

City of High Point

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



Meeting Agenda

Monday, August 18, 2014

5:30 PM

Council Chambers

City Council

*Bernita Sims, Mayor
James C. Davis, Mayor Pro Tem
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**CONSENT AGENDA ITEMS****FINANCE COMMITTEE - Council Member Moore, Chair**

- [140235](#) Purchase of Equipment- Sewer Jet Vacuum Combination Truck
Council is requested to approve contract through NJPA for the purchase of a 2015 Freightliner Sewer Jet Vacuum Combination truck for the Fleet Services Department from Rodders & Jet Supply Company at the contract price of \$306,391.10.
- [140236](#) Purchase of Equipment - Used Front Loader
Council is requested to approve contract for the purchase of a used front loader refuse truck from Amick Equipment Company for the Fleet Services Department in the amount of \$203,500.00.
- [140237](#) Contract - Motorola Solutions - Portable Radio Replacement
Approval of contract with Motorola Solutions (state contract pricing) in the amount of \$477,463.52 for the purchase of one hundred (100) Motorola APX portable radios and fourteen (14) Motorola APX mobile radios as part of the annual replacement program. New radios will be used to replace older radios currently in use by the Fire and Parks and Recreation Departments.
- [140238](#) Contract - Sole Source Authorization - Catalogic Licensing and Support Purchase
Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of continued license support and storage indexing from Slait Consulting in the amount of \$33,628.23.
- [140239](#) Contract -Sole Source Authorization - Anti-Virus, Firewall & Security System Maintenance
Council is requested to approve an exception to the bid laws under the "sole source qualification" for annual maintenance and support for Trend Micro Anti-virus software, RSA authentication Manager, Checkpoint Firewall, Radware Linkproof and Websense Security systems from nGuard, Inc. in the amount of \$67,039.21.
- [140240](#) Contract - Lease of Equipment - Copy/Printers
Council is requested to approve a contract through US Communities for replacement of the city's copier/printer fleet to Richo in the projected annual lease amount of \$103,200.00.
- [140241](#) NCDOT - Letter of Concurrence - Kivett Drive / College Drive - Speed Limits
Council is requested to approve a Letter of Concurrence regarding ordinance updates for sections of Kivett Drive and College Drive. This update is required to ensure that current posted speed limits on each of these streets match the most current ordinance for both the City and

North Carolina Department of Transportation (NCDOT).

[140242](#) NCDOT - Municipal Agreement - Skeet Club Road Sidewalks
Council is requested to approve a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the construction of sidewalks on the upcoming Skeet Club Road improvement project (sidewalks).

[140243](#) Amendment - Façade Improvement Program Policy
Consideration of an amendment to the City's Façade Improvement Program policy.

[140244](#) Amendment - City of High Point Water & Sewer Rate Schedule
Council is requested to approve an amendment to the City of High Point Water & Sewer Rate Schedule which includes a change in customer fees when the city receives all or any portion of their ad valorem taxes.

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

[140245](#) Ordinance - Demolition of Structure - 1404 A & B Furlough Avenue
Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1404 A & B Furlough Avenue belonging to Paul Kostraba.

[140246](#) Ordinance - Demolition of Structure - 1226 S. Downing Street
Adoption of an ordinance ordering the inspector to effectuate the demolition of a structure located at 1226 S. Downing Street, belonging to Jorge Alberto Ortiz Alvarez.

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, Chair

[140247](#) Policy - Private Art Display Policy
Council is requested to approve a Private Art Display Policy which will create organized guidelines for the application, acceptance and display of private art and art projects on public grounds.

Pending Items

[140221](#) Manager's Report - re: Core City
Presentation on Core City responsibilities as directed by City Council.
(At the July 21st City Council Meeting, this item was postponed for discussion at a later date.)

OTHER NEW BUSINESS

[140248](#) Contract - Executive Search - City Manager Position
Approval of contractual agreement for executive search for the City Manager position.

PUBLIC HEARINGS - 6:15 P.M.**COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers,
Chair**

- [140249](#) HighMark School Development, LLC - Amendment to Zoning Case 13-04
A request by HighMark School Development, LLC to amend Conditional Zoning District 13-04 to revise the transportation conditions. The site consists of two parcels, one lying at the southeast corner of Clinard Farms Road and Barrow Road, and the other on the south side of Clinard Farms Road approximately 2,500 feet east of the intersection of Barrow Road.
- [140250](#) HighMark School Development, LLC - Amendment to Special Use Permit Case 13-03
A request by HighMark School Development, LLC to amend transportation conditions for Special Use Permit 13-03 and to amend the SUP Site Plan. The site is lying along the south side of Clinard Farms Road, approximately 2,500 feet east of Barrow Road.
- [140251](#) Resolution - City of High Point - Street Abandonment Case 14-05
A request by the Technical Review Committee to abandon a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue.
- [140252](#) Resolution - City of High Point - Street Abandonment Case 14-06
A request by the Technical Review Committee to abandon a unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

- [140253](#) Boards and Commissions - Vacancy Report
Attached is the current list of vacancies for all Boards and Commissions.
- [140255](#) Reappointments - Historic Preservation Commission
Council is requested to confirm the reappointment of Julius Clark (Ward 2 appt) and Tom Lugarich (Ward 5 appt) to the Historic Preservation Commissions. Reappointments to be effective immediately and will expire July 1, 2017.
- [140256](#) Reappointment - Library Board of Trustees
Council is requested to confirm the reappointment of Forrest Littleton (Ward 2 appt) to the Library Board of Trustees. Appointment to be effective immediately and will expire October 31, 2016.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

- [140254](#) Minutes to be approved

Briefing Session; Tuesday, July 22, 2014 @ 8:30 a.m.
Comprehensive Planning Committee Meeting; Thursday, July 24, 2014
@ 9:00 a.m.
Finance Committee Meeting; Monday, August 4, 2014 @ 4:30 p.m.
Regular Council Meeting; Monday, August 4 2014 @ 5:30 p.m.

ADJOURNMENT

BK: R 7625
PG: 2678-2681
RECORDED:
08-21-2014
10:43:51 AM
BY: JANE SCHULTZ
DEPUTY-HP



NC FEE \$26.00

49
Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1401 / 14-41

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF AUGUST, 2014 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment Case 14-05 (alley lying west of N. Elm Street)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue, more specifically described as follows: All of the right-of-way (alley) lying south of Guilford County Tax Parcel 0186810 and north of Guilford County Tax Parcel 0186814; and

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 21st day of July, 2014, at 5:30 p.m. setting the 18th day of August, 2014 at 6:15 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning July 25, 2014 and August 1, 8 & 15, 2014; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of the partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue; and

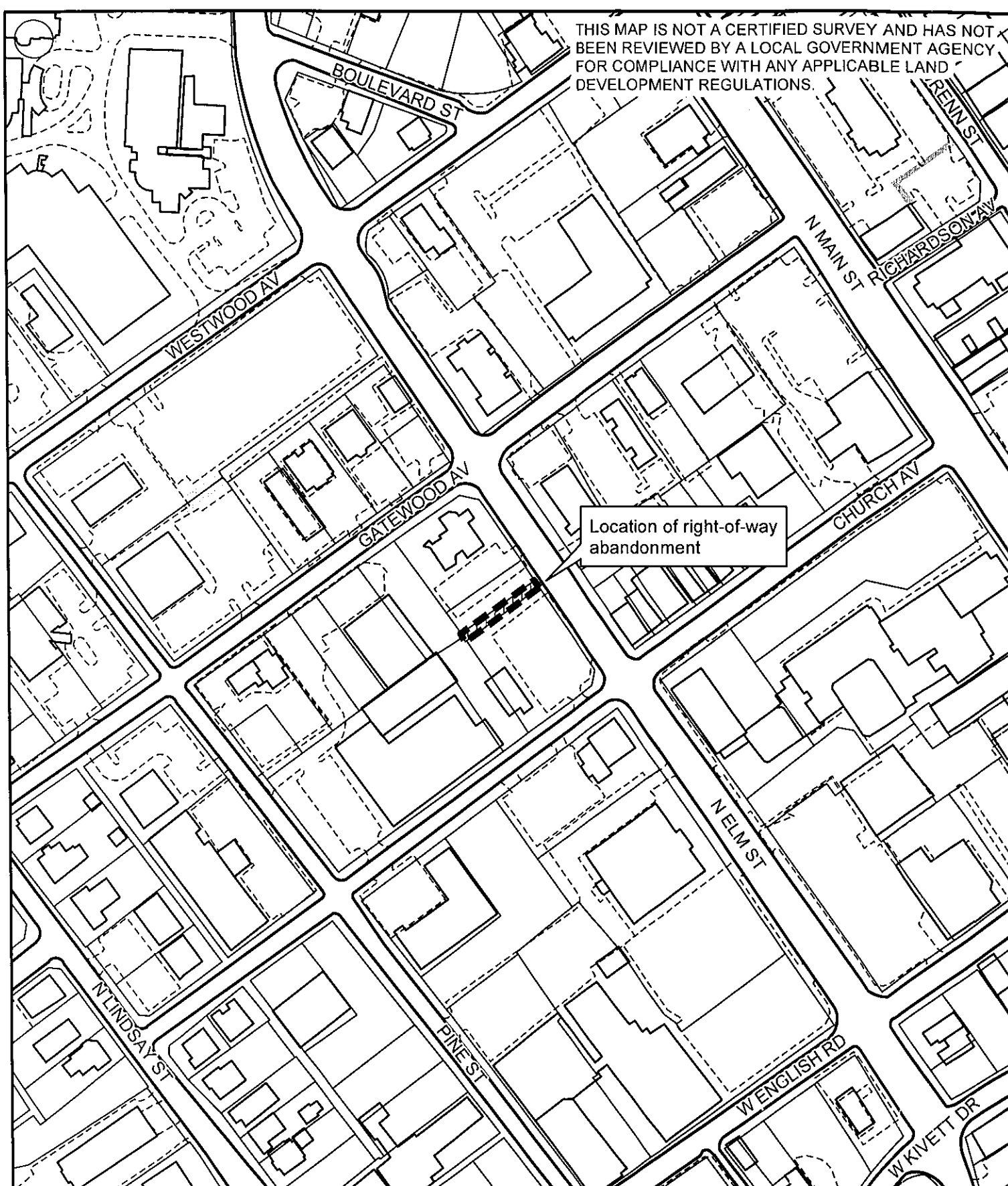
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the entire length and width of the a right-of-way (alley) lying south of Guilford County Tax Parcel 0186810 and north of Guilford County Tax Parcel 0186814 be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain an electrical utility easement, which also includes City fiber optic lines, cable TV lines and NorthState Communication lines, over the full length and width of this alley; and
3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of August 18, 2014
Lisa B. Vierling, City Clerk

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



STREET ABANDONMENT REQUEST SA14-05

Applicant: City of High Point

Area: 0.047 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: August 21, 2014



Scale: 1"=200'

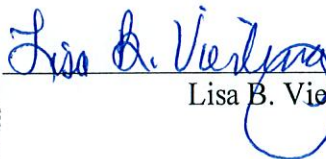
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2014\pz\sa14-05.mxd

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on August 18, 2014 and upon approval by City Council will be recorded in Book 89 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 19th day of August, 2014.



Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 19th day of August, 2014.

CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC



Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2015

Information Technology Services

Steve Lingerfelt

DIRECTOR



Date: August 11, 2014

To: Jeff Moore
Director of Finance

From: Steve Lingerfelt *SL*
Director of Information Technology Services

Subject: Anti-Virus, Firewall and Security System Maintenance Purchase

The Department of ITS requests permission to purchase annual maintenance and support for Trend Micro Anti-virus software, RSA authentication Manager, Checkpoint Firewall, Radware Linkproof and Websense Security systems. These systems provide security and fault tolerance for the software systems and computers throughout the city. All of these systems were purchased from nGuard and are currently supported by them. This sole source purchase will provide a continuation of that support.

The licensing and support will be purchased from nGuard, Inc. for a total purchasing price of \$67,039.21 and will be paid from existing funds in the budget.

Cc: Eric Olmedo, Budget Director
Tarinda Chappell, Purchasing Manager

**nGUARD**

Customer	From
Contact: Scott White Company: City of High Point Address: 211 South Hamilton Street High Point, NC 27261 Phone: 336.883.3392 Fax: 336.883.3550 Email: scott.white@highpointnc.gov	Contact: Allen Michael Company: nGuard, Inc. Address: 3700 Arco Corporate DR, Suite 525 Charlotte, NC 28273-7089 USA Phone: 704.583.4088 Fax: 704.973.9298 Email: allen.michael@nGuard.com
Reference Notes	Terms Date Quote Number
	Due Upon Receipt 07/18/14 140717-012-01

Description	Qty	Price/Ea	Amount
Trend Micro Support/Maintenance- Trend Micro Enterprise Security Suite - 1,001 Users, 1 Year Contract Dates: 9/23/2014 - 9/22/2015	1	\$16,896.88	\$16,896.88
RSA RSA Authentication Manager Maintenance (265 Users) - 1 Year Contract Dates: 8/1/2014 - 7/31/2015 License Number: 44002560	1	\$2,893.80	\$2,893.80
Check Point Check Point Enterprise Software Subscription and Standard Support - 1 Year Contract Dates: 8/1/2014 - 7/31/2015 CheckPoint User Center ID: 0005313969, 0006560537	1	\$32,451.00	\$32,451.00
Radware Radware Certainty Level 3 Support for LinkProof Contract Expiration: 7/28/15 Serial # 1606483	1	\$1,817.64	\$1,817.64
Radware Certainty Level 3 Support for LinkProof Contract Expiration: 7/28/15 Serial # 1606490	1	\$1,817.64	\$1,817.64
WebSense WebSense Web Security - 1 Year Renewal - 1,100 Users Contract Dates: 8/11/2014 - 8/10/2015	1	\$11,162.25	\$11,162.25
TOTAL			\$67,039.21

* Prices listed above do NOT include applicable taxes or freight charges (Unless otherwise indicated).

** Pricing is good through 7/31/14.

*** All orders are subject to credit approval.

Order Authorization: _____

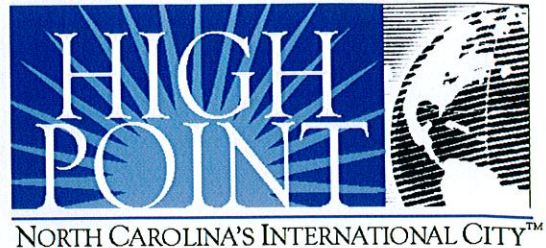
Steve Long
Authorization is granted to nGuard to process the order as quoted above.

**Confidential
Quotation**

www.nGuard.com

Page 1

Financial Services
Purchasing Division



Requisition # **10431**

CITY OF HIGH POINT
SOLE SOURCE JUSTIFICATION
FORM (For Items Costing \$500.00 or More)
Statutory Reference N.C.G.S. 143-129(e)6

Vendor: **nGuard**

Item(s): **Maintenance**

Justification:

Continuation of Service

Estimated expenditure for the above item(s): **\$67,039.21**

CHECK ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE.
ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.

1. ☐ Performance or price competition for a product are not available.
2. ☐ A needed product is available from only one source of supply.
3. ☒ Standardization or compatibility is the overriding consideration.
4. ☐ The parts/equipment are required from this source to permit standardization.
5. ☐ None of the above applies. A detailed explanation and justification for this sole source request is contained in attached memo and support documentation.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the material or service described in this sole source justification be authorized as a sole source for the material or service.

Department Head/Authorized Personnel **Steve Lingerfelt** Digitally signed by Steve Lingerfelt
DN: cn=Steve Lingerfelt, o=City of High Point,
ou=Information Technology,
email=steve.lingerfelt@highpointnc.gov, c=US
Date: 2014.08.07 10:45:58 -0400 Department/Division **ITS / 101241**

Date **August 7, 2014**

Approval Process
Under \$5,000 (Purchasing Manager)
\$5,000-\$30,000 (Financial Services Director)
\$30,000 – Up (City Council)

Tarinda Chappell Digitally signed by Tarinda Chappell
DN: cn= Tarinda Chappell, o=City of High Point, ou=Purchasing,
email=tarinda.chappell@highpoint.gov, c=US
Date: 2014.08.08 08:00:46 -0400

Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial
Services Director, email=jeff.moore@highpointnc.gov, c=US
Date: 2014.08.11 14:03:11 -0400

Randy E. McCaslin Digitally signed by Randy E. McCaslin
DN: cn=Randy E. McCaslin, o, ou,
email=randy.mccaslin@highpointnc.gov, c=US
Date: 2014.08.12 08:25:06 -0400

**PLANNING AND DEVELOPMENT DEPARTMENT
INSPECTION SERVICES DIVISION
HOUSING ENFORCEMENT**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

1404 A & B Furlough Avenue

OWNER:

Paul Kostraba

**FIRST
INSPECTION:
3-25-2013**

Summary of Major Violations
* Extensive fire damage
1) damaged roof system
2) damaged heating system
3) damaged electrical system
4) damaged interior and exterior walls

**HEARING
RESULTS:
4-11-1013**

The owners did not appear for the hearing. During the hearing, the following findings of fact were established. This is a duplex unit. There was fire damage to the interior walls and within each dwelling unit. There are numerous violations of the Minimum Housing Code. There are structural violations creating an unsafe dwelling. The dwelling is currently uninhabitable due to the extensive fire damage. In its present state necessary repairs to the dwelling exceed 50% of the current tax value. The Guilford County Tax value of the dwelling is \$16,600. The repair estimate is \$8,450.

**ORDER(S)
ISSUED:
4-11-2013**

Order to Repair or Demolish with a compliance date of 6-12-2013

APPEALS:

No appeals to date.

**OWNER
ACTIONS:**

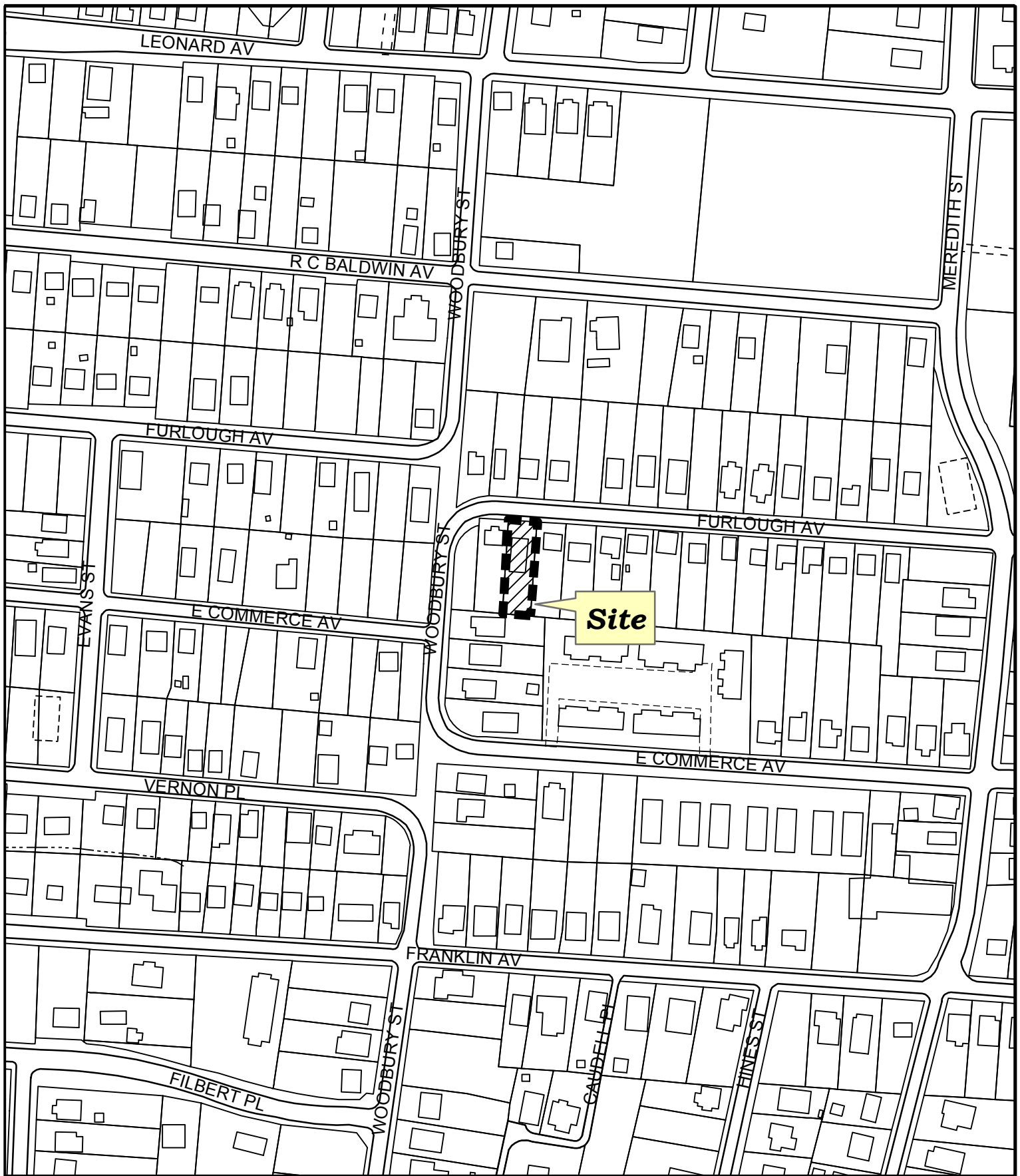
There have been no permits issued and repairs have not started.

EXTENSIONS:

None requested

**CURRENT
STATUS:**

Conditions still exist.



1404 Furlough Avenue

Ordinance to Demolish



Location of subject property

**Planning and Development
Department**

City of High Point

Date: August 12, 2014



Scale: 1"=200'
y:/ba-pz/Inspections/
ord-demo.mxd

AN ORDINANCE REQUIRING THE INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with Code of Ordinances and Article 19 of Chapter 160A of the General Statutes of North Carolina.

PROPERTY LOCATION

1404 A & B Furlough Av
High Point, NC

OWNER (S)

Paul D Kostraba
305 Ridgeland Dr
High Point, NC 27265

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 18th day of August, 2014

Lisa B. Vierling, City Clerk





1404 A & B Furlough Avenue

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 22, 2014, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marie Stone and Mr. John McKenzie.

HighMark School Development, LLC

Amendment to Zoning Case 13-04

A request by HighMark School Development, LLC to amend Conditional Zoning District 13-04 to revise the transportation conditions. The site consists of two parcels, one lying at the southeast corner of Clinard Farms Road and Barrow Road, and the other on the south side of Clinard Farms Road approximately 2,500 feet east of the intersection of Barrow Road.

AND

HighMark School Development, LLC

Amendment to Special Use Permit Case 13-03

A request by HighMark School Development, LLC to amend transportation conditions for Special Use Permit 13-03 and to amend the SUP Site Plan. The site is lying along the south side of Clinard Farms Road, approximately 2,500 feet east of Barrow Road.

Mr. Herbert Shannon presented the Amendment to Zoning Case 13-04 and Amendment to Special Use Permit Case 13-03, and recommended approval as outlined in the staff reports.

Speaking on behalf of the request was the applicant, Ms. Tammy Sweeris, Vice President Construction & Facilities for HighMark School Development, 6900 South 900 East, Suite 100 Midvale, UT. Ms. Sweeris provided an overview of the rezoning and special use permit request.

No one spoke in opposition to the request:

The Planning & Zoning Commission recommended approval of Amendment to Zoning Case 13-04 by a vote of 6-0.

The Planning & Zoning Commission recommended approval of Amendment to Special Use Permit Case 13-03 by a vote of 6-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
AMENDMENT TO ZONING CASE 13-04
July 22, 2014**

Request	
Applicant: HighMark School Development, LLC	Owner: Phoenix Academy Foundation
Zoning Proposal: To amend Conditional Zoning District 13-04 to revise the transportation conditions.	Zoning: CZ RS-9 Conditional Zoning Residential Single Family-9 District

Site Information	
Location:	The site consists of two parcels, one lying at the southeast corner of Clinard Farms Road and Barrow Road, and the other on the south side of Clinard Farms Road approximately 2,500 feet east of the intersection of Barrow Road.
Tax Parcel Numbers:	Guilford County tax parcels 0218639 and 0216465
Site Acreage:	Approximately 42.43 acres
Current Land Use:	Undeveloped
Physical Characteristics:	The site has a gentle to moderately sloping terrain consisting primarily of open pastureland with scattered wooded areas. A 68-foot wide Duke Power transmission line runs along the southern property line.
Water and Sewer Proximity:	A 12-inch City water line lies adjacent to the site along Barrow Road. Two streets stub into the southern boundary of the site from the abutting Cottesmore subdivision. Both streets have an 8-inch City water line and an 8-inch City sewer line.
General Drainage and Watershed:	The site drains in a southerly direction and development is subject to the High Point City Lake General Watershed Area (GWA) requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% of the site and for single-family residential developments with a density of 2 units per acre or greater.
Overlay District(s):	High Point City Lake General Watershed Area (GWA) Airport Overlay District; Zone 3

Adjacent Property Zoning and Current Land Use			
North:	RS-40	Residential Single-Family-40 District (Guilford Co)	Single-family dwellings and a mini warehouse use
	AG	Agricultural District (Guilford Co)	
	CU-LI	Conditional Use Light Industrial District (Guilford Co)	

South:	CU PDR	Conditional Use Planned Unit Development-Residential District	Single family dwellings and undeveloped
East:	RS-40	Residential Single-Family-40 District (<i>Guilford Co</i>)	Single-family dwellings and undeveloped
	AG	Agricultural District (<i>Guilford Co</i>)	
West:	CU PDM	Conditional Use Planned Unit Development-Mixed District	Undeveloped and City of High Point Fire Station
	PI	Public & Institutional District	

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	Goal #3: Create more mixed use areas, while reinforcing existing ones, to minimize traffic, maximize the utilization of infrastructure, and so people can live, work and play in one location.
Land Use Plan Map Classification:	The site has a Mixed Use Development land use designation. This classification provides for the siting of a variety of land uses in close proximity to each other where this is desirable due to existing land use patterns, environmental constraints, the need to preserve open space, the opportunity to provide alternative modes of transit and other factors.
Land Use Plan Goals, Objectives & Policies:	The following objective of the Land Use Plan is relevant to this request: Obj. #8: Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations.
Relevant Area Plan:	Not applicable
Zoning History:	In 2006, this site was granted a Traditional Neighborhood (TN) District zoning to allow a mixed-use development. Proposed uses consisted of commercial and office uses and approximately 557 residential dwelling units. This TN project never came to fruition. In 2013, Phoenix Academy was granted zoning approval to change the zoning of this site from the TN District to a CZ RS-9 District. In conjunction with the zoning request, they were also granted approval for a Special Use Permit to allow an Elementary and Secondary School use. The Special Use Permit covered the entire 42 acres of the zoning site and proposed the development of a building for K – 8th grades on the eastern portion of site and a high school building at the intersection of Clinard Farms Road a Barrow Road. Total development size at build-out was approved for 149,000 square feet.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Clinard Farms Road	Major Thoroughfare	1200 ft.
	Barrow Road	Major Thoroughfare	300 ft.
Vehicular Access:	Access is permitted from Clinard Farms Road, Barrow Road and two stubs streets from the Cottesmore subdivision to the south.		
Traffic Counts: (Average Daily Trips)	Clinard Farms Road	4,200 - AADT (NCDOT 2011)	
	Barrow Road	2,931 – 12 hour counts (HPDOT 2005)	

Estimated Trip Generation:	None				
Traffic Impact Analysis:	Required				Comment
	☐	<u>Yes</u>	☐	<u>No</u> X	If a residential development exceeds 150 trips in the AM or PM peak hour a TIA will be required.
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.				

School District Comment

Not applicable to this zoning amendment request.

Details of Proposal

In June 2013 zoning and special use permit approvals were granted to develop a high school and elementary school on this 42-acre tract of land. The applicant is amending the Special Use Permit (See SUP13-03) to only develop the eastern 26 acres of the property. With this reduction in land area to the Special Use Permit, the applicant is requesting to amend the transportation conditions for Zoning Case 13-04 to 1) allow an additional access point (3rd access point) to Clinard Farms Road if a non-residential use, such as a school, is developed; 2) further clarify the location of the access points by referencing tax parcel number of the location; and 3) clarifying that connection to the stub street from the abutting Cottesmore subdivision is only required where abutting lot(s) are developed for residential uses.

Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Plans:

The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans

Staff Comments:

The site has a Mixed Use Development land use designation. Although this land use designation is typically associated with higher intensity development, the existing CZ RS-9 District is not inconsistent with this land use designation.

Review Factors:

The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses; <i>Staff Comments:</i> The zoning site abuts a Conditional Use Planned Unit Development-Residential (CU PDR) District to the south (Cottesmore subdivision) that has been developed to the RS-9 District standards and a large lot rural subdivision, under Guilford County's zoning jurisdiction, to the east. The proposed amendment does not change allowable uses permitted by the 2013 zoning approval and therefore the requested amended CZ RS-9 District will continue to be compatible with surrounding uses.
<u>Factor #2</u>	Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.; <i>Staff Comments:</i> When the current CZ RS-9 District was granted for the site, it was noted that this zoning district permits a density up to four dwelling units per acre (approximately 160 dwelling units) and that CZ Ordinance 13-04 included transportation conditions to mitigate impacts from development. This proposed amendment adds a third access point if the site is developed in a non-residential manner; further clarifies the location of access points to Clinard Farms Road; and specifies when stub street are to be extended. The requested amendment to CZ Ordinance 13-04 does not significantly alter the previously adopted transportation conditions.
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat; <i>Staff Comments:</i> The site is subject to water supply watershed regulations of the Oak Hollow Lake General Watershed Area.
<u>Factor #4</u>	Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and; <i>Staff Comments:</i> The proposed development has no known impacts on municipal services.
<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties. <i>Staff Comments:</i> The requested amendment does not change initial findings used to grant this zoning in 2013.

Changes in the Area:

There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.

Staff Comments:

There have been no significant changes in the type or nature of development in this area since the CZ RS-9 District was approved a year ago.

Development Patterns:

The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.

Staff Comments:

There have been no changes in the surrounding development patterns from when this site was granted its current CZ RS-9 District zoning a year ago.

Reasonableness/Public Interest:

An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.

Staff Comments:

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) The requested amendment does not significantly alter the initial findings use to approved the current CZ RS-9 District and is consistent with the City's Land Use Plan; 2) The proposed amendment simply clarifies transportation access condition based on proposed reduction of development intensity for school use under SUP13-03 and further assures accurate interpretation of certain transportation conditions; and 3) The amendment does not change previously established conditions for development to connect to city utilities and to reevaluate transportation related improvements if specific traffic thresholds are exceeded.

Recommendation

Staff Recommends Approval:

This zoning amendment clarifies previously adopted transportation conditions and does not significantly alter initially approved review factors used to grant the site's CZ RS-9 District zoning. The amendment to CZ 13-04 will still be in line with objectives of the Land Use Plan and will ensure development of the zoning site will be compatible with adjacent uses. The Planning & Development Department recommends approval of the request to amend Conditional Zoning Ordinance 13-04.

Required Action

Planning and Zoning Commission:

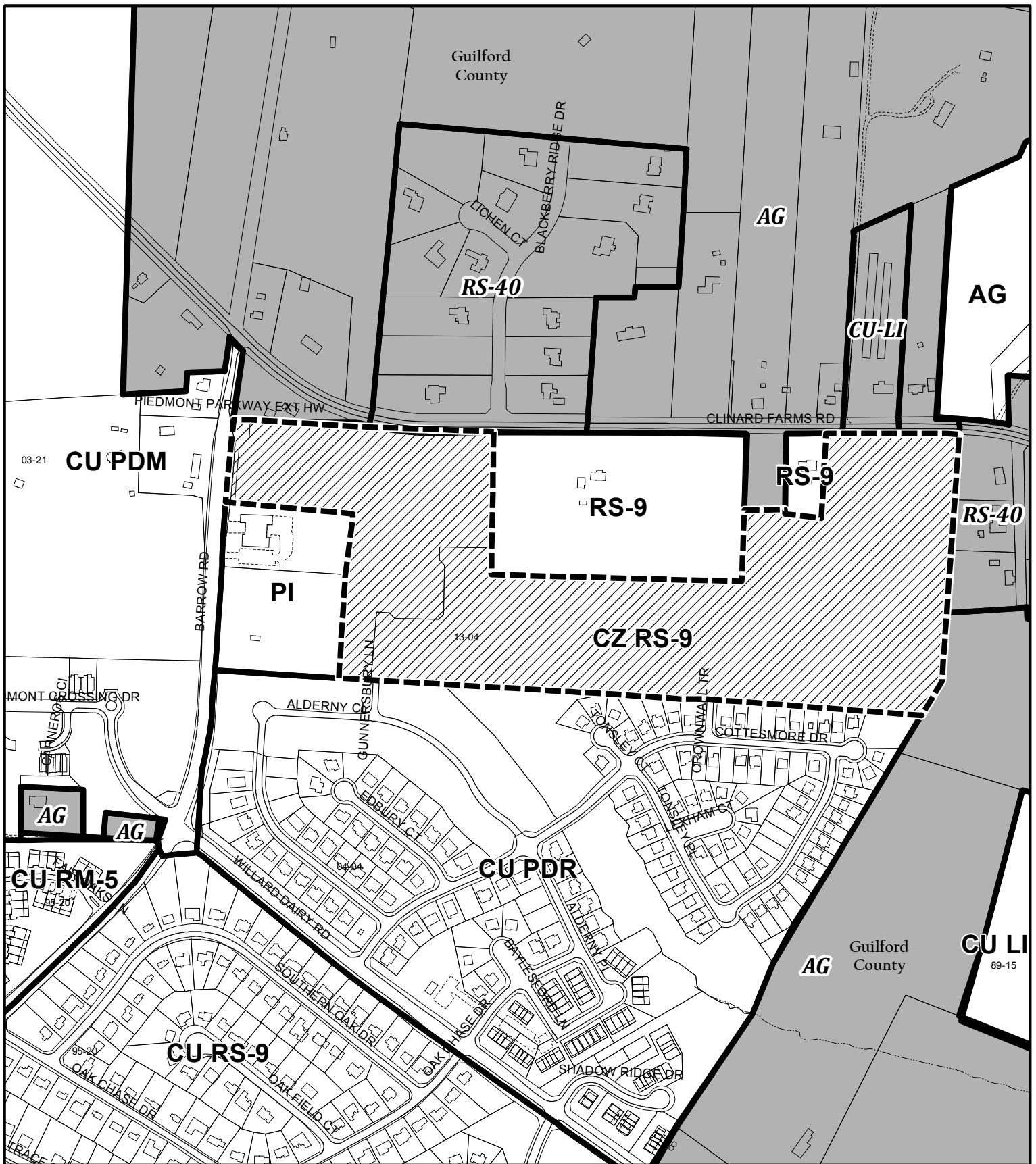
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



AMENDMENT TO CZ13-04

From: Conditional Zoning Residential Single Family-9
To: Conditional Zoning Residential Single Family-9

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

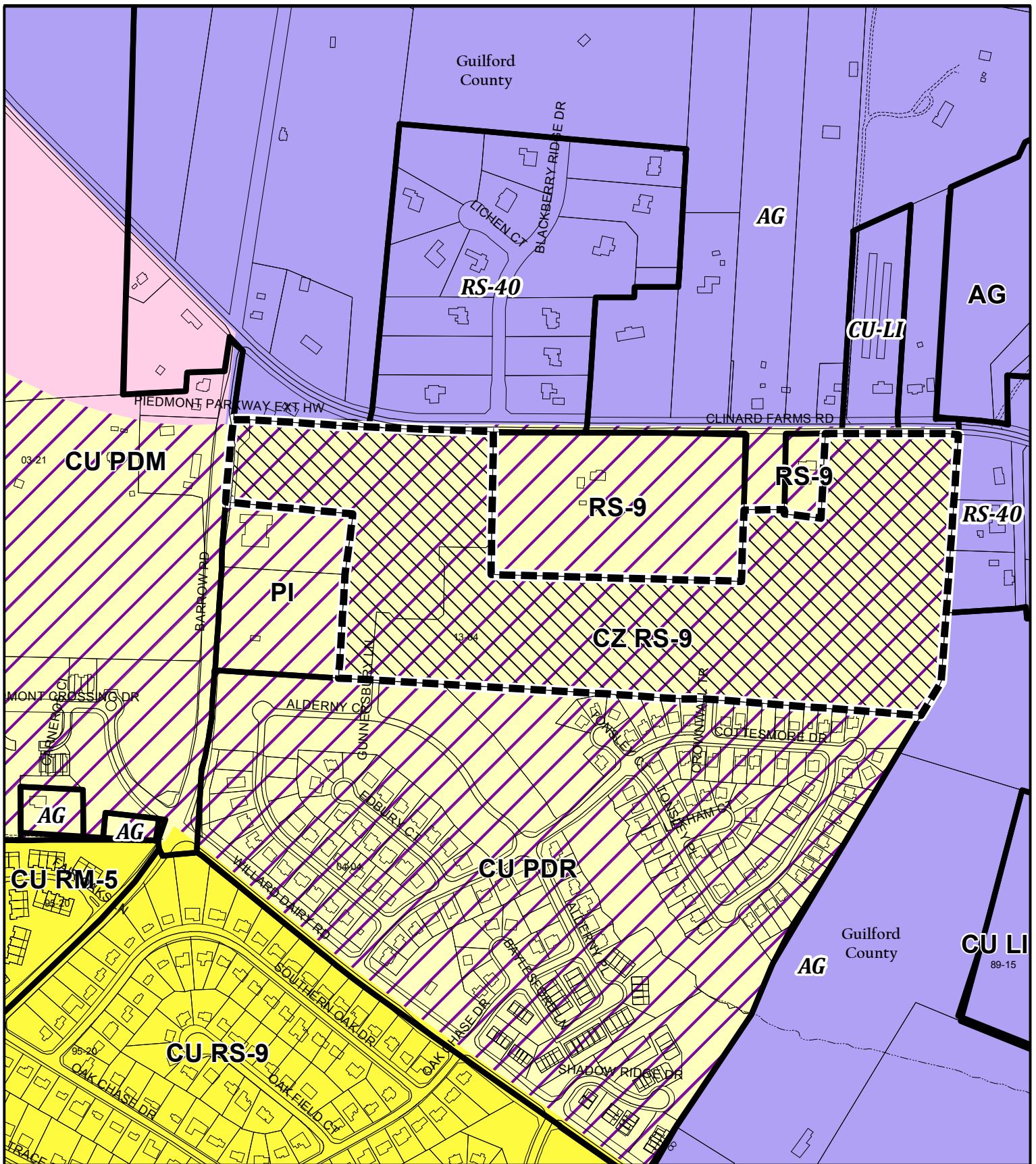
**Planning & Development
 Department**

City of High Point

Date: July 9, 2014



Scale: 1"=500'
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AMENDMENT TO CZ13-04

Land Use Plan

- | | |
|--|--|
|  Mixed Use Development |  Local/Convenience Commercial |
|  Low-Density Residential |  Restricted Industrial |

Planning & Development
Department

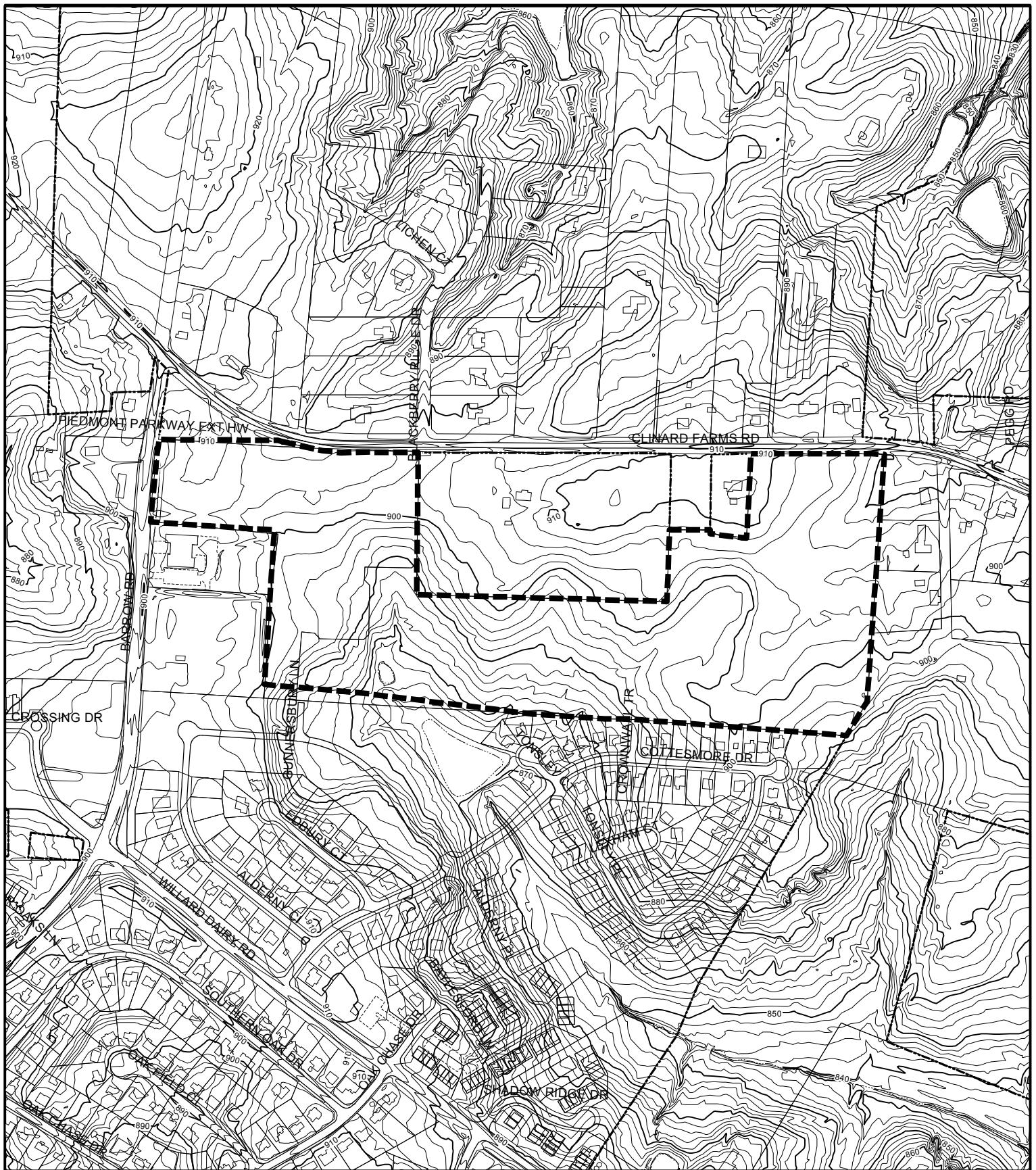
City of High Point

Date: July 9, 2014



Scale: 1"=500'

y:\ba-pz\2014\pz\Az13-04clu.mxd



AMENDMENT TO CZ13-04

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 9, 2014



Scale: 1"=500'

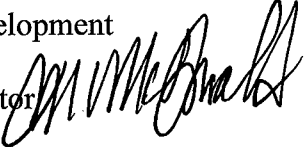
y:\ba-pz\2014\pz\Az13-04topo.mxd

AMENDMENT TO CZ13-04



June 27, 2014

To: Lee Burnette, Director of Planning and Development

From: Mark McDonald, P.E., Transportation Director 

Subject: **Zoning Case #13-04 and Special Use Permit 13-03, Phoenix Academy Foundation. Property located southeast of the intersection of Clinard Farms Road and Barrow Road.**

My staff and I have reviewed the rezoning request and have the following comments:

A traffic impact analysis was required for this development. To require a traffic study the proposed development must be expected to produce at least one hundred fifty (150) trips in the AM or PM peak hour. This development will be rezoned as Residential Single Family 9 (RS9) with a special use permit to allow a charter school for 1,480 students K-12. The development of the school adds approximately one thousand four hundred seven (1,407) trips in the AM peak hour, eight hundred fifty two (852) trips in the PM peak hour and a total of 2,396 trips/day. In order to mitigate the development's impact on the surrounding roadway network the following improvements will be required:

Conditions for development under RS9 zoning

Access

- The zoning site shall be allowed two (2) points of access to Clinard Farms Road, unless developed as non-residential use, with which up to three (3) access points shall be allowed.
- The western access point to Clinard Farms Road shall align with Blackberry Ridge Drive.
- The second access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage.
- The third access point to Clinard Farms Road, if allowed, shall be a right in – right out only at the eastern end of the property.
- If developed as residential use, the rezoning site shall connect to the two (2) stub streets to the south in the Cottesmore subdivision.
- Two (2) stub streets shall be provided to Parcel ID # 0216467, located at 7861 Clinard Farms Road.

