeting; Monday, November 17th @ 3:30 p.m.

Combined Meeting; Monday, November 17th @ 4:45/5:30 p.m.

Adjourned Session; Tuesday, November 18th @ 4:00 p.m.

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Council Member Whitley, Chair**

Committee Members: Bencini, Faircloth and Pugh

[all were present]

080297

Approval of contract awarding Bid No. 31 for the purchase of two Automatic Transfer Switches. Purchasing and the Electric Department recommends that contract be awarded to Trayer Engineering in the amount of \$117,550.00 which is the lowest responsive and responsible bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Awarded contract for the purchase of two automatic transfer switches with Trayer Engineering in the amount of \$117,550.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Bencini, that this matter be approved. The motion carried unanimously.

080319

Approval of ElectriCities Joint Bid for purchase of Poles for the Electric Department. Purchasing and the Electric Department recommends that contract be awarded to Cox Industries, Inc. in the amount of \$156,433.50 which is the lowest responsible and responsive bidder meeting specifications.

This matter was discussed during a Finance Committee Meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved ElectriCities joint bid for the purchase of poles for the Electric Department and awarded contract for same to Cox Industries in the amount of \$156,433.50 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Bencini, that this matter be approved. The motion carried unanimously.

080314

Council is requested to authorize the City Attorney's office to proceed with the purchase of property located at 1646 Penny Road belonging to the High Point Jaycees in the amount of \$134,500. Property is needed for the construction of an electric substation to help serve the increasing load in the Northwest and to serve as a backup for the substations on Barrow Road and Deep River Road.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

Due to some questions regarding the location being problematic due to its visibility in a residential area, the Committee recommended this matter be referred to the Finance Committee for further discussion.

Referred to Finance Committee for two weeks.

A motion was made by Council Member Whitley, seconded by Mayor Pro Tem Bencini, that this matter be referred to the Finance Committee, due back on December 15, 2008. The motion carried unanimously.

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair**Committee Members: Faircloth, Stahlmann, Pugh and Wilkins****[all were present]****080325**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 114 Sunview Avenue belonging to Fred B. Amos/Countrywide Mortgage.

Chairman Alexander explained a 15-day order to demolish was being pursued due to the major structure failure and imminent danger of collapse of the building. He asked if there was anyone present to speak regarding this matter; no one was present. Council Member Faircloth pointed out this situation is indicative of what the city can expect more of in the future due to the increased number of foreclosures and asked if there would be any way to address these particular situations prior to the mortgage company foreclosing on the property. City Attorney Fred Baggett explained the status of the foreclosure proceeding has no direct relationship to the action being taken. He noted the owner and the mortgage company would both be notified of the proceedings. Council Member Faircloth expressed concerns that in the information Council was given, a lot of attention was focused on the mortgage company when in all actuality, they had nothing to do with it because they could not make any decisions regarding the structure and felt the city should have responded more quickly because of the dangerous condition of the structure. Mayor Smothers suggested it might help to have some guidance from staff.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance ordering the housing inspector to effectuate a 15-day order to demolish the dwelling located at 114 Sunview Avenue belonging to Fred B. Amos/Countrywide Mortgage.

Ordinance No. _____
12/1/08

Introduced

Adopted 12/1/08

Ordinance Book Volume XVI, Page _____

A motion was made by Council Member Alexander, seconded by Council Member Pugh, that this matter be adopted. The motion carried unanimously.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair**Committee Members: Alexander and Pugh****[all were present]**

There were no matters appearing on tonight's Agenda for consideration by the Public Services Committee.

080315

Council is requested to approve amendment to Article P, Section XV of the City's Traffic Ordinance for the following:

No Trucks on Futrelle Drive, from a point approximately 500 feet south of Eastchester Drive (NC 68) to Dayton Avenue.

No Trucks on Blain Street from Cook Street to Dayton Avenue

Chairman Faircloth asked Mark McDonald, Director of Transportation, to provide background information on the anticipated results of this action.

