

City of High Point

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



Meeting Agenda

Monday, May 18, 2015

5:30 PM

Council Chambers

City Council

*William S. Bencini, Jr., Mayor
James C. Davis, Mayor Pro Tem
Latimer B. Alexander, IV, Cynthia Y. Davis,
Jason P. Ewing, Jeffrey J. Golden,
Alyce E. Hill, Christopher Williams,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**RECOGNITIONS AND AWARDS**

- [150160](#) Recognition - HPCAV
On May 1st the HPCAV was presented the FBI Director's Award for Community Outreach. Jim Summey, Chief Marty Sumner, Gretta Bush and other members of HPCAV will be in attendance for City Council recognition.
- [150161](#) High Point Fire Department - Class 1 ISO Rating
Fire Chief Tommy Reid and other members of the HPFD and city staff will be in attendance to receive a Resolution recognizing them for obtaining the Class I ISO Rating.

REGULAR AGENDA ITEMS**FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair**

- [150162](#) Resolution - Installment Financing Contract - Fleet Equipment Replacement
Council is requested to adopt a Resolution authorizing the City Manager and Financial Services Director to accept the proposal for the installation financing contract with Bank of America Public Capital Corp., for the issuance of an installment financing contract for the identified 2014-2015 fleet equipment replacement needs.
- [150163](#) Contract - Asphalt for City Wide Usage
Council is requested to award contract to APAC Thompson Arthur, Inc., in the amount of \$548,300.00 for asphalt for use by all city crews for performing maintenance functions.
- [150164](#) Contract - Concrete for City Wide Usage
Council is requested to award contract to Childers Concrete Co., in the amount of \$92,868.78 for concrete for city-wide requirements.
- [150165](#) Contract - Sidewalk/Curbing Removal & Replacement
Council is requested to award contract to Little Mountain Builders, Inc., in the amount of \$130,617.00 for sidewalk/curbing removal and replacement.
- [150166](#) Contract - Gilbert Engineering - Filter Enclosure at Ward WWTP
Council is requested to award contract to Gilbert Engineering Company in the amount of \$462,000.00 for the purchase of Greenleaf Filter enclosure at the Ward Water Treatment Plant.
- [150167](#) Contract - Polydyne, Inc. - Sludge Thickening Polymer
Council is requested to award contract to Polydyne, Inc. in the amount of \$300,000.00 for the purchase of Polymer for use in the centrifuge dewatering process for Eastside and Westside Wastewater Treatment

Plant.

- [150168](#) Sole Source Contract - Clearwater, Inc. - Flow Meters for Sewer Collection System
Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Teledyne Isco flow meters for use by the Public Services Department from Clearwater, Inc. in the amount of \$32,200.20.
- [150169](#) Contract Renewal - McLaurin Transportation & Parking
Council is requested to approve a renewal of the contract with McLaurin Transportation & Parking in the amount of \$2,560,022.00 for the bi-annual Furniture Market transportation management and transportation services for the period of July 1, 2016-2017.
- [150170](#) Transit Operating and Capital Grant Application - Public Hearing
Monday, May 18, 2015 is the date and time established to receive public comments on the filing of the FY2016 FTA Section 5307 operating, capital and planning grant application for High Point Transit and the Thomasville portion of Davidson County Transportation System.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, **Chair**

- [150171](#) National Register Nomination for the Pickett Cotton Mills Complex
Council is requested to review, take public comment, and make a recommendation to the NC National Register Advisory Committee as to whether the nomination of the Pickett Cotton Mills Complex, located at 1200 Redding Drive, meets the required criteria for listing in the National Register of Historic Places.
- [150172](#) Resolution - Metal Works of High Point - Street Abandonment Case 15-04
A request by Metal Works of High Point to abandon the portion of the Markley Street right-of-way abutting 918, 920 & 928 W. Kivett Drive. In addition, the City of High Point Technical Review Committee is requesting the remaining portion of the Markley Street right-of-way, lying between 1301 W. English Road and 117 Briggs Place, also be abandoned.
- [150173](#) Ordinance - Larry Wright - Zoning Case 15-06
A request by Larry Wright to rezone an approximate 0.49-acre parcel from the Limited Office (LO) District to the General Office Moderate-Intensity (GO-M) District. The site is lying along the west side of Westchester Drive, approximately 670 feet south of Coventry Road.
- [150174](#) Ordinance - Sylvia Kennedy - Annexation Case 15-04 (Executrix for the estate of Helen Ruth Byerly)
A request by Sylvia Kennedy to consider a voluntary non-contiguous annexation of approximately 12.3-acres approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and

west of Fernley Court.

- [150175](#) Allegro Investment Properties, LLC - Land Use Plan Amendment Case 15-01
A request by Allegro Investment Properties, LLC to change the Land Use Map classification for approximately 27 acres from Future Growth Area to Low Density Residential. The site is lying north of W. Lexington Avenue and east of Richard Byerly Road.
- [150176](#) Ordinance - Allegro Investment Properties, LLC - Zoning Case 15-07
A request by Allegro Investment Properties, LLC to rezone approximately 12.3 acres from the Low Density Residential (RS) and Rural Agricultural-3 (RA-3) Districts, both within Davidson County's zoning jurisdiction, to the Residential Single Family-15 (RS-15) District. The site is lying approximately 950 feet north of W. Lexington Avenue, along the east side of Richard Byerly Road and west of Fernley Court. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.
- [150177](#) Appeal of a Technical Review Committee Decision
A request by Allegro Investment Properties, LLC appealing the decision of the Technical Review Committee to uphold subdivision access requirements. This appeal is pertaining to 12.3-acres lying approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and west of Fernley Court.

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

- [150178](#) Municipal Service Districts - Establish Public Hearing Date
Council is requested to establish the date of Thursday, June 18, 2015 at 9:00 a.m. in the City Council Chambers to receive public comments on the designation of four (4) Municipal Service Districts. (1. Downtown, 2. Uptowne 3. Washington Street & 4. South Main Street).

GENERAL BUSINESS AGENDA

- [150179](#) Appointment - Parks & Recreation Commission - Gloria Halstead
Council Member Alexander is requesting that Gloria Halstead be appointed to the Parks & Recreation Commission as his At-Large appointment. Ms. Halstead will be replacing Joe Ellenburg who is not eligible for reappointment. Appointment will be effective immediately and will expire July 1, 2017.
- [150180](#) Presentation of the Proposed 2015-2016 City of High Point Annual Budget
The City Manager will present the proposed 2015-2016 City of High Point Annual Budget to City Council.
- [150181](#) Approval of the Minutes of Previous City Council Meetings
Joint meeting of City Council & P & Z Commission (Update High Point); April 28th @ 3:00 p.m.

Managers Briefing (Short Range Transit); April 30th @ 3:00 p.m.
Finance Committee; April 30th 4:30 p.m.
Manager's Briefing (Public Services); May 4th @ 3:30 p.m.
Regular City Council Meeting; May 4th 5:30 p.m.
Prosperity and Livability Committee; May 6th @ 9:00 p.m.

ADJOURNMENT

CITY OF HIGH POINT

AGENDA ITEM



Title: Land Use Plan Amendment Case 15-01; and
Zoning Case 15-07
(Allegro Investment Properties, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: At the May 18, 2015 public hearing,
these applications were continued to
the July 20, 2015 meeting date.

Public Hearing: Yes

Advertising Date: May 7 & 13, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

- 1) Land Use Plan Amendment Case 15-01: To change the Land Use Map classification for approximately 27 acres from Future Growth Area to Low Density Residential.
- 2) Zoning Case 15-07: To rezone approximately 12.3 acres from the Low Density Residential (RS) and Rural Agricultural-3 (RA-3) Districts, both within Davidson County's zoning jurisdiction, to the Residential Single Family-15 (RS-15) District.

Both requests pertain to property lying north of W. Lexington Avenue and east of Richard Byerly Road.

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-01. The Planning & Zoning Commission recommended **approval** of Land Use Plan Amendment Case 15-01 by a vote of 6-0.
- B. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-07. The Planning & Zoning Commission recommended **approval** of Zoning Case 15-07 by a vote of 6-0.
- C. Staff recommends **approval** of both Land Use Plan Amendment Case 15-01 and Zoning Case 15-07 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Allegro Investment Properties, LLC

Land Use Plan Amendment Case 15-01 and Zoning Case 15-07

At its April 28, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present except for Mr. John McKenzie and Mr. Ed Squires. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Herbert Shannon, Senior Planner, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report. In closing, Mr. Shannon noted to the Commission that there is also a voluntary annexation petition, and an appeal from the decision of the Technical Review Committee to uphold subdivision access requirements, associated with this property. The annexation and appeal are to be reviewed as separate stand-alone petitions to the City Council.

Speaking on behalf of both requests was the applicant's representative, Mr. Jim Morgan, 1810 Westchester Drive, High Point. Mr. Morgan provided a summary of his client's proposal to develop an approximate 22 lot single family subdivision on the property. He concluded by stating he is aware of access concerns from some of the neighbors and he and the developer are willing to talk to neighbors about their concerns.

Speaking in opposition was Ms. Elizabeth Bumgarner, 5032 Bennington Way, High Point. She stated that she is a resident of the abutting Swans Landing subdivision and expressed concern about access to the site, stormwater runoff and the amount of trees that would have to be cut down.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-01, as recommended by staff, by a vote of 6-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-07, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that approval would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the corresponding Land Use Plan Amendment case, the requested RS-15 District will be consistent with the Land Use Plan; 2) Subdivision and environmental regulations of the Development Ordinance, along with dimensional standards of the RS-15 District, address policy recommendations of the Northeast Davidson County Area Plan for the development of this site; and 3) The requested RS-15 District is the same zoning district established by former City Councils when the adjacent Swansgate and Swans Landing single family subdivision were annexed and granted City zoning approval. Allowance of the requested RS-15 District will produce development intensity compatible with the surrounding area.

Although not part of the formal review of the Land Use Plan Amendment and Zoning Case, the Commission noted for the record that it recommends that the City Council uphold the decision by the Technical Review Committee to require two access points to the site.

Presue

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

**STAFF REPORT
LAND USE PLAN AMENDMENT CASE 15-01, AND ZONING CASE 15-07
April 28, 2015**

Requests		
Applicant: Argo Investment Properties, LLC	Owner: Sylvia Kennedy, Executrix for the estate of Helen Ruth Byerly	
LUPA Proposal: To amend the Land Use Plan for approximately 27 acres	From:	Future Growth Area
	To:	Low-Density Residential
Zoning Proposal: To annex and apply initial City zoning to approximately 12.3 acres	From:	RS Low Density Residential District (<i>Davidson Co.</i>) RA-3 Rural Agricultural-3 Districts (<i>Davidson Co.</i>)
	To:	RS-15 Residential Single Family-15 District

Site Information		
Location:	Lying north of W. Lexington Avenue and east of Richard Byerly Road	
Tax Parcel Numbers:	Plan Amendment	Zoning Request
	0102000000027A (portion) and 0102000000044 (portion)	0102000000044 (portion)
Site Acreage:	Plan Amendment	Zoning Request
	Approximately 27 acres	Approximately 12.3 acres
Current Land Use:	Plan Amendment	Zoning Request
	Undeveloped	Same
Physical Characteristics:	The northern portion of the site is heavily wooded, while the middle and southern portions of the site, along Richard Byerly Road, consists of open pasturelands (former agricultural areas). The site has a moderately to severely sloping terrain. An intermittent stream runs from the southeast to the northwest through the property, with the steeper terrain lying along the stream corridor.	
Water and Sewer Proximity:	An 8-inch City sanitary sewer line is lying within Bennington Way, approximately 190 feet east of the site. In addition, a 24-inch City sanitary sewer trunk line is lying approximately 1,200 feet northwest of the site adjacent to the Rich Fork Creek stream corridor. Potable water will be provided by Davidson Water Company.	
General Drainage and Watershed:	The site drains in a northwesterly direction and is within the Yadkin Pee-Dee (non-water supply) watershed. Based upon the total acreage and allowable development intensity, stormwater controls may be required to be provided.	
Overlay District:	None	

Adjacent Property Zoning and Current Land Use			
North:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Undeveloped
South:	RA-3 RS	Rural Agricultural-3 District (<i>Davidson Co.</i>) Low Density Residential District (<i>Davidson Co.</i>)	Single family dwelling
East:	CU RS-15	Conditional Use Residential Single Family-15 District	Single family dwellings and undeveloped parcels
West:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Single family dwelling and undeveloped parcels

Adjacent Land Use Plan Designations	
North:	Low- Density Residential and Future Growth Area
South:	Low- Density Residential and Future Growth Area
East:	Low- Density Residential
West:	Future Growth Area

Purpose of Existing and Proposed Land Use Plan Designations	
Existing Designation:	Future Growth Area: This classification includes environmentally sensitive lands, rural subdivisions and agricultural or undeveloped areas lacking public water and sewer and other municipal facilities, infrastructure and services. So long as any land remains classified as a Future Growth Area, such land shall not be approved for development by the City nor considered for annexation, the extension of water or sewer or the provision of other municipal facilities, infrastructure or services. Lacking a major review of the Land Use Plan, such lands may be re-evaluated for development through a Land Use Plan Amendment pursuant to a Zoning Map Amendment request.
Proposed Designation:	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.

Relevant Land Use Policies and Related Zoning & LUPA History	
Community Growth Vision Statement	Objective 5E: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #1: Ensure that development respects the natural environment. Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.

	Obj.#5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development;
Relevant Area Plan:	<u>Northeast Davidson Area Plan</u> (Adopted: December 19, 2002) <u>Residential Development</u> All housing types, including single-family detached development, shall be developed with consideration for the land's environmental and historic resources, physical constraints and the development's compatibility with the area. <u>Land Disturbance</u> Development should minimize land disturbance by fully utilizing areas of a site that are already disturbed. Wherever possible, development should be designed to use the land's existing topography in constructing streets and buildings. <u>Environmentally Sensitive Areas</u> Developments should preserve all wetlands, floodplains, steep slopes and other environmentally sensitive areas and should utilize the existing physical features of the land in the development's design. <u>Open Space</u> Common area open space should be designed into all residential developments. In addition to the inherently unbuildable areas, such as wetlands, floodplains and steep slopes, a development's open space should consist of higher quality lands such as woodlands, pastures and meadows. <u>Stream Protection</u> All intermittent and perennial streams should be protected by preserving and not disturbing vegetation within a minimum 50-foot distance of the stream, except for necessary streets and utility crossings. <u>Tree Protection</u> Significant stands of trees on new development sites should be preserved and incorporated within the development's design. Special care should be exercised to preserve healthy, older hardwood trees. Where trees cannot be preserved, significant plantings of trees should be preserved along abutting streets, along streets within the development and within common areas of the development. <u>Street Connectivity</u> New developments should connect with existing streets and provide stub streets to adjacent land to allow for future street connections when those lands are developed. However, the need for street connectivity should be balanced with the need to protect established residential neighborhoods.

Zoning History:	1. Initial City of High Point corporate limits were established in this portion of Davidson County in 1993 with the annexation and establishment of the CU RS-15 District zoning for the 168-acre Swansgate Subdivision. This subdivision is lying northeast of this current zoning request. 2. In 2003, a 27-acre area was annexed and granted a PUD District zoning to establish the Pennfield Townhome Subdivision. This development is lying along the north side of W. Lexington Avenue, approximately 0.7 miles east of this current zoning request. 3. Finally, in 2004 the Swans Landing subdivision was annexed and granted a CU RS-15 District zoning. This 17.5-acre development abuts the current zoning site to the east.
LUPA History:	LUPA 02-08 – Adoption of the Northeast Davidson Area Plan within the High Point Planning Area boundary on December 19, 2002

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	W. Lexington Avenue		Major Thoroughfare	None
	Richard Byerly Road		Local Street	470 ft.
	Fernley Court		Local Street	50 ft. (public street stub)
Vehicular Access:	Fernley Court (public street)			
Traffic Counts: (Average Daily Trips)	W Lexington Avenue		4,000 ADT (2013, NC DOT count)	
Estimated Trip Generation:	Using the development data provided by the applicant, the total ADT for this site is estimated at 258 trips/weekday.			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

School District Comment				
Davidson County School District				
Local Schools:	Enrollment: (Fall 2014)	Maximum Design Capacity:	Mobile Classrooms:	Projected Additional Students:
Friendship Elementary	484	550	0	4
Ledford Middle School	738	665	6	7
Ledford High School	1,255	1,000	3	9
School District Remarks:	None			

Details of Proposal

The applicant is requesting a Land Use Plan Amendment and Zoning Map Amendment to establish initial City of High Point zoning on this property to facilitate development of a single family subdivision. Additional applications associated with this property are a voluntary annexation petition to add this area to the City's corporate limits in order to allow access to City utilities, and an appeal from the decision of the Technical Review Committee to uphold subdivision access requirements. The annexation and appeal are reviewed as separate stand-alone petitions by the City Council. The primary focus of the review of this application is to determine if the requested Land Use Plan Amendment and Zoning Map Amendment are consistent with adopted Land Use Plan policies established by the City Council.

Staff Analysis

1. Summary of Land Use Plan Amendment Request:

The applicant has requested a Land Use Plan Amendment for an area consisting of approximately 12.3 acres from the Future Growth Area designation to Low-Density Residential. When requests are made for Land Use Plan Amendments, especially from the Future Growth Area designation, staff analyzes the request and determines the most logical new boundary for the Future Growth Area. In this case, a small land-locked area to the north and an area to the south of the site have been added to this request by the Planning & Development Department in order to create a logical new boundary line for the Future Growth Area. Thus, an approximate 27-acre area, lying east of Richard Byerly Road, is proposed to be change from Future Growth Area to Low-Density Residential.

The adopted Community Growth Vision Statement, Land Use Plan, and the Northeast Davidson Area Plan have numerous policies, goals, and objectives that address the way in which development should occur in this area, which deserve consideration. As developments are approved for this area, special consideration should be taken to protect environmentally sensitive areas such as streams, steep slopes and existing tree canopy that are on the site. The plan recommends "building with the land" to lessen the impacts that development may have on the natural features of the site, to not use slab on grade type construction for areas with slopes of 15% or greater and to even avoid development on such steep slopes where possible. The plan also recommends protecting areas with significant stands of trees, and to try to focus development in areas that are already disturbed, e.g. on this site that could be the area that was previously used for agriculture.

The proposal to develop a single family subdivision, which includes the extension of utilities to serve this area, makes the requested change from the Future Growth Area designation appropriate. A Land Use Plan amendment does not annex or establish City zoning for the property; it only establishes a broad use category for that area consistent with adopted land use policies established by the City Council.

2. Summary of Zoning Request:

The applicant has requested a Residential Single Family¹⁵ (RS-15) District be established over this 12.3-acre area to facilitate development of a single family subdivision. The RS-15 District is primarily intended to accommodate moderate density single family detached

dwellings in developments where public water and sewer service is required. The overall gross density in a RS-15 District will be 2.5 units per acre or less. The site is within the City's Planning Area, and as previously outlined in the zoning history section of this report, the RS-15 District has already been established in this area for the Swansgate subdivision to the north and the Swans Landing subdivision to the east. This zoning request does not introduce a new zoning district into this area, thus development intensity as allowed by the requested RS-15 District will be compatible with the surrounding area.

The Northeast Davidson Area Plan includes policy recommendations to protect environmentally sensitive lands. The following outlines the manner in which key portions of these policies will be addressed:

- The requested RS-15 District requires a minimum 15,000 square-foot lot area and minimum 80-foot lot widths. These dimensional requirements allow for flexibility as to the area of a lot to be developed and permits the option to only clear that portion of a lot needed for construction.
- A residential zoning district that permits a smaller lot area and narrower lot widths may mandate the use of slab-on-grade type construction to develop a single family subdivision on this site. However, the larger lot area standards of the requested RS-15 District allows a builder to work with a lot's unique site conditions so as to limit the amount of clearing required on individual lots.
- The middle 1/3 of the site (approximately 4 acres) has been previously cleared and graded for what appears to be farming purposes. Based on review of historical aerial photos, this area has been cleared since the 1970s. The bulk of the area proposed for development will occur in this previously cleared portion of the site.
- An intermittent stream runs through the site. Environmental standards of the Development Ordinance require a 50-foot wide stream buffer, measured from the top of bank, along both sides of this stream. Thus, a buffer of more than 100 feet in width will be established over this stream corridor.
- The majority of the site has slopes of less than 15%. Slopes in excess of 15% are generally adjacent to the stream corridor where stream buffer requirements of the ordinance apply. Additionally, subdivision standards note these stream buffer areas be within common areas of a development and not part of individual lots.

The above noted lot standards of the requested RS-15 District along with the environmental and subdivision standards of the Development Ordinance addresses the policy recommendations of the Northeast Davidson Area Plan.

Consistency with Adopted Plans:

The proposed 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 request for a Land Use Plan Amendment is appropriate for this area based on the City's land use policies, goals and objectives. There are single family residential subdivisions, within the City limits, immediately to the east and to the north that are served with public water and sewer; thus, this request promotes an orderly growth and development of the city.

- ❖ Subject to the approval of the Land Use Plan Amendment to establish a Low Density Residential Land Use classification, which is primarily intended for single family dwellings at a density of five units per acre or less, the requested RS-15 District will be consist with the Land Use Plan.
- ❖ As outlined in the analysis section of this report, dimensional standards of the requested RS-15 District along with environmental and subdivision requirements of the Development Ordinance addresses the various policy recommendations from adopted plans.

Reasonableness/Public Interest:

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

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the corresponding Land Use Plan Amendment case, the requested RS-15 District will be consistent with the Land Use Plan; 2) Subdivision and environmental regulations of the Development Ordinance, along with dimensional standards of the RS-15 District, address policy recommendations of the Northeast Davidson County Area Plan for the development of this site; and 3) The requested RS-15 District is the same zoning district established by former City Councils when the adjacent Swansgate and Swans Landing single family subdivision were annexed and granted City zoning approval. Allowance of the requested RS-15 District will produce development intensity compatible with the surrounding area.

Recommendation

1. Land Use Plan Amendment Case 15-01:

Staff Recommends Approval:

Staff recommends approval of the Land Use Plan Amendment for approximately 27 acres from Future Growth Area to Low-Density Residential. This request is consistent with the City's plans in that it is an orderly growth of the city, and it is immediately adjacent to an area that is currently designated as Low-Density Residential that is developed with an existing single family subdivision that is served with public water and sewer.

2. Zoning Case 15-07:

Staff Recommends Approval

Subject to approval of Land Use Plan Amendment Case 15-01, the Planning & Development Department recommends approval of the request to rezone this 12.3-acre area to the RS-15 District.

Required Action

Planning and Zoning Commission:

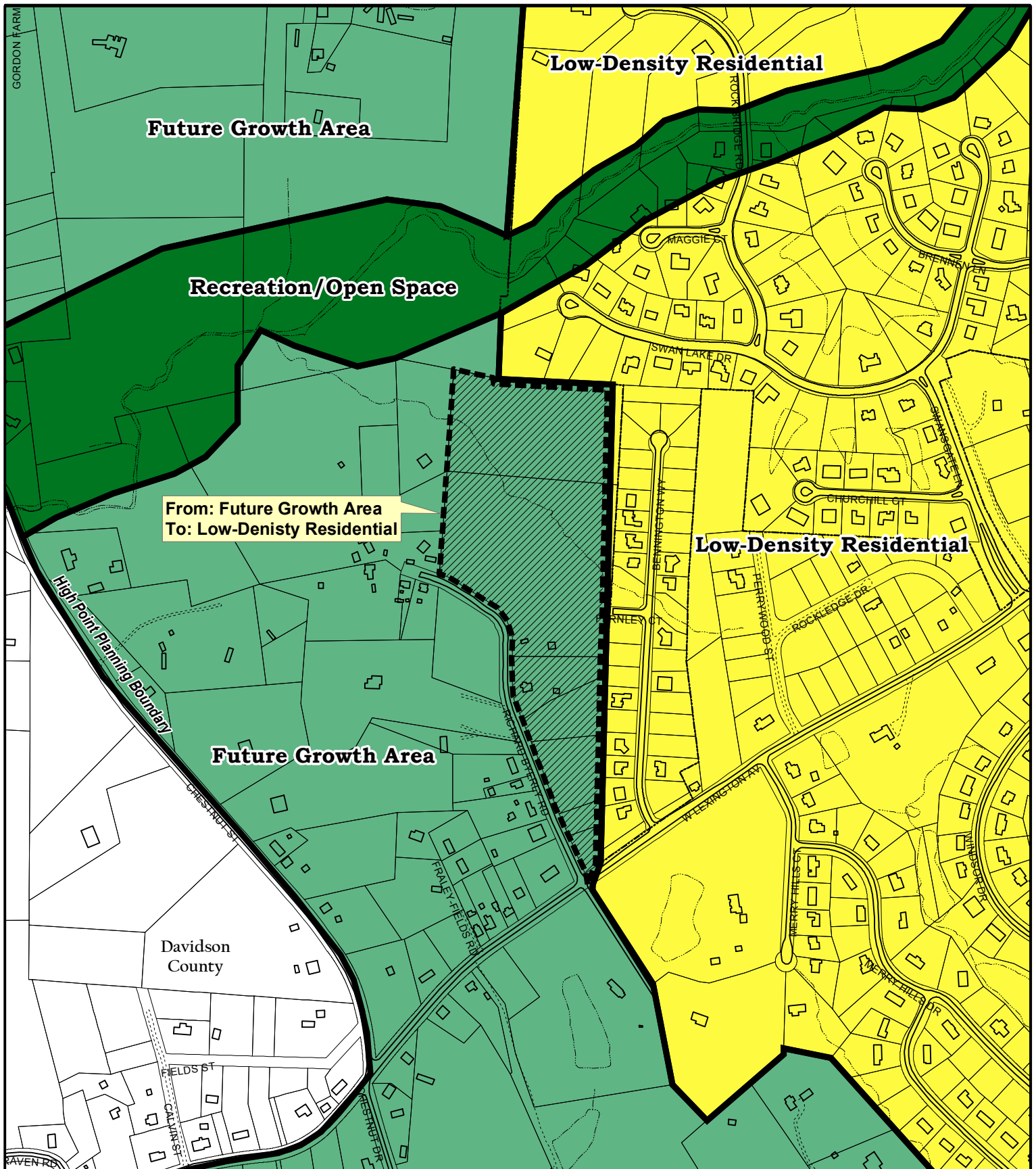
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



LAND USE PLAN AMENDMENT 15-01

**Request: From: Future Growth Area
To: Low Density Residential**

Existing Land Use Plan
Subject Property Boundary



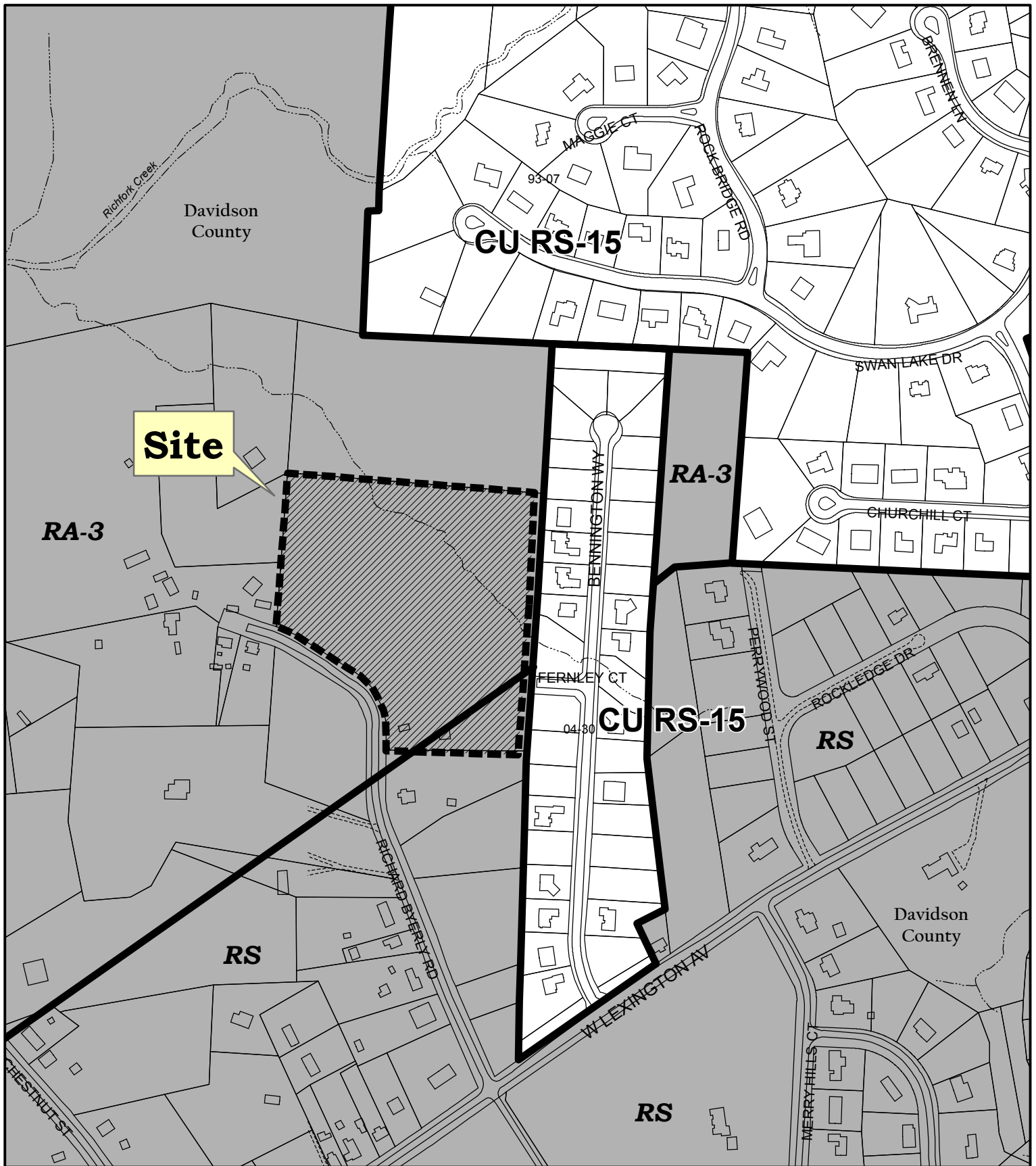
**Planning & Development
Department**

City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

From: Low Density Residential (RS)
and Rural Agricultural-3 (RA-3)
To: Conditional Zoning Residential Single Family-15

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

**Planning & Development
Department**

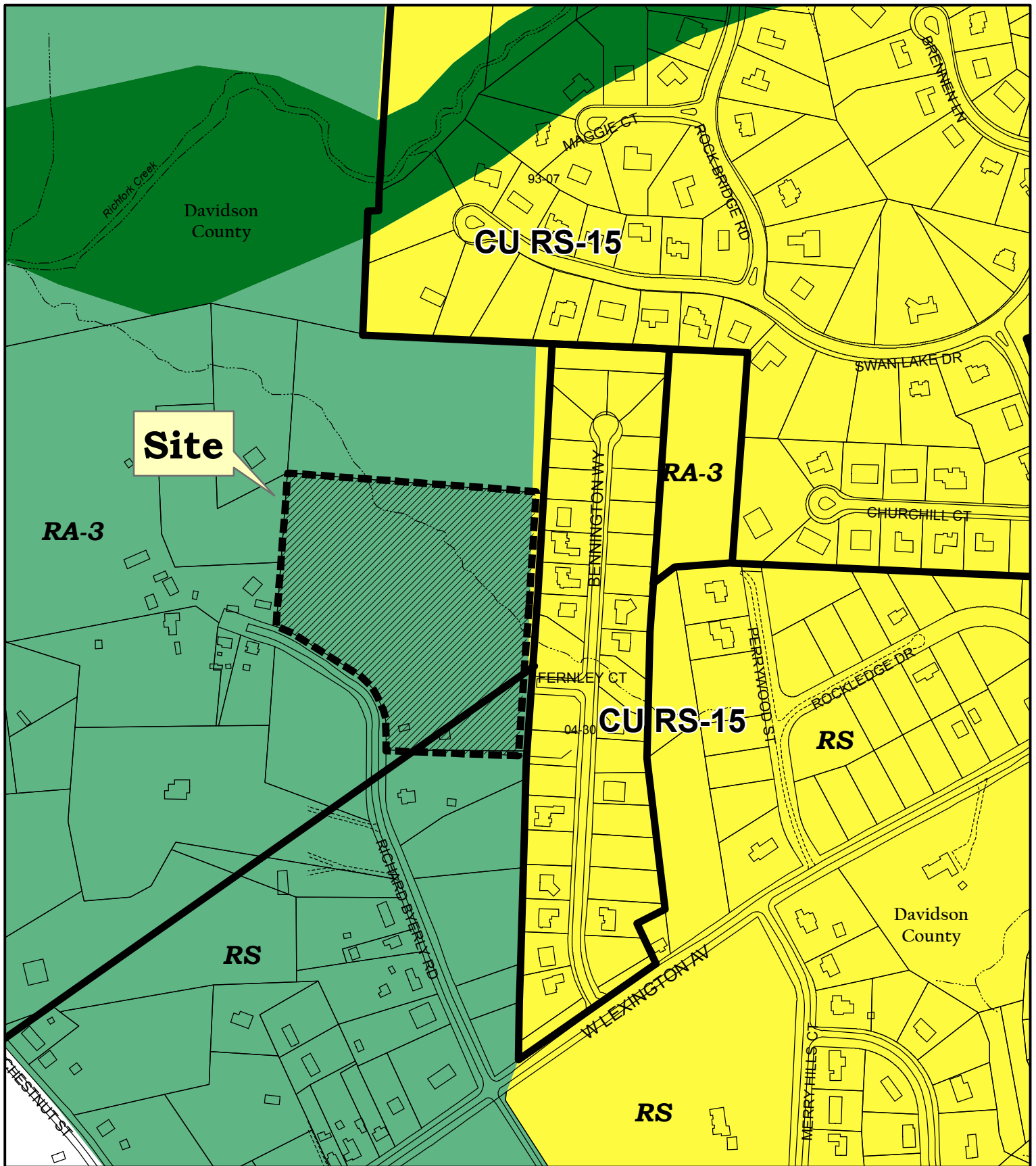
City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

Land Use Plan

-  Low-Density Residential
-  Recreation/Open Space
-  Future Growth Area

Planning & Development
Department

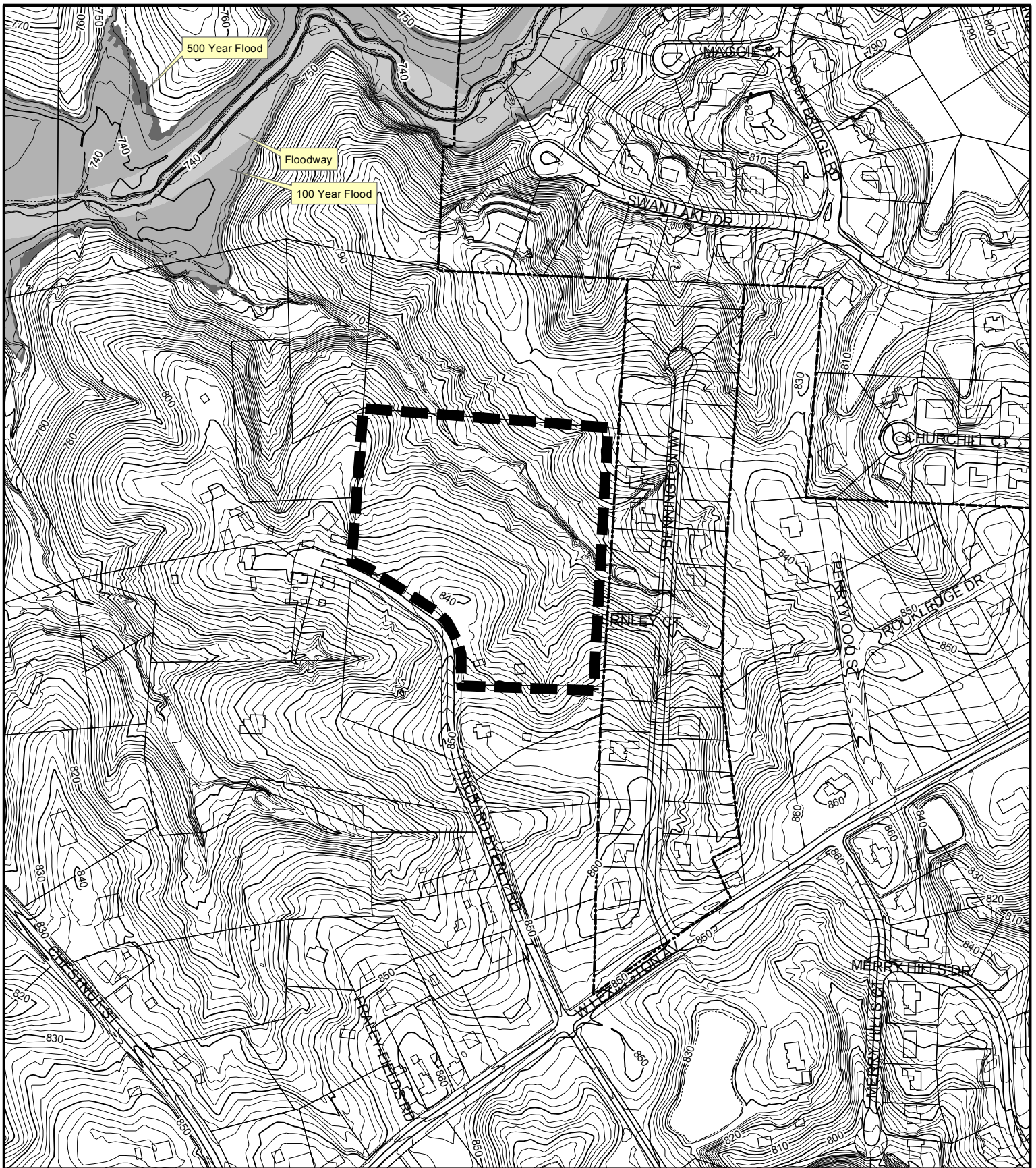
City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: April 28, 2015



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ZONING CASE 15-07



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 April 28, 2015 and before the City Council of the City of High Point on May 18, 2015, regarding **Zoning Case 15-07** 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 April 19, 2015, for the Planning and Zoning Commission public hearing and on May 7, 2015 and May 13, 2015, 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 **July 20, 2015**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family - 15 (RS-15) District**. The parcel is lying approximately 950 feet north of W. Lexington Avenue, along the east side of Richard Byerly Road and west of Fernley Court), and also known as Davidson County Tax Parcel 0102000000044 (portion). The zoning site is more specifically described as follows:

Beginning at an existing iron pipe, the SW corner of Jack Daniel Craven, Sr. as described in DB 1665 PG 1549, Davidson County Register of Deeds, said iron pipe having NC State Plane Coordinates (NAD 83) of N 808048.08, E 1682744.69 (U.S. Feet), running thence with the southern line of Craven S 81 deg 25 min 37 sec E 788.57’ to a new iron pipe set in the western line of “Swan’s Landing” as recorded in Plat Book 47 Page 23, running thence with the western line of said plat S 3 deg 07 min 49 sec W 735.32’ to a new iron pipe, running thence N 89 deg 37 min 34 sec W 455.47’ to a new iron pipe in the western R/W of Richard Byerly Road, running thence with said R/W N 0 deg 08 min 48 sec W 77.36’ to a point, on a curve to the left having a radius of 166.54’ a chord bearing and distance of N 28 deg 03 min 21 sec W 156.66’ to a point, N 56 deg 03 min 32 sec W 151.74’ to a point, and on another curve to the left having a radius of 752.05’ a chord bearing and distance of N 60 deg 53 mn 29 sec W 126.71’ to a new iron pipe, the SE corner of the afore referenced Jack Craven, running thence with the eastern line of Jack Craven and Nolan Craven (DB 2026 PG 73), N 3 deg 05 min 43 sec E 487.53’ to the point and place of beginning, containing 12.300 acres, more or less.

SECTION 2

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 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.

20th day of July, 2015.

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Appointment – Parks & Recreation Commission – Gloria Halstead

From: Lisa Vierling, City Clerk

Meeting Date: May 18, 2015

Public Hearing: N/A

**Advertising Date /
Advertised By:**

Attachments: Application to Serve – Gloria Halstead

PURPOSE:

To appoint Gloria Halstead to the Parks & Recreation Commission

BACKGROUND:

Council Member Alexander is requesting that Gloria Halstead be appointed to the Parks & Recreation Commission as his At-Large appointment. Ms. Halstead will be replacing Joe Ellenburg who is not eligible for reappointment. Appointment will be effective immediately and will expire July 1, 2017.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

Council is requested to approve the appointment of Gloria Halstead to the Parks & Recreation Commission. Appointment will be effective immediately and will expire July 1, 2017.

Application for Appointment to Boards and Commissions

Status: submitted

Profile

All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.

Gloria

First Name

Halstead

Last Name

howlerdemondeacon@gmail.com

Email Address

901 Johnson Street

Street Address

Suite or AptHigh Point

City

NC

State

27262

Postal Code

Within High Point Corporate Limits

Please select your residency status.

Home: (202) 213-5672

Primary Phone

Home: (336) 858-5370

Alternate Phone

Retired

Employer

Which Boards would you like to apply for?Parks and Recreation Commission2

Ward you reside in?

Interests & Experiences

Please tell us about yourself and why you want to serve.

Please list any work, volunteer, and/or educational experience that you would like us to consider in the review of your application.

I am an American Contract Bridge League (ACBL) certified teacher and director. I have a strong interest in bringing a more robust bridge program to High Point. I would like to hold the bridge games in a Parks &

Recreation facility. I am a licensed soccer instructor and coached my son's soccer team for six years. I served as the co-ordinator for Montgomery Soccer in the greater Washington, DC area. I grew up playing nearly every sport imaginable from team sports to individual sports. I am a community activist and volunteer with the Parson's Table, Church Women United and St. Mary's Episcopal Church as well as the North Carolina Diocese of the Episcopal Church.

Upload a Resume

Have you participated in Leadership High Point?

☐ Yes ☒ No

If yes, please list the year in which you participated in Leadership High Point:

Female

Gender

Applications will be retained and active for a two-year period

PROSPERITY AND LIVABILITY COMMITTEE

Chaired by Council Member Ewing

May 6, 2015 – 9:00 a.m.

Third Floor Lobby Conference Room (Fishbowl)

Present:

Committee Chair Jason Ewing and Committee Members Latimer Alexander, Alyce Hill and Jay Wagner

Also Present:

Council Member Cynthia Davis

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Jeron Hollis, Communications Officer; Wendy Fuscoe, Core City Administrator; Loren Hill, President, High Point Economic Development Corporation; Jeff Moore, Finance Director; Mark McDonald, Transportation Director; Mike McNair, Director of Community Development; JoAnne Carlyle, City Attorney; Tom Vincent, Deputy City Clerk.

Others Present:

Richard Wood, City Project; Aaron Clinard, City Project; Dorothy Darr, Southwest Renewal Foundation; Ross Lackey, Citizen; Judy Stoddard, TRIBEC.

Media Present:

Pat Kimbrough – *High Point Enterprise*

AGENDA ITEMS

1) Discussion regarding Downtown One-Way Street Conversion to Two-Way.

Mark McDonald, Transportation Director, said at the previous Prosperity and Livability Committee meeting, the Committee asked staff to take another look at the English/Kivett and Green/Russell one way pairs conversions. He explained previously staff had done an estimate for the English/Kivett pair based on full rebuild with a price tag of \$7.2 million to \$7.5 million. Mr. McDonald said the Committee was concerned about the high cost and staff has come back with a “bare bones” estimate for the one-way conversion: this does not include milling the road or resurfacing the road between the intersections. Mr. McDonald said this estimate is just intersection improvements and scaled back traffic signal rebuilds. He explained Kivette/English was broken into two phases: from Centennial to Elm Street \$2.3 million, from Elm Street to Phillips Avenue \$2.6 million for a total of \$4.9 million. Mr. McDonald said this cut out the aesthetics and possibly some of the functionality, but he said it could be made to work. He added that for Green/Russell the cost is approximately \$3.8 million.

Committee Member Latimer Alexander asked if other communities converted one-ways to two-ways in an effort to change the neighborhoods and if they have; the City should go talk to them and see what they learned. Mr. McDonald said other cities have done that including Greensboro and Winston-Salem and that Rocky Mount was considering it. Committee Member Alexander said it would be an easy day trip to go to Greensboro or Winston-Salem and see what they have done and if they can measure any kind of result from the investment. Mr. McDonald said he could investigate that.

Deputy City Manager Randy McCaslin said if Council wanted to add back in some mast arms for the traffic signals they cost approximately \$200,000 an intersection and it takes eight months to order and receive them. Mark McDonald said there would be six to eight months of design work plus getting it out to contracts would take a year. He estimated with no new mast arms construction could start in a year or a year and a half. Mr. McDonald said there was engineering work to be done, State approvals were necessary, new marking plans had to be developed and signal plans have to be revised.

Committee Chair Ewing asked if the City did this bare bones project and later wanted to do the aesthetic work, what would that cost be. Mr. McDonald said the cost would be greater because the City would be redoing work that had already been done. Committee Member Alexander noted the one-way to two-way is just infrastructure. He added that the City should take a look at land use and target what the City is trying to get in that area or remove from that area. Committee Chair Ewing said it needed to be tied to something bigger than changing the traffic pattern and to look at land use and Municipal Service Districts. He added if the City is going to invest \$5 million, it should have a purpose. Mr. Ewing said a good next step would be to find out Winston-Salem and Greensboro did, what drove that and what the results were. Mr. McDonald said they would look beyond Winston-Salem and Greensboro. Committee Member Alyce Hill mentioned the importance of talking to business owners along these streets.

2) Discussion regarding a Request to Provide Traffic Calming on Rotary Drive.

Mark McDonald, Transportation Director, said traffic studies had been done on the entire Rotary corridor and focused on Chestnut up to Lexington. He said the speed studies indicated that 85th percentile travel speeds in the area where it is posted at 35mph is just slightly above that speed. Further to the north from Ray up to Lexington where it is posted at 25mph that same speed pattern holds true and travel speeds hold at approximately 38mph. Mr. McDonald said staff looked at candidates that would be good locations for multi-way stop signs and felt like Farriss was the number one choice and Westwood would be the number two choice. He said Farriss was located in the middle of the 25mph zone between Lexington and Ray. Mr. McDonald explained Parkway was not the first choice because of sight issues and they needed an intersection with good visibility all around.

Deputy City Manager Randy McCaslin said staff had looked at other options like speed tables or speed humps and there were problems with those. Mr. McDonald said it was not good to put speed bumps at the bottom of a curvy downgrade. He added the looked at putting traffic circles in, that was a possibility but it was much more costly. Committee Member Alexander asked what the opinion of the neighbors was. Committee Member Hill said the neighbors were very vocal

about wanting something done. Mr. Alexander said the stop signs could stop people from treating Rotary as a thoroughfare. Council Member Cynthia Davis brought up the possibility that when people stop it could increase visual desire of homes and increase crime. Committee Member Alexander said it would be nice to hear from citizens who live on Rotary how they feel about the four-way stops. Committee Member Wagner said a citizen was working on a petition to have to stop signs put in place. The Committee discussed the feasibility of traffic circles and the cost of constructing them. Mark McDonald said the circles cost between \$15,000 and \$16,000. Committee Member Wagner said this is an inexpensive first step to control the traffic. Council Member Cynthia Davis asked if the stop signs would interfere with school traffic, Committee Member Hill said it would not. Committee Member Alexander stressed the importance of getting public feedback. Committee Chair Ewing said putting the item on the agenda for the June 1 Council Meeting should allow time for feedback and if there is not enough information to move forward on June 1 the Council can put it back in Committee.

A motion was then made by Committee Chair Ewing, seconded by Committee Member Hill to recommend the installation of a four-way stop at Farriss and put this item on the agenda for the June 1 Council Meeting. Motion passed by a unanimous 4 – 0 vote.

3) Discussion regarding the Public Comments/Suggestions at the March 23 P & L Committee Town Hall Meeting.

Committee Chair Ewing said a lot of feedback was received from the March 23rd Town Hall Meeting. He said the Committee could identify some short-range objects that the Committee can accomplish and longer-range items to give staff direction on and get further information for recommendations to Council. Committee Member Hill said the slow speed at which things seem to take place came up a lot and said the conversation was around things the City could do quickly so people can see some actual change. Committee Chair Ewing said hunger was one of the predominant topics. Committee Member Wagner said he was interested in what citizens had to say about urban agriculture and loosening zoning rules concerning urban agriculture. He noted Planning staff asked them to postpone that until Acella is up and running. City Manager Greg Demko said with Development Ordinance rewrite the timing was good to do this. Committee Member Alexander noted safety and traffic issues associated with produce stands. Deputy City Manager Randy McCaslin suggested Ross Lackey and other citizens interested in this to work with Wendy Fuscoe and come up with a list of things to consider. Wendy Fuscoe, Core City Administrator, said she chairs the Urban Agriculture Committee of the High Point Food Alliance and the committee would be looking at what ordinances need to be changed and could have something for the Committee in August. She said they were also looking at creating edible greenways.

Committee Chair Ewing said another topic brought up at the Town Hall Meeting was communication. He noted that was not something that could be fixed quickly but it is something they needed to continue to discuss. Mr. Ewing said the City needed to put as much information out there as the public wants to absorb. Committee Member Wagner said he would like the Committee to look at live-streaming Council meetings. Committee Chair Ewing asked for Jeron

Hollis and staff to have details at the June Committee meeting on how the City can live-stream and/or record and publish meetings.

4) Discussion regarding a Complete Streets Program/Policy.

Wendy Fuscoe, Core City Administrator, said there has been talk about Complete Streets for a long time. She explained Complete Streets refers to streets that are designed to accommodate things other than cars. Ms. Fuscoe distributed a draft of a Complete Street Policy and added that Mark McDonald, Transportation Director, and Lee Burnette, Planning and Development Director, has looked at the draft. She said this policy would send the issue to a committee that would draft guidelines that would come to Council for approval. Mr. Fuscoe said this concept was part of the Ignite High Point plan and this would take it out for study by a committee of staff and citizens. Mark McDonald said the City had been trying to practice Complete Streets since at least the 2004 bond project. Committee Chair Ewing asked if it was the will of the Committee for staff to form an ad hoc committee that would report back the Prosperity and Livability Committee in June. He suggested taking the North Carolina policy and seeing what could apply to the City of High Point.

5) Discussion of Downtown Corridor Incentive Grants (Development Incentive Grant and Building Revitalization Grant).

Deputy City Manager Randy McCaslin said this Committee has approved two incentives for the downtown area and it has changed slightly to make the boundaries clearer. The two incentives are the Building Rehabilitation/Demolition Grant and the Development Incentive Grant. Wendy Fuscoe, Core City Administrator, said one way to offer these incentives is to set up a Municipal Service District (MSD). Ms. Fuscoe explained part of the requirements to designate a MSD is to create a report and said there is no new tax associated with this MSD. She said it has to be in place by the beginning of the fiscal year and there is an aggressive schedule to get this adopted by July 1. Mr. McCaslin said the reports were in draft format and will be ready at the next Council Meeting if the Committee is comfortable with the districts and with the incentives. City Attorney JoAnne Carlyle said the Public Hearing on this needs to be advertised for a specific date and time and that she would recommend the Public Hearing be held on June 18th to be on the safe side. Committee Member Alexander asked if tenants could be notified of this in addition to the property owners.

The Committee discussed expanding the districts to make sure they include both sides of certain streets. Committee Member Alexander asked if the entire MSD could be expanded by one block, excluding the hospital, to include all the businesses that front on certain streets. Committee Chair Ewing asked if the boundaries could be shown on the map or did they have to be verbalized. JoAnne Carlyle said it had to be specific and it had to have the property addresses. Mr. Ewing said once adopted the MSDs could be expanded and since there was a short time line; the Committee could recommend Council adopt the reports as written.

A motion was then made by Committee Chair Ewing, seconded by Committee Member Wagner to recommend to place the Downtown MSD on the next Council agenda and set the public hearing. Motion passed by a unanimous 4 – 0 vote.

Wendy Fuscoe said the next three MSDs were Urban Revitalization Districts and they were set up so the City could do the Façade Grant program through them. Council Member Alexander noted the gap between the South Main District and the MSD and asked if someone wanted to do a façade not in that district how could they do it. Wendy Fuscoe said their property would have to be annexed into the service district.

A motion was then made by Committee Chair Ewing, seconded by Committee Member Wagner to move forward on the Washington Street, Uptowne and South Main MSDs and recommend to place them on the next Council agenda and set the public hearing. Motion passed by a unanimous 4 – 0 vote.

6) Other Topics

Committee Member Alexander asked what the status was on the intersection improvements at Lexington and Main and where the City was at looking at extending those pedestrian-friendly intersections all the way down to the library. Mark McDonald, Transportation Director, said the Lexington and Main intersection is in design now with Engineering Services and will be reviewed by NCDOT. They hope to have out ready for construction later this summer. He said the mast arms have to be fabricated and it will be six to eight months after the contract is awarded before they are here. They anticipate having the intersection improvements done by the agreement deadline of June 30, 2016. Mr. Alexander if the City could look at some paint and pedestrian actuated buttons from Lexington down to Parkway or Montlieu. Mr. McDonald said the intersection at Parkway was already actuated and Montlieu is on the design list. He added that Farriss would be addressed with the traffic signal upgrades.

There being no further business to discuss, the meeting adjourned at 10:45 a.m. upon motion duly made and seconded.

Respectfully Submitted,

Jason Ewing, Chairman

Attest:

Tom Vincent, Deputy City Clerk

BK: R 7704
PG: 2153-2157
RECORDED:
05-28-2015
09:46:56 AM
BY: JANE SCHULTZ
DEPUTY-HP



2015026108
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. 1455 / 15-26

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF MAY, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-04 (portion of the Markley Street right-of-way)

WHEREAS, Metal Works of High Point has petitioned the City Council of the City of High Point to permanently abandon (close) that portion of the Markley Street right-of-way lying south of Guilford County Tax Parcel 0187046. This right-of-way is lying between Briggs Place and W. Kivett Drive and more specifically described as follows:

Beginning at the existing southeastern property corner of lot #11 of block "3" as recorded in (PB 4 PG 128) in the Office of the Register of Deeds of Guilford County, North Carolina (also known as the southeastern property corner of Guilford county parcel # 0187046); thence southerly along the western right-of-way line of Markley Street (formerly Glenn Avenue) to an existing property corner located on the eastern property line of Guilford county parcel # 0187053; thence along the property line of the same parcel in a southeastern direction to another property corner located on the northern right-of-way line for West Kivett Drive; thence across the unopened portion of Markley Street to the existing southeastern property corner of Guilford county parcel # 0187069, said point also being the

northern right-of-way for West Kivett Drive; thence in a northwestern direction along the eastern right-of-way line of Markley Street to another property corner located in the same parcel; thence northerly along the eastern right-of-way line for Markley Street to a point located on the eastern right-of-way line of Markley Street, said point also being directly across from the point of beginning; thence from said point 50' westerly across Markley Street to the point and place of beginning. The described area encompasses +/- 0.53 Acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 13th day of April, 2015, at 5:30 p.m. setting the 18th day of May, 2015 at 5:30 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 April 17 & 24, 2015 and May 1 & 8, 2015; 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 the Markley Street right-of-way lying between Briggs Place and W. Kivett Drive, as previous described above; and

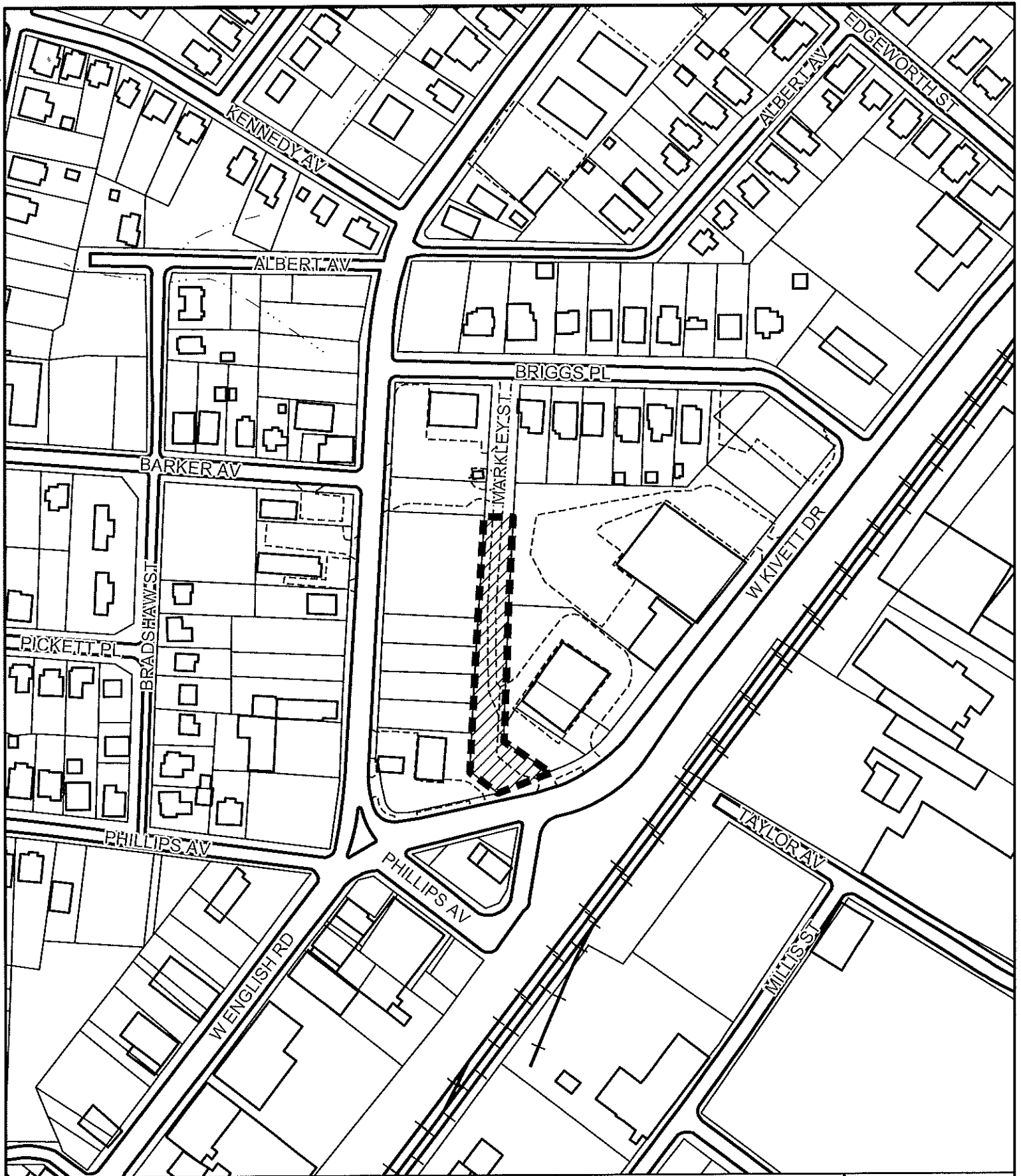
WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other 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 Markley Street right-of-way lying between Briggs Place and W. Kivett Drive, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way;
3. That the City of High Point shall retain a 30-foot wide stormwater easement centered over existing stormwater lines within and crossing the right-of-way;

4. That the City of High Point shall retain a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way;
5. 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 May, 2015
Lisa B. Vierling, City Clerk



STREET ABANDONMENT REQUEST SA15-04

Applicant: City of High Point
Area: 0.53 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: May 27, 2015



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-04.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 May 18, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Resolution Book XIX 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 27th day of May, 2015.