Right-of-Way

- The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Clinard Farms Road along the entire frontage of the zoning site.

Roadway and Intersection Improvements

- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Blackberry Ridge Drive access point.
- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
- The property owner shall either:
 - a) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - b) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.

Conditions for development under the Special Use Permit

Access

- The rezoning site shall be allowed two (2) points of access to Clinard Farms Road..
- The western access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage.
- The eastern access point to Clinard Farms Road shall be a right in – right out only.

Right-of-Way

- The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Clinard Farms Road along the entire frontage of the zoning site.

Improvements

- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
- The property owner shall either:
 - a) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - b) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.

- The property owner shall provide a minimum of three thousand seven hundred (3,700) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.

The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on July 22, 2014 and before the City Council of the City of High Point on August 18, 2014 regarding **Amendment to Zoning Case 13-04 (Part B)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on _____, 2014, for the Planning and Zoning Commission public hearing and on _____, 2014, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on _____, 2014.

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

SECTION 1

Part I. That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **A Conditional Zoning Residential Single Family-9 District (CZ RS-9) District.** The property is approximately 42.437 ~~42.33~~ acres lying at the southeast corner of Clinard Farms Road and Barrow Road, and on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road. The property is also known as Guilford County Tax Parcels 0216465 (approximately 26.743 ~~30.55~~ acres) and 0218639 (approximately 15.694 ~~11.78~~ acres).

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

Any of the land uses allowed in the Residential Single Family-9 District (RS-9) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

- A. All principal use(s) of the site shall be connected to the City's water and sewer system for service.
- B. Transportation Conditions.
If development under RS9 zoning produces at least 150 trips in the AM or PM peak hour, an updated TIA will be required to determine the extent of improvements necessary to mitigate traffic impacts.
- C. Transportation Conditions.
 - ~~1. Right-of-way Dedication~~
 - ~~a. The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Clinard Farms Road along the entire frontage of the zoning site.~~
 - 1. Access
 - a). The zoning site shall be allowed two (2) points of access to Clinard Farms Road, **unless developed as non-residential use, with which up to three (3) access points shall be allowed.**
 - b). The western access point to Clinard Farms Road shall align with Blackberry Ridge Drive.
 - c). **The second** ~~The eastern~~ access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage **(opposite driveway on Guilford County Tax Parcel 0169887).**
 - d). **The third access point to Clinard Farms Road, if allowed, shall be a right in – right out only at the eastern end of the property.**
 - e). **If developed as residential use,** the rezoning site shall connect to the two (2) stub streets to the south in the Cottesmore subdivision.
 - f). Two (2) stub streets shall be provided to Parcel ID # 0216467, located at 7861 Clinard Farms Road.
 - 2. Roadway and Intersection Improvements
 - a). The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Blackberry Ridge Drive access point.
 - b). The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
 - c). The property owner shall either

- i). Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - ii). When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate
2. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon the date of adoption.

_____ day of _____, 2014.

Lisa B. Vierling, City Clerk

TERM EXPIRATIONS 2014

CITY OF HIGH POINT					
BOARDS & COMMISSIONS					
TERM EXPIRATIONS FOR 2014					
BOARD	MEMBER	Ward	EXPIRATION	Eligible for reappt.	Appointment Responsibility
ABC Board	Elizabeth Koonce		11/15/2014	yes	Mayor w/CC approval
Board of Adjustment	Richard Andrews		7/1/2014	yes	Mayor w/CC approval
Board of Adjustment	David Horne		7/1/2014	yes	Mayor w/CC approval
Board of Adjustment	Andre' White (Alternate Member)		7/1/2014	yes	Mayor w/CC approval
Citizens Advisory Council	Yvonne Short	AL/6	5/31/2014	yes	AL/MOORE
Citizens Advisory Council	Jerry Mingo	AL/2	5/31/2014	yes	AL/SMOTHERS
Citizens Advisory Council	VACANT	2	5/31/2014		2/DOUGLAS
Guilford County/City Ins. Adv. Comm.	Rudy Hinnant		12/21/2014	yes	Mayor w/CC approval
Guilford County/City Ins. Adv. Comm.	Skip Queen		12/21/2013	yes	Mayor w/CC approval
Housing Authority Board	VACANT		12/22/2016		Mayor w/CC approval
Housing Authority Board	Michael McKinney		12/22/2014	yes	Mayor w/CC approval
Housing Authority Board	Laura Wiley		12/22/2014	yes	Mayor w/CC approval
Human Relations Commission	Barbara Collins	At-Large Member	5/1/2014	yes	Council- Golden (Liaison)
Human Relations Commission	Larry Diggs	Special Interest	5/1/2014	yes	Council- Golden (Liaison)
Human Relations Commission	Abay Gidey	At-Large Member	5/1/2014	no	Council- Golden (Liaison)
Human Relations Commission	Pam Sullivan	At-Large Member	5/1/2014	yes	Council- Golden (Liaison)
Human Relations Commission	Jason Yates	At-Large Member	5/1/2014	yes	Council- Golden (Liaison)
Human Relations Commission	Milagros Amaro	At-Large Member	5/1/2012	no	Council- Golden (Liaison)
Human Relations Commission	VACANT	Bar Association			Council- Golden (Liaison)
Library Board of Trustees	Kay Anderson	5	10/31/2014	no	5/DAVIS
Library Board of Trustees	Brenda Coates	4	10/31/2014	yes	4/WAGNER
Library Board of Trustees	Yvonne Bostic Short	6	10/31/2014	yes	1/GOLDEN
Library Board of Trustees	Forrest Littleton	5	10/31/2013	yes	2/DOUGLAS
Parks & Recreation Commission	Joe Ellenburg	2	7/1/2014	no	AL/SMOTHERS
Parks & Recreation Commission	Judy Jones	3	7/1/2014	yes	3/MENDENHALL
Parks & Recreation Commission	Ed Price	5	7/1/2014	yes	AL/MOORE
Planning & Zoning Commission	Marie Stone	3	7/1/2014	yes	AL/SMOTHERS
Planning & Zoning Commission	VACANT	ETJ	7/1/2015		MAYOR SIMS

TERM EXPIRATIONS 2014

BOARD	MEMBER	WARD	EXPIRATION	Eligible for Reappt.	Appointment Responsibility
Theatre Advisory Board	VACANT		6/1/2013		Liaison: MOORE (not ward specific)
Theatre Advisory Board	VACANT		6/1/2014		Liaison: MOORE (not ward specific)
Theatre Advisory Board	Joyce Allen-Crawford		6/1/2014	yes	Liaison: MOORE (not ward specific)
Theatre Advisory Board	Catherine Bencini		6/1/2014	yes	Liaison: MOORE (not ward specific)



August 13, 2014

MEMORANDUM

AGENDA ITEM

TO: Bob Morgan
Interim Assistant City Manager

FROM: Mark McDonald, P.E. 
Transportation Director

RE: Municipal Agreement for Skeet Club Road Sidewalks, U-3615B

The North Carolina Department of Transportation (NCDOT) has presented the City with a Municipal Agreement (two originals attached) for the construction of sidewalks on the upcoming Skeet Club Road (SR 1820) improvement project.

NCDOT estimates the cost to construct sidewalks on both sides of the project from Eastchester Drive to Johnson Street at \$523,090. The City's share equal to 50% of actual construction costs (approximately \$261,545) will be due in full within 60 days of project completion. Construction is scheduled to begin in the first half of 2015, and we do not anticipate completion any earlier than the summer of 2017. Transportation's capital fund for the project currently has \$50,000 set aside for the City's participation; to account for possible cost escalations and overruns, it is recommended that an additional \$250,000 be budgeted over the next three (3) budget cycles (FY 2015 – 18) to meet this obligation.

Approval of this Municipal Agreement by the City Council is recommended; please include it on their Monday August 18 agenda for consideration and action.

Please advise if there are any questions regarding this recommendation or the proposed project.

Attachments

c	Mike Mills, P.E.	Division Engineer
	Donnie Huffines	Division Project Manager
	Randy McCaslin	Interim City Manager
	Jeff Moore	Financial Services Director
	File	



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

July 25, 2014

Randy McCaslin, Interim City Manager
City of High Point
PO Box 230
High Point, NC 27261-0230

SUBJECT: Municipal Agreement for Transportation Improvement Project (TIP) U-3615B

Dear Mr. McCaslin,

The attached Municipal Agreement is for planned highway improvements on SR 1820 (Skeet Club Road) from east of SR 1818 (Johnson Street) to west of NC 58 (Eastchester Drive). The work will include construction of sidewalks in High Point. ⁶⁸

MVM
08-11-14

Upon completion of the work, the Municipality will reimburse the Department fifty percent (50%), of the actual cost of sidewalks on that portion of the project within the corporate limits where new sidewalks are to be installed. The total estimated cost of the sidewalks is \$523,090. The estimated cost to the Municipality is \$261,545.

Enclosed are two originals of the Agreement for approval by the Town Council and signatures from the appropriate authorities. Once signed, please return both originals to me at the mailing address below. One fully executed agreement will be sent back to you for your records.

You can reach me at labillington@ncdot.gov or (919)707-6628 if there are any questions.

Sincerely,

Lee Ann Billington, Contract Officer
Local Programs Management Unit
1595 Mail Service Center
Raleigh, NC 27699-1595

Enclosures

cc: Donnie Huffines, PE, NCDOT Division 7 Project Manager
dhuffines@ncdot.org
(336) 487-0075

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PROGRAM MANAGEMENT
1595 MAIL SERVICE CENTER
RALEIGH NC 27699-1595

TELEPHONE: 919-707-6600
FAX: 919-212-5711
WEBSITE:
WWW.NCDOT.GOV

LOCATION:
CENTURY CENTER COMPLEX
ENTRANCE B-1
1020 BIRCH RIDGE DRIVE
RALEIGH NC

NORTH CAROLINA

**TRANSPORTATION IMPROVEMENT PROJECT
-MUNICIPAL AGREEMENT**

GUILFORD COUNTY

DATE: 7/24/2014

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: U-3615B

AND

WBS Element: 34962.3.FD1

CITY OF HIGH POINT

THIS MUNICIPAL AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of High Point, a local government entity, hereinafter referred to as the "Municipality".

WITNESSETH:

WHEREAS, the Department has plans to make certain street and highway constructions and improvements within the Municipality under Project 34962.3.FD1, in Guilford County; and,

WHEREAS, the Department and the Municipality have agreed that the municipal limits, as of the date of the awarding of the contract for the construction of the above-mentioned project, are to be used in determining the duties, responsibilities, rights and legal obligations of the parties hereto for the purposes of this Agreement; and,

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly, including but not limited to, the following legislation: General Statutes of North Carolina, Section 136-66.1, Section 160A-296 and 297, Section 136-18, and Section 20-169, to participate in the planning and construction of a Project approved by the Board of Transportation for the safe and efficient utilization of transportation systems for the public good; and,

WHEREAS, the parties to this Agreement have approved the construction of said Project with cost participation and responsibilities for the Project as hereinafter set out.

NOW, THEREFORE, the parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

SCOPE OF THE PROJECT

1. The Project consists of improvements on SR 1820 (Skeet Club Road) from east of SR 1818 (Johnson Street) to west of NC ~~58~~⁶⁸ (Eastchester Drive) in High Point.

MM
08-11-14

PLANNING, DESIGN AND RIGHT OF WAY

2. The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project, and prepare the Project plans and specifications needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.
3. The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

UTILITIES

4. A separate Utility Agreement has been approved.

CONSTRUCTION AND MAINTENANCE

5. The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.
6. It is further agreed that upon completion of the Project, the Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the "Policy on Street and Driveway Access to North Carolina Highways", and departmental criteria.
7. Upon completion of the Project, the improvement(s) shall be a part of the State Highway System and owned and maintained by the Department.

FUNDING

8. The Municipality shall participate in the Betterment costs of the Project as follows:

- A. Upon completion of the work, the Municipality shall reimburse the Department fifty percent (50%), of the actual cost, including administrative costs, of the work associated with the construction of sidewalks on that portion of the project within the corporate limits where new sidewalks are to be installed. The total estimated cost of the sidewalks is \$523,090. The estimated cost to the Municipality is \$261,545. Both parties understand that this is an estimated cost and is subject to change.
- B. Reimbursement to the Department shall be made in one final payment upon completion of the work and within sixty days of invoicing by the Department.
- C. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement. A late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23.

ADDITIONAL PROVISIONS

- 9. At the request of the Municipality, and in accordance with the Department's "Guidelines for Planning Pedestrian Facilities", the Department shall include provisions in its construction contract for the construction of sidewalks within the municipal limits. Said work shall be performed in accordance with Departmental policies, procedures, standards and specifications, and the following provisions.
 - A. It is understood by both parties that all sidewalk work shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the sidewalks, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

- B. Upon completion of the work, the Municipality shall reimburse the Department in accordance with Provision #8 stated hereinabove.
 - C. The Municipality, at no expense to the Department, shall assume all maintenance responsibilities for the sidewalks and release the Department from all liability relating to such maintenance.
10. It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). The Municipality certifies, by signature of this agreement, that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Department or Agency.
 11. Each of the parties covenants that if it enters into any subcontracts in order to perform any of its obligations under this contract, it shall require that the contractors and their subcontractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. In this E-Verify Compliance section, the words contractors, subcontractors, and comply shall have the meanings intended by N.C. Gen. Stat. § 160A-20.1.
 12. To the extent authorized by state and federal claims statutes, each party shall be responsible for its respective actions under the terms of this agreement and save harmless the other party from any claims arising as a result of such actions.
 13. All terms of this Agreement are subject to available departmental funding and fiscal constraints.
 14. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

IT IS UNDERSTOOD AND AGREED upon that the approval of the Project by the Department is subject to the conditions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF HIGH POINT

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____ DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the City of High Point

as attested to by the signature of Clerk of said governing body on _____ (Date)

This Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

BY: _____
(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of High Point

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



DATE: August 15, 2014

TO: City Council and City Manager

FROM: JoAnne L. Carlyle, City Attorney

RE: Proposed High Point Water and Sewer Rate Schedule
August 18th Council Agenda Item

At the recommendation of the Comprehensive Planning Committee Planning Committee at their June 9, 2014 committee meeting, Council is requested to approve the new City of High Point Water and Sewer Rate Schedule (copy attached), which includes a change in customer fees when the city receives all or a portion of their ad valorem taxes.

Terry Houk and I will be present at Finance Committee to answer any questions you may have regarding this matter.

Water Rates:			Sewer Rates:		
Commodity Charges (Residential)	Inside Rate *	Outside Rate	Commodity Charges	Inside Rate *	Outside Rate
All units	\$ 2.62	\$ 5.24	All units	\$ 4.55	\$ 9.10
Commodity Charges (Commercial and Industrial)			Fixed Charges:		
First 35 units	\$ 2.62	\$ 5.24	Meter Code	Meter Size	Inside Rate *
Next 765 units	2.37	4.74	WT1	5/8" & 3/4"	12.23
Next 2200 units	2.11	4.22	WT2	1"	30.65
Over 3000 units	1.82	3.64	WT3	1-1/2"	61.32
			WT4	2"	98.07
			WT5	3"	196.16
			WT6	4"	308.50
			WT7	6"	612.99
			WT8	8"	980.81
Commodity Charges (Intergovernmental)	\$ 1.82	3.64	Industrial Surcharge	BOD	\$ \$
All units			Inside Rate *	\$ 57.06	\$ 50.71
Commodity Charges (Irrigation)	\$ 3.91	7.82	Outside Rate	\$ 114.12	\$ 101.42
All units			Residential Flat Rate Sewer		
Fixed Charges:			Inside Rate *		\$ 44.18
Meter Code	Meter Size	Outside Rate	Outside Rate		\$ 88.36
WT1	5/8" & 3/4"	15.80			
WT2	1"	39.50			
WT3	1-1/2"	78.94			
WT4	2"	126.26			
WT5	3"	252.62			
WT6	4"	394.70			
WT7	6"	789.38			
WT8	8"	1,261.78			
WT10	10"	1144.25			
WT12	12"	1696.59			
			Septage Tickets		
			1 ticket per 1000 gallons of tank capacity or fraction thereof.		\$ 39.11
			1 ticket per 3000 gallons of tank capacity or fraction thereof.		\$ 117.33

Unit = 748 gallons

*This rate would be provided to those customers where the City of High Point receives all or a portion of their ad valorem taxes.

**HIGH POINT CITY COUNCIL
BRIEFING SESSION
JULY 22, 2014 – 8:30 A.M.
HIGH POINT MUSEUM**

MINUTES

Present:

Mayor Bernita Sims; Mayor Pro Tem James Davis (Ward 5); and Council Members Britt Moore (At-Large), Rebecca R. Smothers (At-Large), Jeff Golden (Ward 1), Judith P. Mendenhall (Ward 3), Jay Wagner (Ward 4), and Jason Ewing (Ward 6)

Absent:

Council Member Foster Douglas (Ward 2)

Staff Present:

Randy McCaslin, Interim City Manager; Bob Morgan, Interim Assistant City Manager; Mark McDonald, Director of Transportation; Greg Venable, Assistant Director of Transportation; Loren Hill, President- High Point Economic Development Corporation; Eric Olmedo, Budget Evaluation Officer; Jeron Hollis, Communications Officer; Lisa Vierling, City Clerk

Others Present:

Fred Burchett, P.E., Project Manager, Principal, Kimley-Horn and Associates
Stephen Stansbery, AICP, Senior Planner, Vice President, Kimley-Horn and Associates
Trung Vo, EIT, Transportation Analyst, Kimley-Horn and Associates
Rick Hall, P.E., President/Principal, Hall Engineering

Marshall Payne, Jim Bronnert, Cynthia Davis, Stephanie Ross

News Media:

Jordan Green, *Triad City Beat*

Note: A copy of the presentation made by the consultants will be attached to these minutes as a permanent part of these proceedings.

NORTH MAIN STREET ROAD DIET STUDY

Mark McDonald explained the purpose of the meeting is to provide Council with an overview of the project from this point, focusing on data collected and to answer any questions. He noted there are four focus group sessions scheduled throughout the day that includes commercial property owners and business operators; area residents; bike, pedestrian and transit advocates; and community interests with a general open session with a presentation by the project team at 5:30 p.m.

Mr. Fred Burchett provided an overview and background for the North Main Street Road Diet Study, which is attached to these minutes as a permanent part of these proceedings. The area studied is approximately one mile. The presentation included a project overview, study purpose, identified the study area (N. Main Street from Westwood Avenue to State Avenue). Mr. Burchett also shared an example of Gaines Street in Tallahassee, Florida where it was reduced from four lanes to two lanes with on-street parking and resulted in substantial economic benefits to Tallahassee. The goal for converting Gaines Street was to create a pedestrian friendly street, and to improve the infrastructure to develop a destination district home to a blend of commercial, residential and cultural uses. To accomplish this, the funding sources were the City of Tallahassee and Leon County sales tax (\$28 million) and Florida Department of Transportation road maintenance funds in the amount of \$7 million. As a result, they have enjoyed \$128 million dollars in new development on Gaines Street since the start of the project. He explained 25 years of planning and study went into this with extensive public participation efforts with lots of contentious discussions before finally deciding to go with the road diet.

The consultants also provided statistics on historic traffic volumes; non-market versus market traffic volumes; through traffic; intersection capacity analysis; crash history for the period of May 2011 to April 2014; biking and walking conditions; walkability grades; transit ridership; corridor summary (traffic, safety, biking and walking, transit, urban form). The Priority Pyramid Activity included Traffic Flow (to reduce congestion and travel time); Mobility (to increase accessibility for all road users); Safety (to improve safety at high crash locations); Community Design (to enhance design and aesthetic beauty); Economic Vitality (to encourage vibrant redevelopment); and Neighborhood Quality (to preserve the character of adjacent neighborhoods).

Council Member Smothers shared some concerns she received from residents about the amount of traffic on Rotary, the speed, number of accidents not reported and how this is coming through a residential neighborhood just to avoid the lowest performing intersection at Lexington. She asked the consultants if they caught any data at that intersection and the consultant responded that they did obtain data on Lexington at Rotary and they would use as they develop a diversion after they try to figure out how the vehicles will be diverted and where they will go. Council Member Smothers also mentioned there are some high traffic sensitive times in this area due to the rotation of a high school. Mayor Pro Tem Davis also mentioned Johnson Street Elementary School and asked the consultants if they looked at traffic in that location during peak hours for the school. Council Member Mendenhall pointed out there might be other streets in High Point that could accomplish the same thing. Cynthia Davis asked about the diversion of traffic on Gaines Street during football events because she expected it would be far worse than what High Point experiences with the Furniture Market. The consultants explained they have things in place that seem to be working to divert the traffic and keep traffic movement going (i.e. one-way movements on some of the streets; parking lot used for shuttling people to the area, etc...). Mayor Pro Tem Davis pointed out that High Point has to deal with two weeks of increased traffic in the downtown area for pre-market and market.

Mayor Sims mentioned the controversy surrounding the Gaines Street project in Tallahassee and asked if the consultants could share or identify what the tipping point was to move the project forward. The consultants explained that they had a whole range of discussions involving the

MPO and they suggested six lanes on Gaines Street until someone started measuring and determined there wasn't actually room for six lanes, so then they suggested to reduce it to four. Then they actually did some preliminary engineering and determined they didn't even have room for four because the buildings were so close, so then they suggested possibly doing a one-way pair. At this point, the community stepped in and organized a voluntary meeting, charette, for a series of discussions, did a meeting in front of the City Council and they really liked the picture of the two-lane street with people walking and determined that was what they wanted.

Mayor Pro Tem Davis also questioned if the right street has been identified in High Point to road diet because High Point does not have the facilities that would draw people to downtown like those that exist on Gaines Street in Tallahassee (i.e. college, football stadium, state capitol, etc...). Mr. McDonald noted there are certainly other opportunities that have been discussed, but this area on N. Main Street was the area that staff was asked to study.

At this time, Steven Stansbery, Senior Planner for Kimley-Horn and Associates, felt if there was going to be one street in the community considered for road dieting, it should be the main street, and the question would be what segment would be most appropriate, but there would be some challenges that would need to be worked through. He noted great factors to consider for conversion would be a small block size with a good mix of uses.

To wrap up, Mr. McDonald explained the next step in the process is to gather input from the public at tonight's symposium and come up with a survey that will be posted online for additional feedback. The consultants will then take the data gathered at this point and do an analysis of dieting the corridor for a future year and they would be doing some traffic projections based on growth potential. He noted that he has been working with Heidi Galanti with the Planning Department to look at the growth potential within the study area to grow those volumes and to identify what part of the volume can be diverted and where it can be diverted to. He anticipated having some preliminary results with the next 30-45 days. The consultants will plan another session to share those results with the public and the City Council with anticipation of having the whole thing wrapped up by early October 2014.

The meeting adjourned at 9:35 a.m. upon motion duly made and seconded.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

49
BK: R 7625
PG: 2684-2687
RECORDED:
08-21-2014
10:45:05 AM
BY: JANE SCHULTZ
DEPUTY-HP



2014041980
GUILFORD COUNTY, NC
JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. 1402 / 14-42

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF AUGUST, 2014 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment Case 14-06 (Drake Place)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) an unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive;

WHEREAS, This right-of-way, known as Drake Place, was recorded in 1963 on a map entitled "Fairwood - High Point Township - Guilford County" (Plat Book 34 - Page 25 Guilford County Register of Deeds) and more specifically described as follows: All of the Drake Place right-of-way lying east of Guilford County Tax Parcels 0195850 and 0180544 and west of Guilford County Tax Parcel 0180561; and

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 21st day of July, 2014, at 5:30 p.m. setting the 18th day of August, 2014 at 6:15 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning July 25, 2014 and August 1, 8 & 15, 2014; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of the unimproved right-of-way (known as Drake Place) lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive; and

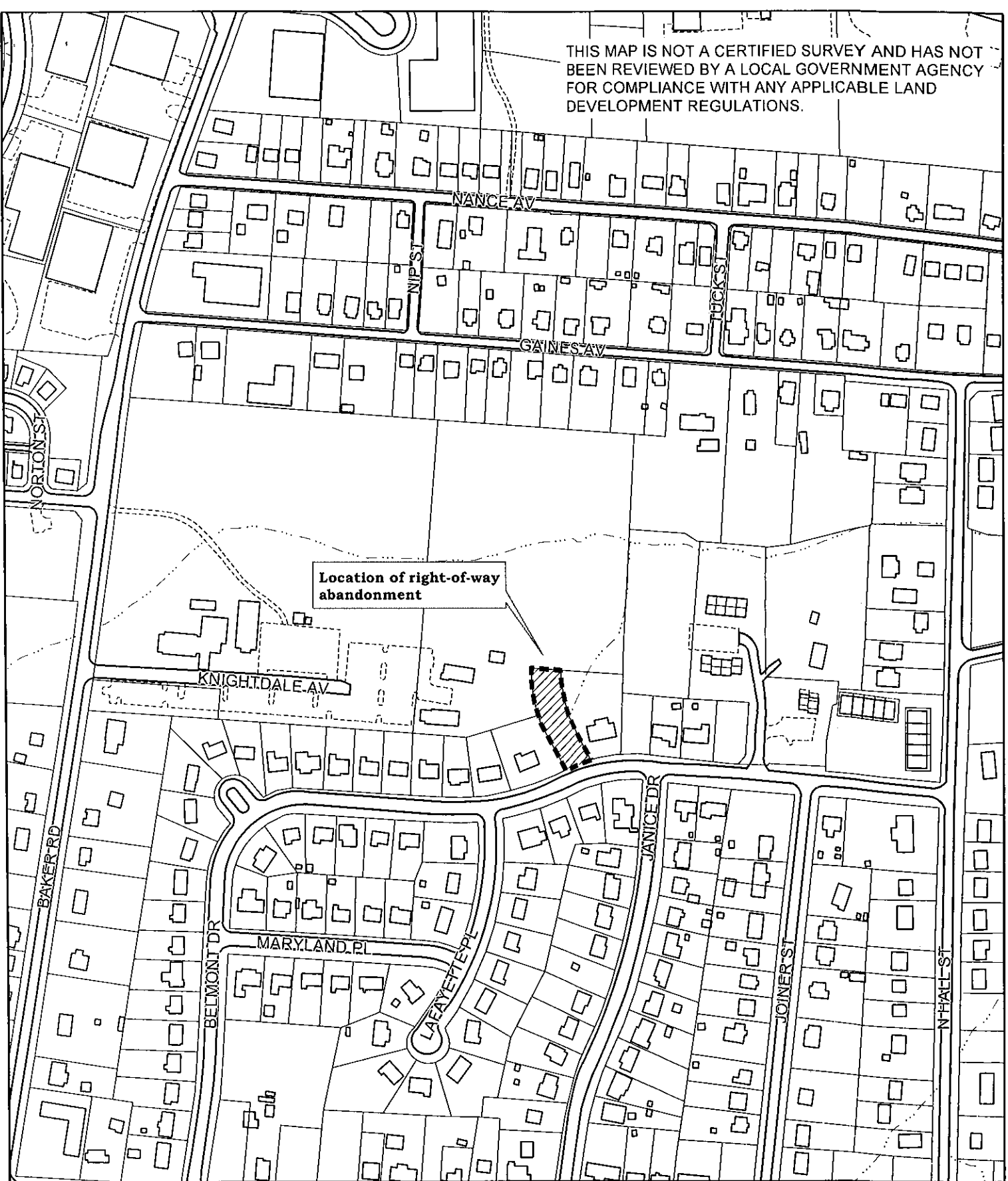
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the entire length and width of the a Drake Place right-of-way, lying east of Guilford County Tax Parcels 0195850 and 0180544 and west of Guilford County Tax Parcel 0180561, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over an existing 8-inch sewer line; and
3. That the City of High Point shall retain a 20-foot wide stormwater easement centered over an existing 30-inch stormwater line; and
4. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of August 18, 2014
Lisa B. Vierling, City Clerk

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



STREET ABANDONMENT REQUEST SA14-06

Applicant: City of High Point

Area: 0.38 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: August 21, 2014



Scale: 1"=300'

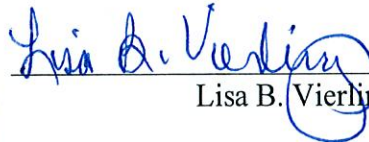
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2014\pz\sa14-06.mxd

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

Certification

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Resolution adopted by the City Council in official Session on August 18, 2014 and upon approval by City Council will be recorded in Book 89 of the Official Minute Books and Resolution Book XVIII of this City, under my care, custody and control. As of this date, action to adopt said Resolution has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 19th day of August, 2014.



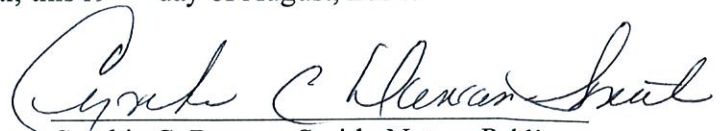
Lisa B. Vierling, City Clerk

ACKNOWLEDGEMENT

I, Cynthia C. Duncan-Smith, a Notary Public of said County and State, do hereby certify that Lisa B. Vierling is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 19th day of August, 2014.

CYNTHIA C. DUNCAN-SMITH
NOTARY PUBLIC
GUILFORD COUNTY, NC



Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2015

**SPECIAL USE PERMIT 13-03
CITY OF HIGH POINT, NORTH CAROLINA**

June 17, 2013
(Adopted)

August 18, 2014
Amended

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Elementary or Secondary School (K thru 12 grades) use and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this Special Use Permit (SUP) document.

CONDITIONS:

1. Development of the site shall be generally consistent with the attached SUP Site Plan. Final configuration of parking and athletic fields may shift within designated areas depicted on the SUP site plan.
2. Landscaping & Screening
All dumpsters shall be screened and located no closer than one-hundred (100) feet from adjacent residentially zoned property.
3. Lighting
 - a. All pole mounted lighting shall be directed away from adjacent residential uses.
 - b. All free standing exterior lighting for parking lots and along internal drives shall be of the cutoff "shoebox" type or otherwise shielded in a manner not to cast direct light onto adjacent properties.
 - c. Lighting associated with the athletic fields shall not exceed zero (0) foot-candles as measured from the property line of the site. As part of construction plan approval, the property owners shall submit a lighting plan that meets this standard for review and approval by the Planning & Development Director.
4. Transportation Conditions
 - a. Phasing of Transportation Improvements
 1. Phase 1 - 460 students or less
 - a. Access
 - i). The site shall be allowed two (2) points of access to Clinard Farms Road.
 - ii). The western access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage (opposite driveway on Guilford County Tax Parcel 0169887).
 - iii). The eastern access point shall be a right in – right out onto Clinard Farms Road.

- b. Improvements - The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road access point (opposite Clinard Quality Storage driveway access point on Guilford County Tax Parcel 0169887).
 - c. Onsite queuing area - The property owner shall provide a minimum of one thousand three hundred (1,300) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
2. Phase 2 - 461 - 800 students
- a. Onsite queuing area - The property owner shall provide a minimum (gross total of phases 1 and 2 of two thousand two hundred (2,200) feet of stacking/queuing on the site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
3. Phase 3 - 801 - 1500 students
- a. Access
 - i. The property owner shall provide a minimum (gross total of phases 1 thru 3) of three thousand seven hundred (3,700) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
 - ii. If not already completed by the City of High Point/NCDOT, The property owner shall either:
 - 1) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - 2) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also, construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.
 - b. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY:

The property is approximately 26.743 acres lying on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road. The property is also known as Guilford County Tax Parcels 0216465.

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

AMENDMENT TO SPECIAL USE PERMIT 13-03 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 18TH DAY OF AUGUST, 2014.

Laura Sparks

~~Lisa B. Vierling~~

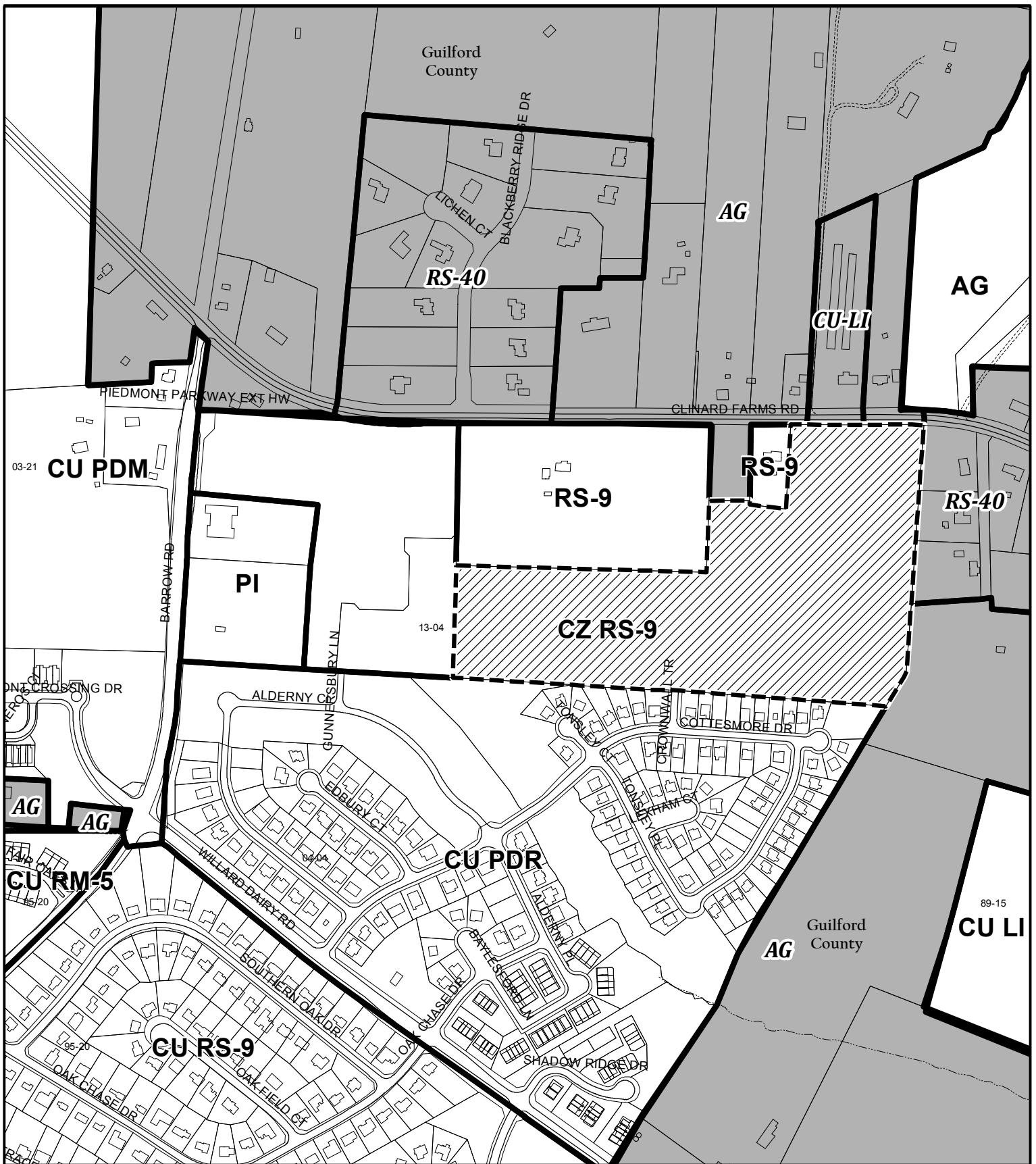
Deputy City Clerk

Laura Sparks



8/18/14

Date



AMENDMENT TO SUP13-03

(AUG 2014)

Request: To allow a private school K-12 grades
Accessory Uses: athletic fields, equestrian riding/training area

Existing Zoning Boundary _____
Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

Date: July 9, 2014



Scale: 1"=500'
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2014\pz\Asup13-03.mxd

PROPOSED NEW SUP SITE PLAN (Submitted July 2014)

FSR 1837
CLINARD FARM RD.
(60' PUBLIC R/W)

PROPERTY DATA:

TOTAL SITE ACREAGE: 26.743 ACRES
PARCEL #: 0216465
PIN#: 7814102391
ZONING: CONDITIONAL ZONING
RESIDENTIAL SINGLE
FAMILY-9

PROPOSED BUILDING SQUARE FOOTAGE:

(FULL BUILD-OUT) 60,000 S.F.

PARKING REQUIREMENTS:

PARKING REQUIREMENTS: 7 SPACES/CLASSROOM + 3 SPACES/ROOM
USED FOR OFFICES

ADEQUATE PARKING WILL BE PROVIDED TO MEET THE MINIMUM
PARKING REQUIREMENTS DURING ANY PHASE OF THE DEVELOPMENT.

WATERSHED DATA:

THIS SITE IS LOCATED IN THE CITY LAKE GENERAL WATERSHED AREA
(COWA). A WATERSHED DEVICE MAY BE REQUIRED AS A PART OF THE
SITE DEVELOPMENT.

SITE BENCHMARK:
TOP NAIL @ CLINARD
FARM RD. (SP-2)
ELEV = 803.80'

C.W. MOHAS
DB 7255 PG 1728
TAX PARCEL #0216467

OUTDOOR ACTIVITY/RECREATION AREA

COTTESMORE SUBDIVISION
PHASE 2, SECTION 2
PB 164 PG 55-6

COTTESMORE SUBDIVISION
PHASE 2, SECTION 2
PB 164 PG 55-6

OWNER:
PHOENIX ACADEMY
4020 MEETING WAY STREET
HIGH POINT NC, 27409
(336) 869-0079

GRAPHIC SCALE

(IN FEET)
1 INCH = 60 FT

CivilDesigns, P.A.
Consulting Civil and Environmental Engineering
3877-C (336) 282-5542
Greensboro, NC License No. C-1043



SKETCH PLAN SUBMITTAL

PHOENIX ACADEMY
7881 CLINARD FARM ROAD

Drawn By: K. BRODERICK
Checked By: D. JENSEN
Date: 7/1/14
Page: 1

1



DATE: August 15, 2014

TO: City Council and City Manager

FROM: JoAnne L. Carlyle, City Attorney

RE: Public Art Display Policy
August 18th Council Agenda Item

Council is requested to approve the Private Art Display Policy which will create organized guidelines for the application, acceptance and display of private art and art projects on public grounds. The City will strive to enhance public places with high quality art work and use these displays to promote local artists. All artwork considered under this policy will be for temporary display. It is not the intent of the City that any of the approved artwork be displayed in perpetuity, nor is it the intent that the City would obtain ownership of any artwork that it allows to be displayed.

I will be glad to answer any questions you may have regarding this matter.

CITY OF HIGH POINT

PRIVATE ART DISPLAY POLICY

Purpose

The purpose of this policy is to create organized guidelines for the application, acceptance and display of private art and art projects on public grounds. The City will strive to enhance public places with high quality art work and use these displays to promote local artists. All artwork considered under this policy will be for temporary display. It is not the intent of the City that any of the approved artwork be displayed in perpetuity, nor is it the intent that the City would obtain ownership of any artwork that it allows to be displayed.

Application to Display Artwork

The artist or art owner may apply to the City Manager's office if they wish to have their art displayed on public grounds. The application must include a description of the artwork which includes a rendering or picture if available, dimensions, area desired to have the art displayed, artist's name and contact information, and dates when the artist wishes to have the art displayed. If requested by the City, the artist make a time available for a representative of the City to view the completed art project and if necessary photograph the art in order to review the piece for appropriateness. If the piece requires assembly, the artist may choose to assemble the art on site.

The area where the art will be displayed must also be approved by the City. Under no circumstances will the art be placed in an area that would interfere with pedestrian or vehicular traffic. The number of pieces allowed in a particular location will depend on the size of each individual piece and the available locations for similar displays.

Evaluation of the Art Display

After application is made to the City manager's office, the City manager shall forward the application to Theatre Art Galleries, Inc. ("TAG") to determine if the art is appropriate for display in the time, place and manner in which the applicant wishes for it to be displayed. Additionally, TAG will evaluate the artwork and ensure the appropriateness of the art based on the following:

- a) Long term durability and required maintenance of the artwork.
- b) Relationship and appropriateness to the immediate location (architecture, topography and landscape, scale of the art, on site structures or other physical attributes).
- c) Installation costs, site preparation costs, and insurance considerations.
- d) Local community standards and public response.
- e) Quality of the art.
- f) Diversity of artwork already in the area.
- g) Future projects planned for the location.
- h) Priority of display opportunities will be given to local artists.
- i) The art must not be obscene or defamatory; and
- j) The display of the art must not be in violation of any federal, state or local law.

TAG will present their recommendations to the City as to whether the artwork is appropriate and of quality for display. The City shall then arrange for placement of the artwork at the earliest date in which an area for display becomes open. TAG may provide a specific location in which they believe the Work

would add unique aesthetic or cultural value and the City Manager may then decide whether to direct placement of the Work at that location or place the Work at the earliest available location.

Display Location and Duration

The area in which the art may be displayed shall be designated by the City and no other sites for art displays will be considered unless approved by the City Council. Any artist wishing to display their artwork on public grounds must commit to having their art remain there for a period of six (6) months in order to avoid unreasonable disturbances to the area in which the art will be displayed. The area and duration for which the art will be displayed will be set forth in the City's Private Art Display Application which must be signed by each applicant prior to their art being displayed on public grounds.

City Approved Locations

The City Council may add additional locations to which public grounds will be used for private art displays at their discretion. The initial location where art will be displayed shall be as follows:

Site 1 – The W. Commerce Parking Garage west of the Garage Entrance

Site 2 – New traffic circle at S. Elm, W. Lindsay and W. Parkway

Site 3 – Traffic island at N. Hamilton and N. Wrenn

Site 4 – Traffic island at N. Hamilton, E. Kivett and English

Liability

The City will not assume responsibility for any loss or damage to art exhibited on public property. All artists will be asked to sign an agreement in which they list all items in their display and release the City from any liability. Additionally, the artist will be responsible for securing insurance on the artwork prior to the art being placed on public property. The artist will also be responsible for any maintenance to the artwork while it is on display and it shall be at the complete discretion of the City when such maintenance is required.

Set Up and Take Down of Displays

The artist shall provide whatever base or pad will be necessary to have their Work displayed on public property. The base must be removable and shall be removed at the time the artwork is removed. At the end of any established time period for the art to be displayed, or at the request of the City, the artist or his/her representative shall have the art removed at cost to the artist. The City may ask that the art be removed for any reason at and at any time once the art has been displayed. Under no circumstance will the City be responsible for storing the art after it has been displayed.

Application and Agreement Terms

All obligations of the artist or art owner and the City shall be set forth in an application to be completed and signed by the artist or art owner wishing to display their work. The City shall have the right to update and amend the application for future artists. No privately owned work of art may be displayed on public property without the artist or art owner having completed the City's application and having agreed to the terms of the application.

CITY OF HIGH POINT
Private Art Display Application

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT is entered into this _____ day of _____ 2014, by and between _____ (herein "ARTIST"), and the CITY OF HIGH POINT, whose mailing address is PO Box 230, High Point, NC 27261, (herein "CITY"). This Agreement sets forth the terms and conditions under which ARTIST will make available to CITY for temporary display in High Point.