Mr. McDonald explained several months ago, there was a rezoning action involving Vann York Auto properties and concerns were voiced at that time regarding truck traffic and turn-around truck traffic in the area behind the dealership. Staff was asked to look at this and determine what restrictions could be put in place to help prevent problems with the truck traffic in the neighborhood. He explained No Trucks was already posted with identified weight limits, but staff was not able to find any records of that actually being recorded anywhere although it was signed.

Chairman Faircloth asked if there were any questions. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Adopted ordinance amending Article P, Section XV of the City's Traffic Ordinances for the following:

No Trucks on Futrelle Drive (from a point approximately 500 feet south of Eastchester Drive- NC68- to Dayton Avenue

No Trucks on Blain Street from Cook Street to Dayton Avenue

Ordinance No. _____

Introduced

12/1/08

Adopted 12/1/08

Ordinance Book Volume XVI, Page _____

A motion was made by Member Faircloth, seconded by Council Member Whitley, that this matter be adopted. The motion carried unanimously.

080316

Council is requested to approve amendment to Article P, Section XV of the City's Traffic Ordinance to provide for the following:

No Trucks on Evergreen Avenue, from a point approximately 320 feet east of Westchester Drive (NC 68) to Edgewood Drive.

This matter was discussed during a Transportation Committee meeting held on November 5th.

Mark McDonald, Director of Transportation, explained residents on Evergreen have approached Council several times and this matter was brought about due to concerns voiced by the residents on Evergreen about thru traffic and truck traffic in the area since the street is substandard.

Mr. McDonald also reported that staff is in the process of reviewing a petition from the residents to post the speed limit on Evergreen to 25 m.p.h.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption of the ordinance restricting trucks on Evergreen Avenue.

Adopted ordinance amending Article P, Section XV of the City's Traffic Ordinance Schedule to provide for the following:

No Trucks on Evergreen Avenue from a point approximately 320 feet east of Westchester Drive (NC 68) to Edgewood Drive.

Ordinance No. _____

Introduced 12/1/08

Adopted 12/1/08

Ordinance Book Volume XVI, Page _____

A motion was made by Member Faircloth, seconded by Council Member Whitley, that this matter be adopted. The motion carried unanimously.

080317

Council is requested to approve Signal timing Optimization Services Supplemental Agreement 4 which will target operational improvements along signalized corridors within air quality non-attainment areas in the High Point Metropolitan Planning Organization.

Mark McDonald, Director of Transportation, explained the city has received a CMAQ (Congestion, Mitigation, and Air Quality) grant through NCDOT and the Federal Highway Administration to do various work related to improving air quality and reducing congestions. This is a project that the staff pursued through the MPO (Metropolitan Planning Organization) and have been working with the MPO partners to do some signal timing improvements on various corridors in High Point, Jamestown and Thomasville.

Chairman Faircloth noted that the total amount of the contract for this project was \$137,000 with the city's 20% match being \$27,400. He asked if the City of High Point would be responsible for the full \$27,400. Mr. McDonald explained it could be routed through High Point and we could actually pay a portion of that out of planning grant funds through the MPO to cover Jamestown's and Thomasville's proportion.

In reference to the areas included in the study, Council Member Bencini suggested flashing operation of the lights in the downtown areas on weekends and felt this would result in having less idle time which would result in cleaner air quality and would also help keep traffic moving. Mr. McDonald agreed this was something that staff could evaluate this and explained there was some specific criteria regarding the use of flashing operations as opposed to the typical red, yellow, green operation.

There being no further questions or comments, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved the Signal Timing Optimization Services Supplemental Agreement 4 which will target operational improvements along signalized corridors within air quality non-attainment areas within the High Point Metropolitan Planning Organization.

A motion was made by Member Faircloth, seconded by Council Member Sims, that this matter be approved. The motion carried unanimously.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members: Faircloth, Sims, Stahlmann and Whitley

[all were present]

There were no matters appearing on tonight's Regular Agenda for consideration by the Planning and Development Committee.