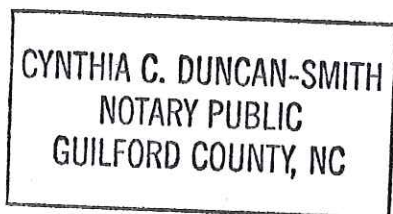


Lisa B. Vierling
Lisa B. Vierling, City Clerk

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 27th day of May, 2015.



Cynthia C. Duncan-Smith
Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

CITY OF HIGH POINT

AGENDA ITEM



Title: Contract Extension for McLaurin Parking Co.
Furniture Market Transportation Services

From: Mark McDonald, Transportation Director

Meeting Date: Monday May 18, 2015

Public Hearing: N/A

Advertising Date: NA

Advertised By: NA

Attachments: McLaurin Acceptance of Proposed Contract Extension for 2015-16
Bid Recommendation

PURPOSE:

Consideration of a one (1) year contract extension option for transportation services associated with the biannual International Home Furnishings Market.

BACKGROUND:

In 2012 the City contracted with McLaurin Parking Company to provide surface mass transportation services for the Furniture Market for three years, with options for two 1-year extensions. This is the first extension. The basic terms of the agreement executed in 2012 are unchanged, and include coach bus services to numerous Triad region hotels, the state's three major airports (PTI, Raleigh-Durham, and Charlotte Douglas), park & ride transport from Oak Hollow Mall and the South Lots on W. Market Street, showroom shuttles throughout the Market District, employee shuttles for City Hall staff, and traffic control in and around the Mendenhall Transportation Terminal.

BUDGET IMPACT:

The City receives an annual grant from North Carolina Department of Transportation (NCDOT) to cover most of the costs associated with Market transportation services. Funding for this grant is appropriated annually by the General Assembly and approved by the Board of Transportation. Costs over and above the grant funding is covered by the High Point Market Authority.

RECOMMENDATION / ACTION REQUESTED:

During the initial three years of the contract, spanning a total of six Market events, McLaurin Parking Company has performed the desired services in accordance with the contract terms and to the satisfaction of both the City Transportation staff and the Market Authority. Council is requested to approve this contract renewal with McLaurin Parking Company which will cover transportation services through the Spring 2016 Furniture Market.

Financial Services Department

Tarinda Chappell, Purchasing Manager
Purchasing Division



TO: McLaurin Transportation and Parkin
A Division of McLaurin Parking Co.
Raleigh, NC 27601
smclaurin@mcclaurinparking.com

FROM: Tarinda Chappell, Purchasing Manager
Purchasing Department

DATE: 2/9/2015

SUBJECT: Extend Bid Contract

According to our records, the bid contract 62-021712 for Services - Furniture Market Transportation Contract will expire on 9/30/2015.

The City of High Point is hereby offering to extend this contract at the quoted price for a one-year period beginning 10/1/2015 and ending 9/29/2016. Please note the City of High Point shall not be obligated to purchase in excess of its normal requirements, as these are estimated quantities. Purchase orders for this contract will be issued as needed.

Please acknowledge your acceptance of this contract extension offer by signing below. Return by April 1, 2014 to: Email - tarinda.chappell@highpointnc.gov / Fax - (336) 883-3248 or by Mailing to the address below.

City of High Point
Purchasing Department
211 S Hamilton Street
High Point, NC 27260
Attn: Tarinda Chappell

The undersigned accepts the City's offer to extend bid number 62-021712 for Services - Furniture Market Transportation Contract until 9/29/2016.

Company Name: McLaurin Transportation & Parking; A Division of McLaurin Parking Company
Date: 2/9/2015 Signature: Stephen B. McLaurin

If you have questions email: tarinda.chappell@highpointnc.gov or call (336) 883-3219.
Thank you for your continued interest in serving the City of High Point.



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Transportation**

COUNCIL AGENDA DATE: **May 18, 2015**

BID NO.: **Extension 62-071712**

CONTRACT NO.:

DATE OPENED: **Feb 17, 2012**

DESCRIPTION:

Contract Extension-Furniture Market transportation management and transportation services

PURPOSE:

The contractor will provide bi-annual Furniture Market transportation management and transportation services for the period of October 1, 2015-September 30, 2016 with the option to renew for one additional year extension of the contract.

COMMENTS:

Due to the variables from Market to Market the amount paid to the contractor could be more or less. Proposers were asked to submit pricing based on the best estimates that were available at the time the RFP was put together.

RECOMMEND AWARD TO: **McLaurin Transportation and Parking**

AMOUNT: **\$2,560,022**

JUSTIFICATION:

McLaurin Transportation and Parking Company submitted the best proposal and had the best understanding of the services to be provided each Market.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
301610	529703	301122122505	53230	
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Mark V. McDonald, P.E.**

Digitally signed by Mark V. McDonald, P.E.
DN: cn=Mark V. McDonald, P.E., o=City of High Point, ou=Dept. of Transportation, email=mark.mcdonald@highpointnc.gov, c=US
Date: 2015.04.28 08:48:09 -0400

DATE: **Apr 28, 2015**

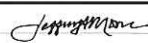
The Purchasing Division concurs with recommendation submitted by the **Transportation Dept** and recommends award to the lowest responsible, responsive bidder **McLaurin Transportation** in the amount of \$ **2,560,022.00**.

PURCHASING MANAGER: **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: 2015.04.28 14:47:08 -0400

DATE: **Apr 28, 2015**

Approved for Submission to Council

FINANCIAL SERVICES DIRECTOR: 

Digitally signed by Jeffrey A. Moore
DN: cn=Jeffrey A. Moore, o=City of High Point, ou=Financial Services Director, email=jeff.moore@highpointnc.gov, c=US
Date: 2015.05.08 10:12:32 -0400

DATE: **May 8, 2015**

CITY MANAGER: **Greg Demko**

Digitally signed by Greg Demko
DN: cn=Greg Demko, o=City of High Point, ou=City Manager, email=greg.demko@highpointnc.gov, c=US
Date: 2015.05.11 16:55:31 -0400

DATE: **May 8, 2015**

BID TABULATION
MARKET TRANSPORTATION SERVICES
BID #62-021712

Vectour Group 3100 Lorna Road, Suite 304 Birmingham, AL 35216	\$1,392,640.00 Vendor Priced Only 1 Market Per Year
Transportation Management Services Inc. 17810 Meetinghouse Road Sandy Spring, MD 20860	\$2,586,676.32
McLaurin Transportation and Parking 421 Fayetteville Street One Bank of America Plaza Raleigh, NC 27601	\$2,560,022.00

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 April 28, 2015 and before the City Council of the City of High Point on May 18, 2015, regarding **Zoning Case 15-07** 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 April 19, 2015, for the Planning and Zoning Commission public hearing and on May 7, 2015 and May 13, 2015, 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 **July 20, 2015**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family - 15 (RS-15) District**. The parcel is lying approximately 950 feet north of W. Lexington Avenue, along the east side of Richard Byerly Road and west of Fernley Court), and also known as Davidson County Tax Parcel 0102000000044 (portion). The zoning site is more specifically described as follows:

Beginning at an existing iron pipe, the SW corner of Jack Daniel Craven, Sr. as described in DB 1665 PG 1549, Davidson County Register of Deeds, said iron pipe having NC State Plane Coordinates (NAD 83) of N 808048.08, E 1682744.69 (U.S. Feet), running thence with the southern line of Craven S 81 deg 25 min 37 sec E 788.57’ to a new iron pipe set in the western line of “Swan’s Landing” as recorded in Plat Book 47 Page 23, running thence with the western line of said plat S 3 deg 07 min 49 sec W 735.32’ to a new iron pipe, running thence N 89 deg 37 min 34 sec W 455.47’ to a new iron pipe in the western R/W of Richard Byerly Road, running thence with said R/W N 0 deg 08 min 48 sec W 77.36’ to a point, on a curve to the left having a radius of 166.54’ a chord bearing and distance of N 28 deg 03 min 21 sec W 156.66’ to a point, N 56 deg 03 min 32 sec W 151.74’ to a point, and on another curve to the left having a radius of 752.05’ a chord bearing and distance of N 60 deg 53 mn 29 sec W 126.71’ to a new iron pipe, the SE corner of the afore referenced Jack Craven, running thence with the eastern line of Jack Craven and Nolan Craven (DB 2026 PG 73), N 3 deg 05 min 43 sec E 487.53’ to the point and place of beginning, containing 12.300 acres, more or less.

SECTION 2

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 3

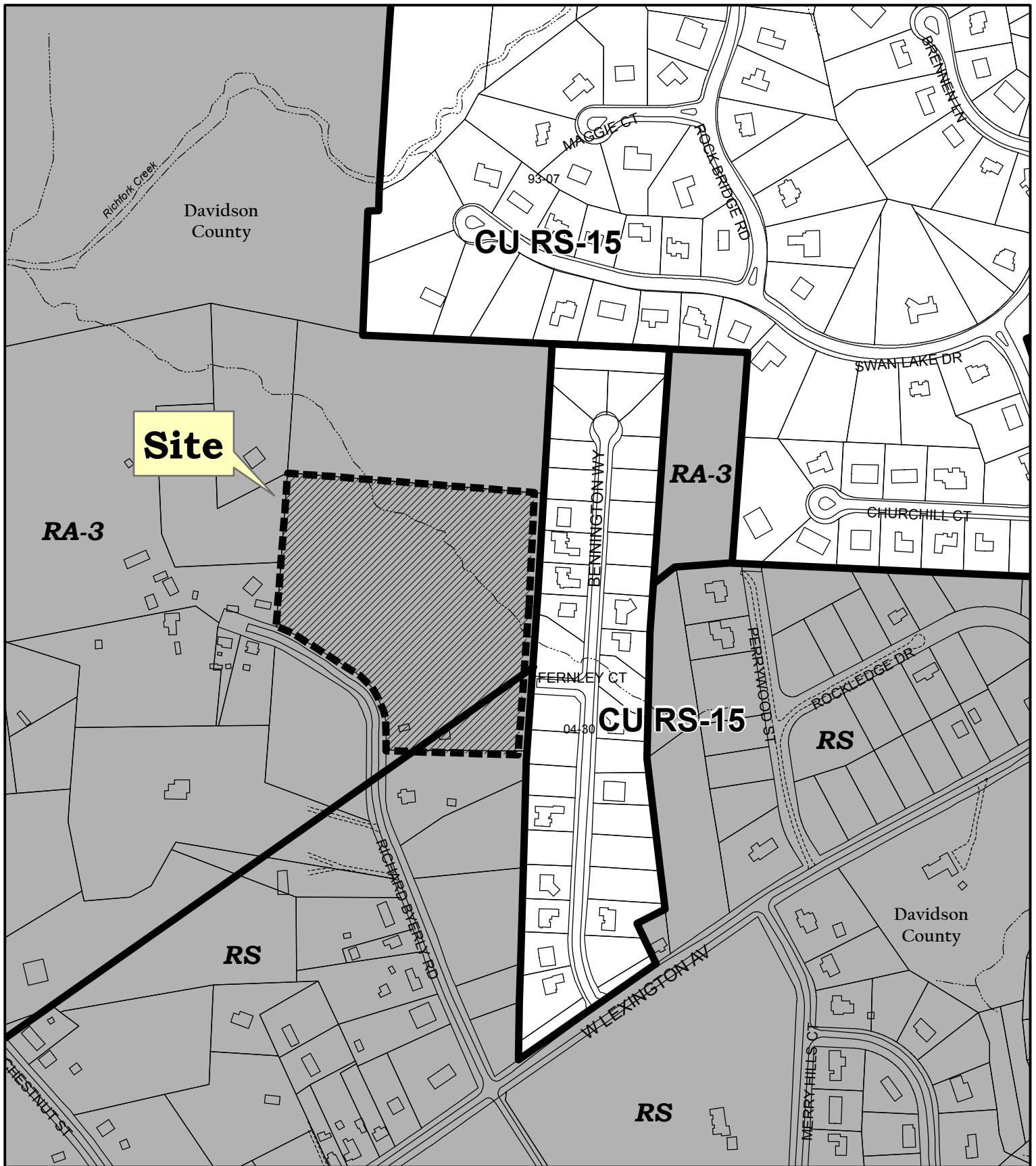
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon the date of adoption.

20th day of July, 2015.

Lisa B. Vierling, City Clerk



ZONING CASE 15-07

From: Low Density Residential (RS)
and Rural Agricultural-3 (RA-3)
To: Conditional Zoning Residential Single Family-15

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

**Planning & Development
Department**

City of High Point

Date: April 28, 2015



Scale: 1"=400'

G:/Planning/Secure/ba-pz/
2015/pz/215-07.mxd

CITY OF HIGH POINT AGENDA ITEM



Title: Sole Source - Flow Meters for Sewer Collection System

From: Terry Houk – Public Services Director
Carol McDowell – Asst. Director Public Services

Meeting Date: May 18, 2015

Public Hearing: N/A

Advertising Date: N/A
Advertised By: City of High Point

Attachments: A – Clearwater Estimate
B – Clearwater Inc. Authorization Letter
C – Sole Source Recommendation Letter

PURPOSE:

The Public Services Mains Division has budgeted for insertion flow meters for the sanitary sewer collection system.

BACKGROUND:

The flow meters will help the Mains Division study the collection system to review areas of suspected inflow and infiltration (I&I) related to rain events and ground water entering the sewer lines. With the information collected, Public Services will better coordinate with the city's Engineering Department to determine the best locations for future sewer infrastructure repairs.

The Teledyne Isco meter was selected to work in conjunction with Isco samplers that are already used in the collection system and at the Wastewater plants. Keeping the same manufacturer also helps minimize interface problems.

Clearwater Inc. is the only authorized dealer for Teledyne Isco for North Carolina.

BUDGET IMPACT:

Funds for this project are in the following account: **621754-533101**

RECOMMENDATION / ACTION REQUESTED:

The City Council is requested to approve contract to Clearwater Inc. in the amount of \$32,200.20 for the purchase of the flow meters.



MEMORANDUM

May 8, 2015

MEMO TO: Greg Demko, City Manager
FROM: Jeffrey A. Moore, Financial Services Director *JAM*
SUBJECT: Recommendation for Sole Source Authorization

The Public Services Department-Water & Sewer Operations-Mains Division currently has Isco samplers that are used in the wastewater collection system and at work at the wastewater treatment plants. In order to review suspected areas for inflow and infiltration issues, the Mains Division needs to acquire insertion flow meters which need to interface with existing equipment. To remain compliant with NC general statutes, City Council is requested to authorize an exception to the bid laws for this equipment.

Although the value of the \$32,200.20 purchase contract will be an informal contract of less than \$90,000, there is no current provision in State law to delegate City Council's authority to any appointed staff the approval of the exception to bid laws for "sole source" approval.

1. In order to complete the purchase, City Council is requested to approve an exception to the bid laws under the "sole source qualification" for the purchase of Teledyne Isco flow meters for the Public Services Department from Clearwater Inc., the only authorized dealer for Teledyne Isco for North Carolina.

State statute (G.S. 143.129(e)(6)) requires City Council to specifically authorize "qualified sole source" exceptions to the bid laws prior to awarding the contract. This purchase for the Public Services Department continues to meet the standard for "standardization considerations" as a qualified exemption. Representatives of the Public Services Department will be present to answer any questions which may arise.

Accounting
336.883.3240

Internal Audit
336.883.3122

Purchasing
336.883.3219

Treasury Services
336.883.3230



4700 Superior Street
PO Box 82531
Lincoln NE 68501
P: 402.464.0231 F: 402.464.0318
Toll Free: 800.228.4373
E-mail: iscoinfo@teledyne.com
www.isco.com

April 6, 2015

Bart Hepler
City of High Point
P.O. Box 230
High Point, NC 27261-0230

Email: bart.hepler@highpointnc.gov

To Whom It May Concern

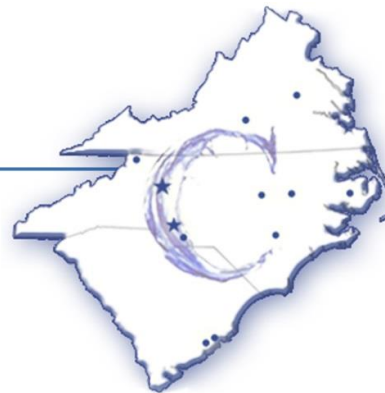
This is to certify that Teledyne Isco is the sole manufacturer of Teledyne Isco automatic wastewater sampling and flow monitoring equipment. These items include but are not limited to flow meters, samplers, rain gauges, connecting cables, and associated hardware, as well as, operation software. These parts can be obtained either direct from Teledyne Isco or through our local representative ClearWater, Inc.

ClearWater, Inc. with offices located at 1939 Tate Blvd. SE, Hickory, NC 28602, is an exclusive Teledyne Isco Sales Representative and Distributor for the entire state of North Carolina, South Carolina, and Virginia as defined in the Teledyne Isco Domestic Sales Representative and Distributor Agreement, dated February 1, 2014.

The Teledyne Isco Domestic Sales Representative and Distributor Agreement with ClearWater, Inc., expires on January 31, 2016, subject to the conditions of Paragraph 17 Termination of the Teledyne Isco Domestic Sales Representative and Distributor Agreement.

Respectfully,

Richard Griffin
Global Sales Manager
Environmental Products
Teledyne Isco



May 7, 2015
Greg Hall
City of High Point
P.O. Box 230
High Point, NC 27261

PORTABLE FLOW METERS AND ACCESSORIES QUOTE

CITY OF HIGH POINT

<u>Qty</u>	<u>Unit</u>	<u>Description</u>	<u>Mfg. Model Number, Part No., Etc.</u>	<u>Price</u>	<u>Amount</u>
5	Ea	Area Velocity Meters with power supply	68-2050-002	\$3,504.00	\$17,520.00
5	Ea	Area Velocity Probes	N/A	0.00	0.00
1	Ea	Ultrasonic Flow Meter with power supply	60-2004-700 & 60-2004-006	\$1,832.00	\$ 1,832.00
1	Ea	Ultrasonic probe with cable and mounting bracket to use in a Parshall Flume	60-4314-009	\$1,000.00	\$ 1,000.00
2	Ea	Rain Gages	60-3284-001, 60-2004-583, & 60-2004-560	\$1,757.00	\$ 3,514.00
2	Ea	USB cables for programming and downloads	60-2004-507	\$ 196.00	\$ 392.00
1	Ea	Sampler cable (to connect to ISCO Sampler)	60-2000-014	\$ 325.60	\$ 325.60
		Scissor bands for pipe insertion for 4" to 36" pipe	4", 6", 8", 10", 12", 15", and 16"-36"		
2	Ea	Spring Ring 4"	68-5304-007	\$ 89.00	\$ 178.00
4	Ea	Spring Ring 6"	68-3200-007	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 8"	68-3500-008	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 10"	68-3200-009	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 12"	68-3200-010	\$ 70.40	\$ 281.60
4	Ea	Spring Ring for 15"	68-3200-011	\$ 70.40	\$ 281.60
4	Ea	Spring Band 16"-36"	68-3000-043	\$ 461.60	\$ 1,846.40
		Scissor band for pipe insertion for 36" to 48"			
2	Ea	Scissor Band 39"-42"	68-3000-044	\$ 486.40	\$ 972.80

2	Ea	Scissor Band 45"-49"	68-3000-045	\$ 503.20	\$ 1,006.40
1	Ea	Software package for laptops – 3 licenses	68-2540-205, 68-2504-204	1,880.00	\$ 1,880.00
1	Ea	Standard Warranty – no charge	1 Year		
1	Ea	Shipping	FEDX Ground		\$ 325.00
QUOTE TOTAL					<u>\$32,200.20</u>

By: _____
 Roger Lyman, Instrumentation Manager
 ClearWater, Inc.

Terms: Net 30 Days
 Shipment: 4-5 Weeks ARO
 F.O.B.: Destination

PORTABLE FLOW METERS AND ACCESSORIES

These quantities in this quote are approximate. The supplier agrees that the quantities of each item may be adjusted to fit Owner's budgetary requirements.

<u>Quote</u>					
Quantity	Unit	Description	Manufacturer, Model Number, Part No., etc.	Unit Price	Amount
5	Ea	Area Velocity Meters with power supply	68-2050-002	\$ 3,504.00	\$ 17,520.00
5	Ea	Area velocity probes with cables. Included above	N/A	\$ -	\$ -
1	Ea	Ultrasonic Flow meter with power supply	60-2004-700 & 60-2004-006	\$ 1,832.00	\$ 1,832.00
1	Ea	Ultrasonic probe with cable and mounting bracket to use in a Parshall flume	60-4314-009	\$ 1,000.00	\$ 1,000.00
2	Ea	Rain gauges	60-3284-001. 60-2004-583, & 60-2004-560	\$ 1,757.00	\$ 3,514.00
2	Ea	USB cables for programing and downloads	60-2004-507	\$ 196.00	\$ 392.00
1	Ea	Sampler cable (to connect to ISCO sampler)	60-2000-014	\$ 325.60	\$ 325.60
		Scissor bands for pipe insertion for 4" to 36" pipe	4", 6", 8", 10", 12", 15", and 16"-36"		\$ -
2	Ea	Spring Ring 4"	68-5304-007	\$ 89.00	\$ 178.00
4	Ea	Spring Ring 6"	68-3200-007	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 8"	68-3500-008	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 10"	68-3200-009	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 12"	68-3200-010	\$ 70.40	\$ 281.60
4	Ea	Spring Ring 15"	68-3200-011	\$ 70.40	\$ 281.60
4	Ea	Scissor Band 16"-36"	68-3000-043	\$ 461.60	\$ 1,846.40
		Scissor band for pipe insertion for 36" to 48"			
2	Ea	Scissor Band 39"-42"	68-3000-044	\$ 486.40	\$ 972.80
2	Ea	Scissor Band 45"-49"	68-3000-045	\$ 503.20	\$ 1,006.40
1	Ea	Software package for laptops - 3 licenses	68-2540-205, 68-2540-204	\$ 1,880.00	\$ 1,880.00
1	Ea	Standard Warranty - no charge	1 year	\$ -	\$ -
1	Ea	Shipping	FEDX Ground		\$ 325.00
		Quote Total	Total		\$ 32,200.20

Roger Lyman for Clearwater, Inc. - May 6, 2015

All products manufactured by Teledyne Isco

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 April 28, 2015 and before the City Council of the City of High Point on May 18, 2015, regarding **Zoning Case 15-06** 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 April 19, 2015, for the Planning and Zoning Commission public hearing and on May 7, 2015 and May 13, 2015, 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 May 18, 2015.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **General Office – Moderate Intensity (GO-M) District**. The parcel is lying along the west side of Westchester Drive, approximately 670 feet south of Coventry Road (1726 *Westchester Drive*), and also known as Guilford County Tax Parcel 0185857. The zoning site is more specifically described as follows:

BEGINNING at an iron pin in the west right of way of Westchester Drive, the same being the northeast corner of Lot A of the Ralph Wright property as per plat thereof recorded in Plat Book 50 at Page 25; thence with Wright's line North 86 degrees 18 minutes 50 seconds West 187.94 feet to an iron pin, a corner with Emerywood Forest Section F as per plat thereof recorded in Plat Book 40 at Page 90; thence with the east line of said Emerywood Forest Section F North 03 degrees 41 minutes 10 seconds East 113.00 feet to an iron pin, Rail's southwest corner; thence with Rail's line South 86 degrees 18 minutes 50 seconds East 187.94 feet to an iron pin in the west right of way of Westchester Drive, Rail's southeast corner; thence with the west right of way of Westchester Drive South 03 degrees 41 minutes 10 seconds West 113.00 feet to the point and place of BEGINNING, and being shown on survey by Jerry E. Sexton, Job no. 781113-1080, dated 11-13-78, and designated as the property of W. Earl Barbour et ux.

SECTION 2

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 3

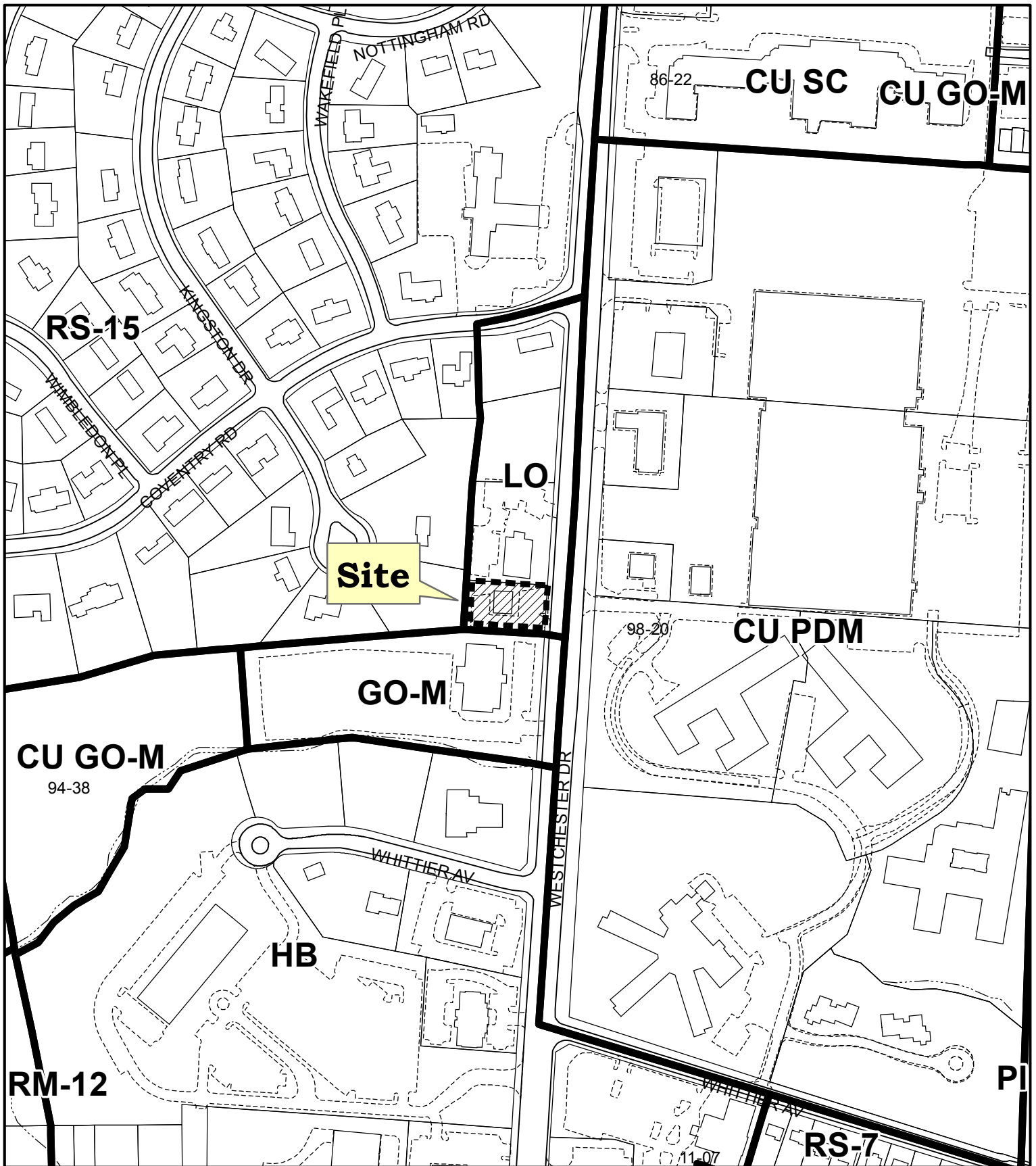
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon the date of adoption.

18th day of May, 2015.

Lisa B. Vierling, City Clerk



ZONING CASE 15-06

From: Limited Office

To: General Office Moderate-Intensity

Existing Zoning Boundary

Subject Property Boundary



Planning & Development
Department

City of High Point

Date: April 28, 2015



Scale: 1"=300'

G:/Planning/Secure/ba-pz/
2015/pz/15-06.mxd

**JOINT MEETING OF THE
HIGH POINT CITY COUNCIL
& THE
PLANNING & ZONING COMMISSION
APRIL 28, 2015 – 3:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM (FISH BOWL)**

MINUTES

Present:

High Point City Council:

Bill Bencini, Mayor; and Council Members Cynthia Davis (At-Large); Jeff Golden (Ward 1); Alyce Hill (Ward 3); Jay Wagner (Ward 4)

Planning & Zoning Commission:

Chairman Andrew Putnam; and Members Jim Armstrong, Mark Walsh, Ozzie Hough, and Tom Kirkman

Staff Present:

Randy McCaslin, Deputy City Manager; Lee Burnette, Director of Planning & Development; Heidi Galanti, Planning & Development; Jeron Hollis, Communications Officer; JoAnne Carlyle, City Attorney; Lisa Vierling, City Clerk; Tom Vincent, Deputy City Clerk

Others Present:

Craig Richardson, Clarion Associates; Chad Meadows, Codewright
Judy Stalder, TREBIC

News Media Present:

Pat Kimbrough, *High Point Enterprise*

Mayor Bencini and Chairman Putnam called the joint meeting to order. Lee Burnette, Director of Planning & Development, introduced the consultants for the project, Chad Meadows with Codewright and Craig Richardson with Clarion Associates. They provided an overview on the UPDATE HIGH POINT Development Ordinance Module 2.

Craig Richardson with Clarion shared that some of the key themes for the Code Update are to:

- Make the Code more user-friendly
- Make the Code more customer-friendly
- Implement the Core City Plan
- Protect and revitalize neighborhoods and gateways
- Promote more livable and sustainable development in greenfield areas
- Create additional flexibility and incentives

Module 2 involves three chapters: Chapter 3: Zoning Districts; Chapter 4: Use Standards And Chapter 10: Measurement and Definitions.

Module 1 included Chapter 1: General Provisions; Chapter 2: Administration; Chapter 8: Nonconformities; and Chapter 9: Enforcement.

The final module, **Module 3**, will consist of Chapter 5: Development Standards; Chapter 6: Environmental Standards; and Chapter 7: Subdivisions. Module 3 has been drafted and is being reviewed by the Update Advisory Committee (UAC).

Chapter 3: Zoning Districts

Function: Sets out the general, conditional, planned development, and overlay zoning districts

Mr. Richardson advised that the Zoning District chapter consolidates the different types of zoning districts. Some of the key changes beyond the consolidation concept are revisions to district names to bring them more in alignment with the actual purpose and intent of the districts. He noted they tried to align High Point's Development Ordinance with the City of Greensboro's Code and one of the areas where they were able to get strong alignment was in the residential districts. The residential districts were reduced from 12 to 6; the non-residential districts were reduced from 12 to 9. The consultants are proposing twenty-based zoning districts in the new Code.

Mr. Richardson then shared the proposed translation table that compares the old districts to the new districts and shows the consolidations that have taken place. He also pointed out the dimensional standards also take into account context, which was one of the big issues raised in the Core City Plan. He highlighted the format of the zoning districts and noted it has been modified to help with the user-friendly aspect. The layout will not be all text, but will also include a purpose statement and intent of the district, a table that lays out the conventional standards, and graphic examples, and any additional special standards are also included.

They also tried to add flexibility and make refinements to the development standards to encourage redevelopment that is consistent with the context of the locations where development occurs. He noted that a new average lot area standards for infill subdivisions are proposed for areas outside the Core City. In addition, they simplified the street setback requirements and removed the building coverage standards. This allows for more flexibility and removes obstacles to redevelopment as long as the redevelopment is consistent with the development patterns in the context in the neighborhoods where it's located.

Chapter 4: Use Standards

Function: Sets out the principal use table, use classification system, use-specific standards, and provisions for accessory and temporary uses

Chad Meadows then provided an overview of key changes associated with Chapter 4 (Use Standards):

- Consolidation of use provisions into a single chapter
- A drastically simplified use classification system that no longer relies on SIC codes
- Conversion of many use types into a major or minor category
- A general reduction in the number of use-specific standards (or shifting these into district standards such as control of outdoor screening, outdoor storage, drive-thrus, etc....)
- Many more uses allowed by right instead of as a special use
- Districts allow a wider variety of uses by right
- A reorganization and general reduction in the number of use-specific standards
- New general and specific standards for accessory uses and structures
- New standards for temporary uses

Use Tables

Improvements in this area were identified as a 3-tier use classification structure; 5 different use classifications (Agriculture, Residential, Commercial, Institutional and Industrial). It also breaks down uses by use category.

Mr. Meadows shared that the new classification system is very important. It allows staff to classify new uses that aren't in the table, and provides an opportunity to better understand the characteristics of the uses. He reviewed some of the codes used in the Use Table for the districts:

“P” indicates the use is permitted

“S” indicates requires a Special Use

Blank indicates that a use is not permitted

“O” indicates manufactured dwelling (allowed inside the manufactured housing overlay district)

“P*” indicates a permitted use inside the Core City, but not permitted outside the Core City

There is also a use prohibition column which identifies any prohibited uses. The final column is for the additional standards, which are use specific standards that would apply to a particular use. He explained the idea behind an exception is to allow the staff to make the determinations about what kind of use should be treated in what way keeping in mind that there will be new uses and uses that have not yet even been contemplated (i.e. microbreweries, micro distilleries, etc...). This tool will allow staff to categorize these new uses easily in the future. Mr. Meadows pointed out another important thing is the distinctions between major and minor uses (could be the size of a structure, the number of drive thrus, the number of employees, etc...).

He then reviewed the accessory and temporary uses. The accessory use standards section sets out the provisions that control these kinds of uses. Temporary uses are things that are either accessory or they could conceivably be a principle use on a vacant piece of property. These types of uses come and go and there's a time limit associated with them being in operation. The planning director is entitled to apply conditions to any kinds of uses to make sure that they don't create nuisances, that they function as intended and the site is left as it was when the use is completed.

Chapter 10: Measurement and Definitions

Function: Consolidates rules for interpretation, rules of measurement, abbreviations, and definitions.

Key Changes:

- Section on general rules for interpretation
- Section on rules of measurement for use separation, lots, setbacks, height, density, parking, signage
- Summary table explaining allowable encroachments
- Table of abbreviations
- Definitions (40 pages of definitions)
- Chapter will continue to evolve during Module 3 review

At this time, the consultants thanked staff and those serving on the UAC for their participation in this process. The consultants delivered Module 2 to the UAC in November, 2014 and 131 comments were received. These comments have been discussed during meetings with the Planning and Zoning Commission over the past three months.

Note: A summary of the comments received will be hereby attached as a permanent part of these proceedings.

Mr. Meadows then reviewed some of the key suggestions:

- Lot of language clarifications
- New standards to allow more modern use types such as duplex, triplex, etc...
- Some adjustments to lot width (both for corner lots and interior lots)
- Reductions in some cases to make development easy and more consistent as in other communities
- Additional recognition for some new use types like microbreweries, multi-story self-storage facilities, etc....
- Newer kinds of residential development, etc.....

At this time, the consultants entertained comments/questions.

Mayor Bencini asked if this format/approach has been taken by them with other municipalities and if they had applied this type of template to other codes. Mr. Meadows explained that this was true for a number of the concepts, but there were some concepts that they have tailored to High Point (i.e. zone district structure, layout, table, three dimensional drawings, etc...). Mr. Richardson added that the idea is to try to simplify and consolidate zoning districts. He noted that regulation needs to achieve the desired goal, but it needs to be done in an efficient way. He mentioned the consolidation of the use classification system and pointed out nationally communities are moving in this direction.

Mayor Bencini asked the consultants if they could identify municipalities they have worked with in close proximity to High Point where they have applied some of these same principles. Some

of the ones mentioned were: Currituck County, Fayetteville, Jacksonville in North Carolina, as well as communities on the East Coast, Florida, and Virginia.

Jim Armstrong, a member of the Planning & Zoning Commission asked the consultants to give some examples of how they worked with Greensboro and how that relates to things that are proposed in the High Point code. Mr. Richardson replied that one of the comments they received early on in the process was to try to align High Point's code with Greensboro's as much as possible in an effort to provide some consistency and pointed out one of the areas they have been able to do this is with the residential zones. Mr. Meadows explained they took great care to structure the residential district densities, district names, and district breakdowns to follow or be as close as possible to Greensboro and they did this in recognition of the fact that the development community in the Triad is more monolithic than maybe some other parts of the state. He also felt having some comparable development regulations would help High Point compete successfully with some of the competitor communities. Mr. Meadows shared that they spent a lot of time discussion what makes High Point different than Greensboro and the non-residential districts are quite different because of the Core City and noted they were keenly aware that Greensboro and High Point are different communities.

Mark Walsh, a member of the Planning & Zoning Commission, mentioned the drive-thru trends and how companies like Panera and McDonalds now want double drive-thrus. He expressed concern that some of the lots are not big enough to safely and adequately have a double drive-thru. Mr. Meadows explained a franchise restaurant site configuration is going to depend a lot on the franchisee and the requirements of the franchise and each one would differ whether it be Wendy's, Subway, Panera, etc.... He stated it would be very difficult and almost impossible to regulate drive-thrus for all these different kinds of uses. He pointed out they tried to address drive-thrus at a district level and offered to address any additional provisions if there are suggestions.

Mr. Meadows mentioned that the review for Module 3 starts on May 5th and a series of meetings with the UAC will follow. From comments received at these public forums, they will prepare a public hearing draft version of the proposed Development Ordinance hopefully in mid-summer. He encouraged any questions, concerns or comments regarding Module 2 to be provided to Heidi Galanti in Planning and she will pass them along to the consultants.

Heidi Galanti mentioned a public forum that would be held at the Culler Senior Center on June 2nd at 6:00 p.m. They will provide an overview of the entire document to the public at this time and solicit feedback. She encouraged all interested parties to attend.

Deputy City Manager Randy McCaslin asked if Council would be looking at an option sometime in the fall. Lee Burnette, Director of Planning & Development noted funding for this project was from a HUD grant and they had to have a public hearing draft by the end of June; then that would start the public hearing process. He hoped to have the final, formal document to the City Council for consideration in the fall.

There being no further business to discuss, the meeting adjourned at 3:46 p.m.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

William S. Bencini, Jr., Mayor

Andrew Putnam, Chairman
Planning & Zoning Commission

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-06 (Larry Wright)

From: Lee Burnette, Planning & Development
Director

Meeting Date: May 18, 2015

Public Hearing: Yes

Advertising Date: May 7 & 13, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

A request by Larry Wright to rezone an approximate 0.49-acre parcel from the Limited Office (LO) District to the General Office Moderate-Intensity (GO-M) District. The site is lying along the west side of Westchester Drive, approximately 670 feet south of Coventry Road (*1726 Westchester Drive*).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-06. The Planning & Zoning Commission recommended approval of Zoning Case 15-06 by a vote of 6-0.
- B. Staff recommends **approval** of Zoning Case 15-06 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Larry Wright

Zoning Case 15-06

At its April 28, 2015 public hearing, the Planning and Zoning Commission reviewed this request to rezone an approximate 0.49-acre parcel from the Limited Office (LO) District to the General Office Moderate-Intensity (GO-M) District. All members of the Commission were present except for Mr. John McKenzie and Mr. Ed Squires. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on behalf of the request were the applicant's representative, Ms. Judy Stalder, 665 N. Main Street, High Point and the applicant, Mr. Larry Wright, 1309 Kensington Drive, High Point. These speakers provided an overview of the zoning request and proposed use of the property. Ms. Stalder added that they also reached out to the community by hosting meetings to explain the operation of the proposed business and some of its processes to neighbors in the area.

No one spoke in opposition to the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-06, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Case 15-06 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) The request is consistent with the Land Use Plan; 2) The site has approximately 0.49 acres of area, with less than 200 feet of depth. This limited site configuration will restrict the intensity of development, thus ensuring allowable GO-M District uses will be of a mass and scale compatible with surrounding uses, and 3) The setback standards of the GO-M District along with the landscaping requirements of the Development Ordinance will ensure appropriate building separation and buffering will be provided where the site abuts residential uses.

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

**STAFF REPORT
ZONING CASE 15-06
April 28, 2015**

Request	
Applicant: Larry Wright	Owner(s): Carol Sue Barbour and W. Earl Barbour
Zoning Proposal: To rezone a 0.49-acre parcel	From: LO Limited Office District
	To: GO-M General Office Moderate-Intensity District

Site Information	
Location:	Lying along the west side of Westchester Drive, approximately 670 feet south of Coventry Road (1726 Westchester Drive)
Tax Parcel Numbers:	Guilford County Tax Parcel 0185857
Site Acreage:	Approximately 0.49 acres (21,225 sq. ft.)
Current Land Use:	Vacant one-story office building
Physical Characteristics:	The site has a gentle to severely sloping terrain. The developed portion of the site gently slopes toward Westchester Drive; however, the topography along the northern and western property lines elevates 8 to 14 feet above the developed areas of the site.
Water and Sewer Proximity:	A 12-inch City water and an 8-inch City sanitary sewer line lie adjacent to the site along Westchester Drive.
General Drainage and Watershed:	The site drains in an easterly direction, toward Westchester Drive, and is within the Yadkin Pee-Dee (non-water supply) watershed.
Overlay District:	None

Adjacent Property Zoning and Current Land Use			
North:	LO	Limited Office	Medical Office use
South:	GO-M	General Office Moderate-Intensity District	Office use
East:	CU-PDM	Conditional Use Planned Unit Development Mixed	Office use and Nursing home/congregate care facility
West:	RS-15	Residential Single Family-15 District	Single family dwelling

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	The site has an Office land use designation. This classification is intended to accommodate professional, personal and business service uses.
Land Use Plan Goals, Objectives & Policies:	This request is not in conflict with the Land Use Plan's goals and objectives nor does it promote those goals and objectives.

Relevant Area Plan(s):	Not Applicable
Community Growth Vision Statement	This request is not in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.
Zoning History:	There has been no recent zoning activity in this area. The most recent being in 2006 & 2009 to facilitate the expansion of the Providence Place Senior Living facility lying along the opposite side of Westchester Drive.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Westchester Drive		Major Thoroughfare	113 ft.
Vehicular Access:	Via the existing driveway access point from Westchester Drive			
Traffic Counts: (Average Daily Trips)	Westchester Drive		12,300 ADT (2013 NCDOT traffic count)	
Estimated Trip Generation:	No data			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

School District Comment
Not applicable to this zoning case.

Details of Proposal

This zoning site is currently developed with a 3,400-square foot building, which was previously used as a medical office. The applicant desires to purchase this property and renovate the existing building in order to establish a funeral home/crematorium use. The LO District, which currently governs use of the property, does not permit this use; therefore, the applicant is requesting rezoning to the GO-M District in order to expand the allowable office and business professional uses (which includes funeral home/crematorium) on the property.

Staff Analysis

The Development Ordinance has three office zoning districts 1) Limited Office (LO), 2) General Office-Moderate Intensity (GO-M) and 3) General Office-High Intensity (GO-H). The LO District is primarily intended to accommodate low intensity medical and professional, administrative office uses on small to mid-sized sites near residential areas. This district is typically located along the edge of residential neighborhoods, in transitional areas, where former

single family homes are being converted to low intensity office uses. Whereas the requested GO-M District is primarily intended to accommodate moderate intensity office and institutional uses and supporting service retail uses and is typically found along thoroughfare streets. Both the LO and GO-M Districts allow many of the same uses; however, the requested GO-M District permits a wider variety of uses. Some of the additional uses that may be permitted if a GO-M District is granted are:

Business/Professional/Personal Services

- Advertising/Employment/Insurance Agencies
- Banks, Savings & Loans, or Credit Unions
- Barber Shops/Beauty Shops
- Funeral Homes or Crematoriums
- Photography Studios

Recreation/Education/Institutional Use

- Clubs or Lodges
- Dance/Martial Arts/Sports Instructional School and Physical Fitness Centers
- Nursing & Convalescent Homes

The site is located along a segment of a four-lane major thoroughfare where the Office, Institutional and Local/Convenience Commercial Land Use Plan Classifications have been established for more than 25 years. Surrounding uses and zoning consists of office and medical uses (LO & GO-M Districts), a mixed-use commercial & institutional development (PUD District) and retail/commercial uses (HB District). The zoning request would not introduce new uses into this area and the allowance of some higher intensity office uses, as permitted by the requested GO-M District, is not inconsistent with established goals and objectives of the Land Use Plan or the Community Growth Vision Statement for this area.

The requested GO-M District has similar front/street setback and building height requirements as those in the current LO District. The primary difference is that the GO-M District requires a greater building setback from the abutting residential uses, which the current building is meeting. In addition, the Development Ordinance requires an average 30-foot wide planting yard to be established where office type use abuts a residential use. This planting yard may be reduced to 20 feet if an opaque fence is installed. In total, the allowance of GO-M District uses will be compatible with adjacent uses along this segment of the Westchester Drive corridor, and landscaping requirements of the Development Ordinance and dimensional standards of the GO-M District will help address compatibility goals of the Land Use Plan.

Consistency with Adopted Plans:

The proposed 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 request is consistent with the Land Use Plan as the site is located along a portion of a multi-lane thoroughfare designated as Office on the Land Use Map.
- ❖ Development and dimensional standards of the GO-M District along with landscaping standards of the Development Ordinance will insure uses allowed in the requested GO-M District will be compatible with the surrounding area.

Reasonableness/Public Interest:

An approval of the proposed 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 request is consistent with the Land Use Plan; 2) The site has approximately 0.49 acres of area, with less than 200 feet of depth. This limited site configuration will restrict the intensity of development, thus ensuring allowable GO-M District uses will be of a mass and scale compatible with surrounding uses, and 3) The setback standards of the GO-M District along with the landscaping requirements of the Development Ordinance will ensure appropriate building separation and buffering will be provided where the site abuts residential uses.

Recommendation

Staff Recommends Approval:

The Planning & Development Department recommends approval of the request to rezone this 0.49-acre parcel to the GO-M District. The requested GO-M District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

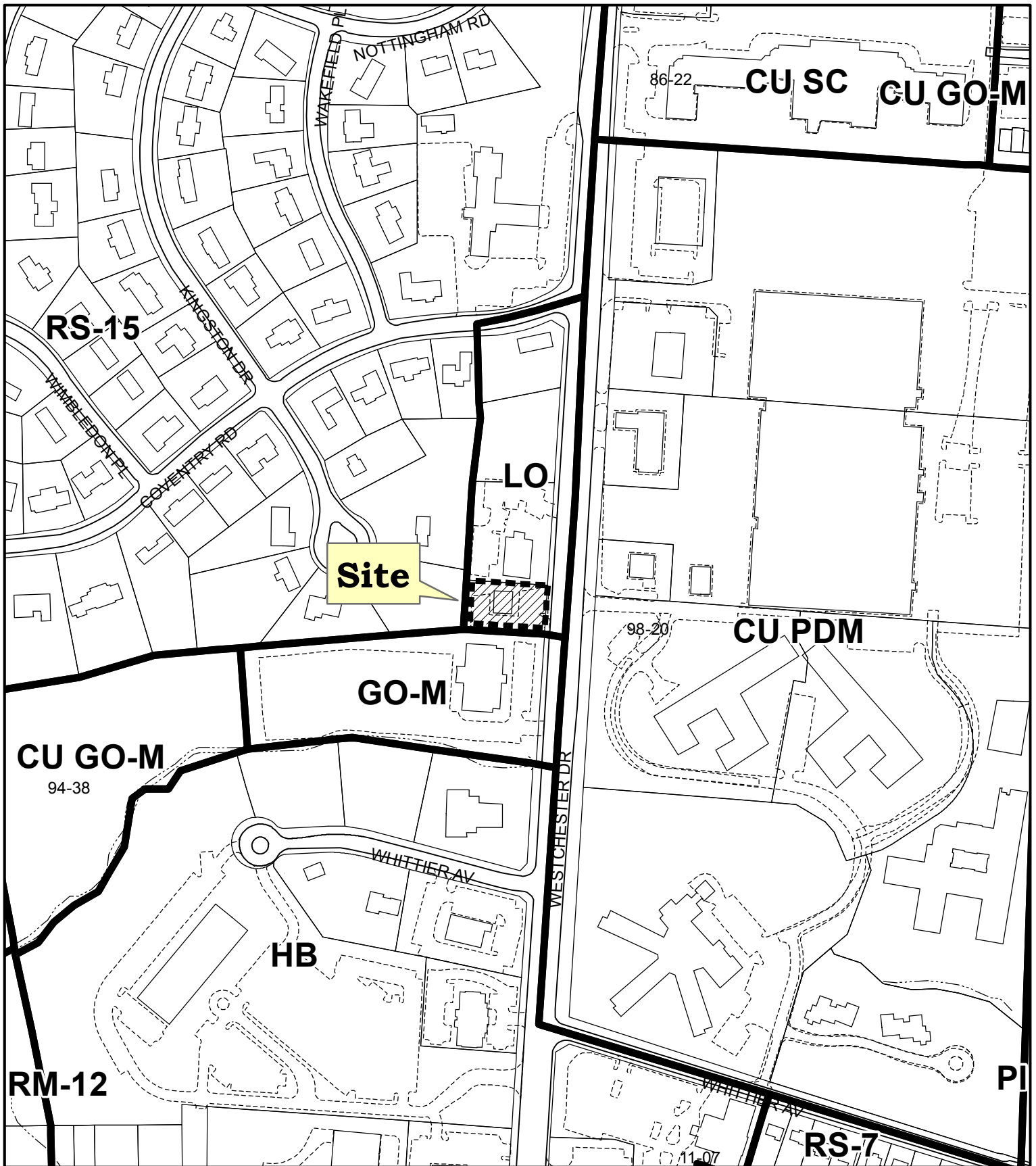
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



ZONING CASE 15-06

From: Limited Office

To: General Office Moderate-Intensity

Existing Zoning Boundary

Subject Property Boundary



Planning & Development
Department

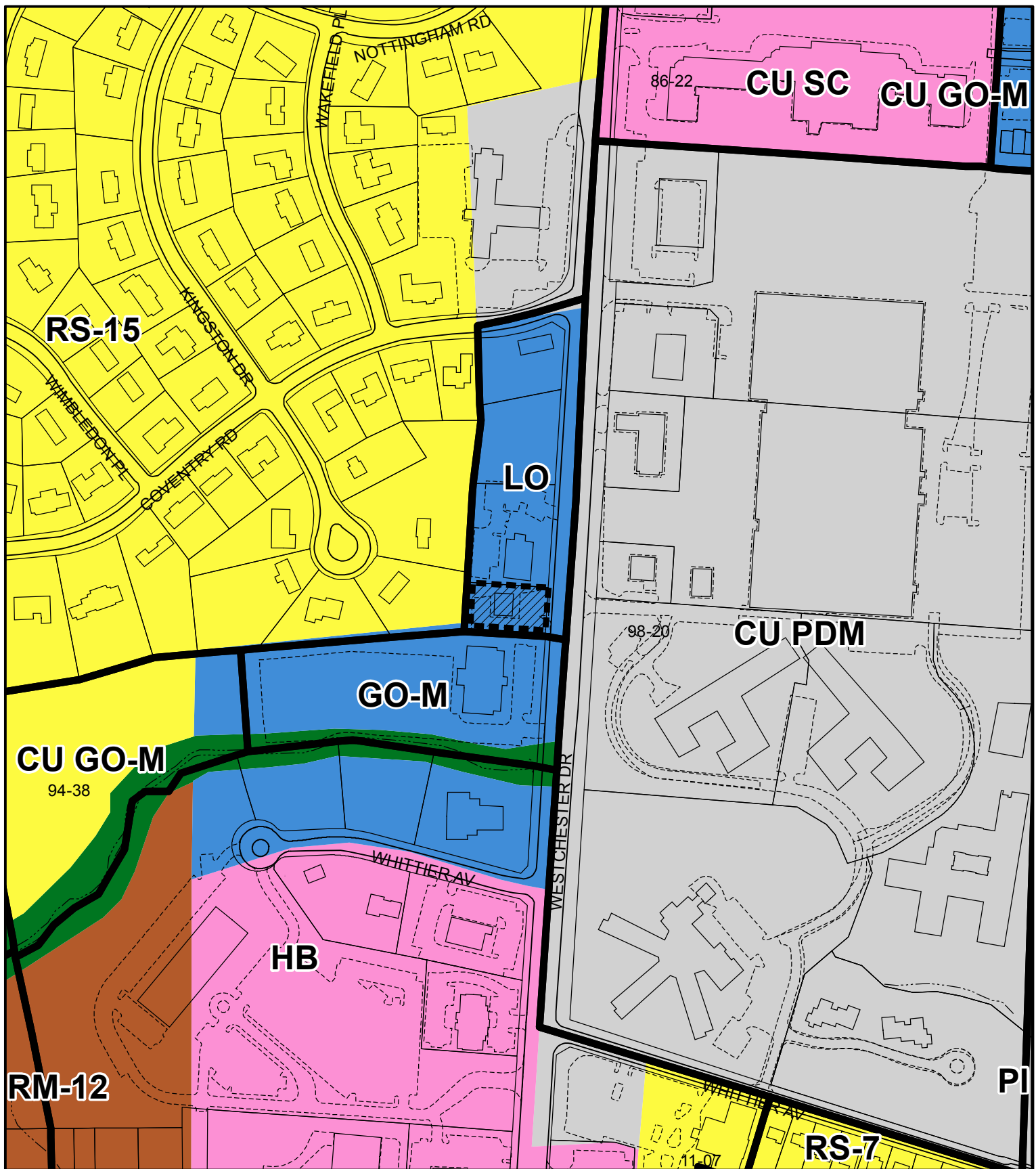
City of High Point

Date: April 28, 2015



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2015/pz/15-06.mxd



ZONING CASE 15-06

Land Use Plan

 Low-Density Residential	 Local/Convenience Commercial
 Medium-Density Residential	 Institutional
 Office	 Recreation/Open Space

Planning & Development
Department

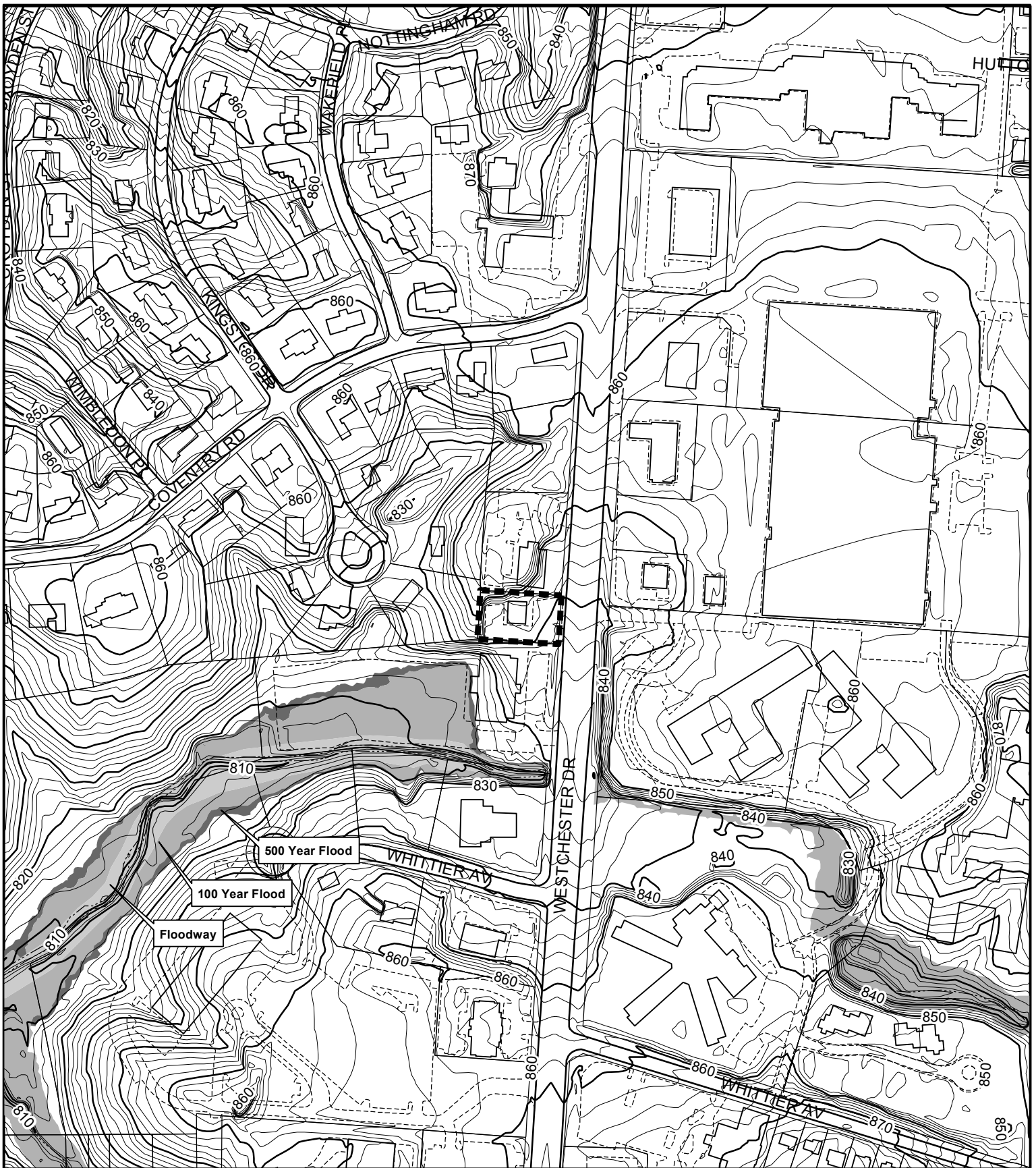
City of High Point

Date: April 28, 2015



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ZONING CASE 15-06

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: April 28, 2015



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ZONING CASE 15-06



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 April 28, 2015 and before the City Council of the City of High Point on May 18, 2015, regarding **Zoning Case 15-06** 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 April 19, 2015, for the Planning and Zoning Commission public hearing and on May 7, 2015 and May 13, 2015, 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 May 18, 2015.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **General Office – Moderate Intensity (GO-M) District**. The parcel is lying along the west side of Westchester Drive, approximately 670 feet south of Coventry Road (1726 Westchester Drive), and also known as Guilford County Tax Parcel 0185857. The zoning site is more specifically described as follows:

BEGINNING at an iron pin in the west right of way of Westchester Drive, the same being the northeast corner of Lot A of the Ralph Wright property as per plat thereof recorded in Plat Book 50 at Page 25; thence with Wright's line North 86 degrees 18 minutes 50 seconds West 187.94 feet to an iron pin, a corner with Emerywood Forest Section F as per plat thereof recorded in Plat Book 40 at Page 90; thence with the east line of said Emerywood Forest Section F North 03 degrees 41 minutes 10 seconds East 113.00 feet to an iron pin, Rail's southwest corner; thence with Rail's line South 86 degrees 18 minutes 50 seconds East 187.94 feet to an iron pin in the west right of way of Westchester Drive, Rail's southeast corner; thence with the west right of way of Westchester Drive South 03 degrees 41 minutes 10 seconds West 113.00 feet to the point and place of BEGINNING, and being shown on survey by Jerry E. Sexton, Job no. 781113-1080, dated 11-13-78, and designated as the property of W. Earl Barbour et ux.