NOW, THEREFORE, in consideration of the promises and agreements set forth, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Description of the Art. An original piece of art ("Work") entitled _____ composed of _____ (if sculpture). The Work measures approximately _____ and weighs approximately _____ pounds. If the Work is a sculpture or similar piece, the Work may be washed with water at the discretion of the CITY. All necessary maintenance of the Work will be done by the ARTIST at CITY's request.
2. Schedule. ARTIST shall deliver and install the Work to the CITY, at a designated place to be decided by the CITY. The Work will be displayed from _____ to _____. **Note: artist must commit to have their Work displayed for at least six (6) months.**
3. ARTIST Obligations.
 - a. ARTIST shall provide as part of the description of the Work, specifications that are required as part of the site preparation for ARTIST installation of the Work. This includes accurate dimensions of the art, a description of the art, and a rendering or photograph of the Work.
 - b. ARTIST shall deliver their Work to the appropriate site designated by the City on _____.
 - c. ARTIST or his /her designated agent shall coordinate and supervise installation of the Work at appropriate display site.
 - d. ARTIST shall remove the Work from the display site on _____ unless prior arrangements are made.
 - e. In the event of failure of the ARTIST to remove the Work from the display site by _____, unless prior arrangements are made, the Work shall be removed at stored by CITY at the cost of the ARTIST. If ARTIST refuses to pay the storage costs or has not come to remove their Work within two (2) weeks of the end of the display period, the CITY reserves the right to sell, donate, or otherwise dispose of the Work.
 - f. ARTIST shall maintain their own insurance for the Work for the duration of the display and will not hold CITY responsible for loss or damage to the Work or caused by the Work.
 - g. Should the Work be deemed damaged or unsafe by the CITY, ARTIST shall remove or repair the Work within two (1) week of receiving notice. Should ARTIST refuse to remove or repair the Work, CITY reserves the right to remove or repair the work at cost to the ARTIST.
4. CITY Obligations.

- a. CITY shall be responsible for coordinating with the ARTIST the necessary preparation of the display site prior to installation.
 - b. The CITY hereby assents that any approval of this application will be for an area owned by the CITY in which they have the authority to sell, lease, or otherwise convey for the purposes described in this Agreement.
7. Indemnification and Liability. CITY does not assume any responsibility for theft, damage or destruction of the piece while it is on display at the display site. Any insurance covering the Work shall be the sole responsibility of ARTIST. ARTIST shall indemnify and hold CITY, its officers, employees and agents, harmless from and against any and all claims, losses, liabilities, expenses, charges and damages arising from, or relating to, this Agreement, including but not limited to attorney fees, with respect to any cause arising out of, resulting from, or in connection with (a) any breach by ARTIST of any clause, condition or provision of this Agreement; or (b) any breach or violation by ARTIST of any applicable criminal or civil law, rule or regulation; or (c) any other cause resulting from any loss or damage to ARTIST's property, including equipment and inventory within the facility during the term of this Agreement. ARTIST shall promptly assume the defense of any claim, suit or action within the scope of this indemnification at its expense, upon being notified hereof. Artist shall also be responsible for any damage done to City property resulting from the display or removal of the Work. The indemnification provided for in this Section shall survive the termination of this Agreement.
8. Copyright, Title of Ownership. ARTIST represents and warrants that ARTIST is the sole and exclusive owner of all rights in the Work, including but not limited to the right to prevent the making and dissemination of copies and the right to obtain statutory copyright extending to ARTIST, the exclusive right to manufacture and sell copies or likenesses for the full statutory term and the renewal thereof. The parties agree the ARTIST shall retain all rights in the Work, subject to the provisions set forth in Section 3 regarding failure to remove Work. The parties understand and agree that upon signing of this agreement, ARTIST grants to CITY, its successors or assigns, an irrevocable license to use, exhibit or publicize the Work in connection with the CITY, its subsidiaries, business ventures or products. Said license includes, but is not limited to, the use of images of said Work in printed materials, videos, multimedia works, still photographs, computer screen images, films or similar pieces.
9. Force Majeure. Neither party shall be liable for the failure to perform or delay in performing with respect to any provision of this Agreement to the extent performance in the customary manner shall be prevented, hindered, or delayed, in whole or in part, by transportation conditions, strikes, riots, earthquakes, floods, or other acts of God, compliance with an act or request of a governmental authority, or persons purporting to act with governmental authority.
10. Binding Effect. This Agreement will bind and inure to the benefit of CITY, its successors and assigns, and "ARTIST", its heirs, personal representatives, successors, and assigns.
11. Notices. All notices, requests, consents, and other communications required or permitted to be given hereunder to either party by the other will be in writing and will be deemed to have been duly given if delivered personally or by courier, sent by prepaid telegram or mailed by registered certified mail, postage prepaid, (notices sent by telegram or mailed will be deemed to have been given on the date sent) to the addresses of the parties set forth below or to such other address as either party may designate from time to time:

ARTIST:

CITY:

City of High Point
P.O. Box 230
High Point, NC 27261

12. Headings. The Headings used herein are for convenience only, and the parties agree that such Headings are not to be construed to be part of this Agreement or to be used in determining the meaning or interpretation of this Agreement.
13. Entire Agreement. This Agreement sets forth the entire Agreement and understanding of the parties relating to the subject matter hereof, and supersedes all prior agreements, arrangements and understandings, written or oral, between the parties relating to the subject matter hereof.
14. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of North Carolina. Any and all disputes concerning the subject matter of this Agreement shall be heard exclusively in the state courts of the State of North Carolina, with venue exclusively existing in the Superior and District Courts of Guilford County.
15. Severability. In the event one or more of the provisions of this Agreement shall for any reasons be held to be invalid, illegal or unenforceable, in whole or in part, or in any respect, or in the event that any one or more of the provisions of this Agreement operates to invalidate this Agreement, then in either of those events, such a provision or provisions only shall be enforced to the extent permitted by law, or such provision shall be void if totally unenforceable; such void or unenforceable provisions shall not affect any other provision of this Agreement and the remaining provisions of this Agreement shall remain in full force.
16. Amendment. The provisions of this Agreement may not be amended, supplemented, waived or changed orally, but only by a written amendment signed by all parties.
17. Miscellaneous. Neither party shall discriminate on any prohibited basis including race, creed, color, gender, age, disability, religion or national origin, against any employee, applicant for employment, member of the public or other persons. ARTIST shall not assign or transfer its right, title or interest in this Agreement nor delegate any of its duties without CITY's prior written approval. Any attempt to assign this Agreement without such written approvals shall be void.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, under seal, as of the date first above written.

ARTIST

CITY OF HIGH POINT

By: _____

By: _____

Print: _____

Print: _____

Title: Artist / Owner _____

Title: _____

Date: _____

Date: _____

**FINANCE COMMITTEE
AUGUST 4, 2014 – 4:30 P.M
CITY MANAGER’S CONFERENCE ROOM**

MINUTES

PRESENT:

Mayor Sims, Council Members Wagner and Davis

Mayor Pro Tem Davis chaired the meeting in the absence of Chairman Moore.

OTHERS PRESENT:

Council Members Douglas, Ewing, Golden, Mendenhall and Smothers

ABSENT:

Council Member Moore

STAFF PRESENT:

Randy McCaslin, Interim City Manager; Bob Morgan, Interim Assistant City Manager; Eric Olmedo, Budget Officer; Jeron Hollis, Public Information; Gary Smith, Director of Fleet Services; Jeff Moore, Director of Finance; Matt Carpenter, Traffic Signal Engineer; JoAnne Carlyle, City Attorney; Brent Cole, Assistant City Attorney; Lisa Vierling, City Clerk; Dawn Sparks, Deputy City Clerk

MEDIA PRESENT:

Pat Kimbrough, *High Point Enterprise*

OTHERS PRESENT:

Cindy Davis, Planning & Zoning Commission

Note: In the absence of Committee Chair Moore, Council Member Davis presided over the Finance Committee.

140225

Contract – Purchase of Street Sweeper

Approval of contract using the Houston-Galveston Area Council (HGAC) to purchase a 2015 Tymco Model 600 Street Sweeper at the contract cost of \$234,525.00; and declare a 2007 Johnson street sweeper as surplus property and direct staff to dispose of said equipment through the online auction process.

Gary Smith explained that this truck is a 2014 Tymco similar to the other street sweepers the City is currently using. This truck has an additional piece of equipment called a catch basin clicker, which allows the operator

when he sees some problem with the catch basin, instead of radioing in for another truck to come out and take care of the situation, the operator can click that catch basin there on the spot.

Council Member Davis asked how many other street sweepers the City has. Mr. Smith stated that they have a total of three of these trucks in the fleet, and this new truck is similar to the two they are using now. It will also include declaring the oldest truck as surplus to be sold through the online auction process.

A motion was made by Mayor Sims, seconded by Council Member Wagner to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (Vote 3-0)

140226 NCDOT – Reimbursement Schedule Traffic Signal Maintenance

Approval of Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a new reimbursement schedule (Schedule C) for traffic signal maintenance.

Matt Carpenter was available for any questions Council had. Council Member Wagner state since Main and Farris are DOT roads, what is the criteria for a light located there. Mr. Carpenter stated it is volume on Main Street and sight distance. Without a signal there people would sit there a whole lot longer. The reason the light is so long is because there are not loops on Main Street or sensors on Main Street, so there is a set amount of time it will stay on Main Street before it will service the side street. Mr. Carpenter stated he did not believe they could ever recommend them taking the signal out.

Council Member Mendenhall asked if North Carolina will ever pass a law that allows a left turn on red like they do in other states. Mr. Carpenter stated it has come up before and failed in the General Assembly. Council Member Mendenhall noted that during Furniture Market a lot of the visitors from California and other places received warnings for turning left at a red light.

Council Member Davis asked if the DOT pays the maintenance for the thirty-six signals that the city owns. Mr. Carpenter explained that the split is about 83/17, and DOT pays 83% of whatever the total number is.

Council Member Ewing asked if the Traffic Signal Operations Program standards for service are in place for High Point only or is that for the State DOT. Mr. Carpenter explained those are standards are for both.

A motion was made by Council Member Wagner, seconded by Mayor Sims, to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (Vote 3-0)

140227 Resolution – Reconveyance of Property – Marsh Furniture

Adoption of a Resolution authorizing the reconveyance of City Property to Marsh Furniture as shown on the attached map.

Randy McCaslin explained that Marsh Furniture has an expansion that they want to make to their current building, this will allow them to move part of their manufacturing into the old warehouse. This alone will enable Marsh to add several new jobs to the facility.

The road that was planned for this area is no longer needed and it is in the process of being removed from the roadway thoroughfare plan.

Brent Cole advised that in going back and tracking down the fee interests in this area, it is cleaner to keep the whole area rather than trying to divide it up. By keeping the descriptions as they were prior to 1966 when this land was conveyed to the City, it keeps the chain of title cleaner.

Matt Carpenter advised that this particular piece of the roadway was originally intended to be a parallel connector all the way across the southern half of the City, parallel to Business 85, and it was to run from Burton and English all the way over to Nathan Hunt and Brentwood. The City has not done anything with that plan for years. The intent is still to connect Centennial to Main via Ward Street, but they would not be using this piece any longer.

A motion was made by Council Member Davis, seconded by Council Member Wagner to forward this matter to Council with a favorable recommendation of adoption. Motion passed unanimously. (Vote 3-0)

140228 Budget Ordinance Amendment – Kilby Hotel & First Baptist Church Asbestos Abatement

Adoption of a Budget Ordinance in the amount of \$120,000.00 amending the General Fund to appropriate funding for the Kilby Hotel and First Baptist Church on Washington Street for asbestos abatement.

Mr. McCaslin advised that they do not have a price on the cleaning up of First Baptist Church, the only thing the City has is a price on cleaning the asbestos from the church. At this point, legal has advised that this ordinance has to be in place for the City to go in and remove the asbestos. They are trying to get all the asbestos removed because when they start

cleaning up the Kilby they will be using a lot of heavy equipment which will give off a lot of vibration, and they feel they should get the asbestos out first.

Council Member Davis asked if the church has removed their windows. Mr. McCaslin advised that the City has talked with them several times for well over a year about removing the windows, and they still are in the building. Council Member Davis asked if the City has permission to go in and clean the site up. Ms. Carlyle stated that once the ordinance is adopted the City can legally go in and clean up the asbestos.

Council Member Smothers was glad that is clarified because it sounded as if they were going to tear down First Baptist Church. Mr. McCaslin assured the Council that is not the intention.

Council Member Davis asked what happens if they go in and clean it up and the stained glass windows get broken. JoAnne Carlyle stated that the ordinance gives the City the right to go in and demolish if they need to because the Church has been given every opportunity for them to go in and salvage what they can including the windows.

Council Member Smothers asked if anybody had any idea what it would costs to take those windows out. Mr. McCaslin stated that the Pastor stated to him that they had quotes in the \$20,000 range for removing the windows and the church was trying to do some fund raising for the windows.

Council Member Davis asked if Abatemaster had been in the building to certify where the asbestos is. Mr. McCaslin stated there was an inspection to determine where the asbestos was.

Council Member Davis had concerns about approving the maximum amount of \$120,000. Mr. McCaslin stated this project is like a lot of construction contracts, where they put in what they believe it will cost but they also put in allowances to cover certain circumstances.

JoAnne Carlyle stated that the City has the legal obligation when they go in for the asbestos, and if there is anything that they can salvage that has any value, and the obligation to sell that and put it against the lien. Mayor Sims asked if we are "obligated" or "have the right to" and asked what the difference would be. Ms. Carlyle stated that there is an obligation. Council Member Mendenhall asked if the attorney is saying that the City has to take those windows. Ms. Carlyle stated no, they do not have to, but if the City is going in to remove the asbestos and the windows fall in, if they did at that point the City would have to at some point continue with the demolition for safety reasons and anything that the City salvages they

could sell and apply that against the lien. Mayor Sims asked if this changes the conversation of the appropriate funds to abate the asbestos in the building, or should they also be looking at the removal of the windows. Mr. McCaslin suggested that they first take care of the asbestos because they do not know what the church's full plans are. Mayor Sims stated that what she is hearing is that it does not matter what their plans are. Mayor Sims felt there may be a way that would satisfy what the obligation is to the City and at the same time the church benefits from the fact that we remove the windows, not necessarily that we do something punitive to them. Council Member Sims felt that if in fact there is an obligation that they have to be mindful of the fact that obligation to go in and remove anything of value that would help offset those costs. Ms. Carlyle added, this would only be during a demolition and there is not really any ordinance out there that applies for us to just go on somebody's property to remove asbestos. Mr. McCaslin suggested going through with the ordinance for the removal of the asbestos and then the City will present them a bill, if they do not pay the bill then we are forced to come back and demolish the building at some point in the future then Council can have the conversation about salvaging the windows.

A motion was made by Council Member Davis, seconded by Council Member Wagner to forward this matter to Council with a favorable recommendation of adoption. Motion passed unanimously. (Vote 3-0)

140229 Budget Transfer – Core City Development

Council is requested to approve transfer of funds from the Core City Development accounting unit to the City Manager's accounting unit.

Mr. McCaslin stated that these funds do not include vehicle allowances for that position. Mr. McCaslin stated that they took the budget that Council adopted, took the \$35,000 from the Outside Agencies and put that into Special Appropriations. The remainder of the \$176,186.00 is the exact amount that Council adopted, minus the vehicle allowance that was moved to Miscellaneous but keeping this same amount already adopted.

Council Member Davis stated that the way he read it was just transferring the funds from one accounting unit to another.

A motion was made by Mayor Sims, seconded by Council Member Davis to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (Vote 3-0)

Pending Item

140191 Resolution – Lease of High Point Theatre Property – Theatre Art Gallery (TAG)

Council is requested to adopt a Resolution authorizing the City to enter into a lease with the Theatre Art Gallery (TAG) at the High Point Theatre. (This item was presented to City Council at the July 21st meeting and deferred to the August 4th agenda to allow staff time to assemble further information on the lease.)

Council Member Davis stated that this matter was left in pending while staff pulled together some information. Ms. Carlyle stated that there was a proposed agreement that was sent out with the package, and there has been a couple more requests that came in through David Briggs from TAG. One was he want to make sure that the areas that they use are designated, and we may want to attach an exhibit to make it clearer. The language on the 25% commission was taken out and they added some language about encouraging other local artists.

Council Member Smothers asked if TAG carries separate insurance for the various exhibits. Ms. Carlyle was not certain, but felt they would. Ms. Carlyle also added that sometime the horizontal lines that they hand art on do not work and they have to put nails into the law, which is covered by standard tenant law. TAG stated they would repair the wall if they put nails into it.

Council Member Mendenhall stated she thought they would have some sort of blanket policy that would cover their exhibits.

JoAnne Carlyle stated she was comfortable with the agreement and asked Council if they would like to see the agreement again after it is amended. Council did not feel they needed to see the document again once the amendments discussed had been made.

A motion was made by Council Member Wagner, seconded by Mayor Sims to forward this matter to Council with a favorable recommendation of approval. Motion passed unanimously. (Vote 3-0)

Other Items

Mr. McCaslin stated he has asked Budget to pull together a year-end financial report. Mr. McCaslin noted that the report is “pre-audit” and not the final report, but it does give a snapshot of the figures for the year end.

Mr. Olmedo reviewed the report with council. Mr. Olmedo stated that when they finish out the physical year they usually have until mid-September when they still

are receiving in revenue. Finance will be busy putting those dollars where they belong in preparation of the annual audit.

There is still another month to collect sales tax revenues and they are expected to come in as calculated at budget. Intergovernmental revenues are monies from ABC and the State, franchise fees, and more are expected to come in.

Mr. Olmedo stated that at this point in the year there are still some expenditures that are waiting to be made. The report does reflect all the payroll, but there are some other things that come in later. A major expenditure is in the electric fund for whole sale power purchase.

Council Member Davis asked Council if they have been receiving calls about high utility bills. Council Member Davis stated that the numbers of these calls has increased and noted he personally had the highest electric bill he has ever had since living at his home. Mr. McCaslin felt the high bills are a combination of the 90° weather, the sales tax increase, as well as the rate increase all hitting at one time.

ADJOURNMENT

The meeting adjourned at 5:30 p.m. on a motion duly made and seconded.

Respectfully Submitted,

Dawn J. Sparks, CMC
Deputy City Clerk

Council Member Davis

Information Technology Services

Steve Lingerfelt

DIRECTOR



Date: August 11, 2014

To: Jeff Moore
Director of Finance

From: Steve Lingerfelt *SLC*
Director of Information Technology Services

Subject: Catalogic Licensing and Support Purchase

The Department of ITS requests permission to purchase Catalogic licensing and support from Slait Consulting. The Catalogic licensing will allow the city to perform backups up to 15 terabytes of data. The City is currently licensed for 10 terabytes of data and we have recently exceeded this amount. The backups are performed on our Net App system which was purchased from Slait Consulting and is currently supported by them. This sole source purchase will provide a continuation of that support.

The licensing and support will be purchased through Slait Consulting for the purchase price of \$33,628.23 and will be paid from existing funds in the budget.

Cc: Eric Olmedo, Budget Director
Tarinda Chappell, Purchasing Manager



Reg # 10468
7.31.14

QUOTATION
QUOTE# 56467

Toll Free: (800) 761-6898 <http://www.slaitconsulting.com>

Presented To:
CITY OF HIGH POINT
FRED REYNOLDS
211 SOUTH HAMILTON STREET
HIGH POINT, NC 27280

Prepared By:
SLAIT Consulting
MICHAEL SHOOK
8024 GLENWOOD AVE
SUITE 105
RALEIGH, NC 27612

Date Printed: 07/11/2014
Quote Expires: 08/10/2014

F.O.B.: ORIGIN

Terms: Net 30

NOTES:

Line	Part #	Description	Qty	Price	Ext. Price
1	7511	DPX Block Level Protection (11 to 25 TB)	7	3,702.53	25,917.71
2	9902	Silver Level (7x24x365) Support	1	7,710.52	7,710.52
Grand Total				\$ 33,628.23	

Acceptance and Order Placement

CITY OF HIGH POINT by its authorized signature hereon, hereby orders the goods and/or services quoted above. SLAIT's standard terms and conditions are included in this agreement by reference. If CITY OF HIGH POINT enters into a Master Services Agreement ("MSA") with SLAIT, in the event of a conflict between the terms and conditions of this Order and the terms and conditions of the MSA, the terms and conditions in the MSA shall control.

Company

Authorized Signature

Date

Printed Name

Prices are subject to change without notice. SLAIT standard terms and condition apply.
Sales Tax, Freight, and Shipping and Handling are not included in total.
SLAIT Consulting does not accept credit cards for payment of invoices.
If Customer requirements dictate use of a credit card, SLAIT will charge
a 2% fee for MasterCard and Visa and a 3% fee for American Express.

Financial Services
Purchasing Division



Requisition # 10468

CITY OF HIGH POINT
SOLE SOURCE JUSTIFICATION
FORM (For Items Costing \$500.00 or More)
Statutory Reference N.C.G.S. 143-129(e)6

Vendor: Slait Consulting

Item(s): Catalogic License and Support

Justification:

Continuation of Service

Estimated expenditure for the above item(s): \$33,628.23

CHECK ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE.
ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.

1. ☐ Performance or price competition for a product are not available.
2. ☐ A needed product is available from only one source of supply.
3. ☒ Standardization or compatibility is the overriding consideration.
4. ☐ The parts/equipment are required from this source to permit standardization.
5. ☐ None of the above applies. A detailed explanation and justification for this sole source request is contained in attached memo and support documentation.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the material or service described in this sole source justification be authorized as a sole source for the material or service.

Department Head/Authorized Personnel Steve Lingerfelt

Digitally signed by Steve Lingerfelt
DN: cn=Steve Lingerfelt, o=City of High Point,
ou=Information Technology,
email=steve.lingerfelt@highpointnc.gov, c=US
Date: 2014.07.31 16:33:50 -04'00'

Department/Division ITS / 101241

Date July 31, 2014

Approval Process

Under \$5,000 (Purchasing Manager)
\$5,000-\$30,000 (Financial Services Director)
\$30,000 – Up (City Council)

Tarinda Chappell

Digitally signed by Tarinda Chappell
DN: cn= Tarinda Chappell, o=City of High Point, ou=Purchasing,
email=tarinda.chappell@highpoint.gov, c=US
Date: 2014.08.04 10:49:08 -04'00'

Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial
Services Director, email=jeff.moore@highpointnc.gov, c=US
Date: 2014.08.05 08:16:10 -04'00'

Randy E. McCaslin

Digitally signed by Randy E. McCaslin
DN: cn=Randy E. McCaslin, o, ou,
email=randy.mccaslin@highpointnc.gov, c=US
Date: 2014.08.12 08:26:07 -04'00'

Fleet Services Department

Gary L. Smith
DIRECTOR



DATE: August 11, 2014
TO: Eric Olmedo, Budget & Evaluation
FROM: Gary L. Smith, Director of Fleet Services

Gary L. Smith

SUBJECT: Agenda Item – Used Front Loader

I respectfully request that the following be included for consideration on the next council agenda scheduled for August 18, 2014:

The purchase of a used front loading refuse truck from Amick Equipment Company at a cost of \$203,500. This truck has the same cab and body configuration as the other front loading refuse truck being used by the Environmental Services Division. The division personnel have used this vehicle over the past couple of weeks and it will meet their requirements. The Fleet Services Department has inspected the truck and is satisfied that it has been well maintained. This truck has just over 24,500 miles and has the remaining factory warranty. This truck is available for purchase now while a new truck would take 180-210 days for delivery. This would give the department two front loading refuse trucks for the collection of multi-family garbage and recycling which is averaging over 100 boxes per day, five days a week.

This would replace a 2002 Volvo front loading refuse truck that we purchased used from the City of Greensboro in April, 2009. This truck has over 10,000+ hours and has a lot of wear from reuse collection over the years. Fleet Services would like to retain this in our motorpool for emergencies and additional support to the department with the understanding that no major repairs will be performed.

pc: Jeff Moore, Finance
pc: Tarinda Chappell, Purchasing
pc: Cindy Duncan-Smith, Executive Assistant



MEMORANDUM

TO: Mayor Sims and Members of the City Council

FROM:  Randy McCaslin, Interim City Manager

SUBJECT: Façade Improvement Program Policy

DATE: August 14, 2014

Attached you will find the updated policy for the City's Façade Improvement Program. This policy has been updated to reflect the change in administration of the grant from the City Project non-profit to the City's Core City office. This is essentially the only change we made to the policy; all the requirements, conditions, and eligibility are basically unchanged from the previously adopted policy by the City Council on December 5, 2011.

If you have any questions, please advise.

The City of High Point Façade Improvement Program

Purpose:

Provide an economic incentive to:

1. Attract reinvestment in Core City areas;
2. Promote the rehabilitation of existing buildings;
3. Encourage good design projects which capitalize on the rehabilitation of existing properties and/or the introduction of compatible infill; and
4. Preserve the unique character of buildings.

Eligibility:

1. Owner of an existing building located in the Core City (as defined by the Core City Master Plan) that is occupied or proposed for occupancy by a permitted use categorized in the city's Development Ordinance as business, professional, personal service, retail trade or mixed use. (see attached maps). A tenant may pursue a grant, but the application must be co-signed by the owner.
2. Educational, institutional, nonprofits and showroom uses are not eligible for grant funding
3. The Grant Committee may judge a property eligible for an additional grant if:
 - a. At least five years have elapsed since the last grant was awarded and the property is in need of further improvement (i.e. repaint, new awning); under extenuating circumstances an additional grant may be awarded prior to five years from the last grant, if deemed necessary by the Grant Committee.
 - b. The existing business/property undergoes significant expansion which requires improvement to the property.
 - c. A new business moves in and requires changes to the property (i.e. new sign, new awning).

Grant Committee:

1. The Grant Committee shall consist of 5 members:
 - a. 2 members with experience in architecture and/or preservation
 - b. 2 members of the development/business community; and
 - c. a High Point citizen.
2. The Grant Committee members are appointed by the City Manager and will serve 3-year terms, which at the outset shall be on a rotating basis.
3. The Grant Administrator shall be the Core City Administrator and serve as an ex officio member of the Grant Committee but without the right to vote.
4. City staff will provide technical and professional assistance to the committee.

Guidelines:

1. Project grants will be awarded to those that meet the approval of the Grant Committee.
2. The Secretary of the Interior's Standards for Rehabilitation will be used as guidelines in making improvements to the façade of the structure in all areas. More information on the guidelines can be found at: <http://www.nps.gov/hps/TPS/tax/rehabstandards.htm>
3. The Main Street (MS) zoning district will be used as guidelines in making improvements to properties within this district.
4. The Washington Street Mixed Use (WMX) overlay district will be used as guidelines in making improvements to properties within this district.
5. Rehabilitation of structures should be considered a contemporary solution which respects the architectural integrity of the entire building, retaining those elements that enhance the building.
6. All rehabilitation design proposals shall meet the code requirements of the City of High Point & NC State Building Code.
7. Any exterior renovation proposal -- from entire façade rehabilitation to the replacement of a sign -- is eligible for funding but top priority will be given to projects which will make a highly visible contribution to the area.
8. Improvements may include, but are not limited to:
 - a. removing aluminum/false facades,
 - b. repairing or replacing cornices,
 - c. repairing or replacing windows;
 - d. reappointing brick or masonry work;
 - e. painting;
 - f. replacing historically missing architectural features;
 - g. repairing or restoring transom windows,
 - h. repairing or restoring original storefront features; or
 - i. installing awnings and signs.
9. The following improvements are ineligible for grant funding:
 - a. roof improvements
 - b. HVAC improvements
 - c. plumbing improvements
 - d. any work within the interior of the building
 - e. property acquisition
10. Any improvements that have been made through this grant program and which become a part of the property may not be removed from the property. Improvements must remain with the property (i.e. awnings).
11. All approved projects must commence within 6 months of a signed grant agreement and must be completed within 12 months of a signed agreement.

Criteria:

Grants are given up to a 50-50 matching basis as follows:

1. A maximum participation of \$5,000.00 per façade and/or storefront measuring 50 lineal feet or less (façade may include front, side, and rear portions of the building).
2. Any building with a façade and/or storefront exceeding 50 lineal feet may request and additional \$50.00 per lineal foot as determined by the Grant Administrator.
3. Any project receiving a grant exceeding a grant total of \$10,000.00 or more shall require approval of both the grant committee and the City Manager.
4. All projects are encouraged to seek 3 bids.
5. Projects of significant economic scale and exceptional architectural merit may be eligible for special consideration of enhanced financial participation with the approval of the grant committee.
6. Design and technical assistance (architectural design/drawings) are eligible for 50-50 match for consultant fee).
7. Proposals will be evaluated in terms of compliance with existing ordinances, innovation, context with the surrounding environment, scale, size, technical merit, and any other criteria that relates to the project and its impact on the visual improvement of the area.

Administration:

The Grant Administrator will assist applicants in planning and implementing the proposed project. The assistance may include, but is not limited to, the following:

1. Conduct research on properties to identify original features of a building façade.
2. Review building design features with the Applicant or Applicant's designee and recommend specific design elements for the façade.
3. Facilitate and coordinate access to architects, contractors, urban designers or other professionals, as needed.
4. Facilitate and coordinate the City's building permit process.
5. Assist and monitor construction activities and compliance.

Process for Receiving a Grant:

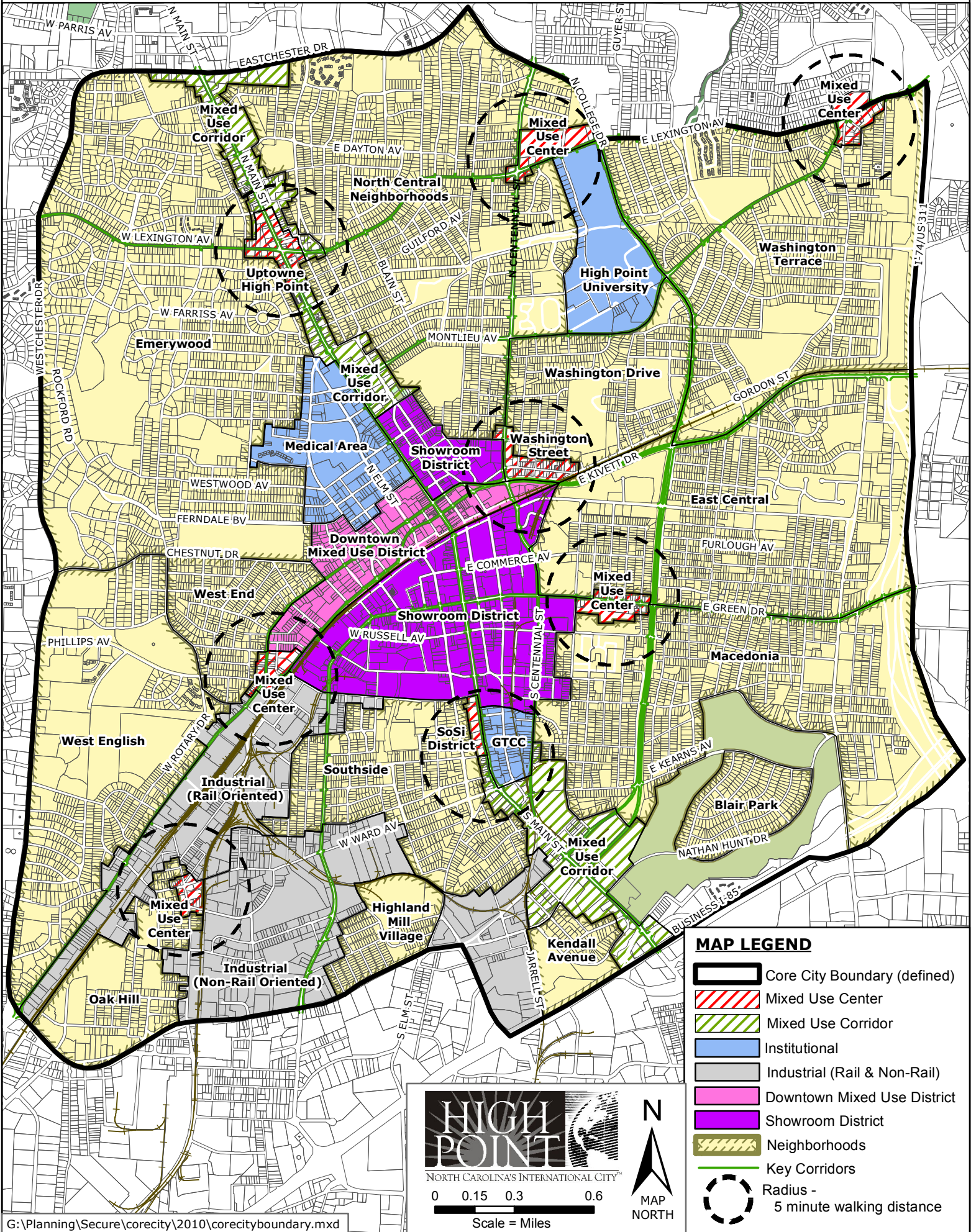
1. Conference with the Grant Administrator to discuss the program guidelines.
2. Owner/tenant completed application (including design plans or sketches and owner's signature), and returned to the Grant Administrator.
3. The City Planning and Development Department will provide a preliminary review of the application to ensure that all code requirements are being met prior to the grant committee's consideration of the grant.
4. The Grant Committee will consider the application. The committee has the discretion to approve or not approve the application based on the guidelines and the general support for the project.
5. A notification letter will be sent to the applicant as to whether or not the project has been accepted as described in the application, accepted with conditions, or rejected.

6. An agreement must be signed prior to work commencing. Parties in the agreement will be the applicant and the Grant Administrator which is authorized to sign on behalf of the grant committee.
7. Any changes to the project during construction must be approved by the Grants Administrator.
8. Upon project completion, paid invoices must be sent to the Grant Administrator.
9. The Grant Administrator inspects the work completed and processes a check for ½ of the actual project cost up to the grant amount, whichever is less, provided the work is completed in accordance with the agreement and all city code requirements.

Contact:

Wendy Fuscoe, Core City Administrator
PO Box 230, 211 S. Hamilton St.
High Point, NC 27261High Point, NC 27262
336 883-8547
336-883-8547 phone
336-883- 3056 fax
wendy.fuscoe@highpointnc.gov

CORE CITY BOUNDARY



PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 22, 2014, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marie Stone and Mr. John McKenzie.

City of High Point

Street Abandonment Case 14-06

A request by the Technical Review Committee to abandon a unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive.

Mr. Herbert Shannon presented Street Abandonment Case 14-06 and recommended approval as outlined in the staff report.

No one spoke on behalf or in opposition of the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 14-06 by a vote of 6-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
STREET ABANDONMENT CASE 14-06
July 22, 2014**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon an unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Belmont Drive	Local Street	60-foot curb and gutter paved street

Adjacent Property Zoning and Current Land Use		
North	Residential Multifamily-8 (RM-5) District	Church
East	Residential Single Family-9 (RS-9) District	Single family dwelling
South	Residential Single Family-9 (RS-9) District	Single family dwelling (<i>across Belmont Drive</i>)
West	Residential Multifamily-8 (RM-5) District Residential Single Family-9 (RS-9) District	Single family dwelling and church

Analysis

The City of High Point Technical Review Committee (TRC) is requesting to abandon an unimproved right-of-way (ROW) lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive. This right-of-way, known as Drake Place, was recorded in 1963 on a map entitled "Fairwood - High Point Township – Guilford County" (Plat Book 34 – Page 25 Guilford County Register of Deeds). The area proposed to be abandoned has a width of 70 feet and a length of 230 feet (16,100± square feet).

The Fairwood subdivision is fully developed; however, the Drake Place ROW was never improved. The land area associated with this unimproved ROW has a moderately sloping terrain and is partially wooded. This right-of-way terminates into property to the north that is developed with a church use that takes its access from Baker Road. The two single family parcels abutting this ROW have frontage and exiting driveway access to Belmont Drive, thus this abandonment request will not deprive any owner reasonable access to their property.

Early notices to obtain input from abutting property owners were mailed out on in April and June 2014. In addition, regular mail notice for the public hearing to abutting property owners, notice placed in the High Point Enterprise and the posting of signs at the ROW to be abandoned were also performed per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request on April 23, 2014 and identified no concerns related to the abandonment of this right-of-way. However, the Public Service Department has identified a City sewer line running from south to north along the length of this right-of-way and a City stormwater line running in a northeasterly direction across this right-of-way.

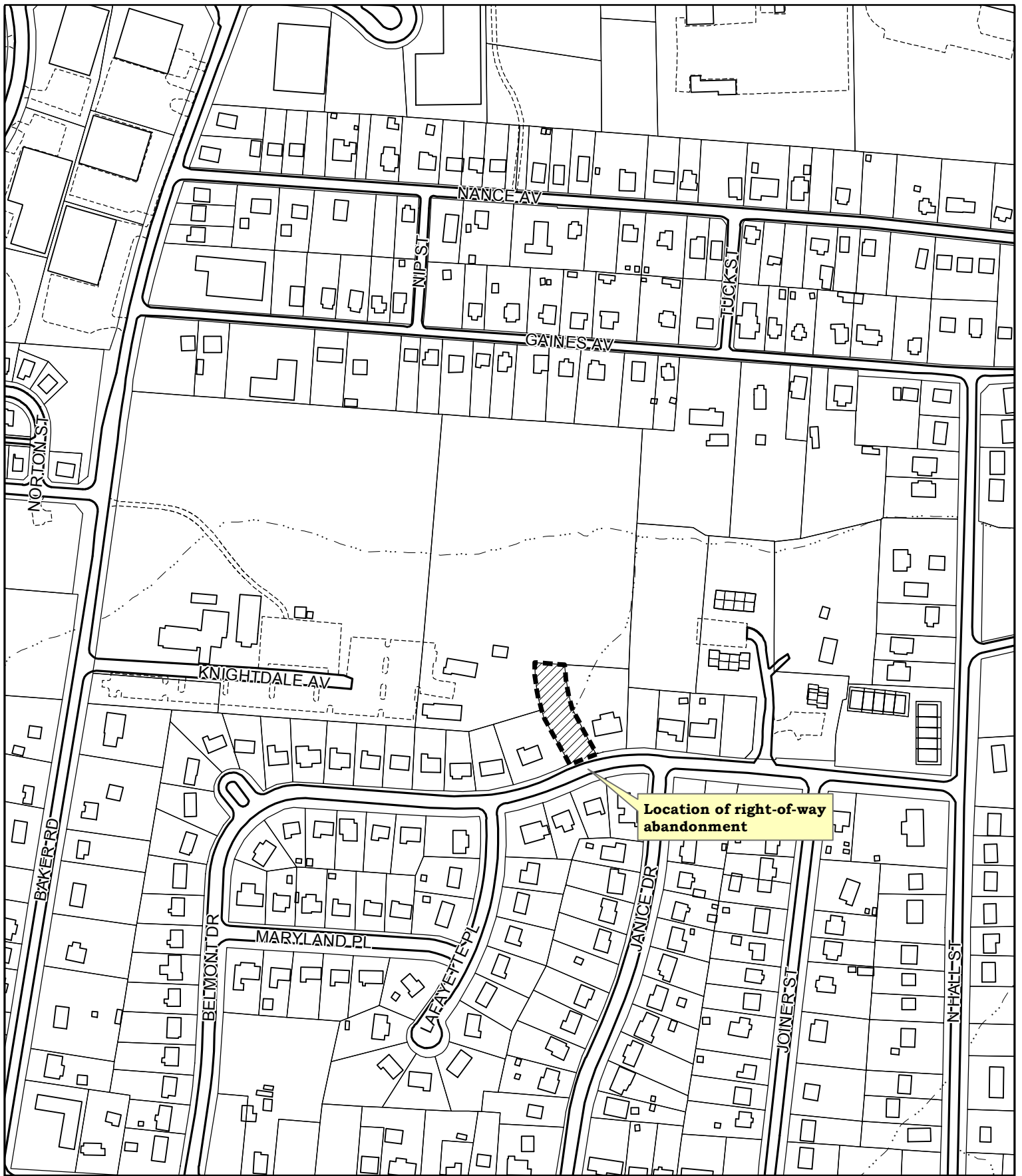
The Public Service Department states that easements must be retained over these utility lines. This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the request to abandon the Drake Place ROW with the retention of the following easements:

- 1) Retention of a 20-foot wide sanitary sewer easement centered over an existing 8-inch sewer line; and
- 2) Retention of a 20-foot wide stormwater easement centered over an existing 30-inch stormwater line.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr, AICP, Senior Planner and reviewed by Lee Burnette, AICP, Director.