080318

Council is requested to acknowledge receipt of the canvassed results of the Municipal General Election held on Tuesday, November 4, 2008.

Acknowledged receipt of the canvassed results of the Municipal General Election held on Tuesday, November 4, 2008.

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be acknowledged receipt of report. The motion carried unanimously.

Men of Valor Excelling (M.O.V.E.)

Mr. Richard McGoogan, a teacher at High Point Central High School, addressed Council in an effort to draw national attention to the "Men of Valor Excelling." He distributed a packet of information to the Council and invited them to the Gentlemen's Ball to be held on January 24th at the Radisson to inform the community about the organization's efforts. He shared that M.O.V.E. is an organization of young males who stand for non violence, who also stand for academics and for making positive changes in the lives of youth everywhere. He also shared that they started in the 2007-2008 school year with the leadership 2000 class and during that class they were introduced to the National Alliance of Faith and Justice (NAFJ) who have a PEN (penitentiary) and PENCIL (education) program to challenge youth to avoid any behaviors that would cause them to give up their seat in the classrooms for one in the penitentiary. Because of their efforts in performing the first national boycott, they were invited to go to California and Washington D.C. and they challenged other youth to boycott violence in high schools for 40 days. They also traveled to Memphis, Tennessee in commemoration of 40th year anniversary of the assassination of Dr. Martin Luther King, Jr. and were part of a Youth Summit.

While there, a contact was made with Black Entertainment Television (BET) personality Mr. Jeff Johnson and Mr. Johnson was so impressed with the young people that he wants to come to High Point to put on a Youth Summit to talk about issues and present solutions to the problems. Three of the young men in M.O.V.E. wrote a rap song on the trip to Memphis to commemorate Dr. King's legacy and the non-violence that he stood for. The song, "We Gotta Move" is a positive rap song that talks about Dr. King's efforts and what the youth of today can do to take a stand for non-violence and do what's right. This song is M.O.V.E. 's national anthem.

Mayor Smothers asked the young men present to introduce themselves.

Aaron Stevens gave details regarding the Gentlemens Ball and extended a personal invitation to Mayor Smothers to sit as an honored guest at the head table. The colors for the event will be black and gold.

Alexander K????; James Cayso- High Point Central; Sashane ??? High Point Central; Demarius Miles- High Point Central;

Ryan Denver, High Point Central, stated he was in charge of organizing the MLK Day- March on Washington Drive on January 19th. They are planning a march on Washington Drive in High Point in recognition of MLK Day on January 19th (working with Big Brothers & Sisters planning the event). He asked for Council's support in obtaining a permit for the event and solicited participants, corporate support, sponsors, etc.... After the event, all participants will gather at a hangar at the PTIA and will have the pleasure to a live performance of the "We Gotta Move" rap song that was written by three High Point students (Amos Moseley,

David Ledbetter and Kenneth Ledbetter).

Mayor Smothers congratulated the young men for being leadership role models and for stepping out at a time when it's easier just to be quiet. [applause]

Concluding his comments, Mr. McGoogan shared an article, Yes, We Can Dream Too written by Christopher J. Madden in the CCN (Community Connections Network) magazine featuring the efforts of M.O.V.E.

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.

Prior to the public hearings being held, those persons desiring to speak regarding the quasi-judicial matters were duly sworn.

080321 A request by the City of High Point Technical Review Committee to abandon a portion of an unimproved right-of-way known as Purdy Avenue, between Carter Street and Worth Street.

The public hearing regarding this matter was held on Monday, December 1, 2008 at 5:30 p.m.

Mark Schroeder of Planning and Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
STREET ABANDONMENT CASE # SA08-18
October 28, 2008*

Applicant: Technical Review Committee Request: Abandonment of the public interest in an unimproved right-of-way known as Purdy Avenue, lying approximately 500 feet north of E. Commerce Avenue, between Carter Street and Worth Street.