SECTION 2

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 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.
18th day of May, 2015.

Lisa B. Vierling, City Clerk

PUBLISH ONCE: June 9, 2015

NOTICE OF PUBLIC HEARING

Take notice that the High Point City Council will hold a public hearing concerning the adoption of a resolution defining a new municipal service district in accordance with N.C.G.S. §160A-537 for the proposed establishment of the *Washington Street High Point Business Improvement District* on Thursday, June 18, 2015, at 9:00 a.m. in the City Council Chambers, 211 South Hamilton Street, High Point, NC 27261. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the *Washington Street High Point Business Improvement District*. The resolution to establish the *Washington Street High Point Business Improvement District* will be considered the High Point City Council on Thursday, June 18, 2015.

The map and report of the *Washington Street High Point Business Improvement District* are available for inspection in the City Clerk's office at 336-883-3536 and online at <http://www.highpointnc.gov/edc/washington.cfm>.

Lisa B. Vierling
High Point City Clerk

Washington Street High Point Business Improvement District



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Scale = Miles



City of High Point

**City of High Point
North Carolina**

**G.S. 160A-537(b)
REPORT**

For the

Washington Street High Point Municipal Service District

to be referred to as the

**Washington Street High Point Business Improvement District
(BID)**

**For City Council Consideration
With an Effective Date of July 1, 2015**



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7.	<u>What to Expect in the Washington Street High Point Business Improvement District</u>
7.	<u>Lifecycle and Future Changes to the Business Improvement District</u>
7.	<u>Washington Street BID Funding – No Tax Increase</u>
8.	<u>Attachment A: Applicable Portion North Carolina General Statutes Pertaining to Municipal Service Districts, Chapter 160, Article 23 (160A-535 to 160A-544)</u>
14.	<u>Attachment B: Properties Included in the Washington Street Business Improvement District.</u>
15.	<u>Attachment C: The Legal Framework for Business Improvement Districts in North Carolina organized in a FAQ (Frequently Asked Questions) format</u>

Introduction

This publication has been prepared for public inspection by the City of High Point for the establishment of a Municipal Service District for Washington Street High Point. This report is to be made available for public inspection according to the following excerpt outlined in "The Municipal Service District Act of 1973." In 1973 the North Carolina General Assembly approved "Article 23. Municipal Service G.S. 160A-535." See Attachment A.

Report Requirements

160A-537(b) Report – Before the public hearing required by subsection (c), the City Council shall cause to be prepared a report containing:

- A map of the proposed district, showing its proposed boundaries;
- A statement showing the proposed district meets the standards set out in subsection (a):
 - [(a) Standards – The City Council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.]; and
- A plan for providing in the district one or more of the services listed in G.S. 160A-536

The report shall be available in the office of the City Clerk for at least four weeks before the date of the public hearing.

A Municipal Service District (MSD), commonly referred to as a Business Improvement District (BID), is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services. The first BID was established in the French Quarter of New Orleans in the early 1970s. Now, there are more than 1,200 MSDs in North America according to the International Downtown Association. In each case, the services and activities of the BID have been tailored to meet the specific needs identified by the business community that funds them. The City of High Point seeks to establish a Washington Street BID to encourage the improvement of private property and private investment in Washington Street High Point. There will not be an incremental tax associated with the Washington Street BID.

Schedule

Wednesday May 6, 2015: Consideration by the Prosperity and Livability Committee with recommendation to City Council.

Monday May 18, 2015: Council calls for a required public hearing on the establishment of the BID to be held at its Thursday June 18, 2015 Council meeting.

Tuesday May 19, 2015: Staff mails notification to all property owners in the potential BID. Included in the mailing will be a reference to where to find this report which includes the background, purpose, and schedule. By state law, this mailing must occur at least four weeks prior to the required public hearing on the establishment of the BID.

Thursday June 18, 2015: Public Hearing and Council vote on BID at City Council meeting with an effective date of July 1, 2015.

Public Hearing Scheduled for City Council Meeting Thursday June 18, 2012

The public hearing on the establishment of the Washington Street High Point BID will be held during the City Council meeting on Thursday June 18, 2015 which begins at 9:00 am in the Council Chambers, 211 South Hamilton Street, High Point, North Carolina. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the Washington Street High Point Business Improvement District. The resolution to establish the Washington Street Business Improvement District will be voted on by the High Point City Council at the City Council meeting on Thursday June 18, 2015. The BID will become effective July 1, 2015. There will not be a service district tax associated with the approval of the BID.

Questions

All questions about the Washington Street High Point Business Improvement District should be directed to The Core City Administrator for High Point, Wendy Fuscoe, via email through wendy.fuscoe@highpointnc.gov or by phone at (336) 883-8547.

History of Business Improvement Districts

Communities undertake the establishment of BIDs for a variety of reasons, and indeed one of the strengths of the concept is the ability to tailor the services offered by the BID to the specific needs of a certain community or business district.

Because the service needs of traditional commercial districts are often greater than those generally provided throughout a given municipality, BIDs have proven to be effective tools for enhancing and revitalizing the district and increasing their economic viability. BIDs create a mechanism through which enhanced programs and services are targeted to a geographically defined district's specific needs.

The Washington Street High Point proposed BID qualifies and meets the required statutory criteria for forming a Business District as the area can be considered an *urban area revitalization project* because it is located within the City of High Point and meets the following conditions: (1) consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.

Washington Street High Point Revitalization Plan History

The City of High Point adopted the Core City Plan in February 2007. The purpose in creating the plan was to provide a clear blueprint for improving the physical, economic and social facets of High Point's central core area. Because much of High Point's traditional downtown now serves as a Showroom District, the Core City Plan envisioned the creation of eight (8) mixed use centers, one of which is the Washington Street district. In 2008, the City of High Point adopted the Washington Street Master plan that provided guidance for the economic growth and revitalization of the Washington Street District. Since adoption of that plan, the private sector has invested over \$850,000 to improve private property and partner in the creation of a public neighborhood park. The City has invested \$1.2 million in streetscape improvements. Several neighborhood groups, representing the neighbors and businesses have formed to promote the district. In 2010, the Washington Street District was listed on the National Historic Register.

In 2008, the City of High Point adopted the Washington Street Mixed Use Overlay to encourage a more walkable and urban style of development in the Washington Street district. The Washington Street District includes unique historic properties as well as opportunities for infill development.

The Core City Plan established several objectives for the mixed use centers (Washington Street being one of the centers):

- These centers can include retail, services, offices, housing, institutions and other uses depending on the particular center and market potential.
- They are geographically dispersed so as to serve as many people as possible, while being located around key intersections for good access and economic viability.
- The objective of these centers is to provide access to vital goods and services to the adjacent neighborhoods, especially for people who either cannot drive or choose not to drive.

The City of High Point wants to make the Washington Street District aesthetically and economically appealing to citizens and potential business owners.

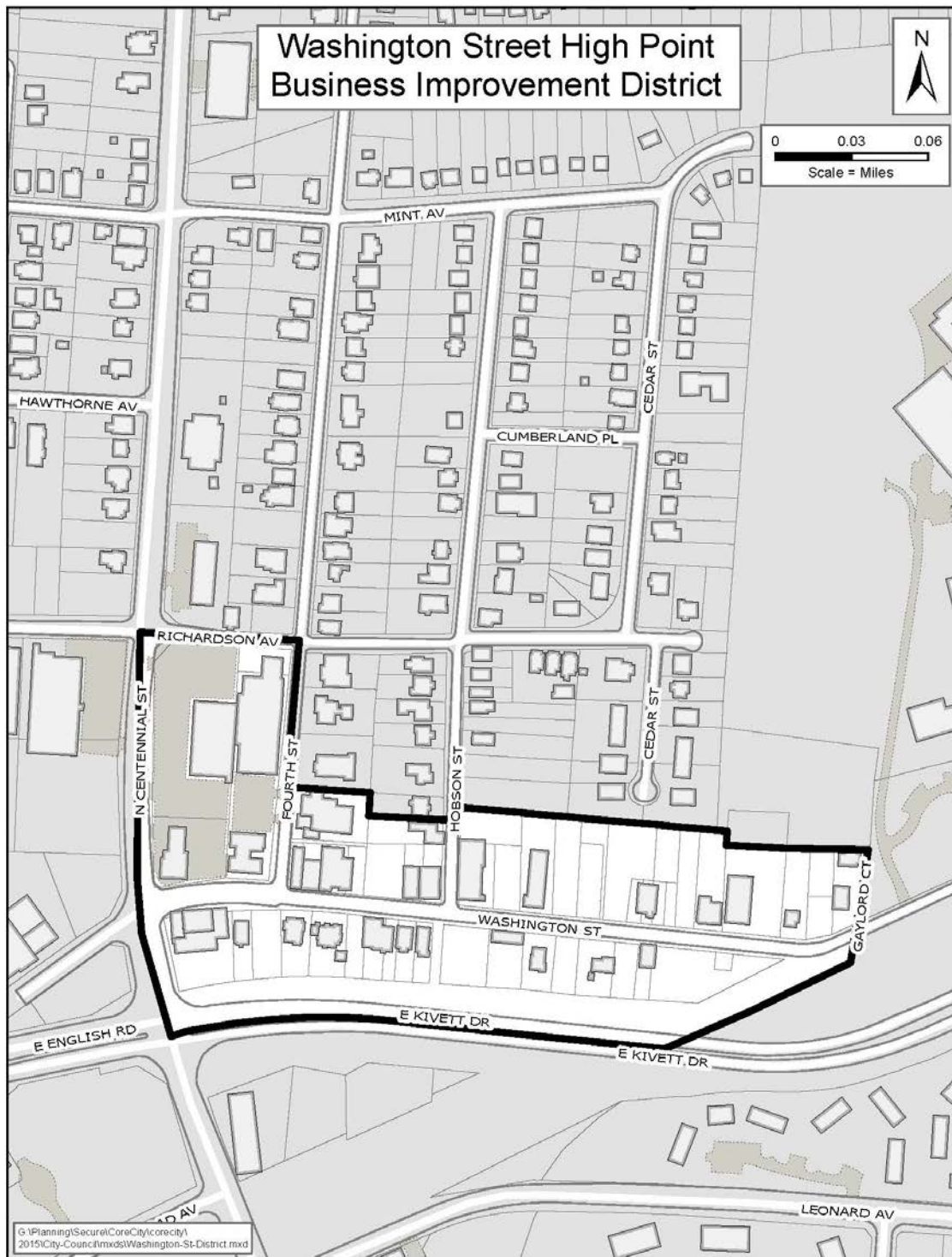
Additional information and related details about Core City Plan can be found on the City of High Point website at: http://www.highpointnc.gov/plan/core_city_plan.cfm.

The Washington Street Master Plan can be found at: <http://www.highpointnc.gov/plan/docs/WashDr/final.pdf>

Washington Street BID Boundary and Map

The map below shows the boundaries of the Washington Street High Point BID.

BID Border Outlined in Black



What to Expect in the Business Improvement District

A Business Improvement District is allowed to have an incremental tax to fund those activities and services that provide an enhanced level of service above and beyond those properties not included in the BID. The City of High Point is not proposing that an incremental tax be associated with the Washington Street Business Improvement District. The BID is being used to help focus and encourage an increased level of property improvements and revitalization through the use of targeted incentives to encourage redevelopment activity.

To help encourage new property redevelopment and investment by the private sector, the City is proposing a Façade Grant Program to be implemented in the district that will encourage private property improvements.

The Façade Grant Program is designed for the following:

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.

Lifecycle and Future Changes to the Business Improvement District

“The Municipal Service District Act of 1973” authorizes City Councils in the State of North Carolina to create BIDs for urban area revitalization projects when services are to a greater extent than those provided for the entire city, as part of its annual budget process. If the High Point City Council supports the establishment of the Washington Street High Point BID, it will remain in effect until the High Point City Council decides to abolish the Washington Street BID. Council may add properties adjacent to the existing BID if 100% of the property owners to be added have signed a petition to do so. This consideration process would take place during the months leading up to the start of each fiscal year so that the changes could take effect on July 1 of the upcoming fiscal year.

Washington Street BID Funding – No Tax Increase

North Carolina General Statutes for a BID provide that the City Council, upon determining that an area warrants a service district, may tax the property within the district at a rate determined to generate enough revenue to support the additional services to be provided by the district. The High Point City Council is not implementing a separate or additional tax associated with the Business Improvement District. The tax rate inside the BID will remain the same as the tax rate in the rest of the City. One of the primary reasons of establishing the BID is to clearly define an area of specific redevelopment focus and attention that warrants additional City funding. Funding will be made available through the General Fund and other unrestricted funds. Funding will be made available through the General Fund and other unrestricted funds.

Article 23.
Municipal Service Districts.

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
 - (1a) (For applicability see note) Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
 - (2a) Urban area revitalization projects.
 - (2b) Transit-oriented development projects.
- (3) Drainage projects.
 - (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - (3b) (For applicability see note) Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" include by way of illustration but not limitation improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street, and other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area.

In addition, a downtown revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience, include the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district shall not prejudice the city's authority to undertake urban renewal projects in the same area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) Contracts. – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof.

Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a servicedistrict upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council, except that if the governing body in the resolution states that general obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption, but no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25.)

§ 160A-538. Extension of service districts.

(a) Standards. – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) Annexation by Petition. – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real

property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) Report. – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed. The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) Hearing and Notice. – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) Effective Date. – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and
- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) Effective Date. – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) New District. – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) Extended District. – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) Consolidated District. – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

ATTACHMENT B:

Property Addresses Included in the Washington Street High Point Business Improvement District

200 N CENTENNIAL ST
201 FOURTH ST
206 FOURTH ST
214 HOBSON ST
215 FOURTH ST
217 FOURTH ST
220 N CENTENNIAL ST
221 CEDAR ST
500 WASHINGTON ST
512 WASHINGTON ST
514 WASHINGTON ST
600 WASHINGTON ST
601 WASHINGTON ST
603 WASHINGTON ST
606 WASHINGTON ST
607 WASHINGTON ST
612 WASHINGTON ST
613 WASHINGTON ST
614 WASHINGTON ST
619 WASHINGTON ST
621 WASHINGTON ST
622 WASHINGTON ST
624 WASHINGTON ST
627 WASHINGTON ST
628 WASHINGTON ST
700 WASHINGTON ST
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731 WASHINGTON ST
733 WASHINGTON ST
735 WASHINGTON ST
736 WASHINGTON ST
737 WASHINGTON ST

738 WASHINGTON ST
739 WASHINGTON ST
745 WASHINGTON ST
755 WASHINGTON ST
761 WASHINGTON ST
762 WASHINGTON ST
767 R1 WASHINGTON ST
767 WASHINGTON ST
769 WASHINGTON ST

The Legal Framework for Business Improvement Districts (BIDs) in North Carolina

1. What is the legal authority for establishing a BID in North Carolina?

- In North Carolina the statutory authority for creating a BID is the Municipal Service District Act, G.S. 160A-535 through 160A-544. This Act permits a municipality to establish one or more municipal service districts and assesses a special tax in each of the districts to be used to fund services or projects in the district. Among the purposes for which municipal service districts may be formed is to fund *Downtown Revitalization*. **The City of High Point is not assessing a special tax in association with its Washington Street BID. The tax rate in the BID will be consistent with the tax rate in the rest of the City of High Point.**

2. What constitutes *downtown revitalization* (that is, what services may be provided in the BID)?

- G.S. 160A-536(b) lists a broad array of potential downtown revitalization projects.¹ And the list is not exclusive. As long as a project or activity benefits the downtown district or benefits the properties or residents in the downtown district, it likely may be funded with BID tax proceeds. Although technically a “service” district, municipalities may use BID tax proceeds to fund capital projects, operating expenses, and other activities in the BID.

¹ G.S. 160A-536(b) states:

Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

3. How can the Washington Street District qualify as downtown revitalization?

- Under G.S.160A-536 (a) (2) (2a) urban area revitalization projects are listed as a subdivision of Downtown Revitalization projects. G.S. 160A-536(c) defines urban area revitalization as an area that (i) is located within a city and (ii) meets one or more of the following conditions:
 - i. It is the central business district of the city.
 - ii. It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
 - iii. It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
 - iv. It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

The Washington Street District meets condition (ii).

4. How are BID boundaries drawn?

- The municipal service district legislation implements N.C. Const. art. V, § 2(4), which allows a municipality to define special service areas in order to assess additional property taxes to fund services, projects or activities within the areas that are additional to the services provided throughout the unit.
- A municipality's governing board has broad discretion to draw BID boundaries within its downtown area. The governing board simply must find that the services, projects, or activities are provided to a greater extent than those financed, provided or maintained for the entire city.
- Districts should include only properties that will benefit from the additional services provided in the district.

5. What is the legal process for establishing a BID?

- The following flowchart depicts the procedural process for establishing a BID:

Step 1:

City council prepares a report which contains:

- a map of the proposed district;
- a statement showing that the services are needed in the district to a demonstrably greater extent than the rest of the city; and
- a plan for providing the proposed services in the district.

(included above in this report)

Step 2:

City council files a copy of the report with the city clerk at least four weeks before holding a public hearing **(May 18, 2015)**

City mails notice to each owner of property in the district at least four weeks before holding a public hearing **(May 19, 2015)**

Step 3:

City prepares and publishes a notice of the public hearing at least one week before the hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 4:

City council holds the public hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 5:

City council may adopt a resolution defining and approving the BID.

(June 18, 2015)

Step 6:

- Generally, the district becomes effective at the beginning of the fiscal year commencing after the resolution establishing the district is adopted.

(Planned effective date of BID is July 1, 2015)

- The city council may make the district effective upon its adoption if it anticipates authorizing general obligation bonds for the project (but no *ad valorem* tax may be levied for a partial fiscal year).

6. How are BIDS financed?

- In North Carolina a municipal service district is a property tax district. The city may levy an *ad valorem* (property) tax within the district in addition to the citywide property tax, the proceeds of which finance additional services or projects provided to the district. **The City of High Point is not levying an additional tax rate within the BID.**
 - o The BID property tax (BID tax) is levied on the same tax base, within the district, on which the citywide property tax is levied. The property tax base includes real and personal property. The same exemptions apply to the BID property tax as apply to the citywide property tax.

7. May the city levy different BID tax rates within the BID?

- No. The BID tax rate must be uniform throughout the BID. If differential rates are desired for different parts of the downtown, different BIDs must be established. **(No incremental tax rate is being implemented with the City of High Point BID)**

8. May the city exempt certain property in the BID from the district property tax (for example, residential property)?

- No. Only the General Assembly may exempt or otherwise classify property subject to the property tax.
 - The same exemptions apply to the BID tax as apply to the citywide property tax. (Therefore property owned by governments and churches is exempt from the district tax, as is any other tax-exempt property.) Additionally, the personal property of any public service corporation is exempt from the BID tax.
- *Note: to the extent possible, the city should attempt to draw the district boundary to exclude residential property because the city may not exempt residential property from the BID tax. (See Question 3).*

9. Are there any limits on the BID property tax rate?

- The BID tax rate, combined with the property tax rate levied citywide, may not exceed \$1.50 per \$100 valuation, unless approved by a majority of the qualified voters residing in the district.

10. Once a BID is established and becomes effective, when must services be provided in the district?

- Once a BID becomes effective, the city must “provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year.”

11. May a city create a BID that does not take effect until a future fiscal year?

- Likely yes. G.S. 160A-537 states that “[t]he resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council” Thus, the governing board likely may specify in the resolution creating the BID that it will take effect in a future fiscal year. The BID must take effect at the beginning of a fiscal year, though.

12. Does the BID have borrowing authority?

- No. A BID is part of the municipality’s government. It does not have independent borrowing authority.
- A municipality has a variety of funding options to finance capital projects. A city may issue bonds, the proceeds of which are used solely to finance services within a BID.
 - o If the city proposes to issue General Obligation bonds to provide services solely within a BID (and the bonds are going to be retired with BID tax revenue), the bond issuance must be approved by the majority of citizens in the city and by a majority of the citizens within the existing or proposed BID.

13. May the city contract with a private organization or entity to manage the BID?

- Yes. A city may provide services within the BID itself, or it may contract with another governmental agency or a private agency to provide the services.

- o Contracts with other governmental or private agencies must specify the purposes for which the funds must be used and require an accounting for the expenditure of the funds.

14. If a city enters into a contract to provide services within a BID that expands more than one fiscal year, are future city councils bound by the contract?

- Yes, unless the contract provides otherwise. G.S. 159-13(b)(15) requires the city's governing board to appropriate each fiscal year an amount required to meet its obligations under continuing contracts unless the contract language reserves to the city the right to limit or not make such an appropriation.

15. May the city appoint a citizen advisory board for the BID?

- Yes, the city may appoint a citizen advisory board for the BID. The city may grant the advisory board specific powers, however, the city must maintain final authority over the use of the BIDs funds. The city council is not legally bound by an advisory board's recommendations.

16. Once it is established and becomes effective, may a BID be extended to include additional property?

- Yes. The city council may annex territory to an existing BID if the area to be annexed is contiguous to the district and it requires the services of the district. (At least one eighth of the area's aggregate external boundary must be coincident with the existing boundary of the BID.)
- The city council also may extend the boundaries of any BID if it receives a petition signed by 100 percent of the real property owners of the area to be annexed.

17. Once a BID is established and becomes effective, may property be removed from the district?

- Yes. The city council may adopt a resolution to redefine a BID by removing property that no longer needs the services provided in the BID.

18. Once a BID is established and becomes effective, may it be abolished?

- Yes. The city council may adopt a resolution abolishing a BID if it finds that it is no longer needed.
- *Note that if a BID is abolished, any unexpended BID tax proceeds must be expended for the purposes for which the BID was established. The BID tax proceeds may not be transferred to the general fund or expended for any other purpose.*

19. Can a BID be established outside a municipality's central downtown?

- Another purpose for which a municipal service district may be established is for "urban area revitalization." Urban area revitalization projects include any projects or services that may be provided in a downtown area as a downtown revitalization project.

An "urban area" is an area that (i) is located within a city and (ii) meets *one or more* of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any non-residentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

**MANAGER'S BRIEFING SESSION
MAY 4, 2015 – 3:30 P.M
3rd FLOOR LOBBY CONFERENCE ROOM (FISHBOWL)**

MINUTES

PRESENT:

Mayor William Bencini; Council Members Latimer Alexander (At-Large); Cynthia Davis (At-Large); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6).

ABSENT:

Mayor Pro-Tem James Davis (Ward 5) and Council Members Jeffrey Golden (Ward 1); and Christopher Williams (Ward 2).

STAFF PRESENT:

Greg Demko, City Manager; Randy McCaslin, Assistant City Manager; Eric Olmedo, Budget and Performance Manager; Jeron Hollis, Public Information; Terry Houk, Director of Public Services; Robby Stone, Assistant Director of Public Services; Lee Burnette, Director of Planning and Development; Greg Nance, Sanitation Supervisor; Melanie Bruton, MRF Superintendent; Jeff Moore, Director of Finance; Loren Hill, President HP Economic Development Corp.; JoAnne Carlyle, City Attorney; Lisa Vierling, City Clerk; Tom Vincent, Deputy City Clerk

MEDIA PRESENT:

Pat Kimbrough, *High Point Enterprise*

MINUTES

[Note: all handouts and presentations are attached as a permanent part of these proceedings.]

City Manager Greg Demko alerted Council to an Economic Development Project in partnership with Electricities that is focused on marketing for retail recruitment.

Code Enforcement

Lee Burnette, Director of Planning and Development, said there are three basic questions he wanted to go over and answer: what is Code Enforcement? How is it done? And who does it? Mr. Burnette defined Code Enforcement as the “administration and enforcement of the City’s and the State’s Civil Codes and Ordinances.” He said examples included the Development Ordinance, the Building Code and individual City Code provisions such as the Public Nuisance Code and the Junk Vehicle Code.

Lee Burnette explained the Development Ordinance focuses on land management and land development. He said the Development ordinance deals with landscaping, parking lots and sign regulations. Mr. Burnette noted there are also regulations that deal with accessory structures, vehicles on lawns and trucks in residential areas. He said the Development Ordinance deals with both new construction and existing uses. Mr. Burnette said the Building Codes deals with any kind of structures, both the plan review portion and the inspections. He said his Department handles anything from small accessory structures to large public projects. Mr. Burnette added there a series of codes that deal with how people

maintain their property. He gave examples such as junked vehicles and the Public Nuisance Code. He said the Public Nuisance code deals with things such as overgrown grass and unsecure buildings. Mr. Burnette said other provisions deal with junk and debris on property and abandoned swimming pools. He explained the Minimum Housing Code establishes standards for housing. The Unsafe Building Code is a State Statute that deals with residential and non-residential buildings and deals with situations often more severe than the Minimum Housing Code. Mr. Burnette pointed out other Departments that deal with Code Enforcement: Public Services enforces watershed controls; Engineering handles erosion control; the Police handles animal control and junked vehicles on public property; the Fire Department handles Fire Inspections; and the County Health Departments deals with restaurant sanitation and septic tanks.

Mr. Burnette showed a slide listing all the General Statutes that allow the codes to be adopted and enforced by cities. He noted in some cases the City is required to adopt codes. Mr. Burnette said there are two ways to administer and enforce codes. The first is preventative action, this usually occurs as part of the planning or development process. Corrective action occurs after development has happened. Mr. Burnette explained this can involve many, progressive steps. He noted in some codes, the final step may be a civil penalty. Mr. Burnette said abatement is also an option, for example if a lawn has become a public nuisance, the City will mow it when all other options have been tried. Mr. Burnette cited legal action as a last resort. He showed the workflow for Public Nuisances and Housing Code violations. Mr. Burnette said the City has the authority to assess liens for nuisance abatement or demolition. The City bills the property and places a lien on the property if the bill is not paid. Council Member Alexander asked how many properties had liens against them and what percentage were ultimately resolved. Mr. Burnette said potentially thousands and a vast majority were not resolved. Mr. Alexander asked if there was a process to untangle these properties from their liens. City Attorney JoAnne Carlyle said that process had been explored and that it was complicated and often difficult to get the bank's attention. Mr. Burnette said if an area was targeted, perhaps because of a redevelopment effort that may warrant examining those properties. A discussion followed about strategies and methods to unencumber these properties. City Manager Greg Demko said staff could go through and put on a map where the tax delinquencies are and build a strategy.

Lee Burnette explained the Department was divided into three divisions: Planning Services, Development Services, and Inspection Services. He said Development Services handles land development, plan review, and subdivision site plans. Inspection Services handles construction plan review, construction inspections and code enforcement. Mr. Burnette noted there used to be four local enforcement officers, as a result of the recession there are now two. He shared statistics showing the numbers of Code Violations corrected from 2009 – 2014, statistics for Housing Cases Closed 2009 – 2014 and the number of Active Code Violations. Mr. Burnette showed a map with Active Housing Violations. He pointed out the violations are beginning to spread outside the Core City. This is a result of the recession and aging housing stock. Mr. Burnette pointed the increasing percentage of aging housing stock in the City. He said technology improvements such as Acella would help to streamline the Department's processes.

Mr. Burnette said most of the code violations are results of complaints through the customer service system or from staff. He said Inspectors will also try to address any immediate violations adjacent to the property they are inspecting. Mr. Burnette said the Department used to more proactive in locating Code Violations and would police areas of the City looking for them. He said the Department could more proactive by trying to deal with housing code violations before it becomes necessary to demolish the houses. Council Member Cynthia Davis said she received complaints about a property lot that had snakes that were spreading through the neighborhood. She asked if there was any reason one lot would be enforced and another lot not enforced in terms of overgrowth. Mr. Burnette said there are situations where a lot has been historically a forest area or natural area it is not a violation of the Public Nuisance Code. Assistant City Manager Randy McCaslin asked how many boarded up houses there were in the

City. Mr. Burnette said 285 active Housing Code violations so many of those are boarded up. He noted there are also voluntarily boarded up houses. City Manager Greg Demko said he would like for the City to explore their remedies further as far as what the City can do and how we can approach cleaning up our neighborhoods. Council Member Alexander said ten years ago there were a lot of complaints about abandoned houses in Washington Terrace Park, the City got some good results but now the numbers are going back up. Council Member Cynthia Davis said the starting is point becomes does the City deal with the older things that are already on the violation, or newer items or target an area. Mr. Alexander said in some of the older cases it may take staff hundreds of hours just to establish ownership on blighted properties and there were not enough resources to make progress. He added this needs to be addressed during the budget process. Mr. Demko said it would be a dedicated, expensive effort. Mr. Burnette said any proactive efforts would have to be very strategic. Mr. Demko said it could happen, everyone would have to come together to do it.

Materials Recovery Facility (MRF)

Terry Houk, Director of Public Services, said Council had asked for an update on the MRF and what options staff has looked at. He said Melanie Bruton would give some historic background, he would present some options and Robby Stone, Assistant Director of Public Services will show a video.

Melanie Bruton said the City recycles because it is mandated, to protect our natural resources and because it is the right thing to do. She explained the City had dirty MRF in 1991. At a dirty MRF the staff sorted the recyclables from the trash. In 1996 it became a clean MRF where recyclables are sent, sorted and then baled and sold. Ms. Bruton said the facility is 25 years old and has a lot of equipment that has not been repaired. Originally there were two balers and staff had to cannibalize one to keep the other running and a new baler was purchased last fall. She said the Department has begun marketing and education efforts and does over 90 presentations a year. Ms. Bruton went through the different materials that the MRF recycles and what the end results are. She noted the City accepted #3 through #7 plastics which a lot of cities do not accept. Ms. Bruton explained the recyclables are hand sorted, the only automation is a magnet that pulls out the steel cans. City Manager Greg Demko pointed out the wide variety of materials the MRF accepted and the convenience this offered for the user. Mayor Bencini asked what the average backlog was. Ms. Bruton said there is always a backlog and approximately three tons an hour could be sorted. She added two items they do not want in the recycling bins are used needles and plastic grocery bags. Ms. Bruton said last Furniture Market the facility processed 450 tons of recyclables and for the Market just passed they are already at 500 tons. Council Member Alexander asked what the cost to run the operation was versus the money received from selling the recyclables. Terry Houk said the budget this is \$1.9 million and \$600,000 in revenue. Ms. Bruton added \$350,000 would be saved in landfill space. She said the City gets an average of \$130 a ton for their recyclables.

Terry Houk said the City is at a crossroads with the MRF. He said the facility is operating at 50% and the Department has opted to not do any repairs until the Council decides on what direction they want to go. Mr. Houk said there are three options: 1. Proceed with equipment upgrades with money funded and approved by the previous Council; 2. Contract operations (outsource); 3. Evaluate public/private options. He said each option has pros and cons. Mr. Houk noted that keeping it within the City we are in control of our own destiny and said this was especially important during Furniture Market. He said public/private is another option and that depends how you write the RFQ or RFP depends on how you negotiate sales and profit. The option is they will probably fund the equipment up front by fifteen years in the future we will be in the same place. Mr. Houk said they need direction from Council because depending on which option Council chooses it makes a big difference what kind of RFQ or RFP the City writes. He explained there are currently 25 funded positions but the approved redesign is for 19 people. Mr. Houk said his department was looking for direction from Council about which direction to proceed in.

Council Member Alexander said the decision had been made to move forward, make the upgrades and continue running the operation in-house and inquired what has changed from that direction. Mr. Houk said the Department bid three times and there were some issues so the Department is getting ready to bid again. He said at that time it was decided that Council wanted to come back and reevaluate the issue. City Manager Greg Demko said it has been about five years since these issues were identified and said the Solid Waste Fund has saved up money to pay for these improvements. Mr. Demko added that he would like to upgrade the facility and move forward.

Council Member Cynthia Davis said the previous Council wanted to get bids from outside agencies and they never followed through on that. Council Member Alexander said for any privatization process someone will give you a lower-cost contract but at the end of the contract the City's system has gone away and the contractor has an advantage for the next contract. Mr. Alexander noted if the Council entertains bids and receives a low bid they should accept it and move on. Mr. Houk said the last low bid was \$3.4 million for equipment and the funds allocated were \$5 million. Council Member Ewing said there was some miscommunication when Council thought they were getting presentations and bids from the private side and the RFP was put out for new equipment. He said Council was trying to look at the \$5 million that had been allocated for the upgrade versus what the return was with the commodities rate being what it was and stretching that out over a 20 year period it would take 180 years to get the investment back. Mr. Ewing said the Council was trying to figure if controlling the recycling program was worth the investment of \$5 million. Mr. Houk said if a private company took over the citizens would need reeducation on what could and could not be recycled. Mr. Houk added that the Furniture Market was very important and the services offered during that period would be hard to negotiate. Council Member Wagner said there was concern from some on Council because the City was talking about spending \$5 million dollars to upgrade a facility that we are already subsidizing over \$1 million a year and concern over the length of time to recoup the investment. Mr. Wagner said very few other cities have their own MRF and most contract out their recycling. He added there is the philosophical question if the City wants to be in the recycling business against private industry. Mr. Houk said City labs already compete against private labs and there is no reason the City cannot offer their services to private industry.

Council Member Alexander said when the landfill fills up the City would regret outsourcing the MRF because the next landfill will be extremely expensive and cost hundreds of millions of dollars. Council Member Cynthia Davis asked if the City had been putting funds aside towards a new landfill. Mr. Demko said he has charged the Budget Office with building document, long-term business plans and inquired what types of materials other MRFs accepted. Melanie Bruton said private contractors changed the materials depending on the market. She said a lot of MRFs do not take glass anymore but it cannot be put in the landfill. Ms. Bruton noted that other MRFs charge back for contamination. She said they had done research and talked to private companies about a public-private partnership. Assistant City Manager Randy McCaslin said there are two private MRFs in the Triad area and one of them is on shaky ground.

Council Member Cynthia Davis said she would like to for them to get their bids so we can see what numbers they are looking at. Council Member Wagner said it would be wise to send it to the Finance Committee and let them study it. Council Member Ewing said if the City puts it out for bids the City has to accept a bid and Finance should make that recommendation. There were no objections to sending this matter to the Finance Committee for consideration for the June 1 Council Meeting.

ADJOURNMENT

The meeting adjourned at 5:10 p.m. on a motion duly made and seconded.

Respectfully Submitted,

Tom Vincent
Deputy City Clerk

PUBLISH ONCE: June 9, 2015

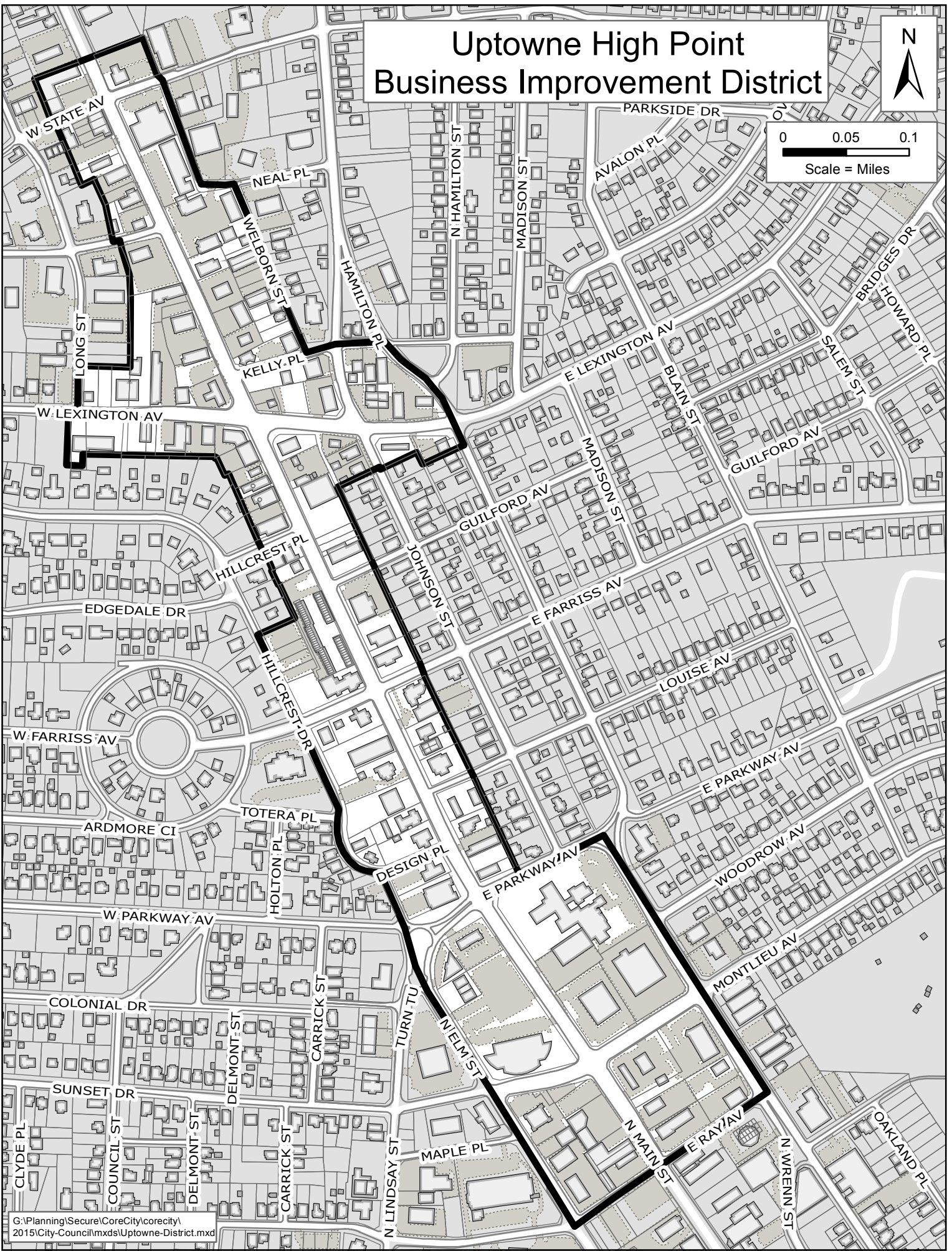
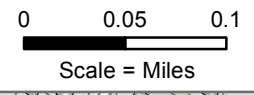
NOTICE OF PUBLIC HEARING

Take notice that the High Point City Council will hold a public hearing concerning the adoption of a resolution defining a new municipal service district in accordance with N.C.G.S. §160A-537 for the proposed establishment of the *Uptowne High Point Business Improvement District* on Thursday, June 18, 2015 at 9:00 a.m. in the City Council Chambers, 211 South Hamilton Street, High Point, NC 27261. During this hearing, members of the public are invited to provide comments regarding the resolution to establish *Uptowne High Point Business Improvement District*. The resolution to establish the *Uptowne High Point Business Improvement District* will be considered by the High Point City Council on Thursday, June 18, 2015.

The map and report of the *Uptowne High Point Business Improvement District* are available for inspection in the City Clerk's office at 336-883-3536 and online at <http://www.highpointnc.gov/edc/uptowne.cfm>

Lisa B. Vierling
High Point City Clerk

Uptowne High Point Business Improvement District



City of High Point

**City of High Point
North Carolina**

**G.S. 160A-537(b)
REPORT**

For the

Uptowne High Point Municipal Service District

to be referred to as the

Uptowne High Point Business Improvement District (BID)

**For City Council Consideration
With an Effective Date of July 1, 2015**



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Introduction

This publication has been prepared for public inspection by the City of High Point for the establishment of a Municipal Service District in Uptowne High Point. This report is to be made available for public inspection according to the following excerpt outlined in “The Municipal Service District Act of 1973.” In 1973 the North Carolina General Assembly approved “Article 23. Municipal Service G.S. 160A-535.”. See Attachment A.

Report Requirements

160A-537(b) Report – Before the public hearing required by subsection (c), the City Council shall cause to be prepared a report containing:

- A map of the proposed district, showing its proposed boundaries;
- A statement showing the proposed district meets the standards set out in subsection (a):
 - [(a) Standards – The City Council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.]; and
- A plan for providing in the district one or more of the services listed in G.S. 160A-536

The report shall be available in the office of the City Clerk for at least four weeks before the date of the public hearing.

A Municipal Service District (MSD), commonly referred to as a Business Improvement District (BID), is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services. The first BID was established in the French Quarter of New Orleans in the early 1970s. Now, there are more than 1,200 MSDs in North America according to the International Downtown Association. In each case, the services and activities of the BID have been tailored to meet the specific needs identified by the business community that funds them. The City of High Point seeks to establish an Uptowne BID to encourage the improvement of private property and private investment in Uptowne High Point. There will not be an incremental tax associated with the Uptowne BID.

Schedule

Wednesday May 6, 2015: Consideration by the Prosperity and Livability Committee with recommendation to City Council.

Monday May 18, 2015: Council calls for a required public hearing on the establishment of the BID to be held at its Thursday June 18, 2015 Council meeting.

Tuesday May 19, 2015: Staff mails notification to all property owners in the potential BID. Included in the mailing will be a reference to where to find this report which includes the background, purpose, and schedule. By state law, this mailing must occur at least four weeks prior to the required public hearing on the establishment of the BID.

Thursday June 18, 2015: Public Hearing and Council vote on BID at City Council meeting with an effective date of July 1, 2015.

Public Hearing Scheduled for City Council Meeting Thursday June 18, 2012

The public hearing on the establishment of the Uptowne High Point BID will be held during the City Council meeting on Thursday June 18, 2015 which begins at 9:00 am in the Council Chambers, 211 South Hamilton Street, High Point, North Carolina. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the Uptowne High Point Business Improvement District. The resolution to establish the Uptowne Business Improvement District will be voted on by the High Point City Council at the City Council meeting on Thursday June 18, 2015. The BID will become effective July 1, 2015. There will not be a service district tax associated with the approval of the BID.

Questions

All questions about the Uptowne High Point Business Improvement District should be directed to The Core City Administrator for High Point, Wendy Fuscoe, via email through wendy.fuscoe@highpointnc.gov or by phone at (336) 883-8547.

History of Business Improvement Districts

Communities undertake the establishment of BIDs for a variety of reasons, and indeed one of the strengths of the concept is the ability to tailor the services offered by the BID to the specific needs of a certain community or business district.

Because the service needs of traditional commercial districts are often greater than those generally provided throughout a given municipality, BIDs have proven to be effective tools for enhancing and revitalizing the district and increasing their economic viability. BIDs create a mechanism through which enhanced programs and services are targeted to a geographically defined district's specific needs.

The Uptowne High Point proposed BID qualifies and meets the required statutory criteria for forming a Business District as the area can be considered an *urban area revitalization project* because it is located within the City of High Point and meets the following conditions: (1) consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses; and (2) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way."

Uptowne High Point Revitalization Plan History

The City of High Point adopted the Core City Plan in February 2007. The purpose in creating the plan was to provide a clear blueprint for improving the physical, economic and social facets of High Point's central core area. Because much of High Point's traditional downtown now serves as a Showroom District, the Core City Plan envisioned the creation of eight (8) mixed use centers, one of which is the Uptowne district that would function as the "defacto" downtown of High Point. In 2013, the Ignite Master Plan which was a publically-privately funded plan for the Uptowne and

Downtown districts, proposed several discrete projects that could help in the creation of a diversified and economically strong downtown and Uptowne districts. City Council is currently considering one such project that would involve the creation of a civic gathering area in front of the High Point Public Library.

In 2008, the City of High Point adopted the Main Street Zoning District to encourage a more walkable and urban style of development in the Uptowne district. In 2009, the Uptowne businesses and property owners met and organized the Uptowne Business Association and since that time have sponsored several events to promote the district. In 2013, the Uptowne Suburbs, which includes a portion of N. Main Street, was listed on the National Historic Register. In 2014, a retail analysis was conducted in both the Ignite Master Plan and the Urban3 study and concluded that retail dollars are “leaking” from the district and could be captured with an increase in retail businesses. The Uptowne District includes unique historic properties as well as opportunities for infill development.

The Core City Plan established several objectives for the mixed use centers (Uptowne being one of the centers):

- These centers can include retail, services, offices, housing, institutions and other uses depending on the particular center and market potential.
- They are geographically dispersed so as to serve as many people as possible, while being located around key intersections for good access and economic viability.
- The objective of these centers is to provide access to vital goods and services to the adjacent neighborhoods, especially for people who either cannot drive or choose not to drive.

The City of High Point wants to make the Uptowne District aesthetically and economically appealing to citizens and potential business owners.

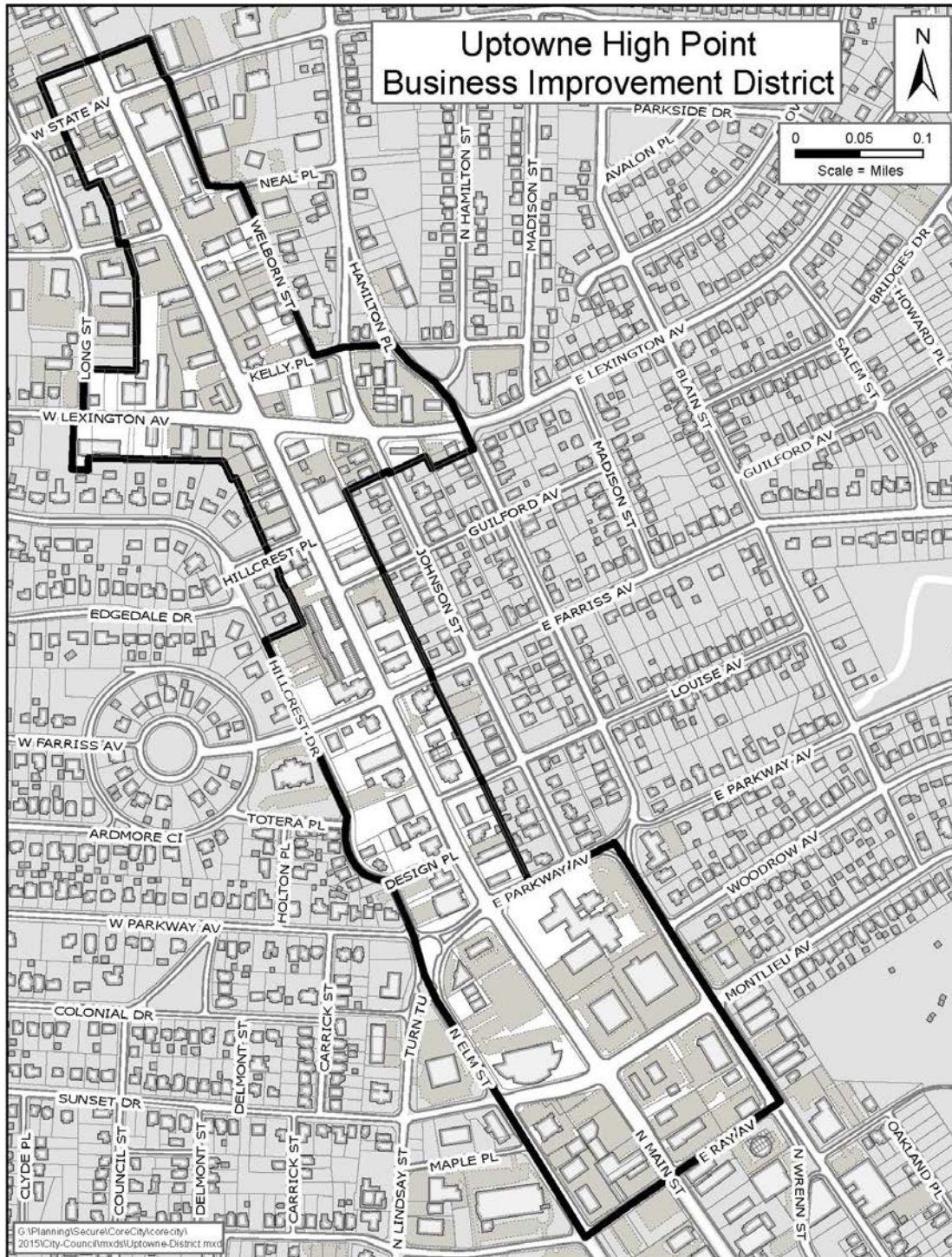
Additional information and related details about Core City Plan can be found on the City of High Point website at: http://www.highpointnc.gov/plan/core_city_plan.cfm.

The Ignite Master Plan can be found at: <http://www.high-point.net/CityProject/inquire.html>.

Uptowne BID Boundary and Map

The map below shows the boundaries of the Uptowne High Point BID. The spine of the BID is N. Main Street.

BID Border Outlined in Black



What to Expect in the Business Improvement District

A Business Improvement District is allowed to have an incremental tax to fund those activities and services that provide an enhanced level of service above and beyond those properties not included in the BID. The City of High Point is not proposing that an incremental tax be associated with the Uptowne Business Improvement District. The BID is being used to help focus and encourage an increased level of property improvements and revitalization through the use of targeted incentives to encourage redevelopment activity.

To help encourage new property redevelopment and investment by the private sector, the City is proposing the Façade Grant Program to be implemented in the district that will encourage private property improvements.

The Façade Grant Program is designed for the following:

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.

Lifecycle and Future Changes to the Business Improvement District

“The Municipal Service District Act of 1973” authorizes City Councils in the State of North Carolina to create BIDs for urban area revitalization projects when services are to a greater extent than those provided for the entire city, as part of its annual budget process. If the High Point City Council supports the establishment of the Uptowne High Point BID, it will remain in effect until the High Point City Council decides to abolish the Uptowne BID. Council may add properties adjacent to the existing BID if 100% of the property owners to be added have signed a petition to do so. This consideration process would take place during the months leading up to the start of each fiscal year so that the changes could take effect on July 1 of the upcoming fiscal year.

Uptowne BID Funding – No Tax Increase

North Carolina General Statutes for a BID provide that the City Council, upon determining that an area warrants a service district, may tax the property within the district at a rate determined to generate enough revenue to support the additional services to be provided by the district. The High Point City Council is not implementing a separate or additional tax associated with the Business Improvement District. The tax rate inside the BID will remain the same as the tax rate in the rest of the City. One of the primary reasons of establishing the BID is to clearly define an area of specific redevelopment focus and attention that warrants additional City funding. Funding will be made available through the General Fund and other unrestricted funds.

Article 23.
Municipal Service Districts.

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
 - (1a) (For applicability see note) Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
 - (2a) Urban area revitalization projects.
 - (2b) Transit-oriented development projects.
- (3) Drainage projects.
 - (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - (3b) (For applicability see note) Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" include by way of illustration but not limitation improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street, and other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area.

In addition, a downtown revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience, include the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district shall not prejudice the city's authority to undertake urban renewal projects in the same area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) Contracts. – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof.

Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a servicedistrict upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council, except that if the governing body in the resolution states that general obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption, but no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25.)

§ 160A-538. Extension of service districts.

(a) Standards. – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) Annexation by Petition. – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real

property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) Report. – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed. The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) Hearing and Notice. – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) Effective Date. – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and
- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) Effective Date. – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) New District. – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) Extended District. – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) Consolidated District. – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

ATTACHMENT B

Property Addresses Included in the Uptowne High Point Business Improvement District

1000 N MAIN ST	1205 A N MAIN ST
1002 N MAIN ST	1205 B N MAIN ST
1003 N MAIN ST	1205 C N MAIN ST
1004 N MAIN ST	1205 D N MAIN ST
1005 N MAIN ST	1205 E N MAIN ST
1006 N MAIN ST	1205 F N MAIN ST
1009 N MAIN ST	1207 A N MAIN ST
101 W LEXINGTON AVE	1207 B N MAIN ST
1010 N MAIN ST	1207 C N MAIN ST
1011 N MAIN ST	1207 D N MAIN ST
105 SUNSET DR	1207 E N MAIN ST
106 HILLCREST DR	1207 F N MAIN ST
106 ROCKSPRING RD	1209 A N MAIN ST
107 SUNSET DR	1209 B N MAIN ST
108 HILLCREST DR	1209 C N MAIN ST
108 W FARRISS AVE	1209 D N MAIN ST
110 HILLCREST DR	1209 E N MAIN ST
1100 N MAIN ST	1209 F N MAIN ST
1101 N MAIN ST	121 E LEXINGTON AVE
1102 A N MAIN ST	1210 JOHNSON ST
1102 N MAIN ST	1210 N MAIN ST
1102-B N MAIN ST	1211 A N MAIN ST
1102-C N MAIN ST	1211 B N MAIN ST
1102-D N MAIN ST	1211 C N MAIN ST
1103 N MAIN ST	1211 D N MAIN ST
1104 N MAIN ST	1211 E N MAIN ST
1107 N MAIN ST	1211 F N MAIN ST
1108 N MAIN ST	1211 JOHNSON ST
1109 N MAIN ST	1211 N HAMILTON ST
111 W FARRISS AVE	1213 A N MAIN ST
114 W STATE AVE	1213 B N MAIN ST
115 E LEXINGTON AVE	1213 C N MAIN ST
115 W STATE AVE	1213 D N MAIN ST
117 W LEXINGTON AVE	1213 E N MAIN ST
119 129 W LEXINGTON AVE	1213 F N MAIN ST
120 E LEXINGTON AVE	1213 JOHNSON ST
120 W LEXINGTON AVE	1215 A N MAIN ST
1200 N MAIN ST	1215 B N MAIN ST
1203 A N MAIN ST	1215 C N MAIN ST
1203 B N MAIN ST	1215 D N MAIN ST
1203 C N MAIN ST	1215 E N MAIN ST
1203 D N MAIN ST	1215 F N MAIN ST
1203 E N MAIN ST	1217 A N MAIN ST
1203 F N MAIN ST	1217 B N MAIN ST

1217 C N MAIN ST
1217 D N MAIN ST
1217 E N MAIN ST
1217 F N MAIN ST
1219 A N MAIN ST
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1219 C N MAIN ST
1219 D N MAIN ST
1219 E N MAIN ST
1219 F N MAIN ST
1220 N MAIN ST
1221 A N MAIN ST
1221 B N MAIN ST
1221 C N MAIN ST
1221 D N MAIN ST
1221 E N MAIN ST
1221 F N MAIN ST
1221 OPEN N MAIN ST
1223 N MAIN ST
1225 N MAIN ST
1232 N MAIN ST
1234 N MAIN ST
1236 N MAIN ST
124 MONTLIEU AVE
1240 N MAIN ST
130 W LEXINGTON AVE
1300 N MAIN ST
1301 N MAIN ST
1303 1311 N MAIN ST
1304 N MAIN ST
1304 NEAR N MAIN ST
1308 JOHNSON ST
131 W LEXINGTON AVE
1310 N MAIN ST
1315 N MAIN ST
1315 NEAR N MAIN ST
1325 N MAIN ST
1325 R1 N MAIN ST
1329 N MAIN ST
133 MONTLIEU AVE
134 W LEXINGTON AVE
1345 N MAIN ST
1347 N MAIN ST
135 W LEXINGTON AVE
136 W LEXINGTON AVE
140 W LEXINGTON AVE
1400 N MAIN ST
1401 N MAIN ST
1403 WELBORN ST

1404 N MAIN ST
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1412 N MAIN ST
1413 WELBORN ST
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1417 WELBORN ST
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143 W LEXINGTON AVE
1500 N MAIN ST
1505 N MAIN ST
1506 N MAIN ST
1514 N MAIN ST
1521 1523 N MAIN ST
1524 N MAIN ST
1525 N MAIN ST
1530 N MAIN ST
1539 N MAIN ST
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1600 N MAIN ST
1601 N MAIN ST
1605 N MAIN ST
1611 N MAIN ST
1613 N MAIN ST
1621 N MAIN ST
1623 N MAIN ST
1629 N MAIN ST
1631 N MAIN ST
1634 N MAIN ST
1637 N MAIN ST
1639 N MAIN ST
1641 N MAIN ST
1700 N MAIN ST
1701 N MAIN ST
1709 N MAIN ST
201 E LEXINGTON AVE
201 NEAR E LEXINGTON AVE
202 KELLY PL
203 E LEXINGTON AVE
204 KELLY PL
210 E LEXINGTON AVE
217 E LEXINGTON AVE
5 HILLCREST PL
615 N HAMILTON ST
619 N HAMILTON ST
700 N ELM ST

710 N ELM ST
712 N ELM ST
800 N MAIN ST
801 N MAIN ST
802 N MAIN ST
811 N MAIN ST
816 N ELM ST
819 N MAIN ST
820 N ELM ST
820 N MAIN ST
823 N MAIN ST
84 HILLCREST DR
86 HILLCREST DR
901 N MAIN ST
904 N MAIN ST
917 N MAIN ST
918 N MAIN ST
944 N MAIN ST

The Legal Framework for Business Improvement Districts (BIDs) in North Carolina

1. What is the legal authority for establishing a BID in North Carolina?

- In North Carolina the statutory authority for creating a BID is the Municipal Service District Act, G.S. 160A-535 through 160A-544. This Act permits a municipality to establish one or more municipal service districts and assesses a special tax in each of the districts to be used to fund services or projects in the district. Among the purposes for which municipal service districts may be formed is to fund *Downtown Revitalization*. **The City of High Point is not assessing a special tax in association with its Uptowne BID. The tax rate in the BID will be consistent with the tax rate in the rest of the City of High Point.**

2. What constitutes *downtown revitalization* (that is, what services may be provided in the BID)?

- G.S. 160A-536(b) lists a broad array of potential downtown revitalization projects.¹ And the list is not exclusive. As long as a project or activity benefits the downtown district or benefits the properties or residents in the downtown district, it likely may be funded with BID tax proceeds. Although technically a “service” district, municipalities may use BID tax proceeds to fund capital projects, operating expenses, and other activities in the BID.