STREET ABANDONMENT REQUEST SA14-06

Applicant: City of High Point

Area: 0.38 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Department of Planning
and Development**

City of High Point

Date: July 3, 2014



Scale: 1"=300'

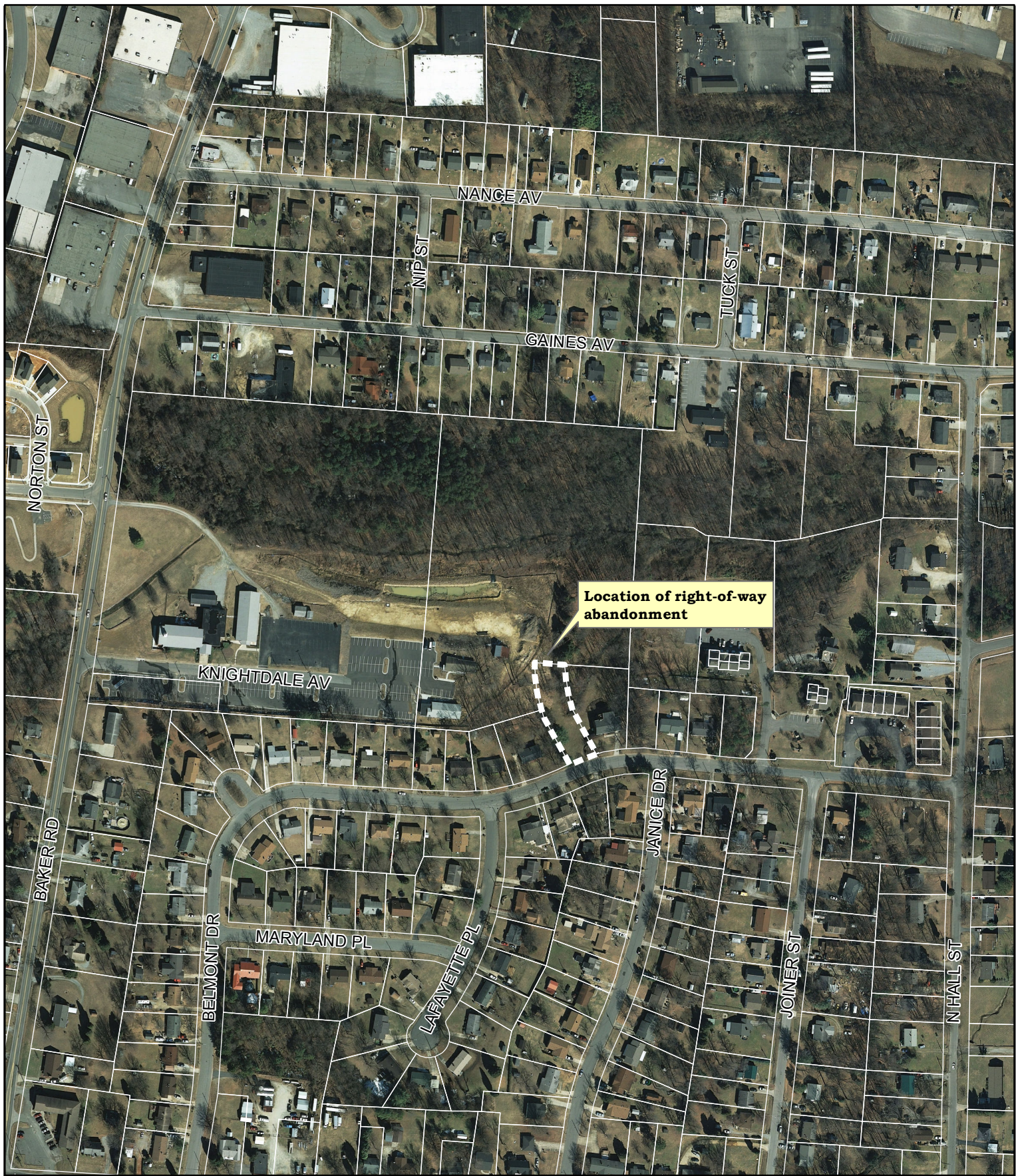
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2014/pz/sa14-06.mxd

Attachments: Photographs (July 2014) and Aerial (February, 2010)
Looking north from Belmont Avenue toward unimproved right-of-way



Looking north from Belmont Avenue toward unimproved right-of-way





STREET ABANDONMENT REQUEST SA14-06

Applicant: City of High Point

Area: 0.38 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

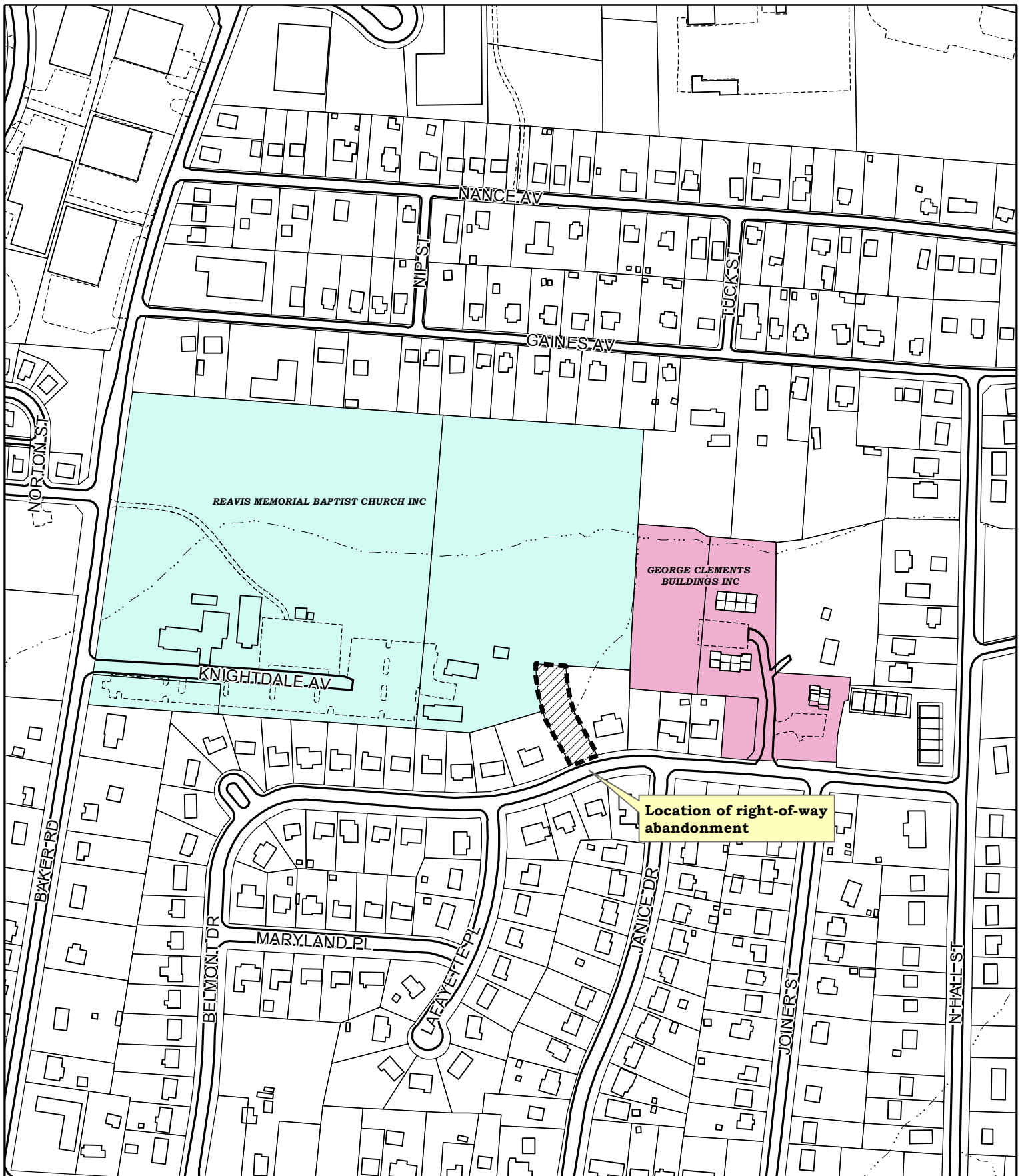
City of High Point

Date: July 3, 2014



Scale: 1"=300'

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STREET ABANDONMENT REQUEST SA14-06

Applicant: City of High Point

Area: 0.38 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: July 3, 2014



Scale: 1"=300'

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2014/pz/sa14-06.mxd

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 14-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF AUGUST, 2014 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment Case 14-06 (Drake Place)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) an unimproved right-of-way lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive;

WHEREAS, This right-of-way, known as Drake Place, was recorded in 1963 on a map entitled "Fairwood - High Point Township – Guilford County" (Plat Book 34 – Page 25 Guilford County Register of Deeds) and more specifically described as follows: All of the Drake Place right-of-way lying east of Guilford County Tax Parcels 0195850 and 0180544 and west of Guilford County Tax Parcel 0180561; and

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 21st day of July, 2014, at 5:30 p.m. setting the 18th day of August, 2014 at 6:15 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning July 25, 2014 and August 1, 8 & 15, 2014; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of the unimproved right-of-way (known as Drake Place) lying along the north side of Belmont Drive, approximately 170 feet west of Janice Drive; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the entire length and width of the a Drake Place right-of-way, lying east of Guilford County Tax Parcels 0195850 and 0180544 and west of Guilford County Tax Parcel 0180561, be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over an existing 8-inch sewer line; and
3. That the City of High Point shall retain a 20-foot wide stormwater easement centered over an existing 30-inch stormwater line; and
4. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of August 18, 2014
Lisa B. Vierling, City Clerk

August 12, 2014

MEMORANDUM

To: Randy McCaslin
Interim City Manager

From: Matthew Carpenter, P.E. *MC*
Traffic Operations Engineer

Subject: Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence.

The North Carolina Department of Transportation (NCDOT) is requesting a Letter of Concurrence from the City of High Point regarding ordinance updates for sections of Kivett Drive and College Drive. The section of Kivett Drive that is affected by this ordinance is between a point 0.13 miles east of Centennial Street and a point 0.07 miles east of Dillon/Triangle Lake Road. The section of College Drive that is affected by this ordinance is between Kivett Drive and Montlieu Avenue. This update is required to ensure that current posted speed limits on each of these streets match the most current ordinance for both the City and NCDOT.

If you have any questions regarding this recommendation, please give me call at x8567.

**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1068353

Division: 7 County: GUILFORD

Municipality: HIGH POINT

Type: Municipal Speed Zones

Road: SR 1113

Car: 45 MPH

Truck: 45 MPH

Description: Between a point 0.13 mile east of Centennial Street and a point 0.07 mile east of Dillon Road in High Point.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

**Certification of Municipal Declaration
To Repeal Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1019378

Division: 7 County: GUILFORD

Municipality: HIGH POINT

Type: Municipal Speed Zones

Road: SR 1113

Car: 45 MPH

Truck: 45 MPH

Description: SR 1113 (Kivett Drive), from Centennial Street, a point 0.60 mile west of SR 1278(College Drive), eastward to Pendleton Street, a point 1.20 miles east of SR 1278 (College Drive) in High Point.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my
hand and the municipal seal this _____ day
of _____, 20_____.

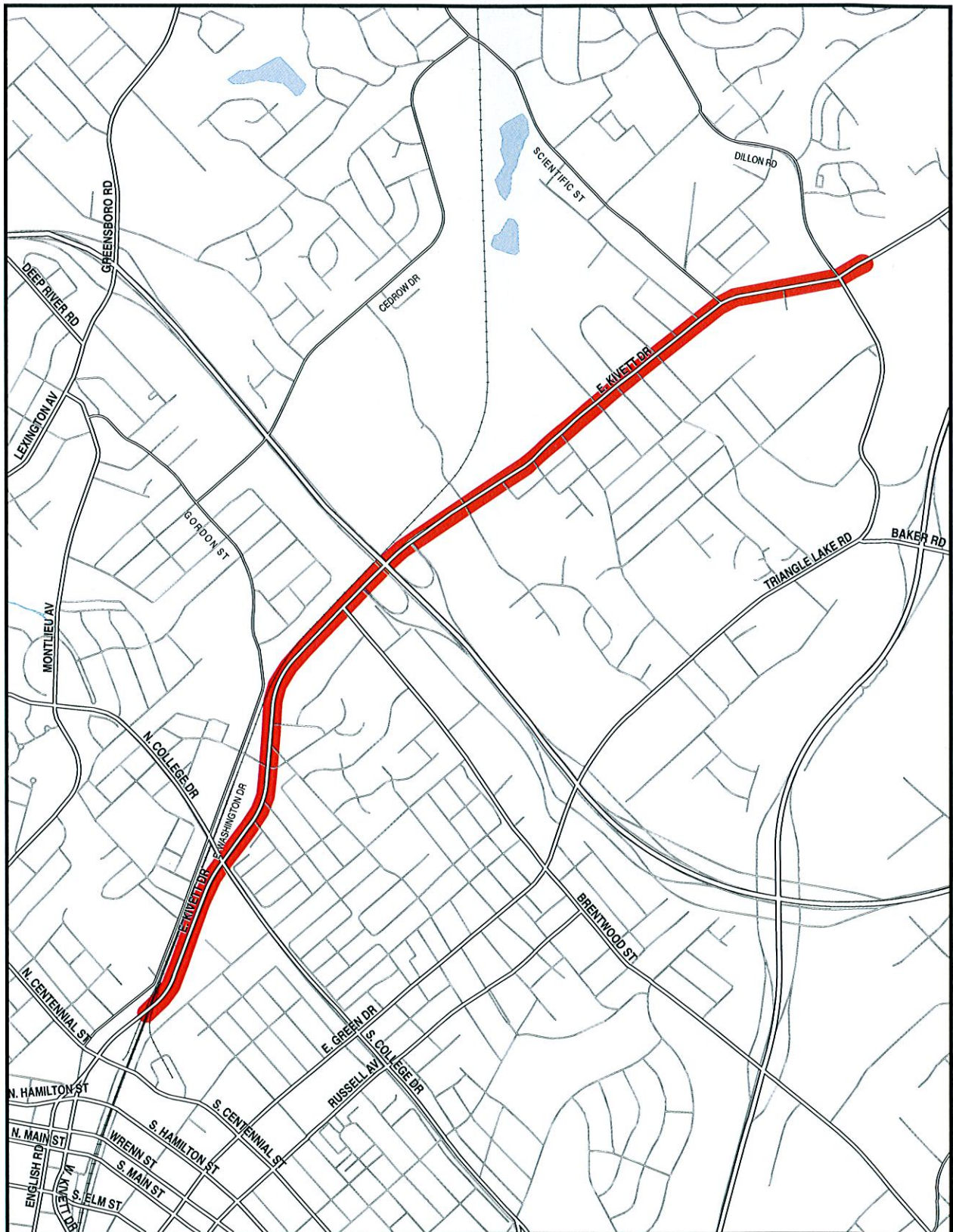
(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____



45 MPH SPEED LIMIT SECTION ON E. KIVETT DRIVE



MAP PREPARED BY
CITY OF HIGH POINT TRANSPORTATION DEPARTMENT
211 S. HAMILTON STREET
HIGH POINT, NORTH CAROLINA 27260
AUGUST 2014

This map is provided as a public information resource and every reasonable effort has been made to assure the quality of the map. This data information and related graphics are not legal documents and are not intended to be used as such. The City of High Point makes no warranty, express or implied, as to the accuracy, reliability, utility or completeness of this information. The City of High Point assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein.



**Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence**

Concurring State Ordinance Number: 1068363

Division: 7 County: GUILFORD

Municipality: HIGH POINT

Type: Municipal Speed Zones

Road: SR 1278

Car: 45 MPH

Truck: 45 MPH

Description: Between SR 1113 (Kivett Drive) and SR 1471 (Montilieu Avenue) in High Point.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my

hand and the municipal seal this _____ day

of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____

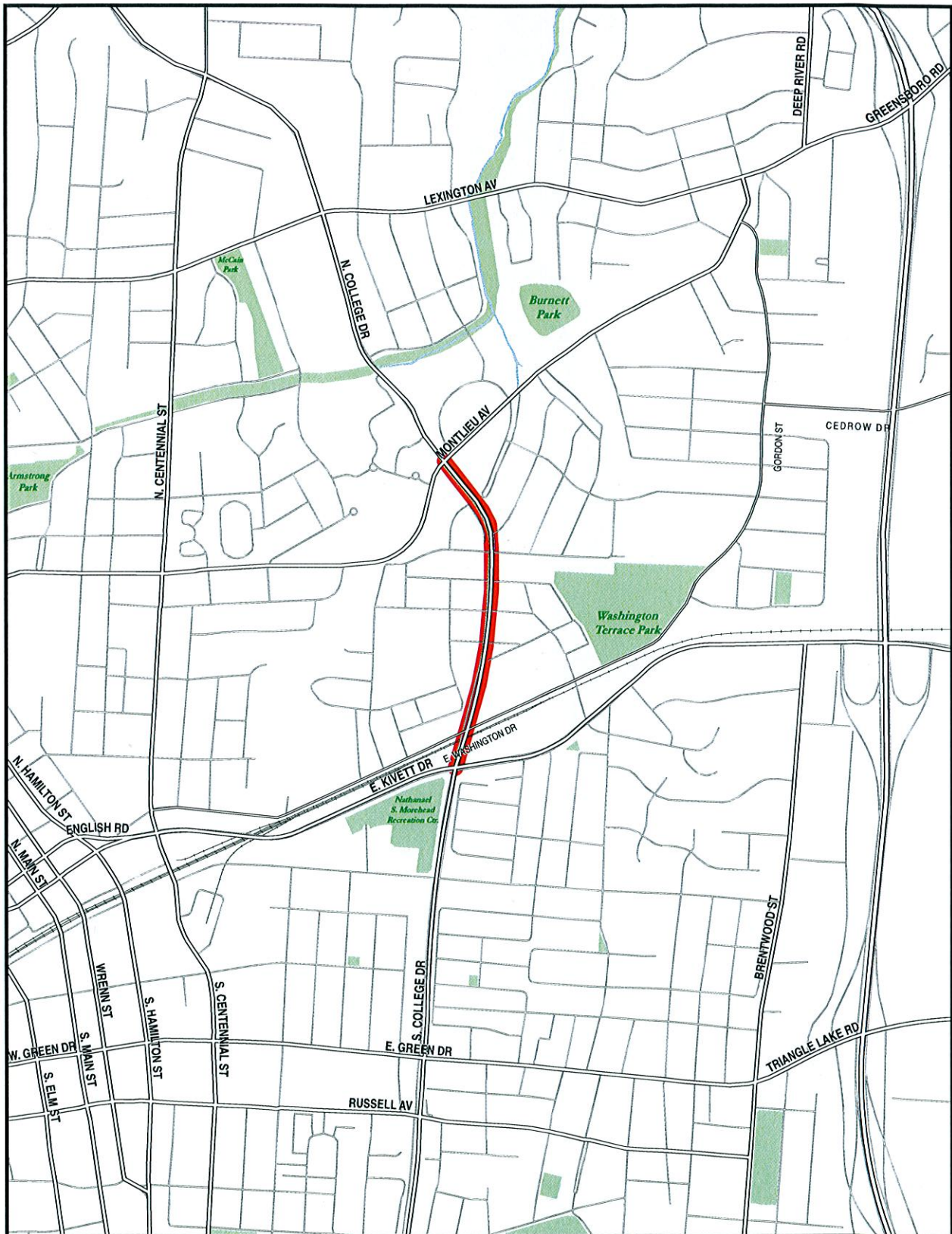
Title: _____

Date: _____

Region: _____

Title: _____

Date: _____



45 MPH SPEED LIMIT SECTION ON N. COLLEGE DRIVE



MAP PREPARED BY
CITY OF HIGH POINT TRANSPORTATION DEPARTMENT
211 S. HAMILTON STREET
HIGH POINT, NORTH CAROLINA 27260
AUGUST 2014

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MEMORANDUM

August 12, 2014

MEMO TO: Randy McCaslin, Interim City Manager
FROM: Jeffrey A. Moore, Financial Services Director *JAM*
SUBJECT: Council Agenda Item-Recommendation for new copiers contract

The City got out of the ownership of its copiers as one of several cost savings proposals recommended initially by Robert Segal and Associates in 2003, and the City was among the first to utilize a cost per copy contract model which provided departments an inexpensive way to have some of the latest technology at cost savings when compared to the traditional ownership or lease rental business model in use by copier companies. The City has been with Dean's Office Machines for 11 years using cost per copy contracts, but we needed to evaluate the current technology market as well as the current business environment when our latest contract expired. The current fiscal year copier expense budget is \$110,810.

The City's Purchasing Department solicited proposals based on current collaborative contracts from Dean's as well as Ricoh. One of our overwhelming requirements was for the City to not re-enter the ownership of copiers due to the long-term costs of operation, supplies, and maintenance, and in addition we were also seeking recommendations from these potential partners on how the City can further reduce costs to departmental budgets.

	Basis	Proposed Contract Annual Costs	Projected Additional Color Printing Costs	Total Annual Costs Projected
Dean's Office Machines	State Contract 600B	\$ 80,667	\$36,000	\$116,667
Ricoh Americas	US Communities	\$103,200	\$0	\$103,200

Dean's proposal provided both options for outright purchase and annual maintenance contracts as well as a rental arrangement; however the proposal came with few recommendations for better use of technology and none for cost reductions except for their recommended managed print services, which was not supported by the City's Information Technology Services (ITS) Department. The proposal included new copier technology using nine different models from two different manufacturers but also included the elimination of two copiers in the public areas of the Library.

Ricoh's proposal included several suggestions and alternatives, especially highlighted by cost savings through use of color copiers instead of color laser and inkjet printers in numerous locations around the City. The proposal included new copier technology using 8 different models from the same manufacturer (requiring only 4 print drivers which reduces ITS burden), provided like or better functionality, and provides heightened flexibility for the color print job requirements of GIS, Electric, and Police departments.

The Purchasing Department recommends City Council's approval for a five-year equipment rental contract with Ricoh for the City's copier printing requirements. At a projected annual cost of \$103,200, staff believes combined savings of the new contract with new generation technology and the elimination of much higher costs for additional supplies of color printers will approximate \$33,000 per year across all funds. The new contract with Ricoh will provide a consolidated technology fleet of copiers with a standardized interface, reduce ITS staff burden, lower overall total costs of ownership, and improve employee/customer experiences with the new copiers.

Accounting
336.883.3240

Internal Audit
336.883.3122

Purchasing
336.883.3219

Treasury Services
336.883.3230

Scenario #1

Like For Like Replacement

Current Payments for aging Toshiba systems (includes average BW and Color usage for one month)	\$ 5,177.62
Preliminary Proposal for Ricoh (like for like only)	\$ 6,645.70
Savings / (increase)	\$ (1,468.08)

Scenario #2

Like for Like Replacement and Address High Cost Color for

Current Payments for aging Toshiba systems (includes average BW and Color usage for one month)	\$ 5,177.62
Current Cost of Color Printing for GIS and Police Department	\$ 3,574.72
Total Current	\$ 8,752.34
Preliminary Proposal for Ricoh (like for like only)	\$ 6,645.70
Add GIS and Police to replace expensive color	\$ 869.53
Proposed Total	\$ 7,515.23
Savings / (increase)	\$ 1,237.11

Scenario #3

Like for Like Replacement and Address High Cost Color for

Current Payments for aging Toshiba systems (includes average BW and Color usage for one month)	\$ 5,177.62
Current Cost of Color Printing for 21 Impacted Locations	\$ 6,202.80
Total Current	\$ 11,380.42
Updated Ricoh Proposal to Address Providing Color MFP for 21 Impacted Locations	\$ 8,599.14
Savings / (increase)	\$ 2,781.27

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on July 22, 2014 and before the City Council of the City of High Point on August 18, 2014 regarding **Amendment to Zoning Case 13-04 (Part B)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on July 13, 2014, for the Planning and Zoning Commission public hearing and on August 6, 2014 and August 13, 2014, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **August 18, 2014**.

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

SECTION 1

Part I. That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **A Conditional Zoning Residential Single Family-9 District (CZ RS-9) District**. The property is approximately 42.437 acres lying at the southeast corner of Clinard Farms Road and Barrow Road, and on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road. The property is also known as Guilford County Tax Parcels 0216465 (approximately 26.743 acres) and 0218639 (approximately 15.694 acres).

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

Any of the land uses allowed in the Residential Single Family-9 District (RS-9) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

- A. All principal use(s) of the site shall be connected to the City's water and sewer system for service.
- B. Transportation Conditions.
If development under RS9 zoning produces at least 150 trips in the AM or PM peak hour, an updated TIA will be required to determine the extent of improvements necessary to mitigate traffic impacts.
- C. Transportation Conditions.
 - 1. Access
 - a). The zoning site shall be allowed two (2) points of access to Clinard Farms Road, unless developed as non-residential use, with which up to three (3) access points shall be allowed.
 - b). The western access point to Clinard Farms Road shall align with Blackberry Ridge Drive.
 - c). The second access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage (opposite driveway on Guilford County Tax Parcel 0169887).
 - d). The third access point to Clinard Farms Road, if allowed, shall be a right in – right out only at the eastern end of the property.
 - e). If developed as residential use, the rezoning site shall connect to the two (2) stub streets to the south in the Cottesmore subdivision.
 - f). Two (2) stub streets shall be provided to Parcel ID # 0216467, located at 7861 Clinard Farms Road.
 - 2. Roadway and Intersection Improvements
 - a). The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Blackberry Ridge Drive access point.
 - b). The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
 - c). The property owner shall either
 - i). Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or

- ii). When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate
3. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

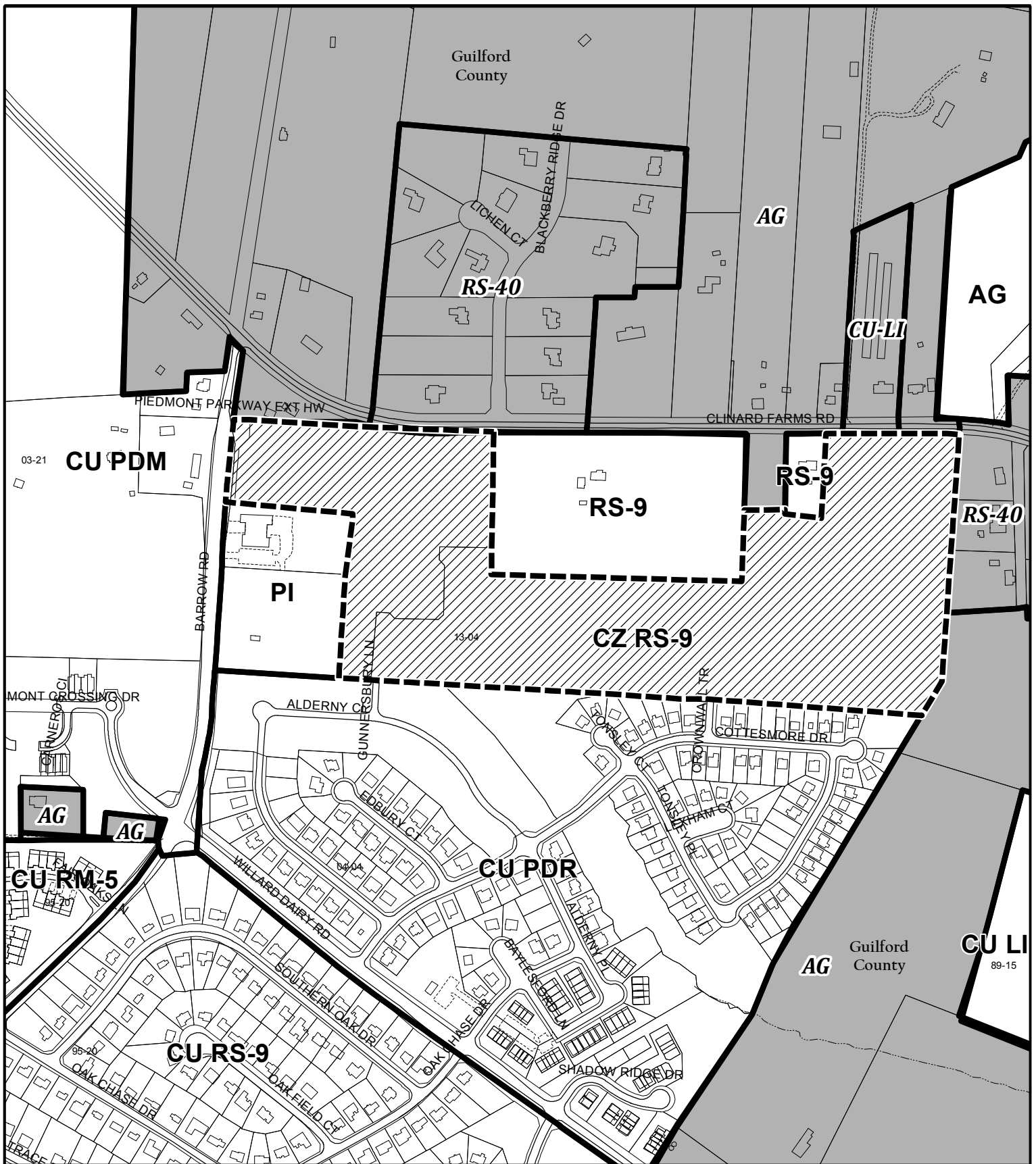
SECTION 6.

This ordinance shall become effective upon the date of adoption.

18th day of **August, 2014.**

Lisa B. Vierling, City Clerk

Conditional Zoning Case 13-04 Supplemental Information	
Initial Zoning Application	Adopted - June 17, 2013 (Ordinance # 6997 / 13-29)



AMENDMENT TO CZ13-04

From: Conditional Zoning Residential Single Family-9
To: Conditional Zoning Residential Single Family-9

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

**Planning & Development
 Department**

City of High Point

Date: July 9, 2014



Scale: 1"=500'
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**SPECIAL USE PERMIT 13-03
CITY OF HIGH POINT, NORTH CAROLINA**

June 17, 2013
(Adopted)

August 18, 2014
Amended

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Elementary or Secondary School (K thru 12 grades) use and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this Special Use Permit (SUP) document.

CONDITIONS:

1. Development of the site shall be generally consistent with the attached SUP Site Plan. Final configuration of parking and athletic fields may shift within designated areas depicted on the SUP site plan.
2. Landscaping & Screening
All dumpsters shall be screened and located no closer than one-hundred (100) feet from adjacent residentially zoned property.
3. Lighting
 - a. All pole mounted lighting shall be directed away from adjacent residential uses.
 - b. All free standing exterior lighting for parking lots and along internal drives shall be of the cutoff "shoebox" type or otherwise shielded in a manner not to cast direct light onto adjacent properties.
 - c. Lighting associated with the athletic fields shall not exceed zero (0) foot-candles as measured from the property line of the site. As part of construction plan approval, the property owners shall submit a lighting plan that meets this standard for review and approval by the Planning & Development Director.
4. Transportation Conditions
 - a. Phasing of Transportation Improvements
 1. Phase 1 - 460 students or less
 - a. Access
 - i). The site shall be allowed two (2) points of access to Clinard Farms Road.
 - ii). The western access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage (opposite driveway on Guilford County Tax Parcel 0169887).
 - iii). The eastern access point shall be a right in – right out onto Clinard Farms Road.

- b. Improvements - The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road access point (opposite Clinard Quality Storage driveway access point on Guilford County Tax Parcel 0169887).
 - c. Onsite queuing area - The property owner shall provide a minimum of one thousand three hundred (1,300) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
2. Phase 2 - 461 - 800 students
- a. Onsite queuing area - The property owner shall provide a minimum (gross total of phases 1 and 2 of two thousand two hundred (2,200) feet of stacking/queuing on the site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
3. Phase 3 - 801 - 1500 students
- a. Access
 - i. The property owner shall provide a minimum (gross total of phases 1 thru 3) of three thousand seven hundred (3,700) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
 - ii. If not already completed by the City of High Point/NCDOT, The property owner shall either:
 - 1) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - 2) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also, construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.
 - b. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY:

The property is approximately 26.743 acres lying on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road. The property is also known as Guilford County Tax Parcels 0216465.

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

AMENDMENT TO SPECIAL USE PERMIT 13-03 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 18TH DAY OF AUGUST, 2014.

Laura Sparks

~~Lisa B. Vierling~~

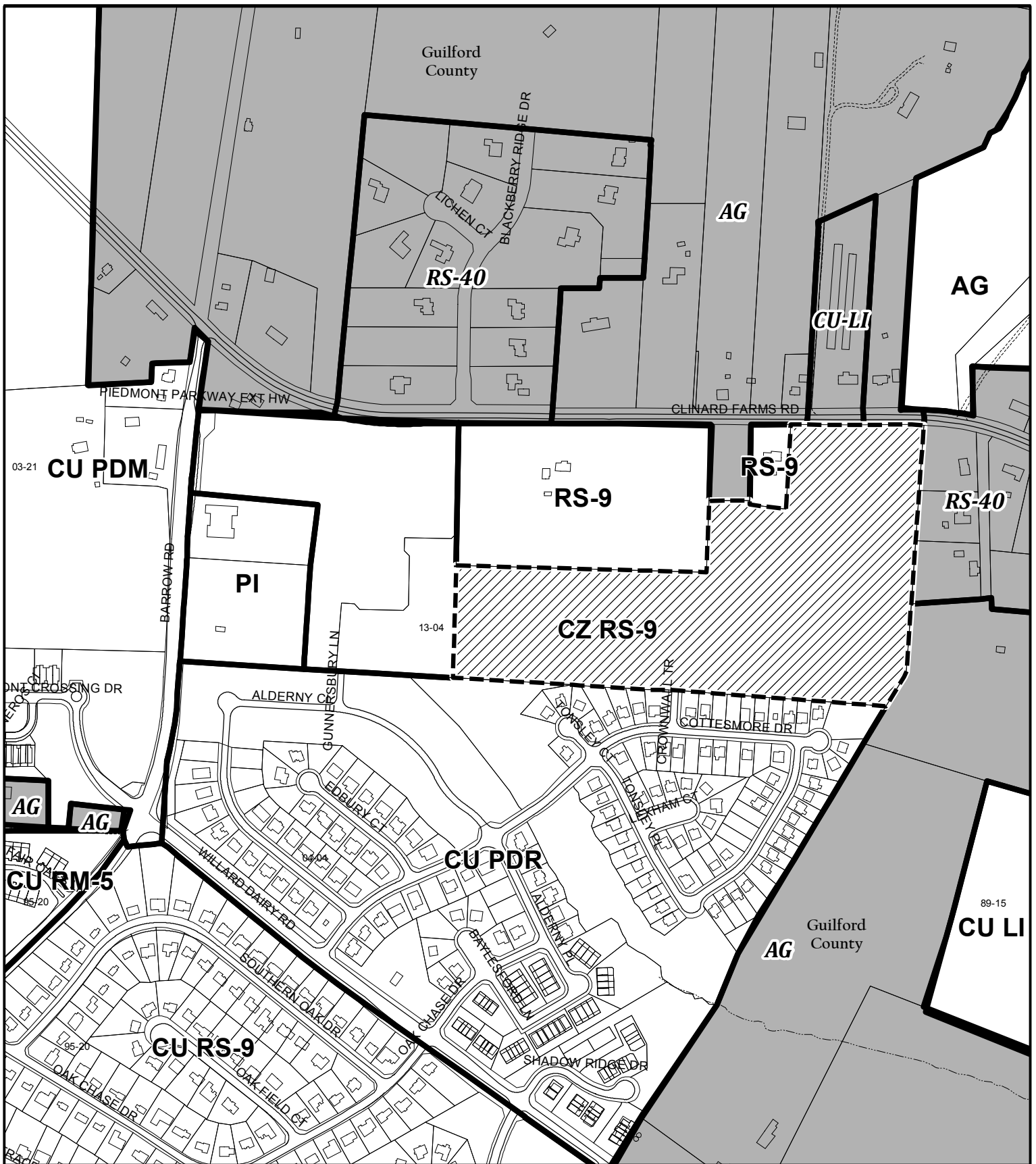
Deputy City Clerk

Dawn Spark



8/18/14

Date



AMENDMENT TO SUP13-03

(AUG 2014)

Request: To allow a private school K-12 grades
Accessory Uses: athletic fields, equestrian riding/training area

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

**Planning & Development
 Department**

City of High Point

Date: July 9, 2014



Scale: 1"=500'
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 2014\pz\Asup13-03.mxd

PROPOSED NEW SUP SITE PLAN (Submitted July 2014)

FSR 1837
CLINARD FARM RD.
(60' PUBLIC R/W)

PROPERTY DATA:

TOTAL SITE ACREAGE: 26.743 ACRES
PARCEL #: 0216465
PIN#: 7814102391
ZONING: CONDITIONAL ZONING
RESIDENTIAL SINGLE
FAMILY-9

PROPOSED BUILDING SQUARE FOOTAGE:

(FULL BUILD-OUT) 60,000 S.F.

PARKING REQUIREMENTS:

PARKING REQUIREMENTS: 7 SPACES/CLASSROOM + 3 SPACES/ROOM
USED FOR OFFICES

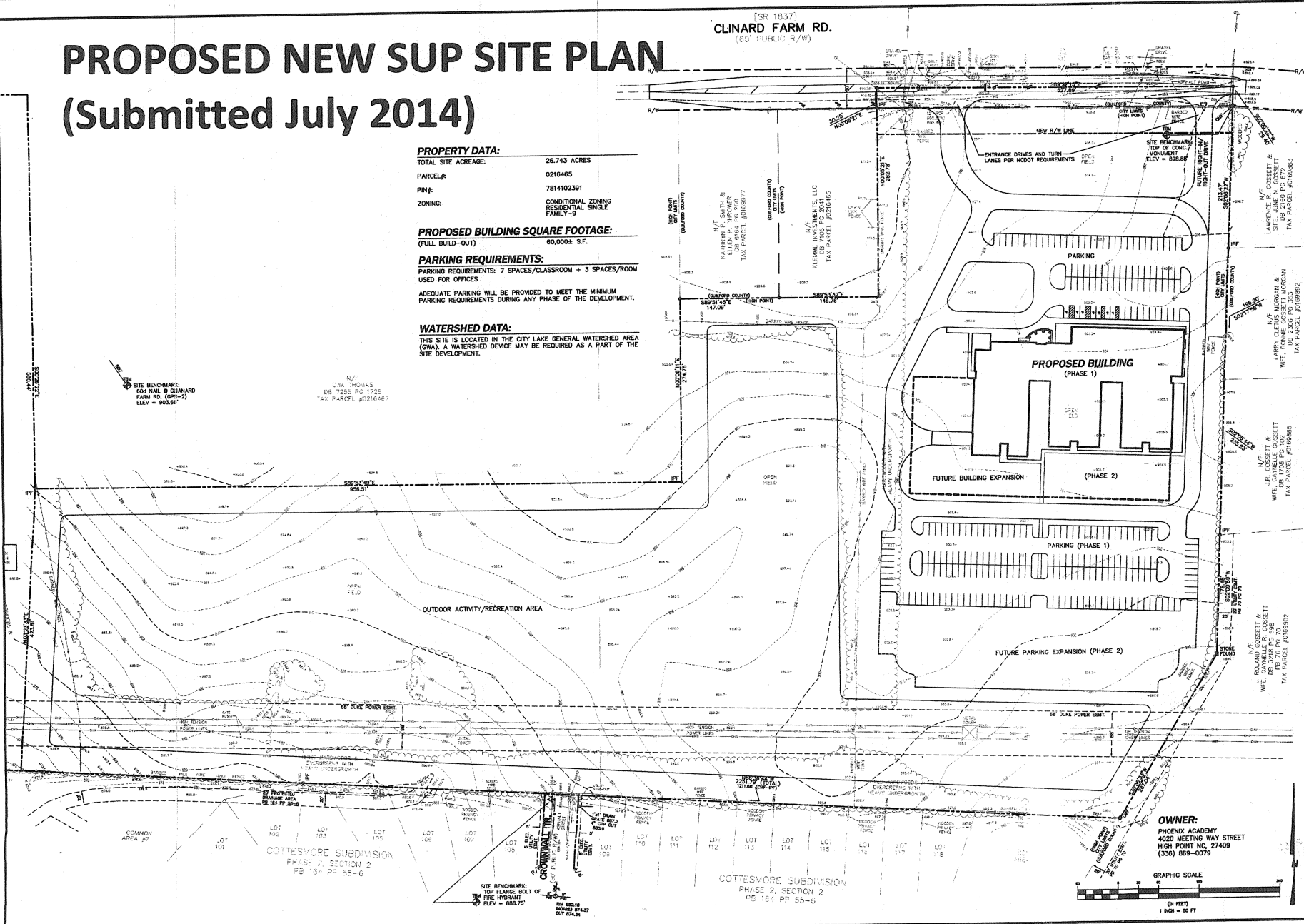
ADEQUATE PARKING WILL BE PROVIDED TO MEET THE MINIMUM
PARKING REQUIREMENTS DURING ANY PHASE OF THE DEVELOPMENT.

WATERSHED DATA:

THIS SITE IS LOCATED IN THE CITY LAKE GENERAL WATERSHED AREA
(COWA). A WATERSHED DEVICE MAY BE REQUIRED AS A PART OF THE
SITE DEVELOPMENT.

SITE BENCHMARK:
TOP NAIL @ CLINARD
FARM RD. (SP-2)
ELEV = 803.60'

C.W. MOHAS
DB 7255 PG 1728
TAX PARCEL #0216467



OWNER:
PHOENIX ACADEMY
4020 MEETING WAY STREET
HIGH POINT NC, 27409
(336) 869-0079

GRAPHIC SCALE

(IN FEET)
1 INCH = 60 FT

CivilDesigns, P.A.
Consulting Civil and Environmental Engineering
3877-C (336) 282-5542
Greensboro, NC License No. C-1043



SKETCH PLAN SUBMITTAL

PHOENIX ACADEMY

7881 CLINARD FARM ROAD
HIGH POINT NC, 27409

1

**HIGH POINT CITY COUNCIL
AUGUST 4, 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 Douglas offered the invocation; the Pledge of Allegiance followed.

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

Absent: Council Member Britt Moore (At-Large)

MISCELLANEOUS

140224 Proclamation - National Night Out

Proclamation declaring Tuesday, August 5th as National Night Out in High Point.

Council Member Golden read the Proclamation declaring Tuesday, August 5th as National Night Out in High Point into the record. The Proclamation was presented to Officer Mike Prevost and Mayor Sims reported that Council was given an itinerary of events for National Night Out for the various neighborhoods.

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - *Council Member Moore, Chair*
Committee Members: Wagner, Davis and Sims
(all were present except for Chairman Moore)

Due to the absence of Chairman Moore, Mayor Pro Tem Davis chaired this portion of the meeting.

140225 Contract - Purchase of Street Sweeper

Approval of contract using the Houston-Galveston Area Council (HGAC) to purchase a 2015 Tymco Model 600 Street Sweeper at the contract cost of \$234,525.00; and declare a 2007 Johnson street sweeper as surplus property and direct staff to dispose of said equipment through the online auction process.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Approved contract using the Houston-Galveston Area Council (HGAC) to purchase a 2015 Tymco Model 600 Street Sweeper at the contract cost of \$234,525.00, and declared a 2007 Johnson street sweeper as surplus property and directed staff to dispose of said equipment through the online auction process.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this Contract be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

140226 NCDOT - Reimbursement Schedule - Traffic Signal Maintenance

Approval of Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a new reimbursement schedule (Schedule C) for traffic signal maintenance.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Approved the Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for a new reimbursement schedule (Schedule C) for traffic signal maintenance.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this Agreement be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

140227 Resolution - Reconveyance of Property - Marsh Furniture

Adoption of a Resolution authorizing the reconveyance of City Property to Marsh Furniture as shown on the attached map.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted Resolution authorizing the reconveyance of City property to Marsh Furniture as shown on the map, which is hereby attached in Legistar as a permanent part of these proceedings.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

**Resolution No. 1399/14-39
Introduced 8/4/2014; Adopted 8/4/2014
Resolution Book, Volume XVIII, page 121**

140228 Budget Ordinance Amendment - Kilby Hotel & First Baptist Church Asbestos Abatement

Adoption of a Budget Ordinance in the amount of \$120,000.00 amending the General Fund to appropriate funding for the Kilby Hotel and First Baptist Church on Washington Street for asbestos abatement.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Adopted the Budget Ordinance amending the FY 2014-2015 Budget in the amount of \$120,000 amending the General Fund to appropriate funding for the Kilby Hotel and First Baptist Church on Washington Street for asbestos abatement.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this Budget Ordinance Amendment be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

**Ordinance No. 1787/14-65
Introduced 8/4/2014; Adopted 8/4/2014
Ordinance Book Volume XVIII, Page 119**

140229 Budget Transfer - Core City Development

Council is requested to approve transfer of funds from the Core City Development account unit to the City Manager's accounting unit.

This matter was discussed during a Finance Committee meeting held at 4:30 p.m. prior to this meeting. The Committee recommended approval.

Approved the transfer of funds from the Core City Development accounting unit to the City Manager's accounting unit.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this matter be approved. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

Pending Items

140191 Resolution - Lease of High Point Theatre Property - Theatre Art Gallery (TAG)

Council is requested to adopt a Resolution authorizing the City to enter into a lease with the Theatre Art Gallery (TAG) at the High Point Theatre. (This item was presented to City Council at the July 21st meeting and deferred to the August 4th agenda to allow staff time to assemble further information on the lease.)

Mayor Pro Tem Davis moved to remove this matter from the pending list and add it to the Regular Agenda so it could be considered at tonight's meeting. Council Member Mendenhall made a second to the motion, which carried unanimously.

Adopted Resolution authorizing the City to enter into a lease with the Theatre Art Gallery (TAG) at the High Point Theatre.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Smothers, that this Resolution be adopted. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

**Resolution No. 1400/14-40
Introduced 7/21/2014; Adopted 8/4/2014
Resolution Book, Volume XVIII, Page 122**

COMPREHENSIVE PLANNING COMMITTEE - Council Member Smothers, ChairPending Items**140221 Manager's Report - re: Core City**

Presentation on Core City responsibilities as directed by City Council. (At the July 21st City Council Meeting, this item was postponed for discussion at a later date.)

Note: This matter has been pending since being first introduced on July 21, 2014.

OTHER NEW BUSINESS**140230 Change in Meeting Schedule - Labor Day Holiday**

Due to the Labor Day Holiday, Council is requested to change the meeting date of the City Council Meeting scheduled for Monday, September 1st, 2014 to Tuesday, September 2, 2014 at 5:30 p.m. for the Regular Agenda; Public Comment Period at 6:00 p.m. and Public Hearings at 6:15 p.m.

Approved the meeting schedule and changed the meeting date of the City Council Meeting scheduled for Monday, September 1, 2014 to Tuesday, September 2, 2014 at 5:30 p.m. for the Regular Agenda; Public Comment Period at 6:00 p.m. and Public Hearings at 6:15 p.m..

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

PUBLIC COMMENT PERIOD - 6:00 P.M.

Mayor Sims opened up the floor for public comment with the following people speaking during the Public Comment Period.