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Purdy Avenue</i>	<i>Local Street</i>	<i>Approx. 27 ft. R/W - Unimproved</i>
<i>Carter Street</i>	<i>Local Street</i>	<i>Approx. 30 ft. R/W - 18 ft. ribbon</i>
<i>Worth Street</i>	<i>Local Street</i>	<i>Approx. 30 ft. R/W - 18 ft. ribbon</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RS-7</i>	<i>Residential Single Family - 7</i>	<i>Single Family Dwelling</i>
<i>South</i>	<i>RS-7</i>	<i>Residential Single Family - 7</i>	<i>Vacant Lot</i>
<i>East</i>	<i>RS-7</i>	<i>Residential Single Family - 7</i>	<i>Vacant Lot</i>
<i>West</i>	<i>RS-7</i>	<i>Residential Single Family - 7</i>	<i>Vacant Lot</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 27 foot wide by 312 foot long unimproved right-of-way containing approximately 8,424 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned.

If approved, this existing excess right-of-way will be equally divided between the abutting property owners. The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. In accordance with policy regarding abandonments initiated by the TRC, early notice was sent to the adjacent property owners on August 8, 2008. The retention of an easement is necessary for an existing sanitary sewer line to cross a portion of the right-of-way proposed for abandonment.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing line based on preliminary findings that it is not contrary to the public's interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Following the conclusion of the staff report, Chairman Bencini opened the floor for comments. There were no citizens present to speak regarding the matter.

The public hearing was declared closed.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted resolution abandoning a portion of an unimproved right-of-way known as Purdy Avenue, between Carter Street and Worth Street as requested by the High Point Technical Review Committee.

Resolution No. _____

Introduced

12/1/08

Adopted 12/1/08

Resolution Book Volume XVI, Page _____

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

080322

A request by the City of High Point Technical Review Committee to abandon a portion of an unimproved right-of-way known as Brentwood Avenue, between Manley Street and the US-311 Bypass Highway.

The public hearing regarding this matter was held on Monday, December 1, 2008 at 5:30 p.m.

Mark Schroeder with Planning and Development gave an overview of the staff report as follows:

CITY OF HIGH POINT

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

STREET ABANDONMENT CASE # SA08-19

October 28, 2008

Applicant: Technical Review Committee Request: Abandonment of portion of an unimproved right-of-way known as Brentwood Avenue, lying approximately 650 feet north of Lowe Avenue, between Manley Street and the US-311 Bypass

Street Classifications

Street Name Classification R/W and Pavement Width

Brentwood Avenue Local Street Approx. 50 ft. R/W (PB 14 Pg 1)

Manley Street Local Street Approx. 50 ft. R/W - 18 ft. ribbon

US 311 Bypass Major Thoroughfare Approx. 750 ft. R/W - Multiple Lanes

Adjacent Zoning and Current Use

North RS-7 Residential Single Family - 7 Single Family Dwelling

South RS-7 Residential Single Family - 7 Single Family Dwelling

East LI Light Industrial Interstate Highway

West RS-7 Residential Single Family - 7 Single Family Dwelling

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 50 foot wide by 150 foot long unimproved right-of-way containing approximately 7,500 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned.

If approved, this existing excess right-of-way will be equally divided between the abutting property owners. The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. In accordance with policy regarding abandonments initiated by the TRC, early notice was sent to the adjacent property owners on August 8, 2008. The retention of easements is necessary for an existing sanitary sewer line that runs parallel to the southern boundary of the public right-of-way.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing line based on preliminary findings that it is not contrary to the public's interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Chairman Bencini opened the public hearing and asked if anyone present who would like to comment. There being no one present to speak in support of or in opposition to the request, the public hearing was declared closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution abandoning a portion of an unimproved right-of-way known as Brentwood Avenue between Manley Street and the US 311 Bypass as requested by the High Point Technical Review Committee.