¹ G.S. 160A-536(b) states:

Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

3. How can the Uptowne District qualify as downtown revitalization?

- a. Under G.S.160A-536 (a) (2) (2a) urban area revitalization projects are listed as a subdivision of Downtown Revitalization projects. G.S. 160A-536(c) defines urban area revitalization as an area that (i) is located within a city and (ii) meets one or more of the following conditions:
- i. It is the central business district of the city.
 - ii. It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
 - iii. It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
 - iv. It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

The Uptowne District meets conditions (ii) and (iii).

4. How are BID boundaries drawn?

- The municipal service district legislation implements N.C. Const. art. V, § 2(4), which allows a municipality to define special service areas in order to assess additional property taxes to fund services, projects or activities within the areas that are additional to the services provided throughout the unit.
- A municipality's governing board has broad discretion to draw BID boundaries within its downtown area. The governing board simply must find that the services, projects, or activities are provided to a greater extent than those financed, provided or maintained for the entire city.
- Districts should include only properties that will benefit from the additional services provided in the district.

5. What is the legal process for establishing a BID?

- The following flowchart depicts the procedural process for establishing a BID:

Step 1:

City council prepares a report which contains:

- a map of the proposed district;
- a statement showing that the services are needed in the district to a demonstrably greater extent than the rest of the city; and
- a plan for providing the proposed services in the district.

(included above in this report)

Step 2:

- City council files a copy of the report with the city clerk at least four weeks before holding a public hearing **(May 18, 2015)**
- City mails notice to each owner of property in the district at least four weeks before holding a public hearing **(May 19, 2015)**

Step 3:

- City prepares and publishes a notice of the public hearing at least one week before the hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 4:

- City council holds the public hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 5:

- City council may adopt a resolution defining and approving the BID.

(June 18, 2015)

Step 6:

- Generally, the district becomes effective at the beginning of the fiscal year commencing after the resolution establishing the district is adopted.
(Planned effective date of BID is July 1, 2015)
- The city council may make the district effective upon its adoption if it anticipates authorizing general obligation bonds for the project (but no *ad valorem* tax may be levied for a partial fiscal year).

6. How are BIDS financed?

- In North Carolina a municipal service district is a property tax district. The city may levy an *ad valorem* (property) tax within the district in addition to the citywide property tax, the proceeds of which finance additional services or projects provided to the district. **The City of High Point is not levying an additional tax rate within the BID.**
 - o The BID property tax (BID tax) is levied on the same tax base, within the district, on which the citywide property tax is levied. The property tax base includes real and personal property. The same exemptions apply to the BID property tax as apply to the citywide property tax.

7. May the city levy different BID tax rates within the BID?

- No. The BID tax rate must be uniform throughout the BID. If differential rates are desired for different parts of the downtown, different BIDs must be established. **(No incremental tax rate is being implemented with the City of High Point BID)**

8. May the city exempt certain property in the BID from the district property tax (for example, residential property)?

- No. Only the General Assembly may exempt or otherwise classify property subject to the property tax.
 - The same exemptions apply to the BID tax as apply to the citywide property tax. (Therefore property owned by governments and churches is exempt from the district tax, as is any other tax-exempt property.) Additionally, the personal property of any public service corporation is exempt from the BID tax.
- *Note: to the extent possible, the city should attempt to draw the district boundary to exclude residential property because the city may not exempt residential property from the BID tax. (See Question 3).*

9. Are there any limits on the BID property tax rate?

- The BID tax rate, combined with the property tax rate levied citywide, may not exceed \$1.50 per \$100 valuation, unless approved by a majority of the qualified voters residing in the district.

10. Once a BID is established and becomes effective, when must services be provided in the district?

- Once a BID becomes effective, the city must “provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year.”

11. May a city create a BID that does not take effect until a future fiscal year?

- Likely yes. G.S. 160A-537 states that “[t]he resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council” Thus, the governing board likely may specify in the resolution creating the BID that it will take effect in a future fiscal year. The BID must take effect at the beginning of a fiscal year, though.

12. Does the BID have borrowing authority?

- No. A BID is part of the municipality’s government. It does not have independent borrowing authority.
- A municipality has a variety of funding options to finance capital projects. A city may issue bonds, the proceeds of which are used solely to finance services within a BID.
 - o If the city proposes to issue General Obligation bonds to provide services solely within a BID (and the bonds are going to be retired with BID tax revenue), the bond issuance must be approved by the majority of citizens in the city and by a majority of the citizens within the existing or proposed BID.

13. May the city contract with a private organization or entity to manage the BID?

- Yes. A city may provide services within the BID itself, or it may contract with another governmental agency or a private agency to provide the services.

- o Contracts with other governmental or private agencies must specify the purposes for which the funds must be used and require an accounting for the expenditure of the funds.

14. If a city enters into a contract to provide services within a BID that expands more than one fiscal year, are future city councils bound by the contract?

- Yes, unless the contract provides otherwise. G.S. 159-13(b)(15) requires the city's governing board to appropriate each fiscal year an amount required to meet its obligations under continuing contracts unless the contract language reserves to the city the right to limit or not make such an appropriation.

15. May the city appoint a citizen advisory board for the BID?

- Yes, the city may appoint a citizen advisory board for the BID. The city may grant the advisory board specific powers, however, the city must maintain final authority over the use of the BIDs funds. The city council is not legally bound by an advisory board's recommendations.

16. Once it is established and becomes effective, may a BID be extended to include additional property?

- Yes. The city council may annex territory to an existing BID if the area to be annexed is contiguous to the district and it requires the services of the district. (At least one eighth of the area's aggregate external boundary must be coincident with the existing boundary of the BID.)
- The city council also may extend the boundaries of any BID if it receives a petition signed by 100 percent of the real property owners of the area to be annexed.

17. Once a BID is established and becomes effective, may property be removed from the district?

- Yes. The city council may adopt a resolution to redefine a BID by removing property that no longer needs the services provided in the BID.

18. Once a BID is established and becomes effective, may it be abolished?

- Yes. The city council may adopt a resolution abolishing a BID if it finds that it is no longer needed.
- *Note that if a BID is abolished, any unexpended BID tax proceeds must be expended for the purposes for which the BID was established. The BID tax proceeds may not be transferred to the general fund or expended for any other purpose.*

19. Can a BID be established outside a municipality's central downtown?

- Another purpose for which a municipal service district may be established is for "urban area revitalization." Urban area revitalization projects include any projects or services that may be provided in a downtown area as a downtown revitalization project.

An "urban area" is an area that (i) is located within a city and (ii) meets *one or more* of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any non-residentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.





CITY OF HIGH POINT

AGENDA ITEM



Title: National Register Nomination Application for the former Pickett Cotton Mills Complex

From: Lee Burnette, Planning & Development
Director

Meeting Date: May 18, 2015

Public Hearing: No – receive public comment

Advertising Date: May 4, and May 11, 2015
Planning & Development

Advertised By:

Attachments: A. Memorandum to City Council
B. Fact Sheet: National Register Criteria for Evaluation
C. Nomination Application

PURPOSE:

To review, take public comment and make a recommendation as to whether the nomination meets the criteria for listing in the National Register.

BACKGROUND:

This fulfills the City's obligation under the Certified Local Government (CLG) program to provide an opportunity for public comment on the nomination, and for Council to comment.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

Motion to recommend that the former Pickett Cotton Mills Complex at 1200 Redding Drive be listed on the National Register of Historic Places, as the nomination meets the required criteria.



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: David J. Fencil

DATE: May 18, 2015

SUBJECT: National Register Nomination for
Pickett Cotton Mills Complex, 1200 Redding Drive

Attached for the Council's review and recommendation is the nomination application for the former Pickett Cotton Mills Complex to be listed on the National Register of Historic Places. The complex is located at 1200 Redding Drive and is owned by Claude C. and Mickie H. Gamble of Thomasville, who have contracted with Laura A.W. Phillips of Winston-Salem to prepare the nomination.

Built in 1911, the original Pickett Cotton Mills building is a large, two-story-plus basement, brick and reinforced-concrete industrial structure of slow-burn, heavy-timber construction and exhibits much of the evolution of mill construction in High Point from 1911 to 1960. Designed by the prominent engineering firm of Lockwood, Greene, and Company the mill introduced a progressive element – reinforced concrete window spandrels – that set the mill apart from other mills in High Point. This feature not only added to the strength of the mill, but allowed the use of larger windows. Three other resources contribute to the property's historic and architectural character: the 1911 one-story brick cotton warehouse west of the mill; the 1920 one-story brick office northeast of the mill; and the early 1950's brick sprinkler house on the west side of the mill. Except for the loss of the mill's original windows when air conditioning was installed in the 1960's, the Pickett Cotton Mills Complex retains a relatively high degree of integrity of location, setting, design, materials, workmanship, feeling, and association.

Pickett Cotton Mills was incorporated in 1910 by a group of community leaders lead by brothers F. M. and W. P. Pickett, one of High Point's early industrial families. It was the first cotton mill in High Point that met with long-term success and as such, it was a leader in the city's textile industry. Initially the mills made cotton cloth, but by 1923, it

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

City of High Point, P.O. Box 230, 211 S. Hamilton St., High Point, NC 27261

Fax: 336.883.3056

TDD 336.883.8517

www.highpointnc.gov/plan

Permit Fax: 336.883.8518

had added more profitable cotton yarn to its products. Surviving the Depression, Pickett Cotton Mills continued to operate several shifts, providing employment for 250-300 workers. Like many other textile mills in the last quarter of the twentieth century, the mills could not overcome the detrimental economic effects brought by cheap foreign imports and closed its doors in 1985.

This application will be presented to, and reviewed by, the North Carolina National Register Advisory Committee (NRAC) at its meeting on June 11, 2015. The Council is being asked to comment on whether the building meets the requirements for listing in the National Register, to take any public comment offered regarding the application, and to make a recommendation to the NC NRAC. To assist in determining the merit of the application, I have included a fact sheet entitled *National Register Criteria for Evaluation*, prepared by the State Historic Preservation Office. All comments will be forwarded to the NC NRAC before the June 11 meeting. A favorable review by the NC NRAC will mean an endorsement by the State Historic Preservation Officer, Dr. Kevin Cherry, and the application will be forwarded to the Department of the Interior for final review and listing in the National Register of Historic Places.

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

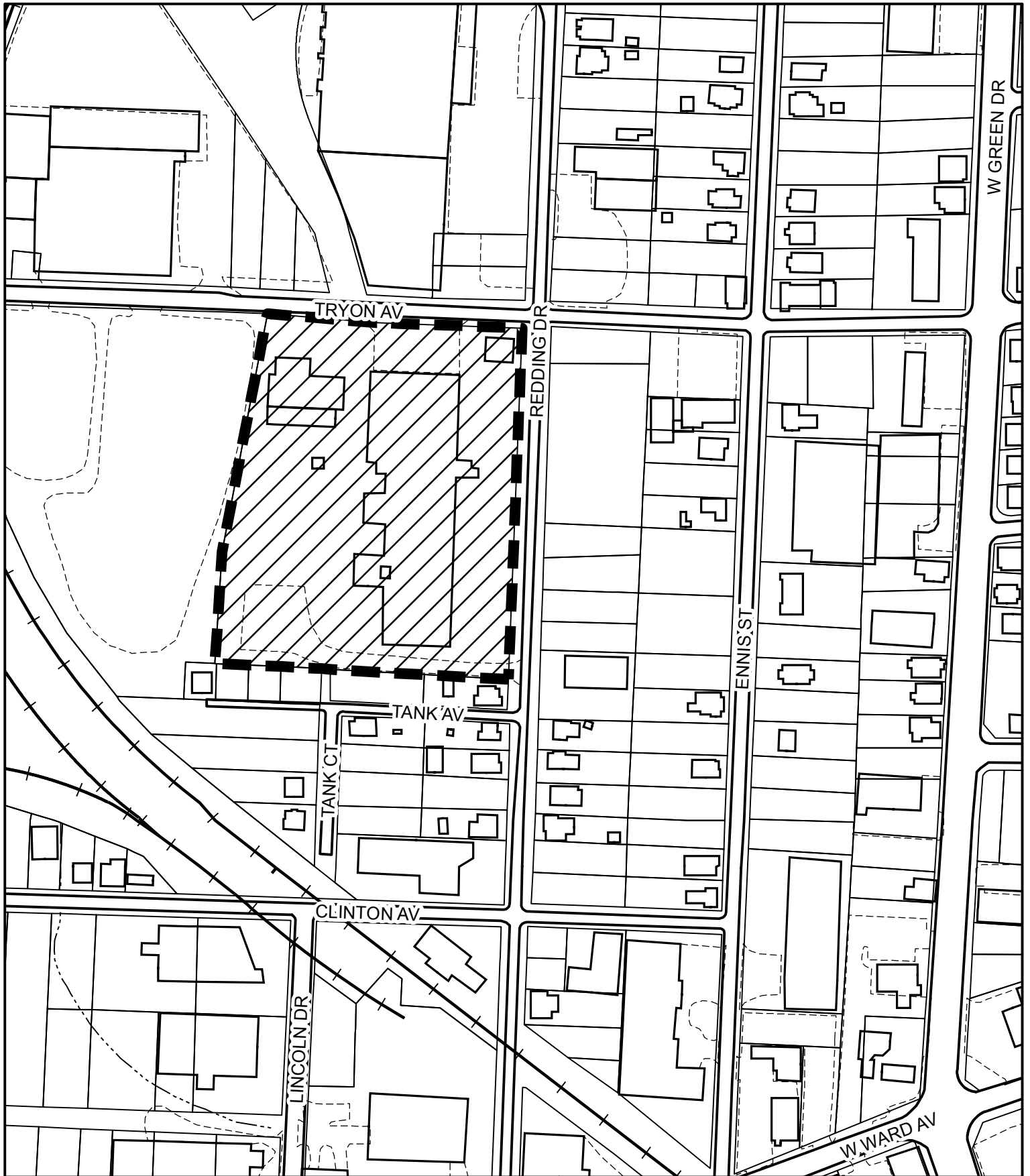
City of High Point, P.O. Box 230, 211 S. Hamilton St., High Point, NC 27261

Fax: 336.883.3056

TDD 336.883.8517

www.highpointnc.gov/plan

Permit Fax: 336.883.8518



Location Map

1200 Redding Drive



Subject property

Planning & Development
Department

City of High Point

Date: April 30, 2015



Scale: 1"=200'

Pickett Cotton Mills Complex – 1200 Redding Drive



NATIONAL REGISTER FACT SHEET 2

NATIONAL REGISTER CRITERIA FOR EVALUATION

The following criteria are designed to guide the states, federal agencies, and the Secretary of the Interior in evaluating potential entries for the National Register.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. that are associated with events that have made significant contribution to the broad patterns of our history; or*
- B. that are associated with the lives of persons significant in our past; or*
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. that have yielded, or may be likely to yield, information important in prehistory or history.*

Criteria Considerations (Exceptions): *Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:*

- A. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or*
- B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or*
- C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or*
- D. a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or*
- E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or*
- F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or*
- G. a property achieving significance within the past 50 years if it is of exceptional importance.*

(see other side)

APPLYING THE CRITERIA

The two principal issues to consider in determining eligibility for the National Register are "significance" and "integrity."

A property may have "significance" for association with important events or patterns of history (criterion A); for association with an important historical figure (criterion B); as an important example of period architecture, landscape, or engineering (criterion C); or for the information it is likely to yield (criterion D, applied to archaeological sites and districts, and sometimes applied to certain types of structures). A National Register nomination must demonstrate how a property is significant in at least one of these four areas. For properties nominated under criterion A, frequently cited areas of significance are agriculture, community planning and development, social history, commerce, industry, politics and government, education, recreation and culture, and others. For technical reasons, criterion B (significant person) nominations are rare. Criterion C (architecture) is cited for most, but not all, nominations of historic buildings. Archaeological sites are always nominated under criterion D, but may also have significance under one or more of the other three criteria.

Properties are nominated at a local, state, or national level of significance depending on the geographical range of the importance of a property and its associations. The level of significance must be justified in the nomination. The majority of properties (about 70%) are listed at the local level of significance. The level of significance has no effect on the protections or benefits of listing.

Besides meeting one or more of the above criteria, a property must also have "integrity" of "location, design, setting, materials, workmanship, feeling, and association." This means that the property must retain enough of its historic physical character (or in the case of archaeological sites, intact archaeological features) to represent its historic period and associations adequately.

All properties change over time, and in some cases past alterations can take on historical significance in their own right. The degree to which more recent, incompatible, or non-historic alterations are acceptable depends on the type of property, its rarity, and its period and area of significance. Buildings with certain types of alterations are usually turned down by the National Register Advisory Committee. For example, 19th and early 20th century wood frame buildings that have been brick veneered in the mid-20th century are routinely turned down for loss of historic integrity. Similarly, it is extremely rare that buildings covered in synthetic materials such as aluminum or vinyl siding are individually eligible for listing in the Register.

Criteria Exceptions

The criteria exclude birthplaces and graves of historical figures, cemeteries, religious properties, moved buildings, reconstructions, commemorative properties, and properties less than 50 years old, with certain exceptions. The following exceptions are sometimes encountered:

Historic churches that retain sufficient architectural integrity can usually be successfully nominated under criterion C (architecture), sometimes together with criterion A for social or religious history, provided they have not been brick veneered or covered in aluminum or vinyl siding.

Cemeteries may sometimes successfully be nominated under criterion C when they retain important examples of historic stone carving, funerary art, and/or landscaping, and they also may be eligible under criterion A or criterion D. However, both the National Register Advisory Committee and the National Register have turned down nominations of graves when the historical importance of the deceased is the sole basis for the nomination. The National Register was created primarily to recognize and protect historic places and environments that represent how people lived, worked, and built in the historic past. Human burials are recognized and protected under other laws and programs.

Moved buildings may sometimes be successfully nominated under criterion C for architecture when they remain in their historic communities and the new setting adequately replicates the original setting. The point to remember is that the program is called the National Register of Historic Places, not Historic Buildings or Historic Things, because significance is embodied in locations and settings as well as in the structures themselves. Buildings moved great distances, buildings moved into incompatible settings (such as a farmhouse moved into an urban neighborhood or a downtown residence moved to a suburb), and collections of buildings moved from various locations to create a pseudo-historic "village" are routinely turned down. In some cases, the relocation of a historic building to a distant or incompatible setting may be the last and only way to save it, and such an undertaking may be worthwhile. However, sponsors of such a project must understand that the property subsequently may not be eligible for the National Register.

If a property is **less than 50 years old**, it can be nominated only if a strong argument can be made for exceptional significance. For example, Dorton Arena on the State Fairgrounds was completed in 1953. It was successfully nominated to the National Register in 1973 as one of the most important examples of modernism in post-World War II American architecture.

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**NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM**

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of property

historic name Pickett Cotton Mills

other names/site number N/A

2. Location

street & number 1200 Redding Drive not for publication N/A

city or town High Point vicinity N/A

state North Carolina code NC county Guilford code 081 zip code 27260

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this X nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property meets does not meet the National Register Criteria. I recommend that this property be considered significant nationally statewide X locally. (See continuation sheet for additional comments.)

Signature of certifying official _____ Date _____

State or Federal agency and bureau _____

In my opinion, the property meets does not meet the National Register criteria. (See continuation sheet for additional comments.)

Signature of commenting or other official _____ Date _____

State or Federal agency and bureau _____

4. National Park Service Certification

I, hereby certify that this property is:

Signature of the Keeper

Date of Action

entered in the National Register

See continuation sheet.

determined eligible for the

National Register

See continuation sheet.

determined not eligible for the

National Register

removed from the National Register

other (explain): _____

Guilford County, NC
County and State

Ownership of Property
(Check as many boxes as apply)

 x building(s)
 district
 site
 structure
 object

Contributing	Noncontributing	
<u>4</u>	<u>1</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>0</u>	<u>1</u>	structures
<u>0</u>	<u>0</u>	objects
<u>4</u>	<u>2</u>	Total

Number of contributing resources previously listed in the National Register

N/A

Historic Functions

(Enter categories from instructions)

Current Functions
(Enter categories from instructions)

(Describe the historic and current condition of the property on one or more continuation sheets.)

Pickett Cotton Mills
Name of Property

Guilford County, NC
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing)

☒ A Property is associated with events that have made a significant contribution to the broad patterns of our history.

☐ B Property is associated with the lives of persons significant in our past.

☒ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

☐ D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations

(Mark "X" in all the boxes that apply.)

☐ A owned by a religious institution or used for religious purposes.

☐ B removed from its original location.

☐ C a birthplace or a grave.

☐ D a cemetery.

☐ E a reconstructed building, object, or structure.

☐ F a commemorative property.

☐ G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Areas of Significance

(Enter categories from instructions)

Industry

Architecture

Period of Significance

1911-1965

Significant Dates

1911

ca. 1915

1920

Significant Person

(Complete if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Lockwood, Greene, and Company – Architect-Engineer - 1911

Biberstein, Richard C. – Architect-Engineer - 1920

Narrative Statement of Significance

(Explain the significance of the property on one or more continuation sheets.)

9. Major Bibliographical References

Bibliography

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)

☐ preliminary determination of individual listing (36 CFR 67) has been requested.

☐ previously listed in the National Register

☐ previously determined eligible by the National Register

☐ designated a National Historic Landmark

☐ recorded by Historic American Buildings Survey # _____

☐ recorded by Historic American Engineering Record # _____

Primary Location of Additional Data

☒ State Historic Preservation Office

☐ Other State agency

☐ Federal agency

☐ Local government

☐ University

☐ Other

Name of repository: _____

Pickett Cotton Mills
Name of Property

Guilford County, NC
County and State

10. Geographical Data

Acreage of Property 5.54

UTM References (Place additional UTM references on a continuation sheet)

Zone Easting Northing
1 _____
2 _____

Zone Easting Northing
3 _____
4 _____
X See attached map.

Verbal Boundary Description

(Describe the boundaries of the property on a continuation sheet.)

Boundary Justification

(Explain why the boundaries were selected on a continuation sheet.)

11. Form Prepared By

name/title Laura A. W. Phillips, Architectural Historian

organization N/A date December 23, 2014

street & number 59 Park Boulevard telephone 336/727-1968

city or town Winston-Salem state NC zip code 27127

12. Additional Documentation

Submit the following items with the completed form:

Continuation Sheets

Maps

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **sketch map** for historic districts and properties having large acreage or numerous resources.

Photographs

Representative black and white photographs of the property.

Additional items (Check with the SHPO or FPO for any additional items)

Property Owner

(Complete this item at the request of the SHPO or FPO.)

name Claude C. and Mickie H. Gamble

street & number P. O. Box 3170 telephone _____

city or town Thomasville state NC zip code 27361

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

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Pickett Cotton Mills
Guilford County, North Carolina

DESCRIPTION

Materials, continued

Foundation: CONCRETE
Roof: METAL
Walls: METAL
WOOD
ASBESTOS
Vinyl
Other: WOOD
Granite

Summary and Setting

Built in 1911 according to the design of the Lockwood, Green and Company architecture and engineering firm, the original Pickett Cotton Mills building is a large, two-story-plus-basement, brick and reinforced-concrete industrial structure of slow-burn, heavy-timber construction. Additions to the mill date from 1920, 1928, and the 1960s. Five other resources accompany the mill on its 5.54-acre tract. Three – the 1911 one-story brick cotton warehouse west of the mill, the 1920 one-story brick office northeast of the mill, and the early 1950s brick sprinkler house on the west side of the mill – contribute to the property's historic and architectural character. The remaining two – the late 1960s trapezoidal-shaped, metal air conditioning water tower and the late-1980s one-story, corrugated-metal lumber shed – both on the west side of the mill – post-date the period of significance and do not contribute to the property's historic and architectural character. In addition, eight small water pressure valves and three fire hydrants stand around the perimeter of the mill. A small electrical transformer and the greatly diminished remains of the base of the water tower are located on the west side of the mill. Except for the loss of the mill's original windows when air conditioning was installed in the late 1960s, the Pickett Cotton Mills complex retains a relatively high degree of integrity of location, setting, design, materials, workmanship, feeling, and association.

Located at 1200 Redding Drive, the mill tract stands at the southwest corner of Redding Drive and Tryon Avenue in the heavily industrialized southwest quadrant of High Point, North Carolina. North of the property across Tryon Avenue is a transfer and storage facility with a large building, trucks, and parking. East of the property across Redding Drive is an overgrown parking lot and a cab company. South of the property are small houses that remain from the former mill village. West of the property is an expansive truck and bus lot.

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Pickett Cotton Mills
Guilford County, North Carolina

Positioned on the east half of the tract, the mill faces east toward Redding Drive. Except for the shipping and receiving area at the north end of the mill, the entire property is enclosed by a chain link fence. A grassy lawn runs from the east façade of the mill to the fence along Redding Drive, and young shrubs have been planted just inside the fence along the edge of the lawn. A row of four oak trees provides shade to the front of the mill from the entrance tower to the north end. Several tall pine trees are grouped at the south end of the façade. A concrete walk runs from Redding Drive to the entrance tower. Near the southeast corner of the mill is a water pressure valve. Another is located at the southwest corner of the 1920 south addition to the mill. An asphalt driveway runs from Redding Drive along the south end of the mill to the rear, where it curves west to the lumber shed at the southwest corner of the property and eastward to enter a concrete-lined, downward-sloped passage to a loading dock near the south end of the mill. A combination of asphalt and grass covers the ground behind (west of) the mill, and kudzu grows along the west fence line. At the southwest corner of the ca. 1965 addition to the mill is a water hydrant. Near the center of the west side of the ca. 1965 addition is the remaining concrete and steel fragment of the mill's water tower, and between it and the ca. 1965 addition to the mill is a water pressure valve. On the west side of the mill north of the boiler house are two water pressure valves. Standing west of the mill and approximately midway between its north and south ends are an electrical transformer (to the south) and an air conditioning water tower (to the north). West of the mill and northeast of the air conditioning water tower are a water pressure valve (on the south) and a water hydrant (on the north). Near the northwest corner of the property is the cotton warehouse, on the north side of which is a water hydrant. Between the cotton warehouse and the mill is the sprinkler house. Immediately south of it is a water pressure valve. Near the northwest corner of the mill is another water pressure valve. Originally, a railroad siding ran between the mill and the cotton warehouse, but it does not remain. Between the north end of the mill and Tryon Avenue, a combination of asphalt and concrete forms a parking court for shipping and receiving operations.

Mill

Contributing building

1911, 1920, 1928, ca. 1965

Exterior

Pickett Cotton Mill is a large, two-story-with-basement brick and concrete building measuring approximately 400 feet long (north-south) and 100 feet wide (east-west). The brick is laid in a variation of common bond with alternating headers and stretchers on every seventh row. Projecting brick piers provide the exterior wall supports, and reinforced-concrete window spandrels provide horizontal bracing between the piers. The brick corner piers are approximately twice the width of the others, and the fourth pier from the north end of the building is also wider,

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Pickett Cotton Mills
Guilford County, North Carolina

as it is part of an interior fire wall. At the top of the walls, under the roof eaves, brick corbeling runs between the piers.

The piers create thirty-seven bays along the east façade and twelve along the north end of the building. Except for the horizontal reinforced-concrete spandrels and the brick corbeling at the top of the walls, the bays originally were filled with tall windows divided by cross-shaped mullions into four panels, the bottom panels having eighteen lights each, and the top panels having six lights each. With the advent of air conditioning at the mill in the late 1960s, the window openings were replaced with brick. Small, four-light windows that tilt outward – two per former window opening – were inserted in the brick of every other bay.

The roof is a shallow gable, with two firewalls rising above it near the north end. Shaped rafter ends that are aligned with the brick piers support the overhanging eaves.

The focal point of the east façade is the two-and-a-half-story stair tower, which projects from what was the approximate center of the original building – with twelve bays north of the tower and fourteen bays south of the tower – before a ten-bay addition was built at the south end in 1920. The tower originally had large windows on each of three sides like those on the main walls of the mill, and like those other windows, these were later enclosed and small windows added. However, while the tower wall enclosures are a combination of brick and concrete, a ca. 1915 photograph of the mill shows that originally only brick was used for the solid areas of the tower. The tower rises a half story above the roofline of the mill. The half story is illuminated on three sides by long, narrow windows composed of two four-light windows that originally could tilt open for ventilation. A corbeled brick band carries across the top of the windows. The tower is crowned by a bell-cast pyramidal roof with exposed plain rafter ends. Seven granite steps on the east side of the tower lead to the entrance, which is composed of a double-leaf door with each leaf consisting of two horizontal wood panels in the lower half and four lights in the upper half. Originally the entrance did not have a porch or hood. Today a bell-cast hipped roof supported by plain brick posts shelters the entrance and wood hand rails have been added to either side of the steps. The date of construction of these features is not known, except that it post-dates 1956, the last year in which a Sanborn map depicts the mill.

The south elevation of the mill is unlike the other elevations in that it is of light frame construction rather than brick, concrete, and windows. This was designed to make further expansion easier. The original wall sheathing appears to have been German or plank siding which was later covered with the present asbestos shingles. Several louvered vents are found along each of the two stories, and what appears to have been a window, now enclosed, is at the center of the first floor. A low, roll-up door opens to the basement at the east end. The eaves brackets are smaller versions of those found on the other elevations. A vinyl-sided enclosed frame shed, which likely dates from the last quarter of the twentieth century, projects southward from the west end of the south elevation.

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The west, rear, elevation continues the form of the east elevation but has a series of projections built at different times. A one-story, flat-roofed, brick-veneered, concrete block addition, dating from ca. 1965, extends across the southernmost (corresponding) five bays of the mill and joins on the north with the now-brick-veneered 1920 slasher room – the next (corresponding) three bays of the mill. On the interior, these combined sections are at the mill's basement level. The south end of the ca. 1965 addition has three four-light windows, while the west side has two four-light windows. The 1920 slasher room has a large twenty-four light window and, at the north end, a double-leaf loading door that opens from the below-grade loading dock.

Immediately north of the one-story ca. 1965 and 1920 additions are several rear projections. Attached to the mill at above-ground basement level is what was originally the 1911 brick pump room, which separates the boiler room from the main body of the mill. It has a flat roof and an enclosed door on the north side. The much-larger, 1911 brick boiler room with a round metal stack that rises from its flat roof extends two bays to the west and four bays southward from the pump room. It rises to the top of the first-floor level of the mill. The boiler room has wood-enclosed windows on the south, west, and north sides – seen from the inside to be composed of four six-light, tilt-out sections – and three impressive doors on the west and north sides. These large doors slide upward to open and are composed of four wood panels across the bottom third and two panels of six lights each on the upper two thirds. Extending from the south end of the west side of the boiler room is a brick, shed-roofed shed. It has two pairs of four-light windows on the west side and a five-horizontal-panel door on the north end. It was likely added ca. 1930, but its original use is not known. Located south of the pump room and between the boiler room and the main body of the mill are the west stair and the freight elevator. These additions date from 1920, when the south end of the mill was added. The stair addition rises to just beneath the mill roof eaves. It has large, eighteen-light windows headed by a corbeled brick band on the south and west sides at second-floor level and a flat roof. Adjacent to it on the north, the freight elevator rises above the mill roof. It has a louvered vent on the south and north sides, recessed brick panels headed by a brick corbeled band on the west and north sides, and a flat roof.

Projecting from the mid-point of the west elevation and rising to the top of the mill is the large, five-to-one common-bond brick air conditioning cooling tower, added in the late 1960s. It has a flat roof and metal louvered vents on each of its three exposed sides.

Four bays north of the cooling tower is the full-height, brick, water closet (restroom) tower. Located directly across the mill from the stair tower on the east elevation, it is an original feature and is identical in appearance to the main body of the mill.

Projecting one bay west of the water closet tower and continuing twelve bays northward to the north end of the mill is a two-story addition built in 1928. Its walls are identical to those of

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the original portion of the mill, except that all of the window bays are completely bricked up. On the south end is a double-leaf entrance with four-panel wood doors. The basement level of the fifth bay from the south end has a low basement entrance with a pair of almost square four-panel wood doors. At the northernmost bay is a loading entrance with a roll-up metal door. It is accessed via a metal gangplank that extends from a platform between the mill and the cotton warehouse. The square, concrete platform is approximately three feet high and is wood-sheathed. A second gangplank leads from the platform westward to the east dock of the cotton warehouse, and a concrete ramp leads southward from the platform to the ground.

The north end of the mill exhibits the same overall fenestration as the other elevations. However, all nine original bays have windows punched into the brick-enclosed panels (rather than in every other bay), while the three west-end bays of the 1928 addition do not. This elevation provides loading docks for the mill, and the first-floor windows have been replaced with metal roll-up loading doors.

Interior

The first and second floors of the main body of the mill – both the 1911 and 1920 sections – are nearly identical. The floors and ceilings are two layers of pine and maple left exposed underneath to avoid the use of flammable ceiling materials. Sprinkler system pipes, electrical wires within metal conduits, and metal HVAC ductwork hang from the ceilings. Walls on the north end and east and west sides of the mill are composed of brick piers, four-light replacement windows surrounded by plain brick within the bays, and concrete window spandrels along the bottom of the walls. The first-floor window bays at the north end of the mill have been converted (date unknown) to metal roll-up loading doors. A structurally exposed, light-frame wall, intended to facilitate expansion, encloses the south end. The perimeter walls are painted white with a wide, dark green band around the bottom.

Three rows of round support wood and metal columns, twenty-five feet between rows and twenty-five feet from the east and west walls, run north-south through the length of the mill. Within the three rows, the columns are positioned approximately ten-and-a-half feet apart, creating thirty-eight bays. The tops of the round columns fit into a molded cast-iron cap and plate, some of which bolt onto heavy-timber beams. Two beams join above each column, and each beam has chamfered edges with lamb's tongue stops. In the original portion of the mill, the columns are wood. However, the ten columns in each row of the 1920 south-end addition are cast iron and are more slender than the wood columns.

Immediately south of the fourth bay from the north end, a sixteen-inch brick fire wall runs east-west across the mill, creating a separate space. Near each end of the second-floor fire

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wall is a segmental-arched opening with a Kalamein fire-resistant door on each side.¹ There is also an arched open with Kalamein doors near the east end of the first-floor fire wall. Doubtless, originally there was one near the west end, but that opening has been enlarged, and three additional openings have been cut into the fire wall between the two spaces.

In the third bay from the north end of the mill, a freight elevator projects from the west wall adjacent to an enclosed vent of approximately the same size on the south. At the south end of the mill, a conveyor belt rises east to west from the first floor to the second. It is supported by thin, metal, vertical poles.

While most interior features of the mill are common to the first and second floors, a few additions from the last quarter century are specific to one floor or the other. On the first floor, a set of two frame offices, probably dating from ca. 2000, projects westward into the mill space immediately north of the entrance to the east stair tower. Measuring approximately ten feet east-west and thirty feet north-south, the office block rises only to the underside of the ceiling joists. It is sheathed with bands of horizontal boards across the bottom and top with the middle composed of vertical boards. A pair of single-pane glass and wood doors opens to the offices from the west side. They are flanked by single-pane windows, and additional single-bay windows are on the sides. Another, much smaller and more cheaply built single-office frame enclosure projects into the mill space from the east wall around ten bays south of the east stair tower. Of similar size and quality, a small frame office projects from the west wall of the second floor just north of the restrooms. Also on the second floor, a frame partial-wall enclosure projects from the west wall approximately midway between the north and south ends of the mill. Its use is not known.

The mill has two sets of stairs. All doorways from the mill to the stairs are segmental-arched. The primary stair is enclosed within the stair tower that projects from the east façade approximately one third of the way south from the north end of the mill and near the center of the original mill. A Kalamein door stands on the mill side of the tower entrance at both first- and second-floor levels. Immediately after entering the stair tower from the mill's first floor, a five-panel wood-and-glass panel door on the right provides access to a small, brick-enclosed room with storage cubbies rising on the wall to either side. A six-light window above the east block of cubbies opens to the main room of the stair tower. The outer wall of the room with cubbies is sheathed with narrow beaded boards. The walls of the stair tower are brick, and four-light windows provide illumination. On the east wall, a double-leaf door with two-horizontal wood panels on the bottom half and four-light glass panels in the upper half opens to the outside. The stair begins on the south side of the tower and rises from east to west, turning at a landing halfway between floors, then goes three steps to the north and turns at another landing, from

¹ Kalamein doors are galvanized-metal-clad, solid-core wood doors set on rollers and hung from a sloping metal bar. They automatically close in case of fire so that the fire does not spread to other rooms.

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there continuing west to east to the second floor. The closed-string wood stair features a beaded board solid balustrade, a molded handrail, and either a beaded board spandrel beneath the steps or a reeded molding along the bottom of the balustrade, depending on location. Square newels have chamfered edges with lamb's tongue stops, topped by a narrow, horizontal band with a pyramidal cap. From the second floor landing, an open hallway along the north wall leads to the mill's second floor. A narrow stair along the east wall rises nine steps from north to south to a landing, then turns west and rises along the south wall to a six-horizontal-panel door in a frame stair enclosure that opens to a room at the top of the tower. The square room has a wood floor, exposed brick walls, and exposed roof framing that rises to a peak. Low on the north, east, and south walls are narrow, horizontal, wood windows composed of two sections of four lights each. Although the in-situ frame sash appear to be replacements, an original four-light sash remains leaning against the east wall. Small-diameter piping runs along the north wall just above the floor. Instead of a window, the west wall has a square hatch low on the wall with a handle and latch. Sheathed with sheet metal, the hatch provides access to the mill roof.

The second stair, which opens to the first, second, and basement levels of the mill, is in a brick-enclosed tower that projects westward from the main body of the mill between the mill and the boiler room. The west stair tower and an adjacent elevator date from the 1920 addition to the south end of the mill. The tower is accessed from doorways on the west side of the mill nine bays from the south end. At each level, a Kalamein door on the mill wall stands ready to isolate the stair in case of fire. The stair changes direction at every floor and half-floor level and has a beaded-board wainscot and a plain, metal rail. Eighteen-light industrial metal windows with an eight-light section that pivots outward are located on the west and south walls at the top of the stair tower.

Projecting from the west wall of the mill, opposite the east stair tower, a brick-enclosed water closet tower provides two side-by-side restrooms on the first and second floors. Segmental-arched openings hold replacement six-panel doors with single-light transoms. The bathrooms have modern ceramic-tile floors, brick and concrete walls, a concrete-block privacy wall, and modern stalls and fixtures.

Near the center of the west side of the mill, a metal door with a small window opens to the cooling tower, a brick addition projecting westward from the mill that was built in the late 1960s. Within the cooling tower are concrete floors, brick and concrete-block walls, piping, and an enclosure for the cooling equipment. The chiller unit is within the basement level.

In 1928, a two-story brick addition, measuring approximately thirty east-west by 130 feet north-south, was built at the northwest corner of the mill. The first- and second-floor interior spaces of the addition are similar in some ways and different in others. Both have dense wood floors, enclosed exterior windows, and ceilings with exposed beam supports. Both retain the brick west wall of the original mill.

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On the first floor, a wood partition separates the northernmost bay from the rest of the addition, creating a loading dock. At the west end of the loading dock, a modern, metal, roll-up loading door opens to the exterior, as do a pedestrian door and two roll-up loading dock doors on the north wall. Kalamein doors are on either side of a round-arched doorway to the original mill at the east end of the loading dock. Near the center of the south partition wall of the loading dock is a plain double-leaf wood door with a single, small window pane in each leaf, and near the east end of the partition wall, a five-panel pedestrian door opens to the main room of the addition. Around this door, a small plywood office has been built into the northeast corner, and a separate, modern door on the west side of the office opens to the large room of the addition. At the west end of the south wall of the addition, a large, double-leaf, door with four panels in each leaf opens to the outside. On the east side of the addition, the brick wall of the original mill has openings on the lower two thirds of the spaces that originally held the mill windows. In the fifth bay from the north end of the mill, a large, double-leaf door with diagonal boards and a small window in each leaf provides direct access between the original mill and the addition.

All windows are enclosed on the second floor of the 1928 addition. There are two sets of double-leaf doors on the east wall - one in the fifth bay from the north end of the mill and the other one five bays farther to the south. These doors are completely plain, with no diagonal boards and no windows. Also on the east wall, a metal stair that may be capable of being raised, provides access to the roof.

The basement extends throughout the mill, with the different sections corresponding with the various periods of mill construction. The west stair enters the 1920 addition and is separated from it by a Kalamein fire-resistant door. The south end room - the machine shop - comprises the entire 1920 addition and has primarily a concrete floor (one section retains wood flooring), brick walls, cast iron columns, and heavy-timber ceiling joists. Windows are enclosed, and a loading door is at the southeast corner. Immediately north of the stair is the freight elevator. Immediately south of the stair is a segmental-arched opening with a Kalamein door. South of it and just within machine shop is an industrial scale. The segmental-arched doorway opens to a small passage leading to what was originally the slasher room. Double-leaf loading doors at its west end open to the outside. The slasher room has a concrete floor, brick walls, and heavy-timber ceiling beams. When an addition was built to the south end of the slasher room ca. 1965, the brick south wall was removed and three slender cast iron poles were installed to support the ends of the wood ceiling beams. South of that point, the room has concrete-block walls and a metal-truss ceiling.

On the east half of the north wall of the machine shop, metal doors open to two kiln rooms within the footprint of the original mill. These were likely used by the furniture manufacturer that owned the building after Pickett Cotton Mills closed in 1985. The use of these spaces prior to that time is not known. At the west end of the north wall of the machine shop, a

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door opens to the maintenance room. Located within the footprint of the original mill, it has a wood floor, brick-pier walls, wood support columns, and heavy-timber beams. Several tall sash windows remain exposed on the west wall of the maintenance room, though they are bricked up on the exterior. A double-leaf loading door on the west wall opens to the outside, and a restroom in the northwest corner is enclosed with beaded board walls.

A door on the north wall of the maintenance room provides access to a vast area beneath most of the original mill. It has a dirt floor and north-south rows of brick posts that alternate, by row, between large and very large. The brick posts support heavy-timber beams that, in turn, support the mill's first floor. On the east side of the space, half-height frame storage units with open cubbies extend north-south between the posts. A fire wall at the north end of the area, four bays south of the north end of the mill, corresponds with the fire wall on the upper floors. A current floor plan of the basement indicates that there are two restrooms at the base of the water closet tower and an opening to the basement from the east stair tower, but these could not be accessed. A wood door on the west wall of the dirt-floored area opens to the basement of the late-1960s cooling tower. Concrete steps with a pipe railing lead down to the concrete floor, on which stands the mammoth chiller, composed of horizontal cylinders and large and small metal pipes. The room has both concrete and brick walls and steel I-beams and support posts. On the west side of the room, a double-leaf door opens to the outside, and at the southeast corner, a door opens to a small office.

A low, double-leaf, wood-paneled door on the west exterior wall of the 1928 addition provides access to its basement, but that space could not be accessed.

The boiler room on the west side of the mill can only be accessed from the exterior through large, glass-paned and wood-paneled doors on the west and north sides that slide upward to open. Within the boiler room, which is original to the mill, is a concrete floor, brick walls, and a mammoth metal boiler encased in brick. The north, front, end of the boiler has six fire boxes of different sizes with a large, round, cylindrical form above them. From the top of the boiler, a metal smokestack rises up through the roof. The boiler is a locomotive-style butt-strap boiler manufactured in 1912 by the J. & S. Schofield's Sons Company of Macon, Georgia. The boiler was continuously inspected until at least 2006. There are few operational boilers a hundred years or more in age, and as a Southern-made boiler from the 1910s, this one is quite rare.²

Attached to the west side of the boiler room and, like it, accessed only from the exterior, is a one-story brick shed room, which was probably added ca. 1930. Inside, it has a concrete floor, brick walls, a wood shelf extending along the west wall beneath four-light windows, and exposed wood ceiling joists and roof decking.

² Mac Whatley, Correspondence with Laura A. W. Phillips, April 1, 1915.

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Note: The auxiliary buildings and structures are listed geographically, from the northeast corner of the property westward and then southward to the southwest corner.

Office 1920

Contributing building

Located at the northeast corner of the mill property with only a small setback from both Redding Drive and Tryon Avenue, the mill office is a one-story, painted-brick building that faces east onto Redding Drive. It is three bays wide and four bays deep and has a corrugated metal-sheathed hipped roof with a low hipped dormer on all but the west side and a chimney stack rising from the west slope. The north dormer retains its narrow, five-light window. Original windows are one-over-one double-hung wood sash, and those on the façade are shaded by metal awnings. The façade has a central door with a large glass panel in the upper half, single-pane sidelights, and a wide glass transom overhead. Three concrete steps lead to the door, which is sheltered by a metal awning. The south elevation has two doors in the outer bays and two windows in the inner bays. Both doors are reached by three concrete steps and have metal awnings. The north elevation has three tall windows like those on the other elevations and a smaller window in the west-end bay. The west elevation has a steep concrete stair rising from north to south to provide access to a high, four-panel door in the center. A window like those on the other elevations is in the south bay.

The interior has modern replacement wood floors, plaster or gypsum board walls and ceilings, and a high beaded-board wainscot. The floorplan is original. Most of the north half of the interior is one open room with a support post in the middle. The south half is comprised largely of three rooms, including a work room at the east end, a conference room in the middle, and a waiting room in the west end. Two restrooms have been installed at the west end of the building and, between them is located the Mosler Safe Company walk-in safe.

Cotton Warehouse 1911, ca. 1915, 1928

Contributing building

The cotton warehouse stands west of the north end of the mill and is connected to it by a pair of gangplanks with a central platform. It is a one-story-with-basement brick building with a very shallow, side-gable roof with side parapets. The brick of the 1911 and 1928 sections has a modified common bond like that of the mill, composed of six rows of stretchers followed by one row of alternating headers and stretchers. Concrete loading docks carry across the front (east) and rear (west) of the 1911 warehouse and are sheltered by braced metal canopies. The east façade of the warehouse consists of a series of double-leaf board-and-batten wood loading doors

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set within a surrounding vertical-board wood wall. The battens and diagonal braces are original, but the vertical board sheathing is a modern replacement. The warehouse's west elevation is brick and has a side-sliding loading door on the basement level and three eighteen-light metal industrial windows with central tilt-out sections on the first floor level. The brick west elevation may have been added ca. 1928. The north elevation of the warehouse features a concrete ramp with a metal conveyor belt that descends westward from the front of the warehouse. West of the conveyor belt, near the center of the north elevation, a side-sliding loading door opens to the basement of the warehouse.

Built at the same time as the mill, the cotton warehouse originally consisted of the large central warehouse and an opening room projecting southward from the west half of the south elevation of the building. Around 1915 a waste room was added to the east end of the opening room. In 1928, a second opening room was added to the west half of the north side of the warehouse.

The west elevation of the 1911 opening room has a side-sliding loading door and, north of the door, a bricked-up segmental-arched window. These are sheltered by a braced metal canopy. Steel and concrete steps with steel pipe railings descend from the loading dock's south end to the ground. The opening room's south side has two partially bricked-up segmental-arched windows. Concrete steps surrounded by a chain link fence on the south side of the opening room provide access to its crawl space. East of the opening room, the ca. 1915 waste room is lower in height than the warehouse and opening room. It has a shed roof that slopes downward from north to south. Its east façade was replaced, probably in the 1950s, with a stepped parapet wall in five-to-one common bond and a wood side-sliding door. The south elevation of the waste room features four segmental-arched windows that have been bricked up. A square opening at the southwest corner of the waste room provides access to that section's crawl space. The 1928 north-side opening room has a flat roof that is lower than the warehouse's and has a parapet along the north edge. A loading door is on the east side, three twenty-five light windows with tilt-open sections are on the north elevation, and two identical windows are on the rear (west elevation).

The interior of the main floor of the central warehouse retains a small area of original wood flooring, but the rest has been covered with modern plywood subflooring. The interior has exposed brick walls, two east-west rows of chamfered wood posts that support wood beams, and an exposed wood ceiling. One of the posts at the front of the warehouse retains a set of light switches that are controlled by the moving up or down of a metal rod. At the northeast corner of the warehouse is a cotton scale that carries the name Toledo Printweigh. The basement of the warehouse has a concrete floor, brick walls, and two rows of chamfered wood posts that support

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the wood beams. At the north end of the basement is a wood-trussed support for the cotton scale above it. Next to this framework is a large metal hopper feeder.³

The interior of the 1911 south opening room has a concrete floor and exposed brick walls. In the northwest corner a vertical wood divider creates a storage bin. On the south side of the room is a large metal machine, thought to be a waste press, which bears the label Continental Gin Company Birmingham, Ala. - Dallas, Texas.⁴ East of this machine is a wood ramp with side rails that leads to the waste room. South of the ramp is another, smaller metal machine. The interior of the ca. 1915 waste room has a wood floor, brick walls, and a steel-truss roof that probably dates from the 1950s when the waste room's east façade was rebuilt. Vertical wood dividers north and south of a central open passage create storage bins. The interior of the 1928 north opening room has a concrete floor, brick walls, and steel I-beams supporting the ceiling.

Sprinkler House Early 1950s

Contributing building

Located on the west side of the mill near the north end, the sprinkler house is a small, square building of five-to-one common bond brick. It has a shed roof that slopes downward from west to east and a door on the north side. On the west wall is a round, metal sprinkler alarm manufactured by the Viking Corporation of Hastings, Michigan.

Air Conditioning Water Tower Late 1960s

Noncontributing structure

Standing west of the mill approximately midway between the north and south ends is the late 1960s air-conditioning water tower. Set on a concrete base, the structure has corrugated-metal north and south walls and metal-louvered east and west walls. The east and west walls project outward from bottom to top, giving the structure a trapezoidal shape. The roof is flat with a circular metal fan in the center. A large, L-shaped pipe extends from the south side of the tower and then down into the ground.

³ Mac Whatley Correspondence.

⁴ *Ibid.*

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Lumber Shed
Late 1980s

Noncontributing building

The lumber shed is located in the southwest corner of the mill property where the mill reservoir originally stood. Built after the mill had become a furniture factory, it is a three-sided, one-story building of steel construction with corrugated metal siding, a flat roof, and a four-bay open façade that faces east.

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SIGNIFICANCE

Significant dates, continued 1928

Architect/Builder, continued

Central Carolina Construction Company – contractor – 1911
Stewart, R. K., and Company – contractor – 1920
Connor, J. O., and Son – contractor – 1928

Summary

Pickett Cotton Mills in High Point, North Carolina, was incorporated in 1910 by a group of community leaders lead by brothers F. M. and W. P. Pickett, descendants of one of High Point's early industrial families. It was the first cotton mill in High Point that met with long-term success and, as such, it was a leader in the city's textile industry. Initially it made cotton cloth, but by 1923, it had added more profitable cotton yarn to its products. Surviving the Depression, Pickett Cotton Mills continued to operate several shifts, providing employment for 250-300 workers. When, like many textile mills, it could not overcome the detrimental economic effects brought by cheap foreign imports in the last quarter of the twentieth century, the number of workers diminished, and the mill closed in 1985.

Pickett Cotton Mills exhibits much of the evolution of mill construction in High Point from 1911 to the 1960s, but it is the construction that occurred between 1911 and 1920 that is of architectural significance. Designed by the prominent engineering firm of Lockwood, Greene, and Company, the original mill building epitomizes in most respects the slow-burn, heavy-timber system of mill construction that was the primary method used during the first quarter of the twentieth century. However, Lockwood, Greene, and Company's plan introduced a more progressive element – reinforced-concrete window spandrels – that set Pickett Cotton Mills apart from the other mills in High Point. This feature not only added to the strength of mill, but also allowed for even larger windows. In addition to the architectural significance of the mill, the cotton warehouse exemplifies and is the only surviving example in High Point of this essential structure associated with cotton mills. The Pickett Cotton Mills office is one of the few separate mill offices left in High Point and typifies the popular house form that some offices took.

Pickett Cotton Mills meets Criterion A for listing in the National Register because of its local industrial significance. It also meets Criterion C for its local architectural significance. The period of significance spans the years from 1911, when the initial sections of both the mill and

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the cotton warehouse were built, to 1965, fifty years ago, and includes several other important construction dates – 1915, 1920, and 1928 – in the mill's history. Although the mill continued to operate for twenty more years after 1965, contributing to the economic vitality of High Point, those years are not of exceptional significance to the history of the mill.

Historical Background and Industry Context

Economic difficulties faced by the South in the aftermath of the Civil War initially hampered the development of industry, but by 1880, industry across North Carolina had surpassed its pre-Civil War volume. Industrialization continued to increase, spurred by the exhortations of newspapers across the state for a New South through the development of industry, natural resources, and railroads. A barrage of editorials and industrial editions spread the word and kept the pressure to industrialize alive. Industrial expansion in North Carolina took place primarily in three industries – cotton textiles, tobacco, and furniture – although there were many other industrial endeavors as well.⁵

High Point, in North Carolina's central Piedmont, developed around the strategic 1855 crossing of the North Carolina Railroad and the Great Fayetteville and Western Plank Road. With a population of 250, the town incorporated on May 26, 1859. The fortuitous combination of an expanding rail system, access to raw materials, local capital, and ample leadership contributed to High Point's remarkable development as one of North Carolina's most prominent manufacturing centers in the late nineteenth century and continuing throughout most of the twentieth century.⁶

In 1885, the Sanborn map for High Point indicated that the city's industries included two grist mills; a sash, door, and blind factory; a planing mill; a shuttle and spoke factory; a marble works, and two tobacco factories. These were fairly typical of those found in towns in North Carolina's Piedmont during the period. Today, only two nineteenth-century industrial buildings remain in High Point.⁷ The Willowbrook Mill, High Point's first textile mill (exact date unknown), was destroyed by fire before 1900.⁸ By the end of the nineteenth century, it had become clear that the industrialization of High Point was well underway. In his 1900 promotional booklet on High Point, J. J. Farriss asserted that there were thirty-three factories in

⁵ Phillips, "High Point Historic Industrial Architecture Survey," 7.

⁶ *Ibid.*

⁷ These are the 1884 H. R. Welborn Tobacco Factory at 212 North Main Street and the 1899 O. Arthur Kirkman Manufacturing Company Building at 507 West High Street (NR, 2007, as part of the West High Street Historic District).

⁸ Phillips, "High Point Historic Industrial Architecture Survey," 7-8.

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town. A variety of industries made their home in High Point, but it was in furniture and textiles and their support industries that the city excelled.⁹

Led by industrialists and entrepreneurs John Hampton Adams and James Henry Millis, hosiery became the most prominent branch of textile manufacturing in High Point. In 1904, Adams and Millis established High Point Hosiery Mills at 401 West English Road, the first successful hosiery mill in the city. Of that complex, only the 1922 boarding and knitting building survives. Following up on their first success, Adams and Millis established a second hosiery mill, the Piedmont Hosiery Mills, across the street at 400-410 West English Road, in 1910. One of the original 1910 buildings in that complex, which came to include the 1928-1931 Adams-Millis Full-Fashioned Hosiery Mill, survives, as do later buildings from 1915 and 1953. Other hosiery mills were soon being erected at a steady pace in High Point.¹⁰

In addition to hosiery mills, there were other types of textile mills that drove High Point's twentieth-century economy.¹¹ The first of these, and one of the most important, was Pickett Cotton Mills.