John Aspley, 517 W. Green Drive, addressed Council regarding the High Point Showroom Tax. He explained that he has talked numerous times with various city staff and officials because he feels there needs to be some clarification in the ordinance because of its broadness. He specifically mentioned Subsection 3 of the Ordinance which states "there is hereby levied a privilege license tax on every person engaged in the business of operating a wholesale, home furnishings showroom" and he interpreted this to mean "wholesale" to the Furniture Market. He noted that he did look up the word "wholesale" on Google and it defined "wholesale" as "the selling of goods in large quantities to be retailed by others." Mr. Aspley went on to share that the property he currently occupies at 517 W. Green Drive has a lien on it because the tax has not been paid and pointed out his business is open 52 weeks a year and he sells retail as well as sells to designers and to decorators, but he does not sell wholesale. He noted the property actually is owned by Mrs. Jane Hunt, who is not very well and he agreed to purchase the property from her to give her some funds to give her a decent end to her life, but the sale of the property has been blocked because of the lien. He felt the city has misconstrued what the City Council was trying to achieve when the showroom tax

was implemented. He pointed out there are other businesses that are not being levied the showroom tax and noted he has given a list of these businesses to the city.

Council Member Mendenhall noted that she did talk to Mr. Aspley about his concerns and felt some of the issue might be the sign that says "Showroom Entrance" displayed at his business. She explained that because of the Furniture Market, the word "showroom" is defined in another way. She noted she did contact the Furniture Market Authority and they have been advertising his business in their publications in conjunction with the Furniture Market, and agreed to remove him from their directory/publications if he chooses to be classified as a retailer. She suggested that Mr. Aspley declare himself a retailer. Mr. Aspley took exception to this and made the comment that this is not how the dictionary defines "showroom" and pointed out that High Point does not write the dictionary. Regarding his "Showroom Entrance" sign, he explained he is simply attempting to show his customers the entrance into his business because his business covers an entire city block with a front and a rear.

Council Member Smothers asked why staff has made the determination that Mr. Aspley's business is a showroom. City Attorney JoAnne Carlyle explained that he has held himself out as a showroom under the Market Authority with the transportation and advertisement through the Market Authority. She also noted that each time Chip Vanderzee with the city has gone out and investigated and spoken with him, Mr. Aspley has told him it has been a mix of wholesale and retail and that the sign also indicates his business is a showroom. Council Member Mendenhall pointed out there is also a timing issue because the tax is due at one point and the Market Authority starts putting its information together at another time. Ms. Carlyle explained that this still would not correct the lien and would not correct the taxes that were applied while he was holding himself as a showroom. She pointed out a lien of this type should not hold up the sale of property because he should be able to pay the lien to get a clear title to the property.

Mayor Pro Tem Davis asked Mr. Aspley if he has a privilege license from the city for his business and Mr. Aspley responded that he does not. Mayor Sims then asked Mr. Aspley about his attempt to purchase the property that he is currently leasing. Mr. Aspley noted that initially the showroom tax was not being levied on this property, but then when he filled out a questionnaire sent to him by Mr. Vanderzee and answered "yes" to the question--"do you sell wholesale," it prompted the showroom tax being charged. He again argued the point that in the true sense of the word, "wholesale," he should not be charged the showroom tax. He asked Council to revisit the ordinance. Mayor Sims noted Council Members Wagner and Ewing are already looking into this, but the outstanding lien on the property still has to be satisfied in order for anyone to get clear title to the property once it is sold. She reminded Mr. Aspley that Council Member Mendenhall has already informed him of how the process works and what needs to happen so he is no longer charged the showroom tax. Council Member Mendenhall confirmed that she did advise Mr. Aspley that if he would apply for a retail license, the Market Authority would stop promoting his business and there would be no more showroom taxes levied because he would be listed as a retailer. Council Member Smothers felt the Market Authority is a separate issue and pointed out how he is classified by the city determines whether or not he is assessed a showroom tax.

At this time, Mayor Pro Tem Davis mentioned that he has been to Mr. Aspley's business on two or three occasions (without having a market pass to get in) and it seemed like a retail store to him. Mayor Pro Tem Davis thought the lien would be applied to the person operating the business, rather than the property owner. Further discussion followed on who is actually legally responsible for paying the showroom tax. He asked if it might be possible to waive the lien that is on the property. Mr. Aspley reminded Council that the city is full of stores with the same situation that are not being charged with the showroom tax. Mr. Aspley again argued that this property is not taxable under the High Point Wholesale Home Furnishings Showroom Tax Ordinance and he asked that it be removed because it was illegal.

Mayor Sims asked Interim City Manager Randy McCaslin to work with Mr. Aspley in an attempt to bring some resolution to this situation as to how his business should be classified, how he is operating, and to investigate whether or not there are other businesses doing the same thing and not being charged a showroom tax. Mayor Sims assured Mr. Aspley that staff would speedily work on it and would get an answer to him soon.

PUBLIC HEARINGS - 6:15 P.M.

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

140223 Ordinance - Demolition of First Baptist Church - Washington Street

Consideration of an ordinance to demolish the First Baptist Church located at 701 Washington Street and award contract to Abatemaster, Inc. for abatement and removal of asbestos. (This item was presented at the July 21st City Council meeting and deferred to the August 4th agenda to allow for advertising of the demolition.)

Chairman Douglas: *Is there anyone here to speak on this matter at 701 Washington Street, First Baptist? Madam Mayor, I would just like to find out a little more about the legal aspect of where we're headed with this.*

Council Member Smothers: *To recapture some of the cost and the comments that were made in Finance? It might be worthwhile to explain why we had a finance item and now this item.*

City Attorney JoAnne Carlyle: *Well the law requires it to be advertised for two consecutive weeks, one time each week and then for Council to actually vote upon it, which is why the ordinance is before you tonight. There isn't an ordinance that applies specifically to abatement of asbestos, which is why it's called an ordinance to demolish. Obviously, too, we know that when we go in there, we're not sure what is going to happen and we needed to go ahead and adopt this to protect the city in the case we go in and find ourselves in need of going ahead and demolishing it.*

Mayor Sims: *So, the original intent is just to go in and clear the building of any asbestos?*

City Attorney Carlyle: According to the manager, that is what he desires you to make a decision on tonight. It's just there's no other legal way for you to do that and it's just to have legal rights to go in and clean out the asbestos without adopting an ordinance that is before you. We had to have some legal right to go on the property.

Council Member Mendenhall: So, after the abatement is done on the asbestos, assuming that the building is still standing and assuming the Kilby stuff is finished, will we then have another ordinance for demolition?

City Attorney Carlyle: You will not. This will be pending then. At that point in time, there will have to be a decision made as to whether or not you will follow through with that or not. This is kind of just preparing us for the unknown, just in case.

Council Member Golden: So it will go into pending tonight and in the event we need to do anything else, we will have to bring it out of pending?

City Attorney Carlyle: No, you have to go ahead and vote on it tonight. It won't go into pending, but the vote on this ordinance allows us to actually access the property. We don't have anything by law that we can ask you to adopt that gives you the authority to go on the property just for the purpose of removing the asbestos. And especially in this particular case, we've got a building that we're not sure how stable it is once we go in it. If we get in there while we're removing the asbestos and we have to do more, then at that point, Council has already given that approval so we can do what we need to do.

Council Member Mendenhall: So this says that it was delayed from July so that we could advertise for demolition. Is that the way the wording?....

City Attorney Carlyle: That's correct. That's advertising two weeks....you have to advertise one time per week for two weeks in a row. Two consecutive weeks and the last advertisement went out on Friday.

Council Member Mendenhall: So it was advertised for demolition even though we're talking about abatement of asbestos.

Mayor Sims: So this document of October...I think it says the 21st, is that right? It says include a site no later than October 21st, when in actuality unless Council comes back and changes something in this process, that is the date that we have determined that the building needs to be down and the site cleared?

Council Member Ewing: That was last year.

City Attorney Carlyle: That was the order for 2013. So that's been out there just waiting for this ordinance to be effectuated in order for that

Mayor Sims: So what's the date in doing all this since this was in there as of this date? What's the new date? No date?

City Attorney Carlyle: *There is no date. From this time, staff will go forward with Abatemasters.*

Interim City Manager Randy McCaslin: *We will go forward with Abatemasters for the asbestos removal. Quotes will be brought back for the demolition.*

Mayor Sims: *I have a little bit of a problem with approving a demolition with no protection in the order itself-in the ordinance that says what the timeframe is. I don't like the idea that it's just sitting there and at any point in time, somebody wants to pull the trigger, they can do that because we've adopted this ordinance. I'm not comfortable with that.*

Council Member Ewing: *Well that timeframe was ten months ago.*

Mayor Sims: *But at least there was a timeframe, which we didn't adopt it apparently because it's before us now. So at this point we're talking about doing it for the purpose of removing the asbestos, which I understand. I don't have an issue with that, but I still believe there needs to be some other something in here that gives a classified period of time that we're talking about holding this open, as opposed to an open-ended document that at any point in time and that's the way it appears to me, that we can just go in and say, okay, we're going to effectuate the demolition because we have a document that says we can.*

Council Member Ewing: *So something from a time standpoint that we say October 1st, the manager will seek bids on demolition?*

City Attorney Carlyle: *What you're looking at right now when you talk about that October date, your staff....the hearing officer is the inspector and what happens is he had that and he determined that it should be demolished. He brought it to you for approval and then to effectuate that, then you have to follow the procedures for adopting the ordinance. I guess if you wanted to put a date in it, you could, but obviously your inspector has already supplied that order recommending that it be done by October, 2013.*

Planning Director Lee Burnette: *Yes, that was the order to the property owner.*

City Attorney Carlyle: *So, basically what you're seeing before you is staff has recommended that it be demolished on or before that date. That's allowing the property owner to take action. They did not do so, then legally you have to take action yourself then with the advertisement and the adoption of the ordinance to effectuate what your inspector has ordered.*

You either adopt an ordinance or you don't. If you were to put some clause in there that delayed it, then it really truly hasn't been adopted for Abatemasters to go in and remove the asbestos.

Mayor Sims: *We've got documents in here dated last November and last October and with language in it that doesn't even apply to the present day circumstance. That's kind of what I'm feeling. So if we go in and adopt this, as I said before, in all actuality, it's done. If they decide on this date or the day after...we've gone in, this is where we are and let's tear it down. I mean if that's what we're going to do, then let's talk about it that way, but let's not*

talk about it and say we're going to do abatement when you have the right to literally go in and take the building down. That's what I'm saying. There's no protection-not that I think that we need to be doing that-but there's nothing in here that sort of allows for anything. Once we adopt it, it's adopted. It's my understanding, right? What's that 30 days?

Planning Director Lee Burnette: *If that's what the order of the ordinance says to carry forward then that's it. Just from a practical situation, we've got two unsafe buildings or what was an unsafe building that has already collapsed. Both of them have asbestos. We've got a situation where the one that has collapsed, Abatemasters-and we have a representative here from Abatemasters tonight- is going to have to take off basically the entire site because it's contaminated. Their concern as they get in to deal with that site, that something could happen to the church and we have the same situation with the church. So they want to address the asbestos in the church first, before they deal with the Kilby. Otherwise, we may have a very similar situation and a more expensive situation to clean up.*

Council Member Mendenhall: *I think we understood that from Finance, but I agree with what the mayor is saying. We delayed the demolition for a lot of reasons for a long time and we spent a lot of time in Finance talking about the windows and whether or not the church would remove the windows and try to save them. I thought that we were just talking about an ordinance that would allow us to go in and remove the asbestos so that it would be done before anything is done with the Kilby. And we still don't know what will happen when we go in and do the asbestos removal. We talked about that. But this just simply says that without coming back or anything else, somebody can determine that they're going to demolish it and it won't come back to us as I see it. Is that right?*

Planning Director Lee Burnette: *Well it depends on what the Council's directive is. You've got....we haven't done any bids for demolition. It's only been the quote for asbestos removal.*

Council Member Wagner: *We would still have to approve the demolition.*

Planning Director Burnette: *It depends on the cost.*

Council Member Wagner: *There's how we control it.*

Council Member Mendenhall: *Right. As long as the cost is prohibitive and it comes back to us.*

Council Member Wagner: *We're going to have to approve any agreement to demolish it, so if they go in and take out the asbestos and then somebody wants to tear it down as y'all are worried about; we're going to have to approve the contract to demolish it. I'm talking about us doing it.*

Council Member Mendenhall: *Only if it reaches a certain dollar amount.*

Council Member Wagner: *I mean somebody with the city. We would still have to approve the contract.*

Interim City Manager McCaslin: *I can assure you that prior to any action on the demolition, we will bring something back.*

City Attorney Carlyle: *I was going to say....surely I would suggest that you trust your staff that they would follow whatever directive you gave them.*

Council Member Smothers: *I think the \$120,000 would control how much gets done.*

Council Member Mendenhall: *That's probably true.*

Interim City Manager McCaslin: *Mayor, the church's representative, Pastor Robinson, is here.*

Mayor Sims: *Well, is there anything else, Lee, that you want to share with us? Thank you.*

Pastor Michael Robinson: *Good evening. I'm pastor at First Baptist Church Cathedral. I'm hearing what you desire to do. One of the things that I also heard about the windows and having to go through that whole process in which we still are. One of the things I wanted to say is why would we need to do demolition if you want to check for asbestos?*

Council Member Golden: *That's the same question we were asking.*

Pastor Robinson: *If you wanted to do an asbestos check, there's no need for a demolition.*

City Attorney Carlyle: *I think there already has been a check for asbestos.*

Pastor Robinson: *Well, we did one a while ago.*

City Attorney Carlyle: *Right, and I think that's what staff was relying on.*

Pastor Robinson: *Well, why would you rely on something that's back then and not do something current?*

Council Member Smothers: *Well, there won't be anything removed if there's nothing there.*

Pastor Robinson: *Well, I can tell you that there is something there, but, again, why don't you verify just how much is there prior to saying well we've got this, so let's do that. What I'm saying here is this, we're trying to do what we need to do to work it so that it's successful, not only for us, but also for the community and the city. And we're willing to work along with the city. What I'm saying to you in reference to giving an ordinance to demolish something, we need to really look at that carefully and not just come together and say what needs to be done.*

Council Member Smothers: *Pastor Robinson, that was the question that was raised in Committee meeting-a concern about the word, demolition. The attorney explained to us then and she can go back to it now. We don't have the legal authority as a city to go in and just remove asbestos. There's nothing the state allows for that. Now, you tell him.*

City Attorney Carlyle: Right, and you have had an order sitting there in place and this is normally the next step legally speaking.

Pastor Robinson: Say that again.

City Attorney Carlyle: There's already been an order in place for almost a year now for it to be demolished.

Pastor Robinson: Oh, there has? [talking to church member] ...Did we get anything in the mail reference to that? If you do have something, I'd like to see that.

[staff produced the documentation and allowed Pastor Robinson to inspect it].

Council Member Smothers: The point is they're not planning on demolishing the church. They just want to go in and get the asbestos out.

Council Member Wagner: They have to use the term "demolish" because that's the legal term, even though what we plan to do it to remove the asbestos.

City Attorney Carlyle: That's all wrapped together. Normally you go in and your bid is for both.

Council Member Smothers: And that's why I made the comment a while ago. The \$120,000, which includes the clean-up of the Kilby and the removal of the asbestos for the Cathedral is in one contract. It would not cover the demolition of the church to start with.

Mayor Pro Tem Davis: We've got an estimate of \$6,300 for the abatement of First Baptist Church, so I would assume that Abatemasters has already been there to come up with that estimate. So they know what's involved.

Interim City Manager McCaslin: And this is the removal based on that.

Council Member Smothers: Maybe if he could speak, it would help Pastor Robinson.

Doug Riggs: Good evening. My name is Doug Riggs. I'm Operations Manager for Abatemaster, Inc. I'm also an accredited North Carolina Asbestos Inspector and Supervisor contractor. We looked at this project over several times. The first introduction, I was actually the person that did the inspection on the church-the asbestos inspection-myself and the owner, John Tesh. What our concern with the church is not with the intent of the church coming down. Our problem is when we bring in a 70,000 pound machine to start cleaning up the debris pile from the Kilby, there is the possibility that resonance could bring in stable portions of the church down. Just the resonance alone-between that and the dump trucks coming back and forth. It is in such close proximity. There's no way that anyone can guarantee that an unstable structure like that will stay in place. Our primary concern is that if the asbestos is gone and a portion of the church collapses, then you have a debris pile to clean up that's non-asbestos. Jason Guild, Grant Turinsky with the NC Health Hazards Control Unit, they have determined that the entire pile of the Kilby Hotel is to be treated as asbestos. Now, there's a difference between friable and non-friable. Right now, all of our

samples come back that say it's all non-friable material. Mrs. McElrath has also informed me in our discussions as I tried to find out more history about the hotel, but to her knowledge there has never been a boiler system in the hotel, which is a positive outlook that means that it is a very slim possibility in us running into friable material-other than what we've already found with less than one percent composite in some of the plasters and with that we can still treat and abate it. If it's less than 1%, EPA does not consider that regulated material. But, here again, our primary focus is to look out for the safety of the community so that if something does happen with the resonance of the equipment coming through, that we don't end up with another asbestos pile. That is our primary concern because there's no way to control it without going in and spending money and shoring the structure up.

Chairman Douglas: *So what you guys would like to go is to go into the church, remove the asbestos before you start working on the Kilby and cleaning up the Kilby?*

Doug Riggs: *Primarily the biggest concern we have is in the sanctuary portion where the walls are already leaning out and the structure is already unstable. The rear portion, from our perspective, you don't see the instability in the rear portion where the offices and such are, but our concern is the front portion of the sanctuary where there is pipe insulation up under it.*

Council Member Mendenhall: *Did you find any asbestos in the back part in the newer addition?*

Doug Riggs: *Of the church?*

Council Member Mendenhall: *Yes.*

Doug Riggs: *Yes, in the floor tile and the mastic. There's pipe insulation in floor tile and mastic.*

Council Member Mendenhall: *Will you be removing that as well?*

Doug Riggs: *The proposal is to go in and take it all out at one time.*

Council Member Ewing: *Is the dwelling safe to access to remove the asbestos?*

Doug Riggs: *At this point, yes. When you add the resonance and you bring a 70,000-80,000 pound excavator in and dump trucks, the resonance alone will change that from a considered stable structure to a potentially unstable structure.*

Council Member Smothers: *Maybe since Pastor Robinson has heard that, he might have questions.*

Pastor Robinson: *So, in actuality you're saying that's the type of machinery that you can bring in? That's the only type that you can bring in and use what needs to be done?*

Council Member Smothers: *But he's not putting that on the church property.*

Pastor Robinson: *I understand that. He was basically saying that coming along the street and on that part of Hobson where the fence is, to get to where he needs to get to; he can possibly cause a situation with the front of the church. I understand that clearly. I just want to affirm some things about the type of machinery that will be used. So I am hearing that based on what his company needs to use, it's a possibility that something could happen. Based upon that, what type of responsibility does that fall on....does it fall on us, or himself? I'm quite sure he's insured for that, right? Is there any personal insurance to take care of that?*

Doug Riggs: *Our company will not take responsibility of the structure. If you require that, we would not accept the project if responsible for the liability.*

Mayor Sims: *So basically a structure that is not in, let's say the type of condition that the church is in, a normal structure that's in good condition, whatever machinery or equipment you're using it should not cause any type of problem with any other structure.*

City Attorney Carlyle: *I would presume that Abatemasters would have some sort of liability insurance. You don't have any?*

Mayor Pro Tem Davis: *I don't see how we could hold him liable if they're cleaning up the Kilby because there's already been an order for demolition or repair sitting out there since October and they've taken no measures to do it. So now you're asking us to proceed to the next level, to enforce it. So I just can't see how we can put liability on somebody knowing that the structure is so unstable because if you run a piece of heavy equipment in there and it falls and you say well now you've got to rebuild my building. It just doesn't work like that in the real world.*

Pastor Robinson: *You said in the real world. Let me put it to you like this. We're not trying to hold anybody responsible. That's not why we're here. Basically we want to get to the point where the asbestos search is going to be done, then let's do the asbestos search. We do understand the condition of our building. We do understand that. We also understand that we're looking at ways to see what is going to be the best fit for us to be able to do something to kind of stabilize and get us to a point. We're at a point right now and I'm quite sure that you're a sick of it as we are. But we're trying to get to a happy medium that's going to be best suited for everyone. So if he's going to do his search, then we'll let him do his search/*

Mayor Pro Tem Davis: *I wouldn't say it's a search. He's actually going to remove the asbestos.*

Pastor Robinson: *If we're going to move forward, then we need to look at the timeframe that this is going to be done.*

Mayor Sims: *Well I think that there are two different issues going on here, Pastor Robinson. One is the abatement of whatever asbestos that may be in First Baptist. That's one part of this. The other part of it is the clean-up of the Kilby Hotel and unfortunately, we find ourselves in a situation where with the clean-up of the Kilby Hotel, it could potentially impact First Baptist Church because of what has to happen. So, you know, we're sort of, I*

think faced with a conundrum ourselves regarding how that process moves forward because we cannot leave the brick in the street. That will not work.

Pastor Robinson: I understand that.

Mayor Sims: *And the other piece of it is, I don't know if heavy equipment is really necessary. I'm sure you can go in there and pick out the bricks one piece at a time, but I don't know what that does to the cost of removing the items that are in the road. That becomes the other piece of it. In order to ensure or make sure that there's no damage caused by the use of that machinery for First Baptist's purposes. We're all very concerned about what will happen to First Baptist when this process moves forward. We spent a lot of time this afternoon talking about that. We're concerned about the windows in the church. We know that you've gone through a process of trying to attempt to figure out a way to take those windows out. So we've gone that whole route in terms of discussion this afternoon. I raised the point that I raised not so much about what happens with the equipment as I am concerned about an open-ended something that allows us at any point in time to go in and effectuate the demolition. That's my problem. To go in and do the abatement, I know that it has to be done. And in the event that your building does fall, we don't want asbestos in the road and being faced with the same situation that we have right now with the Kilby. So that was the only reason for raising the question. But the bricks have to be removed out of that road. That building formerly known as the Kilby, that has to be completed. And right now it's unfortunate that one building sits on the opposite side of the street from where that situation is. So what we're trying to do at this point is say if we abate the asbestos, there may be a very good chance that nothing will happen to your building at all when he does the removal. But we don't want it to happen and we knew the asbestos was there and we did nothing to sort of mitigate that situation and we knew on the front end that it existed. So that's kind of where we are. But I want you to know that we are concerned about the windows in that building and we're concerned about how the building comes down. Whether you decide 60 days from now you want to take that whole building down....what we want you to be able to do is to be able to salvage the windows out of that building before it comes down and, again, we don't know when that's going to happen. We thought the Kilby would stay a little while longer, but that wasn't what happened. So we don't know when the hour is going to be when First Baptist does come down, if at all. And it may not.*

Pastor Robinson: *Right, we're in the same situation. We understand that. One of the things in reference toand I don't like to beat an old horse, but we understood that the Kilby didn't have a roof at all. I understand that it collapsed. So based on that alone, and the question that it would bring it all inside or blow it out. I'm not saying that that won't happen with us. I'm not saying that the roof will not collapse. Yes, we are concerned about getting the windows out. We've been pushing that thing for the last year and a half or so. So we understand all that. I just want some clear understanding as to what is going to take place and the measures it's going to take place and the timing of which it's going to take place. Then my concern, again, was what type of equipment would be used and if, in fact, they need to use that heavy equipment to do what needs to be done. Now, I don't have the engineering savvy on that, but, again, you know I appreciate all that has been done, but we just want to know exactly where we stand and where we're going.*

Mayor Pro Tem Davis: How far along are you on the fundraising to get the windows out?

Pastor Robinson: *Well we've been pushing that for a while, and, again, it's a slow process. We've even put it out in the paper as to make it another public type of situation where if any company or anyone is interested to let us know and we will move that way. We will extract them and make sure they can get what they need and move forward. I mean I've had people call and want us to give the windows to them and, of course, that's not going to happen.*

Council Member Smothers: *One of the questions that Pastor Robinson has raised is the timetable. If the contracts are all approved, when would the asbestos removal begin at First Baptist?*

Doug Riggs: *I could schedule the work in the next seven days to have the asbestos removed. The asbestos removal should take 1-2 days.*

Council Member Mendenhall: *So within about a week and a half to two weeks, we should have the asbestos gone from the church?*

Council Member Smothers: *Does that timetable pose a problem?*

Pastor Robinson: *My next question was, once the asbestos is removed, then it just basically indicates there's no asbestos within the building. Am I right? You said 7- 10 days? We've had a contractor back and forth with us as well on the building, which I'm going to look at what he sent us. You're basically just taking out what is infected, right?*

Doug Riggs: *Yes.*

Pastor Robinson: *The question is after that is removed, do we have the time to shore up the wall?*

Mayor Sims: *I'm assuming....there's the ordinance to demolish. It's just an order and there's no intent that I believe on the part of this Council to move forward with that. It's only to do the abatement.*

City Attorney Carlyle: *It's a legal means for us to get onto the property and it's also a legal protection for us in case when they are on that property doing the asbestos removal, if something goes wrong, then we have to follow-up with the demolition then or after they withdraw from the asbestos removal and they're working on the Kilby and something happens next door, then we've got the legal right to go ahead and do what we need to do.*

Council Member Golden: *Mr. Robinson, you were asking would there be enough time to shore up. Are you talking about shore up prior to the removal of the debris next door?*

Pastor Robinson: *Actually.....*

Council Member Mendenhall: *I don't believe that we can delay that because we have a dangerous situation with the debris that's there from the Kilby. We have to get that cleaned up. We can't delay that process.*

Pastor Robinson: *I'm quite sure of that. It's been sitting there for some time now and you do have to clean that up. That's understandable. We can see what can happen within that length of time of the 10-day period.*

Council Member Golden: *Do you have the means to shore it up right now?*

Pastor Robinson: *Actually we don't, but we can see what we can do.*

Council Member Smothers: *Well at least if you have a timetable, there suddenly becomes a sense of urgency. We certainly want you to save it.*

Pastor Robinson: *Thank you so much. We've been trying to do that. We're not giving up yet.*

Mayor Sims: *Pastor Robinson, what is it going to cost to remove the windows?*

Pastor Robinson: *To take the windows out, we have to come up with \$35,000.*

Mayor Sims: *And that's all of them? How many are there?*

Pastor Robinson: *We have 24 stained glass windows.*

Council Member Wagner: *How far are you from raising that?*

Council Member Golden: *Pastor Robinson, have you got an estimate on the value of the windows?*

Pastor Robinson: *Once the windows are taken out and completed, the value goes to \$747,000. The windows are handmade, handcrafted, with very little damage.*

Council Member Ewing: *That's the value for all 24?*

Council Member Smothers: *Do you have an estimate as to how much it would take to shore up the walls? I'm not sure....you know we talked earlier about Preservation Greensboro and historical properties people. We had a whole lot of people here for a while. Well they're not here anymore. Did they help you build any kind of reasonable estimate on what it would take to stabilize the walls?*

Pastor Robinson: *Actually we did all that research ourselves. As a matter of fact, we presented the city with the entire package on that, which was a year or two ago. So that information they do have as well as my friend here, Mr. McCaslin, he has a package of that as well. So we have that information readily available. I'm quite sure they have copies. If not, I can get you a copy.*

Mayor Sims: *Is there anything else or is there anybody else who wants to speak regarding this issue?*

Council Member Mendenhall: *May I ask one more question? Because*

Jeff and I were just talking. Pastor, have you made any attempt to sell any of the windows which would give you some money to get them out of the building?

Pastor Robinson: *Yes we have. Quite a few attempts.*

Council Member Mendenhall: *And you haven't been successful?*

Pastor Robinson: *No ma'am. Like I said, people more or less want you to give or donate to them, but they don't want to purchase them. They know the value of the windows because they've researched the history. But as far as wanting to purchase, no.*

Council Member Ewing: *The \$747,000, is that an insurance value or is that an actual retail value?*

Pastor Robinson: *That is an actual estimate and retail value, which was done by Salem Stained Glass, who is also certified for stained glass windows association.*

Council Member Mendenhall: *But if you can't find any buyers, it's difficult. I mean it's a catch 22. I understand that.*

Pastor Robinson: *Basically too, what we've done is we've looked at other communities outside of here. You get more of a sell and a value and purchase for them when you go north and mid-west. So we've reached that far and we've also had companies that have also put information out in regards to that as well. They're trying to support us in those ways and to make sure it's out there on the websites and also on FaceBook. So we use social media to push it as well.*

Mayor Sims: *So your attempt, or your desire to want to remove those stained glass windows is more of an effort to preserve them for future use by the church, either a building project or something of that nature than it is to literally sell them?*

Pastor Robinson: *Yeah, that's true. The value based on the windows would also give us a means to be able to kind of market it to do what we need to do.*

Council Member Smothers: *So he could sell some of them and retain some of them.*

Council Member Ewing: *Are they insured?*

Pastor Robinson: *Actually, based on our building, no insurance company would insure it.*

Chairman Douglas: *Pastor Robinson, you see what we are dealing with. We've got the Kilby that needs to be cleaned up according to the State and we've got asbestos that's in your building, in the church, that needs to be removed. And the contractor wants to get the asbestos out of your building, out of the church, before he starts cleaning up the Kilby. In the event that the church don't make it, then that elevates the cost of the cleaning of the church, then we've got two Kilbys over there. But I think the most important part of it is what we're going to do.....is we're going to do the motion for the demolition, but it's not actually for the*

demolition, it's to secure....you know to make sure the city is not....to protect the city. Actually while they go in and do their job. And I guess as you have heard, they're not going to be responsible for if a building comes down. They can't operate like that. So are there any more questions?

Pastor Robinson: *No, I just basically wanted some clarity. We just wanted to basically hear what was the whole plan and how it's going to be done. I mean we know it's something the city will have to do. You have to clean that up.*

Chairman Douglas: *So you have all the clarity you need on that?*

Pastor Robinson: *A lot of clarity.*

Council Member Smothers: *I'd like to thank you all for coming.*

Pastor Robinson: *Thank you for hearing me.*

Council Member Smothers: *And for the efforts that you have made. I hope that will give you a big headline. Get the photographer go down there and take some pictures of the windows. So folks will know what we're trying to save.*

Pastor Robinson: *Thank you so much for giving me the time.*

Council Member Smothers: *Just one final thing, Mr. Douglas, Mr. McCaslin, will you make sure that they are well aware in advance of when the abatement is to begin? Because as I understand it, you're going to be doing some things where the back two offices are.*

Doug Riggs: *I can assure you that we will make every effort to keep the equipment away from the structure as much as possible.*

Interim City Manager McCaslin: *I just want to add that yes, we will work to make sure that the church is kept informed all throughout the process.*

Mayor Pro Tem Davis: *What about the residents and business owners around there because everybody's going to be running around in little white suits and respirators, etc....*

Charity Belton: *I was going to ask that question. I live two doors down and you're talking about they are going to put the equipment as far away as possible. Where about are you talking about? Can you tell me a little bit about the process?*

Doug Riggs: *Again, this is a precautionary measure. We just want everyone safe. I have also discussed this with the State and they have also raised concerns about the possibility of the church coming down. Explained. There will be some barriers set up.*

Charity Belton: *So if there's potential for the church. What about the residences on Hobson?*

Doug Riggs: *It won't affect exposure to the residences.*

Charity Belton: *So you're not talking about closing down the front part of Washington Street?*

Interim City Manager McCaslin: *We'll also share the timeline with Charity so she can share it with the other homeowners and businesses.*

Charity Belton: *If you could include Aretha Robinson, both of us. We will make sure that the information gets out to the residents as well as to the businesses.*

The other question iswhen we were talking about the Kilby before, we talked about when they initially closed off the street, some of the business owner's properties were damaged. First Baptist was one of the primary properties. I provided a list to you back in October that their parking lot was damaged. So I'm going to throw it out there and see if it sticks. We requested some retribution to the property owners for the damages to the parking lot. Is there any way possible that you all can consider that to help them at least to remove those windows? That's just something that I thought about.

The other comment was around the group that was here. We were initially here for the Kilby and not First Baptist. We, as in Community Builders Association out of North Carolina. I am the North Carolina liaison for Shield of Faith Economic Development out of California. So we have just been in discussion with them and will be sharing that information with them about the Historic Society. They are definitely interested in helping us all throughout the district with trying to secure our buildings if there's an issue. But initially, the Kilby was the only concern. So now that we know there's somebody else with a need, we're going to try to help as much as we can in sharing that information as well.

If you all can answer the question about the property damages that occurred.

Council Member Ewing: *What type of damages were there?*

Charity Belton: *Chunks of pavement, parking lot buckled. Damages from trucks turning around in their parking lot. We will bring back a list of the damaged properties and will request retribution for damages done.*

Mayor Sims: *I have one other question. And this has to do at our last Council meeting, we talked about the cost of a contract for Abatemasters and I have requested, or at least asked us to consider a not-to-exceed number on the contract. Now that we have come back with the fact that it is non-friable material, which I think does make a difference in the cost based on what I saw. Is that still a position that your company takes that it will not do a not-to-exceed number?*

Doug Riggs: *What we've tried to do to keep the cost down....if I have to do a not-to-exceed, I've got to leave it in the benefit of our company. The way that I priced it, if you'll look on the second page of the contract, one sandrock is the landfill and these are the prices they will charge us. At \$36 a ton, if there's 300 tons there soaking wet, then you're going to be*

looking at somewhere in the range of \$10-\$12,000. But if we have to set it specifically....and usually what we do with most municipalities, unless they provide the landfill to us. That is another option. I don't know if Kersey Valley can handle the asbestos, the non-friable asbestos, without it being double bagged because what it is the dump trucks will be lined with plastic and wrapped to contain and the trucks get dumped into the specified slot in the grid at the landfill. We'd be more than willing to work on something like that, which we've had other municipalities work with us on, so that way I can guarantee you that our equipment and labor and supplies for the timeframe that's going to take care of it. Generally, the landfill fees are the only thing and the only reason if you notice, we only put a 10% in to cover handling and fronting those fees with our funds. If there's a landfill that we can take it to, that is more cost effective and doesn't call three times as much to truck, then we'd be more than happy to work with that. But that's the only thing that we really can't fund. If the structure is up and we can fully go through it to determine how much steel, how much brick, how much concrete....we could get a pretty good gest, but the integrity of the way that pile is all put together is extremely difficult to say....because there may be more wood than there is brick and steel, but there may be more brick and concrete than there is steel. So I don't want to shoot ourselves in the foot. We want to help and we've tried to price it because our company feels like we're kind of caught in a catch 22 because Ms. McElrath called us and we're trying to help, we put numbers together, we do work for the city. We do work for other people in the community, so we're trying to be fair all the way around and do it in a fashion that would be most cost effective and transparent. So usually what we do is we provide the actual tickets and get copies of the tickets so you see exactly what's being charged for the landfill. Typically, it's reimbursement. Generally we go with an allotment. After finding out some of the latest information. Like I said, we talked with Ms. McElrath about she said to her knowledge, there's never been a boiler in there because we did not see any boiler pipes sticking out, that's a very good sign that we'll stay in the non-friable. But when the friable material comes up, if there's an issue with friable we find, we basically have to scoop out that immediate area. We'd have to peel back layers at a time with the excavator and inspect. I'll have to have a whole crew on site paying attention. It's not just an excavator going in there and grabbing it and dumping it. It's got to be separated and divided so that we can inspect as we go to make sure things are saturated. If we find something we clean up that area to minimize what friable disposal would be. My guess....I put this in here to make sure all bases was covered. From what I'm seeing now, I feel a lot more comfortable that the total project is going to end up between \$60-\$70,000 on the total package and I feel more comfortable saying that but I still can't define that specific number. If I was going to have to define it and say definitely, let's go \$75,000 and we'll call it a day, but I don't necessarily think that's fair to cover the true objective everybody is trying to work with.

Interim City Manager McCaslin: I will check on the landfill situation to see if we can legally dump in our landfill.

Doug Riggs: Like I said, we're not trying to make anything off this project, we're just trying to help.

Chairman Douglas: I would like to make the motion to adopt the Ordinance to Demolish the First Baptist Church located at 701 Washington Street with the purpose of removing the asbestos.

Council Member Smothers: Second.

Mayor Sims: I have a motion and a second to effectuate the ordinance to demolish First Baptist Church with the understanding that preliminarily it is to remove the asbestos that's found in the building.

Any additional comments or questions concerning this item? [none] Seeing none, all those in favor, signify by saying Aye. Aye. Any opposed? [none] Motion passes. [8-0 vote]

[end of transcript]

Adopted Ordinance to demolish the First Baptist Church located at 701 Washington Street and to award the contract to Abatemaster, Inc. for abatement and removal of the asbestos.

**Ordinance No. 1788/14-66
Introduced 8/4/2014; Adopted 8/4/2014
Ordinance Book, Volume XVIII, Page 120**

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

140231 Appointment - Library Board of Trustees

Council is requested to confirm the appointment of Mr. Philip Flynt to the Library Board of Trustees as an at-large representative (Moore). Mr. Flynt will be filling the expired term of Mr. Bruce Laney who is not eligible for reappointment. Appointment to be effective immediately and will expire October 31, 2017.

Approved the appointment of Philip Flynt to the Library Board of Trustees.

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

140216 Boards and Commissions - Vacancy Report

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

Attachments: [Vacancy Report](#)

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

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS**140232 Minutes to be approved**

- Comprehensive Planning Committee meeting; Thursday, July 17th @ 9:00 a.m.
- Special Called Meeting; Monday, July 21st @ 3:00 p.m.
- Finance Committee; Monday; July 21st @ 4:30 p.m.
- High Point City Council Regular Meeting; Monday, July 21st @ 5:30 p.m.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the preceding minutes be approved with a correction to the July 17, 2014 Comprehensive Planning Committee Meeting minutes to change Brian Saunders to Ryan Saunders. The motion PASSED by an 8-0 unanimous vote. [Council Member Moore was absent]

MISCELLANEOUS**140233 Consideration of Proposal From Aaron Clinard Regarding City Funding For Formation of a New 501(c)(4) Entity, Ignite High Point, Inc. (formerly City Project, Inc.)**

Consideration of request from Aaron Clinard regarding approval of City funding in the amount of \$105,593 for the formation of a new 501(c)(4) entity, Ignite High Point, Inc. (formerly known as The City Project, Inc.).

_____ *Transcript* _____

Council Member Smothers: *Madam Mayor, we had a Memorandum dated June 25th from Aaron Clinard to you, which was shared with us both hard copy and electronically. I'd like to make a motion to suspend the rules to give a reply on that request.*

Mayor Pro Tem Davis: *Second.*

Mayor Sims: *I have a motion and a second to suspend the rules to discuss an item that was brought before Council a few weeks ago. All those in favor, please signify by saying Aye. Aye. Any opposed? [none] Motion passes.*

Council Member Smothers: *And I would move the Council go on record as acknowledging receipt of the request and to inform Mr. Clinard, who was writing on behalf of the potential new organization, that the City cannot participate to the tune of \$105,593 for a commitment of three years.*

Mayor Pro Tem Davis: *Second.*

Mayor Sims: *I have a motion and a second. Is there any discussion regarding this item?*

I do have one comment. Again, as Ms. Smothers indicated, this was sent to me and it was asked that Council consider moving ahead with some sort of assistance to the City Project or the new City Project Board to assist them moving forward with doing what they feel they were charged to do as it relates to core city development and the Ignited High Point plan. It has not been very

clear. It was not very clear in the document that was forwarded exactly which entity was asking to be funded, whether it was Ignite High Point or whether it was the Core City. But we have been carrying on with this, I believe, over a period of weeks-if not months regarding the discussion on this particular issue and whether or not it deserved or required that we do something other than what has been decided I guess in numerous meetings as we have sat and talked about core city redevelopment and even the new Core City Plan. So having said all that, I do believe that it is the desire of this Council that the City Project in whatever form it is currently in and whatever it takes to move forward with whatever they have to do that's going to help be a part of revitalization in this community. We don't want to stop any entity from doing what it feels that it has to do and that it's been charged to do. And I do believe that this is where they are and what they believe and feel is the best course of action for them. So, I believe that, you know, it is not the intent of this Council to do anything that is punitive to an organization. We just want to make sure that the charge that's listed in our adoption of the Core City Plan continues to move forward in a viable form and in a way that those neighborhoods that have been identified-those entities that have been identified-as being part of the Core City Plan and revitalization efforts. And that they receive those things that there is an expectation that they will have and there were several communities identified, several neighborhoods identified in the original Core City Plan that at this moment are still desiring to have some type of revitalization done in their communities. So it is the hope of this Council and anybody can correct me if I'm wrong, that we do move forward in a way that's going to be impactful to those communities and give them what they've been expecting over the past few years and that is some type of revitalization efforts and attention in their communities. So having said that, is there any other comments or questions?

Council Member Jay Wagner: *Yes. I'd just like to say that I don't think that we've given this a proper hearing within the committee. There's been no real discussion amongst the entire group of Council as to the pros and cons of what was proposed. I think, though, the Council is missing an opportunity to create a true public-private partnership with its citizens to effectuate a revitalization of the city. We have a huge amount of people who are very passionate about this and they look to the organization that is The City Project to help lead the revitalization of the city. As it's been stated many, many times, the City Project would not exist without the intent of this Council to create that organization to help spur the revitalization of this city. It's really the only reason it exists-is to help us. And I think that this Council has taken an opportunity that could have resulted in a legitimate and good faith compromise with its citizens. It troubles me greatly that we are not taking advantage of that opportunity.*

Mayor Sims: *Any other comments? [none] Seeing none, all of those in favor of the motion, please signify by saying Aye.*

Mayor Pro Tem Davis; and Council Members Smothers, Golden, Douglas, Mendenhall, and Ewing: *Aye.*

Mayor Sims and Council Member Wagner: *Nay.*

[6-2 vote] [Mayor Sims and Council Member Wagner dissenting] [Council Member Moore was absent]

_____end of transcript_____

Acknowledged receipt of Mr. Clinard's request and to inform him that the City cannot participate to the tune of \$105,593 for a three-year commitment.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:05 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

**PLANNING AND DEVELOPMENT DEPARTMENT
INSPECTION SERVICES DIVISION
HOUSING ENFORCEMENT**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

1226 S Downing Street

OWNER:

Jorge Alberto Ortiz Alvarez

**FIRST
INSPECTION:**
6-11-2013

Summary of Major Violations
1) damaged porch roof system – front and rear
2) holes in interior walls and ceilings through dwelling
3) heating unit has been removed
4) electrical system has been removed
5) plumbing system has been removed

**HEARING
RESULTS:**
6-28-1013

The owners did not appear for the hearing. During the hearing, the following findings of fact were established. There are numerous violations of the Minimum Housing Code. The dwelling is currently uninhabitable due to the lack of plumbing, electrical and heating systems and numerous Minimum Housing Code violations. In its present state necessary repairs to the dwelling exceed 50% of the current tax value. The Guilford County Tax value of the dwelling is \$7,400. The repair estimate is \$34,620.

**ORDER(S)
ISSUED:**
6-28-2013

Order to Repair or Demolish with a compliance date of 9-30-2013

APPEALS:

No appeals to date.