*Resolution No. _____
Adopted 12/1/08
Resolution Book Volume XVI, Page*

Introduced 12/1/0/

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

080323

A request by the City of High Point Technical Review Committee to abandon an unimproved right-of-way known as Dupont Avenue, between E. Kearns Avenue and Wheeler Avenue.

The public hearing regarding this matter was held on Monday, December 1, 2008 at 5:30 p.m.

Mark Schroeder with Planning and Development gave an overview of the staff report as follows:

CITY OF HIGH POINT

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

STREET ABANDONMENT CASE # SA08-21

October 28, 2008

Applicant: Technical Review Committee Request: Abandonment of an unimproved right-of-way known as Dupont Avenue, lying approximately 550 feet east of Park Street, between E. Kearns Avenue and Wheeler Avenue

Street Classifications

<i>Street Name</i>	<i>Classification</i>	<i>R/W and Pavement Width</i>
<i>Dupont Avenue</i>	<i>Local Street</i>	<i>Approx. 20 ft. R/W (PB 4 Pg 19)</i>
<i>E. Kearns Avenue</i>	<i>Local Street</i>	<i>Approx. 30 ft. R/W - 18 ft. ribbon</i>
<i>Wheeler Avenue</i>	<i>Local Street</i>	<i>Approx. 30 ft. R/W - 18 ft. gravel</i>

Adjacent Zoning and Current Use

<i>North</i>	<i>RM-12 Residential Multi-family - 12</i>	<i>Single Family Dwelling</i>
<i>South</i>	<i>LI Light Industrial</i>	<i>Outdoor Storage</i>
<i>East</i>	<i>LI Light Industrial</i>	<i>Residential / Vacant</i>
<i>West</i>	<i>LI Light Industrial</i>	<i>Residential / Vacant</i>

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 20 foot wide by 477 foot long unimproved right-of-way containing approximately 9,540 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned.

If approved, this existing excess right-of-way will be equally divided between the abutting property owners. The TRC reviewed this request on July 23, 2008 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners on August 8, 2008. The retention of an easement is necessary for an existing sanitary sewer line that crosses a portion of the right-of-way proposed for abandonment.

There are several interior properties that are owned by the same individual or company (Jarvis-Alleghany William C, LLC and Jarvis W C & Kathleen), but the ownership pattern also shows that these parcels abut lots with frontage on city maintained streets of E. Kearns Avenue and Wheeler Avenue (See map depicting the common ownerships). Therefore, the abandonment of the public's interest and

conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 20 foot wide sanitary sewer easement centered on the existing line based on preliminary findings that it is not contrary to the public's interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

[end of staff report]

Chairman Bencini opened the public hearing and asked for comments. There being no one present to offer any comments, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution abandoning an unimproved right-of-way known as Dupont Avenue between E. Kearns Avenue and Wheeler Avenue as requested by the High Point Technical Review Committee.

Resolution No. _____

Introduced 12/1/08

Adopted 12/1/08

Resolution Book Volume XVI, Page _____

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

080324

A request by the City of High Point Police Department for a Special Use Permit to expand an existing Shooting Range, Outdoor (government owned/operated) in the Agricultural (AG) District. This site is lying southeast of the intersection of Riverdale Road and Interseate-85 (I-85).

The public hearing for this matter was held on Monday, December 1, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development presented the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
SPECIAL USE PERMIT 08-05
November 24, 2008
Revised*

Applicant/ Owner: City of High Point - Police Department

Proposal: A Special Use Permit request to expand an existing outdoor shooting range in the Agricultural (AG) District.

Site Information

Location Lying southeast of the intersection of Riverdale Road and Interstate 85 (I-85), the site is also known as Guilford County tax parcel 481-1-7.

Site Acreage Approximately 7.97 acres.

Current land use City of High Point Police firing range.

Physical Characteristics The site consists of a peninsula area surrounded on three sides by Randleman Lake. The outer edge of this peninsula, near the lake, is heavily wooded and the steeper terrain is near the lake. There are flood zone areas associated with the lake which encroaches upon portions of the site.