Beginning in January 1910, a group of community leaders in High Point met to discuss the potential establishment of a cotton mill in the city. On February 18, the preliminary organization of a mill was set forth, and on February 23, 1910, the certificate of incorporation for Pickett Cotton Mills, Inc. was filed with the Secretary of State's Office. The incorporation authorized capital stock of \$500,000 at \$100 per share. However, the company could begin business when there were stock subscriptions for \$150,000. In fact, the company started with 1500 shares divided among eleven investors. By far, the largest stockholder was F. M. Pickett, who purchased 965 shares. The second largest was his brother, W. P. Pickett, who purchased 250 shares. J. J. Welch, J. W. Harris, and J. Elwood Cox of High Point, and R. L. Steele of Rockingham each purchased fifty shares, and the remaining five men purchased from ten to twenty-five shares each.¹² Officers of the new corporation were Robert L. Steele, President; W. P. Pickett, First Vice-President; J. J. Welch, Second Vice-President; and F. M. Pickett, Secretary and Treasurer.¹³ The Picketts, for whom the mill was named, were the sons of William Penn Pickett, one of the early leaders of High Point's tobacco and furniture industries. The elder Pickett established W. P. Pickett and Company Tobacco Manufacturer in 1879 and was one of the organizers of the Welch and Marsh furniture companies in the 1890s and 1906,

⁹ *Ibid.*, 8.

¹⁰ *Ibid.*, 11.

¹¹ *Ibid.*, 12.

¹² "Cotton Mill Talk," *High Point Enterprise*, January 11, 1910; "Preliminary Arrangements for the New Cotton Mill Effected Last Night," *High Point Enterprise*, February 19, 1910; Guilford County Incorporation Book D, 71-72.

¹³ "New Cotton Mill," *High Point Enterprise*, March 31, 1910.

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respectively.¹⁴ Like others among the shareholders of Pickett Cotton Mills, F. M. and W. P. Pickett were community leaders, and W. P. Pickett would later serve as the city's mayor from 1915 to 1917.¹⁵

In April 1910, the Board of Directors of Pickett Cotton Mills, Inc. selected the architectural and engineering firm of Lockwood, Greene, and Company to design their mill. The price — not to exceed \$2,500 — was based on a mill with 12,240 spindles and accompanying looms and was to be paid for by stock in the corporation.¹⁶ Lockwood, Greene, and Company, with principals Amos Lockwood and Stephen Greene, was one of the major engineering firms in the eastern United States from the late nineteenth century through the twentieth century, specializing in the design of industrial plants. Based in Boston, Massachusetts, the company had an extensive business in the South and operated offices in Atlanta, Greenville, Spartanburg, and Charlotte, as well as other cities around the country. Nevertheless, the firm had fewer projects in North Carolina than in other states, possibly because other mill designers and building firms were well established in Charlotte.¹⁷

By September, the contract for constructing the mill had been awarded to Central Carolina Construction Company of Greensboro.¹⁸ Hedgecock Brick Company of Winston-Salem provided at least some of the bricks for the mill.¹⁹

During May, 1910, correspondence among officers R. L. Steele and F. M. Pickett of Pickett Cotton Mills, Inc. and R. E. Barnwell, district manager of Lockwood, Greene, and Company, centered on the design of the mill. Lockwood, Greene, and Company presented several plans, indicating their preference, and R. L. Steele, president of the mill, countered with a plan of his own, which he said would cost less. Steele's plan contradicted most aspects of the engineering firm's plan. Steele was simultaneously president of Steele's Mills, Manufacturers of

¹⁴ Postlemayr, "Pickett Cotton Mills Description and History" (from the *High Point Enterprise*, October 31, 1971, and January 20, 1935).

¹⁵ Cindy Smith, High Point City Manager's Office, phone conversation with Laura Phillips, December 15, 2014.

¹⁶ F. M. Pickett, correspondence with Lockwood, Greene and Company, April 22, 1910, Pickett Cotton Mills Records, Box 1, Folder 2, Southern Historical Collection, UNC-Chapel Hill.

¹⁷ One of the firm's most noteworthy North Carolina commissions was for Loray Cotton Mill in Gastonia. John E. Wells and Catherine W. Bishir, "Lockwood, Greene, and Company," *North Carolina Architects and Builders*, <http://ncarchitects.lib.ncsu.edu/people/P000300> (accessed December 15, 2014).

¹⁸ R. E. Barnwell, correspondence with Robert L. Steele, September 9, 1910, Pickett Cotton Mills Records, Box 1, Folder 14.

¹⁹ Invoice, Hedgecock Brick Company to Central Carolina Construction Company, August 9, 1911. Pickett Cotton Mills Records, Box 1, Folder 17.

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Print Cloths in Rockingham, North Carolina, and he may have based his plan on his experience there.²⁰

Judging from the mill that was built – based on written descriptions at the time of its construction and on its current appearance – Lockwood, Greene, and Company apparently was able to convince the mill officers of the wisdom of at least most of the firm's design proposals. In July, Pickett Cotton Mills approved Lockwood, Greene, and Company's plans for a mill of "good, solid, plain, construction."²¹ During May, mill officials had begun compiling lists of the machinery that would be needed, initially for 300 forty-inch looms that would make sheeting, and M. Muller, the assistant general engineer of the Southern Railway began consulting with F. M. Pickett on the location of side tracks for the mill.²²

Interestingly, given the planning for the mill that was proceeding, it was not until August 30, 1910, that Pickett Cotton Mills secured a deed for the land on which the mill was to be built. At that time, E. H. C. Field and his wife, Dora Field, sold just over twenty-three acres to the mill corporation.²³ Of that, the mill buildings eventually consumed approximately five and a half acres. Most of the remainder was used for the construction of mill houses, fewer than half of which remain, on the streets surrounding the mill.²⁴

By November, construction on the mill had begun. The *High Point Enterprise* proclaimed it would be a "great cotton mill" and "a huge plant" that would "put new life into our community on a direction which we have long desired."²⁵ In early December, Central Carolina Construction Company placed an advertisement in the newspaper for "10 or 15 laborers to work on Pickett Cotton Mill. Good wages."²⁶

Construction on the mill continued throughout 1911. In April 1911, the Sanborn map for this area of High Point depicted the mill, its warehouse, and its railroad siding, although it was

²⁰ R. E. Barnwell, correspondence with F. M. Pickett, May 5, 1910, and Robert L. Steele, correspondence with F. M. Pickett, May 6, 1910, Pickett Cotton Mills Records, Box 1, Folder 13; F. M. Pickett, correspondence with Lockwood, Greene and Company, May 7, 1910, Pickett Cotton Mills Records, Box 1, Folder 8.

²¹ Lockwood, Greene, and Company, correspondence with F. M. Pickett, July 18, 1910, Pickett Cotton Mills Records, Box 1, Folder 14. Unfortunately, no plans for the original mill, its additions, and its ancillary buildings have been located. The early correspondence concerning the design of the mill set the tone for most future correspondence between mill officers and engineers, contractors, and suppliers of materials and equipment. Mill officials fairly consistently badgered them in an attempt to obtain lower prices for services and materials.

²² Robert L. Steele, "List of Machinery" May 26, 1910, Pickett Cotton Mills Records, Box 1, Folder 13, Southern Historical Collection, UNC-Chapel Hill; "Arranging for Cotton Mill," *High Point Enterprise*, May 27, 1910.

²³ Guilford County Deed Book 230, pp. 440-441.

²⁴ Plat Book 11, p. 78. After 1939, Pickett Cotton Mills began divesting itself of its mill houses, selling them mostly to the mill workers who occupied them. Over the years, many of the houses have been lost.

²⁵ "High Point's Great Cotton Mill Well under Way — a Huge Plant," *High Point Enterprise*, November 4, 1910.

²⁶ "Laborers Wanted," *High Point Enterprise*, December 6, 1910.

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labeled "from plans." This first image indicated that the dust room, electric motors and shafting, and machine shop would all be in the basement. Weaving would be on the first floor, and spinning would be on the second. A stair tower projected from the east façade at its center, while opposite it, a water closet tower projected from the west elevation. The pump room and the boiler house extended from the southwest corner of the mill. A water tower stood just southwest of the mill, and farther west was a water reservoir. West of the north end of the mill, across from the railroad siding, the cotton warehouse was depicted with an opening room attached to the southwest corner and concrete platforms across the east and west elevations.²⁷

In September, the *High Point Enterprise* reported that construction of the mill was nearing completion and that the machinery, already ordered, was due to arrive at any time.²⁸ The paper followed up on October 13, 1911, with the announcement that eighteen car loads of looms and other machinery had arrived and were being unloaded at the mill.²⁹

In May 1911, the *High Point Enterprise* had published a long, detailed article on Pickett Cotton Mills claiming that in building this mill, High Point was setting an example to the entire cotton milling business, presumably on how durable, well-arranged, and economical a cotton mill could be. This assertion was followed up by a detailed description of the mill based on the reporter's on-site inspection with mill secretary-treasurer F. M. Pickett and engineer and superintendent J. T. Wardlaw.³⁰

According to the news article, the mill was 103 by 305 feet and consisted of a basement and two stories. A large tower on the front contained the main entrance and the stairway to the second floor, while a tower at the rear of the mill contained lavatories and water closets for each floor. A large tank at the top of the rear tower would provide an ample water supply for all sanitary purposes. (Whether the water tank remains is not known.) The machine shop, with dimensions of sixty-four by fifty feet, was located in the basement at the south end of the mill. An electric elevator ran from the machine shop to the top floor of the mill. Adjacent to the machine shop but outside the main building was the sixteen by twenty-four-foot pump room and a boiler room measuring sixty-four by fifty feet. The coal chute on the railroad siding was only a few feet from the boiler room. The boiler was designed to supply steam for heating and for the slashers, while the mill machinery was to be driven entirely by electric power. The entire building contained 107, 897 feet of floor space with 22,500 on the ground floor (basement). The

²⁷ Sanborn Map, 1911, p. 19. The railroad siding headed northward from the mill property, crossing Tryon Avenue and then curving to the northwest until it connected with the main rail line.

²⁸ "The Cotton Mill," *High Point Enterprise*, September 19, 1911.

²⁹ "Looms Arrive," *High Point Enterprise*, October 13, 1911.

³⁰ "Pickett Cotton Mills," *High Point Enterprise*, May 12, 1911.

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shafting, pulleys, electric motors and related devices were to be housed on ground floor, so that they would not interfere with the manufacturing operations on the first and second floors.³¹

Throughout, the mill was designed for strength and permanency. The loads on the outside walls were carried by brick piers. The interior loads were carried by columns made of the best Georgia pine and supported by cast iron base plates and pintles which, in turn, rested on large brick piers (in the basement). All piers and walls rested on heavy concrete foundations. A unique feature of the mill's construction, and one that was a departure from typical mill construction, was the use of reinforced concrete panels between the brick piers of the exterior walls. Steel rods reinforced the concrete panels and continued through the adjoining brick piers, making a continuous band of steel rods throughout the exterior walls of the building. This type of construction was much stronger than simply using brick masonry and provided more protection from the chance of walls being loosened by the vibrations of the mill machinery, a problem often encountered with the older method of brick arch construction.³² In addition, by using reinforced-concrete panels instead of brick arches, taller windows could be used, thereby providing more light for the interior of the building. The reinforced-concrete panels also enhanced the appearance of the mill, the gray concrete contrasting nicely with the red brick and red mortar joints.³³

According to the May news article the mill, when finished, would have a complete and up-to-date fire protection system that would ensure the lowest rate of insurance. The mill was to have a large supply tank and water reservoir (both gone), a fire pump, and an automatic sprinkler system. A fire wall would separate the picker room from the main mill, and automatic fire doors would be placed at all main doors.³⁴

Located across the railroad siding from the mill, the cotton warehouse and opening room were also lauded in the news article. The upper story of the two-level warehouse was level with the rail cars as they stood on the track, and a wide concrete platform extended to the car doors. The lower story of the warehouse had an outside concrete platform that was connected to the upper platform by an incline. A standard firewall separated the warehouse from the opening room. After the bales of cotton were opened, the cotton would be carried by blowers to the second floor of the mill.³⁵

The very best machinery, made by Howard and Bullough American Machine Company of Pawtucket, Rhode Island, was to be used in the mill to produce a high class of print goods.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ "Pickett Cotton Mills," *High Point Enterprise*, May 12, 1911.

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The news article ended by listing those associated with the design and construction of the mill: designed by Lockwood, Greene, and Company, constructed by Central Carolina Construction Company, superintended for the design firm by W. A. Fries, and superintended for the mill company by engineer J. T. Wardlaw.³⁶

Well after the mill was completed, in August 1912, another long newspaper article on Pickett Cotton Mills reiterated much of what had been said in the May 1911 article. However, the 1912 article elaborated on some features of the mill and its structural system. The article claimed that because of the use of reinforced concrete for some of the structural system, the time needed to erect the mill was less than it would have been if typical standard mill construction had been used. Then, too, the cost of construction was less than it would have been otherwise. The 1911 building also provided for future expansion. Not only was there a reinforced concrete loading platform that extended from the cotton warehouse to the railroad spur, but there was also one that extended from the mill to the spur. The coal trestle was located at the rear of the boiler house, and the boiler house had a steel truss roof. The elevated water tank held 75,000 gallons, while the reservoir had a 315,000 gallon capacity and an underwater fire pump. The article provided specific dimensions for various parts of the mill and cotton warehouse, including the size of columns and thickness of floors and roofs. More information was provided about the suppliers of various mill equipment. The automatic sprinkler system was installed by the General Fire Extinguisher Company of Providence, Rhode Island and included Grinnell automatic sprinklers. The machinery was made by the H. and B. [Howard and Bullough] American Machinery Company of Pawtucket, Rhode Island. The 260 Ideal automatic looms were supplied by the Stafford Company of Readville, Massachusetts. The article pointed out that the construction of the mill resulted from studies in both structural economy and the comfort of the mill workers.³⁷

When the next Sanborn map for this area of High Point was published in July 1917, it showed that a one-story waste house had been added to the southeast corner of the cotton warehouse. Since the waste house was not shown on the 1911 Sanborn map, it is safe to assume that it was built ca. 1915.³⁸

The Annual Report for the Department of Labor and Printing in 1915 listed only two cotton mills in High Point – Pickett Cotton Mills and Highland Cotton Mills (NR, 2014), which were located in the same area of the city.³⁹ That year, Pickett Cotton Mills had \$203,000 in capital stock. It housed 13,312 spindles, 304 looms, and 24 cards used for spinning and weaving

³⁶ "Pickett Cotton Mills," *High Point Enterprise*, May 12, 1911.

³⁷ "Pickett Mills, High Point, N. C.," *High Point Enterprise*, August 19, 1912.

³⁸ Sanborn Map, 1917, p. 20.

³⁹ This did not include hosiery mills.

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to produce cloth with an estimated yearly value of \$275,078. In 1915 Pickett Cotton Mills had 114.7 workers (71.8 male and 42.9 female) who worked ten-hour days.⁴⁰

When Pickett Cotton Mills was built in 1911, the south end of the building was frame, rather than brick, to facilitate a potential future addition. By late 1919, the mill owners had decided that they needed to expand their physical plant to accommodate their increased production. This expansion included a 100-foot extension to the south, a slasher room, and the mill office. While they sought proposals from both Lockwood, Greene, and Company, the engineering firm for the original mill, and R. C. Biberstein to design and oversee the construction of the addition, this time they selected Biberstein.⁴¹

Richard C. Biberstein studied mechanical engineering at Worcester Polytechnic Institute, and after working in Newark and Indianapolis for a time, he settled in Charlotte in 1887. There he worked as a draftsman and designer at the Mecklenburg Iron Works before joining the Charlotte Machine Company, which specialized in mill machinery. In 1902, he went to work for mill architect and builder Stuart Cramer, and in 1905 opened his own practice as a mill architect and engineer. As such, he became one of the most prolific designers of textile mills in North Carolina and the South.⁴² The High Point construction firm of R. K. Stewart and Company was selected to build the addition.⁴³ G. W. Isenhour and Sons of Salisbury, North Carolina provided the brick.⁴⁴

The addition was designed to match the original mill. The wood wall at the south end of the original mill was removed and the brick walls on the east and west were extended southward approximately 100 feet to a new frame end wall.⁴⁵ Instead of wood columns, the addition's

⁴⁰ *Twenty-ninth Annual Report of the Department of Labor and Printing of the State of North Carolina*, 1915, pp. 298-299, 312-313, 322-325.

http://books.google.com/books/about/Annual_Report_of_the_Department_of_Labor.html?id=jyYTAAAYAAJ (Accessed December 15, 2014.)

⁴¹ F. M. Pickett, correspondence with R. C. Biberstein, November 24, 1919, Pickett Cotton Mills Records, Box 4, Folder 100; R. E. Barnwell, correspondence with F. M. Pickett, November 26, 1919, Pickett Cotton Mills Records, Box 4, Folder 88.

⁴² Thomas W. Hanchett, William H. Huffman, and Catherine W. Bishir, "Richard C. Biberstein," *North Carolina Architects and Builders*, <http://ncarchitects.lib.ncsu.edu/people/P000383>, (accessed December 17, 2014).

⁴³ F. M. Pickett, correspondence with R. C. Biberstein, May 18, 1920, Pickett Cotton Mills Records, Box 4, Folder 100.

⁴⁴ R. H. Walker, correspondence with G. W. Isenhour, July 14, 1920, Pickett Cotton Mills Records, Box 4, Folder 95.

⁴⁵ F. M. Pickett, correspondence with Ferro Concrete Company, October 21, 1919, Pickett Cotton Mills Records, Box 4, Folder 81; F. M. Pickett, correspondence with J. E. Sirrine, January 19, 1920, Pickett Cotton Mills Records, Box 4, Folder 99.

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support columns were cast iron.⁴⁶ The sash windows matched those of the original mill, but were steel instead of wood.⁴⁷ Part of the new construction included a basement beneath the addition and a slasher room that projected from the west side of the mill.⁴⁸ And while the mill was being expanded, additional houses – with three, four, or six rooms – were being built for the mill operatives. By 1926, there were sixty-seven mill houses.⁴⁹

The one-story, brick, mill office, located just northeast of the mill, was also built in 1920.⁵⁰ Prior to its construction, the mill offices had been located in the Bank of Commerce Building at 114-116 North Main Street in downtown High Point.⁵¹ The new office was to have a high wainscot and composition and tile floors.⁵²

The mill addition and the mill office were completed near the end of 1920.⁵³ When the next Sanborn map was published in 1924, it showed the mill addition, the slasher room, and the mill office.⁵⁴

The Annual Report of the Department of Labor and Printing for 1923-1924 provides a snapshot of Pickett Cotton Mills' production after the 1920 addition had been built and the company had started producing hosiery yarn as well as print cloth. F. M. Pickett had become president and R. H. Walker was secretary-treasurer. The capital stock was \$203,700, the same as in 1915. With 27,008 spindles – more than twice the number as in 1915 – 336 looms (304 in 1915), and 27 cards (24 in 1915), both spinning and weaving took place in the mill, producing

⁴⁶ R. C. Biberstein, correspondence with F. M. Pickett, December 8, 1919, Pickett Cotton Mills Records, Box 4, Folder 100.

⁴⁷ R. C. Biberstein, correspondence with F. M. Pickett, May 3, 1920, Pickett Cotton Mills Records, Box 4, Folder 100; F. M. Pickett, correspondence with Southern Engineering Company, February 17, 1920, Pickett Cotton Mills Records, Box 4, Folder 100; F. M. Pickett, correspondence with R. C. Biberstein, November 24, 1919, Pickett Cotton Mills Records, Box 4, Folder 100.

⁴⁸ R. C. Biberstein, correspondence with F. M. Pickett, December 8, 1919, Pickett Cotton Mills Records, Box 4, Folder 100; F. M. Pickett, correspondence with R. C. Biberstein, November 24, 1919, Pickett Cotton Mills Records, Box 4, Folder 100.

⁴⁹ R. H. Walker, correspondence with Home Building Material Company, June 15 and June 17, 1920, Pickett Cotton Mills Records, Box 4, Folder 95; Burlington Hardware Company, correspondence with Pickett Cotton Mills, July 17, 1926, Pickett Cotton Mills Records, Box 5, Folder 115.

⁵⁰ R. H. Walker, correspondence with Home Building Material Company, July 17, 1920, Pickett Cotton Mills Records, Box 4, Folder 95.

⁵¹ *High Point City Directory*, 1913, p. 171.

⁵² J. R. McClamroch Company, correspondence with Pickett Cotton Mills, September 16, 1920, Pickett Cotton Mills Records, Box 4, Folder 104.

⁵³ R. H. Walker, correspondence with Atlantic Marble and Tile Company, October 13, 1920, Pickett Cotton Mills Records, Box 4, Folder 105; G. G. Ray and Company, correspondence with Pickett Cotton Mills, October 16, 1920, Pickett Cotton Mills Records, Box 5, Folder 125.

⁵⁴ Sanborn Map, 1924, p. 32.

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30s, 24s, and 22s print cloths and hosiery yarns. Operating 252 days a year with both day and night shifts of ten hours each, the electric-powered mill produced an estimated \$750,000 worth of goods. The mill had 182 employees – approximately sixty percent more than in 1915 – composed of 110 men, fifty women, and twenty-two children.⁵⁵

In 1928, the company once again undertook two expansion projects, both using J. O. Connor and Son as general contractor and builder. In that year, an addition measuring thirty feet by 130 feet was built to the northwest corner of the mill. Its walls were of the same thickness as those of the 1911 mill. The windows of the picker room on the west side of the 1911 mill were closed up with brick, and a double fire door was installed where the outside door of the 1911 mill had been located. A parapet wall between the west side of the 1911 mill and the new addition rose three feet above the mill roof. Undressed wood beams were used on the first floor, but on the second, steel I-beams were used. Steel windows – none of which survive – measuring seven feet six inches by ten feet four inches were used on the long west side, but old wood windows were used on the north and south ends. The basement windows were considerably smaller than the main windows. One main door was installed at the southwest corner, and one basement door was located on the west side.⁵⁶

During the fall of 1928, the second of the two expansions got underway. Another opening room was added to the cotton warehouse, this one at its northwest corner. Measuring twenty-four feet by forty-eight feet, the one-story addition had brick walls, a concrete floor, and steel I-beams. Three intact steel windows were installed in the north wall and two in the west, rear, wall, while a batten door on a track was located in the east end wall.⁵⁷ The 1950 Sanborn map shows the two 1928 additions to the mill and cotton warehouse.⁵⁸

The 1930s ushered in a period of transition for Pickett Cotton Mills. By 1930, Robert H. Walker had replaced F. M. Pickett as president of the company. When the mill opened in 1911, it produced print cloth. By the early twenties, it was producing hosiery yarns as well as cloth for printing, and by 1935, it had added underwear yarn to its products. By 1939, however, it had ceased making cloth and produced only various types of yarn. During World War II, the company also manufactured cotton twine for farmers who needed to bind up their bales of wheat. Farmers had used sisal, but because it was made in the Philippines and Asia, it was unavailable

⁵⁵ *Thirty-fourth Report of the Department of Labor and Printing of the State of North Carolina, 1923-1924*, pp. 12-13, 28-29, 44-45.

⁵⁶ J. O. Connor and Son, correspondence to Pickett Cotton Mills, July 23, 1928, Pickett Cotton Mills Records, Box 6, Folder 144.

⁵⁷ J. O. Connor and Son, correspondence to Pickett Cotton Mills, October 22, 1928, Pickett Cotton Mills Records, Box 6, Folder 144.

⁵⁸ Sanborn Map, 1950, p. 32.

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during the war. The mill's reported capital and number of spindles remained the same over a long period.⁵⁹

With the Depression came turbulent years for labor relations. In mid-July 1930, 250 workers at Pickett Cotton Mills went on strike due to a lack of agreement with management over hours and wages. The workers said they were only "asking fair wages and decent hours."⁶⁰ How long that strike lasted is not known. When 300 employees conducted a walkout in July 1933 without giving prior notice to management, the mill shut down. Two weeks later, the employees returned to work with the understanding that discussions would be held to consider requested adjustments to the textile code that had gone into effect on July 17.⁶¹

The troubles continued. In August 1935 the Federal Reserve Bank sued Pickett Cotton Mills. On August 1, 1931, Pickett Cotton Mills had borrowed \$185,000, giving eight promissory notes secured by a deed of trust for the entire mill property. At the time of the suit, the plaintiffs claimed that the principal still owed by the mill was \$177,500, that the mill was insolvent, and that no payments had been made in over a year. In November, the Reconstruction Finance Corporation (a federal agency established during the Depression) reported approval of a loan of \$160,000 to Pickett Cotton Mills. With this loan, the mill was able to resume full operations in January 1936, providing work again for 250-300 employees after having stood idle since mid-June.⁶²

The following summer there was yet another strike. On July 1, 1936, 250 workers went on strike and stayed out for four weeks. The mill resumed operations when a compromise was reached that gave workers an eight-hour day, five-day forty-hour week, and minimum wage scales for different levels of workers.⁶³

In contrast to the labor troubles of the 1930s, some good news in labor relations with Pickett Cotton Mills came fifteen years later in April 1951. When the workers at nearby Highland Cotton Mills went on strike on April 1 as part of a general strike of southern textile mills, the Textile Workers Union of America elected not to strike at Pickett, because that mill

⁵⁹ *North Carolina Yearbook*, 1930, p. 83; *North Carolina Yearbook*, 1935, p. 109; *North Carolina Yearbook*, 1939, p. 120; "City Cotton Mill to Shut Down after 75 Years," *High Point Enterprise*, July 24, 1985.

⁶⁰ "Pickett Cotton Mill Will Stay Closed Indefinitely," *High Point Enterprise*, July 16, 1930.

⁶¹ "Cotton Textile Code in Effect, Scope Widened," *Chicago Daily Tribune*, July 17, 1933; "Pickett Mill Closed Indefinitely after Strike There Today," *High Point Enterprise*, July 26, 1933; "Pickett Mill Workers Accept a Plan to Go to Work Next Monday," *High Point Enterprise*, August 1, 1933. A new Federal textile code went into effect on July 17, 1933. It called for a minimum wage of \$12 a week in the South (\$13 a week in the North), a fixed forty-hour work week, and the prohibition of employment for anyone under the age of sixteen.

⁶² "Pickett Cotton Mills Named in \$177,500 Action," *High Point Enterprise*, August 19, 1935; "Commercial Bank and Pickett Cotton Mill Loans Authorized," *High Point Enterprise*, November 4, 1935; "Pickett Mills Resumes Work After Jan. 1," *High Point Enterprise*, December 20, 1935.

⁶³ "Pickett Mills Running Again," *High Point Enterprise*, July 29, 1936.

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had offered what was described as "the most liberal offer yet made by any southern mill." So it was that Pickett Cotton Mills operated on normal schedules throughout the strike.⁶⁴

A final note of transition came at the end of the 1930s. In 1939 Pickett Cotton Mills hired local engineer William F. Freeman to survey and plat the entirety of the mill property. Although it was not stated, this was likely an indication that the mill was planning to begin selling its houses. After the Depression and, especially, the General Strike of 1934, textile mills throughout the South began to divest themselves of their mill housing, usually offering them for sale first to the mill employees who occupied them.⁶⁵

In 1953, H. D. Sears, grandson of F. M. Pickett, became president of Pickett Cotton Mills. He continued in that position until 1985, when the mill closed permanently. The previous year, North Carolina had experienced a rash of cotton mill closings, attributed to heavy competition from imports. Pickett Cotton Mills had once operated around the clock with three shifts. Several years prior to 1985, the mill had scaled down to two shifts, and in 1985 it dropped to only one shift, until it closed.⁶⁶

The following year, on June 26, 1986, Pickett Cotton Mills, Inc. sold approximately 5.54 acres — the land on which the mill stands — to Claude C. and Mickie H. Gamble along with some property across Redding Drive. Additional property west of the mill site was sold to Thomas Built Buses, L.P.⁶⁷ The Gambles manufactured furniture in the mill for a number of years. In 2014, the Belgian-based company, BuzziSpace, opened its North American production center in the former Pickett Cotton Mills. BuzziSpace makes high-end, noise-reducing furniture especially, but not exclusively, for offices.

For three quarters of a century, Pickett Cotton Mills played an important role in High Point's industrial life. As the first cotton mill in High Point that met with long-term success, it was a much-lauded leader in High Point's textile industry. Expansions to the mill complex in ca. 1915, 1920, and 1928 were physical manifestations of its success. Although Pickett Cotton Mills suffered adversity during the Depression years, it managed to stay afloat under the same ownership and continued to operate for another half century until, like many mills, it could not overcome foreign competition and closed in 1985.

⁶⁴ "Pickets Swarm Outside Mill Gates When 40,000 Textile Workers Seek Pay Increases," *High Point Enterprise*, April 2, 1951; "No Settlement Between Mill, Workers in Sight," *High Point Enterprise*, April 3, 1951.

⁶⁵ William F. Freeman, "Property of Pickett Cotton Mill," Guilford County Plat Book 11, p. 78; Laura A. W. Phillips, National Register nomination for Highland Cotton Mills Village Historic District, 2014.

⁶⁶ "City Cotton Mill to Shut Down After 75 Years," *High Point Enterprise*, July 24, 1985.

⁶⁷ Guilford County Deed Book 3512, p. 761; Deed Book 3514, p. 959.

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Architecture Context⁶⁸

During the second half of the nineteenth century, primary concerns expressed in the construction of industrial buildings included fire resistance, the ability to support the heavy weight of machinery, a layout that would enable production efficiency, and adequate light and ventilation. By late century, slow-burn, heavy-timber construction, which addressed these concerns, had become one of the standard methods for constructing industrial buildings nationwide. In High Point, the construction of industrial buildings had become fairly standardized with the use of slow-burn, heavy-timber construction by the turn of the twentieth century, and throughout the first quarter of the new century, most industrial construction in the city used this method.

Standards imposed by both machinery manufacturers and insurance companies were manifested in designs by industrial engineers such as Daniel A. Tompkins, Stuart Cramer, and Lockwood, Greene, and Company. Heavy timbers were used for support posts and beams and thick, double-layer wood floors were laid on exposed beams with no ceilings. Brick was used for outer walls and interior fire walls. Kalamein doors, which were galvanized-sheet-metal-clad, solid-core-wood doors that would automatically close in case of fire, were used to provide access between different sections of the building. Buildings had either low-gable or flat roofs. Projecting stair towers sometimes included a water tank on the top floor, while some mills had a free-standing elevated tank that would supply an automatic sprinkler system. Water reservoirs were onsite. For additional protection against fire, engine and boiler rooms either projected from the main building or were separate from it. Natural light and ventilation were provided primarily by rows of large, operable windows, segmental-arched in the oldest buildings, and sometimes also by a raised monitor roof rising from the center of the main roof and lined with operable windows.

Mills and factories of slow-burn, heavy-timber construction in High Point were usually two stories in height, but there were also buildings ranging from one to five stories. Six known examples survive, based on a survey of historic industrial buildings in High Point conducted in 2014. The known examples include Pickett Cotton Mills (1200 Redding Drive, 1911), Highland Cotton Mills (1014 Mill Avenue, 1913; NR, 2014), Carolina Casket Company (812 Millis Street, 1929), Melrose Hosiery Mill (1501-1547 West English Road, 1920s), Tomlinson Chair Manufacturing Company Complex (305-311 West High Street, 1902-1924; NR, 1983), and the H. R. Welborn Tobacco Factory (212 North Main Street, 1884).

⁶⁸ The architecture context is drawn largely from the High Point Historic Industrial Architecture Survey, conducted in 2004 by the author.

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The original, 1911, Pickett Cotton Mills building epitomizes in most respects the slow-burn, heavy-timber system of mill construction. The two-story-with-basement building has brick-pier exterior walls and interior brick fire walls that project above the low-pitched gable roof. Although the multi-pane wood windows were bricked up when air-conditioning was installed during the 1960s – a mid-twentieth-century alteration typical of industrial buildings – originally they nearly filled the spaces between the piers. At the approximate center of the 1911 façade, a square stair tower projects from the building. It is balanced on the rear, west, elevation of the building by a square water closet tower. The pump and boiler rooms also project from the west elevation. An elevated water tank once stood southwest of the boiler house, and a water reservoir, now infilled, was at the southwest corner of the property. The interior of the mill features double-layer wood floors. Three rows of twenty-eight heavy-timber columns support heavy-timber beams with chamfered edges that, in turn, support the exposed floor above or roof. Kalamein fire doors are used at all major interior openings.

With all the characteristics of slow-burn, heavy-timber construction exhibited by the original mill, Lockwood, Greene, and Company's design for the building introduced a more progressive element by using reinforced-concrete window spandrels. Steel rods not only reinforced the concrete spandrels but continued through the adjoining brick piers, forming a continuous band of steel rods throughout the exterior walls of the building. The use of reinforced concrete spandrels with steel rods that continued through the brick piers made the mill's exterior walls stronger than they would have been otherwise and allowed for even larger windows. This progressive design element constituted a departure from the standard slow-burn, heavy-timber construction seen in other High Point industrial buildings and set Pickett Cotton Mills apart from the others.

In 1920, engineer R. C. Biberstein designed an addition to the mill that extended the south end by ten bays. Looking toward future expansion, the south end was enclosed with a frame wall. The east façade and west elevation matched those of the 1911 mill, except that the sash windows were steel instead of wood. The interior continued the use of heavy-timber beams with chamfered edges. However, an important distinction was that heavy-timber interior columns were no longer used. In their place were slender cast-iron columns that took up even less space on the manufacturing floor.

Cotton warehouses during the early-to-mid twentieth century shared certain characteristic features. They were separate from the mill as a precaution against fire and were located next to a railroad spur so that cotton bales could be unloaded easily. They were one-story or one-story with a basement and had brick end walls and interior fire walls. The front and rear walls were usually wood. Roofs had a low-pitched gable or were sloped. An opening room, where the newly received cotton bales were opened, was located at one or both ends of the warehouse. At Pickett Cotton Mills, the 1911 cotton warehouse with its ca. 1915 and 1928 additions exemplified this

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building type in almost all respects. It is the only surviving example in High Point of this essential structure associated with cotton mills.

Mill offices historically were built in several locations in relationship to the mill and were expressed as various building types. Some were housed in a corner of the mill, as was the case with the original office at Highland Cotton Mills before being moved to a space in the ca. 1920 mill-built community building (no longer standing) across the street. Other mill offices were located in a building on the mill property but separate from the mill. Few of these survive in High Point. Some of those were built to look like small commercial buildings. The office at Melrose Hosiery Mill was located in what appears to be a commercial row that was actually built to serve various functions of the industrial complex. Other mill offices were more domestic in appearance. A late example is the 1967 office at Highland Cotton Mills, which was in the form of a large, one-and-a-half-story, well-articulated, Georgian Revival-style house.⁶⁹

The one-story, 1920 office building at Pickett Cotton Mills is domestic in form and scale. Except for being brick instead of frame and not having a porch, it is similar to some mill houses of the period with its nearly square form, hipped roof, and hip-roofed dormers. Like the cotton warehouse, its survival is important in understanding the historic layout of the mill complex.

⁶⁹ Laura A. W. Phillips, National Register nomination for Highland Cotton Mills Village Historic District, High Point, North Carolina, 2014.

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United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Section Number 9 Page 31

Pickett Cotton Mills
Guilford County, North Carolina

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Whatley, Mac (Adjunct Curator of Machinery, American Textile History Museum, Lowell, Massachusetts). Correspondence with Laura A. W. Phillips, April 1, 2015.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Name of

Pickett Cotton Mills

Section Number Photos Page 32

Guilford County, North Carolina

GEOGRAPHICAL DATA

Latitude: 35.942602

Longitude: -80.017116

Verbal Boundary Description

The boundary of the nominated property is identified as Guilford County tax PIN 6799898567. The boundary is shown by the heavy black line on the accompanying tax/site map, drawn to a scale of 1" = approximately 70'.

Boundary Justification

The boundary of the nominated property, which is located at 1200 Redding Drive, High Point, North Carolina, includes the 5.54 acres currently associated with Pickett Cotton Mills and provides an appropriate historic setting for the mill.

United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

Name of

Pickett Cotton Mills

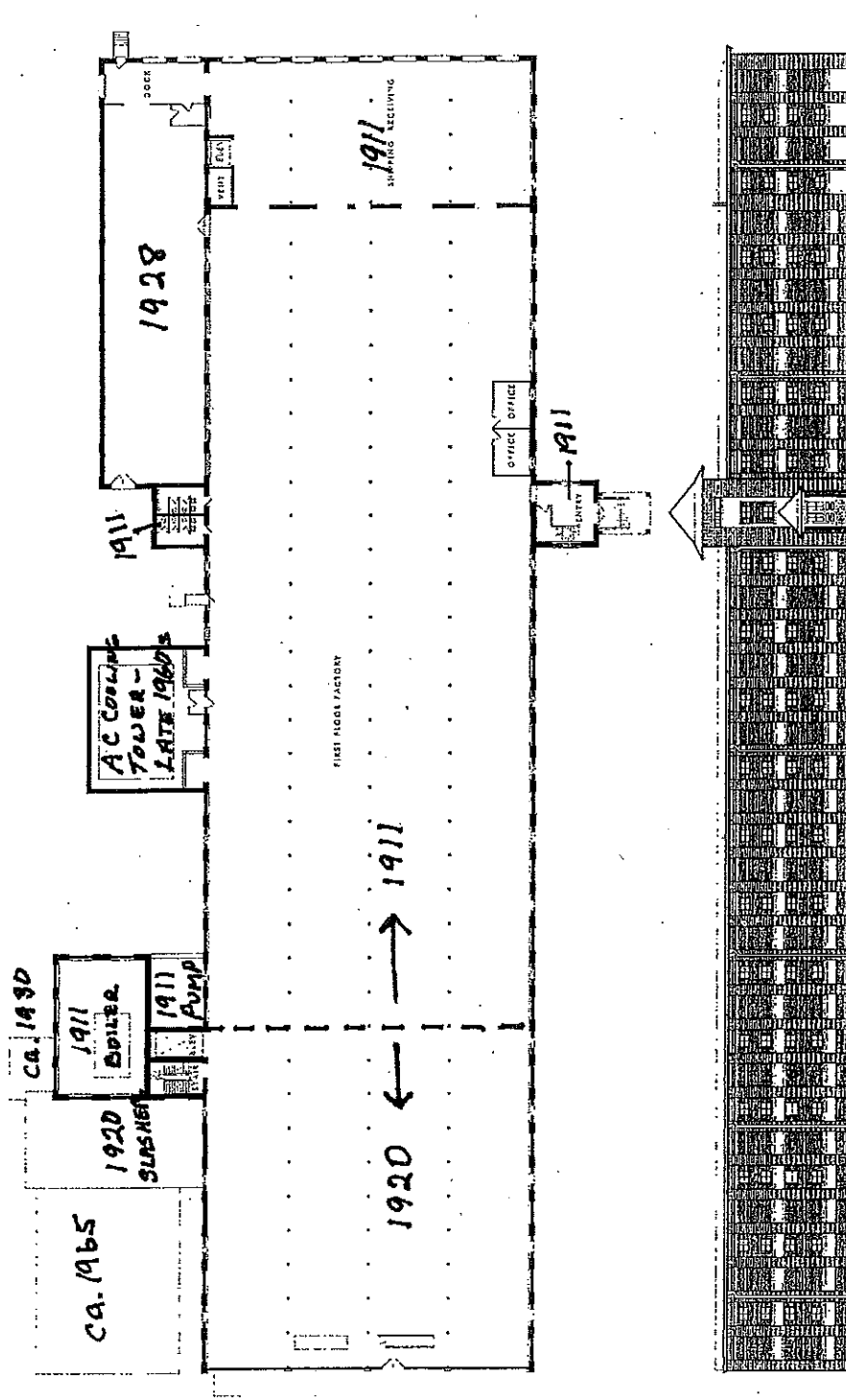
Section Number Photos Page 33

Guilford County, North Carolina

PHOTOGRAPHS

The following information for #1, 2, 4, and 5 applies to all nomination photographs. Number 3 gives the photographers' names and the particular photographs they shot.

- 1) Pickett Cotton Mills
- 2) High Point, Guilford County, North Carolina
- 3) Photos- all but #10: Laura A. W. Phillips; photo #10: Heather Fearnbach
- 4) October 2014
- 5) CD: NCHPO, Raleigh, NC
- 6-7)
 - 1: Mill, east façade, view to northwest.
 - 2: Overall exterior, mill office with mill in background, view to southwest.
 - 3: Mill, northeast corner with north and east elevations, view to southwest.
 - 4: Mill, south elevation, view to northwest
 - 5: Mill, overall of west (rear) elevation, including electrical transformer and air conditioning water tower, view to northeast.
 - 6: Mill, second floor, north end picker room with Kalamein fire doors and manufacturing floor in background; view to southwest.
 - 7: Mill, first floor with 1911 mill in foreground and 1920 addition in background, view to southwest.
 - 8: Mill, first floor, 1920 south wall, view to southwest.
 - 9: Mill, first floor, stair in east tower, view to northwest.
 - 10: Mill, second floor, 1920 addition in foreground, 1911 mill in background, view to northeast.
 - 11: Mill, boiler room, boiler, view to southeast.
 - 12: Cotton warehouse with 1928 addition in foreground, view to southeast.
 - 13: Cotton warehouse, main floor, 1911 section, view to northwest.



EAST ELEVATION

PICKETT COTTON MILLS
 1200 REDDING DRIVE, HIGH POINT, GUILFORD COUNTY, NORTH CAROLINA



EXISTING CONDITIONS DRAWINGS
 FIRST FLOOR PLAN AND EAST ELEVATION

SEALING STAMPS
 NOT FOR CONSTRUCTION
 SCALE: 1/8" = 1'-0"



TEAGUE
 PRETZELBRODER
 PRETZELBRODER
 ARCHITECTS

CITY OF HIGH POINT

AGENDA ITEM



Title: Annexation Case 15-04 (Sylvia Kennedy)

From: Lee Burnette, Planning & Development
Director

Meeting Date: At the May 18, 2015 public hearing, this application was continued to the July 20, 2015 meeting date.

Public Hearing: Yes

Advertising Date: May 8, 2015

Advertised By: Planning & Development

Attachments: A. Staff Report
B. Map
C. Annexation Ordinance of Adoption

PURPOSE:

A request by Sylvia Kennedy, Executrix for the estate of Helen Ruth Byerly, for a voluntary non-contiguous annexation of approximate 12.3 acres lying approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and west of Fernley Court

BACKGROUND:

Staff report and recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends *approval* of Annexation Case 15-04.

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

**STAFF REPORT
ANNEXATION CASE 15-04
May 18, 2015**

Request	
Applicant: Sylvia Kennedy, Executrix for the estate of Helen Ruth Byerly	Owner: Sylvia Kennedy, Executrix for the estate of Helen Ruth Byerly
Proposal: Voluntary non-contiguous annexation	Effective Date: Upon adoption
	Associated Zoning Case: Zoning Case 15-07

Site Information	
Location:	Lying approximately 950 feet north of W. Lexington Avenue, along the east side of Richard Byerly Road and west of Fernley Court.
Tax Parcel Numbers:	Davidson County Tax Parcel 0102000000044 (portion)
Site Acreage:	Approximately 12.3 acres
Current Land Use:	Undeveloped
Current Fire District:	Hasty Fire Department
Proposed Development:	Single family dwellings
Proposed Unit Type, Number and Average Value:	The applicant has noted in their annexation petition that approximately 22 single family detached homes are proposed to be developed.
Proposed Build-out Schedule:	A proposed built-out schedule has not been provided.
Proposed City of High Point Council Ward:	The proposed annexation site is adjacent to Ward 3. If approved, the annexation area will be part of Ward 3.
Physical Characteristics:	The northern portion of the site is heavily wooded, while the middle and southern portions of the site, along Richard Byerly Road, consist of open pasturelands (former agricultural areas). The site has a moderately to severely sloping terrain. An intermittent stream runs from the southeast to the northwest through the property, with the steeper terrain lying along the stream corridor.
Water and Sewer Proximity:	An 8-inch City sanitary sewer line is lying within Bennington Way, approximately 190 feet east of the site. In addition, a 24-inch City sanitary sewer line is lying approximately 1,200 feet northwest of the site adjacent to the Rich Fork Creek stream corridor. Potable water will be provided by Davidson Water Company via a 6-inch water line that stubs at the terminus of Fernley Court.
General Drainage and Watershed:	The site drains in a northwesterly direction and is within the Yadkin Pee-Dee (non-water supply) watershed. Based upon the total acreage and allowable development intensity, stormwater controls may be required to be provided.

Overlay District:	None
--------------------------	------

Adjacent Property Zoning and Current Land Use			
North:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Undeveloped
South:	RA-3 RS	Rural Agricultural-3 District (<i>Davidson Co.</i>) Low Density Residential District (<i>Davidson Co.</i>)	Single family dwelling
East:	CU RS-15	Conditional Use Residential Single Family-15 District	Single family dwellings and undeveloped parcels
West:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Single family dwelling and undeveloped parcels

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	W. Lexington Avenue	Major Thoroughfare	None
	Richard Byerly Road	Local Street	470 ft.
	Fernley Court	Local Street	50 ft. (public street stub)
Vehicular Access:	Fernley Court (public street)		

City Department Comment Summary

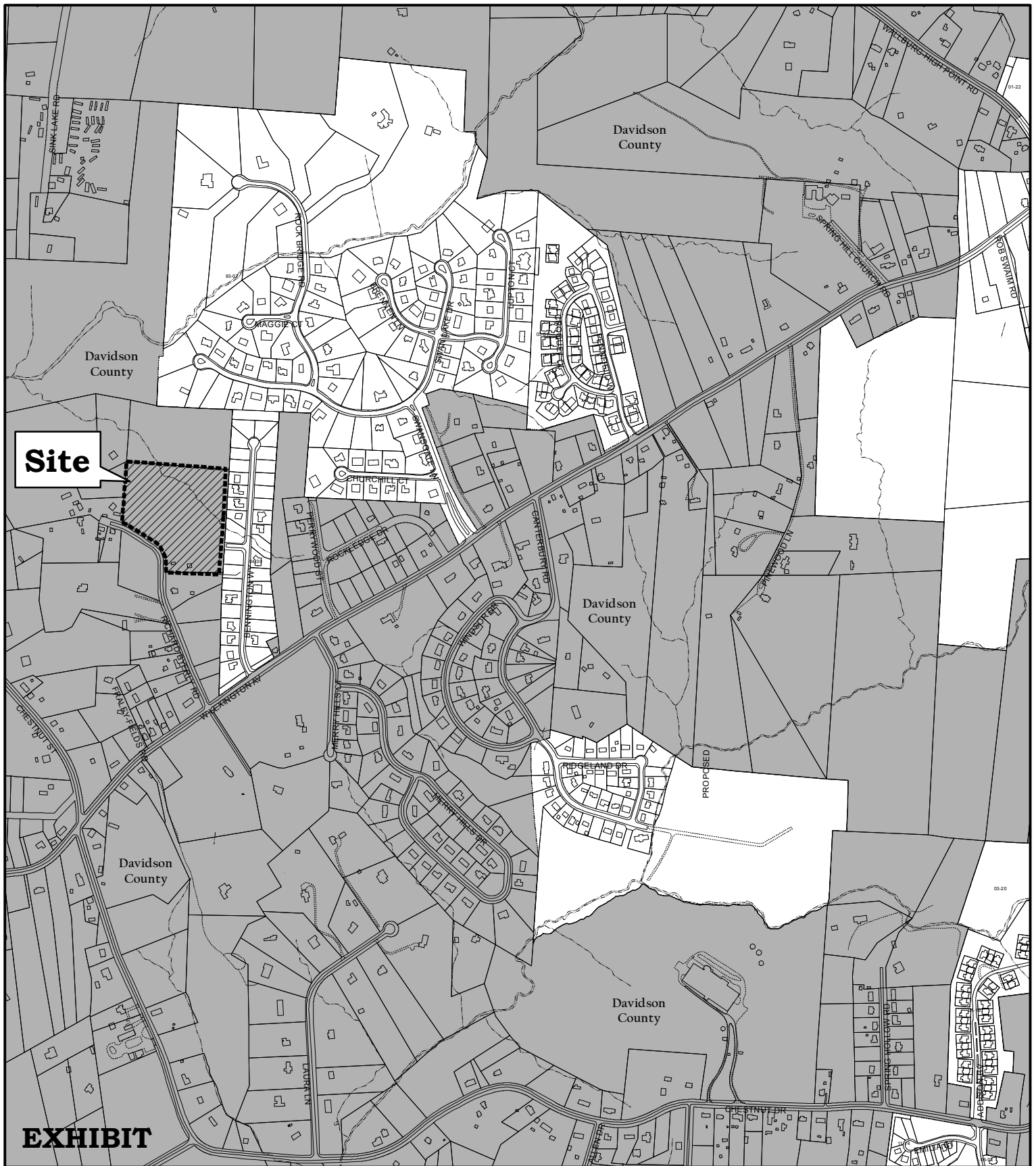
Comments were not requested for this proposed annexation due to the fact the site abuts the City's corporate limits. Annexation petitions for uses within close proximity to existing service areas do not cause the need for individual department comment.

Details of Proposal

The applicant is proposing to develop a single family subdivision on this parcel and is requesting annexation in order to have access to city utilities and services. This annexation petition represents a logical progression of the City's annexation policy for this area as the property is within the City's Planning Area. In addition, the property abuts the High Point corporate limits along its eastern boundary and the corporate limit is approximately 460 feet to the north of the site. Since the mid-1980s and early 1990s, there have been annexations in this portion of the City's Planning Area. In 1985, the 60-acre Ridgeland Downs subdivision was annexed and subsequently developed and in 1993, Council approved the annexation and development of the 168-acre Swansgate subdivision. Recent City of High Point annexation approvals in this immediate area consist of the 27-acre Pennfield townhome subdivision in 2003 and the 17-acre Swans Landing subdivision in 2004. City services and service vehicles are already present in this area and the inclusion of this 12.3-acre area into the City's corporate limits will not negatively impact the City's ability to provide services in the area.

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.



Site

EXHIBIT

ANNEXATION REQUEST ANX15-04

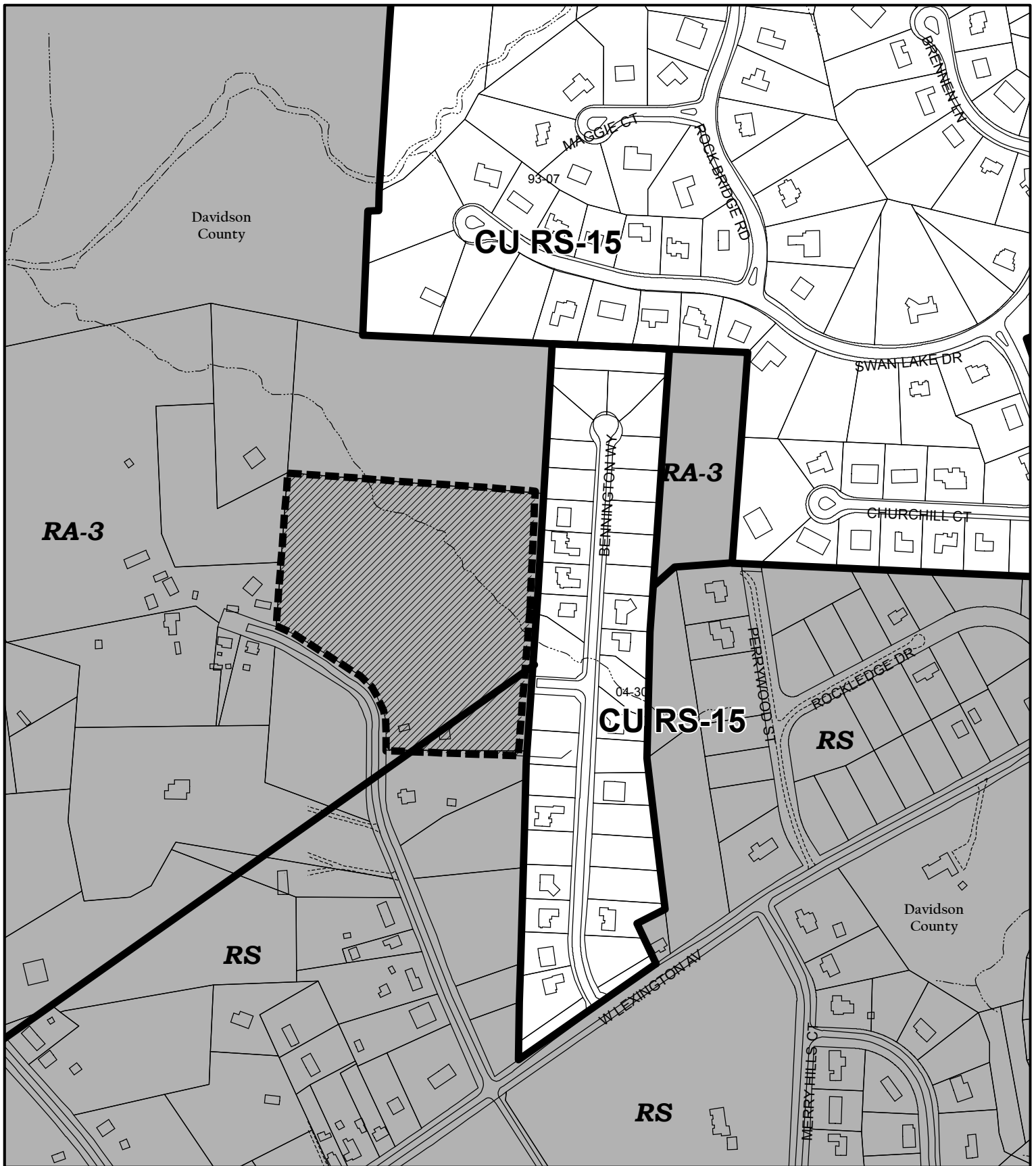
Applicant: Allegro Investments Pro
Area: 12.300 acres (approximate)

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

**Planning & Development
 Department**
City of High Point
Date: May 5, 2015

N

Scale: 1"=1,000'
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 2015/pz/anx15-04exh.mxd



ANNEXATION REQUEST ANX15-04

Applicant: Allegro Investments Pro
Area: 12.300 acres (approximate)

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

**Planning & Development
 Department**

City of High Point

Date: April 28, 2015



Scale: 1"=400'

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 2015\pz\anx15-04.mxd

Return to: JoAnne Caryle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Ordinance No. xxxx / 15-xx

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE
CITY OF HIGH POINT, NORTH CAROLINA

WHEREAS, The City of High Point has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Clerk has investigated the sufficiency of said petition and has certified it to be valid; and

WHEREAS, a public hearing on this annexation was held at the Municipal Building at 5:30p.m. on the 20th day of July, 2015; and,

WHEREAS, the City of High Point does hereby find as a fact that said petition meets the requirements of G.S. 160A-58.1 as amended;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1 as amended, the following described territory is hereby annexed, and made a part of the City of High Point as of July 20, 2015.

ANNEXATION DESCRIPTION - Sylvia Kennedy (Annexation Case 15-04)

A portion of Davidson County Tax Parcel 0102000000044 lying approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and west of Fernley Court. The property is more specifically described as follows:

Beginning at an existing iron pipe, the SW corner of Jack Daniel Craven, Sr. as described in DB 1665 PG 1549, Davidson County Register of Deeds, said iron pipe having NC State Plane Coordinates (NAD 83) of N 808048.08, E 1682744.69 (U.S. Feet), running thence with the

southern line of Craven S 81 deg 25 min 37 sec E 788.57' to a new iron pipe set in the western line of "Swan's Landing" as recorded in Plat Book 47 Page 23, running thence with the western line of said plat S 3 deg 07 min 49 sec W 735.32' to a new iron pipe, running thence N 89 deg 37 min 34 sec W 455.47' to a new iron pipe in the western R/W of Richard Byerly Road, running thence with said R/W N 0 deg 08 min 48 sec W 77.36' to a point, on a curve to the left having a radius of 166.54' a chord bearing and distance of N 28 deg 03 min 21 sec W 156.66' to a point, N 56 deg 03 min 32 sec W 151.74' to a point, and on another curve to the left having a radius of 752.05' a chord bearing and distance of N 60 deg 53 mn 29 sec W 126.71' to a new iron pipe, the SE corner of the afore referenced Jack Craven, running thence with the eastern line of Jack Craven and Nolan Craven (DB 2026 PG 73), N 3 deg 05 min 43 sec E 487.53' to the point and place of beginning, containing 12.300 acres, more or less.

SECTION 2. Upon and after **July 20, 2015** the foregoing property and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of High Point, and shall be entitled to the same privileges and benefits as other parts of the City of High Point. Said territory shall be subject to municipal taxes according to G.S. 160A-58.3.

SECTION 3. The Mayor of the City of High Point shall cause to be recorded in the Office of the Register of Deeds for Guilford County and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, thereof, together with a duly certified copy of this ordinance.

Adopted by City Council,
this the **20th** day of **July, 2015**.
Lisa B. Vierling, City Clerk

PUBLISH ONCE: June 9, 2015

NOTICE OF PUBLIC HEARING

Take notice that the High Point City Council will hold a public hearing concerning the adoption of a resolution defining a new municipal service district in accordance with N.C.G.S. §160A-537 for the proposed establishment of the *South Main Street High Point Business Improvement District* on Thursday, June 18, 2015, at 9:00 a.m. in the City Council Chambers, 211 South Hamilton Street, High Point, NC 27261. During this hearing, members of the public are invited to provide comments regarding the resolution to establish *South Main Street High Point Business Improvement District*. The resolution to establish the *South Main Street High Point Business Improvement District* will be considered by the High Point City Council on Thursday, June 18, 2015.

The map and report of the *South Main Street High Point Business Improvement District* are available for inspection in the City Clerk's office at 336-883-3536 and online at <http://www.highpointnc.gov/edc/smain.cfm> .