**OWNER
ACTIONS:**

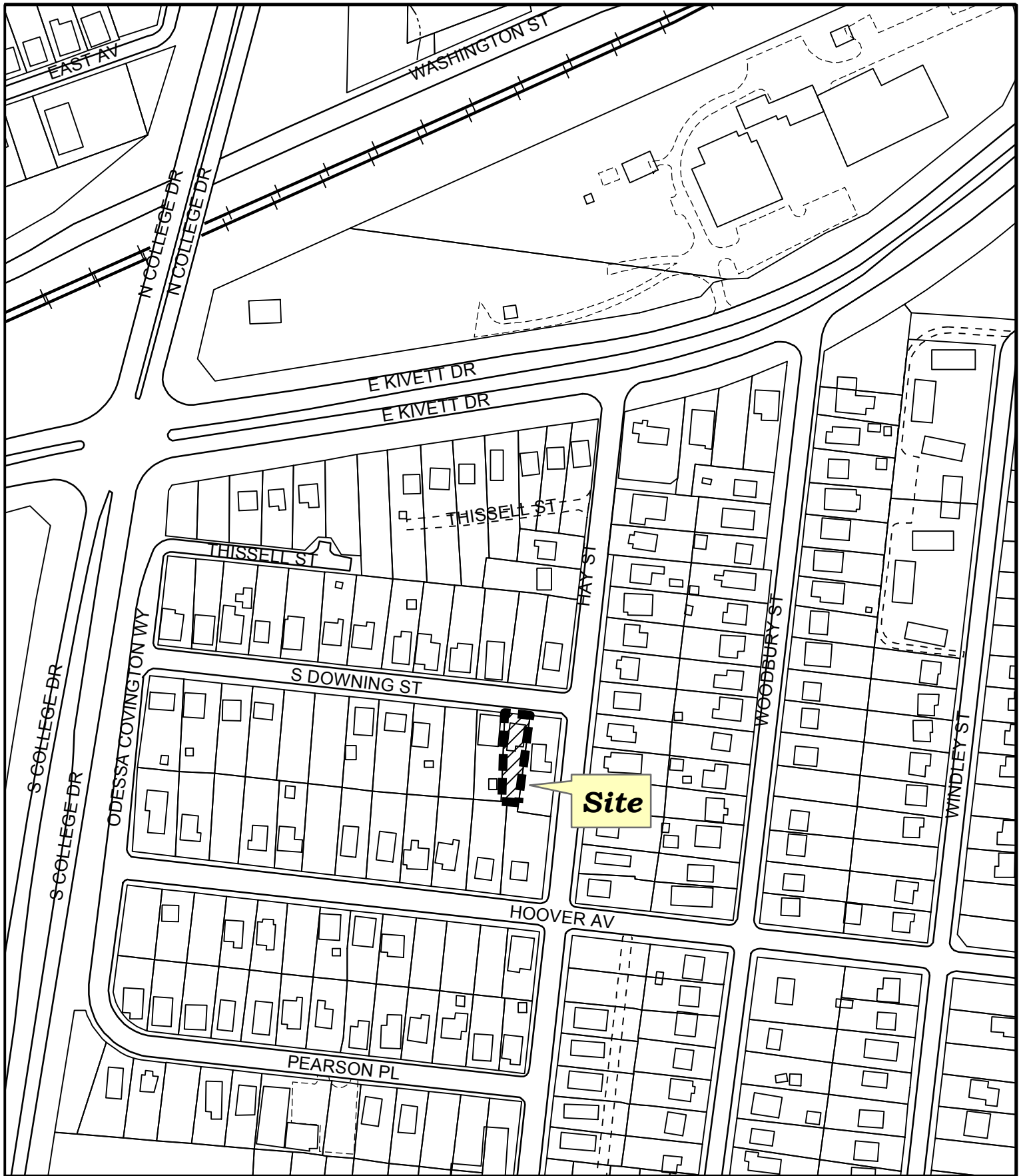
There have been no permits issued and repairs have not started.

EXTENSIONS:

None requested

**CURRENT
STATUS:**

Conditions still exist.



1226 South Downing Street

Ordinance to Demolish



Location of subject property

**Planning and Development
Department**

City of High Point

Date: August 12, 2014



Scale: 1"=200'

y:/ba-pz/Inspections/
ord-demo.mxd

AN ORDINANCE REQUIRING THE INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with Code of Ordinances and Article 19 of Chapter 160A of the General Statutes of North Carolina.

PROPERTY LOCATION

1226 S Downing St
High Point, NC

OWNER (S)

Jorge Alberto Ortiz Alvarez
4901 Wade Nash Rd
Holly Springs, NC 27540

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 18th day of August, 2014

Lisa B. Vierling, City Clerk



1226 S. Downing Street



1226 S. Downing Street

**COMPREHENSIVE PLANNING COMMITTEE
(COMMITTEE OF THE WHOLE)
JULY 24, 2014 – 9:00 A.M.
THIRD FLOOR CONFERENCE ROOM**

MINUTES

PRESENT:

Council Member Smothers, Mayor Sims, Council Members Davis, Ewing, Mendenhall, Moore, and Wagner

ABSENT:

Council Members Douglas and Golden

STAFF PRESENT:

Randy McCaslin, Interim City Manager	Terry Kuneff, Civil Engineering
Bob Morgan, Interim Asst. City Manager	JoAnne Carlyle, City Attorney
Jeron Hollis, Communications Officer	Brent Cole, Assistant City Attorney
David Briggs, Director of HP Theater	Lisa Vierling, City Clerk
Heidi Galanti, Senior Planner	Dawn Sparks, Deputy City Clerk
Bob Robbins, Development Administrator	
Eric Olmedo, Budget Evaluation Officer	

OTHERS PRESENT:

Cindy Davis – Member of Planning and Zoning Commission
Jim Bronnert – Parks & Recreation Commission
Aaron Clinard – City Project Board Member
Ross Lackey – Kapuka Farms

MEDIA PRESENT:

Pat Kimbrough, *High Point Enterprise*

Chicken Ordinance Text Amendment

Brent Cole handed out a proposed text amendment for Council's review. Mr. Cole stated they are looking at the language that is already in place for fowl and streamlining that to apply to backyard chickens. The Ordinance will not be allowing roosters, no commercial use of eggs, and the main regulations will be on how the chickens are kept on the property. The lot size currently is set for two acres, and a main concern was this lot size eliminates a lot of people from being able to have backyard chickens. The lot size was reduced down to 6000 square feet, which should encompass every residential zoning district except for one. The 6000 square feet lot size restriction is right in line with what other municipalities are doing. There is a limit of one chicken for every 500 square feet.

Brent Cole stated The City has a statute that talks about the production of noxious odors and things of that nature. Council Member Smothers stated that a resident had talked with her and advised that five chickens should be sufficient for providing eggs for a family. Mr. Cole stated that he did find where cities capped the number of chickens allowed no matter the size of the lot.

Council Member Ewing stated that he assumed the more common reason for the ordinance is for people keeping chickens as a pet or for egg production, but if there is the ability to have many more they could essentially have a chicken slaughter farm in the middle of the neighborhood. Brent Cole stated that there is no allowing the slaughtering of chickens on site.

Mayor Sims asked Council how they felt about capping the number. Council Member Ewing stated if they cap the number of chickens allowed they affect larger acre tracts. Mr. Cole stated the way the ordinance is worded is the limit of chickens does not apply to agricultural districts. Council Member Ewing asked if they broke up the zoning districts and said a maximum of five chickens in RS-12. Mr. Cole stated that is another possibility they could use.

Mr. Cole stated that the limitation of one chicken for every 500 square feet does not apply to agricultural zones. Bob Robbins clarified that the RS-5 district, which is the densest single family district in the city would be the one that is excluded from having chickens, by virtue of the minimum lot size. Council Member Mendenhall was concerned that it would exclude many of the neighborhoods in her ward due to minimum lot size.

Council Member Ewing asked if neighborhoods with homeowner's association covenants would override the ordinance. Randy McCaslin stated that if the neighborhoods have covenants against backyard chickens and a resident has one, the City would not be able to enforce their covenants.

Council Member Mendenhall felt they should use the 5000 square foot lot size regulation so it would not exclude certain residential districts. Council Member Smothers noted that 5000 square feet is a very small lot, and if a resident was in the middle of homes with chickens on both sides and behind, it could be troublesome. Council Member Mendenhall felt that if they do not keep the lot size down they will be getting complaints for excluding one residential area. Mayor Sims felt that they also run the risk of excluding a population of people that typically would want chickens, and stated she agreed with Council Member Mendenhall in a sense, but stated that she even more agrees that they may not do the ordinance at all.

Council Member Ewing stated that if they do as Council Member Mendenhall suggested, he felt they should attach a limitation on the number of chickens based on the zoning.

Mayor Sims asked what precipitated this ordinance. Council Member Moore stated a citizen request initiated this. Council Member Mendenhall stated she understood the

concern about a smaller lot size and the number of chickens, but at the same time she did not think it was right to exclude one of the districts if an ordinance was put in place. Brent Cole advised that this same issue with lot sizes that will also come up with the Bee Ordinance as well.

Mayor Sims stated that she feels they are talking about an animal that is much smaller than a dog, and there are situations throughout the city where there are twenty to twenty-five dogs in a yard. Mayor Sims suggested they cap the number and be done with it.

Mayor Sims stated that she agreed with Council Member Wagner to remove the cap on the lot size and cap the number of chickens allowed to five.

Brent Cole stated that regarding setbacks, the minimum side yard setback in any district is five feet, and with the setback in this ordinance it would be at least twenty feet from any neighbor. Council Member Wagner felt that setback could cause a problem in some of the smaller lots. Bob Robbins stated that in the RS-5 District there are minimum width sizes that are down to about fifty feet, and there are not many lots that are narrower than that.

Randy McCaslin noted that it will be difficult for inspections to keep up with this except on a complaint basis.

The committee directed that they allow backyard chickens in all districts and that they cap the number of chickens allowed to five.

Council Member Smothers stated that the process for the text amendment is it will have to be advertised and heard at the Planning & Zoning Commission, and then back to City Council.

Bee Ordinance

Bob Robbins advised that the minimum six foot high fencing requirement and/or a dense vegetative screening at the edges of the property are important on the smaller lots because those will force the bee flight upwards, which will take them out of the human range for surrounding neighbors. The density is currently a five acre minimum, although they allow it in several districts. Staff is suggesting that the AG be exempt, the minimum lot size to be 7,000 square feet, the hives to be located behind the principle structure on the lot, and one hive for every 1,500 square feet of lot that is not covered by the principal structure with a cap on twenty hives allowed.

Council Member Ewing stated his concern was without having language in the ordinance specifying that they have the proper bee keeping materials you could have someone trying to keep them without those.

Bob Robbins asked if Council had any concerns they wished for staff to look into. Council Member Ewing liked the idea of having a uniformed ordinance so that bees and

chickens and whatever else all had the same requirements. JoAnne Carlyle felt it would be good to be more uniformed in the language.

Council Member Davis asked if they allow any other livestock in a residential neighborhood. Bob Robbins stated that there are some acreage requirements for other livestock, and also horses, cows, and animals of that size are allowed on five acre minimums. Randy McCaslin stated that they do have people that keep pigmy goats and potbelly pigs as pets, which are not considered livestock.

Council Member Ewing stated he is okay with the language, but he would like to see the bees and the chickens merged into the same ordinance.

Mr. Robbins stated that would be staff's intent, and they had just broke it out for discussion purposes.

The Pit

JoAnne Carlyle stated that they have a simple three page agreement that covers the city from liabilities. It does require insurance and requires the City to be insured. The City of Greensboro requires the exact same type of insurance and they have adopted a very detailed ordinance with regards to events and in addition to that they have an application process. JoAnne Carlyle stated that the Hop Fest Ryan Saunders had referred to was not going to be on city owned property, but rather it is going to be held in a street, which is a completely different thing than The Pit.

Council Member Ewing asked who approves the application when someone brings an one in for an event. JoAnne Carlyle stated that if it is for something where they are going to be leasing real property it will have to come before Council. Ms. Carlyle stated that they can designate the manager to approve it if it is for a very short time period.

Council Member Smothers stated that in instances where the City is a co-sponsor they relax some of the policy. Ms. Carlyle stated that they do. Ms. Carlyle stated that in instances where a department director is signing these types of contracts she does not know where their signing authority is coming from, because she has not seen anything. Ms. Carlyle stated that at some point in the past signing authority has to come from council.

Council Member Wagner suggested that instead of calling it a "lease" they call it a "permit" or a "license", which would allow the Manager to approve it. Ms. Carlyle felt doing it as a license would be appropriate more so than a permit. Council Member Smothers felt this was a good idea and to give the Manager the authority to approve it.

David Briggs made a clarification about the Hop Fest that was originally scheduled for August 23rd, and stated when that event approached the City it was supposed to be specifically held in the Transportation Terminal, and as time progressed and everyone was on board they had a secondary request to have an additional event that same night after Hop Fest, which requested to close off Commerce Street all the way to the furniture building. This would require the closing of Commerce and Elm Streets, and the parking garage. This was not a normal use of the Terminal and if they are going to

close streets they would have to get permission from the building owners. They worked diligently with different city departments to put together something that was feasible. It is expensive to have police officers on hand to maintain property and securing the streets. Randy McCaslin added that part of this was a free event and part of it was a paid event. Mr. Briggs stated that at that time it was still up in the air. Last year Hop Fest had a \$5 or \$7 charge to get in. The event that was to take place from Commerce to Elm was about a \$15 to \$20 ticket. The complications began when this event moved from the Transportation Terminal and became a secondary event. Randy McCaslin advised that the sponsor that worked with Ryan Saunders last year is going to still work with David Briggs and the City to do an event the first week in October. Council Member Mendenhall stated a concern that a lot of this information is never heard by the public and it gets publicized in a negative way.

JoAnne Carlyle recommended to let legal get with David Briggs and the Manager and get some consistency. They can go ahead and change the lease to a license so they can begin using it.

Council Member Mendenhall asked about the rental fee issue. Mr. Briggs stated he would be glad to share with Council the rental fee structure they have developed with Parks & Recreation, Electric, the Theatre, and Transportation. Council Member Mendenhall stated that she had a question about what the percentage is from the vendors, and it seemed to her they should just have a fee and not take a percentage of what the artists sell. Mr. Briggs stated that he went back in after last week's meeting and put together some of the language, and a lot of what was in there was theatre language which has needs that do not apply to the rest of the city. Ms. Carlyle stated that they want to start working on something that will be consistent citywide.

Council Member Smothers asked for the sake of those who want to use The Pit, it may be reasonable to say for "x" period and they may want to give a time period that there will not be a fee other than those costs associated with what is in the agreement, but when such fee is determined it will be enclosed.

Mayor Sims felt there needs to be a set fee for officers, and regardless of what is going on those officers are still on duty when they are doing that work. Ms. Carlyle stated that Greensboro charges with their events \$2 an hour to cover the worker's comp expenses that the city has for that officer. Mr. McCaslin stated that they handle this in two different ways, (1) if the police department uses on duty officers then they can get into an overtime situation that runs costs up, and (2) they also try to use reserve officers and off duty officers and then they set a fee per hour. JoAnne Carlyle clarified that if they fill in the need for requiring assistance for security on the application it would be done as a separate contract. Council Member Mendenhall stated that there is nothing in the language of the agreement about security. JoAnne Carlyle stated it is at the top, and it is up to the applicant to make that decision. Mayor Sims stated that it does state in the General Conditions that the lessee shall provide an off duty police officer or officers for security. Ms. Carlyle stated that she can add some language to the contract that says at the discretion of the city security may be required.

Council Member Smothers stated that she believes there is a decision to be made of whether the cost to lease is equivalent of costs associated with the City or if it is to be a revenue generator. Council Member Ewing felt that in the interim as they are trying to attract interest to a new venue they do not want to attach anything that is above and beyond what the City costs are, but as they move forward as requests increase then they can look at amending the fee structure. David Briggs advised that Parks & Recreation and the Theatre worked together to establish the fee structure, along with Electric and Transportation.

Council Member Mendenhall felt it could be troublesome if the document is signed but it does not say anything about security in it, because if the applicant states they do not need off duty officers and it is signed, and then after the fact the City decides they need security present. Council Member Wagner felt that if someone applies to hold an event and they put on the application that they do not need security and the City Manager finds out that this is an event that will attract a lot of people, then the City can just not grant the license. JoAnne Carlyle stated she can also put some simplified language in the contract that states at the discretion of the City security will be required.

Council Member Mendenhall felt that the legal department should look at all the contracts for separate events to make sure they are worded correctly and appropriate for the city. Ms. Carlyle stated that they are trying to do that, but there is a massive amount out there, and they are working on this every day. Council Member Smothers was concerned that when there are events that are requiring city staff and border into overtime, and the city is not a sponsor, those costs should be captured in the fee structure. Mayor Sims felt all the event contracts should be consistent because there have been some instances where people were charged and others where they were not. Ms. Carlyle stated she wants to make Council aware that the City Attorney's Office strives for this every day, because there are so many different departments in the city, and contract language can be very specific to certain events.

Theatre Art Galleries (TAG)

David Briggs advised that it is very common for a city that has a gallery within a facility that the gallery pays commission to the location where the art is hanging on the walls if that artwork is sold. Given that they are not charging TAG rent to use the galleries it is not inappropriate for a venue to require a percentage of the artwork sold on the premises. Mr. Briggs stated that the reason he included that language is because the city does maintain those walls and lights, heating and air conditioning, as well as provides staff when there are events.

JoAnne Carlyle stated that if they do require a percentage of the artwork sold they would require that they open up their books to the City, because there has to be an opportunity to audit those funds. Mayor Sims stated that because TAG is a nonprofit, those books are already open to the City and we should be receiving that information anyway. Ms. Carlyle stated that is generally for receipt of the nonprofit funding, this would be specific to their payment back to us of the 25%. Brent Cole stated he spoke with Jeff Moore, and currently if TAG sells a piece of art the artist takes 60% and TAG takes 40%. Mr. Cole mentioned the 25% commission, and it was not a popular idea to Mr. Moore, so if they do decide to go forward with the 25% commission, it would be his

recommendation that the city take 25% of the 40%. Council Member Wagner stated that he felt this was taking a nonprofit the city is currently supporting and taking more of what they generate and in turn that nonprofit will come back asking for more funding to them from the City to make up for that commission, and he felt taking a commission does not make a lot of sense. Council Member Mendenhall agreed.

Mayor Sims stated that there are other arts entities in this city that would love to have the opportunity to operate gallery space and for City Council to say that this is the group that is going to operate the gallery is problematic to her since they are not charging and they are not paying. Mayor Sims stated there are other arts groups that would love the opportunity to be able to show their artwork in the theatre. Council Member Smothers stated that there is a difference between showing artwork and maintaining a gallery program that includes lessons. Mayor Sims stated she felt other artist galleries are not aware of the opportunity to run a gallery in the theatre, and she did not know if Council should be looking at TAG not needing pay a fee to be there because they are providing a service. Council Member Ewing stated he liked the idea of charging a percentage, but felt maybe they charge 20% off of the 40%, and take that into consideration when giving a grant from the City. Council Member Mendenhall felt this was giving more work to staff then what they need to do.

Council Member Smothers asked Council how they wished to address the fee commission issue. Mayor Sims felt they should not change it all, she felt that other arts groups need to be given the opportunity to run the gallery if the Theatre is giving away free space.

Ms. Carlyle clarified that Council wants to go forward with TAG operating the gallery space and adding language in the contract that says they will reach out to other local artists for display, and leave the percentage commission out.

Urban Gardens

Council Member Ewing addressed Ross Lackey about his statement on the difficulty to sell produce and having more community gardens.

Bob Robbins stated that right now there are no restrictions in the ordinance for folks who grow and sell produce on their own property. The issues come in when they bring their vegetables into town and sell them in an office zone or in someone's parking lot. As far as the health department there is no regulations as long as the vegetables are sold uncut and unpackaged. Once preparation is done to the vegetables then regulations set in. The Agricultural Department does have some minimal requirements for cleanliness and washing of vegetables.

Mr. Lackey stated that what he is trying to accomplish is getting rid of the reaction to saying let's just don't talk about it, because there are a lot of people sustaining themselves through the production of food and these people are wanting to be part of this system that the Council is involved in, and when they are laughed at and it is made a comical issue it devalues their contribution to our society. Mr. Lackey stated that in the City Council Meeting he observed a comedic response in talking about chickens.

Mr. Lackey felt if local government could celebrate these individuals rather than asking they stay under the radar it would be helpful.

Mr. Lackey stated there is no regulation of produce under North Carolina law, so locally if someone is selling cucumbers in a nice office building because those people are getting off of work at 5:00 p.m. and it makes sense as a business owner to be where customers are getting off work, the system prevents that from occurring. Mr. Lackey asked why he could not enter into an agreement with that private property owner to sell for two hours once a week. Mr. Robbins stated that the way it is now, there are certain zones where they do not allow commercial businesses, and if they allow them to sell the produce in someone's building in an office zone there becomes the question of how do they regulate the next business owner that comes along and wants to do something in that office zone. Mr. Lackey feels like making exceptions in a couple industries like growing vegetables or arts and crafts, it could be possible that within five years they can buy a store front.

Mayor Sims stated that at this point Council is looking at food desserts in certain parts of our community that have been designated as such in certain census tracts where there are individuals who don't have access to food, and she felt if Council could do something that would target those specific neighborhoods where these businesses were set up to take ebt benefits and other things, that could be beneficial where those situations are existing. Mayor Sims felt this takes a conversation, but just to blanket and say we are going to open up and allow the selling of vegetables wherever you want to sell could be misguided on the part of the City, because we do have some definite needs in the community. Mr. Lackey stated that he does not want the City to hand him the target customers, he wants the ability to go get the target customers and Council does not have the right to tell him where he can sell this food. Mayor Sims stated that is not true. Mr. Lackey further stated that he is questioning the validity of that law. Mr. Lackey stated he has an idea of how to tackle the problem of the food desserts, which does include freeing up the produce rules, but at the same time he just wants access to markets.

Council Member Smothers stated that the city has property that is unused that could well be used to grow produce that is located in areas that need the food. Council Member Ewing suggested going into some target neighborhoods and leasing out city property for small urban farms for a small fee.

Council Member Wagner stated he would like to understand the functionality of what Mr. Lackey is doing. Mr. Lackey stated that he is growing his produce on Lindale Drive. He has a quarter acre right now. He and his fiancé do all the work themselves. They grow the food and have about 10 families they provide food to right now in Emerywood. Mr. Lackey stated he delivers them baskets full of vegetables for a fee. Mr. Lackey explained this is a model that can build stable food systems. Mr. Lackey stated he has ten families that pay him in January, he deposits that money in his bank account and uses it to pay for fencing, supply, seeds, and himself for his time. The vegetables are all seasonal and grown on his property. Through the creation of a program, he is considering taking his farm non-profit so he can facilitate being the anchor to a local food system.

Mr. Lackey stated that once he has proven himself that he is here in the City and committed to farming, he can attract others that would want to come and work in High Point, and they can take that three acre lot in a bad neighborhood, and they turn that lot into a urban farm. This can create a local food system inside the city within three years.

Randy McCaslin stated that Mr. Lackey has a meeting scheduled with Bob Robbins this afternoon, and suggested they come back with some information from that meeting.

Mr. Lackey stated that when he was trying to pursue the options of selling produce on another location from his farm, he was told he needed a retail license or a peddler's license.

Council Member Wagner stated he was in favor of this and felt they should not be doing things that would prevent it and allow it to let it happen. Council Member Mendenhall suggested they look at some of those vacant lots that are just sitting in these neighborhoods.

Mr. Lackey stated that he does not need or want money from the City, he only wants permission to lease property with a commitment from Council.

Update on Washington Street

Randy McCaslin stated he has asked Engineering to come and give an update on Washington Street. At that time the Plan was approved that the City was to go back to its existing contract because it would be the fastest way to move forward. In looking at the possibility of extending Sharpe Brother's contract they found the prices jumped significantly.

Terry Kuneff advised that since the original estimate the project limits have been extended. They will be going all the way to Penn Griffith School on the north side with sidewalks, which will mean a couple extra driveways also. They did ask Sharpe Brothers to give an estimate on three alternatives: (1) just sidewalk only, (2) sidewalk and just overlay the pavement because the pavement is in bad shape on Washington Drive and if they do put new driveway entrances in this new sidewalk they need to allow the soft cut out into the pavement, and (3) the option that does not replace the existing curb and gutter. Mr. Kuneff stated that the existing curb and gutter is non elliptic, which means it was poured with the sidewalks. The estimate does include the soft cutting behind the curb and jack hammering the old sidewalk out and replacing a new curb with the sidewalk. Council Member Smothers asked if it also included the storm water management. Mr. Kuneff stated that it does not include anything underground as far as sanitary sewer improvements or water line improvements. Mr. McCaslin stated the costs were getting well above \$1 million in costs and there is almost no storm drainage there. The streetscape is included in the estimate, but it has gone from about \$500,000 up to \$1 million because it is so labor intensive and instead of them getting into the project with Bobcats and popping up the sidewalks, they are going to be in there jack hammering and saw cut behind the curb to form a join to take out the sidewalk and leave the curb and gutter.

Mr. Kuneff stated there is an issue with the electric lines, because the Electric Department will not go in and breakup the sidewalk and put in the new decorative lights through the whole project and then Sharpe Brothers comes back and does sidewalks, it will be done in sections so they do not leave sidewalk broken and exposed. There are businesses and residents that will be affected as far as access. There are costs associated with this starting and stopping.

Council Member Smothers asked if the decorative lighting will provide the neighborhood what they need in terms of security and lighting. Mr. McCaslin stated that they street is already lit up at a much greater level than most of the other parts of the city. When they talk about it being dark over there, they talking about behind the buildings and away from the street.

Council Member Smothers asked that given that this project has to go out for bid and the issues that have been identified with cutting out of pavement, should they go back to the neighborhood and advise them of what is going to be impacted. Mayor Sims felt they need to explain it to the neighborhood. Mr. McCaslin stated he met with Washington Street group over and explained the problems and challenges with this, but not the time frame of the delay. Mr. Kuneff stated that they still have not brought right of way into the project yet, but there is some right of way that may have to be acquired to do the project.

Randy McCaslin stated staff's recommendation at this point is to go back out for bids.

Other Matters

- Council Member Smothers stated that other than the job description that they will not be getting into today, and she presumed they will either have the budget amendment that incorporates a budget in the city manager's budget either the August 4th or 18th.
- Mayor Sims stated that she had asked that Counsel talk about the proposal sent from Aaron Clinard on City Project/Ignite High Point. Mayor Sims asked Council to delay this conversation because she felt that all of council needs to be present and she felt they need to have some clarification around what all that means and there are some questions regarding what was submitted and what was proposed in that plan, and she asked those Council Members present that if they have questions or comments around what was included in that proposal to get it back to her or the Manager so they can get those answered before they move forward with any conversation.
- Mayor Sims stated she wants to talk about the conversation about the meeting with some business leaders in the community, and she would like for Council to consider having business leaders in the community getting together to talk about revitalization in a way that includes the private sector. There are various groups out there having conversations, and she received an email this morning from Tim Mabe where he talks about the very same thing of revitalization being talked about in pockets of the community but not in a way that specifically embraces and brings all of those groups together. Mayor Sims requested that Council have a discussion to give the Mayor the authority to pull together those leaders, have

them come together as a group and have them guide and lead a conversation and come back to Council and recommend what they think revitalization in this community really looks like. Council Member Smothers suggested an independent body, such as High Point University, head that. Mayor Sims thought it was perfectly logical to make that happen. Mayor Sims felt that Council does need to be listening to a voice that looks at, identifies, and prioritizes (including all those groups) those revitalization needs.

Council Member Smothers, seconded by Council Member Mendenhall, made a motion to authorize the Mayor on behalf of the Council to write a letter and to spearhead an effort to pull those community leaders to together for the purpose of discussion of revitalization initiatives. Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 11:30 a.m. on a motion duly made and seconded.

Respectfully Submitted,

Dawn J. Sparks, CMC
Deputy City Clerk

Council Member Rebecca Smothers,
Committee Chair

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 22, 2014, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marie Stone and Mr. John McKenzie.

City of High Point

Street Abandonment Case 14-05

A request by the Technical Review Committee to abandon a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue.

Mr. Herbert Shannon presented Street Abandonment Case 14-05 and recommended approval as outlined in the staff report.

No one spoke on behalf or in opposition of the request.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 14-05 by a vote of 6-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
STREET ABANDONMENT CASE 14-05
July 22, 2014**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: To abandon a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
N. Elm Street	Major Thoroughfare	70-foot wide right-of-way; 50-foot curb and gutter paved street

Adjacent Property Zoning and Current Land Use		
North	General Business (GB) District	Parking lot
East	Central Business (CB) District	Office use (<i>lying across N. Elm Street</i>)
South	General Business (GB) District	Parking lot and vacant office building
West	General Business (GB) District	Office use

Analysis

The City of High Point Technical Review Committee (TRC) is requesting abandonment of a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue. This alley is approximately 14 feet wide and 144 feet in length (approximately 2,016 square feet) and improvements within this alley consists of a privately maintained asphalt driveway associated with an abutting parking lot, and a City electrical line that runs through the alley from N. Elm Street to an existing building.

Except for a parcel lying at the southwestern corner of this alley, the same property owner owns the abutting parcels to the north and south. The parcel at the southwestern corner of the alley has frontage and an existing driveway access to Church Avenue. Therefore, abandonment of the City's interest in this alley will not deprive any owner of access to their property. Early notices to obtain input from abutting property owner were mailed out in April and June 2014. In addition, regular mail notice for the public hearing to abutting property owner, notice placed in the High Point Enterprise and the posting of signs at the ROW to be abandoned were also performed per requirements. To date, staff has received no objections from the abutting property owner.

Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request on April 23, 2014 and identified no concerns related to the abandonment of these right-of-ways. The Electrical Department has

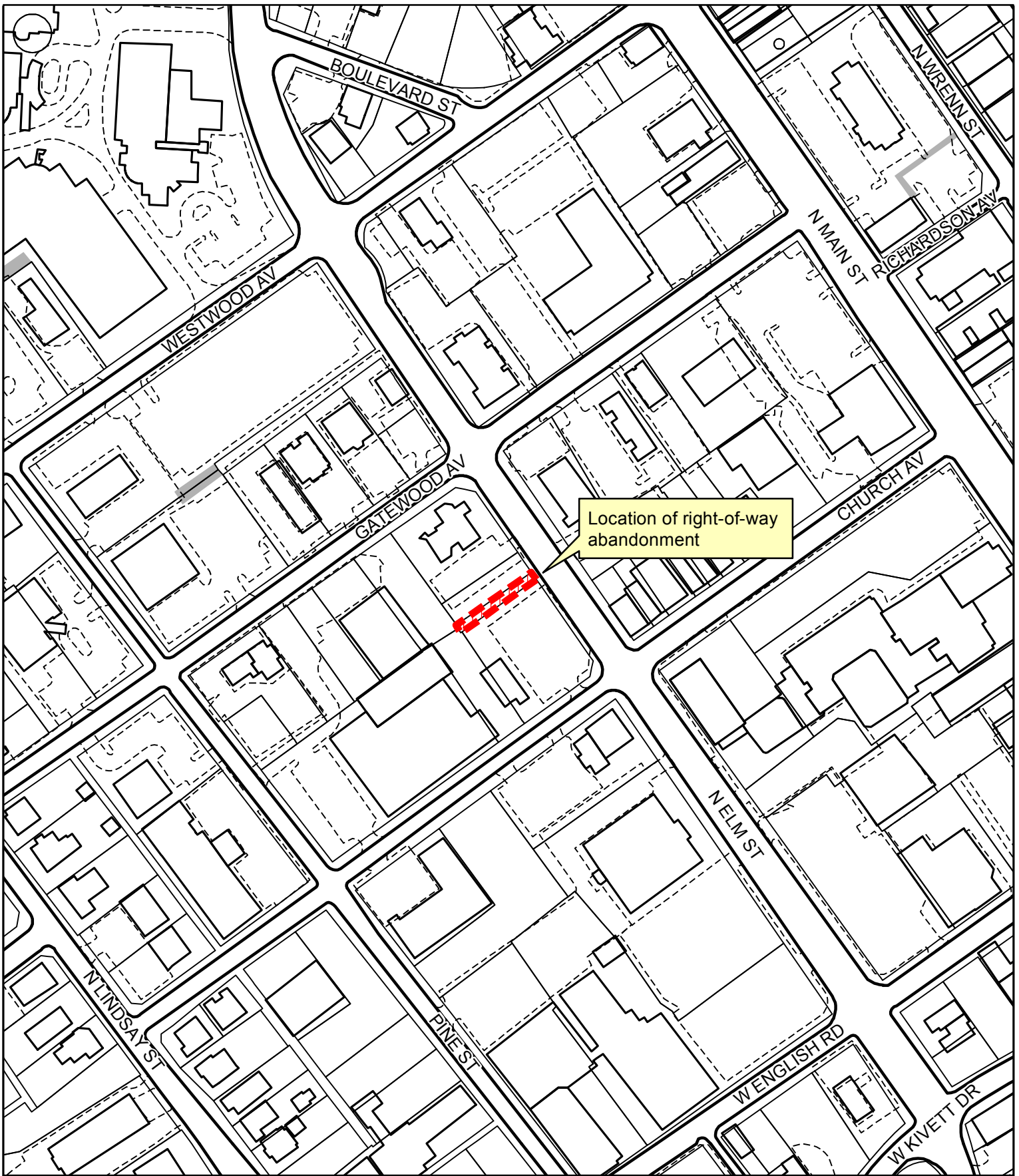
identified an electrical line running the full length of this alley and states an easement must be retained over the full length and width of the right-of-way.

This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property.

The Planning and Development Department recommends approval of the request to abandon this alley with the retention of an electrical utility easement along the full length and width of this right-of-way.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr, AICP, Senior Planner and reviewed by Bob Robbins, AICP, Development Administrator, and Lee Burnette, AICP, Director.



STREET ABANDONMENT REQUEST SA14-05

Applicant: City of High Point

Area: 0.047 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Department of Planning
and Development**

City of High Point

Date: July 3, 2014



Scale: 1"=200'

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2014/pz/sa14-05.mxd

Attachments: Photographs (July 2014) and Aerial (February, 2010)
Look west from N. Elm Street towards the alley.



Look from the western end of the alley eastward towards N. Elm Street.





STREET ABANDONMENT REQUEST SA14-05

Applicant: City of High Point

Area: 0.047 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

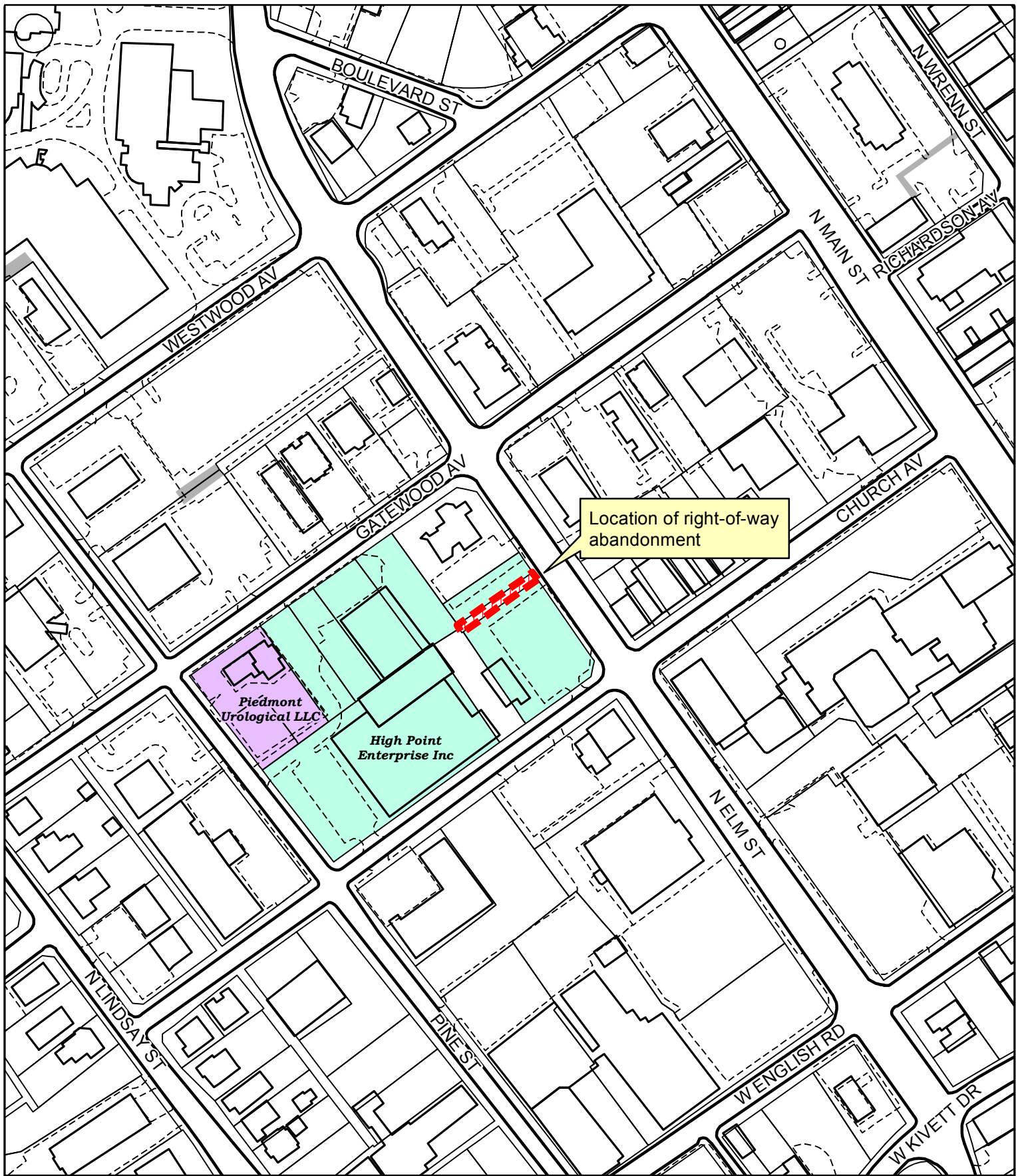
City of High Point

Date: July 3, 2014



Scale: 1"=200'

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2014/pz/sa14-05.mxd



STREET ABANDONMENT REQUEST SA14-05

Applicant: City of High Point

Area: 0.047 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: July 3, 2014



Scale: 1"=200'

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2014/pz/sa14-05.mxd

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 14-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF AUGUST, 2014 AT 6:15 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment Case 14-05 (alley lying west of N. Elm Street)

WHEREAS, The Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) a partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue, more specifically described as follows: All of the right-of-way (alley) lying south of Guilford County Tax Parcel 0186810 and north of Guilford County Tax Parcel 0186814; and

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 21st day of July, 2014, at 5:30 p.m. setting the 18th day of August, 2014 at 6:15 p.m., in the Council Chambers of the Municipal Building, as the time and place for a public hearing before said Council on said petition, and public notice of said time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning July 25, 2014 and August 1, 8 & 15, 2014; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of all of the partially improved alley lying along the west side of N. Elm Street, between Gatewood Avenue and Church Avenue; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right of way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the entire length and width of the a right-of-way (alley) lying south of Guilford County Tax Parcel 0186810 and north of Guilford County Tax Parcel 0186814 be closed pursuant to North Carolina G.S. 160A-299; and
2. That the City of High Point shall retain an electrical utility easement, which also includes City fiber optic lines, cable TV lines and NorthState Communication lines, over the full length and width of this alley; and
3. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of August 18, 2014
Lisa B. Vierling, City Clerk

8-18-2014 HP CC



**DEVELOPMENTAL
ASSOCIATES LLC**

www.developmentalassociates.com

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June 24, 2014

Ms. Angela Kirkwood
HR Director
City of High Point, NC
211 South Hamilton Street
P.O. Box 230
High Point, NC 27261

Dear Ms. Kirkwood:

Thank you for requesting our proposal to partner with the City of High Point to recruit, assess and select its next City Manager.

We are not a traditional "headhunting" firm. Instead, we rely on more objective, systematic, and accurate methods to recruit, screen, and evaluate candidates that we call Talent Identification and Assessment. You will note as you review our proposal, that this approach reduces guesswork, and provides you with more complete and reliable information about the candidates. *In short, we provide you with much more detailed information about the candidates to enable the City Council to make the most informed decisions possible.*

We have a proven track record of performance. Over the last six years, we have partnered with clients to fill over 150 executive positions. Only two of those placements are no longer with that client. In the first case, we had discouraged the employer from making that hire. The candidate was terminated for exactly the reasons we predicted failure. In the second, the candidate was terminated due to board politics. All but one of these hires occurred in North Carolina and range from municipalities the size of Charlotte, Greensboro, Raleigh, and Winston Salem to smaller ones, such as Brevard, Waynesville, and Weaverville.

Our approach has three goals with respect to recruitment, screening, and selection. After explaining those goals in this cover letter, we are attaching a Menu of Offerings that details each of our services on pages 5-8.

First, we provide high quality candidates from a national and state-wide recruitment base.

Experts in Emotional Intelligence to Develop Individuals and Organizations

We provide four methods of recruitment.

1. We **target individuals** with whom we have worked directly. Having worked with thousands of managers through our consulting and training, we are well connected to leading local government managers in the region. Moreover, during the last few years we have conducted numerous searches for local government executives and have established national and regional contacts through those processes. We have placed candidates with our North Carolina clients from a variety of locations, such as California, Arizona, Illinois, Florida, and Massachusetts. *Furthermore, there are no search firms that know candidates in the North Carolina region better than Developmental Associates. North Carolina has been our home base for thirty years.*
2. We make **individual contacts through social media**. We maintain lists of hundreds of local government managers that we can contact with email blasts, Facebook, and LinkedIn notices.
3. We know how to make the best use of the most widely referenced **professional journals and websites**. We can enhance the information provided to those sites by relying on a comprehensive study of the position and the organization that enables us to craft attractive, realistic, and comprehensive postings.
4. We have established a **national network** through our contract with NEOGOV, the number one HR application to governments nationwide. This service enables us to provide recruitment and applicant tracking solutions on a national level. We supplement that through our long-term affiliations with the International City Managers Association, the Alliance for Innovation, and the North Carolina City and County Managers Association.

Second, many clients tell us that they based previous selection decisions on less information that we provide through our screening process. We can provide such comprehensive information by using a multi-method screening approach that includes four components, as follows:

1. We develop a customized application that candidates must complete on-line. This application would be tailored to the specific challenges facing the City of High Point. In comparison to the traditional cover letter and resume, we are then able to match candidates with the specific needs of the City. Moreover, we are then able to make “apples-to-apples” comparisons of candidates rather than trying to piece together disparate information from resumes that are each designed differently. As an additional bonus, we can then determine whether candidates are sufficiently motivated to fill out this unique application and whether they are tech-savvy.
2. We conduct intensive interviews with each of the top candidates (up to 15). We conduct these interviews using structured questions based on the needs of High Point along with a detailed scoring system. The interviews are conducted by one of our consultants who is either a current or retired city manager, so we ensure we have a

subject matter expert evaluating each candidate. The responses of each candidate are recorded and available to the Council for review.

3. Independent of the interview, we have one of our psychologists administer a psychological inventory called the Emotional Intelligence Inventory (EQi 2.0) – see page 10. This inventory, which is validated for employment, provides us with information on critical skills of the candidate, such as problem solving, assertiveness, interpersonal relations, and teamwork. This inventory is administered independent of the interview; in other words, the psychologist administers the EQ without knowing the interview results.
4. We have a third staff member administer an in-depth survey assessing candidate written challenges they would face as High Point City Manager. This survey is also independently scored. You then have the opportunity to view all of the above information on a spreadsheet prior to deciding which candidates to invite to the City for even more in-depth assessment.

Third, we provide you the most in-depth and accurate information possible about the top candidates for this position to enable you to make the most informed decisions possible.

It is **essential** to rely on three common and very comfortable methods as a part of the selection process: 1) reviews of resumes, 2) reference and background checks, and 3) interviews.

*Nevertheless, these are the three **least** accurate methods for determining the true competencies of candidates.* One of many reasons for the limitations of these methods is that they rely mostly on indirect or inferential data. For example, resumes tell us what the candidate has done, but not how well he/she has performed. References rely on third-party observations that have often been shown to be unreliable. Interviews, when conducted in a systematic and behavioral-based fashion, can reveal certain key attributes: knowledge, verbal communication skills, and judgment (when situational questions are included). *Interviews, however, are not able to directly verify other critical skills, such as budget analysis, conflict resolution, project planning, meeting or group facilitation, leadership style, problem solving, writing, or even presentation skills.*

Assessment center processes and certain psychometric tests are of greater validity than the traditional three methods alone. Developmental Associates promotes the use of assessment centers in conjunction with other methods. In these processes, we design exercises that simulate the responsibilities of the position, such as making board presentations, developing written project plans, facilitating staff meetings, conducting performance-based role plays, and resolving HR issues with individual departments to directly observe the skills of candidates. *We independently supplement this first-hand assessment with the Emotional Intelligence Inventory (EQi 2.0) to validate what we have observed in the assessment center process. This additive combination of two highly valid methods, coupled with traditional methods, greatly enhances the accuracy and depth of information we can provide you.*

Please keep in mind, that these methods do not limit the discretion of the Council; instead they enhance the quality of information the Council would have at its discretion in making screening, assessment and in final interview decisions.