Prox. to Water & Sewer City water and sewer utilities are in the vicinity but are not easily accessible. There is a 54-inch sewer line lying approximately 230 feet south of the site along the shoreline and within Randleman Lake. When initially installed this sewer line paralleled the former Richland Creek. With the flooding of this area from the construction of the Randleman Dam, this sewer line is now along the shoreline and within Randleman Lake. There is an 8-inch water line, approximately 1,300 feet to the north of the site, within the Riverdale Road right of way that terminates in front of the City's Eastside Sewer Plant.

Stormwater/ Drainage The site is subject to the Randleman Lake Watershed Critical Area (WCA) requirements of the water supply watershed regulations. The site is within Tier 2 of the WCA and restricted to one dwelling unit per five acres or 2.5% built-upon area.

Overlay Districts Randleman Lake Watershed Critical Area; Tier 2.

Site Access & Street Classification

*Street Name Classification Approximate Frontage
Riverdale Road Minor Thoroughfare 250 ft.*

Traffic Impact Analysis (TIA) Due to the low trip generation of the requested use, a TIA is not required.

Surrounding Area Zoning and Current Use

North AG Agricultural District Randleman Lake
South AG Agricultural District Randleman Lake
East AG Agricultural District Randleman Lake
West HI Heavy Industrial District Interstate Highway 85 (I-85)

School District Information

Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History

Land Use Map Designation The site has a Rural Development land use designation. This classification is intended to accommodate residential development at very low densities of one dwelling unit per gross acre or less in areas where utility services are not anticipated, as well as a limited amount of low-intensity nonresidential development.

Relevant Land Use Plan Goals, Obj. & Policies 1. The following goal of the Land Use Plan are relevant to this request: Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. 2. The following goal of the Community Facilities Plan for the High Point Planning Area is relevant to this request: Sequence the installation and construction of community facilities to meet the requirements of anticipated growth.

Relevant Area Plans None

Related Zoning History None

Background Information:

This is a Special Use Permit request submitted by the City of High Point Police Department to expand uses upon an existing outdoor shooting range. The request does not expand the land area of the facility it only authorizes improvements to the existing facility. This use is permitted within the Agricultural (AG) District and the Public & Institutional (PI) District with special use permit approval. The site is surrounded on three sides by Randleman Lake; uses upon opposite sides of the lake consist of an old solid waste landfill and the City's Eastside Wastewater Treatment Plant to the north and west across I-85, and undeveloped parcels or farmlands to the south and east with the nearest house being approximately ½ mile away.

The range was opened in 1991. Its initial development phase consisted of earth movement in order to level off the ground and create a 10-foot high protective earthen berm for bullet containment and the installation of an access drive from Riverdale Road and the parking lot area. The actual firearms range is to the far eastern side of the site and consists of a large shooting area that is approximately 235 feet wide and has the capacity for up to a 300 yard shot. It has multiple shooting positions and can accommodate approximately 30 shooters. There are also two smaller shooting bays that allow for additional, simultaneous firearms training. No Special Use Permit was required in 1991 when this use was developed, so this request also will bring it into compliance with the current

Development Ordinance, which was adopted in 1992.

When developed in 1991 the facility was utilized primarily by the High Point Police Department (HPPD) for firearms training and qualification purposes. Over the past ten years, range operations have greatly increased to accommodate numerous other local, state and federal law enforcement agencies as well as military units. Approximately 15 and 20 agencies utilize the City's range on a regular basis thus, making this a regional training facility.