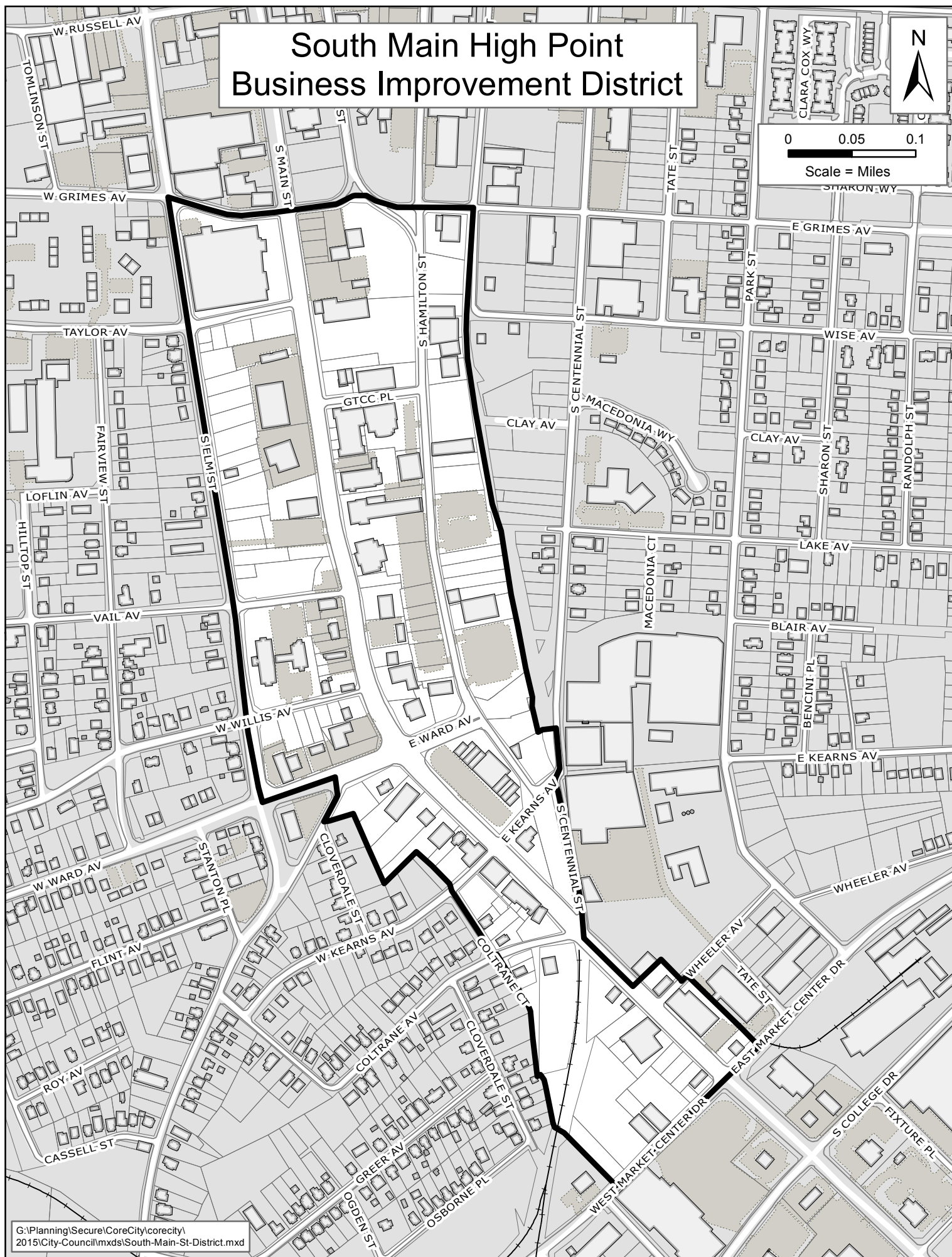
Lisa B. Vierling
High Point City Clerk

South Main High Point Business Improvement District



0 0.05 0.1

Scale = Miles



City of High Point

**City of High Point
North Carolina**

**G.S. 160A-537(b)
REPORT**

For the

South Main Street Municipal Service District

to be referred to as the

**South Main Street High Point Business Improvement District
(BID)**

**For City Council Consideration
With an Effective Date of July 1, 2015**



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3	<u>Introduction</u>
3	<u>Report Requirements</u>
3	<u>Schedule</u>
4	<u>Public Hearing</u>
4	<u>Questions</u>
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4.	<u>South Main Street High Point Revitalization Plan History</u>
6.	<u>South Main Street BID Boundary and Map</u>
7.	<u>What to Expect in the South Main Street High Point Business Improvement District</u>
7.	<u>Lifecycle and Future Changes to the Business Improvement District</u>
7.	<u>South Main Street BID Funding – No Tax Increase</u>
8.	<u>Attachment A: Applicable Portion North Carolina General Statutes Pertaining to Municipal Service Districts, Chapter 160, Article 23 (160A-535 to 160A-544)</u>
14.	<u>Attachment B: Properties Included in the South Main Street Business Improvement District</u>
16.	<u>Attachment C: The Legal Framework for Business Improvement Districts in North Carolina organized in a FAQ (Frequently Asked Questions) format</u>

Introduction

This publication has been prepared for public inspection by the City of High Point for the establishment of a Municipal Service District on South Main Street High Point. This report is to be made available for public inspection according to the following excerpt outlined in "The Municipal Service District Act of 1973." In 1973 the North Carolina General Assembly approved "Article 23. Municipal Service G.S. 160A-535.". See Attachment A.

Report Requirements

160A-537(b) Report – Before the public hearing required by subsection (c), the City Council shall cause to be prepared a report containing:

- A map of the proposed district, showing its proposed boundaries;
- A statement showing the proposed district meets the standards set out in subsection (a):
 - [(a) Standards – The City Council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.]; and
- A plan for providing in the district one or more of the services listed in G.S. 160A-536

The report shall be available in the office of the City Clerk for at least four weeks before the date of the public hearing.

A Municipal Service District (MSD), commonly referred to as a Business Improvement District (BID), is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services. The first BID was established in the French Quarter of New Orleans in the early 1970s. Now, there are more than 1,200 MSDs in North America according to the International Downtown Association. In each case, the services and activities of the BID have been tailored to meet the specific needs identified by the business community that funds them. The City of High Point seeks to establish a South Main Street BID to encourage the improvement of private property and private investment on South Main Street High Point. There will not be an incremental tax associated with the South Main Street BID.

Schedule

Wednesday May 6, 2015: Consideration by the Prosperity and Livability Committee with recommendation to City Council.

Monday May 18, 2015: Council calls for a required public hearing on the establishment of the BID to be held at its Thursday June 18, 2015 Council meeting.

Tuesday May 19, 2015: Staff mails notification to all property owners in the potential BID. Included in the mailing will be a reference to where to find this report which includes the background, purpose, and schedule. By state law, this mailing must occur at least four weeks prior to the required public hearing on the establishment of the BID.

Thursday June 18, 2015: Public Hearing and Council vote on BID at City Council meeting with an effective date of July 1, 2015 if approved.

Public Hearing Scheduled for City Council Meeting Thursday June 18, 2012

The public hearing on the establishment of the South Main Street High Point BID will be held during the City Council meeting on Thursday June 18, 2015 which begins at 9:00 am in the Council Chambers, 211 South Hamilton Street, High Point, North Carolina. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the South Main Street High Point Business Improvement District. The resolution to establish the South Main Street Business Improvement District will be voted on by the High Point City Council at the City Council meeting on Thursday June 18, 2015. The BID will become effective July 1, 2015. There will not be a service district tax associated with the approval of the BID.

Questions

All questions about the South Main Street High Point Business Improvement District should be directed to The Core City Administrator for High Point, Wendy Fuscoe, via email through wendy.fuscoe@highpointnc.gov or by phone at (336) 883-8547.

History of Business Improvement Districts

Communities undertake the establishment of BIDs for a variety of reasons, and indeed one of the strengths of the concept is the ability to tailor the services offered by the BID to the specific needs of a certain community or business district.

Because the service needs of traditional commercial districts are often greater than those generally provided throughout a given municipality, BIDs have proven to be effective tools for enhancing and revitalizing the district and increasing their economic viability. BIDs create a mechanism through which enhanced programs and services are targeted to a geographically defined district's specific needs.

The South Main Street High Point proposed BID qualifies and meets the required statutory criteria for forming a Business District as the area can be considered an urban area revitalization project because it is located within the City of High Point and meets the following conditions: (1) consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses; and (2) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way."

South Main Street High Point Revitalization Plan History

The City of High Point adopted the Core City Plan in February 2007. The purpose in creating the plan was to provide a clear blueprint for improving the physical, economic and social facets of High Point's central core area. Because much of High Point's traditional downtown now serves as a Showroom District, the Core City Plan envisioned the creation of eight (8) mixed use centers, one of which is the South Main Street District.

In 2008, the City of High Point adopted the Main Street Zoning District to encourage a more walkable and urban style of development along a portion of the South Main Street corridor. In 2011, the Southwest Renewal Group organized to encourage economic growth in the southwest quadrant

of the city. In 2013, a two-day design workshop was held to focus on development opportunities on a key parcel located on South Main Street.

The Core City Plan established several objectives for the mixed use centers (South Main Street being one of the centers):

- These centers can include retail, services, offices, housing, institutions and other uses depending on the particular center and market potential.
- They are geographically dispersed so as to serve as many people as possible, while being located around key intersections for good access and economic viability.
- The objective of these centers is to provide access to vital goods and services to the adjacent neighborhoods, especially for people who either cannot drive or choose not to drive.

The City of High Point wants to make the South Main Street District aesthetically and economically appealing to citizens and potential business owners.

Additional information and related details about Core City Plan can be found on the City of High Point website at: http://www.highpointnc.gov/plan/core_city_plan.cfm.

Information on the Southwest Renewal Foundation can be found at: <http://highpointsouthwest.org/southwest-renewal-vision>

The map below shows the boundaries of the South Main Street High Point BID. The spine of the BID is S. Main Street.

**South Main High Point
Business Improvement District**

0 0.05 0.1
Scale = Miles

© PlanningSecure\CoreCity\corecity
2015/City-Council/mxd/South-Main-St-District.mxd

What to Expect in the Business Improvement District

A Business Improvement District is allowed to have an incremental tax to fund those activities and services that provide an enhanced level of service above and beyond those properties not included in the BID. The City of High Point is not proposing that an incremental tax be associated with the South Main Street Business Improvement District. The BID is being used to help focus and encourage an increased level of property improvements and revitalization through the use of targeted incentives to encourage redevelopment activity.

To help encourage new property redevelopment and investment by the private sector, the City is proposing a Façade Grant Program to be implemented in the district that will encourage private property improvements.

The Façade Grant Program is designed for the following:

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.

Lifecycle and Future Changes to the Business Improvement District

“The Municipal Service District Act of 1973” authorizes City Councils in the State of North Carolina to create BIDs for urban area revitalization projects when services are to a greater extent than those provided for the entire city, as part of its annual budget process. If the High Point City Council supports the establishment of the South Main Street High Point BID, it will remain in effect until the High Point City Council decides to abolish the South Main Street BID. Council may add properties adjacent to the existing BID if 100% of the property owners to be added have signed a petition to do so. This consideration process would take place during the months leading up to the start of each fiscal year so that the changes could take effect on July 1 of the upcoming fiscal year.

South Main Street BID Funding – No Tax Increase

North Carolina General Statutes for a BID provide that the City Council, upon determining that an area warrants a service district, may tax the property within the district at a rate determined to generate enough revenue to support the additional services to be provided by the district. The High Point City Council is not implementing a separate or additional tax associated with the Business Improvement District. The tax rate inside the BID will remain the same as the tax rate in the rest of the City. One of the primary reasons of establishing the BID is to clearly define an area of specific redevelopment focus and attention that warrants additional City funding. Funding will be made available through the General Fund and other unrestricted funds.

**Article 23.
Municipal Service Districts.**

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
 - (1a) (For applicability see note) Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
 - (2a) Urban area revitalization projects.
 - (2b) Transit-oriented development projects.
- (3) Drainage projects.
 - (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - (3b) (For applicability see note) Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" include by way of illustration but not limitation improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street, and other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area.

In addition, a downtown revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience, include the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district shall not prejudice the city's authority to undertake urban renewal projects in the same area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) Contracts. – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof.

Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a servicedistrict upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council, except that if the governing body in the resolution states that general obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption, but no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25.)

§ 160A-538. Extension of service districts.

(a) Standards. – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) Annexation by Petition. – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real

property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) Report. – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed. The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) Hearing and Notice. – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) Effective Date. – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and
- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) Effective Date. – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) New District. – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) Extended District. – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) Consolidated District. – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

ATTACHMENT B

Property Addresses Included in the South Main Street High Point Business Improvement District

100 VAIL AVE
1000 S MAIN ST
1003 S MAIN ST
101 COLTRANE AVE
1014 S MAIN ST
1020 S MAIN ST
1021 S MAIN ST
1022 1032 S MAIN ST
1029 S MAIN ST
1033 S MAIN ST
1034 S MAIN ST
104 WEST MARKET CENTER
105 W WARD AVE
106 E GRIMES AVE
106 WEST MARKET CENTER
107 E WARD AVE
108 E GRIMES AVE
108 WEST MARKET CENTER
109 W WILLIS AVE
110 E GRIMES AVE
1100 S MAIN ST
1110 S MAIN ST
1111 S MAIN ST
112 WEST MARKET CENTER
1122 S MAIN ST
113 W WILLIS AVE
115 W WILLIS AVE
116 WEST MARKET CENTER
117 W WILLIS AVE
119 TAYLOR AVE
119 W WILLIS AVE
1200 S MAIN ST
1208 S MAIN ST
121 LAKE AVE
121 TAYLOR AVE
1222 S MAIN ST
1229 S MAIN ST
1232 S MAIN ST
1236 S MAIN ST
1246 S MAIN ST
1300 S MAIN ST
1301 S MAIN ST
1305 CLOVERDALE ST
1307 CLOVERDALE ST

1307 R1 CLOVERDALE ST
1309 CLOVERDALE ST
1310 S MAIN ST
1311 CLOVERDALE ST
1312 S MAIN ST
1316 S MAIN ST
1322 S MAIN ST
1325 S MAIN ST
1332 S MAIN ST
1419 S MAIN ST
1422 S MAIN ST
1436 S MAIN ST
1501 S MAIN ST
1506 NEAR S MAIN ST
1506 S MAIN ST
1514 S MAIN ST
1520 S MAIN ST
1524 S MAIN ST
1528 S MAIN ST
1529 S MAIN ST
201 NEAR COLTRANE AVE
203 COLTRANE AVE
205-207 COLTRANE AVE
210 W WARD AVE
214 W WARD AVE
218 W WARD AVE
501 S HAMILTON ST
503 S MAIN ST
509 S MAIN ST
513 S HAMILTON ST
515 S HAMILTON ST
517 S HAMILTON ST
519 S HAMILTON ST
520 S HAMILTON ST
521 S HAMILTON ST
600 S MAIN ST
601 S ELM ST
601 S HAMILTON ST
603 S ELM ST
604 S HAMILTON ST
607 S ELM ST
608 S HAMILTON ST
609 S HAMILTON ST
609 S MAIN ST

611 S ELM ST
611 S HAMILTON ST
611 S MAIN ST
613 S ELM ST
613 S HAMILTON ST
617 S ELM ST
619-621 S ELM ST
623 S ELM ST
625 S ELM ST
629 S ELM ST
631 S ELM ST
633 637 S ELM ST
639 S ELM ST
641 S ELM ST
700 S MAIN ST
701 A S MAIN ST
701 S ELM ST
709 S HAMILTON ST
710-714 S HAMILTON ST
712 S MAIN ST
713 S HAMILTON ST
715 S HAMILTON ST
716 S HAMILTON ST
717 S HAMILTON ST
718 S HAMILTON ST
719 S HAMILTON ST
720 S HAMILTON ST
721 S HAMILTON ST
722 S HAMILTON ST
723 S MAIN ST
724 S HAMILTON ST
728 S HAMILTON ST
731 S HAMILTON ST
731 S MAIN ST
801 S ELM ST
801 S MAIN ST
802 S MAIN ST
803 S HAMILTON ST
810 S MAIN ST
811 S HAMILTON ST
813 S HAMILTON ST
813 S MAIN ST
817 S MAIN ST
819 S MAIN ST
821 825 S MAIN ST
827 S MAIN ST
833 A S MAIN ST
840 S MAIN ST
901 S MAIN ST
908 S MAIN ST

920 S MAIN ST
930 S MAIN ST
931-933 S MAIN ST
935 S MAIN ST

The Legal Framework for Business Improvement Districts (BIDs) in North Carolina

1. What is the legal authority for establishing a BID in North Carolina?

- In North Carolina the statutory authority for creating a BID is the Municipal Service District Act, G.S. 160A-535 through 160A-544. This Act permits a municipality to establish one or more municipal service districts and assesses a special tax in each of the districts to be used to fund services or projects in the district. Among the purposes for which municipal service districts may be formed is to fund *Downtown Revitalization*. **The City of High Point is not assessing a special tax in association with its South Main Street BID. The tax rate in the BID will be consistent with the tax rate in the rest of the City of High Point.**

2. What constitutes *downtown revitalization* (that is, what services may be provided in the BID)?

- G.S. 160A-536(b) lists a broad array of potential downtown revitalization projects.¹ And the list is not exclusive. As long as a project or activity benefits the downtown district or benefits the properties or residents in the downtown district, it likely may be funded with BID tax proceeds. Although technically a “service” district, municipalities may use BID tax proceeds to fund capital projects, operating expenses, and other activities in the BID.

¹ G.S. 160A-536(b) states:

Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

3. How can the South Main Street District qualify as downtown revitalization?

- a. Under G.S.160A-536 (a) (2) (2a) urban area revitalization projects are listed as a subdivision of Downtown Revitalization projects. G.S. 160A-536(c) defines urban area revitalization as an area that (i) is located within a city and (ii) meets one or more of the following conditions:
- i. It is the central business district of the city.
 - ii. It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
 - iii. It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
 - iv. It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

The South Main Street District meets conditions (ii) and (iii).

4. How are BID boundaries drawn?

- The municipal service district legislation implements N.C. Const. art. V, § 2(4), which allows a municipality to define special service areas in order to assess additional property taxes to fund services, projects or activities within the areas that are additional to the services provided throughout the unit.
- A municipality's governing board has broad discretion to draw BID boundaries within its downtown area. The governing board simply must find that the services, projects, or activities are provided to a greater extent than those financed, provided or maintained for the entire city.
- Districts should include only properties that will benefit from the additional services provided in the district.

5. What is the legal process for establishing a BID?

- The following flowchart depicts the procedural process for establishing a BID:

Step 1:

City council prepares a report which contains:

- a map of the proposed district;
- a statement showing that the services are needed in the district to a demonstrably greater extent than the rest of the city; and
- a plan for providing the proposed services in the district.

(included above in this report)

Step 2:

City council files a copy of the report with the city clerk at least four weeks before holding a public hearing **(May 18, 2015)**

City mails notice to each owner of property in the district at least four weeks before holding a public hearing **(May 19, 2015)**

Step 3:

City prepares and publishes a notice of the public hearing at least one week before the hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 4:

City council holds the public hearing.

(Public Hearing planned for Council meeting June 18, 2015)

Step 5:

City council may adopt a resolution defining and approving the BID.

(June 18, 2015)

Step 6:

- Generally, the district becomes effective at the beginning of the fiscal year commencing after the resolution establishing the district is adopted.

(Planned effective date of BID is July 1, 2015)

- The city council may make the district effective upon its adoption if it anticipates authorizing general obligation bonds for the project (but no *ad valorem* tax may be levied for a partial fiscal year).

6. How are BIDS financed?

- In North Carolina a municipal service district is a property tax district. The city may levy an *ad valorem* (property) tax within the district in addition to the citywide property tax, the proceeds of which finance additional services or projects provided to the district. **The City of High Point is not levying an additional tax rate within the BID.**
 - o The BID property tax (BID tax) is levied on the same tax base, within the district, on which the citywide property tax is levied. The property tax base includes real and personal property. The same exemptions apply to the BID property tax as apply to the citywide property tax.

7. May the city levy different BID tax rates within the BID?

- No. The BID tax rate must be uniform throughout the BID. If differential rates are desired for different parts of the downtown, different BIDs must be established. **(No incremental tax rate is being implemented with the City of High Point BID)**

8. May the city exempt certain property in the BID from the district property tax (for example, residential property)?

- No. Only the General Assembly may exempt or otherwise classify property subject to the property tax.
 - The same exemptions apply to the BID tax as apply to the citywide property tax. (Therefore property owned by governments and churches is exempt from the district tax, as is any other tax-exempt property.) Additionally, the personal property of any public service corporation is exempt from the BID tax.
- *Note: to the extent possible, the city should attempt to draw the district boundary to exclude residential property because the city may not exempt residential property from the BID tax. (See Question 3).*

9. Are there any limits on the BID property tax rate?

- The BID tax rate, combined with the property tax rate levied citywide, may not exceed \$1.50 per \$100 valuation, unless approved by a majority of the qualified voters residing in the district.

10. Once a BID is established and becomes effective, when must services be provided in the district?

- Once a BID becomes effective, the city must “provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year.”

11. May a city create a BID that does not take effect until a future fiscal year?

- Likely yes. G.S. 160A-537 states that “[t]he resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council” Thus, the governing board likely may specify in the resolution creating the BID that it will take effect in a future fiscal year. The BID must take effect at the beginning of a fiscal year, though.

12. Does the BID have borrowing authority?

- No. A BID is part of the municipality’s government. It does not have independent borrowing authority.
- A municipality has a variety of funding options to finance capital projects. A city may issue bonds, the proceeds of which are used solely to finance services within a BID.
 - o If the city proposes to issue General Obligation bonds to provide services solely within a BID (and the bonds are going to be retired with BID tax revenue), the bond issuance must be approved by the majority of citizens in the city and by a majority of the citizens within the existing or proposed BID.

13. May the city contract with a private organization or entity to manage the BID?

- Yes. A city may provide services within the BID itself, or it may contract with another governmental agency or a private agency to provide the services.

- o Contracts with other governmental or private agencies must specify the purposes for which the funds must be used and require an accounting for the expenditure of the funds.

14. If a city enters into a contract to provide services within a BID that expands more than one fiscal year, are future city councils bound by the contract?

- Yes, unless the contract provides otherwise. G.S. 159-13(b)(15) requires the city's governing board to appropriate each fiscal year an amount required to meet its obligations under continuing contracts unless the contract language reserves to the city the right to limit or not make such an appropriation.

15. May the city appoint a citizen advisory board for the BID?

- Yes, the city may appoint a citizen advisory board for the BID. The city may grant the advisory board specific powers, however, the city must maintain final authority over the use of the BIDs funds. The city council is not legally bound by an advisory board's recommendations.

16. Once it is established and becomes effective, may a BID be extended to include additional property?

- Yes. The city council may annex territory to an existing BID if the area to be annexed is contiguous to the district and it requires the services of the district. (At least one eighth of the area's aggregate external boundary must be coincident with the existing boundary of the BID.)
- The city council also may extend the boundaries of any BID if it receives a petition signed by 100 percent of the real property owners of the area to be annexed.

17. Once a BID is established and becomes effective, may property be removed from the district?

- Yes. The city council may adopt a resolution to redefine a BID by removing property that no longer needs the services provided in the BID.

18. Once a BID is established and becomes effective, may it be abolished?

- Yes. The city council may adopt a resolution abolishing a BID if it finds that it is no longer needed.
- *Note that if a BID is abolished, any unexpended BID tax proceeds must be expended for the purposes for which the BID was established. The BID tax proceeds may not be transferred to the general fund or expended for any other purpose.*

19. Can a BID be established outside a municipality's central downtown?

- Another purpose for which a municipal service district may be established is for "urban area revitalization." Urban area revitalization projects include any projects or services that may be provided in a downtown area as a downtown revitalization project.

An "urban area" is an area that (i) is located within a city and (ii) meets *one or more* of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any non-residentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

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J.V. MORGAN
(1918-1982)

OF COUNSEL:
JOHN HAWORTH
JOHN C. RIGGS

May 15, 2015

Herbert Shannon
Senior Planner/Zoning Coordinator
herb.shannon@highpointnc.gov

Re: Ferley Subdivison

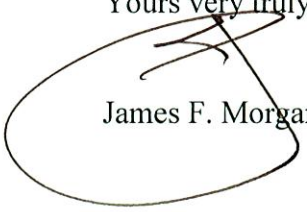
Dear Herb,

A continuance of the hearing for the above is requested for July 20th, 2015. Our client has been unable to meet with the Homeowners Association. We were able to meet with Chairman Tom Conley. Ron Davis will notify neighbors of the request for continuance and the new date.

Thanks for your cooperation in this matter.

With best personal regards, I remain

Yours very truly


James F. Morgan

JFM/ssw

**HIGH POINT CITY COUNCIL
REGULAR MEETING
May 4, 2015 – 5:30 P.M.
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

MINUTES

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Bencini called the meeting to order and asked for a moment of silence; the Pledge of Allegiance followed.

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

Mayor William S. Bencini, Jr., Mayor Pro Tem James C. Davis (Ward 5); and Council Members Cynthia Y. Davis (At-Large); Latimer Alexander (At-Large); Christopher Williams (Ward 2); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Jason Ewing (Ward 6).

Council Member Jeffrey Golden (Ward 1) was absent.

PRESENTATIONS AND/OR AWARDS

150124 Proclamation - Public Works Week

Keith Pugh, Director of Engineering Services will be present to receive a proclamation proclaiming the week of May 17-23, 2015 as Public Works Week.

Mayor Bencini read a proclamation proclaiming the week of May 17-23, 2015 as Public Works Week and presented it to Keith Pugh, Director of Engineering Services.

150125 High Point Realtors Association - Update

Mr. Cam Criddlebaugh will be in attendance to update the City Council on the High Point Realtors Association.

This presentation will be made at a later date.

PUBLIC COMMENT PERIOD

Note: The transcript from the Public Comment Period will be attached in Legistar as a permanent part of these proceedings.

*The following persons addressed Council during the Public Comment period in **SUPPORT** of the proposed Library Parking Lot Improvement Project:*

- Aaron Clinard (submitted Resolutions of Support for the Library Plaza Plan from sixteen (16) organizations: 1) Guilford Merchants Association; 2) High Point Arts Council; 3) High Point Chamber of Commerce; 4) High Point Community Foundation; 5) High Point Convention & Visitors Bureau; 6) High Point Market Authority Executive Committee; 7) High Point Partners; 8) High Point Regional-

UNC Healthcare; 9) Ministers Conference of High Point & Vicinity; 10) Southwest Renewal Foundation; 11) St. Mary's episcopal Church; 12) The City Project; 13) Uptowne High Point Association; 14) Washington Street Business Association; 15) Washington Street Neighborhood Association; 16) First Presbyterian Church)

- Brian Gavigan
- Eric Abeles
- Will Davis
- Steve Ilderton
- Angela Bailey
- Betty McNeill
- Helen Evans
- Gloria Halstead
- Rev. Frank Thomas
- Matt Thiel
- Dawn Hudgins
- Ron Barker
- Mark Harris
- Brett Moore
- Mary McInerney
- David Couch
- Ray Soltis

*The following persons addressed Council during the Public Comment period in **OPPOSITION** to the proposed Library Parking Lot Improvement Project:*

- Chuck Bino
- Bill Benfield
- Warren Coltrane

Also speaking during the Public Comment Period were:

William F. Pope, who addressed Council regarding the Change Project "Photos with Police for Peace."

Exhibit Book, Volume XI, Page 30

Charity Jackson, who publicly announced her resignation on the Theatre Advisory Board and addressed Council regarding concerns about the Washington Street Improvement project that is on-going. She requested the city schedule a neighborhood meeting to provide an update to the Washington Street residents and business owners.

PUBLIC HEARINGS

150150

Public Hearing - Vault Enclosures Expansion Project

Monday, May 4, 2015 is the date and time established to receive public comments on a request to approve a local match in an amount not to exceed \$10,000.00 for a State of North Carolina Building Reuse Grant for Vault Enclosures for property located at 1515/1603 W. Green Drive.

The public hearing for this matter was held on Monday, May 4, 2015 at 5:30 p.m.

Loren Hill, President of the High Point Economic Development Corporation, explained this matter originally came before City Council on January 6th for a site located on Old Thomasville Road in the Randolph County part of High Point. The City Council unanimously approved a local match for the company to pursue a Building Reuse Grant from the State of North Carolina; several weeks later the State awarded the grant. However, the company was not able to come to terms with the owner of the building. As a result, the State grant was closed out and none of the money that City Council authorized in January as a local match will be paid out. Vault Enclosures then started searching for other buildings in other locations and has now zeroed in on a building and adjacent land at 1515 and 1603 W. Green Drive in the Guilford County part of High Point. As a result, a new application to the State must be made, thus the purpose of this public hearing.

Mr. Hill reported that in addition to creating 40 full-time jobs in south High Point, the company proposes to invest more than \$1,000,000 to purchase, renovate and equip the facility. He noted that Randolph County was the body applying for the previous Building Reuse Grant; this time High Point will be the applicant. If the \$200,000 State Grant is approved, the company would buy and move to W. Green Drive. The State Grant requires a 5% local match, which would be no more than \$10,000 from the City of High Point. Staff recommends that Council authorize up to \$10,000 for that purpose. Mr. Hill acknowledged Mr. Cagle's presence in the case of any questions.

Council Member C. Davis felt this was a good investment at \$250 per position.

At this time, Mayor Bencini opened the public hearing and asked if there was anyone present who would like to speak regarding this request. There being no comments, the public hearing was closed.

Approved a local match in an amount not to exceed \$10,000 for a State of North Carolina Building Reuse Grant for Vault Enclosures for property located at 1515/1603 W. Green Drive.

A motion was made by Council Member Alexander, seconded by Council Member Ewing, to approve a local match in an amount not to exceed \$10,000.00 for a State of North Carolina Building Reuse Grant for Vault Enclosures for property located at 1515/1603 W. Green Drive. The motion PASSED by an 8-0 unanimous vote.

FINANCE COMMITTEE - Mayor Pro Tem Davis, Chair
Committee Members: C. Davis, Hill and Williams
(all were present)

CONSENT AGENDA ITEMS (One Vote)

150126 Contract - Resurfacing of City Streets

Consideration of award of contract to Blythe Construction, Inc. for resurfacing of city streets in the amount of \$675,481.65.

Approved contract with Blythe Construction, Inc. in the amount of \$675,481.65 for resurfacing of city streets.

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

150127 Contract Extension - Rehrig Pacific Company - Garbage & Yard Waste Carts

Council is requested to approve an extension to the Rehrig Pacific Company contract for the purchase of garbage and yard waste carts in the amount of \$280,500.00.

Approved an extension to the Rehrig Pacific Company contract for the purchase of garbage and yard waste carts in the amount of \$280,500.00.

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

150128 Budget Ordinance Amendment- High Point Train Depot

Consideration of adoption of ordinance amending the 2014-2015 Budget Ordinance in the amount of \$400,000 for renovations to the High Point Train Depot.

Adopted ordinance amending the 2014-2015 Budget Ordinance in the amount of \$400,000 for renovations to the High Point Train Depot.

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

**Ordinance No. 7137/15-20
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 20**

150129 NCDOT - Supplemental Agreement - High Point Train Depot Improvements

Council is requested to approve a supplemental agreement with the North Carolina Department of Transportation (NCDOT) for High Point Train Depot Improvements.

Approved a supplemental agreement with the North Carolina Department of Transportation (NCDOT) for High Point Train Depot improvements.

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

150130 NCDOT - Traffic Signal System Supplemental Agreement

Council is requested to approve a supplemental agreement with the North Carolina Department of Transportation (NCDOT) to include provisions for a back-up power supply for the traffic signal system enhancements.

Approved a supplemental agreement with the North Carolina Department of Transportation (NCDOT) to include provisions for a back-up power supply for the traffic signal system enhancements.

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

150131 Revised Fee and Charges Schedule - Parks and Recreation Department

Council is requested to approve a revised Fees and Charges to the Parks & Recreation Fee Schedule to allow for new services at the City's parks facilities.

Approved the Revised Fee and Charges Schedule for the Parks and Recreation Department to allow for new services at the City's parks facilities.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Davis, that this revised Fees and Charges to the Parks & Recreation Fee Schedule be approved. The motion PASSED by an 8-0 unanimous vote.

150158 Resolution - Interlocal Agreement - Piedmont Triad Mobility Management Call-Center

Council is requested to adopt a Resolution approving an interlocal agreement between the City of High Point and the Piedmont Authority for Regional Transportation (PART) to establish the Piedmont Triad Mobility

Adopted a Resolution approving an interlocal agreement between the City of High Point and the Piedmont Authority for Regional Transportation (PART) to establish the Piedmont Triad Mobility Management Call Center.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member Davis, to adopt the Resolution approving an interlocal agreement between the City of High Point and the Piedmont Authority for Regional Transportation (PART) to establish the Piedmont Triad Mobility Management Call Center. The motion PASSED by an 8-0 unanimous vote.

**Resolution No. 1449/15-20
Introduced 5/4/2015; Adopted 5/4/2015
Resolution Book, XIX, Page 20**

REGULAR AGENDA ITEMS**COMMUNITY HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE - Council Member Golden, Chair****150114 2015-16 Annual Action Plan & 2015-2019 Consolidated Plan**

A public hearing was held Monday, April 13, 2015 at 5:30 p.m. to receive public comments on the 2015-2016 Annual Action Plan and the 2015-2019 Consolidated Plan and authorize the City Manager to execute necessary documents for submission to HUD. The documents have been open for public comment and Council is requested to authorize submittal to HUD.

Council Member Alexander chaired this portion of the meeting in the absence of Chairman Golden.

Mike McNair, Director of Community Development & Housing, explained Council held a public hearing to receive comments from the public on April 13, 2015 and staff is now prepared to finalize the Plan and submit it to HUD for approval with Council's concurrence.

Interim Chairman Alexander opened the public hearing and asked if there was anyone present to speak. There being no one present to comment, the public hearing was closed.

Approved the 2015-2016 Annual Action Plan and the 2015-2019 Consolidated Plan and authorized the City Manager to execute all necessary documents for submission to HUD.

A motion was made by Mayor Pro Tem Davis, seconded by Council Member C. Davis, to approve the 2015-2016 Annual Action Plan and the 2015-2019 Consolidated Plan and to authorize the City Manager to execute necessary documents for submission to HUD. The motion PASSED by an 8-0 unanimous vote.

150135 Ordinance to Demolish - 115 5-A and 115-5B Chestnut Drive

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 115 5A and 115 5B Chestnut Drive (duplex unit) belonging to Dwayne Newby.

There was no one present to speak regarding this demolition.

Adopted Ordinance requiring the inspector to demolish the structure located at 115 5A and 115 5B Chestnut Drive (duplex unit).

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

**Ordinance No. 7138/15-21
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 21**

150136 Ordinance to Demolish - 224 Underhill Street

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 224 Underhill Street belonging to Keith Anthwayne Mason Lipscomb.

Interim Chairman Alexander recognized Mary Chavis, who was present to speak regarding this housing case.

Mary Chavis, who resides at 506 Denny Street, explained she just recently learned that the property located at 224 Underhill Street belonged to her aunt who died in a fire. She stated this is the first time that she was even aware that her aunt was actually the owner of the property and she has not had any time to check into it. Ms. Chavis informed Council that she is in no position financially to rebuild it, but would like to know what is expected of her.

Katherine Bossi, Local Codes Enforcement Supervisor, explained that she understood that after the fire in 2011, Keith Lipscomb was working with the rest of the heirs, but couldn't come to an agreement and all heirs signed the property over to him, and the recorded deed identifies him as the owner.

Interim Chairman Alexander explained that if Council chooses to move forward with demolition of the structure, Mr. Lipscomb would be billed as the property owner and not the other heirs. He further explained that the issue as to the heirs and who actually owns the property was a family matter and Council's consideration tonight was whether or not to adopt the ordinance for demolition. Council Member C. Davis applauded Ms. Chavis for taking the time to come to the meeting tonight and inquire about what her responsibilities might be regarding the property.

Adopted Ordinance requiring the inspector to demolish the structure located at 224 Underhill Street.

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

**Ordinance No. 7139/15-22
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 22**

150137 Ordinance to Demolish - 300 Woodbury Street

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 300 Woodbury Street belonging to Phillip Hawkins.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 300 Woodbury Street.

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

Ordinance No. 7140/15-23
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 23

150138 Ordinance to Demolish - 301 Kennedy Avenue

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 301 Kennedy Avenue belonging to Gwendolyn M. McDaniel.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 301 Kennedy Avenue.

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

Ordinance No. 7141/15-24
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 24

150139 Ordinance to Demolish - 509 Underhill Street

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 509 Underhill Street belonging to Ragsdale Brothers, LLC.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 509 Underhill Street.

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

Ordinance No. 7142/15-25
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 25

150140 Ordinance to Demolish - 604 S. Elm Street

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 604 S. Elm Street belonging to Hossein B. and Violeta G. Rad.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 604 S. Elm Street.

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

**Ordinance No. 7143/15-26
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 26**

150141 Ordinance to Demolish - 618 Caudell Place

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 618 Caudell Place belonging to Shelia M. Mitchell.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 618 Caudell Place.

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

**Ordinance No. 7144/15-27
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 27**

150142 Ordinance to Demolish - 625 S. Elm Street

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 625 S. Elm Street belonging to Shabbir Hussian and Nayyar Afshan Shah.

There was no one present to speak regarding this housing case.

Adopted Ordinance requiring the inspector to demolish the structure at 625 S. Elm Street.

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

**Ordinance No. 7145/15-28
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 28**

150143 Ordinance to Demolish - 825 Willow Place

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 825 Willow Place belonging to Frank Payne and Sherry Payne.

There was no one present to speak regarding this housing case.

Adopted Ordinance requiring the inspector to demolish the structure located at 825 Willow Place.

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

Ordinance No. 7146/15-29
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 29

150144 Ordinance to Demolish - 1222 Redding Drive

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 1222 Redding Drive belonging to Jean Wallace.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 1222 Redding Drive.

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

Ordinance No. 7147/15-30
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 30

150145 Ordinance to Demolish - 1608 Brockett Avenue

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 1608 Brockett Avenue belonging to Fernando Rangel Hernandez.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 1608 Brockett Avenue.

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

Ordinance No. 7148/15-31
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 31

150146 Ordinance to Demolish - 1808 Franklin Avenue

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 1808 Franklin Avenue belonging to Joseph G. and Bonita Brooks.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 1808 Franklin Avenue.

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

Ordinance No. 7149/15-32
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 32

150147 Ordinance to Demolish - 2611 Carsten Avenue

Council is requested to adopt an ordinance requiring the inspector to demolish the structure located at 2611 Carsten Avenue belonging to Lloyd and Brenda Tucker.

There was no one present to speak regarding this demolition case.

Adopted Ordinance requiring the inspector to demolish the structure located at 2611 Carsten Avenue.

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

Ordinance No. 7150/15-33
Introduced 5/4/2015; Adopted 5/4/2015
Ordinance Book, XIX, Page 33

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair

150148 Library Parking Lot Improvement Project

At the Prosperity and Livability Committee meeting held Wednesday, April 15, 2015, the committee recommended the approval of Concept 1 of the proposed Library Parking Lot Improvement Project.

*Transcript: May 4, 2015*_____

Chairman Ewing: Thank you Mr. Mayor. At the last Prosperity & Livability Committee meeting, we met to discuss the proposed Library Plaza projects. There were a number and the committee did push one through, which is on your agenda. I believe Ms. Sizemore has some information to report to us pertaining to the Library agenda item.

Mary Sizemore: Good evening. I'm Mary Sizemore, the Library Director and as you might imagine, we at the Library have followed with great interest, the public discussions about a possible redesign of our parking lot. The staff has been considering how altered space could be used to expand and improve our current Library services to the public-especially in the area of programming. All along, we at the Library, have viewed this whole project in terms of how it relates to our mission-the Library's mission, which is: "Nurturing the joy of reading. Sharing the power of knowledge. Strengthening the sense of community and enhancing cultural and economic vitality." And we've also considered how it might impact the goals in our long range strategic plan that the Library Board adopted back in 2013. Public libraries constantly evolve to fit the needs of their communities. Programs, materials

and services that support life-long learning for all ages is now a very significant part of what we provide and it's what our customers have come to expect. So far, this fiscal year, over 900 more people have attended library programs than this time last year. Related to this is a growing emphasis all across the country on the public libraries serving as the center of their community. I think we already fill that role in a number of ways. Library staff, Friends of the Library, as well as the Library Board and Library Foundation Board members are excited about the potential for enhanced library service provided by a more attractive parking lot with flexible programming space. So now I'm going to introduce the Chairman of the Library Board of Trustees, Mrs. Yvonne Bostick Short, who will share with you just a few ideas about how the Library envisions using a proposed outdoor area. All these ideas are consistent with our mission and the goals that are in our strategic plan. Yvonne....

Yvonne Short: Thank you. My name is Yvonne Short. I chair the Library of High Point, North Carolina. The Library Board of Trustees supports a redesign of the library parking lot to make it more attractive and inviting and to provide outdoor space that would allow expanded programming for all ages. Before I share our vision of how the revised space could be used, I would like to ask any members of the Friends of the Library, the Library Board of Trustees, the High Point Library Foundation Board, and any other Library supporter to stand. Thank you very much.

The High Point Public Library has an outstanding children's division offering services that support all stages of child development, early literacy, and the curriculum of local schools. Early Literacy and the curriculum of local schools. The possible uses of an outdoor space for children's activities or an enclosed space for an outdoor children's area would feature such as child's garden, sand and water, outdoor musical instruments, and an area for outdoor story times, craft and nature programs would allow children opportunities for discovery and interactive play. The pumpkin patch, for instance, is a festival that occurs each October, could be expanded into the outdoor space. Last year, over 750 children participated over the course of a 3-day festival and the story room cannot comfortably accommodate that many people. Safely moving some of the activities outdoors would make it more enjoyable for everyone. The literacy could, once again, have an end of summer reading carnival. After the library expansion, there was no longer sufficient outdoor space for the event, which was very popular. An average of over 1,500 children signed up for the Summer Reading Book Club each year and last year, over 8,500 children attended the Summer Reading Program. Due to the size of the Library's programming rooms, a number of our Summer Reading Programs have to be held at Oakview Recreation Center to accommodate the hundreds of children who attend. Many of these programs would work well outdoors, so we could move these programs back to the Library. Likewise, the tie-dye craft that we do every summer that attracts around 300 children could be done outdoors at the Library, rather than in the Park at the High Point Museum.

Stop me when you want mebecause I have several to read.

Mayor Bencini: *Just as long as you need.*

Yvonne Short: *The outdoor programming space would provide more opportunities to collaborate with nearby schools such as Johnson Street Elementary, especially with Science and Nature programs. We also would have room to accommodate daycare and pre-school*

groups who might want to participate in these kinds of programs. The Friends of the Library sponsor an annual International Dance Week in August and some of these performances could take place outdoors instead of the story room. The Library offers a wide range of programming opportunities for adults as well, that could be expanded with the new space.

There has been some discussion about the purchase of an inflatable movie screen that the High Point Theatre, High Point Museum, the Library, Parks & Rec could share. The outdoor space at the Library would be ideal for an evening family movie program during warm months. The Library's teaching garden programs offered in partnership with Guilford County Extension could be expanded and ideally move to a larger and safer location on the grounds. The Arts on the Lawn Program features multi-cultural dance, music and storytelling held last fall in the parking lot was successful and we plan to make it an annual event. However, there was really no completely safe and comfortable space for people to enjoy the programs because of the parking lot traffic. It features local musicians, who could move out of the lobby into the outdoor programming area in good weather. This would allow us to expand our range of musical offerings. The Uptowne Farmer's Market would benefit from a new configuration. This event was held in the Library parking lot for the first time last summer and its popularity steadily grew.

There is a lot of potential community engagement here. As we hope to collaborate with non-profits, artists, food vendors, and musicians, in addition to local to make the market a real destination. We have had a Black Expo in June for a number of years and it has increased in popularity to the extent that it has almost outgrown the lobby and the Morgan Room. Some of the vendors and activities could be located outside of the Library. The new design would make the space amenable to outside community events in partnership with other city departments. The Library works with staff from the MRF each year on Earth Day activities and an outdoor space would be ideal to do environmentally-oriented activities for children and adults. The Library is committed to creating a welcoming space inside the Library with a café, change in art exhibits, occasional music programs in the lobby, and numerous programs that appeal to a variety of interests. In addition, there is comfortable seating and public works space throughout the building. A beautiful functioning and flexible outdoor space will allow us to make the entire Library campus interesting, attractive, and welcoming and help to serve the community even better. Thank you. [applause]

Mayor Bencini: *Thank you so much. Thank you for what you do for the Library. [applause]*

Chairman Ewing: *I have a question of staff before a motion is entertained. In the agenda item under budget impact, it says funding for the project is available through 2012 Two-Thirds bonds which the amount on the agenda is just a little under \$2.5 million. In my recollection, we had passed budget amendments last fall, that left only \$1.4 million available for funding any additional projects.*

Budget and Performance Manager Eric Olmedo: *I'm sorry, I'm at a loss because I don't have that sheet that I had sent. I mean I have the agenda item, but I don't have the breakdown, how we broke down the \$5.7 million last year.*

Council Member C. Davis: *It was \$600,000 for South Main and \$3.7 for burying of power lines and then that left \$1.4.*

Eric Olmedo: *Correct. Thank you. So the \$3.7 million could be used for this project.*

Mayor Bencini: *It could be reallocated, in other words.*

Eric Olmedo: *Correct.*

Council Member C. Davis: *It would have to be rescinded by this Council first. It couldn't just be used. There would have to be a motion and that ordinance changed, correct?*

Mayor Bencini: *I don't think so.*

Eric Olmedo: *I wish I had.....*

Mayor Pro Tem J. Davis: *There was a budget ordinance that was adopted for that specific project...*

Council Member C. Davis: *For both projects.*

Mayor Pro Tem J. Davis: *And this past Council did that.*

Mayor Bencini: *Yeah, but none of those things were started. None of those projects were....*

Mayor Pro Tem J. Davis: *Yeah, but you'd have to rescind that. You'd have to have a vote by this Council.*

Mayor Bencini: *We're back to the original Two-Thirds bonds that have not been acted upon. I think that was passed in November of 2014?*

Eric Olmedo: *Correct.*

Mayor Bencini: *So nothing has gone forward on any of that.*

City Manager Greg Demko: *Mr. Mayor, I believe that what has happened is the Two-Thirds bonds that were issued and Council chose to allocate some of those bonds to several different projects. This project would be eligible....the money for those bonds would be eligible to be used for this project, but it probably would take additional Council action.*

Mayor Bencini: *So before it actually goes forward, if it were to pass, then it would have to go through that additional vote. Okay.*

Council Member Alexander: *Are you ready for a motion, Mr. Mayor?*

Mayor Bencini: *Sure.*

Council Member Alexander: I'd like to make a **MOTION TO APPROVE THE REDESIGN OF THE LIBRARY PARKING LOT USING THE MODEL 1-A.**

Mayor Bencini: *Is there a second?*

Council Member Hill: **SECOND.**

Mayor Bencini: *Any discussion?*

Chairman Ewing: *I would just like to make a few comments. One, with the budget piece....we allocated those dollars for projects that I believe do intend on moving forward with some infrastructure improvement and also some beautification along South Main Street and Main Street proper. I certainly don't oppose having a gathering space. I don't feel the Plan 1-A that is in our agenda is the appropriate one and I think it would....certainly some things that the Library stated could benefit from like a gathering space at the Library. For me, and a lot of the people that I've spoken to who are Library patrons, I would rather see a gathering space on the other end of the parking lot where it wouldn't affect the Library business day-to-day. There's two properties out there and there is a lot of passion in this room and I would love to see someone from the private sector go out and get some option contracts on those two properties and put together the money to get those two properties and then come back and we have \$1.4 million we can apply to a project at the Library that would put a gathering space at the end of the parking lot-not at the entrance to the Library, which has a ton of educational programs and reading programs and from what I've heard, it's really one of the best libraries in the State of North Carolina. So I'm not going to be supporting this Plan 1-A.*

Mayor Bencini: *Any other comments?*

Council Member Williams: *Mr. Mayor. Could we clarify....because what I'm seeing in the agenda is 1.*

Mayor Bencini: *Yeah, the motion that was made by Councilman Alexander was for 1-A, which is slightly watered down in the sense that it would not include those two additional properties.*

Mayor Pro Tem J. Davis: *It's still the same plans, but not buying the buildings.*

Council Member Williams: *And the amount?*

Mayor Bencini: *The lesser amount.*

Mayor Pro Tem J. Davis: *\$2.1 million.*

Council Member Williams: *1-A?*

Council Member Alexander: *1-A is \$2.1.*

Mayor Pro Tem J. Davis: Does that include the restriping for \$115,000 or is that additional?

Mayor Bencini: I'm not sure about that.

Mayor Pro Tem J. Davis: I think that's an additional cost, another \$115,000 that we are going to add to that.

Mayor Bencini: The point is, the 1-A was not including the purchase of those two properties. 1 was the full-blown plan. I will also say there had been some discussion with some of our representatives in Raleigh about asking for some additional funds that could make up the gap between Plan 1-A, which is under consideration at this point in the motion, and Plan #1.

Council Member C. Davis: Well that information would have been useful to this Council prior to this meeting instead of just.....

Mayor Bencini: I'm sorry....

Council Member C. Davis: ...blindsiding the Council.

Mayor Bencini: Ms. Davis, that information is speculation at this point because we don't know when Raleigh is going to finish their budget and we're hopeful that those funds will be available. We don't know that.

Council Member C. Davis: That's fine because even this total dollar amount is an estimate at best and without....

Mayor Bencini: Everything we do is an estimate, you're right.

Council Member C. Davis: May I speak?

Mayor Bencini: Of course you may.

Council Member C. Davis: Thank you very much. I have received a great number of telephone calls over the last three to four months and before I got on Council when this topic was being discussed in its conception, I was a community advocate who advocated on behalf of citizens throughout the city. A lot of people just can't afford any more. Even though there's \$1.4 million, there are a great number of other matters before this Council, such as....I'll use an analogy that I used when I ran my campaign because I believe common sense is common sense regardless of how you slice the cake.

You buy a house. You don't like the landscaping that the landscaper put in, so you upgrade that landscaping and you make an investment or you put a tennis court in the backyard because it didn't come with one. You wanted it, so you put it there. The City has provided a service that we do not have to provide, but we choose to provide because you want that service and it's called the Library. It's a house that we've provided with water, sewer, electric, pavement, roads to it, from it, you name it-it's there. I would rather see this

community that uses the Library do the same that the United Way does when they do a fund drive. The users of the Library could very easily host some galas, do some fundraising to come up with this big ticket item. For the users that do not go to the Library and have no desire to be there or even those users that do go that cannot afford any additional dollars. I've got an individual that is actually in one of the buildings that was being proposed and now we find out that it's not, that is in one of those buildings and runs his business out of there. He hasn't any inkling where he would go and he would be displaced basically. The water and sewer lines along Main Street...if any of you care to reflect back to the summer last year when the water and sewer pipes burst along Main Street. That is what these 2012 dollars should have been used for. While they weren't before this Council came on, before I came on or the allocations being divided the way that they area, I don't think it's good stewardship for this Council to pass something knowing that a magic wand could not possibly fix our water and sewer trouble along Main Street, which these dollars were allocated for. So I will not be supporting this because the vast number of people that I've spoken to have asked me not to support it and I will not be.

Mayor Pro Tem J. Davis: Mr. Mayor, I have two questions. The recommendation from the Prosperity & Livability Committee was for the other plan. So who made the decision, because it's not the recommendation of that committee and that's what we're supposed to be considering is their recommendation. So who made that decision to change that?

Mayor Bencini: It wasn't changed.

Mayor Pro Tem J. Davis: Well that was not the recommendation that was sent to us.

Mayor Bencini: I understand that, but nobody made a motion. Would you like to make a substitute motion?

Mayor Pro Tem J. Davis: No. The other question I have is I was on Council and I was one who voted in favor to spend \$3.75 million on Main Street. We had 19 water breaks and if I recall that water line was put in in 1929 and we agreed to bury the lines and fix the infrastructure at the same time. I've heard two assumptions tonight that that project hasn't been done, so we might reallocate that money and I'll go on record and say right now that I will not support that. I think that you will not have the votes on this Council to do that. And I will certainly fight to keep that money for that. The other thing is we assume that the State may have some money, but we're already facing a \$700-\$800,000 shortfall in the privilege taxes and you saw this week the Legislature did not give us the ability to collect any additional fees for those businesses.

So we've already got that hole that we have to dig out. Now we're talking about a \$700,000-\$800,000 additional cost. This project....the old Council said from the very beginning it should have been put on a referendum and let the voters decide. This is a big capital project. And people were in opposition to that because they didn't feel like the public supported it and I will tell you I will not be supporting this tonight because for every email that I have received in favor, I have received at least five in opposition. People understand that we have better needs. Jason, I thought he had a great idea. I think pushing parking away from the Library's entrance is a detriment to the elderly and the people that 27260 serve from the bus line. I will not be in favor.

Ross Lackey: *There's not a bus shelter there currently....*

Mayor Bencini: *[hitting the gavel] Ross, you're out of order please. Thank you.*

Council Member Alexander: *Call the question.*

Mayor Bencini: Call the question?

Council Member Wagner: I'd actually like to speak before we do that. I'll bring up several things. First of all, and I think Mr. Bencini and Mr. Alexander will both remember that the \$5.7 million was actually passed by the Council in 2012 and the original plan for that money was to bury power lines from Ray to State Street and that's what that Council decided to do with that money. And the previous Council that served from 2012-2014, changed that. We're now talking about South Main and the Library and we're talking about burying lines and we're talking about sewer, which was never really part of that original plan that the Council in 2012 even envisioned. So I think it's a little disingenuous to sit there and say that we shouldn't change what a prior Council's done when that's what the last Council did. That's the first thing.

Secondly, I think it's plainly obvious that what we have sitting in this room is widespread support from all aspects of our community, our business community, our philanthropy community, our non-profits, our people of all socio-economic levels, all ages, all groups, all wards, everybody, everywhere. And I understand that there are some people who don't support it, but you know what, there's never unanimous support for anything. And the fact is, I think we also need to remember that we wouldn't even be sitting here talking about this if the private sector had not stepped up to raise the money to even create the plan to begin with. Now we sit here and we talk about us partnering with the private sector and I hear that a lot. But the fact is we're talking about a city-owned asset, you know. If you want to carry that same idea, maybe we should have galas and fundraisers to replace the waterlines.
[laughter, applause]

The fact of the matter is this is a city-owned asset. We have decided to have a library. We have decided to have a museum. We have decided to have a theatre. Those are things that contribute to the quality of life in our city that, to be honest with you, most cities don't have. They don't have those things. Usually counties supply the library if you have one. Most counties have one central library. We didn't want that in High Point. We wanted our own library. So we have a library. Most cities don't have a museum. We wanted a museum, so we have a museum. And, you know, we wanted a theatre. Really if you think about it, there's not a whole lot of reason for a city to be in the theatre business, but because we treasure our quality of life here in high Point, We have those things. We have made the choice to have those things. Now, in this particular case, the private sector has already stepped up. They've already raised the money. They're sitting right there. Every group in this city that represents the private sector is here in support. We have the support of staff. We have the money. So other than having widespread support and having the support of our staff and having the money and having a room and city full of passionate people who want to see this happen, I don't really see what the drawback is. And, you know, it's time for us to make a decision and move ahead for what we're going to do to improve our city. The fact of

the matter is if you want to look at our property values in this city, they are stagnant at best for about the last ten years. And if you want to look also at the growth rate of our city, for the last generation and a half since about 1970, we are at least 20% slower than the rest of the state. And there's a reason for that. Okay? We have to make our city a more desirable place to live and quality of life is what it's all about. People choose to live in a place because they think they are going to be happy there. They like their surroundings and this is a quality of life enhancement that is going to be vital if we're ever going to reverse the stagnancy of our tax base and of our tax values in this city. We're not....right now, we have the luxury to do nothing, okay? We could. We could do nothing. But if we do nothing, my fear is that the day is going to come where we will not have the ability to do anything. This is the right project. It's in the right place. At the right time. It has widespread public support. High Pointers deserve nice things. [applause] We're tired of being told to drive to Greensboro to go to their downtown park. We're tired of being told to go to Winston and walk around to their restaurants. We're tired of those things. We want those things in our city. Now is the time, folks. We have got to start moving ahead and quit talking.

Council Member Alexander: Call the question.

Mayor Bencini: Call the question. All those in favor, say Aye.

Alexander, Bencini, Williams, Hill, and Wagner: Aye.

Mayor Bencini: Opposed?

C. Davis, J. Davis and Ewing: No.

Mayor Bencini: Will the noes raise your hands please? That vote carries 5-3. Thank you.
[Council Member Golden was absent] [applause]

[end of transcript]

APPROVED THE REDESIGN OF THE LIBRARY PARKING LOT USING THE MODEL 1-A.

A motion was made by Council Member Alexander, seconded by Council Member Hill, that to approve the redesign of the Library Parking Lot using Model 1-A. The motion carried by the following 5-3 vote:

Aye (5):	Council Member Hill, Council Member Williams, Council Member Wagner, Mayor Bencini, and Council Member Alexander
Nay (3):	Mayor Pro Tem Davis, Council Member Ewing, and Council Member Davis
Absent (1):	Council Member Golden

PLANNING & DEVELOPMENT COMMITTEE - Council Member Wagner, Chair**150149 Resolution of Intent - Annexation Case ANX15-04**

Approval of a Resolution of Intent that establishes a public hearing date of May 18, 2015 to consider a voluntary non-contiguous annexation of approximate 12.3-acres lying along the east side of Richard Byerly Road, approximately 950 feet south of W. Lexington Avenue. The property is addressed as a portion of 208 Richard Byerly Road and also known as Davidson County Tax Parcel 0102000000044.

Adopted a Resolution of Intent establishing a public hearing date of Monday, May 18, 2015 to consider a voluntary non-contiguous annexation of 12.3 acres lying along the east side of Richard Byerly Road, approximately 950 feet south of W. Lexington Avenue.