Thank you for considering our services. We would be pleased to partner with High Point to find an outstanding City Manager.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen K. Straus". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen K. Straus, Ph.D.
President - Developmental Associates, LLC

**PROPOSAL: THE CITY OF HIGH POINT
RECRUITMENT, SCREENING, AND SELECTION PROCESS:
CITY MANAGER**

June 24, 2014

<u>PROPOSAL CONTENTS</u>	<u>PAGES</u>
<u>SECTION I: PROPOSED SERVICES, SCHEDULE, AND FEES</u>	
A. <i>Scope of Work</i>	<i>pages 6-9</i>
• <i>Emotional Intelligence Factors</i>	<i>page 10</i>
• <i>Our Fees for this Project</i>	<i>page 11</i>
<u>SECTION II: WHO WE ARE</u>	
A. <i>Our Recent Clients</i>	<i>page 12</i>
B. <i>A New Approach to Executive Assessment</i>	<i>pages 12-13</i>
C. <i>Firm History and Experience</i>	<i>pages 13-15</i>
D. <i>References</i>	<i>pages 16</i>
E. <i>The Values of Developmental Associates</i>	<i>page 18</i>
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HIRE WITH CONFIDENCE PLEDGE

If Developmental Associates is responsible for recruiting and screening candidates, we guarantee that the client will find a candidate that it can hire with confidence. If the selected candidate does not continue employment for at least one year of service, Developmental Associates pledges to provide all of the services originally agreed upon with the client for no additional charge other than expenses, such as administering the Emotional Intelligence Inventory (EQI) to candidates approved by the client. Developmental Associates would continue to provide these services until the client selects a candidate it can "hire with confidence". Developmental Associates does not maintain this pledge if it is not responsible for the recruitment and screening for the position.

The information provided herein by Developmental Associates, LLC. is proprietary and confidential, offered to the recipient solely for the purpose of evaluating its service proposal. This information should not be disclosed to anyone outside the decision-making group without the company's prior authorization.

SECTION I: SCOPE OF WORK

CITY OF HIGH POINT CITY MANAGER

RECRUITMENT AND SELECTION Menu of Offerings

Directions: Below are the steps identified in the proposed Scope of Services, our fee for each step and the dates when we could complete each step.

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	FEE	TIMELINE
Step 1: Conduct job and organizational analyses to identify expectations and competencies for the position by meeting with the following groups: ▪ The City Council ▪ The Manager and staff ▪ Department Directors ▪ Others identified by the Council, such as key citizen leaders	1) Provides a foundation for defining the competencies sought in recruitment and in designing the selection process. 2) Builds stakeholder buy-in and perspective into the selection process. 3) Conducting a job analysis is essential for legal defensibility. 4) Conducting the organizational analyses identifies future challenges for a proactive City Manager	\$1,850	Day 1
Step 2: Build a candidate profile and post written job advertisements in leading professional journals, newspapers, and websites.	1) Written ads for both print and online publications will typically generate the largest number of applications. 2) As the employing agency, the City would need to post the ads after they have been developed. 3) If the City would like a brochure, Developmental Associates can also develop that. (Fee \$650)	No fee (The City would pay advertising fees - including Linked-in)	Day 3
Step 3: Conduct targeted recruitment of leading candidates	1) We have direct access to several thousand local government executives across the country. We will send out a mass email to all of these executives, but also make direct contact with a number of those that we think would be a particularly good fit with the City of High Point. 2) By targeting candidates and making individual contacts, Developmental Associates can supplement the candidate pool with managers with excellent credentials, especially from NC and the region.	\$2,000	Completed by Day 33

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	FEE	TIMELINE
Step 4: Conduct initial (first) level screen of candidate applications/resumes	1) First level screening involves a structured process for evaluating resumes and supporting documents. We require all candidates to post their applications through NEOGOV to ensure they are responding to the specific requirements of the position and not just submitting a general resume. 2) The job analysis provides the basis for developing a structured screening guide to ensure consistent application of the selection criteria to each resume. 3) Narrow the field of candidates to a number that can be screened more intensively (through the secondary screening process described below). 4) Provide detailed and uniform information to the Council to enable it to make an informed decision about which candidates proceed in the process.	\$2,500	By Day 40
Step 5: Conduct second level screening of candidates for the position. The exact methods will depend on the job analysis but would include some of the following approaches: ▪ Telephone interviews ▪ Emotional Intelligence (EQi) testing ▪ We will conduct a media (Google) search (mentions of candidates in the news media) of all candidates that pass this stage of the screening process.	1) Such advanced screening methods are useful when there is a large group of qualified candidates or the City is unfamiliar with many of the candidates. 2) The screening method would be driven by the job analyses (Step 1). 3) Upon completion the Council would be ready to identify the finalists (up to 7) to invite to the final assessment process. 4) At the Council's discretion up to two alternates could be identified in the event any of the original candidates withdraw. 5) Provide detailed and uniform information to the Council to enable it to make an informed decision about which candidates proceed in the process.	\$3,500 Plus \$65 for each EQi (up to 15)	By Day 50
Step 6: Design hiring process	1) The hiring process should be valid (job related) to identify the best candidates. 2) The hiring process should provide an opportunity to assess the most critical competencies required for the position including the ability of the candidate to meet the primary challenges facing the City. 3) The hiring process should assess Emotional Intelligence (EI) as well as Cognitive Intelligence (IQ) and technical skills.	\$4,500	By Day 50

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	FEE	TIMELINE
Step 7: Recruit assessors to evaluate the candidates (Assessors are identified and approved by the Council)	1) The types of assessors recruited depend upon the types of exercises the candidates would perform. Assessors might include local government managers, community members, and City staff. 2) Assessors must complete a Statement of Confidentiality. Moreover, no single assessor will know the overall outcome of the process. That information is provided to the Council only. 3) Assessors will be trained on how to apply behaviorally-based rating systems when rating candidates.	No Fee	By Day 50
Step 8: Conduct selection exercises to evaluate the (up to 7) finalists Analyze EQi in-depth	1) The exercises will be valid, reliable, and unbiased. 2) The candidates will be sent preparatory information and given thorough explanations in advance of the process. 3) The exercises should enable the City to assess the strengths and weaknesses of each candidate and to determine those candidates that have the skills to fill the position. 4) The rating criteria will be premised on the job analysis and designed using objective, behaviorally-based rating criteria.	\$4,500 + \$100 for the analyses of EQi results for up to 7 semi-finalists	Day 65
Step 9: Facilitate final evaluation process by assisting the Council in developing final evaluation strategies and structuring the panel interviews: Develop interview questions and evaluation process with the Council	1) Assists the Council in developing a systematic approach for evaluating the final candidates. 2) Provides expertise to the Council in making its evaluations and hiring decision. 3) Developmental Associates can provide certain interview questions to ask candidates as well as clarify rating criteria. Moreover we can train the panelists on how to conduct a sound interview and use structured questions and rating criteria. Alternatively, at the Councils' discretion, we can simply facilitate the panel interviews.	No Fee unless the City wants us to be present If so \$1500 per day	Day 67
Step 10: Facilitate thorough background investigations	1) Both legally and due to the sensitive and highly public nature of the position of City Manager, we recommend thorough reference checks and background investigation. 2) These should be conducted by someone outside the City to ensure confidentiality. 3) We will coordinate the investigations and report detailed findings to the City Council.	\$1,750 Per candidate	TBD

STEPS IN THE RECRUITMENT, SCREENING, AND SELECTION PROCESS	PURPOSE OF THE PROPOSED STEPS	FEE	
Step 11: Provide executive coaching to the successful candidate ▪ Review the challenges facing the community and organization ▪ Analyze the results of the selection process ▪ Analyze the findings of the EQi ▪ Develop a plan of action ▪ Developmental feedback provided to internal or local candidates who are not selected. This includes a review of EQi and assessment center results	1) The assessment process provides rich information suitable for executive coaching. 2) The new Manager will be facing exciting but formidable new challenges. He/she can benefit from professional guidance in developing a plan of action to meet those challenges successful. 3) Feedback to internal candidates not selected often helps in their personal development and acceptance of the decision. This also paves the way for greater support of the selected candidate by incumbents.	\$250 for the Successful and any internal candidate	TBD

A.1: EMOTIONAL INTELLIGENCE FACTORS*

SELF-PERCEPTION REALM

EQ-i Scale	The EI Competency Assessed by the Scale
1. Emotional Self-Awareness	<i>Ability to be aware of and understand one's feelings and their impact</i>
2. Self-Regard	<i>Ability to respect and accept one's strengths and weaknesses</i>
3. Self-Actualization	<i>Ability to improve oneself and pursue meaningful objectives</i>

SELF-EXPRESSION REALM

EQ-i Scale	The EI Competency Assessed by the Scale
4. Emotional Expression	<i>Ability to express one's feeling verbally and non-verbally</i>
5. Independence	<i>Ability to be self-directed and free of emotional dependency on others</i>
6. Assertiveness	<i>Ability to express feelings, beliefs, and thoughts in a nondestructive way</i>

INTERPERSONAL REALM

EQ-i Scale	The EI Competency Assessed by the Scale
7. Interpersonal Relationships	<i>Ability to develop and maintain mutually satisfying relationships</i>
8. Empathy	<i>Ability to recognize, understand and appreciate the feelings of others</i>
9. Social Responsibility	<i>Ability to contribute to society, one's social group, and to the welfare of others</i>

DECISION MAKING REALM

EQ-i Scale	The EI Competency Assessed by the Scale
10. Impulse Control	<i>Ability to resist or delay and impulse, drive, or temptation to act</i>
11. Reality Testing	<i>Ability to remain objective by seeing things as they really are</i>
12. Problem Solving	<i>Ability to solve problems where emotions are involved</i>

STRESS-MANAGEMENT REALM

EQ-i Scale	The EI Competency Assessed by the Scale
13. Flexibility	<i>Ability to adapt one's feeling, thinking, and behavior to change</i>
14. Stress Tolerance	<i>Ability to effectively cope with stressful or difficult situations</i>
15. Optimism	<i>Ability to remain hopeful and resilient, despite setbacks</i>

EQ-i 2.0, Multi-Health Systems (2011), All Rights Reserved

Adapted from *The EQ Edge*

Steven J. Stein, Ph.D. and Howard E. Book, M.D.

Third Edition (2011)

PROPOSED FEES FOR THIS PROJECT

BASIC FEE	ADDITIONAL OPTIONS (Including Maximums)
\$18,850	• EQi – Screen @ \$65 per candidate (up to 15) • EQi- Analysis @ \$100 per candidate (up to 7) • Coaching and Feedback @ \$250 per candidate (up to 3) • Facilitating final interview* @ \$1500 per day • Background @\$1750 per candidate

***Interview coordination is rarely requested by our clients because the assessment center and EQi analysis is so thorough.**

Each fee for service is itemized in the Scope of Work on pages 6-10. **We charge no other fees for expenses.**

SECTION II: WHO WE ARE

A. Our Recent Clients

North Carolina city and county managers are quickly recognizing the benefits of the new approach offered by Developmental Associates. During the last twelve months we have either completed or are in the process of working with the following local governments and universities:

- The City of Charlotte
- The City of Raleigh
- Durham County
- The City of Durham
- Duke University
- RDU Airport Authority
- The City of High Point
- Wake County
- The Town of Morrisville
- The City of Hendersonville
- The Town of Waynesville
- The Town of Chapel Hill
- The City of Burlington
- The University of North Carolina at Chapel Hill
- The Town of Garner
- The City of Fayetteville
- The City of Asheville
- The Town of Wrightsville Beach
- The City of Greensboro
- Transylvania County
- The City of Asheboro
- NC State University
- Elizabeth City State University
- The Town of Zebulon
- Wake Forest University

B. A New Approach to Executive Assessment – Talent Identification and Assessment

These and many other clients are recognizing that Developmental Associates has developed a new, more thorough, accurate, and comprehensive model for executive processes – which we call Talent Identification and Assessment. The old “Search Model” makes four outdated assumptions. First, it assumes that the search firm is in close contact with top candidates that will only apply for the position if contacted by the firm. This model fails to take into account the use of modern technology to recruit. There are now many more ways to reach out candidates than has been traditionally the case. **Developmental Associates uses multiple recruitment methods including targeting individuals, placing ads in leading professional websites and journals, relying extensively on social media, and connecting with our national**

network through NEOGOV – the leading public sector technology solution for recruitment and selection in the United States.

Second, it also assumes that search firms can actually evaluate the quality of candidates because they know how each candidate is performing in their current position. That is a myth. Knowing a manager, even befriending a manager, does not mean that the search firm can actually assess that candidate's performance in day-to-day activities. The search firm does not directly observe how the candidate develops budgets, deals with staff, plans, organizes, or deals with conflicts. **Developmental Associates uses an extensive, multi-method screening approach that provides you with a more sound understanding of the skills and competencies of each candidate. Because this process is standardized it enables fair comparisons across candidates.**

Third, it presumes that candidates can be evaluated comprehensively through interviews. This is simply not the case. We all like to lay our eyes on the top candidates and see how they present themselves and think. Nevertheless, interviews, at best, can only directly determine how well the candidate can communicate, his/her knowledge, and judgment. The interview is too limited to assess other essential management and leadership skills, such as writing, developing budgets, problem solving, dealing with staff, managing projects, and so on. All that can be learned from the interview about these essential skills is what the candidates *say they do*. **We provide intensive assessment of candidate skills that other firms do not offer before the board begins its interview process. This assessment center process enables you to directly observe the skills of candidates performing a variety of executive skills, such as managing staff, budgeting, dealing with the media, making presentations, facilitating staff meetings, and so on.**

Fourth, many firms will also tout their national networks which will bring candidates from all corners of the country. We find that, all things being equal, most of our clients are more interested in a candidate with regional or North Carolina experience. North Carolina has a more professional approach to local government than do most states and is committed to the Council-Manager form of government. **No firm has better state-wide connections than does Developmental Associates. We have been focused specifically on NC local government for twenty-five years.**

C. Firm History and Experience

Developmental Associates has extensive background in human resources, and management consulting for more than twenty-five years with over fifty local governments in North Carolina and with the leading North Carolina universities including Duke, Wake Forest, UNC-Chapel Hill, and NC State. Developmental Associates provides cutting edge services that go beyond typical human resource consulting firms at a reasonable cost. We are a five member organization that combines strong academic and practitioner experiences into the services we provide to public and not-for-profit organizations.

Below are some of the distinctive advantages we offer:

- **We are a North Carolina-based firm specializing in public sector, nonprofit and educational organizations.** We operate in North Carolina predominantly, and have done *Experts in Emotional Intelligence to Develop Individuals and Organizations*

so for over 25 years. Steve Straus has been a long-time member and frequent presenter with the NC City and County Managers Association. For 26 years he has taught in the Masters of Public Administrative Programs at NC State University and UNC Chapel Hill and has served on the faculty at the School of Government at UNC-Chapel Hill. He has published in the leading public sector journals.

Heather Lee has served as a faculty member and administrator at the NC Center for Women in Public Service as well as for the William Peace University Human Resources degree program. She is a former Vice-President for Human Resources with the NC Easter Seals Society. Heather has consulted extensively with local governments and is the co-designer of and a faculty member in the North Carolina Public Managers Program.

Mike Ruffin recently retired as Durham County Manager after thirty-six years of service as a NC local government manager. Mike is one of the more respected managers in NC local government and is well versed on the challenges facing the profession. He has "lived in the trenches".

Tom Moss, who conducts our reference and background investigations, has worked for the Rocky Mount, Kinston, and Garner Police Departments. He retired as Chief in Garner and served as President of the NC Association of Chiefs of Police, served on the NC Governors Crime Commission and the NC Criminal Justice Standards Commission during his career. We employ a **multi-disciplinary team** on each project with each of us specializing in recruitment, selection, training, background investigations, and executive coaching.

- **The lead consultant on this project would be Stephen K. Straus, Ph.D.** He would team with Heather Lee, Ph.D. SPHR, Mike Ruffin, and (ret.) Chief Tom Moss. We have included each of their resumes at the end of this proposal.
- **Our screening methods are multi-method and comprehensive.** Search firms often develop a negative reputation and take advantage of local governments by parading a group of close contacts through the selection process. Moreover, they allow applicants, particularly those who only have a passing interest in a position, to submit a non-standardized cover letter and resume. Developmental Associates insists on a **more objective and thorough screening approach that demands a certain level of motivation from all candidates.** We develop a set of filtering questions through our job and organizational analyses. These questions focus more on accomplishments than on the traditional resume-focus of positions held. Candidates must respond to questions tailored for the specific needs of the position and the City. As a result, we are able to compare candidates on similar criteria and make more objective determinations of which ones should be advanced in the process.

Those candidates that pass the initial screen undertake a **secondary screen.** We tailor this secondary screen to the position, but typically we require responses to more in-depth survey questions, conduct recorded telephone/Skype interviews, and administer the EQi 2.0, an emotional intelligence inventory (a validated employment test described

below), to all candidates in the secondary screen. This multi-method approach provides a rich basis for the Council to evaluate and determine which candidates should be invited to the selection process.

- **We are experts in the field of selection.** We provide a frank assessment of typical selection approaches particularly including the traditional search firm approach of relying extensively on the weakest of predictors of job performance: resumes, references, and interviews. We, instead, tailor a multi-method and behavioral approach to develop real world simulations. These simulations, commonly called an "assessment center", provide more in-depth and accurate information about the candidate than do the traditional methods.
- **We are also experts in the field of Emotional Intelligence (EI).** Research finds that EI contributes substantially to managerial success. A list of EI factors is included with this proposal on page 14. While EI factors are commonly understood to be instrumental for effective leadership, most employers find it difficult to evaluate factors accurately, such as self-regard, independence, social responsibility, stress tolerance, impulse control, and empathy. *Moreover, it is the rare client that understands how to connect the relationship among these factors to produce an overall understanding of the candidate. Developmental Associates is able to make these connections.* We are able to test for EI (through the EQ 2.0 Inventory – a validated employment test) and integrate it into a variety of selection methods, such as behaviorally-based interviews, presentations, role plays, and even written exercises. Our selection methods far surpass common methods in producing an in-depth understanding of the technical skills, interpersonal skills, job knowledge, and Emotional Intelligence of each candidate. This allows the organization to make the most informed decision possible on the competencies of candidates. Dr. Heather Lee is a Certified Trainer and has conducted certification programs on EI that have drawn international participation. Dr. Straus and Chief Moss are also certified on the EQ Inventory.

D. REFERENCES

City of Asheville City Manager Gary Jackson (828) 778-9934 gjackson@ashevillenc.gov <i>The City of Asheville has used our services to hire the Deputy City Manager, HR Director and Chief of Police</i>	City of Brevard Mayor Jimmy Harris 828-883-2103 c13172@citcom.net <i>DA has partnered with the City of Brevard to hire its Manager, Police Chief, and City Engineer. Feel free to contact any of the Council members about our work.</i>
City of Burlington City Manager Harold Owen (336) 222-5022 howen@ci.burlington.nc.us <i>DA assisted Burlington in hiring two Police Chiefs and the Planning and Economic Development Director.</i>	Town of Cary Town Manager Ben Shivar (919) 469-4002 ben.shivar@townofcary.org <i>Also feel free to contact the entire Town Council. DA helped them hire the Town Manager</i>
Town of Chapel Hill Town Manager Roger Stancil (919) 968-2743 rstancil@townofchapelhill.org <i>DA has helped the Town hire several department head positions and also with succession planning</i>	The City of Charlotte City Manager Ron Carlee 704-336-2241 rcarlee@ci.charlotte.nc.us HR Director Cheryl Brown (704) 579-9197 clbrown@ci.charlotte.nc.us <i>DA helped Charlotte hire two Assistant City Managers.</i>
City of Durham City Manager Tom Bonfield (919) 560-4222 Tom.Bonfield@durhamnc.gov <i>DA assisted Tom in hiring a Deputy Manager in 2012.</i>	Durham County Deputy County Manager Lee Worsley (919) 560-0000 lworsely@durhamcountync.gov <i>DA has assisted Durham County in hiring the County HR Director, Emergency Management Director, and Chief Information Officer</i>
City of Fayetteville City Manager Ted Voorhees (910) 433-1990 tvoorhees@ci.fay.nc.us <i>DA assisted Fayetteville in hiring its Police Chief.</i>	Town of Garner* Town Manager Hardin Watkins (919) 772-4688 hwatkins@garnernc.gov <i>Feel free to contact any of the Town Council. The Town contracted with DA to hire its Town Manager. We have also helped them hire the Police Chief and HR Director.</i>
City of Greensboro Manager Denise Roth-Turner (336) 373-2002 denise.turner@greensboro-nc.gov <i>DA ran processes to hire Ms. Roth-Turner as well as many other department directors.</i>	City of Hendersonville Mayor Barbara Volk (828)697-3000 bvolk@cityofhendersonville.org <i>DA helped Hendersonville hire its City Manager in 2013. Feel free to contact any of the Council members about our work.</i>
City of Monroe Mayor Bobby Kilgore (704) 283-6967 bkilgore@monroenc.org Council Member Debra Duncan (704) (704) 220-6150 dduncan@monroenc.org <i>DA worked with a split Council to arrive at a unanimous decision to hire both the City Manager and the City Attorney in 2014. Ms. Duncan, former Chief of Police, has also assisted us as an assessor in several processes.</i>	Town of Morrisville Mayor Mark Stohlman (919) 463-6200 mstohlman@townofmorrisville.org <i>DA worked with a split Council to arrive at an enthusiastic and unanimous decision to hire its Town Manager – Martha Wheelock in 2013.</i>

City of Raleigh Police Chief Cassandra Deck-Brown City of Raleigh Police Department (919) 996-3335 cassandra.deck-brown@raleighnc.gov Assistant City Manager Gail Roper Gail.ropert@raleighnc.gov <i>Developmental Associates runs the RPD promotional processes. In 2010 and 2012 we evaluated over 300 candidates. We also worked with Ms. Roper to fill the HR Director position in 2012.</i>	City of Rocky Mount* Mayor David Combs (252) 813-9621 c21combs@aol.com <i>DA helped the City hire its Manager. Feel free to contact any Rocky Mount City Council member about our work</i>
City of Spartanburg, SC Manager Ed Memmott (864) 596-2394 ememmott@cityofspartanburg.org <i>DA helped Spartanburg hire its Chief of Police in 2013.</i>	Wake County Deputy Manager Joe Durham 919-856-6160 Joe.Durham@wakegov.com <i>DA helped Wake County hire its Budget Director.</i>
Town of Wake Forest Town Manager Mark Williams (919) 554-6194 mwilliams@wakeforestnc.gov, <i>DA has helped the Town hire a Parks and Recreation Director in 2011. DA also facilitates Board retreats for Wake Forest twice a year.</i>	Transylvania County Chair Mike Hawkins (828) 553-2863 mike.hawkins@transylvaniacounty.org <i>DA assisted the County in hiring a Manager in 2014.</i>
City of Waynesville Mayor Gavin A. Brown (828) 452-2491 mayor@townofwaynesville.org <i>DA worked with Waynesville to hire its Town Manager in 2012. Feel free to contact any of the Council members about our work.</i>	City of Winston Salem Manager Lee Garrity (336) 747-7380 leeg@cityofws.org <i>DA assisted Winston Salem in hiring both its Chief of Police and Finance Director in 2013.</i>
Home Builders Association of Durham, Orange, and Chatham Counties President Andy Krichman krichco@nc.rr.com (919) 933-1211 <i>DA partnered with HBA-DOC to hire its Association Director in 2013.</i>	



The Values of Developmental Associates

We believe in the importance of governments and educational institutions as fundamental to an effective society.

Developmental Associates operates according to the following values:

- Providing accurate and in-depth information by which clients can make informed decisions
- Working with organizations that are service based and mission driven
- Working as a partner with the organization and its key stakeholders
- Maintaining confidentiality in all our work - especially given the local government context
- Providing services that are both transparent to all participants and legally defensible
- Customizing our work to fit the organization's culture and the issues
- Establishing a reputation as fair, credible and trustworthy
- Using emotional intelligence concepts and research to ground our work

STATEMENT OF COMPLIANCE WITH FEDERAL AND STATE OF NC LAW

Developmental Associates, LLC complies with all Federal laws and regulations of the United States as well as all State of North Carolina laws and regulations including safety regulations as specified by OSHA and the NC Department of Labor. It is the policy of Developmental Associates, LLC that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status, handicap, or limited English proficiency shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subject to, discrimination in any form.

Principals:

Stephen K. Straus, Ph.D.

Heather A. Lee, Ph.D.

Thomas M. Moss, MPA

Korrel Kanoy, Ph.D.

STEPHEN K. STRAUS, Ph.D.

BUSINESS ADDRESS:

8125 Kennebec Drive

Chapel Hill, NC 27517

e-mail: skstraus@developmentalassociates.com

phone: (919) 812-0132

EDUCATION:

Ph.D. in Political Science, December 1986

- Duke University, Durham, North Carolina

Masters in Public Administration, 1980

- The University of North Carolina at Chapel Hill, Chapel Hill, North Carolina
- Honors and Awards
 - Title IX Fellowship for Academic Excellence, 1980

B.S. in Economics, 1972

- The Wharton School of Business and Finance, Philadelphia, Pennsylvania

B.A. in Sociology, 1972

- The University of Pennsylvania, Philadelphia, Pennsylvania

PROFESSIONAL EXPERIENCE:

Founder and President - Developmental Associates, LLC, Chapel Hill, NC (Client List Available on Request) - *Developmental Associates is an organizational development company specializing in nonprofit, public and educational sectors (1991 to present):*

Projects include:

- Executive recruitment and selection
- Emotional intelligence assessment
- 360 assessment and coaching
- Results Based strategic planning
- Goal setting retreats for boards, managers and staff
- Team building
- Executive coaching
- Organizational development
- Training needs analysis
- Selection and promotional systems
- Performance appraisal systems
- Organizational evaluation
- Customer service
- Total Quality Management
- Assessment centers and interview panels
- Outcome-Based Performance Management Systems

Training with North Carolina state and local agencies, nonprofit organizations and private businesses (1991 to present)

Courses include:

- Supervision
- Conflict management
- Leadership
- Role of the personnel department
- Interviewing and selection
- Training and development
- Board and manager relationships
- Applied Systems Management

FACULTY APPOINTMENTS

Masters of Public Administration Program, North Carolina State University, 1990 to present

Courses Taught:

Public Administration (PA 511): Introductory course for graduate students in public administration, including lectures and experiential learning exercises in public management, organization theory, budgeting, personnel management, and administrative behavior.

Problem Solving for Public and Not-for-Profit Managers (PA 535): This course focuses on the unique environment that managers in public and not-for-profit organizations face. Based on this environment, managers need to develop appropriate problem solving skills that are distinctive from the private sector. The course teaches students how to apply this model both strategically and in day-to-day decision making.

Team Building for Public Managers (PA 618): Course based on experiential learning techniques including special projects with public agencies. Topics include group and organizational skills, such as action research, problem solving, decision making, conflict resolution, group development, and evaluation.

Organizational Behavior (PA 617): First half of course emphasizes management functions, such as problem solving, communications, leadership, motivation, and organizational change. Second half focuses on organizational systems and organizational trends in the public sector such as TQM, service excellence, and reinventing government.

Faculty Member (1991 to present) and Administrator (1991-1993), Administrative Officers' Management Program, Sponsored by the Masters of Public Administration Program and Office of Continuing Education, North Carolina State University.

- *Taught courses in Management Skills to law enforcement managers from across the Southeast United States*

Director, North Carolina Legislative Internship Program, Sponsored by North Carolina State University, Raleigh, NC and the North Carolina General Assembly (7/96 to present)

- *Publicized program throughout the state*
- *Developed and implemented statewide intern selection process*
- *Liaison with leaders of the General Assembly over internship issues*
- *Faculty supervisor of internships*
- *Facilitated internship class*

Training Coordinator, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/91 to present). Coordinating or conducting training: for public and nonprofit managers on the following topics:

- *Developmental Supervision*
- *Employee Selection and Promotion*
- *Total Quality Management for Public Managers*

Extension Assistant Professor, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/91 to present).

Faculty of International City Managers Association (ICMA) University: (1992 and 2005 to present). Taught courses in New Hampshire, Tennessee, and North Carolina.

Developer and Administrator of the Assessment and Development Program for Local Government Management Excellence, Masters of Public Administration Program North Carolina State University, Raleigh, NC (7/92 to 7/97).

- *Designed for local government managers, assistant managers and department heads*
 - *Assessment of each manager's skills*
 - *Workshops tailored to the specific needs of each manager*
 - *Skills-based workshops (behavioral modeling)*
 - *Application to the work place (work-based assignments)*

Assistant Professor, Institute of Government, University of North Carolina, Chapel Hill, North Carolina (7/88 to 6/92).

- Taught management courses to local government officials
- Consulted on management and personnel issues with State of North Carolina officials, and city and county managers
- Facilitated retreats with boards and managers and with managers and their staffs
- Conducted research on local government management practices

Adjunct Professor, Department of Political Science and Public Administration, North Carolina State University, Raleigh, NC (9/83 to 7/88).

- Taught Undergraduate classes in American Government and Public Administration
- Taught Masters of Public Administration Classes in Organizational Behavior and Organizational Design

Graduate Instructor, Department of Political Science, Duke University, Durham, N.C. (9/81 to 7/84)

- Teaching Assistant in American Government
- Teaching Assistant in International Relations
- Instructor in Public Administration

OTHER WORK EXPERIENCE

Account Manager, Management Improvement Corporation of America (Summer, 1981).

- Consulted with several Fortune 500 companies in developing targeted jobs programs.

Assistant City Manager, Southern Pines, North Carolina (1976-1980).

- Executive responsibility for personnel, and finance administration and a variety of related duties.

Research Coordinator, Asheville-Buncombe Community Relations Council, Asheville, North Carolina (1973-1976).

- Researched social and economic conditions in the city and county relating to discrimination in housing and employment for minorities and women.

PUBLICATIONS:

Dissertation:

Public Organizational Effectiveness and Decision-Making: An Empirical Application of the Internal Systems Approach to North Carolina Municipal Personnel Departments, Ann Arbor; University Microfilms International, 1986; 409 pages.

Articles:

James E. Swiss and Stephen K. Straus (2005). Implementing Results-Based Management in Local Government. *Popular Government*, 70(3), Spring-Summer.

Straus, Stephen (1993). Still Unresponsive After All These Years? The Intra-organizational Role of Public Personnel Departments, *Public Administration Quarterly*, 23(4), December, 385-402.

Straus, Stephen (1992). The Multiple Constituencies Activities and Standards Model (MCAS) for Evaluating Public Personnel Departments, *Review of Public Personnel Administration*, June, 55-70.

Straus, Stephen (1989). Decision Making in Personnel Departments, *Popular Government*, 55(2), Fall.

Straus, Stephen (1988). Selecting Employees Through Systematic Interviewing, *Popular Government*, 53(4), Spring.

Straus, Stephen (1987). Municipal Personnel Departments: Management Tool or Employee Advocate? *Popular Government*, 52(2), Fall.

Straus, Stephen (1980). Selecting Employees Through Job Sample Tests, *Popular Government*, 55(3), Winter.

Co-authored book chapter:

Straus, Stephen and Stewart, Debra (1994). Assuring Equal Employment Opportunity in the Organization with Debra Stewart in *The Handbook of Public Personnel Administration and Labor Relations*, Jack Rabin (editor).

HEATHER A. LEE, Ph.D., SPHR
Industrial/ Organizational Psychologist

8125 Kennebec Drive

Chapel Hill, North Carolina 27517

Mobil (919) 812-4705 Work (919) 508-2741

E-Mail Addresses: 'hlee@peace.edu' or 'hlee@developmentalassociates.com'

PROFESSIONAL EXPERIENCE

August 1998 - ***Organizational Consultant*** specializing in nonprofit, public and educational sectors -

Present Developmental Associates, LLC, Chapel Hill, NC (Client List Available on Request)

- Design and develop EI infused assessment center processes for municipal and nonprofit executives such as town/city managers, executive directors, police/fire chiefs
- Develop emotional intelligence infused selection and promotion processes for police patrol officers
- Deliver Adult Continuing Education Classes
- Have interpreted over 300 EQi development profiles for selection since 2004 in municipal, nonprofit, higher education and small business environments
- Conduct "Hiring for Emotional Intelligence Workshops"
- Conduct Team-building and development workshops using BarOn EQi including analysis and feedback for individuals and groups
- Facilitate Training: Supervisory/Leadership, Myers-Briggs, DiSC, Performance Management, Interviewing, and Hiring, Conflict Resolution, Communication Skills
- Conduct Employee and Citizen Attitude Surveys
- Conduct Salary Surveys and Evaluation
- Facilitate Employee Relations: Mediation and Conflict Resolution

August 1998 - ***Associate Professor of Human Resources and Psychology*** - Peace College, Raleigh, NC

Present ***Teaching***

- Design and supervise field projects for classes:
 - Spring 2009: Pain Relievers for Performance Management – Training for Coaching, Lulu.com, Raleigh, NC
 - Spring 2008: Performance System Needs Assessment – Forbes Transfer, Wilson, NC
 - Fall 2006: HR Audit and Assessment – Triangle United Way, Raleigh, NC
 - Spring 2005: Performance System Needs Assessment, Employee Survey – The Generations Company, Durham, NC
 - Spring 2003 and 2004: Performance System Needs Assessment and System Design – YWCA of Wake County, Raleigh, NC
- Designed and taught undergraduate Courses: Leadership and Organizations, Group Process, Leadership Through Teams, Performance Management, Individual and Organizational Change, Training and Development,

Organizational Socialization, Industrial/Organizational Psychology, Neuropsychology, General Psychology

- Supervised interns placed in HR jobs, conducted bi-weekly training/ debriefing meetings
- Developed new international travel course implemented in May, 2000: "International Perspectives on Work" about organizations in the UK.
- Worked with students in independent studies on topics such as Family Friendly Workplaces, Developing a Performance Appraisal Process for Student Government Leaders and Human Resource Planning.
- Advised students on academic matters including class schedules, majors, graduate school and encouraging retention at the College.
- Faculty Advisor for Student Chapter of Society of Human Resource Management chartered in October, 1998, Merit rewards received 2000-2007.
- Facilitated student project surveying employee attitudes regarding human resources including focus groups, survey design, data analysis, and feedback

Service

- Launched first Adult Continuing Education Program in Human Resources
- Facilitated faculty work group on workload reallocation in teaching
- Provided executive coaching to key staff members
- Served as internal consultant on human resource issues including policy development
- Developed policies and procedures and employee handbook for college
- Co-developed Leadership Studies curriculum

Professional Development

- Attended professional conferences and guided students through professional development experiences: National SHRM, 2000, 2001, 2002, 2006, 2007; North Carolina SHRM 1998-Present, Raleigh-Wake HR Management Association, 1998-Present,

February 2003-
Present **Faculty Member** – North Carolina Center for Women in Public Service



August 2004-
August 2006 **Co-administrator** - North Carolina Center for Women in Public Service

- Serve as contract administrator and trainer for statewide, non-partisan program with the mission of increasing the number of elected and appointed women in NC.
 - Designed and taught curriculum for statewide, one day workshops
 - Worked with Peace College development officers to secure funds for the Center, including grant writing and personal solicitations
 - Worked with Peace College public relations to increase the profile of the Center in the State.
 - Co-developed and taught curriculum for Summer Institute, a three weekend program.

1998-Present **Faculty Member** – State of NC, Certified Public Manager Program

- Co-teach "Project Coaching Workshop"
- Co-teach "Interacting Effectively"
- Co-teach "Facilitating Group Process"

- Co-teach “Management and Development and Planning Workshop”
- Summer 1999, 2004 **Adjunct Professor** - Department of Political Science and Public Administration North Carolina State University, Raleigh, NC
- Taught graduate course to masters and doctoral level students: Team building for Public Managers, Human Resources for Nonprofits and the Public Sector
- January-October 2002 **Interim Director, Institute for Nonprofits** - North Carolina State University, Raleigh, NC
- Served on planning team to secure funding for Institute (\$1million Fletcher Foundation commitment secured prior to my leaving).
 - Advised on undergraduate and graduate curriculum in Nonprofit Studies
 - Evaluated best practices for Nonprofit Institutes
 - Networked with nonprofit leaders in order to develop the institute in a collaborative manner.
- August 1997-May 1998 **Adjunct Professor** - College of Management - North Carolina State University, Raleigh, NC
- Taught undergraduate courses: Training and Development/Performance Management and Organizational Behavior
- October 1993-July, 1998 **Vice President of Human Resources** - Easter Seals of North Carolina
- November 1990-October 1993 **Director of Human Resources** - Easter Seals of North Carolina
- Grew and supervised all aspects of a state-wide HR department from one half-time employee to six full-time employees in seven years including general HR, payroll and benefits, education and training, and facilities coordination
 - Facilitated group process for planning and conflict resolution.
 - Designed and implemented performance appraisal systems .
 - Established and implemented recruitment and selection procedures for professional, health and technical employees
 - Designed and implemented structured/behavioral interview and job sample test processes as well as assessment centers for professional selection
 - Directed compensation and benefits functions for \$3 million statewide payroll
 - Handled all aspects of employee termination/downsizing efforts including exit interviews, involuntary termination consultation and acting as the company representative for unemployment compensation disputes
 - Managed budget of \$300,000
 - Staff to Board of Directors' committees
- January 1990-December 1991 **Lecturer** - IBM-Department of Economics and North Carolina State University, Joint Program
- Taught undergraduate courses: Industrial/Organizational Psychology,

Introduction to Psychology

- August 1988- **Survey Research Assistant** - Institute of Government, University of North Carolina, Chapel Hill, NC
- Assisted in survey assessment of North Carolina County Personnel Offices including facilitating focus groups, survey development, and data analysis
- June 1987- **Graduate Instructor** - Department of Psychology, North Carolina State University, Raleigh, NC
- December 1990
- Taught undergraduate courses: Industrial/Organizational Psychology, Introduction to Psychology, Biopsychology
 - Recipient of Outstanding Graduate Student Teaching Award
- May 1985- **Personnel Supervisor** - Glidden Paints, RTP, NC (Headquartered in Cleveland, Ohio)
- August 1988
- Administered personnel function for 50 person computer center
 - Administered benefit packages. Assisted in selection of state vendors.
 - Recruited staff via development and placement of ads and interface with technical recruiters
 - Screened all resumes and coordinated hiring process
 - Handled site employee relations issues
 - Maintained personnel records

PRESENTATIONS

- November, 2006 Presenter” Pain Relievers for Performance Management - Small Business Technology Corporation – Fall Conference, Boone, NC
- October 2006 Co-Presenter: Hiring for Emotional Intelligence - Virginia SHRM Annual Conference – Roanoke, VA
- September 2006 Presenter: Using EI in Hiring – Wake County Human Resource Officers, Cary, NC.
- April 2005 Co-Presenter: SE International Personnel Management Association: Hiring for Emotional Intelligence
- August 2004 Co-Presenter: NC Association for Fundraising Professionals Annual Conference: “Hiring Development Officers for Emotional Intelligence.”
- July 2004 Presenter: Southeastern Law School Annual Fund Directors Conference, Duke University: “Hiring Development Officers for Emotional Intelligence.”
- June 2004 Presenter: 2nd Annual Nonprofit and Human Resources Conference: Idealist.com “Hiring Leaders with Emotional Intelligence
- April, 2002 Key Note Speaker: Alpha Chi, Peace College Chapter – “The Leadership Challenge”
- September 2001 Facilitator: NCSHRM – “Hiring and Managing Latino Workers”
- March 2001 Key Note Speaker: Pines of Carolina Girl Scouts Gold and Silver Awards
- January 2000 Presenter: Principal’s Executive Program – “Hiring Smart in the 21st Century”

PUBLICATIONS

- Gailor-Loflin, Heidi, Kanoy, Korrel W., Lee, Heather A. (2006). *Building Leadership Skills in Adolescent Girls* (Paperback). Publish America
- Lee, Heather and Kanoy, Korrel. Nonprofit Hiring Practices Should Measure Emotional Intelligence (2004). *Philanthropy Journal*

PROFESSIONAL AFFILIATIONS and CERTIFICATIONS

- Society for Human Resource Management
- Raleigh-Wake Human Resources Management Association
- Certified Senior Professional in Human Resources Management, 1998-Present; HRCI, Alexandria Virginia

COMMUNITY SERVICE

- Board Member, Chordoma Foundation (<http://chordomafoundation.org>)
 - Co-Chair of Second Chordoma Community Conference, Bethesda, Maryland, June 26-28, 2009
 - Co-Chair of First Chordoma Community Conference, Bethesda, Maryland, April 4-6, 2008
 - Negotiated space, secured speakers, marketed and recruited 120 participants delivering successful healthcare conference for rare cancer.

EDUCATION

Ph.D. Industrial/Organizational Psychology; NC State University, Raleigh, NC, Dissertation: Non Disabled Employees' Attitude toward the Americans with Disability Act Requirement to Reasonably Accommodate Co-workers with Disabilities

M.S. Industrial/Organizational Psychology with a concentration in Public Administration; N.C. State, Raleigh, NC: Thesis: A Factor Analysis of the Personal Attributes Questionnaire, Work and Family Orientation Survey and Fear of Success Scale

B.S. Psychology with a minor in Social Work; Florida State University, Tallahassee, FL

MICHAEL M. RUFFIN
1405 White Pine Drive
Durham, North Carolina 27705

919/560-0001 (Office)
919/471-9211 (Home)
919/308-2656 (Cell)
mruffin@outlook.com

EDUCATION

College: East Carolina University, Greenville, North Carolina,
Bachelor of Science, 1975
Major: Urban and Regional Planning

Graduate: University of North Carolina, Chapel Hill, North Carolina
Master of Public Administration, August, 1988

Post Graduate: Public Policy Mediation
Carl Vinson Institute of Government
University of Georgia

EMPLOYMENT HISTORY

2000 – 2014 Durham County Manager
Durham, North Carolina

1992 – 2000 Spalding County Manager
Griffin, Georgia

1988 – 1991 Cabarrus County Manager
Concord, North Carolina

1983 - 1988 Person County Manager
Roxboro, North Carolina

1978 - 1982 Nashville Town Manager
Nashville, North Carolina

1976 - 1978 Nash County Planner
Rocky Mount, North Carolina

1975 - 1976 Rocky Mount City Planner
Rocky Mount, North Carolina

PROFESSIONAL AFFILIATIONS

- International City and County Management Association
- UNC-CH Master of Public Administration Alumni Association
- North Carolina City and County Management Association
- Board of Directors, Downtown Durham, Inc.
- Past member, Board of Visitors, East Carolina University
- Past member and Secretary, Finance and Planning Committee Chairman, Board of Directors, Durham Regional Hospital Corporation
- Past Member, NC State and Local Fiscal Modernization Study Commission
- Past Secretary, Georgia City and County Management Association
- Past Chairman, Manager-in-Transition Committee, Georgia City and County Management Association
- Past Member, Board of Directors, Georgia City and County Management Association
- Past Vice-Chairman, Board of Trustees, North Carolina Association of County Commissioners Worker's Compensation Fund and Joint Risk Management Agency
- Past President, UNC-CH Master of Public Administration Alumni Association
- Past Chairman, Courts Committee, North Carolina City and County Management Association
- Guest speaker for Leadership Durham and University of North Carolina at Chapel Hill's Master of Public Administration Program

EXTRA-CURRICULAR ACTIVITIES

- Paul Harris Fellow (Rotary International)
- Member and Past Chairman, Development Committee, Durham Rescue Mission
- Past member, Board of Directors, Greater United Way of the Triangle
- 2006 Public Employees Chairman, Triangle United Way Campaign Cabinet
- Past Member, Board of Directors, Triangle United Way
- 2001 and 2002 Campaign Chairman for Public Employees Division, Durham County (NC) Division of Triangle United Way
- Chairman, Public Employees, Triangle United Way Campaign Cabinet
- Past President, Griffin-Spalding County (GA) United Way
- Past member, Executive Committee and Board of Directors, Griffin-Spalding County (GA) United Way Campaign Chairman, 1999 Griffin-Spalding County (GA) United Way Campaign
- Co-Chairman, 1993-2000, Public Employees Division, Griffin-Spalding County (GA) United Way Campaign
- Religion Columnist: *Courier-Times* (Roxboro, NC); *Rocky Mount Telegram* (Rocky Mount, NC); *Independent Tribune* (Concord-Kannapolis, NC); and the *Griffin Daily News* (Griffin, GA)
- President of Pen Holder Ministries, which produces a website for Christian devotions, www.devotions.com

REFERENCES

References are available and will be furnished upon request.