The applicant is requesting special use permit approval to allow the following upgrades to the facility:

- 1. Construction of a "Shoot House" - This will be an approximately 1,600 square foot ballistic structure that will allow for live gun fire in a 360 degree direction. This building will be constructed of steel, plywood and rubber and is designed to simulate building searches and suspect encounters. This building will have video recording options which will be utilized for training and review purposes. There are currently no comparable structures in our region, thus this use will provide a training opportunity that most agencies do not have.*
- 2. Construction of a "Shooting/Rappel Tower" - This is a multi-level tower that will allow for shooting from various heights and angles towards the existing range area. This tower will allow for training that simulates urban downtown areas from atop multistory buildings. In addition, this tower will also be used to practice rappelling & climbing techniques.*
- 3. Construction of a classroom and restroom facility - This is an approximately 4,500 square foot classroom facility with restrooms. Since it's opening in 1991, the HPPD Range has not had running water, and only two portable latrines (porta-johns) have been provided. This causes logistics problems as well as OSHA related concerns since there is no water supply for hand washing after the handling of lead contaminated bullets. There is currently a request being considered by the state to allow access for water lines across I-85. Additionally, a permit for a septic tank has been issued by Guilford County. The restroom facility will be constructed first and as funding becomes available in the future, the classroom facility will be constructed.*
- 4. Along with the above noted improvements, there will be security upgrades consisting of a card controlled access gate and cameras that can be monitored from off site locations.*

The Development Ordinance requires outdoor shooting range (government owned/operated) use to meet the following development standards:

- Setback: No portion of the range shall be closer than 300-feet to any exterior property line.*
- Access: Access shall be controlled to prevent unregulated entrance to the firing area.*

- *Security Fencing: A minimum 6-foot high security fence shall be provided around the perimeter of the range.*
- *Berms: Berms shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.*

Within the findings section of this report, staff has made positive findings of compliance in regards to the above noted development standards.

Issues:

Major Issues

- v *None*

Minor Issues

- v *Setback: When initially constructed in 1991, this facility consisted of a 45.7 acre parcel that extended an additional 200 to 550 feet from its current property boundary to the centerline of the adjacent Deep River. With the construction of the Randleman Dam and the creation of Randleman Lake, the area of the site has been reduced to 7.97 acres. Between the site and the lake is a 200 foot wide buffer that was initially part of the range and previously owned by the City of High Point. This abutting 200 foot wide buffer is now owned by the Piedmont Triad Regional Water Authority as part of the agreement for construction of the Randleman Dam. The buffer was specifically platted to its 200 foot width to mirror the Tier 1 limits of the Randleman Lake Watershed Critical Area to protect the lake. From the edge of the shooting range, across the lake to the nearest property outside of the Tier 1 area, is approximately 800 - 1,000 feet. Based upon the distance between the existing shooting range and the nearest private property, with the intervening lake and public land, the staff finds that the purpose of the setback is being met.*

- v *Security fencing: No change is being made to the range portion of the site. This site is uniquely located upon an isolated peninsula surrounded by a lake. The site's location within a watershed critical area also negates the potential for higher intensity development upon the surrounding area. The only entrance is from the access point upon Riverdale Road which is restricted and controlled with security fencing and guard railing. The shooting range portion of the site is lined with a four foot tall chain link fence on top of a 10 foot high berm. In addition, another fence surrounds the shooting range area to keep anyone from inadvertently walking onto the firing line. With the construction of Randleman Lake, the former Deep River has changed from an approximate 40 - 50 foot wide water body to a 250 to 350 foot wide water body. Although no final decision has been made at this time, the Piedmont Water Authority is considering restricting this portion of the lake to the public. They are reviewing the possibility of ending public access to the lake approximately ½ mile, straight line measurement, or 1 mile travel distance to the south where the lake crosses Groomtown Road. The staff finds that the contribution of a 4 foot high fence on top of a 10 foot high berm,*

coupled with an additional fence meets the purpose of the security fencing requirement.

Findings:

A special use is an additional use to those permitted by right in a zoning district. Such a use requires analysis for its potential impact on the proposed site and its impact on surrounding properties. The purpose of the Special Use Permit process is to allow the Planning and Zoning Commission and City Council an opportunity to perform this analysis.