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

**Resolution No. 1450/15-21
Introduced 5/4/2015; Adopted 5/4/2015
Resolution Book, Volume XIX, Page 21**

GENERAL BUSINESS AGENDA**150132 Resolution - Interlocal Agreement with the Piedmont Triad Airport Authority**

Council is requested to adopt a resolution approving an interlocal agreement to allow for an extension of water and sewer service to property owned by the Piedmont Triad Airport Authority.

Sandy Dunbeck, Senior Vice President- High Point Economic Development Corporation, explained this is a request for the Advantage Truck Center Project. The Piedmont Triad Airport Authority acquired this property due to sound abatement issues and they determined that they can lease the site for economic development purposes. Advantage Truck Center will be leasing the property from PTIA. The proposed project involves a \$6.5 million to \$7 million investment and 40 jobs and the company is requesting access to the city's water/sewer services. Water runs along National Service Road and sewer runs along the western edge of the property. Ms. Dunbeck noted the company has requested the water/sewer service without pursuing annexation at this time, but they have agreed to request annexation should they purchase this property from PTIA. They will pay outside water and sewer rates.

Adopted Resolution approving an interlocal agreement to allow for an extension of water and sewer service to property owned by the Piedmont Triad Airport Authority.

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

**Resolution No. 1451/15-22
Introduced 5/4/2015; Adopted 5/4/2015
Resolution Book, Volume XIX, Page 22**

150133 Resolution - Signatory - City Properties

Council is requested to adopt a Resolution designating the manager as the authorized signatory for the purpose of executing license, lease and rental agreements for terms of one year or less of Mendenhall Transportation Terminal, High Point Museum, High Point Theatre, City Hall, Public Library and High Point Depot.

City Manager Greg Demko noted additional information on the fees charged at these facilities was requested when this matter was briefly discussed during the Finance Committee meeting held on Thursday, April 30th. He distributed rate schedules that outlined the current rental rates which included the Theatre, Mendenhall Transportation Terminal, Museum and Train Depot. This resolution authorizes the City Manager to sign contracts for a period of up to one year in accordance to the fee schedule, and requires any waivers of the fees to come back to the City Council. Mayor Pro Tem J. Davis asked if the Theatre Director does not have the ability to sign leasing contracts. City Attorney JoAnne Carlyle replied that he is not authorized to sign and the City Manager cannot sign without authorization from the City Council.

Mayor Pro Tem suggested to remove the High Point City Hall and the High Point Public Library from the list of facilities because there are currently no fees associated with these locations. It was noted at the time that Council does set fees for use of spaces at these facilities; Council could revise the resolution at that time.

Adopted Resolution designating the manager as the authorized signatory for the purpose of executing license, lease and rental agreements for terms of one year or less for the Mendenhall Transportation Terminal, High Point Museum, High Point Theatre and the High Point Depot.

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

150134 Proposed 2015-2016 City of High Point Annual Budget - Establish Public Hearing

Council is requested to establish the date of Monday, June 1, 2015 to receive public comments on the proposed 2015-2016 City of High Point Annual Budget and approve the budget review sessions for City Council.

Established the date of Monday, June 1, 2015 to receive public comments on the proposed 2015-2016 City of High Point Annual Budget and approved the budget review sessions for City Council.

A motion was made by Council Member Alexander, seconded by Council Member Williams, to establish the date of Monday, June 1, 2015 to receive public comments on the proposed 2015 - 2016 City of High Point Annual Budget and approved the budget review sessions for City Council. The motion PASSED by an 8-0 unanimous vote.

150151 Appointment - Library Board of Trustees

Council is requested to approve the appointment of Dorotea Evans to the Library Board of Trustees to replace Kay Andrews who is not eligible for reappointment. Appointment will be effective immediately and will expire October 31, 2017.

Approved the appointment of Dorotea Evans to the Library Board of Trustees. Term will be effective immediately and will expire on October 31, 2017.

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

150152 Reappointments - Economic Development Corporation

Council is requested to confirm the reappointments of Sharisse Fuller, Diana Parrish, Ashley Davis Williams and Curtis Wilson to the Economic Development Corporation (EDC) Board. Appointment will be effective July 1, 2015 - June 30, 2017.

Approved the reappointments of Sharisse Fuller, Diana Parrish, Ashley Davis Williams and Curtis Wilson to the Economic Development Corporation (EDC) Board. Appointments to be effective July 1, 2015 and will expire June 30, 2017.

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

150155 Appointment - Citizens Advisory Council - Hollingsworth

Council Member Alyce Hill, is requesting that Steve Hollingsworth be appointed to the Citizens Advisory Council (CAC) as the Ward 3 appointment replacing Jeff Sypole who has resigned. Appointment will be effective immediately and will expire May 31, 2016.

Approved the appointment of Steve Hollingsworth to the Citizens Advisory Council as the Ward 3 representative. Appointment to be effective immediately and will expire 5/31/2016.

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

150159 Appointment - Human Relations Commission - Jeff Benfield

Mayor Pro Tem Jim Davis is requesting that Council consider the appointment of Jeff Benfield to the Human Relations Commission to represent the Board of Realtors. Mr. Benfield will replace Bob Fowler whose appointment has expired. Appointment will be effective immediately and will expire May 1, 2018.

Since this matter did not originally appear on tonight's agenda, motion was made by Mayor Pro Tem J. Davis, seconded by Council Member Alexander to suspend the rules to place it on the agenda for consideration. The motion to suspend the rules carried by a unanimous 8-0 vote.

Approved the appointment of Jeff Benfield as the Board of Realtor's representative on the Human Relations Commission. Appointment effective immediately and will expire 5/1/2018.

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

150153 Change in City Council Meeting Dates

Council is requested to amend the Council meeting schedule as follows:

Cancel the meeting scheduled for Monday, July 6th (4th of July week);

Reschedule the Monday, September 7th meeting to Tuesday September 8th (Labor Day Holiday);

Cancel the Monday, October 19th meeting (Furniture Market).

Council Member C. Davis suggested moving the first meeting in July to a Tuesday, instead of canceling the first meeting altogether. She also questioned if Council Member Golden was aware of these changes in the meeting schedule. Council Member Ewing expressed concern about changing the meeting schedule six months in advance.

Approved the revised Council meeting schedule as follows:

- Cancel the meeting scheduled for Monday, July 6th (July 4th week)
- Reschedule the Monday, September 7th meeting to Tuesday September 8th (Labor Day holiday)
- Cancel the Monday, October 19th meeting (Furniture Market)

A motion was made by Council Member Wagner, seconded by Mayor Pro Tem Davis, that to approve the revised Council Meeting dates as outlined above. The motion PASSED by an 8-0 unanimous vote.

MISCELLANEOUS

Appointments to Boards/Commissions

Council Member Alexander noted that Council had discussed the need to repopulate committees where there are vacancies. Mayor Bencini mentioned a model that Guilford County used that was successful in making sure the appointments were made in a timely manner. He recommended the appointment of a couple of council members that would be responsible for making the contacts and doing the legwork to bring the appointments forward to Council. He asked council members to let him know if they are interested and asked Council Member C. Davis if she might be interested. She suggested to wait until Council Member Golden gets back. Council Member Alexander expressed an interest in getting involved in this manner.

150154 Approval of the Minutes of Previous Meetings of City Council

- High Point City Council Retreat; April 1, 2015 @ 8:00 a.m.
- Community Housing & Neighborhood Development Committee Meeting; April 7th @ 10:00 a.m.
- Finance Committee Meeting; Thursday, April 9th @ 4:00 p.m.
- Briefing Session (Public Services Department); Monday, April 13th @ 4:00 p.m.
- Regular City Council Meeting; Monday, April 13th @ 5:30 p.m.
- Prosperity & Livability Committee Meeting; Wednesday, April 15th @ 9:00 a.m.

The minutes of the preceding meetings were unanimously approved as submitted.

A motion was made by Council Member Alexander, seconded by Mayor Pro Tem Davis, to approve the preceding minutes as submitted. The motion PASSED by an 8-0 unanimous vote.

ADJOURNMENT

The meeting adjourned at 7:55 p.m. upon motion duly made and seconded.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

Citizens Information Meeting Report

Zoning Case RA-3

Fernley Court

Submitted by Ron Davis

Allegro Investment Properties, LLC

336-462-0705

Arpllc@aol.com

City of High Point Rezoning and Annexation Case RA-3
Allegro Investment Properties, LLC
12.3 Acres Fernley Court

Report
Citizen Information Meeting
Held 6-9-2015 at 6:30

The meeting was held at the home of Mary Sessoms, Secretary of Swan's Landing HOA and a resident of Swan's Landing located at 5024 Bennington Way, High Point, NC. There were 16 Swan's Landing property owners in attendance, as follows:

1. Shelly and Eric Atkinson	5033 Bennington Way
2. Pat and Tom Conley	5041 Bennington Way
3. Nneoma Aham-Iroetugo	5017 Bennington Way
4. Ahi Atkinson	5053 Bennington Way
5. Cobb Atkinson	5008 Bennington Way
6. Matt Jobe	5056 Bennington Way
7. Matt and Amanda Farabo	5075 Bennington Way
8. Chris and Amanda Reynolds	5021 Bennington Way
9. Anissa Roy	5013 Bennington Way
10. David and Tracy Richardson	5020 Bennington Way
11. David Haimes	5049 Bennington Way

A Copy of the Sign-in Sheet is attached as Attachment 1.

Also in attendance were Ron Davis, the developer, and James "Jim" F. Morgan, attorney for the developer.

Prior to the scheduled May 18, 2015 Town Council Meeting on or about April 25, 2015 Attorney James Morgan and Ron Davis met with Mr. Tom Conley, President of Swan's Landing HOA, at Mr. Morgan's office to discuss the project and offered to meet with the Swan's Landing HOA at their convenience. No meetings were scheduled or held and as a result Mr. Morgan and Ron Davis requested a continuance of the Town Council vote until July 20, 2015 to allow additional time to schedule a meeting with the Swan's Landing HOA. A letter notifying the residents of

Swan's Landing of the developer's intent to request a continuance was hand delivered on Saturday May 16, 2015 to all of the Swan's Landing residents homes.

A copy of the Continuance Letter is attached as Attachment 2.

After the May 18, 2015 City Council meeting Mr. Morgan and I were able to talk with the Swan's Landing HOA Board Members in the lobby of High Point Town Hall and all agreed to schedule a neighborhood meeting. Once we agreed to a workable date a letter of notification was sent out via Swan's Landing HOA's e-mail chain to all residents of Swan's Landing.

A copy of the Community Announcement Letter is attached as Attachment 3.

A 24x36 board mounted copy of the Preliminary Sketch Plan by Coe Surveying dated November 5, 2014 was used to present the development plan to The Residents.

Mr. Morgan opened the meeting with a restatement of the purpose of the meeting, thanked all for attending and encouraged the Swan's Landing residents to ask questions or raise concerns at this meeting. Having only 45 minutes allotted to the Developer's presentation and answer session Mr. Davis gave a quick over view of his proposed development plan.

A copy of the Sketch Plan is attached as Attachment 4.

Mr. Davis showed:

1. Areas on the site plan where stream buffers and common elements would be located and available to all residents. (Blue on the Plan, current buffers are Red)
2. Areas where anticipated storm water structures may be located. (Blue on the Plan)
3. Wooded areas of land he is removing from the development plan and making available for purchase by the residents living adjacent to that portion of the property. (Green on the Plan)
4. Areas where he wants to place landscaping berms for separation from the adjacent properties and for privacy. (Yellow on the Plan)
5. Areas where the newly required Common Mail Box Kiosk may be located.
6. Areas where the lots are being made deeper than normal to preserve trees and provide buffers between the adjacent properties. (Orange on the Plan)

Next were questions from the attendees. These were generally as follows:

1. *What is your development experience and background?* Mr. Davis stated that he has been involved in developing over 8 residential subdivisions including Waterford in Clemmons, NC, Arbor Run in Oakridge, NC, Stones Gate in Winston Salem, NC,

Armfield in Summerfield, NC, McNairy Pointe and Fleming Meadows in Greensboro, NC among others. He stated that he had been involved in a number of commercial development projects including the Circuit City to Gander Mountain conversion on Stratford Road in Winston Salem and more recently the Holden Road Pepsi Distribution Center conversion to self-storage in Greensboro. He stated that a more complete listing was available on LinkedIn. He stated that his residential construction experience was mainly in the high end of the market building homes from \$200,000.00 to \$10,000,000.00 and averaging in excess of \$1,000,000.00. He stated he was currently working on a \$4,000,000.00 historic remodeling project.

2. *How many acres are you developing?* Mr. Davis stated 12.3 acres as the proposed plan represents.
3. *Then why do the relators listing documents and City's Zoning Map Amendment show approximately 20 acres?* Mr. Davis stated that the parent property was once a larger tract but the owners had subdivided the property and sold most of the other parcels. The Zoning Map Amendment Area is larger to provide a more symmetrical area at the City's request. Other residents confirmed.
4. *Mr. Jobe asked, what do you need from us?* Mr. Davis stated that ideally he would like the development to be part of Swan's Landing and would pay a one-time fee to be used to make improvements to the entrance, the new section would pay dues into the HOA and turn over control to Swan's Landings HOA after the last home was sold in the new section. Everyone would now have common areas that they could use to walk their dog, relax, etc. Mr. Davis stated that he thought that it would be best to have only one entrance into the community but if the Swan's Landing residents were still opposed then he could either lower the lot count or put in the rear entrance as required by City code.
5. *Why will you not come under the control of our HOA?* Mr. Davis stated that some of the reasons for not turning control over to the Swan's Landing HOA at the beginning were:
 - a. It would not be advisable at the beginning because it would place him in a position to control the vote in their HOA as he would have 20 votes. This would not be fair to the Swan's Landing HOA.
 - b. Swan's Landing documents needed updating with provisions for capital assessments at initial closing, and requirements that all lot owners pay dues.

- c. The dues for the new section would be higher due to managed common elements and storm water structures, it would not be fair for the current residents to have pay for those and the current Swan's Landing documents did not address these situations.

Mr. Davis stated that all of these issues can be simply addressed in a 1 to 2 page amendment document, and is not an uncommon practice.

- 6. *Can we buy the lot located behind our new home on the corner of Bennington Way and Fernley court, we do not have but a couple of trees on our lot?* Mr. Davis stated that he would be glad to work with them to purchase the lot and gave them his contact information.
- 7. *How much are you selling the property for behind the houses located behind lots 5041 through 5053 Bennington Way for?* Mr. Davis stated he was willing to sell the land for less than the appraised value.
- 8. *How much is the appraised value?* Mr. Davis stated \$35,000 per acre.
- 9. *What type of homes are going to be built in the new development?* Mr. Davis stated that he has been working with the largest current builder in Swan's Landing, J. Douglas Homes, and that J Douglas wanted to build 4 sided brick homes starting around 2200 square feet designed for main level living. J Douglas would be targeting empty nesters, a growing market that would present less traffic within Swan's Landing and with interest similar to the residents of Swan's Landing.
- 10. *What price per square foot would the houses sell for?* Mr. Davis stated that, not being the builder, he could not say for sure but could not see how they would be less than \$135 per square foot given the proposed covenants.

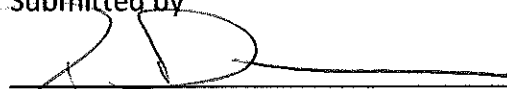
Mrs. Sessoms, Secretary of Swan's Landing HOA, announced that time was up.

Mr. Morgan thanked everyone for their attendance and constructive input.

Mr. Davis announced that he was available to discuss the project further with anyone as a group or privately and reminded everyone that they had his contact information on the handout that was hand delivered to their homes on May 16, 2015.

Mr. Morgan and Mr. Davis Left so that the residents could continue their meeting.

Submitted by

A handwritten signature in black ink, appearing to be 'RD', written over a horizontal line.

Ron Davis

Attachments

- 1. A Copy of The Sign-in Sheet**
- 2. A Copy of the Continuance Letter**
- 3. A Copy of The Community Announcement Sheet**
- 4. A Copy of the Sketch Plan Showing Preliminary Plans**

Attachment 1

June 9, 2015

I attended the Swans Landing Home Owners Association meeting with Allegro Investments on June 9, 2015.

<u>Name</u>	<u>Address</u>
-------------	----------------

- | | |
|------------------------------|---------------------|
| 1. Shelly & Eric Atkinson | 5033 Bennington Way |
| 2. PAT & TOM Conkey | 5041 Bennington Way |
| 3. Nneoma Akam-Iroetugo | 5017 Bennington Way |
| 4. Ahi Akbary | 5053 " " |
| 5. COBB ATKINSON | 5008 " " |
| 6. Matt Jobe | 5056 " " |
| 7. Matt & Amanda Johnson | 5025 " " |
| 8. Chris & Amanda Reynolds | 5021 " " |
| 9. Anissa Ray | 5013 Bennington Way |
| 10. David & Traci Richardson | 5020 Bennington Way |
| 11. DAVID HAIMES | 5049 BENNINGTON WAY |
| 12. | |
| 13. | |
| 14. | |
| 15. | |

Allegro Investment Properties. LLC

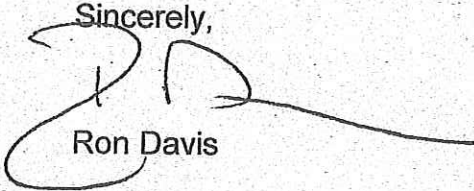
380H Knollwood Street, # 253
Winston-Salem, NC 27103

5-16-2015

Bennington Road Residents,

I have requested a continuance for the rezoning/Annexation of the Fernley Road land until July 20, 2015 in order to better address the concerns of the surrounding communities. I will be at the City Council meeting Monday May 18, 2015 making this request. Please pardon any inconvenience that this may present you. I am available at most times by phone at 1-828-414-8104 or by email at arp LLC@aol.com if you have any questions.

Sincerely,



Ron Davis

Please forward to the other Bennington Residents as I have only been able to lookup on line a few of their email addresses.

From: Ron Davis <arpllc@aol.com>
To: bbumgarner <bbumgarner@marshfurniture.com>
Bcc: mjobe <mjobe@wehwlaw.com>; garry.roy <garry.roy@outlook.com>
Date: Sun, May 17, 2015 1:19 pm

Bennington Road Residents,

I have requested a continuance for the rezoning/Annexation of the Fernley Road land until July 20, 2015 in order to better address the concerns of the surrounding communities. I will be at the City Council meeting Monday May 18, 2015 making this request, Please pardon any inconvenience that this may present you. I am available at most times by phone at 1-828-414-8104 or by email at arpllc@aol.com if you have any questions.

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Allegro Investment Properties. LLC

380H Knollwood Street, # 253
Winston-Salem, NC 27103

Please forward to the other Bennington Residents as I have only been able to lookup on line a few of their email addresses.

Attachment 3

May 27, 2015

Dear Homeowners,

You are invited to an informational meeting on Tuesday, June 9, 2015 at 6:30 pm at the home of Cory and Mary Sessoms, 5024 Bennington Way. Ron Davis of Allegro Investment Properties, LLC will present his development plans. Please RSVP by June 6th. You can email me at measessoms@gmail.com.

Meeting Agenda:

6:30 pm: Ron Davis's Presentation of Development Plans

7:00 pm: Questions and Concerns

7:15 pm: Homeowners Only Discussion (All Potential Investors Are Dismissed)

Sincerely,

Mary Sessoms, Secretary
Swans Landing Homeowners Association

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CONSTRUCTION STANDARDS CERTIFICATION
APPROVED (CHECKED)
DATE

PLANNING DEPARTMENT / TOWN OFFICE
SUBDIVISION PLANNING APPROVAL
This is to certify that the proposed subdivision is in accordance with the provisions of the North Carolina Subdivision Control Act, Chapter 206, and the rules and regulations of the Department of Transportation, Division of Highways, and the Planning Department of the Town of Ferenley, North Carolina.

1. I, David B. Cook, certify that this plat was prepared under my supervision, that I am a duly licensed Professional Engineer in the State of North Carolina, and that I am a resident of the State of North Carolina. I am not aware of any fraud or error in this plat, and I am not aware of any fraud or error in the information furnished to me by the applicant.

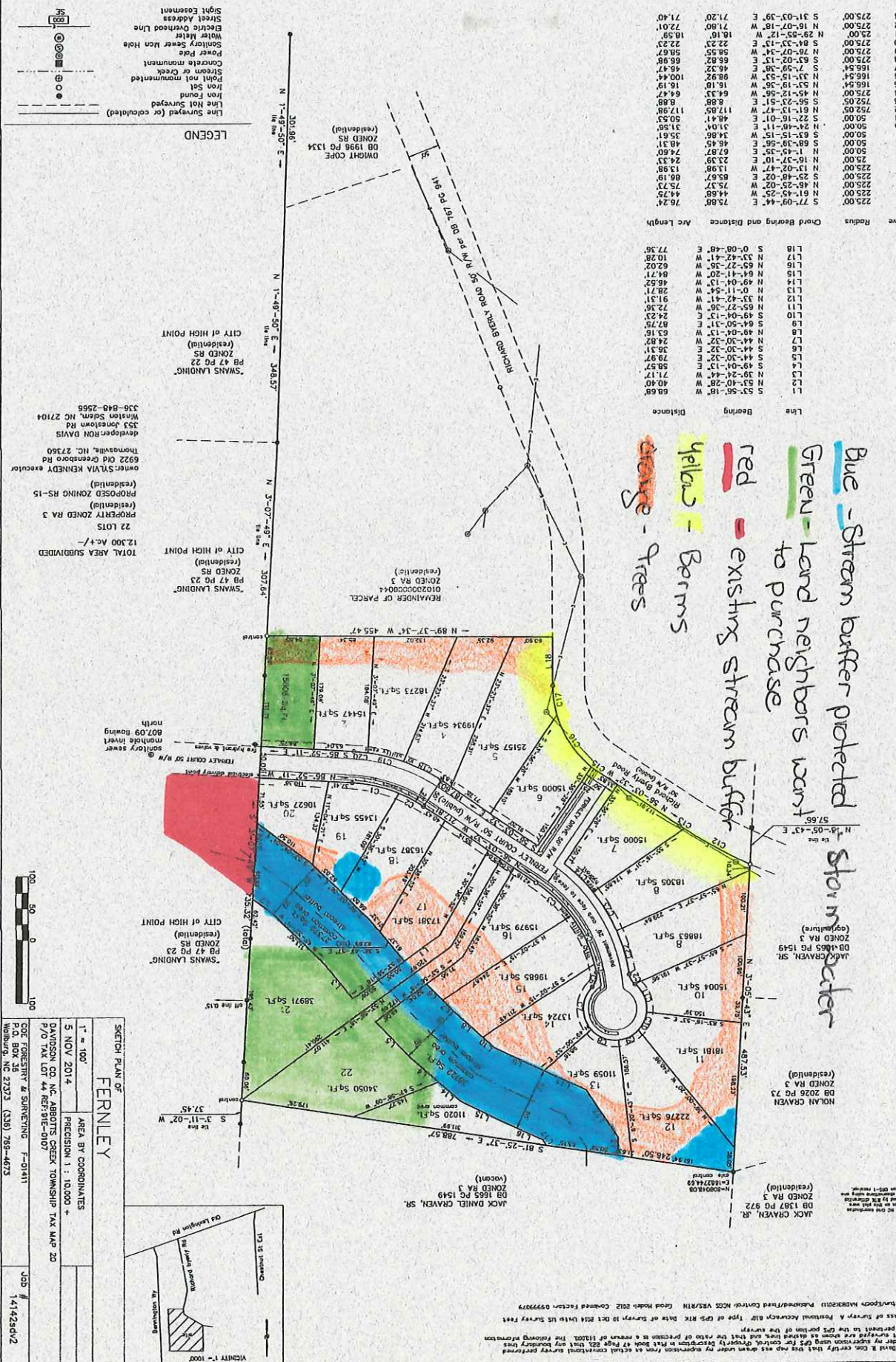


1. David B. Cook, P.E., certifies that he is the author of the information on this plat, and that he is a duly licensed Professional Engineer in the State of North Carolina. He is not aware of any fraud or error in this plat, and he is not aware of any fraud or error in the information furnished to him by the applicant.

FILED FOR REGISTRATION AT: 10:00 AM
DATE: 11/14/2014
BY: [Signature]
AT: Ferenley, NC

PRELIMINARY MAP
NO. 1549
SAL. 1549
TOWN OF FERENLEY, NC

NO. 1549
SAL. 1549
TOWN OF FERENLEY, NC



LEGEND
Line Surveyed (or calculated)
Line Not Surveyed
Iron Found
Stream or Creek
Concrete monument
Point not monumented
Power Pole
Water Meter
Electric Overhead Line
Sight Line

SWAN'S LANDING
ZONED RS
PG 47 PG 22
CITY OF HIGH POINT
12,300 AC +/-
TOTAL AREA SUBDIVIDED
PROPERTY ZONED RA 3
PROPOSED ZONING RS-15
(residential)
Developer: RON DAVIS
325 Wendenham Rd
Winston Salem, NC 27104
336-848-2565

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CITY OF HIGH POINT

AGENDA ITEM



Title: Sludge Thickening Polymer

From: Terry Houk – Public Services Director
Carol McDowell – Asst. Director Public Services

Meeting Date: May 18, 2015

Public Hearing: N/A

Advertising Date: May 24, 2012
Advertised By: Winston-Salem, NC

Attachments: A – FB1241 Bid Tabulation
B – City Bid Recommendation Form

PURPOSE:

Each year the Public Services Department Residuals Division budgets for the use of polymer in the centrifuge dewatering processes for the Eastside and Westside Wastewater Treatment Plants.

BACKGROUND:

The polymer is used to thicken the sludge at the plants to make the centrifuge more efficient at releasing the water from the solids.

The bid was issued by the City of Winston-Salem in May 2012. The City of High Point piggybacked on the bid. The original contract was awarded August 20, 2012 for one year with the option to renew for four additional one year periods in the future should prices remain the same from Polydyne. This will be the third renewal for the contract.

BUDGET IMPACT:

FY15-16 funds for this project will be in the following account upon budget adoption: **621751-526103**

RECOMMENDATION / ACTION REQUESTED:

City Council is requested to approve the contract renewal to SNF/Polydyne in the amount of \$300,000.00 for the purchase of this product.



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Public Services - Residuals Division**

COUNCIL AGENDA DATE: **May 18, 2015**

BID NO.: CONTRACT NO.: DATE OPENED:

DESCRIPTION:

The City is requesting authority to piggyback on the City of Winston-Salem Sludge Thickening Polymer Bid No. FB1241.

PURPOSE:

Polymer is used in the centrifuge dewatering operations at the Eastside and Westside Wastewater Treatment Plants.

COMMENTS:

The original award date by City of Winston-Salem was May 24, 2012. The contract pricing remains current and this is the third year of their five-year contract. Winston-Salem Bid: SNF/Polydyne \$0.96/lb (373,612 lbs /annual test); Hercules \$1.28/lb (422,740/annual test); Kemira \$1.27/lb (657,892 lbs/annual test).

RECOMMEND AWARD TO: **SNF / Polydyne** AMOUNT: **\$ 300,000**

JUSTIFICATION:

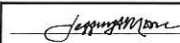
High Point's previous contract was at \$0.96/lb. By piggybacking on Winston-Salem's contract, the City's 2015-2016 price remains \$0.96/lb with the same terms as the previous City contract.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
621759	526103			\$300,000
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Terry L. Houk** Digitally signed by Terry L. Houk
DN: cn=Terry L. Houk, o=Public Services, ou=City of High Point, email=terry.houk@highpointnc.gov, c=US
Date: 2015.05.06 11:05:19 -0400 DATE: **May 6, 2015**

The Purchasing Division concurs with recommendation submitted by the **\$300,000** and recommends award to the lowest responsible, responsive bidder **SNF/Polydyne** in the amount of \$ **300,000.00**.

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: 2015.05.06 11:08:59 -0400 DATE: **May 6, 2015**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR:  Digitally signed by Jeffrey A. Moor
DN: cn=Jeffrey A. Moor, o=City of High Point, NC, ou=Financial Services Director, email=jeffrey.a.moor@highpointnc.gov, c=US
Date: 2015.05.08 10:55:45 -0400 DATE: **May 8, 2015**

CITY MANAGER: **Greg Demko** Digitally signed by Greg Demko
DN: cn=Greg Demko, o, ou, email=greg.demko@highpointnc.gov, c=US
Date: 2015.05.08 14:42:18 -0400 DATE: **May 18, 2015**

Project: Polymers for Utility Plants (Chemicals)

Bid opening: 4:00 PM, Thursday, May 24, 2012

BID TABULATION

Bid No. FB1241

CENTRIFUGE POLYMER	Unit Cost	Annual Usage Amount	Base Bid
Polydyne, Inc.	\$0.96/lb	373,612 lbs (per test)	\$358,667.52
Hercules, Inc. (Ashland Water Tech.)	\$1.28/lb	422,740 lbs (per test)	\$541,107.20
Kemira Water Solutions, Inc.	\$1.27/lb	657,892 lbs (per test)	\$835,522.84
POLYMER-GRAVITY THICKENER	Unit Cost	Annual Usage Amount	Base Bid
Polydyne, Inc.	\$1.05/lb	54,100 lbs	\$56,805.00

CITY OF HIGH POINT

AGENDA ITEM



Title: Land Use Plan Amendment Case 15-01; and
Zoning Case 15-07
(Allegro Investment Properties, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: At the May 18, 2015 public hearing,
these applications were continued to
the July 20, 2015 meeting date.

Public Hearing: Yes

Advertising Date: May 7 & 13, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

- 1) Land Use Plan Amendment Case 15-01: To change the Land Use Map classification for approximately 27 acres from Future Growth Area to Low Density Residential.
- 2) Zoning Case 15-07: To rezone approximately 12.3 acres from the Low Density Residential (RS) and Rural Agricultural-3 (RA-3) Districts, both within Davidson County's zoning jurisdiction, to the Residential Single Family-15 (RS-15) District.

Both requests pertain to property lying north of W. Lexington Avenue and east of Richard Byerly Road.

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-01. The Planning & Zoning Commission recommended **approval** of Land Use Plan Amendment Case 15-01 by a vote of 6-0.
- B. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-07. The Planning & Zoning Commission recommended **approval** of Zoning Case 15-07 by a vote of 6-0.
- C. Staff recommends **approval** of both Land Use Plan Amendment Case 15-01 and Zoning Case 15-07 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Allegro Investment Properties, LLC

Land Use Plan Amendment Case 15-01 and Zoning Case 15-07

At its April 28, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present except for Mr. John McKenzie and Mr. Ed Squires. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Herbert Shannon, Senior Planner, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report. In closing, Mr. Shannon noted to the Commission that there is also a voluntary annexation petition, and an appeal from the decision of the Technical Review Committee to uphold subdivision access requirements, associated with this property. The annexation and appeal are to be reviewed as separate stand-alone petitions to the City Council.

Speaking on behalf of both requests was the applicant's representative, Mr. Jim Morgan, 1810 Westchester Drive, High Point. Mr. Morgan provided a summary of his client's proposal to develop an approximate 22 lot single family subdivision on the property. He concluded by stating he is aware of access concerns from some of the neighbors and he and the developer are willing to talk to neighbors about their concerns.

Speaking in opposition was Ms. Elizabeth Bumgarner, 5032 Bennington Way, High Point. She stated that she is a resident of the abutting Swans Landing subdivision and expressed concern about access to the site, stormwater runoff and the amount of trees that would have to be cut down.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-01, as recommended by staff, by a vote of 6-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-07, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that approval would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the corresponding Land Use Plan Amendment case, the requested RS-15 District will be consistent with the Land Use Plan; 2) Subdivision and environmental regulations of the Development Ordinance, along with dimensional standards of the RS-15 District, address policy recommendations of the Northeast Davidson County Area Plan for the development of this site; and 3) The requested RS-15 District is the same zoning district established by former City Councils when the adjacent Swansgate and Swans Landing single family subdivision were annexed and granted City zoning approval. Allowance of the requested RS-15 District will produce development intensity compatible with the surrounding area.

Although not part of the formal review of the Land Use Plan Amendment and Zoning Case, the Commission noted for the record that it recommends that the City Council uphold the decision by the Technical Review Committee to require two access points to the site.

Presue

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

**STAFF REPORT
LAND USE PLAN AMENDMENT CASE 15-01, AND ZONING CASE 15-07
April 28, 2015**

Requests		
Applicant: Argo Investment Properties, LLC	Owner: Sylvia Kennedy, Executrix for the estate of Helen Ruth Byerly	
LUPA Proposal: To amend the Land Use Plan for approximately 27 acres	From:	Future Growth Area
	To:	Low-Density Residential
Zoning Proposal: To annex and apply initial City zoning to approximately 12.3 acres	From:	RS Low Density Residential District (<i>Davidson Co.</i>) RA-3 Rural Agricultural-3 Districts (<i>Davidson Co.</i>)
	To:	RS-15 Residential Single Family-15 District

Site Information		
Location:	Lying north of W. Lexington Avenue and east of Richard Byerly Road	
Tax Parcel Numbers:	Plan Amendment	Zoning Request
	0102000000027A (portion) and 0102000000044 (portion)	0102000000044 (portion)
Site Acreage:	Plan Amendment	Zoning Request
	Approximately 27 acres	Approximately 12.3 acres
Current Land Use:	Plan Amendment	Zoning Request
	Undeveloped	Same
Physical Characteristics:	The northern portion of the site is heavily wooded, while the middle and southern portions of the site, along Richard Byerly Road, consists of open pasturelands (former agricultural areas). The site has a moderately to severely sloping terrain. An intermittent stream runs from the southeast to the northwest through the property, with the steeper terrain lying along the stream corridor.	
Water and Sewer Proximity:	An 8-inch City sanitary sewer line is lying within Bennington Way, approximately 190 feet east of the site. In addition, a 24-inch City sanitary sewer trunk line is lying approximately 1,200 feet northwest of the site adjacent to the Rich Fork Creek stream corridor. Potable water will be provided by Davidson Water Company.	
General Drainage and Watershed:	The site drains in a northwesterly direction and is within the Yadkin Pee-Dee (non-water supply) watershed. Based upon the total acreage and allowable development intensity, stormwater controls may be required to be provided.	
Overlay District:	None	

Adjacent Property Zoning and Current Land Use			
North:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Undeveloped
South:	RA-3 RS	Rural Agricultural-3 District (<i>Davidson Co.</i>) Low Density Residential District (<i>Davidson Co.</i>)	Single family dwelling
East:	CU RS-15	Conditional Use Residential Single Family-15 District	Single family dwellings and undeveloped parcels
West:	RA-3	Rural Agricultural-3 District (<i>Davidson Co.</i>)	Single family dwelling and undeveloped parcels

Adjacent Land Use Plan Designations	
North:	Low- Density Residential and Future Growth Area
South:	Low- Density Residential and Future Growth Area
East:	Low- Density Residential
West:	Future Growth Area

Purpose of Existing and Proposed Land Use Plan Designations	
Existing Designation:	Future Growth Area: This classification includes environmentally sensitive lands, rural subdivisions and agricultural or undeveloped areas lacking public water and sewer and other municipal facilities, infrastructure and services. So long as any land remains classified as a Future Growth Area, such land shall not be approved for development by the City nor considered for annexation, the extension of water or sewer or the provision of other municipal facilities, infrastructure or services. Lacking a major review of the Land Use Plan, such lands may be re-evaluated for development through a Land Use Plan Amendment pursuant to a Zoning Map Amendment request.
Proposed Designation:	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.

Relevant Land Use Policies and Related Zoning & LUPA History	
Community Growth Vision Statement	Objective 5E: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #1: Ensure that development respects the natural environment. Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.

	Obj.#5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development;
Relevant Area Plan:	<u>Northeast Davidson Area Plan</u> (Adopted: December 19, 2002) <u>Residential Development</u> All housing types, including single-family detached development, shall be developed with consideration for the land's environmental and historic resources, physical constraints and the development's compatibility with the area. <u>Land Disturbance</u> Development should minimize land disturbance by fully utilizing areas of a site that are already disturbed. Wherever possible, development should be designed to use the land's existing topography in constructing streets and buildings. <u>Environmentally Sensitive Areas</u> Developments should preserve all wetlands, floodplains, steep slopes and other environmentally sensitive areas and should utilize the existing physical features of the land in the development's design. <u>Open Space</u> Common area open space should be designed into all residential developments. In addition to the inherently unbuildable areas, such as wetlands, floodplains and steep slopes, a development's open space should consist of higher quality lands such as woodlands, pastures and meadows. <u>Stream Protection</u> All intermittent and perennial streams should be protected by preserving and not disturbing vegetation within a minimum 50-foot distance of the stream, except for necessary streets and utility crossings. <u>Tree Protection</u> Significant stands of trees on new development sites should be preserved and incorporated within the development's design. Special care should be exercised to preserve healthy, older hardwood trees. Where trees cannot be preserved, significant plantings of trees should be preserved along abutting streets, along streets within the development and within common areas of the development. <u>Street Connectivity</u> New developments should connect with existing streets and provide stub streets to adjacent land to allow for future street connections when those lands are developed. However, the need for street connectivity should be balanced with the need to protect established residential neighborhoods.

Zoning History:	1. Initial City of High Point corporate limits were established in this portion of Davidson County in 1993 with the annexation and establishment of the CU RS-15 District zoning for the 168-acre Swansgate Subdivision. This subdivision is lying northeast of this current zoning request. 2. In 2003, a 27-acre area was annexed and granted a PUD District zoning to establish the Pennfield Townhome Subdivision. This development is lying along the north side of W. Lexington Avenue, approximately 0.7 miles east of this current zoning request. 3. Finally, in 2004 the Swans Landing subdivision was annexed and granted a CU RS-15 District zoning. This 17.5-acre development abuts the current zoning site to the east.
LUPA History:	LUPA 02-08 – Adoption of the Northeast Davidson Area Plan within the High Point Planning Area boundary on December 19, 2002

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	W. Lexington Avenue		Major Thoroughfare	None
	Richard Byerly Road		Local Street	470 ft.
	Fernley Court		Local Street	50 ft. (public street stub)
Vehicular Access:	Fernley Court (public street)			
Traffic Counts: (Average Daily Trips)	W Lexington Avenue		4,000 ADT (2013, NC DOT count)	
Estimated Trip Generation:	Using the development data provided by the applicant, the total ADT for this site is estimated at 258 trips/weekday.			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

School District Comment				
Davidson County School District				
Local Schools:	Enrollment: (Fall 2014)	Maximum Design Capacity:	Mobile Classrooms:	Projected Additional Students:
Friendship Elementary	484	550	0	4
Ledford Middle School	738	665	6	7
Ledford High School	1,255	1,000	3	9
School District Remarks:	None			

Details of Proposal

The applicant is requesting a Land Use Plan Amendment and Zoning Map Amendment to establish initial City of High Point zoning on this property to facilitate development of a single family subdivision. Additional applications associated with this property are a voluntary annexation petition to add this area to the City's corporate limits in order to allow access to City utilities, and an appeal from the decision of the Technical Review Committee to uphold subdivision access requirements. The annexation and appeal are reviewed as separate stand-alone petitions by the City Council. The primary focus of the review of this application is to determine if the requested Land Use Plan Amendment and Zoning Map Amendment are consistent with adopted Land Use Plan policies established by the City Council.

Staff Analysis

1. Summary of Land Use Plan Amendment Request:

The applicant has requested a Land Use Plan Amendment for an area consisting of approximately 12.3 acres from the Future Growth Area designation to Low-Density Residential. When requests are made for Land Use Plan Amendments, especially from the Future Growth Area designation, staff analyzes the request and determines the most logical new boundary for the Future Growth Area. In this case, a small land-locked area to the north and an area to the south of the site have been added to this request by the Planning & Development Department in order to create a logical new boundary line for the Future Growth Area. Thus, an approximate 27-acre area, lying east of Richard Byerly Road, is proposed to be change from Future Growth Area to Low-Density Residential.

The adopted Community Growth Vision Statement, Land Use Plan, and the Northeast Davidson Area Plan have numerous policies, goals, and objectives that address the way in which development should occur in this area, which deserve consideration. As developments are approved for this area, special consideration should be taken to protect environmentally sensitive areas such as streams, steep slopes and existing tree canopy that are on the site. The plan recommends "building with the land" to lessen the impacts that development may have on the natural features of the site, to not use slab on grade type construction for areas with slopes of 15% or greater and to even avoid development on such steep slopes where possible. The plan also recommends protecting areas with significant stands of trees, and to try to focus development in areas that are already disturbed, e.g. on this site that could be the area that was previously used for agriculture.

The proposal to develop a single family subdivision, which includes the extension of utilities to serve this area, makes the requested change from the Future Growth Area designation appropriate. A Land Use Plan amendment does not annex or establish City zoning for the property; it only establishes a broad use category for that area consistent with adopted land use policies established by the City Council.

2. Summary of Zoning Request:

The applicant has requested a Residential Single Family¹⁵ (RS-15) District be established over this 12.3-acre area to facilitate development of a single family subdivision. The RS-15 District is primarily intended to accommodate moderate density single family detached

dwellings in developments where public water and sewer service is required. The overall gross density in a RS-15 District will be 2.5 units per acre or less. The site is within the City's Planning Area, and as previously outlined in the zoning history section of this report, the RS-15 District has already been established in this area for the Swansgate subdivision to the north and the Swans Landing subdivision to the east. This zoning request does not introduce a new zoning district into this area, thus development intensity as allowed by the requested RS-15 District will be compatible with the surrounding area.

The Northeast Davidson Area Plan includes policy recommendations to protect environmentally sensitive lands. The following outlines the manner in which key portions of these policies will be addressed:

- The requested RS-15 District requires a minimum 15,000 square-foot lot area and minimum 80-foot lot widths. These dimensional requirements allow for flexibility as to the area of a lot to be developed and permits the option to only clear that portion of a lot needed for construction.
- A residential zoning district that permits a smaller lot area and narrower lot widths may mandate the use of slab-on-grade type construction to develop a single family subdivision on this site. However, the larger lot area standards of the requested RS-15 District allows a builder to work with a lot's unique site conditions so as to limit the amount of clearing required on individual lots.
- The middle 1/3 of the site (approximately 4 acres) has been previously cleared and graded for what appears to be farming purposes. Based on review of historical aerial photos, this area has been cleared since the 1970s. The bulk of the area proposed for development will occur in this previously cleared portion of the site.
- An intermittent stream runs through the site. Environmental standards of the Development Ordinance require a 50-foot wide stream buffer, measured from the top of bank, along both sides of this stream. Thus, a buffer of more than 100 feet in width will be established over this stream corridor.
- The majority of the site has slopes of less than 15%. Slopes in excess of 15% are generally adjacent to the stream corridor where stream buffer requirements of the ordinance apply. Additionally, subdivision standards note these stream buffer areas be within common areas of a development and not part of individual lots.

The above noted lot standards of the requested RS-15 District along with the environmental and subdivision standards of the Development Ordinance addresses the policy recommendations of the Northeast Davidson Area Plan.

Consistency with Adopted Plans:

The proposed 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 request for a Land Use Plan Amendment is appropriate for this area based on the City's land use policies, goals and objectives. There are single family residential subdivisions, within the City limits, immediately to the east and to the north that are served with public water and sewer; thus, this request promotes an orderly growth and development of the city.

- ❖ Subject to the approval of the Land Use Plan Amendment to establish a Low Density Residential Land Use classification, which is primarily intended for single family dwellings at a density of five units per acre or less, the requested RS-15 District will be consist with the Land Use Plan.
- ❖ As outlined in the analysis section of this report, dimensional standards of the requested RS-15 District along with environmental and subdivision requirements of the Development Ordinance addresses the various policy recommendations from adopted plans.

Reasonableness/Public Interest:

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

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the corresponding Land Use Plan Amendment case, the requested RS-15 District will be consistent with the Land Use Plan; 2) Subdivision and environmental regulations of the Development Ordinance, along with dimensional standards of the RS-15 District, address policy recommendations of the Northeast Davidson County Area Plan for the development of this site; and 3) The requested RS-15 District is the same zoning district established by former City Councils when the adjacent Swansgate and Swans Landing single family subdivision were annexed and granted City zoning approval. Allowance of the requested RS-15 District will produce development intensity compatible with the surrounding area.

Recommendation

1. Land Use Plan Amendment Case 15-01:

Staff Recommends Approval:

Staff recommends approval of the Land Use Plan Amendment for approximately 27 acres from Future Growth Area to Low-Density Residential. This request is consistent with the City's plans in that it is an orderly growth of the city, and it is immediately adjacent to an area that is currently designated as Low-Density Residential that is developed with an existing single family subdivision that is served with public water and sewer.

2. Zoning Case 15-07:

Staff Recommends Approval

Subject to approval of Land Use Plan Amendment Case 15-01, the Planning & Development Department recommends approval of the request to rezone this 12.3-acre area to the RS-15 District.

Required Action

Planning and Zoning Commission:

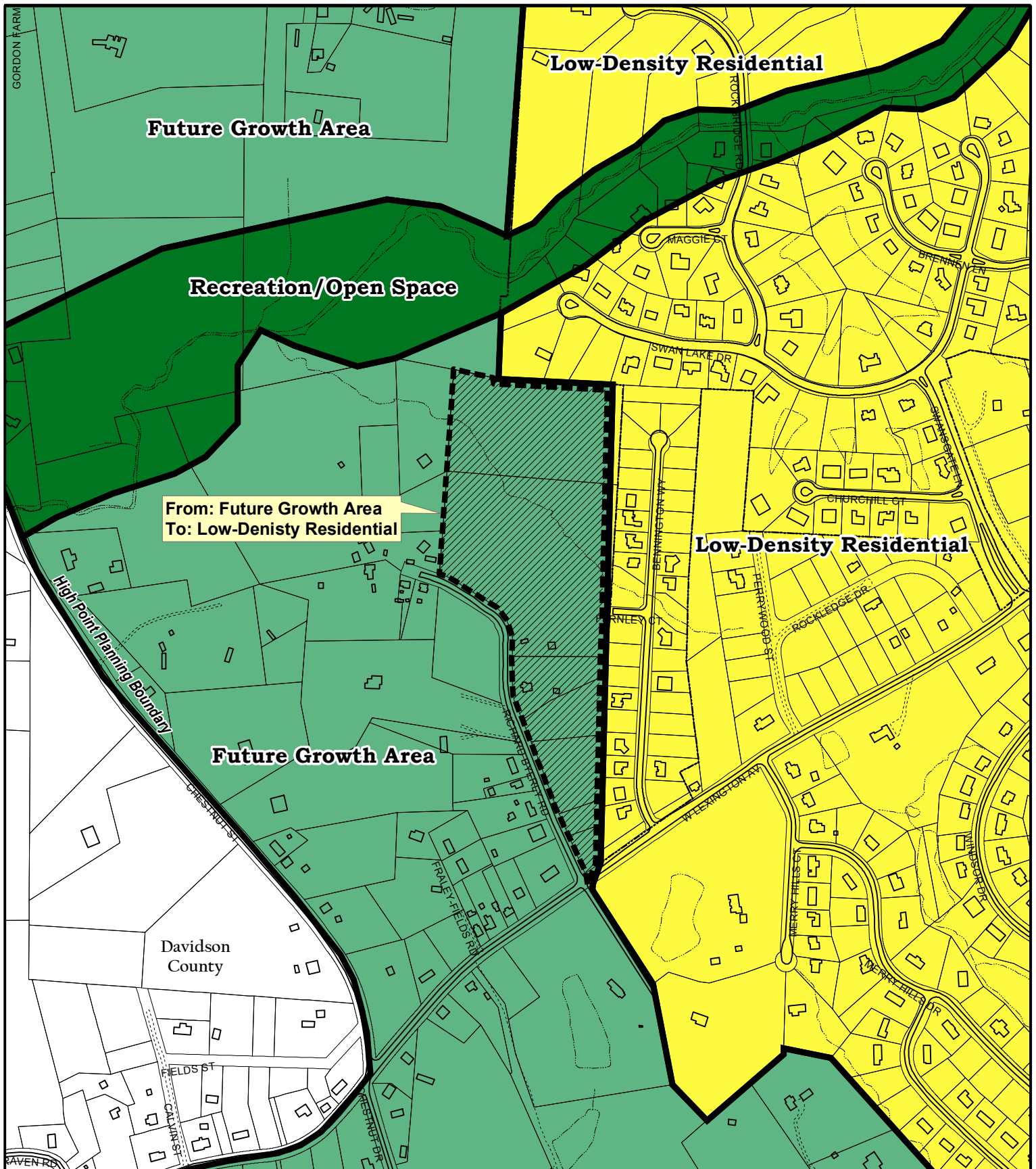
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Heidi H. Galanti, AICP, Planning Services Administrator and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



LAND USE PLAN AMENDMENT 15-01

**Request: From: Future Growth Area
To: Low Density Residential**

Existing Land Use Plan
Subject Property Boundary



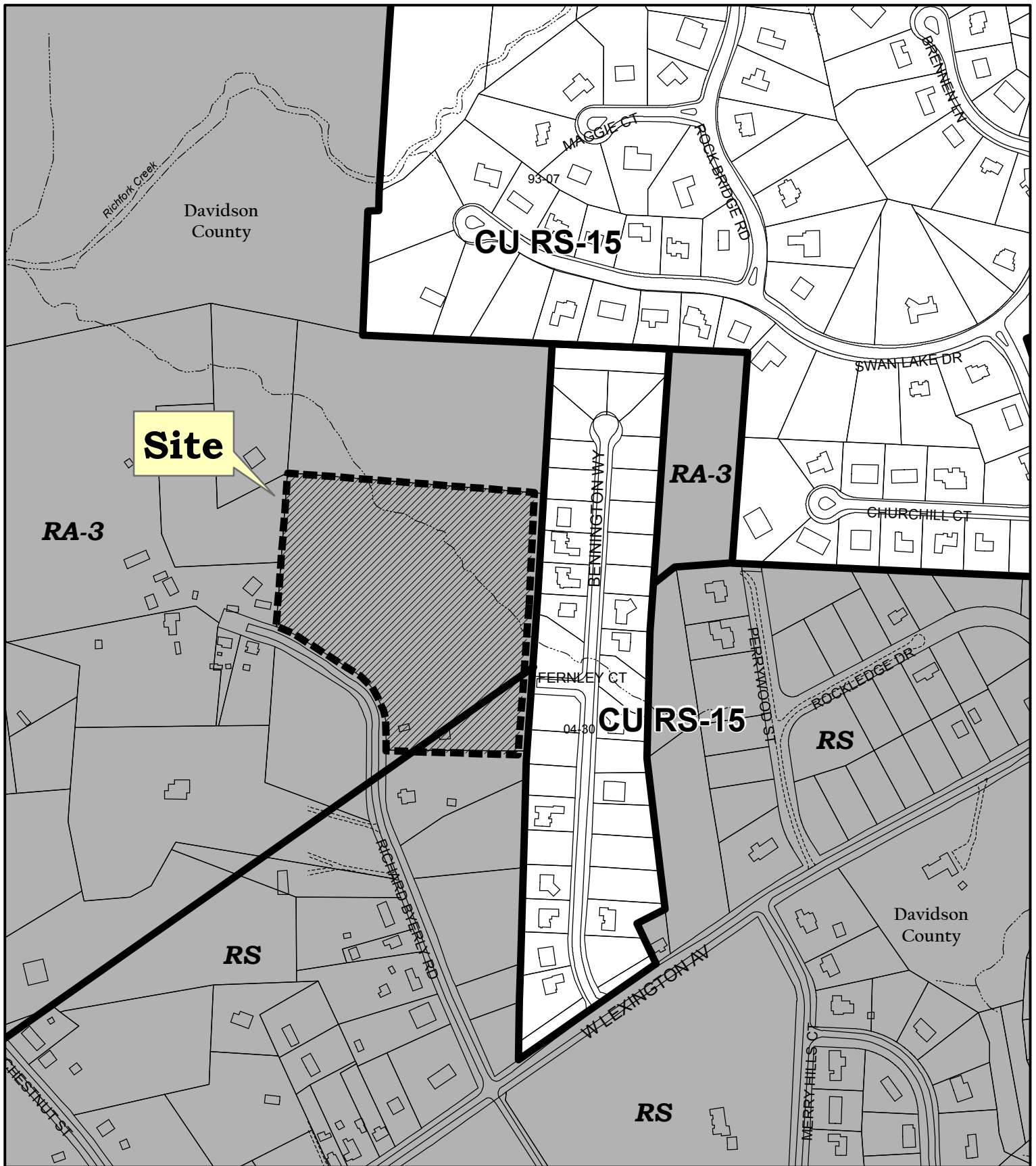
**Planning & Development
Department**

City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

From: Low Density Residential (RS)
and Rural Agricultural-3 (RA-3)
To: Conditional Zoning Residential Single Family-15

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

**Planning & Development
Department**

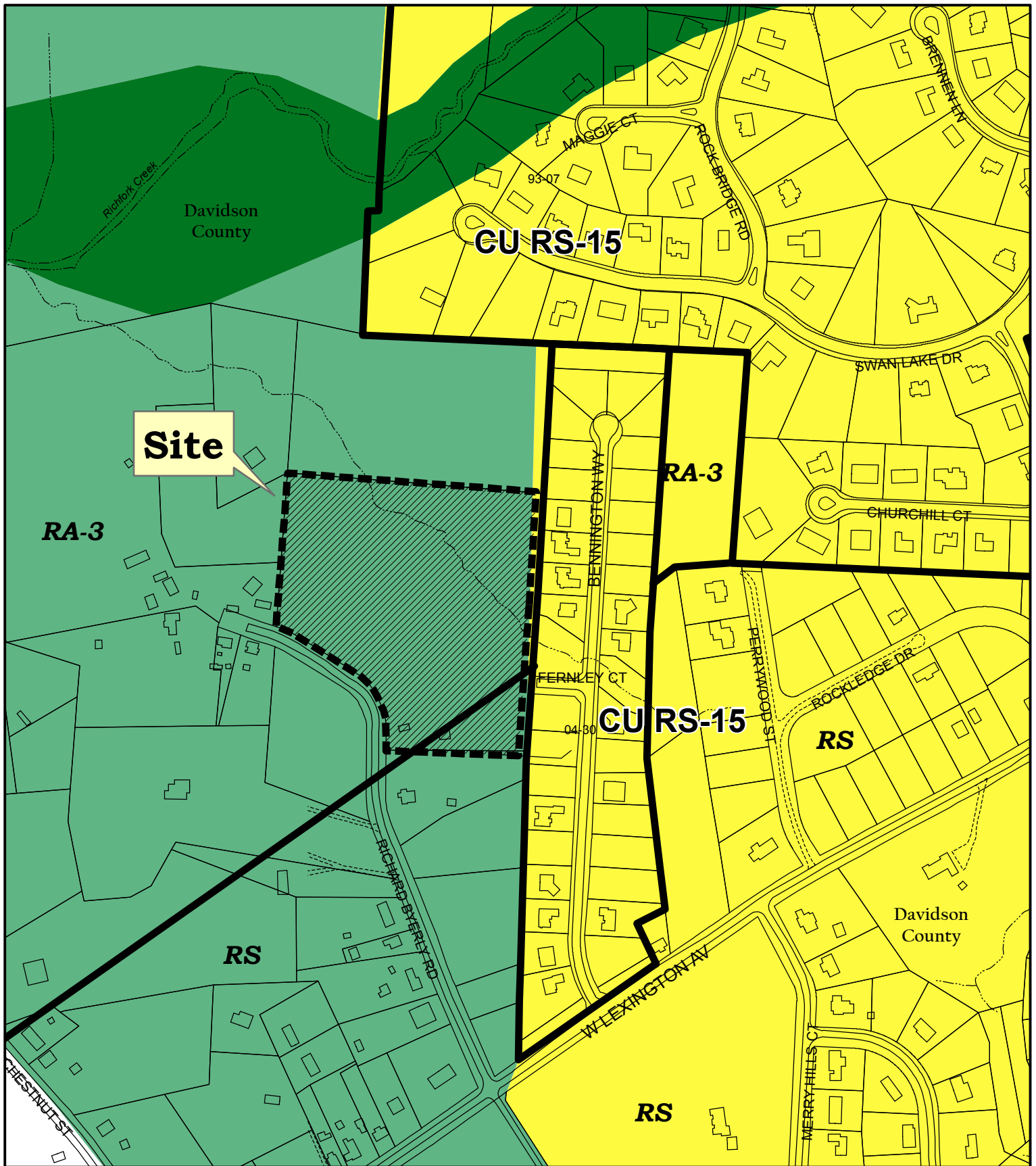
City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

Land Use Plan

- Low-Density Residential
- Recreation/Open Space
- Future Growth Area

Planning & Development
Department

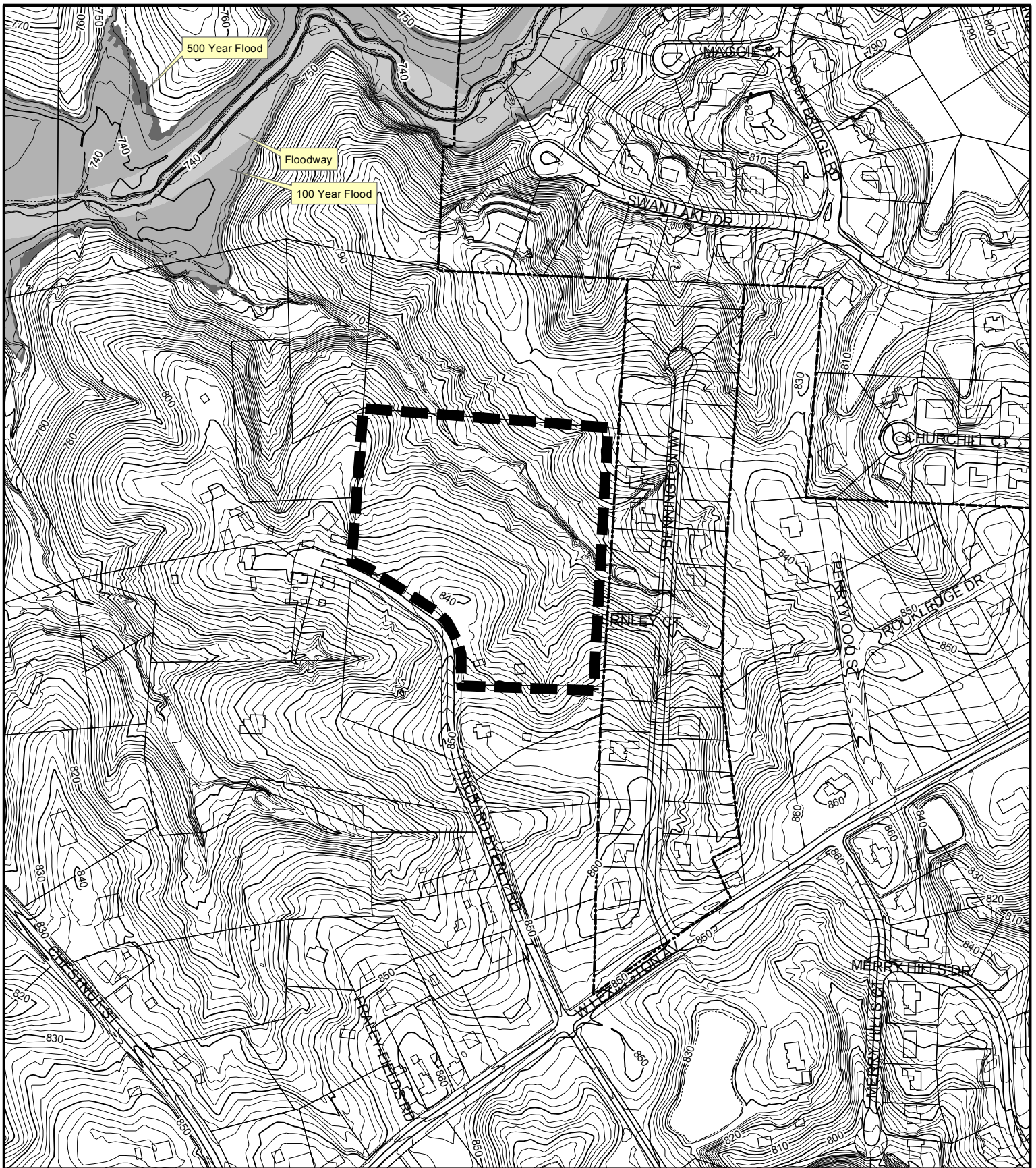
City of High Point

Date: April 28, 2015



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ZONING CASE 15-07

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: April 28, 2015



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ZONING CASE 15-07



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 April 28, 2015 and before the City Council of the City of High Point on May 18, 2015, regarding **Zoning Case 15-07** 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 April 19, 2015, for the Planning and Zoning Commission public hearing and on May 7, 2015 and May 13, 2015, 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 **July 20, 2015**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family - 15 (RS-15) District**. The parcel is lying approximately 950 feet north of W. Lexington Avenue, along the east side of Richard Byerly Road and west of Fernley Court), and also known as Davidson County Tax Parcel 0102000000044 (portion). The zoning site is more specifically described as follows:

Beginning at an existing iron pipe, the SW corner of Jack Daniel Craven, Sr. as described in DB 1665 PG 1549, Davidson County Register of Deeds, said iron pipe having NC State Plane Coordinates (NAD 83) of N 808048.08, E 1682744.69 (U.S. Feet), running thence with the southern line of Craven S 81 deg 25 min 37 sec E 788.57’ to a new iron pipe set in the western line of “Swan’s Landing” as recorded in Plat Book 47 Page 23, running thence with the western line of said plat S 3 deg 07 min 49 sec W 735.32’ to a new iron pipe, running thence N 89 deg 37 min 34 sec W 455.47’ to a new iron pipe in the western R/W of Richard Byerly Road, running thence with said R/W N 0 deg 08 min 48 sec W 77.36’ to a point, on a curve to the left having a radius of 166.54’ a chord bearing and distance of N 28 deg 03 min 21 sec W 156.66’ to a point, N 56 deg 03 min 32 sec W 151.74’ to a point, and on another curve to the left having a radius of 752.05’ a chord bearing and distance of N 60 deg 53 mn 29 sec W 126.71’ to a new iron pipe, the SE corner of the afore referenced Jack Craven, running thence with the eastern line of Jack Craven and Nolan Craven (DB 2026 PG 73), N 3 deg 05 min 43 sec E 487.53’ to the point and place of beginning, containing 12.300 acres, more or less.