MAJOR ACCOMPLISHMENTS AS DURHAM COUNTY MANAGER

Brief Summary of Tenure: I have served thirteen years as Durham County Manager. Durham County is a diverse county with no one ethnic group comprising fifty percent of the population. It is the home of Duke University and North Carolina Central University. Seventy-five percent of the Research Triangle Park is located in Durham County. As County Manager, I served as the CEO of county government and supervised two deputy county managers, two assistant county managers, one assistant to the county manager, the chief financial officer, internal audit director, budget director, and an office assistant. The County has 2,000+ employees and a \$500 million budget. While I have listed several major accomplishments below, I also led the completion of a Strategic Plan in 2012, which culminated a one-year process of community input and preparation. I have overseen two revaluations in 2001 and 2008 with minimal problems, implemented a major transition from an outdated budget and financial system, a comprehensive technology replacement program, and a County branding effort that included major redevelopment of the County's website and social media tools.

- Recommended a contract with the Greater Durham Chamber of Commerce instead of filling an Economic Development Director position vacancy as the better strategy to help grow the economy. Since 2001, 28,548 new jobs (assisted and unassisted) have been announced and the county tax base had \$6.3 billion of new investment. Projects in which I was directly involved and responsible for negotiation of incentives and/or development agreements included: American Tobacco, Merck, Quintiles, Medicago, and two expansions at AW North Carolina.
- Over \$720 million of capital improvements were completed:
 - Recommended bond referendums for construction of new facilities and/or renovation of existing facilities. Voters approved \$405.4 million in bonds in 2001, 2003, and 2007. The funds allowed for renovations of several schools, the construction of four elementary schools, two middle schools, the City of Medicine Academy, four new regional libraries, a Center for Senior Living, a new EMS Station, and \$15.1 million in improvements to Durham's Museum of Life and Science.
 - Through other financing, a \$119 million courthouse, a \$90 million Human Services Building, and a new Animal Services Center were completed. Major renovations were also completed to the Criminal Justice Resource Center, the Durham Convention Center, the Durham County Memorial Stadium, and the Animal Shelter.
- Recommended three property tax rate increases in 13 years – each associated with voted increases for debt.
- Upon arrival in 2000, the total general fund balance was \$50.5 million with an "available-to-appropriate" fund balance of 10.98%. On June 30, 2013, there is a projected a total general fund balance of \$133.2 million and the "available-to-appropriate" percentage is projected at 28.96%. This increase represented a 163.7% increase during my tenure.

- Property tax rate decreased from \$92.97 cents to \$77.44 cents since FY 2001.

MAJOR ACCOMPLISHMENTS AS SPALDING COUNTY MANAGER

Brief Summary of Tenure: Spalding County is a suburban county in the Atlanta Metropolitan Area with a population of 70,000. When I arrived in 1992, it had approximately 750 employees and a \$15 million operating budget. I was CEO of county government and supervised a deputy county manager, county clerk, finance director, personnel director and approximately 15 county department heads. When I arrived, I was surprised at how unprofessionally services were provided and with the County's limited use of technology to deliver services. I commenced a wholesale effort to professionalize the County with a customer-friendly environment and the appropriate use of technology.

- Modernized County Code.
- Constructed a County Correctional Institute to house approximately 800 state inmates that were used to help maintain county roads, buildings, etc. and farmed out to adjacent counties to help underwrite the Spalding County's costs of inmate labor.
- Created a Parks and Recreation Program; built one major regional park, two smaller parks with walking trails and senior citizens center.
- Authored a Unified Development Ordinance that survived U.S. Appellate Court scrutiny.
- Established a County Planning Department.
- Created a Chief Financial Officer position (duties and responsibilities previously handled by deputy county manager).
- County was awarded a Certificate of Achievement for Excellence in Financial Reporting by Government Finance Officers' Association for the first time in 1999.
- Developed an employee classification and compensation plan.

Information Technology Services

Steve Lingerfelt

DIRECTOR



Date: July 29, 2014

To: Jeff Moore
Director of Finance

From: Steve Lingerfelt
Director of Information Technology Services

Subject: Replacement Radio Purchase

The Department of ITS requests permission to purchase one hundred (100) Motorola APX portable radios and fourteen (14) Motorola APX mobile radios as part of the annual radio replacement program. The new radios will be purchased at a state contract price with an additional discount applied for a special feature package.

The new radios will be used to replace older radios currently in the Fire and Parks and Recreation departments. The old radios that are being replaced will be used for spare parts to maintain our existing inventory.

Motorola is the sole source vendor for the radios and they have provided State Contract pricing on the attached quote.

Cc: Eric Olmedo
Budget Director



Office of Information Technology Services

CERTIFICATION OF AWARD

THIS IS NOT A PURCHASE ORDER

BID/FILE NUMBER: ITS-008580

Please reference this Bid Number for any Purchase Order, Invoice or Correspondence

TO: Tarinda Chappell, CLGPO
Purchasing Manager
City of High Point

DATE: August 8, 2014
REQUISITION NO.: n/a
DELIVERY: FOB Destination

In accordance with the requirements of General Statutes 147-33.95, we certify a contract of the items listed below to be ordered by you. Issue the order immediately and directly to the vendor listed, giving complete shipping instructions. Order only the item(s) listed and the quantity(ies) as shown in the contract document. Price(s) includes delivery to destination. Read the contract in its entirety including the attached Terms and Conditions to be aware of any action necessary on your part.

Commodity Number: 725G

Commodity Description: APX 6500 Mobile and APX 6000 Portable Radios and Accesories

Award Information: \$477,463.52

Contract Term: n/a
Renewal Options: n/a

Vendor: Motorola Solutions Inc. (Wireless Communications)
100 Penmore Court
Holly Springs, NC 27540

Sherwood Creech

Sherwood Creech, Contract Specialist
Statewide IT Procurement Office

INSTRUCTIONS TO VENDORS:

1. **THIS IS NOT A PURCHASE ORDER.** Do not make shipment until you have received an official order from the using agency.
2. Invoices should be made out to the using agency and forwarded directly to them for payment
3. The exact items certified and ordered must be shipped. No substitutions shall be made without prior approval of the using agency.
4. Applicable North Carolina sales and use tax shall be added to invoices as a separate item.
5. Please note the contract award description above: the contract awarded to you may be a portion of the contract rather than the complete contract.



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Information Technology Services**

COUNCIL AGENDA DATE: **August 18, 2014**

BID NO.: CONTRACT NO.: **725G** DATE OPENED:

DESCRIPTION:

Purchase 100 Motorola APX portable radios and 14 Motorola APX mobile radios as part of the annual radio replacement.

PURPOSE:

Annual Radio Replacment

COMMENTS:

The pricing for this purchase is via State Contract 725G which does not require a bid process.

RECOMMEND AWARD TO: **Motorola Solutions Inc. (Wireless Comm)** AMOUNT: **\$477,463.52**

JUSTIFICATION:

The new radios will be used to replace older radios currently in the Fire and Parks and Recreation departments. The old radios that are being replace will be used for spare parts to maintain our existing inventory.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
501243	522601			\$477,463.52
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Steve Lingerfelt** Digitally signed by Steve Lingerfelt
DN: cn=Steve Lingerfelt, o=City of High Point, ou=Information Technology, email=steve.lingerfelt@highpointnc.gov, c=US
Date: 2014.08.11 14:39:42 -0400 DATE: **Aug 11, 2014**

The Purchasing Division concurs with recommendation submitted by the **Information Tech. Svcs** and recommends award to the lowest responsible, responsive bidder **Motorola Solutions** in the amount of \$ **477,463.52**.

PURCHASING MANAGER: **Tarinda Chappell** Digitally signed by Tarinda Chappell
DN: cn=Tarinda Chappell, o=City of High Point, ou=Purchasing, email=tarinda.chappell@highpointnc.gov, c=US
Date: 2014.08.11 15:51:08 -0400 DATE: **Aug 11, 2014**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR:  Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial Services Director, email=jmoore@highpointnc.gov, c=US
Date: 2014.08.11 17:21:17 -0400 DATE: **Aug 11, 2014**

CITY MANAGER: **Randy E. McCaslin** Digitally signed by Randy E. McCaslin
DN: cn=Randy E. McCaslin, o=City of High Point, NC, ou=City Manager, email=randy.mccaslin@highpointnc.gov, c=US
Date: 2014.08.12 08:23:17 -0400 DATE: **Aug 12, 2014**

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 22, 2014, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marie Stone and Mr. John McKenzie.

HighMark School Development, LLC

Amendment to Zoning Case 13-04

A request by HighMark School Development, LLC to amend Conditional Zoning District 13-04 to revise the transportation conditions. The site consists of two parcels, one lying at the southeast corner of Clinard Farms Road and Barrow Road, and the other on the south side of Clinard Farms Road approximately 2,500 feet east of the intersection of Barrow Road.

AND

HighMark School Development, LLC

Amendment to Special Use Permit Case 13-03

A request by HighMark School Development, LLC to amend transportation conditions for Special Use Permit 13-03 and to amend the SUP Site Plan. The site is lying along the south side of Clinard Farms Road, approximately 2,500 feet east of Barrow Road.

Mr. Herbert Shannon presented the Amendment to Zoning Case 13-04 and Amendment to Special Use Permit Case 13-03, and recommended approval as outlined in the staff reports.

Speaking on behalf of the request was the applicant, Ms. Tammy Sweeris, Vice President Construction & Facilities for HighMark School Development, 6900 South 900 East, Suite 100 Midvale, UT. Ms. Sweeris provided an overview of the rezoning and special use permit request.

No one spoke in opposition to the request:

The Planning & Zoning Commission recommended approval of Amendment to Zoning Case 13-04 by a vote of 6-0.

The Planning & Zoning Commission recommended approval of Amendment to Special Use Permit Case 13-03 by a vote of 6-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
AMENDMENT TO SPECIAL USE PERMIT 13-03
July 22, 2014**

Request	
Applicant: HighMark School Development LLC	Owner: Phoenix Academy Foundation
Proposal:	A request to amend the transportation conditions for Special Use Permit Case 13-03 and to amend the SUP Site Plan.

Site Information	
Location:	The site is lying along the south side of Clinard Farms Road, approximately 2,500 feet east of Barrow Road.
Tax Parcel Numbers:	Guilford County tax parcel 0216465
Site Acreage:	Approximately 26.7 acres
Current Land Use:	Undeveloped
Physical Characteristics:	The site has a gentle to moderately sloping terrain consisting primarily of open pastureland with scattered wooded areas. A 68-foot wide Duke Power transmission line runs along the southern property line.
Water & Sewer Proximity:	A 12-inch City water line lies to the west within the Barrow Road right-of-way. There is a public street in the Cottesmore subdivision, to the south, that stubs into the southern property line of this site. Within this stub street are an 8-inch City water line and an 8-inch City sewer line.
General Drainage and Watershed:	The site drains in a southerly direction and development is subject to the High Point City Lake General Watershed Area (GWA) requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% of the site and for single-family developments with a density of 2 units per acre or greater.
Overlay Districts	High Point City Lake General Watershed Area (GWA) Airport Overlay District; Zone 3

Adjacent Property Zoning and Current Land Use			
North:	RS-40	Residential Single Family-40 District (Guilford Co)	Single-family dwellings and mini warehouse use
	AG	Agricultural District (Guilford Co)	
	CU-LI	Conditional Use Light Industrial District (Guilford Co)	
South:	CU PDR	Conditional Use Planned Unit Development-Residential District	Single-family dwellings
East:	RS-40	Residential Single-Family-40 District (Guilford Co)	Single-family dwellings
	AG	Agricultural District Guilford Co)	

West:	CZ-RS-9 Conditional Zoning Residential Single Family-9 District	Single-family dwellings and undeveloped parcels
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Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	Goal #3: Create more mixed use areas, while reinforcing existing ones, to minimize traffic, maximize the utilization of infrastructure, and so people can live, work and play in one location.
Land Use Plan Map Classification:	The site has a Mixed Use Development land use designation. This classification provides for the siting of a variety of land uses in close proximity to each other where this is desirable due to existing land use patterns, environmental constraints, the need to preserve open space, the opportunity to provide alternative modes of transit and other factors.
Land Use Plan Goals, Objectives & Policies:	The following objective of the Land Use Plan is relevant to this request: Obj. #8: Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations.
Relevant Area Plan:	Not applicable
Zoning History:	In 2013, the Phoenix Academy Foundation was granted a Special Use Permit approval to develop an Elementary and Secondary School use on a 42-acre site. This approval included a SUP Site Plan, which depicts two school buildings being developed, a high school on the western portion of the site and a K – 8 facility on the eastern portion of the site. Total development size was approved for 149,000 square feet.

Transportation Information			
Adjacent Streets:	Name		Classification
	Clinard Farms Road		Major Thoroughfare
			Approx. Frontage
			507 ft.
Vehicular Access:	The proposed development is allowed two access points to Clinard Farms Road.		
Traffic Counts: (Average Daily Trips)	Clinard Farms Road		4,200 - AADT (NCDOT 2011)
Estimated Trip Generation:	Approximately 896 trips, based on 800 students.		
Traffic Impact Analysis:	Required		Comment
	☐ <u>Yes</u>	☒ <u>No</u> X	The amendment proposes no significant changes, previous TIA from 2013 is still valid
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.		

School District Information
Not applicable to this special use permit case.

Details of Proposal

HighMark School Development LLC, who is working in conjunction with Phoenix Academy, has submitted an application to allow the following amendments to Special Use Permit 13-03:

- ❖ To reduce the size of the proposed school site from 42 acres to 26 acres. The western 16 acres (Barrow Road frontage) is being removed from this permit;
- ❖ To revise the site plan approved by City Council. Instead of constructing two buildings with a total area of 149,000 square feet, only one building (approximately 90,000 square feet) will be constructed on the eastern portion of the site;
- ❖ To clarify transportation access conditions by more accurately specifying their locations; and
- ❖ To remove requirement for right-of-way dedication as this condition has been met.

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 findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed 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	The initially adopted Special Use Permit included conditions for transportation improvements that mitigate impacts of development. The proposed amendment reduces the development size, both site acreage and building area, by approximately sixty-percent (60%). Due to the change in lot configuration, the transportation conditions are being amended to remove non-relevant conditions and to clarify access conditions. The requested amendment will not negatively impact public health and safety. All other transportation conditions remain in effect and no other public safety issues have been identified.
-------------------	--

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	A school use is permitted in a RS-9 District subject to meeting development standards and subject to obtaining a special use approval. The applicant has submitted a revised SUP Site Plan depicting 1) a smaller campus, 2) less building square footage, and 3) a more compact building footprint that is pulled further away from the abutting Cottesmore subdivision. This amended SUP Site Plan addresses the requirement of the Development Ordinance. Other engineered drawings that address conditions of the SUP will be reviewed as part of the overall site plan review by the Technical Review Committee once the SUP is approved.
-------------------	--

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

Compliance	The requested amendment does not change initial findings used to approve this request or previously adopted conditions that ensure development will not substantially injure the values of adjoining property owners. Development of the site will be sufficiently setback from abutting property owners; a Type B planting yard is still required where the site abuts residential uses; there are no changes to the exterior lighting requirements; and the amended transportation conditions continue to mitigate traffic impacts.
-------------------	---

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	This area is designated as Mixed Use Development on the Land Use Plan and the Northwest Area Plan. A school use is neither specifically supported by, nor in conflict with, this Land Use Plan designation.
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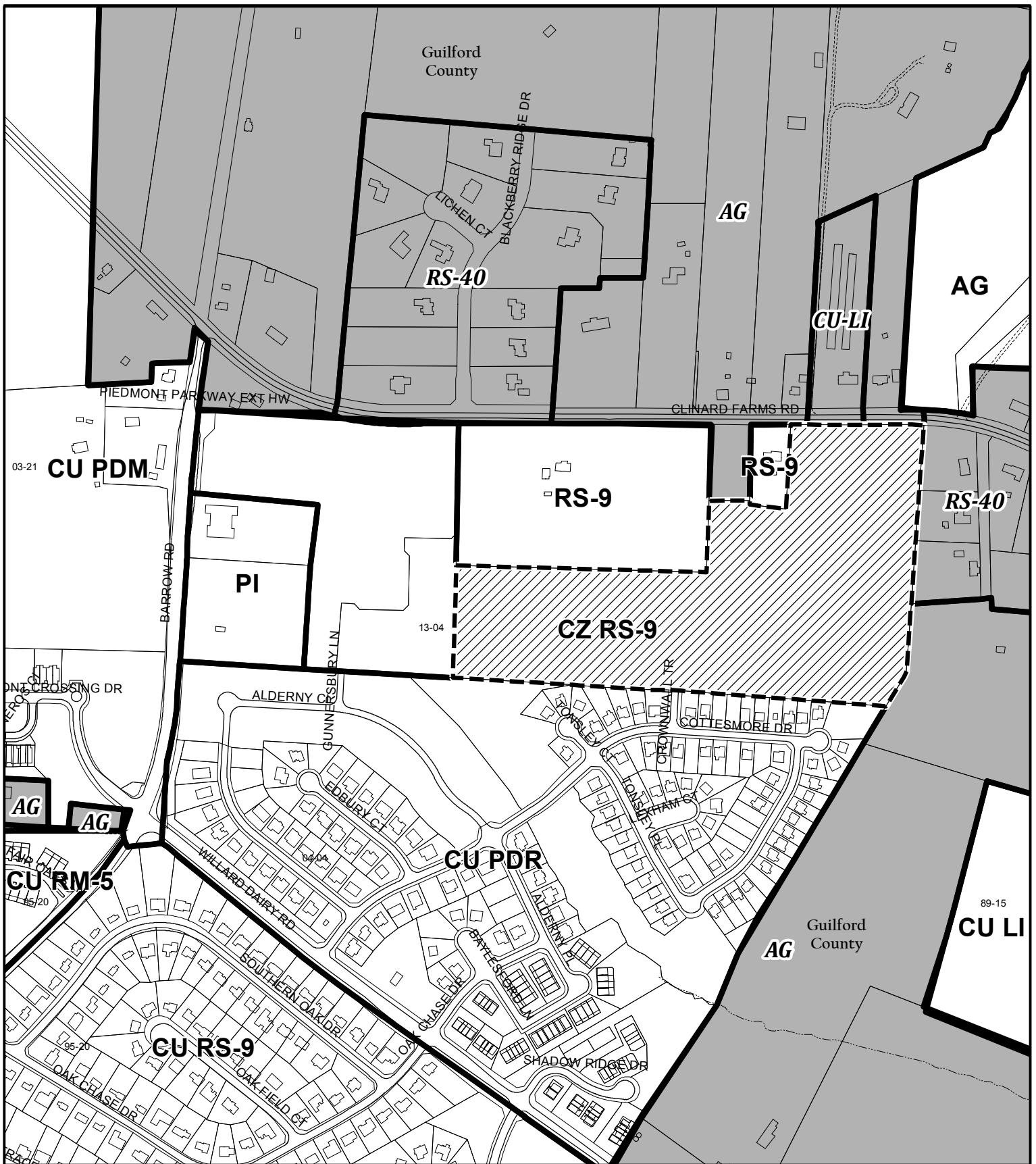
Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the amendment to SUP13-03. The request reduces the scale of development, while maintaining essential development related conditions that ensures development is compatible with the surrounding area. Based on the preliminary findings of facts, staff finds that the request amendment is in compliance with the goals and objectives of the Land Use Plan.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



AMENDMENT TO SUP13-03

(AUG 2014)

Request: To allow a private school K-12 grades
Accessory Uses: athletic fields, equestrian riding/training area

Existing Zoning Boundary _____
Subject Property Boundary - - - - -

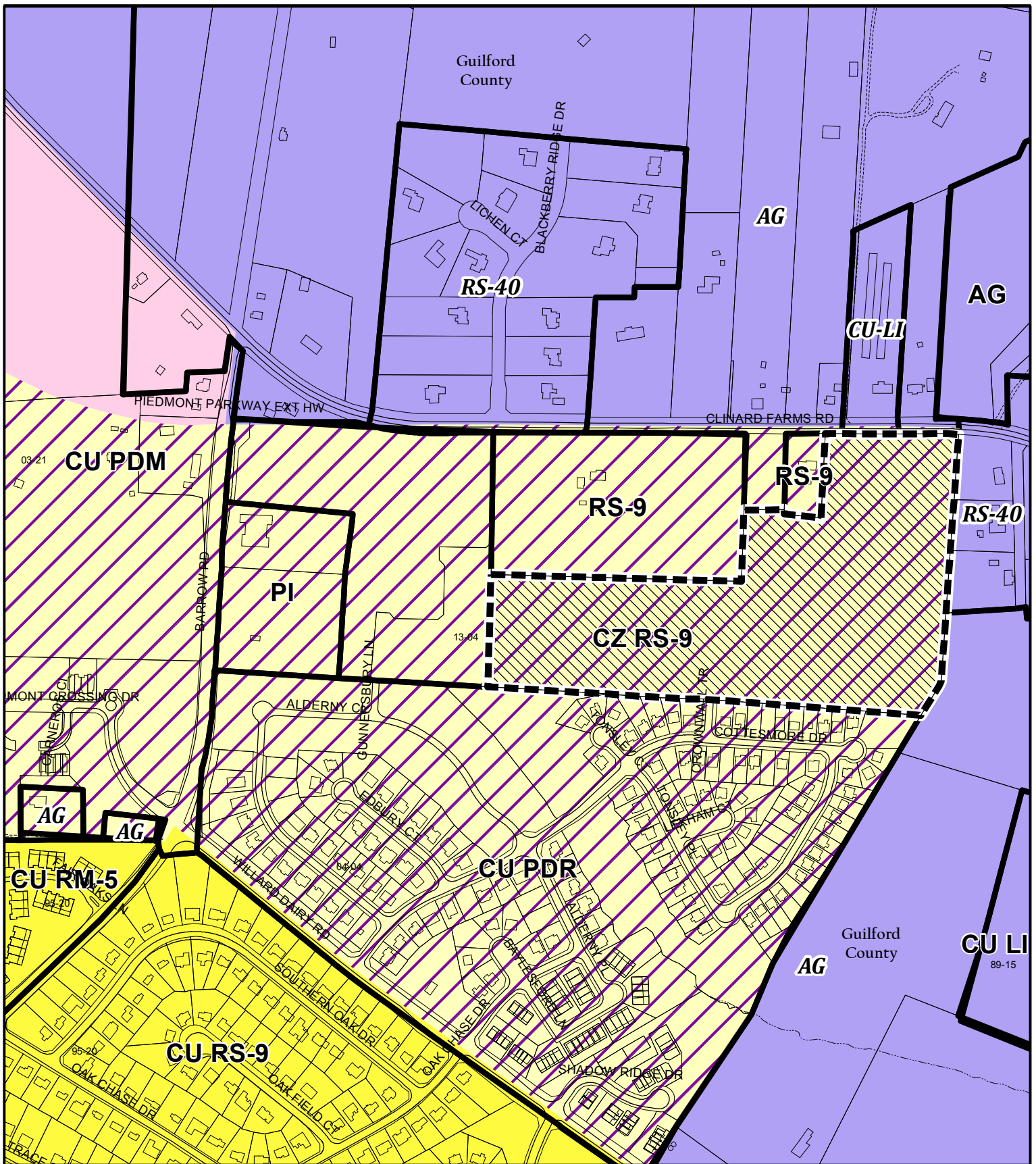
**Planning & Development
Department**

City of High Point

Date: July 9, 2014



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2014\pz\Asup13-03.mxd



AMENDMENT TO SUP13-03

Land Use Plan

- | | |
|--|--|
|  Mixed Use Development |  Local/Convenience Commercial |
|  Low-Density Residential |  Restricted Industrial |

Planning & Development
Department

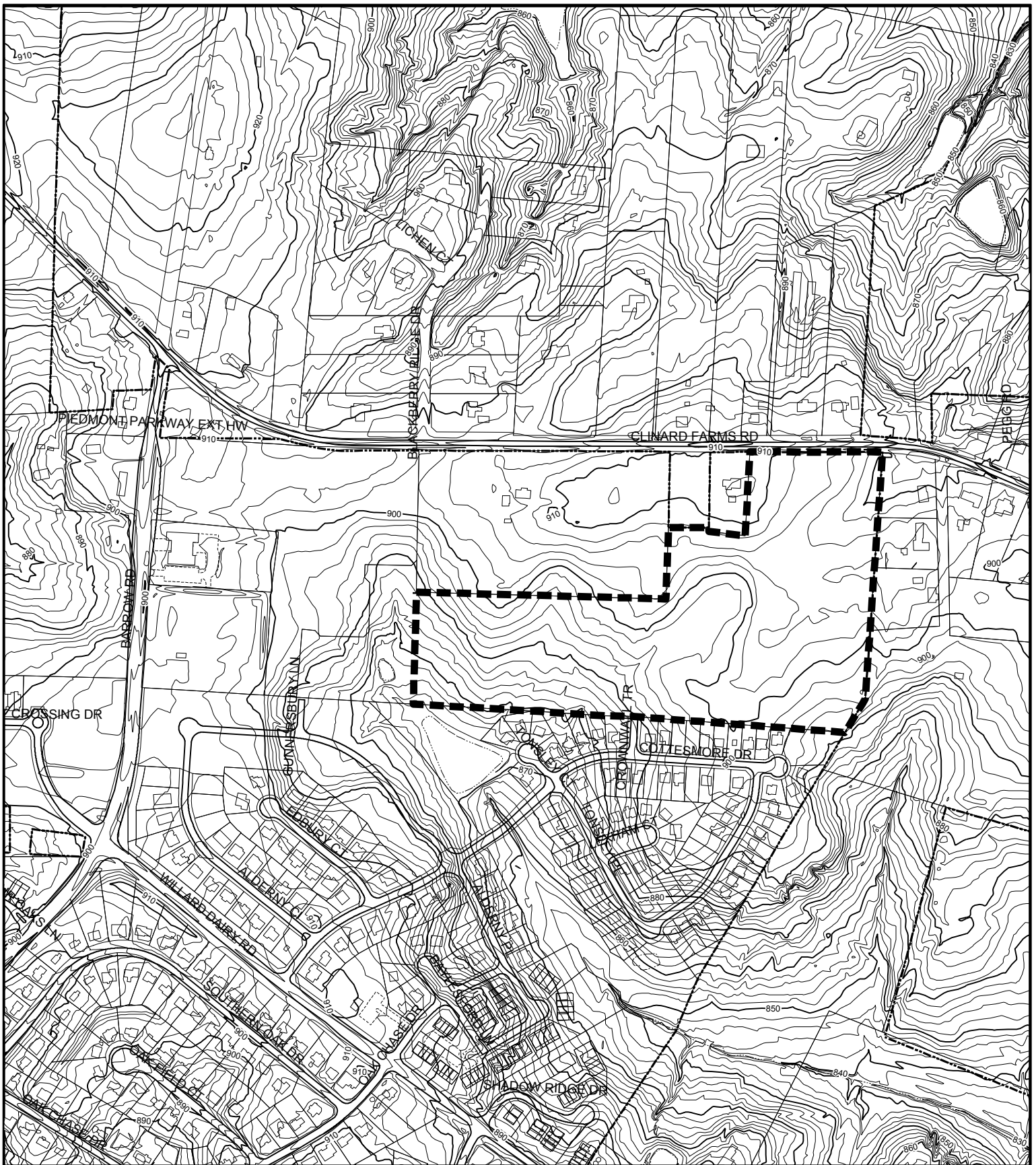
City of High Point

Date: July 9, 2014



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2014/pz/Asup13-03clu.mxd



AMENDMENT TO SUP13-03

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 9, 2014



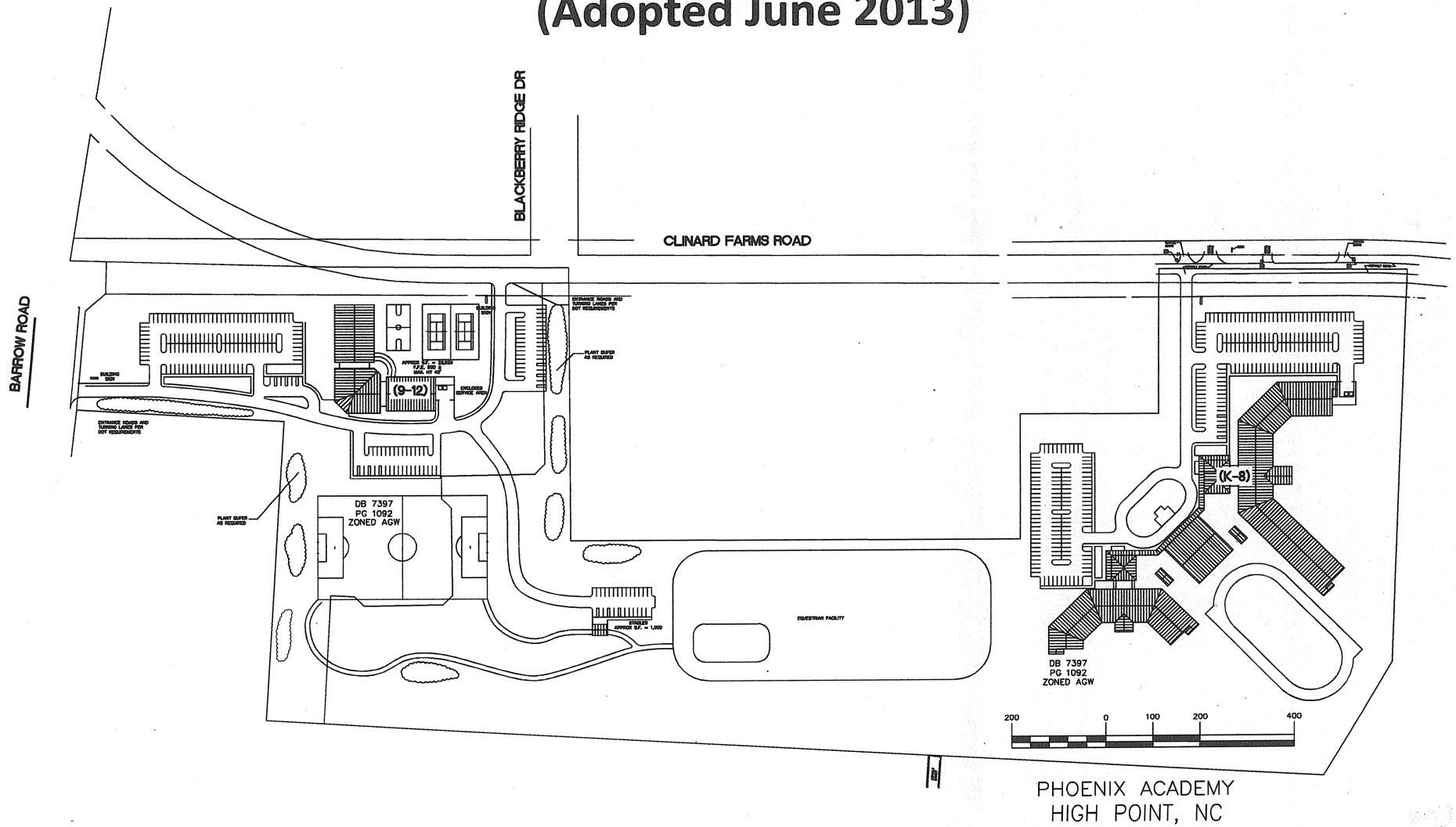
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2014/pz/Asup13-03topo.mxd

AMENDMENT TO SUP13-03



CURRENT SUP SITE PLAN (Adopted June 2013)



PROPOSED NEW SUP SITE PLAN (Submitted July 2014)

FSR 1837
CLINARD FARM RD.
(60' PUBLIC R/W)

PROPERTY DATA:

TOTAL SITE ACREAGE: 26.743 ACRES
PARCEL #: 0216465
PIN#: 7814102391
ZONING: CONDITIONAL ZONING
RESIDENTIAL SINGLE
FAMILY-9

PROPOSED BUILDING SQUARE FOOTAGE:

(FULL BUILD-OUT) 60,000 S.F.

PARKING REQUIREMENTS:

PARKING REQUIREMENTS: 7 SPACES/CLASSROOM + 3 SPACES/ROOM
USED FOR OFFICES

ADEQUATE PARKING WILL BE PROVIDED TO MEET THE MINIMUM
PARKING REQUIREMENTS DURING ANY PHASE OF THE DEVELOPMENT.

WATERSHED DATA:

THIS SITE IS LOCATED IN THE CITY LAKE GENERAL WATERSHED AREA
(COWA). A WATERSHED DEVICE MAY BE REQUIRED AS A PART OF THE
SITE DEVELOPMENT.

SITE BENCHMARK:
TOP NAIL @ CLINARD
FARM RD. (SP-2)
ELEV = 803.80'

C.W. MOHAS
DB 7255 PG 1728
TAX PARCEL #0216467

OUTDOOR ACTIVITY/RECREATION AREA

COTTESMORE SUBDIVISION
PHASE 2, SECTION 2
PB 164 PG 55-6

COTTESMORE SUBDIVISION
PHASE 2, SECTION 2
PB 164 PG 55-6

OWNER:
PHOENIX ACADEMY
4020 MEETING WAY STREET
HIGH POINT NC, 27409
(336) 869-0079

GRAPHIC SCALE

(IN FEET)
1 INCH = 60 FT

CivilDesigns, P.A.
Consulting Civil and Environmental Engineering
3877-C (336) 282-5542
Greensboro, NC License No. C-1043



SKETCH PLAN SUBMITTAL

PHOENIX ACADEMY

7881 CLINARD FARMS ROAD

High Point NC, 27409

Drawn By: K. BRODERICK

Checked By: D. JENSEN

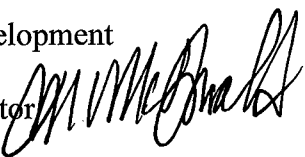
Date: 7/1/14

Page: 1

1

June 27, 2014

To: Lee Burnette, Director of Planning and Development

From: Mark McDonald, P.E., Transportation Director 

Subject: **Zoning Case #13-04 and Special Use Permit 13-03, Phoenix Academy Foundation. Property located southeast of the intersection of Clinard Farms Road and Barrow Road.**

My staff and I have reviewed the rezoning request and have the following comments:

A traffic impact analysis was required for this development. To require a traffic study the proposed development must be expected to produce at least one hundred fifty (150) trips in the AM or PM peak hour. This development will be rezoned as Residential Single Family 9 (RS9) with a special use permit to allow a charter school for 1,480 students K-12. The development of the school adds approximately one thousand four hundred seven (1,407) trips in the AM peak hour, eight hundred fifty two (852) trips in the PM peak hour and a total of 2,396 trips/day. In order to mitigate the development's impact on the surrounding roadway network the following improvements will be required:

Conditions for development under RS9 zoning

Access

- The zoning site shall be allowed two (2) points of access to Clinard Farms Road, unless developed as non-residential use, with which up to three (3) access points shall be allowed.
- The western access point to Clinard Farms Road shall align with Blackberry Ridge Drive.
- The second access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage.
- The third access point to Clinard Farms Road, if allowed, shall be a right in – right out only at the eastern end of the property.
- If developed as residential use, the rezoning site shall connect to the two (2) stub streets to the south in the Cottesmore subdivision.
- Two (2) stub streets shall be provided to Parcel ID # 0216467, located at 7861 Clinard Farms Road.

Right-of-Way

- The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Clinard Farms Road along the entire frontage of the zoning site.

Roadway and Intersection Improvements

- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Blackberry Ridge Drive access point.
- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
- The property owner shall either:
 - a) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - b) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.

Conditions for development under the Special Use Permit

Access

- The rezoning site shall be allowed two (2) points of access to Clinard Farms Road..
- The western access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage.
- The eastern access point to Clinard Farms Road shall be a right in – right out only.

Right-of-Way

- The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Clinard Farms Road along the entire frontage of the zoning site.

Improvements

- The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Clinard Quality Storage driveway access point.
- The property owner shall either:
 - a) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - b) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.

- The property owner shall provide a minimum of three thousand seven hundred (3,700) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.

The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

SPECIAL USE PERMIT 13-03
CITY OF HIGH POINT, NORTH CAROLINA

June 17, 2013
(Adopted)

August 2014
Amendment

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Elementary or Secondary School (K thru 12 grade) use and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this Special Use Permit (SUP) document.

CONDITIONS:

1. Development of the site shall be generally consistent with the attached SUP Site Plan. Final configuration of parking and athletic fields may shift within designated areas depicted on the site plan.
2. Landscaping & Screening
All dumpsters shall be screened and located no closer than one-hundred (100) feet from adjacent residentially zoned property.
3. Lighting
 - a. All pole mounted lighting shall be directed away from adjacent residential uses.
 - b. All free standing exterior lighting for parking lots and along internal drives shall be of the cutoff "shoebox" type or otherwise shielded in a manner not to cast direct light onto adjacent properties.
 - c. Lighting associated with the athletic fields shall not exceed zero (0) foot-candles as measured from the property line of the site. As part of construction plan approval, the property owners shall submit a lighting plan that meets this standard for review and approval by the Planning & Development Director.
4. Transportation Conditions
 - a. Phasing of Transportation Improvements
 1. Phase 1a – 460 students or less
 - a. Access
 - i). The site shall be allowed two (2) points of access to Clinard Farms Road.
 - ii). The western access point to Clinard Farms Road shall align with the existing driveway of Clinard Quality Storage **(opposite driveway on Guilford County Tax Parcel 0169887).**

iii). The eastern access point shall be a right in – right out onto Clinard Farms Road

- ~~b. Right of way Dedication – The property owner shall dedicate a minimum of seventy (70) feet of right of way from the existing centerline of Clinard Farms Road along the entire frontage of the site.~~
- b. Improvements - The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road access point (opposite Clinard Quality Storage driveway access point on Guilford County Tax Parcel 0169887).
- c. Onsite queuing area - The property owner shall provide a minimum of one thousand three hundred (1,300) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
2. Phase 2 4b – 461-800 students
- a. Onsite queuing area - The property owner shall provide a minimum (gross total of phases 1a and 2 4b) of two thousand two hundred (2,200) feet of stacking/queuing on the site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
3. Phase 2 3 – 801-1500 students
- a. Access
- i. ~~An additional access point shall be permitted to Clinard Farms Road and it shall be aligned with Blackberry Ridge Drive.~~
- ii. ~~The property owner shall construct an eastbound right turn lane with two hundred fifty (250) feet of storage and appropriate taper, and a westbound left turn lane with two hundred fifty (250) feet of storage and appropriate taper at the Clinard Farms Road/Blackberry Ridge Drive access point.~~
- i. The property owner shall provide a minimum (gross total of phases 1 thru 3 1a, 1b and 2) of three thousand seven hundred (3,700) feet of stacking/queuing on the zoning site. The AM and PM queues will not be allowed to extend onto Clinard Farms Road.
- ii.
- iii. If not already completed by the City of High Point/NCDOT, The property owner shall either:
- 1) Construct the extension of Piedmont Parkway from Clinard Farms Road to Barrow Road as a two lane section with right and left turn lanes at Barrow Road, and, when warranted install a traffic signal to be interconnected to the High Point Signal System at the new Clinard Farm Road/Barrow intersection; or
 - 2) When warranted, install a traffic signal to be interconnected to the High Point Signal System at the existing intersection of Clinard Farms Road

and Barrow Road. Also construct a westbound left turn lane on Clinard Farms Road with three hundred (300) feet of storage and appropriate taper, and a northbound right turn lane on Barrow Road with four hundred (400) feet of storage and appropriate taper.

- b. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY:

The property is approximately ~~26.743~~ **42.33** acres lying ~~at the southeast corner of Clinard Farms Road and Barrow Road, and~~ on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road. The property is also known as Guilford County Tax Parcels 0216465 (approximately 30.55 acres) and 0218639 (approximately 11.78 acres).

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

AMENDMENT TO SPECIAL USE PERMIT 13-03 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE _____ DAY OF AUGUST, 2013.

Lisa B. Vierling
City Clerk

Date

Fleet Services Department

Gary L. Smith
DIRECTOR



DATE: August 11, 2014
TO: Eric Olmedo, Budget & Evaluation
FROM: Gary L. Smith, Director of Fleet Services

Gary L. Smith

SUBJECT: Agenda Item – Truck Mounted Jet Vacuum

I respectfully request that the following be included for consideration on the next council agenda scheduled for August 18, 2014:

The purchase of a Sewer Jet Vacuum Combination truck from Rodders & Jet Supply Company using the National Joint Purchasing Alliance (NJPA) contract at a cost of \$306,391.10. This truck is similar to the other jet vacuum combination trucks we are currently using. A demonstration of this system was recently performed at our location and the department agreed that it continues to meet their needs. Expected delivery is 240 days.

This is replacing a similar model sewer jet /vacuum being used by the water sewer department with over 167,000+ miles and includes the additional hours of engine idling time at the job site. The truck the department is currently using has experienced numerous mechanical issues over the past year and has reached the end of its useful life. This truck is used daily for jetting and vacuuming sanitary sewers, storm sewers, and catch basins. It also has a self contained water supply for use with the high pressure cleaner for breaking blockages and removing the materials therein. The department has two of these trucks, but does not have a spare. This type of truck is not readily available through local rental companies.

Funding for this equipment is appropriated in the vehicle replacement account.

pc: Jeff Moore, Finance
pc: Tarinda Chappell, Purchasing
pc: Cindy Duncan-Smith, Executive Assistant



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Fleet Services**

COUNCIL AGENDA DATE: **August 18, 2014**

BID NO.: CONTRACT NO.: **NJPA** DATE OPENED:

DESCRIPTION:

One Sewer Jet Vacuum Combination Truck

PURPOSE:

This is replacing a similar model sewer jet/vacuum being used by the water sewer department with over 167,000 + miles and includes the additional hours of engine idling time at the job site.

COMMENTS:

This pricing for this purchase is via NJAP (National Joint Purchasing Alliance) Contract 022014-GRD.

RECOMMEND AWARD TO: **Rodders & Jet Supply Company** AMOUNT: **\$306,391.10**

JUSTIFICATION:

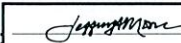
This truck is similar to the other jet vacuum combination trucks we are currently using. A demonstration of this system was recently performed at our location and the department agreed it continues to meet their needs.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
501271	532401			306,391.10
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Gary Smith** Digitally signed by Gary Smith
DN: cn=Gary Smith, o=City of High Point, ou=Fleet Services, email=gary.smith@highpointnc.gov, c=US
Date: 2014.08.11 11:45:06 -0400 DATE: **Aug 11, 2014**

The Purchasing Division concurs with recommendation submitted by the **Fleet Services Division** and recommends award to the lowest responsible, responsive bidder **Rodders & Jet Supply** in the amount of \$ **306,391.10**.

PURCHASING MANAGER: **Tarinda Chappell** Digitally signed by Tarinda Chappell
DN: cn=Tarinda Chappell, o=City of High Point, ou=Purchasing, email=tarinda.chappell@highpointnc.gov, c=US
Date: 2014.08.11 11:48:49 -0400 DATE: **Aug 11, 2014**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR:  Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, NC, ou=Financial Services Director, email=jmoore@highpointnc.gov, c=US
Date: 2014.08.11 14:13:55 -0400 DATE: **Aug 11, 2014**

CITY MANAGER: **Randy E. McCaslin** Digitally signed by Randy E. McCaslin
DN: cn=Randy E. McCaslin, o=, email=randymccaslin@highpointnc.gov, c=US
Date: 2014.08.12 08:16:41 -0400 DATE: **Aug 12, 2014**