Section 9-3-14 of the Development Ordinance requires that certain general findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they exist on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

That the use will not materially endanger the public health or safety if located where proposed; staff finds

Compliance v The site is located in a rural portion of the city's planning jurisdiction and is isolated given the adjacent lake and Interstate. The range is controlled by the police department and only government related range practice and shooting are allowed within a controlled environment.

That the use meets all required standards, conditions and specifications of the Development Ordinance, and any additional restrictions imposed pursuant to Section 9-3-14(d) Greater Restrictions; staff finds

Compliance v The site, the existing use, and the proposed improvements are consistent with the city's development regulations for a government operated outdoor shooting range.

That the use will not substantially injure the value of adjoining or abutting property, or that it is a public necessity; staff finds

Compliance v The site has been used as a City of High Point firing range since 1991 and this special use permit does not expand the boundaries of the site, just authorizes internal site improvements. The distance from the range to private property upon the other side of the lake ranges from 800 to 1,000 feet. v This has become a regional training facility used by the City's law enforcement and other local, state and federal agencies. The upgrading of this facility to further enhance law enforcement training may be viewed as a public necessity.

That the location and character of the use shall be in harmony with the area in which it is located and in general conformity with the plan of development of the city and its environs; staff finds

Compliance v The site is within a rural area with limited growth potential due to the restrictions of the Randleman Lake Watershed Critical Area regulations. v The site location upon a peninsula surrounded by a lake will ensure that the proposed expanded use will be in harmony with the surrounding area. v A growing community requires public services, including the police, to keep pace with that growth. These improvements to the police firing range will provide enhanced training for law enforcement personnel throughout the region.

Recommendation:

Staff recommends approval

Based upon preliminary findings of fact, staff concludes that the request is generally consistent with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan.

The Planning and Development Department recommends approval of the requested special use permit.

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to comment. There being no one present to speak in support of or in opposition to this street abandonment request, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved Special Use Permit to expand an existing shooting range, outdoor (government owned/operated) in the Agricultural (AG) District on the site lying southeast of the intersection of Riverdale Road and Interstate-85 (I-85) based upon the findings of fact as outlined in the staff report and staff's conclusion that the request is generally consistent with the surrounding zoning and development in this area and is in compliance with the goals and objectives of the Land Use Plan.

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Alexander, that this matter be approved. The motion carried unanimously.

*Special Recognition- Citizens Advisory Council
Mayor Smothers and Mike McNair, Director of Community Development and Housing recognized the following citizens. Each one received a plaque recognizing them for their dedicated service.*

*Letitia Johnson
Joe Blakenship
Rick Johnson
Don Stevenson (unable to attend meeting)
Council Member Ron Wilkins (Liaison)*

[applause]

National Recognition Award- Award for Municipal Excellence- High Point Police Department

Mayor Smothers announced that the High Point Police Department recently was recognized for receiving two significant awards: The "Gold Award" was awarded in Orlando (co-sponsored by the National League of Cities and CH2M Hill in recognition of James C. Howland). Chief Jim Fealy noted the department also received the Governor's Traffic Safety Award for the year (second place). He pointed out the "Gold Award" was definitely a city award and every facet in the community had a hand in it.

World HIV Awareness Day

Council Member Pugh brought to Council's attention that today is the World HIV Awareness Day and that there are many people in the community suffering from this dreaded disease. He encouraged awareness about how critical this issue is in our community and the need to be proactive in educating people in this area. Mayor Smothers noted the red ribbon being worn by Council Member Pugh symbolizes support for HIV Awareness.

Community Christmas Tree

Mayor Smothers encouraged everyone to go downtown to see the 8,000 light Christmas tree that was put up by the Parks & Recreation Department.

ADJOURNMENT

At this time, the meeting was recessed to the Organizational Meeting scheduled for 6:00 p.m.

Respectfully Submitted,

Mayor

Rebecca R. Smothers,

Attest:

Lisa B. Vierling, MMC
City Clerk