SECTION 2

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 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.

20th day of **July, 2015.**

Lisa B. Vierling, City Clerk

MANAGER'S BRIEFING SESSION
APRIL 30, 2015 – 3:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM

MINUTES

Present:

Mayor Bill Bencini; Mayor Pro Tem James Davis (Ward 5); and Council Members Cynthia Davis (At-Large), Jeff Golden (Ward 1); Chris Williams (Ward 2) (arrived at 4:00 p.m.), Alyce Hill (Ward 3), and Jason Ewing (Ward 6)

Absent:

Council Members Latimer Alexander (At-Large) and Jay Wagner (Ward 4)

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Mark McDonald, Director of Transportation, Angela Wynes, Transit Manager; JoAnne Carlyle, City Attorney; Loren Hill, President- High Point Economic Development Corporation; Jeron Hollis, Communications Officer; Lisa Vierling, City Clerk

Others Present:

Alec More, Kirk Stull with HDR, Inc.
Scott Rhine, Executive Director, PART

News Media Present:

Pat Kimbrough, *High Point Enterprise*

Note: The handouts distributed at this meeting will be attached as a permanent part of these proceedings: Short Range Transit Plan; Short Range Transit Plan Service Recommendations

Presentation from HDR- Short Range Transit Plan (Final Report)

Mark McDonald, Director of Transportation, introduced Alec Moore and Kirk Stull with HDR Engineering, who have been working on the Short Range Transit Plan for about a year.

Alec Moore, Transit Planner with HDR, reviewed where they have been over the past year; their interaction with the public and what was learned; and the direction they see in moving forward. He shared that there basically are three sets of recommendations:

- Fixed route service recommendations
- Demand-responsive service recommendations (i.e. Dial-a-Lift)
- Transit infrastructure recommendations

Mr. Moore explained the process consisted of identifying and reviewing existing conditions and development of a series of alternative scenarios, and then the creation of a Five-Year Plan.

The key Goals & Objectives of the Plan were identified to:

- Exceed customer expectations
- Improve service for workers
- Provide better access to job centers
- Emphasize safety
- Improve reliability
- Meet existing and future demand
- Reduce travel time
- Expand coverage
- Attract new riders
- Service populations most in need

He touched briefly on some of the public process.

Ridership Survey Responses

Ridership Survey Responses showed overall riders feel Hi tran service is very good or good, but feel improvements are needed, particularly service span, operating days, and supporting infrastructure.

Service Productivity

Routes 10 and 11 on Main Street are solidly performing routes within the system. Another highly performing route is Route 18 on E. Green and Route 16 on Leonard Avenue. These are considered the “trunk” routes within the system—routes operating above and beyond the others. On the flip-side, there are also some underperforming routes within the system: Route 19 on English; Route 20 on Kearns Avenue; Route 12 on W. Green and Route 21, which only operates on a very limited basis during the weekdays. The route pattern on Route 21 and Route 12 is large and lengthy which causes problems.

Mr. Moore pointed out that in South and Southwest High Point, there is an oversaturation of service which causes competition within these routes and a need to maximize the use of resources while providing good services. Five routes are basically serving a similar geographic area. According to the Census data, about 26% of the population is currently living within a five-minute walk of a bus route, but 44% of the population is within a ten-minute walk. Ridership from 2009 to 2014 has shown an annual growth of 2.3%.

He explained there are effectively three competing forces in service planning:

- Service span (hours service is available)
- Service coverage (geographic areas service is available in)
- Frequency of service (timing—especially during peak periods)

Some recommendations were to:

- Identify and promote key transit corridors (Routes 10, 11 and 16)
- Reduce duplicative services
- Eliminate unproductive services
- Improve connection opportunities between routes
- Connect housing locations with activity centers
- Encourage the use of fixed-route service rather than demand-responsive service

Summary of Service Modifications Recommendations:

- Route 10- North Main (designate as trunk route; add shelters at high boarding locations)
- Route 11- South Main (designate as trunk route; add shelters at high boarding locations)
- Route 12- (eliminate route)
- Route 13- Montlieu/Centennial (replace Route 17 service south of Montlieu Avenue)
- Route 14- Westchester (minor route adjustment at Juanita Hills terminus)
- Route 15- (Saturday-eliminate route)
- Route 16- Leonard (designate as trunk route; add shelters at high boarding locations)
- Route 17- Lexington (designate as crosstown route; realign service- extending service into west central High Point around intersection of W. Lexington and Westchester)
- Route 18- East Green (maintain existing routing pattern)
- Route 19- English (modify route to serve Prospect Street and south High Point)
- Route 20- Ward/Elm (modify route to serve Green Drive and south High Point)
- Route 21- (eliminate route)
- Route 25- Greensboro (modify route to serve Washington Drive and Gordon Street)
- PDC (new service in Palladium/Deep River district- a circulating route that would not connect with downtown directly, but would be connected to downtown by the PART network- using PART as a partner in making efficient use of resources since they already provide service on Westchester and come into downtown)

He explained they are also looking at some deviated fixed-route service routes, which basically means not every trip would go to certain locations, but every three to four trips, etc... Council Member Hill inquired about the routes with the extremely low ridership (Route 21). Mr. Moore explained that they had talked about possibly utilizing van pool service or a user-based kind of service to serve these populations.

Wants, Needs, and Realities

- Total number of trips for most local routes decreased (tradeoff for new service to Palladium/Deep River region, service adjustments to existing routes to cover cost of expansion)
- Sufficient fleet available to satisfy service recommendations (expansion of new services will require additional fleet and drivers)
- Initial estimates suggest 2-5% bump in ridership

Mayor Pro Tem Davis asked if the 2-5% bump in ridership was calculated keeping the current fares in place. Mr. Moore replied that it has been about ten plus years since a fare increase was

implemented in High Point and suggested it might be time for a fare increase to be considered, but with consideration of elasticity. He noted a fare increase could result in a decline in ridership. Council Member C. Davis asked Angela Wynes to share her thoughts regarding a fare increase. Ms. Wynes noted as part of this process, they have asked passengers if they would be willing to pay a fare increase if they are provided more service and most indicated they would not mind a fare increase knowing they were going to get more service.

Public Comments (from feedback when presented to the public in January)

- Extended span of service is a crucial need (extended service on weekdays for workers and students; expanding service hours on Saturdays; possibly offer Sunday service)
- Investments in infrastructure at high boarding and alighting locations (need for improved sidewalks/waiting areas at bus stops; strong support for stop at Lexington/Westchester; bus shelters at Harris Teeter-Eastchester and City Hall)
- Improve signage for stops, including route numbers (concerns about legibility of the system)

Funding

Mr. Moore admitted this is the biggest challenge to the Hi tran system and other systems as well. They tried to assume a neutral funding scenario with no additional funding over the life of the Short Range Transit Plan. Inflation costs are estimated at about 3% annually (i.e. fuel, spare parts, insurance, wages, etc....). HDR is recommending a variety of funding scenarios (increased frequency, increased span of service). Mr. Moore advised there needs to be flexibility for the Council to have flexibility in the different needs, priorities, and recommended possibly putting the emphasis on investing in infrastructure.

Estimated Operating Costs

- Assumes 30-minute peak period of frequency, 60-minute off peak for most routes (exception is Route 25)
- FY16 estimated cost assumed 3% escalation in annual costs

Mr. Moore clarified that these costs do not include fare revenues and are the actual gross costs to provide service. The subsidized amount could be calculated by subtracting 20% from these numbers.

Future Funding Opportunities

- Fare increase should be considered
- Student transportation fees
- Employer partnerships (e.g., Ralph Lauren)
- Advertising revenues
- Federal funding programs (Section 5303 Metropolitan Planning Program; Section 5307 Urbanized Area Formula Program; Section 5310 Elderly and Disabled Transportation Program)

Deputy City Manager Randy McCaslin asked staff if there was any capacity left in operating expenses to cover the cost from the Federal funding programs. Ms. Wynes noted there is some left, but the amounts leftover now are being shared with partners in the region and as we begin to

use more and more, they will get less. She shared that they have all been told as we need the money, they probably won't get any more (Davidson County, Guilford County and PART). She noted the approximate number that High Point does not use and currently gives away is about \$550,000.

Demand-Responsive Service Recommendations

- Modify service eligibility requirements, particularly the passenger age requirement for non-ADA demand responsive trips (currently age requirement is 60; most transit agencies it is 65)
- Institute a transit travel training program for seniors and persons with disabilities
- Establish a Community Service route to consolidate trips to common locations (common cost-saving practice used by transit agencies; identify similar trip patterns, and create a special service that consolidates trips to a common destination)
- Consider a free fare policy on fixed-route services for qualified demand-responsive participants

Demand-Responsive Service Recommendations

- Schedule non-essential trips during low-volume periods
- Create a bus stop improvement program for improved bus stop accessibility
- Consider a functional assessment test as part of demand eligibility determination
- Establish a supplemental service agree with area taxi providers
- Shorten pre-scheduled trip booking period

Transit Infrastructure

- Fixed-route vehicle fleet replacement (vehicle procurement contract awarded; rebranding opportunity)
- Passenger facilities and amenities (sheltered stops at high boarding/alighting locations; continue to invest in bus stop benches, concrete pads, sidewalks; placement of stops and amenities near social service organizations)
- Upgrades to the operations and maintenance center (vehicle lifts, expansion of facility for fleet growth)
- Intelligent transportation systems solutions (pilot project on Centennial, East Green, or Westchester)

Additional Recommendations

- Conduct full bus stop inventory (review warrants for bus stop sizing, spacing, design standards)
- Consider consolidation of stops (increases ridership with faster service; fewer stops result in easier to understand route maps; lowers operating and capital costs)
- Collect updated data on boardings by location (prioritize bus shelter and other investments based on boardings; routinely collect once-a-year counts)
- Consider capital infrastructure improvement fund (sidewalks, lighting, street furniture)

Mayor Bencini left the meeting at this time.

Questions/Comments

Following the conclusion of the presentation, the consultants entertained questions/comments.

Council Member Golden asked if consideration was given to every route or just the routes with heavy ridership when considering the Saturday route costs. Mr. Moore replied that all routes were considered.

Mr. McDonald pointed out the presentation and report could be found in Dropbox and encouraged Council to review this information and let staff know if there are any questions. Ms. Wynes advised that the Short Range Transit Plan would need to be adopted by the City Council. Council Member C. Davis asked if there was any way to look at past allocations to other entities using residual operating costs. Ms. Wynes advised she could get this information.

PART Call Center

Mayor Pro Tem Jim Davis expressed disappointment that PART Call Center was not on the May 4th Agenda as he had requested it to be. He explained that the PART Board had discussed and considered it, but tabled a decision on it until the Finance Committee and the High Point City Council could review it. He added that Greensboro and Winston Salem have received briefings on it, but High Point has not. Several disagreed and pointed out that staff did do a short presentation on the proposed Call Center during a recent Finance Committee meeting. At this time, Randy McCaslin, Deputy City Manager; shared that City Attorney JoAnne Carlyle spoke to the Mayor and the Mayor made the decision to pull it from the agenda because he had heard that both Greensboro and Winston Salem were in opposition to it. Mr. McCaslin added that both Winston Salem and Greensboro already have this service, so there was no need for them to participate. Mayor Pro Tem J. Davis shared that the Mayor expressed to him that he felt if High Point bought into this and Greensboro and Winston Salem did not, then High Point might be left holding the bag with an increase every year for funding it.

Angela Wynes, Transit Manager for Hi tran, explained that currently High Point has a staff person that is pretty much tied to the phones and does not have staff to market the services they provide. She pointed out the Call Center would allow the City to better utilize the staff person already in place. She noted the estimated cost to High Point for the Call Center would be \$50,000, of which High Point would actually incur about \$20,000 of that cost with the remaining \$30,000 being covered through the federal funding as well as through fares and the miscellaneous revenues collected. Mayor Pro Tem J. Davis demanded answers as to the reason it was pulled from the agenda and felt it should go through the Finance Committee first for them to make a recommendation to City Council. He pointed out the Mayor had left the meeting and questioned if he would be coming back. At this time, Mayor Pro Tem J. Davis asked Ms. Carlyle to respond as to why this matter was pulled from the agenda. She explained that the Mayor thought it was exact same issue that Guilford County and Greensboro had and he felt like the City of High Point should not support it. Mr. McCaslin noted that he has talked with the Mayor since then and answered some of his questions and he did not believe he initially had a clear understanding as to what the request was all about. Mayor Pro Tem J. Davis mentioned that Scott Rhine had made a comment in the PART meeting that if High Point opted out, then they would not be able to fund and operate a Call Center.

Scott Rhine, Executive Director for PART, informed Council that this is a time-sensitive matter for PART for the purpose of maintaining their schedule to go live with the Call Center on August 3rd. He pointed out that Davidson County has also agreed to participate in the Call Center. Mr. Rhine explained that the funding came to PART as an opportunity from NCDOT funds that would basically be freed up in Raleigh and there would be no new money involved. He felt the Call Center would definitely benefit the City of High Point more so than the City of Greensboro or Winston Salem because the main reason they chose not to participate was because they both operate under a Union contract and their Union contract has staff that is their function to serve this role.

Mayor Pro Tem J. Davis then asked staff to identify the benefits for High Point for the PART Call Center. Ms. Wynes noted from an operation standpoint that the Call Center would be one-stop shopping for the customers and would also allow her additional staff to perform other functions such as marketing Hi trans services at very little cost. She explained that if this is approved, the current staff person would no longer have to answer incoming calls and this would allow her to go out into the community and do the marketing/outreach for Hi tran services at public events.

Mayor Pro Tem J. Davis stated he would like to see this matter added to the May 4th agenda for consideration and asked if everyone was acceptable and in agreement with this; all agreed.

There being no further discussion, the meeting adjourned at 4:30 p.m., at which time the Finance Committee was scheduled to meet.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

Mr. Herb Shannon
Senior Planner/Zoning Coordinator
211 S Hamilton Street
High Point, NC 27260

Re; Fernley Court Rezoning High Point, NC

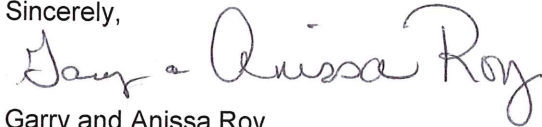
Mr. Shannon,

I live at 5013 Bennington Way in High Point and I am familiar with the proposed rezoning of the 12 acres at the end of Fernley Court. My wife attended the meeting on 6.2.2015 where the developer; Ron Davis explained his project and his willingness to work with the existing neighbors to ensure continuity with the current neighborhood. After the meeting there was a vote where the room was split 50/50, for and against.

We have resided on this street for over 6 years and our family is in support of further development within the City of High Point. This project creates jobs, a greater tax base, provides quality housing within a constricted housing market, and enables general growth within a market that has been rather flat over the last 6 to 8 years. Although the board of the HOA feels that further growth within our neighborhood is not in their personal best interest, I am looking at this development for the greater good of the City of High Point. This is obviously a net positive for the City at all levels. We do not oppose the rezoning of this land with the understanding that the developer will adhere to High Point City's development ordinances.

Thank you for considering my opinion and interest in the city's growth vs personal interest.

Sincerely,

A handwritten signature in cursive script that reads "Garry & Anissa Roy". The ink is dark and the signature is fluid.

Garry and Anissa Roy
336 601 0408



June 25, 2015

Dear Mr. Herb Shannon,

Please accept this letter of reference for Mr. Ron Davis, Allegro Properties.

Ron has been a friend to me personally and the ministry I now lead for several years. I know him to be a man of discipline and integrity and one who will follow through with what he says he will do.

Professionally, I have seen and experienced several of his development projects and I would put his experience up against anyone in the triad. In my own previous development days, we've worked and managed several of the same contractors and sub contractors so I know my testimony of Ron's character would be re-iterated by many.

I now lead a triad based pastoral care ministry and Ron has become an active advocate for our mission and also generously supports our efforts.

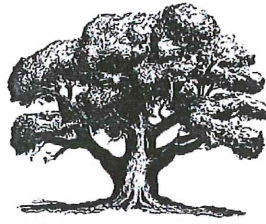
Please feel free to contact me anytime if I can be of further assistance.

With best regards,

A handwritten signature in black ink, appearing to read "Andy Bowersox", written over a light blue circular stamp.

Andy Bowersox,

Executive Director, Energize Ministries



Sylvan Road Partners, LLC

Linwood L. Davis, Jr.
Manager
Sylvan Road Partners, LLC
380 H Knollwood Street No. 253
Winston-Salem, NC 27103

June 30, 2015

Mr. Herb Shannon
Senior Planner/Zoning Coordinator
211 S Hamilton Street
City of High Point, NC 27260
Referencing Fernley Rezoning Case RA-3

Dear Mr. Shannon,

The developer Ron Davis has kept me informed on his work to develop a 12+ acre piece of property known as Fernley Court. I understand that progress has been made and that the City of High Point Town Council is going to consider his rezoning/annexation request. I am writing you in hopes to encourage the Town Council to support the request.

My experience with Ron has been as a developer myself. Over the past few years I have partnered with him on several projects. He is very skilled as a subdivision developer and of the highest integrity.

I understand that he has worked extensively and sincerely to gather local support and made accommodations to meet neighborhood concerns.

Please let me know if there is anything that I can do advance this request. I am sure that High Point and the neighborhood will be satisfied and find real benefit from Ron's efforts.

Very sincerely,

Linwood L. Davis, Jr.

cc: Ron Davis



SLATTER MANAGEMENT SERVICES, INC.
COMMUNITY ASSOCIATION MANAGEMENT

July 8, 2015

Mr. Herb Shannon
Senior Planner / Zoning Coordinator
211 S Hamilton Street
High Point, NC 27260

Dear Mr. Shannon,

I am writing to you in support of the rezoning/annexation request for the 12+ acre property known as Fernley Court.

I have worked as a Community Association Manager at Slatter Management for nearly 10 years and am now the Director of Operations. During this time I have worked for multiple properties that Ron Davis has developed.

There are many developers in the building industry and sadly a number of these have succumbed to the declining economy. Ron has succeeded due to his skills and the fact that he goes beyond what has to be done. He invests his integrity, determination and passion into the communities that he develops ensuring a quality product for years and years to come.

Ron understands the importance of communication and has actively worked with to gain local support and make accommodations based on feedback from neighboring homes.

I am available at your convenience if you need any further information.

Yours sincerely


Kay Thornton, CMCA, AMS, PCAM
Director of Operations

**4405 Providence Lane
Winston-Salem, NC 27106
336.759.0363**



www.truthnetwork.com

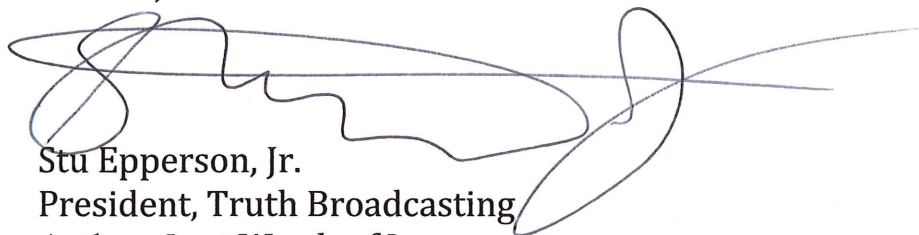
July 9, 2015

Dear Mr. Shannon:

I strongly commend to you my friend Mr. Ron Davis for your development. He has proven to be a loyal friend and exemplary citizen for as long as I have known him. I've dealt with Ron on multiple sides of business- in real estate projects, marketing, community outreach, and he's even been a loyal supporter of our Christian radio ministry for years.

In Ron Davis, you'll find a man of impeccable integrity, who will do what he commits to do with the utmost level of professionalism and excellence. You'll also be working with someone who will go out of his way to satisfy all the concerns of each person involved in the project.

Thanks,



Stu Epperson, Jr.
President, Truth Broadcasting
Author, *Last Words of Jesus*

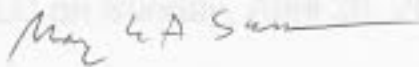
May 18, 2015

Dear Council Members,

Enclosed please find a petition statement outlining our concerns regarding the proposed development adjacent to Swans Landing.

We have collected signatures from 20 out of 21 existing homeowners or with homes under construction. All of the existing homeowners have signed except for one, who we understand to be a potential investor in the proposed development. Thank you for your consideration of this matter and our concerns.

Sincerely,
Swans Landing Homeowners Association



Mary Sessoms, Secretary

Swans Landing Neighborhood Petition

We the undersigned being the representing members of the Homeowners Association Board of Directors as well as lot owners within the subdivision of Swans Landing, hereby oppose the development by the applicant, Allegro Investment Properties, LLC, without the following conditions:

- A secondary access road off of Richard Byerly Rd
- A Stream Buffer for water runoff
- 25 MPH signs posted on Bennington Way
- A stub road in the new development similar to Fernley Ct in Swans Landing, for future development
- An environmental effort to protect as many trees as possible

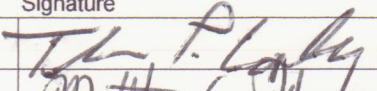
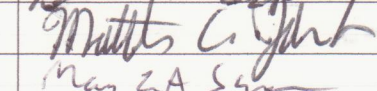
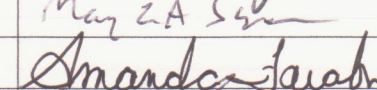
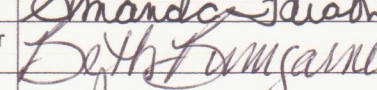
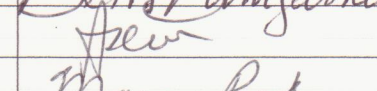
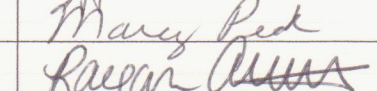
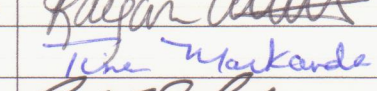
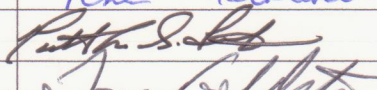
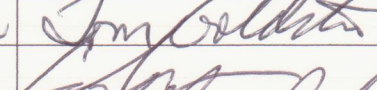
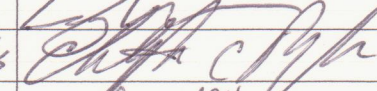
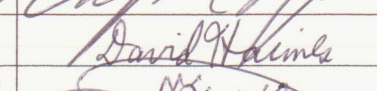
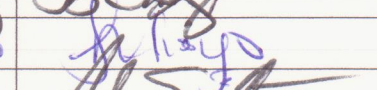
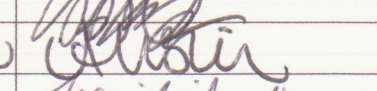
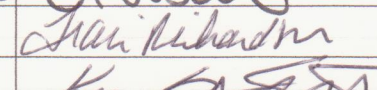
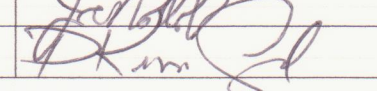
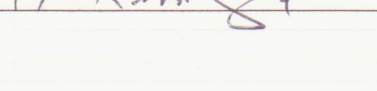
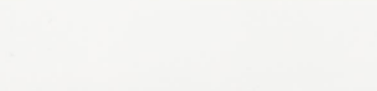
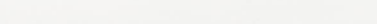
Attached is the referenced land development plat provided to the Swans Landing HOA by the developer, Ron Davis, Allegro Investment Properties, LLC on Sunday, April 26, 2015.

Swans Landing Neighborhood Petition Form

Safety & Environmental Concerns of
Adjoining Development by
Allegro Investment Properties, LLC

Date: 5/5/15

Location: Lying approximately 950 ft north of W. Lexington Ave, along east of Richard Byerly Rd and west of Fernley Ct
Propose Solution: Secondary access road to Richard Byerly Rd, Stream buffer for drainage, 25 mph signs, Stub road, Tree protection

Print Name	Signature	Address
1) Tom Conley, HOA President		5041 Bennington Way
2) Matt Jobe, HOA Vice President		5056 Bennington Way
3) Mary Sessoms, HOA Secretary		5024 Bennington Way
4) Amanda Farabow, HOA Treasurer		5025 Bennington Way
5) Beth Bumgarner, HOA Board Member		5032 Bennington Way
6) Philip Arensu		5009 Bennington Way
7) Marcy Peck		5005 Bennington Way
8) Raegan Atkinson		5008 Bennington Way
9) Tina Markande		5045 Bennington Way
10) Matthew Farabow		5025 Bennington Way
11) Tom Goldstein		5044 Bennington Way
12) Cory Sessoms		5024 Bennington Way
13) Chris Reynolds		5021 Bennington Way
14) DAVID HAIMES		5049 Bennington Way
15) Michelle Akbari		5053 Bennington Way
16) BILL BUMGARNER		5032 Bennington Way
17) PATRICIA H. CONLEY		5041 Bennington Way
18) Nneoma Aham-Iroegbu		5017 Bennington Way
19) John Eric Atkinson		5033 Bennington Way
20) Matt Jobe		5056 Bennington Way
21) Lauren Jobe		5056 Bennington Way
22) Alessandra DiPietro		5040 Bennington Way
23) Traci Richardson		5020 Bennington Way
24) Ken R Smith		5001 Bennington Way
25) Joe Mottou		5029 Bennington Way
26) DKIM ANGEL		5002 Bennington Way

PETITION IN SUPPORT OF HIGH POINT ANNEXATION AND ZONING CASE RA-3 "FERNLEY"

(ANNEXATION AND REZONE PROPERTY LOCATED AT END OF FERNLEY COURT FROM RA-3 TO RS-15)

I am a resident of Davidson County and a neighbor of the property located at the end of Fernley Court and adjoining Richard Byerly Road. I am familiar with the proposal to rezone the property to allow construction of a RS-15 Residential subdivision. My signature below indicates my support for the proposed rezoning conditional upon there not being a connection to Richard Byerly Road.

Name	Address	Date
<u>Eddie Craven</u>	<u>431 Richard Byerly Rd</u>	<u>4-20-2015</u>
<u>James Craven</u>	<u>440 Richard Byerly Rd</u>	<u>4-20-2015</u>
<u>Jack O Craven</u>	<u>415 Richard Byerly</u>	<u>4/20/15</u>
<u>Debra Craven</u>	<u>415 Richard Byerly</u>	<u>4/20/15</u>
<u>Nate Craven</u>	<u>422 Richard Byerly</u>	<u>4/20/15</u>
<u>Robert Craven</u>	<u>422 Richard Byerly Rd</u>	<u>4/20/15</u>
<u>Jack O Craven Jr</u>	<u>424 Richard Byerly Rd</u>	<u>4-20-15</u>
<u>Jennifer Craven</u>	<u>424 Richard Byerly Rd</u>	<u>4-20-15</u>
<u>Lindsay Craven</u>	<u>147 Richard Byerly Rd.</u>	<u>4-20-15</u>
<u>Shane Craven</u>	<u>147 Richard Byerly Rd.</u>	<u>4-20-15</u>
<u>Roy V. Craven</u>	<u>193 Richard Byerly Rd.</u>	<u>4/26/15</u>
<u>Doris Cecil</u>	<u>213 Richard Byerly Rd</u>	
<u>Jerma M. Bice</u>	<u>231 Richard Byerly Rd.</u>	<u>4.26.15</u>
<u>Raymond Bice</u>	<u>231 Richard Byerly Rd.</u>	<u>4.26.15</u>

CITY OF HIGH POINT

AGENDA ITEM



Title: **Street Abandonment Case 15-04**
(Metal Works of High Point and City of High Point)

From: Lee Burnette, Planning & Development
Director

Meeting Date: May 18, 2015

Public Hearing: Yes

Advertising Date: April 17 & 24, 2015 and
May 1 & 8, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Resolution of Abandonment

PURPOSE:

A request to abandon all of the Markley Street right-of-way lying between Briggs Place and W. Kivett Drive.

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On April 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment Case 15-04. The Planning & Zoning Commission recommended **approval** of Street Abandonment Case 15-04 by a vote of 6-0.
- B. Staff recommends **approval** of Street Abandonment Case 15-04 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Metal Works of High Point and City of High Point

Street Abandonment Case 15-04

At its April 28, 2015 public hearing, the Planning and Zoning Commission reviewed Street Abandonment Case 15-04. All members of the Commission were present except for Mr. John McKenzie and Mr. Ed Squires. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request was the applicant, Mr. Jonathan Hall, president of Metal Works of High Point, 918 W. Kivett Drive. Mr. Hall stated that Metal Works is in the process of expanding their facility. They own property at 918, 920 & 928 W. Kivett Drive to the east of Markley Street and have recently purchased property at 1405, 1411 & 1413 W. English Road lying west of Markley Street. The Markley Street right-of-way consists of a gravel driveway that divides their land holdings and the requested street abandonment will allow them to combine their various properties to form one large parcel to facilitate their expansion plans.

Speaking in opposition of the request was Mr. Kevin White, a member of the Board of Directors for The Club, Inc., at 1301 & 1401 W. English Road. Mr. White expressed concerns related to the abandonment of the northern 200 feet of the Markley Street right-of-way. They have two parking lot access points to the northern portion of Markley Street and their commercial waste disposal company also traverses this portion of Markley Street to empty their dumpster. He is concerned that the requested abandonment would limit the use of this area and asked that the northern 200 feet of Markley Street not be abandoned.

The Commission asked staff to address Mr. White's access concerns. Mr. Lee Burnette, Planning and Development Director, stated that The Club Inc., has two existing driveway access points from W. English Road that are used to access their property and two access points to the gravel driveway in the Markley Street right-of-way. He explained that abandonment of the Markley Street right-of-way does not preclude the continued private use of that gravel driveway; it would just have to be privately maintained since the city would discontinue maintenance of it. In conclusion, Mr. Burnette noted that The Club, Inc. would gain 25 feet of land from this abandonment, which is a sufficient width for a two-way access drive to be installed, if needed.

The Planning & Zoning Commission recommended approval of Street Abandonment Case 15-04, as recommended by staff, by a vote of 6-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 15-04**

May 18, 2015

(Revised)

Request	
Applicant: Metal Works of High Point <i>(on behalf of Hall Acquisition Company, 34-Holdings LLC and Hall Investment Properties)</i> and City of High Point Technical Review Committee	Proposal: A request to abandon all of the Markley Street right-of-way lying between Briggs Place and W. Kivett Drive.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Briggs Place	Local Street	50-foot wide right-of-way; 24-foot wide paving with curb and gutter
W. Kivett Drive	Major Thoroughfare	60-foot wide right-of-way; 40-foot wide paving with curb and gutter

Adjacent Property Zoning and Current Land Use		
North	Residential Multifamily-18 (RM-18) District	Briggs Place right-of-way
East	Residential Multifamily-18 (RM-18) District General Business (GB) District Heavy Industrial (HI) District	Vacant single family dwelling and Industrial use
South	Heavy Industrial (HI) District	W. Kivett Drive right-of-way
West	General Business (GB) District	Convenience store with gas pumps, undeveloped parcels and private club

Analysis

Metal Works of High Point has submitted a petition to abandon a portion of the Markley Street right-of-way (ROW) abutting their property. Markley Street runs in a north-to-south direction between Briggs Place and W. Kivett Drive. Metal Works and its subsidiary companies own property lying to the east of Markley Street at 918, 920 & 928 W. Kivett Drive. They also own property lying west of Markley Street at 1411 & 1413 W. English Road and have a signed purchase contract for 1405 W. English Road. Metal Works desires to expand their facility and abandonment of this ROW will provide for more efficient use of the land area lying between W. English Road and W. Kivett Drive. It will also allow the entire area to be secured with a perimeter fence. If approved, a small segment of this ROW will remain; therefore, the City of High Point Technical Review Committee is requesting the remaining northern 200 feet of the Markley Street ROW, lying between 1301 & 1401 W. English Road and 117 Briggs Place, also be abandoned.

Markley Street has a length of approximately 650 feet and a width of 50 feet, which expands to 80 feet at W. Kivett Drive. This ROW, formerly known as Glenn Avenue, was recorded in 1918 on a map entitled “Map of Melrose Property of C. Markley - High Point, Guilford County”. The ROW is partially improved, with a gravel cart-way and side drainage swale. Historically, this ROW mostly provided rear yard access to single family homes fronting along W. English Drive. These homes have since been razed and the area is currently undeveloped and zoned General Business (GB) District. The GB District is primarily intended to accommodate a wide range of retail, service, and office uses. When this area redevelops, vehicle access for the GB District uses will be directly from W. English Road. The remaining 200 feet of the Markley Street ROW abuts 117 Briggs Place and 1301 & 1401 W. English Road. The vacant single family home at 117 Briggs Place has an existing driveway access from Briggs Place. Meanwhile, 1301 & 1401 W. English Road, which are owned by the same property owner, both have existing driveway access points to W. English Road.

Abandonment of the City’s interest in this ROW will not deprive any owner of access to their property. Early notices to obtain input from abutting property owners were mailed out on March 9, 2015. In addition, a notice of the public hearing was mailed to each abutting property owner, notice was placed in the High Point Enterprise and public hearing signs were posted at the ROW to be abandoned per requirements. To date, staff has received no objections from the abutting property owners.

Findings & Recommendations

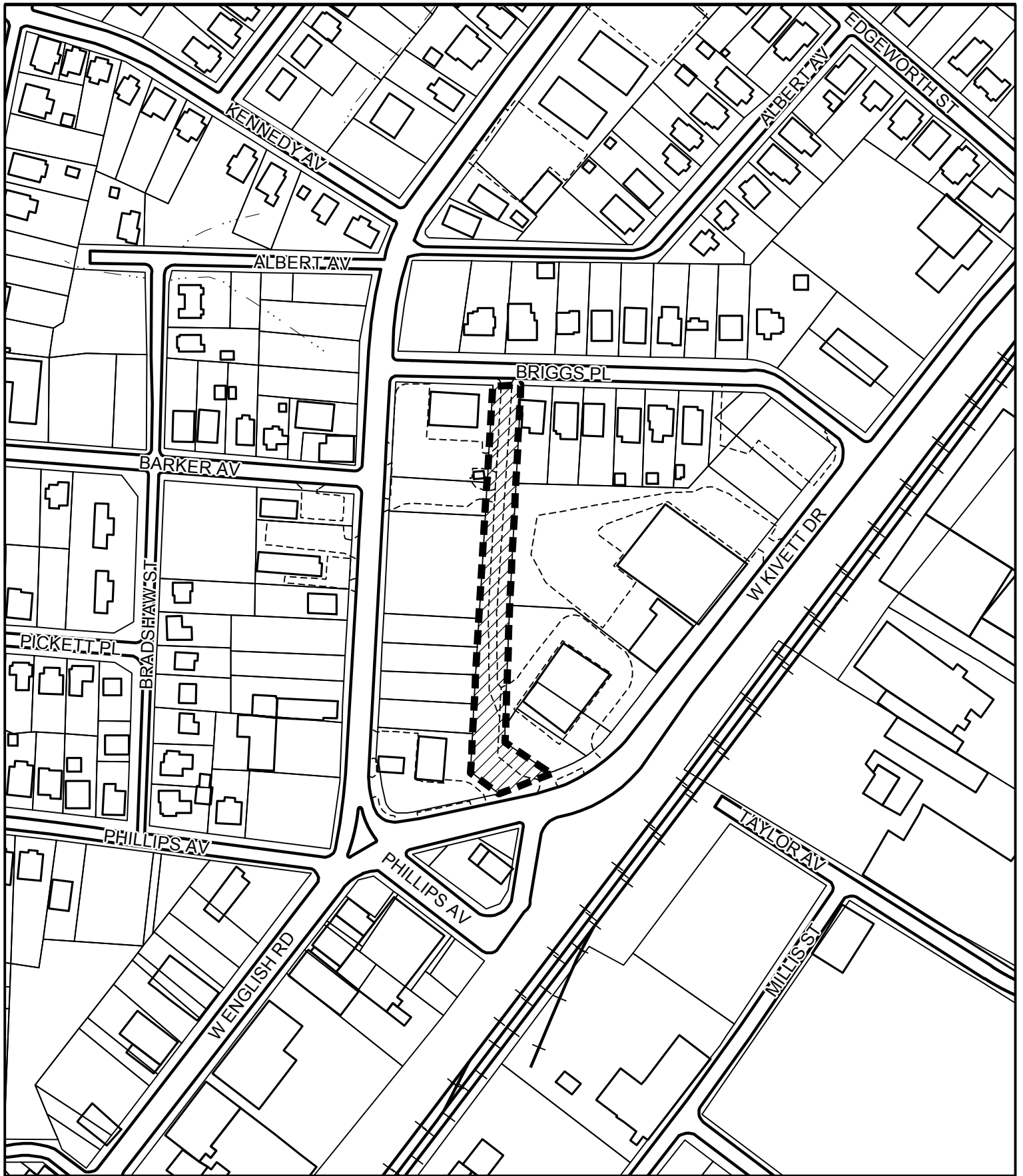
The Technical Review Committee (TRC) reviewed this request on March 11, 2015 and identified no concerns related to the abandonment of this ROW. The Public Service Department, Engineering Services Department and Electrical Department have identified City utility lines within this ROW and stated that easements must be retained over these 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. This recommendation includes the retention of the following utility easements:

- 1) Retention of a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way;
- 2) Retention of a 30-foot wide stormwater easement centered over existing stormwater drainage pipes within and crossing the right-of-way; and
- 3) Retention of a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the 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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



STREET ABANDONMENT REQUEST SA15-04

Applicant: City of High Point

Area: 0.75 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

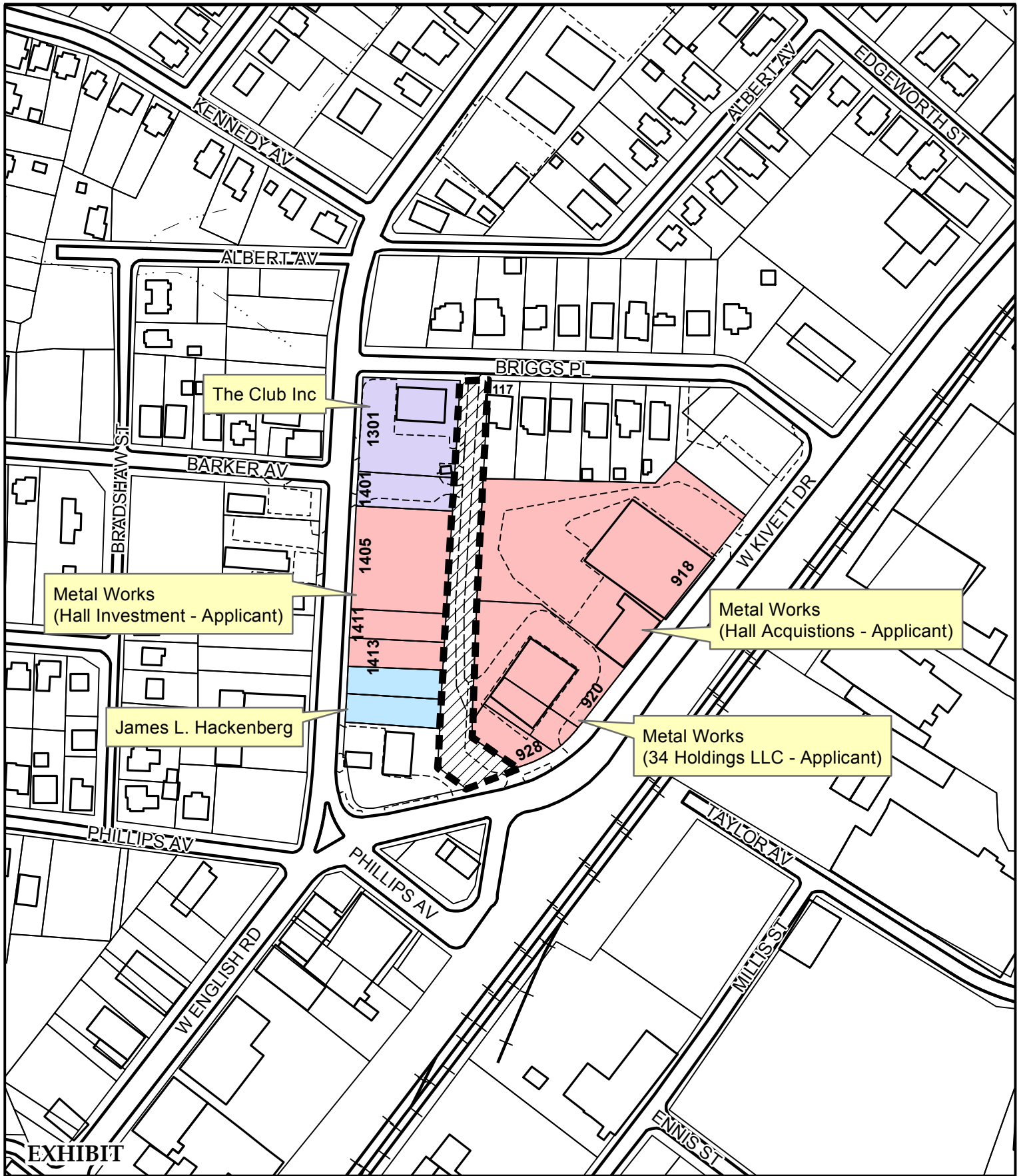
City of High Point

Date: April 28, 2015



Scale: 1"=200'

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2015/pz/sa15-04.mxd



EXHIBIT

STREET ABANDONMENT REQUEST SA15-04

Applicant: City of High Point

Area: 0.75 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

City of High Point

Date: May 18, 2015



Scale: 1"=200'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-04exh.mxd

Attachments: Photographs (April 2015) and Aerial (February, 2014)
Looking north from W. Kivett Drive.



Looking south from Briggs Place



Looking north from mid-point of Markley Street ROW



Looking south from mid-point of Markley Street ROW





STREET ABANDONMENT REQUEST SA15-04

Applicant: City of High Point

Area: 0.75 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

City of High Point

Date: April 28, 2015



Scale: 1"=100'

G:/Planning/Secure/ba-pz/
2015/pz/sa15-04photo.mxd

Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 15-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 MAY, 2015 AT 5:30 P.M. IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 15-04

(Markley Street right-of-way)

WHEREAS, Metal Works of High Point and the City of High Point Technical Review Committee has petitioned the City Council of the City of High Point to permanently abandon (close) all of the Markley Street right-of-way. This right-of-way is lying between Briggs Place and W. Kivett Drive and more specifically described as follows:

Beginning at the existing northeastern property corner of lot #14 of block "3" as recorded in **(PB 4 PG 128)** in the Office of the Register of Deeds of Guilford County, North Carolina (also known as the northeastern property corner of Guilford county parcel # 0187045); thence southerly along the western right-of-way line of Markley Street (formerly Glenn Avenue) to an existing property corner located on the eastern property line of Guilford county parcel # 0187053; thence along the property line of the same parcel in a southeastern direction to another property corner located on the northern right-of-way line for West Kivett Drive; thence across the unopened portion of Markley Street to the existing southeastern property corner of Guilford county parcel # 0187069, said point also being the

northern right-of-way for West Kivett Drive; thence in a northwestern direction along the eastern right-of-way line of Markley Street to another property corner located in the same parcel; thence northerly along the eastern right-of-way line for Markley Street to the northwestern property corner of Guilford county parcel # 0187056; thence westerly across Markley Street 50 feet to the point of beginning. The described area encompasses +/- 0.75 acres.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 13th day of April, 2015, at 5:30 p.m. setting the 18th day of May, 2015 at 5:30 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 April 17 & 24, 2015 and May 1 & 8, 2015; 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 the Markley Street right-of-way lying between Briggs Place and W. Kivett Drive, as previous described above; 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 Markley Street right-of-way lying between Briggs Place and W. Kivett Drive, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide sanitary sewer easement centered over existing sewer lines within and crossing the right-of-way;
3. That the City of High Point shall retain a 30-foot wide stormwater easement centered over existing stormwater lines within and crossing the right-of-way;

4. That the City of High Point shall retain a 15-foot wide electrical easement, which also includes City fiber optic lines, cable TV lines and some NorthState Communication lines, centered over all existing electric lines within and crossing the right-of-way;
5. 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 May, 2015
Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Greenleaf Filter Enclosure Ward Water Treatment Plant

From: Terry Houk – Public Services Director
Carol McDowell – Asst. Director Public Services

Meeting Date: May 18, 2015

Public Hearing: N/A

Advertising Date: March 15, 2015
Advertised By: City of High Point

Attachments: A – 32-041515 Bid Tabulation
C – Pictures of Filter Area

B – Bid Recommendation Letter
D – City Bid Recommendation Form

PURPOSE:

The City has budgeted for an enclosure for the Greenleaf Filters at the Ward Water Treatment Plant.

BACKGROUND:

The Greenleaf Filters are subject to freezing in the winter months. The freezing limits the water production at the plant. To ensure the filters do not freeze in the future, an enclosure (pre-engineered metal building) has been designed to provide protection during the colder months of the year.

The construction of the enclosure is included in Bid 32-041515. Bids were received on April 15, 2015 from three (3) companies. The low bidder is Gilbert Engineering Company.

Bidder	Total Bid
Gilbert Engineering Co. Statesville, NC	\$ 462,000.00
R.P. Murray, Inc. Kernersville, NC	\$ 507,998.00
Brushy Mountain Builders, Inc. Lenoir, NC	\$ 521,000.00

BUDGET IMPACT:

Funds for this project are in the following account: **421779-533701-421131025805-40201**

RECOMMENDATION / ACTION REQUESTED:

City Council is requested to approve the contract to Gilbert Engineering Company in the amount of \$462,000 for Greenleaf Filter enclosure at the Ward WWTP.



April 23, 2015

Re: City of High Point, N.C.
Ward WTP Filter Enclosure
Bid No. 32-041515
DMP Project 130300 (AL)

Mr. Terry Houk
Director of Public Services
City of High Point
PO Box 230
High Point, NC 27261

Dear Terry:

Bids were received by the Purchasing Department on April 15, 2015 for the above referenced project. A total of three (3) bids were submitted and read, as summarized below.

Bidder	Total Bid
Gilbert Engineering Co. Statesville, NC	\$ 462,000.00
R.P. Murray, Inc. Kernersville, NC	\$ 507,998.00
Brushy Mountain Builders, inc. Lenior, NC	\$ 521,000.00

The lowest bidder on this project, Gilbert Engineering Company, is a properly licensed utility contractor and is capable of performing the work required by the Contract.

Based upon the information presented above, DMP recommends the City of High Point City Council consider awarding this contract to Gilbert Engineering Company, in the amount of \$462,000.00.

Upon City Council's approval, we will prepare the Construction Contracts and schedule a pre-construction conference. We have enclosed the certified bid tabulation, the original bid documents from all bidders and the low bidder's MBE documentation (Affidavit C). We greatly appreciate the opportunity to provide this design service for the City and look forward to the project's timely and satisfactory completion.

If you have any questions or need additional information, please feel to call.

Sincerely,

DAVIS • MARTIN • POWELL & ASSOCIATES, INC

A handwritten signature in black ink, appearing to read "Ben Palmer", with a stylized flourish at the end.

Ben Palmer, PE

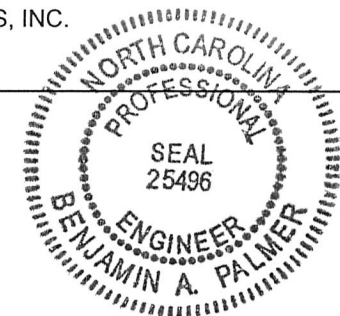
c: Ms. Tarinda Chappell (enc)
File (enc)

		Gilbert Engineering Co. 638 South Meeting St. Statesville, NC 28677	R.P. Murray, Inc. 1314 E.Mountain St. Kernersville, NC 27284	Brushy Mountain Builders, Inc. 3390 Gaither Walker Circle Lenior, NC 28645
ITEM	DESCRIPTION	AMOUNT	AMOUNT	AMOUNT
PART A - BASE BID - SINGLE PRIME CONTRACT				
A1.	Building Enclosure - Construction complete of project as shown on the plans and specified herein including furnishing and installing all equipment, materials, etc, required for the Project, including site work, demolition, building construction, structural improvements, mechanical, electrical and HVAC construction, and all other work shown or specified:			
		\$461,750.00	\$507,778.00	\$520,700.00
A2.	Balance Existing HVAC Equipment - Provide equipment, material and labor necessary to balance airflow of existing exhaust fans EF-1 and EF-2 as shown and specified:			
		\$250.00	\$220.00	\$300.00
	Total Bid Amount, Part A (Sum of Items 1 & 2)	\$462,000.00	\$507,998.00	\$521,000.00
Division of Work		<u>CONTRACTOR</u>	<u>CONTRACTOR</u>	<u>CONTRACTOR</u>
General Construction		Gilbert Engineering	R.P. Murray, Inc.	Brushy Mountain Builders, Inc.
Electrical Construction		Honeycutt Electric	Honeycutt Electric	McMillion
HVAC Construction		Ridge Mechanical	Ridge Mechanical	McMillion

THIS IS TO CERTIFY THAT THIS TABULATION IS CORRECT AND A TRUE AND ACCURATE COPY OF THE BIDS SUBMITTED, THIS THE 15th DAY OF APRIL, 2015.

DAVIS-MARTIN-POWELL AND ASSOCIATES, INC.

By: 
Ben Palmer, PE





**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **Public Services - Water Treatment Division**

COUNCIL AGENDA DATE: **May 18, 2015**

BID NO.: **32-041515** CONTRACT NO.: DATE OPENED: **April 15, 2015**

DESCRIPTION:

Metal building enclosure for the Greenleaf Filters at Ward Water Treatment Plant

PURPOSE:

The enclosure is designed for filters 5-8 at the plant. The enclosure will help keep the filters from freezing during the winter months.

COMMENTS:

The City has been planing and has budgeted for this project.

RECOMMEND AWARD TO: **Gilbert Engineering** AMOUNT: **\$ 462,000**

JUSTIFICATION:

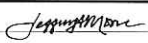
When the filters freeze the Ward Plant is not able to keep them in service. This limits the plants ability to adjust flow. This can impact production during critical events like main breaks, which tend to also occur during the winter months. The enclosure is need for water production during winter months.

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
421779	533701	422131025805	40201	\$ 527,000
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Terry L. Houk** Digitally signed by Terry L. Houk
DN: cn=Terry L. Houk, o=Public Services, ou=City of High Point, email=terry.houk@highpointnc.gov, c=US
Date: 2015.05.06 10:54:26 -0400 DATE: **May 6, 2015**

The Purchasing Division concurs with recommendation submitted by the **Public Services and recommends award to the lowest responsible, responsive bidder **Gilbert Engineering** in the amount of \$ **462,000.00**.**

PURCHASING MANAGER: **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: 2015.05.06 11:06:13 -0400 DATE: **May 6, 2015**

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=jfmoore@highpointnc.gov, c=US
Date: 2015.05.08 10:42:49 -0400 DATE: **May 8, 2015**

CITY MANAGER: **Greg Demko** Digitally signed by Greg Demko
DN: cn=Greg Demko, o, ou, email=greg.demko@highpointnc.gov, c=US
Date: 2015.05.08 11:42:49 -0400 DATE: **May 8, 2015**



Exterior View – Filters 5-8



Looking down onto Filters 5-8

CITY OF HIGH POINT

AGENDA ITEM

**Title: Public Hearing for Transit Operating and Capital Grant Application**

From: Mark McDonald, P.E. – Transportation Director
Angela Wynes – Transit Manager

Meeting Date: May 18, 2015

Public Hearing: May 18, 2015

Advertising Date April 15, 2015
/ Advertised By: Transit Division

Attachments: Attachment A: Public Hearing Notice
Attachment B: Section 5303 Planning Grant Resolution

PURPOSE:

To hold a public hearing for the purpose of considering projects for which capital and operating assistance under Section 5307 of the Federal Transit Act of 1964, as amended, is being sought.

BACKGROUND:

The Department of Transportation is in the process of preparing the FY2016 FTA Section 5307 operating, capital and planning grant application for High Point Transit. In order to comply with federal and state guidelines a public hearing must be held allowing the opportunity for citizens to comment on the projects in the grant application.

BUDGET IMPACT:

This public hearing allows the City to apply for federal and state funds which make up approximately 56% of the transit system's FY2015-2016 budget.

RECOMMENDATION / ACTION REQUESTED:

Council is requested to adopt Resolution authorizing the filing of grant applications to FTA and NCDOT for High Point Transit and the Thomasville portion of Davidson County Transportation System.



City of High Point North Carolina



Department of Transportation

Public Transportation Division

Public Notice

RE: High Point Transit
FY2016 Capital and Operating Grant Applications
April 15, 2015

Notice is hereby given that public hearings will be held by the Council of the City of High Point, North Carolina, in the Council Chambers, third floor, High Point Municipal Building on Monday, May 18, 2015 for the purpose of 1) considering projects for which capital and operating assistance under Section 5307 of the Federal Transit Act of 1964, as amended, is being sought.

The projects are proposed as follows:

Project	Federal Share	State Share	City Share	County Share	Other	Total
Operating Assistance						
City of High Point	\$1,378,252	375,000	644,453		919,000	\$3,316,705
Thomasville	125,000			125,000		250,000
Routine Capital Items:						
Preventive Maintenance	51,200		12,800			64,000
Associated Capital Maintenance	80,000		20,000			100,000
Shop Equipment	4,000		1,000			5,000
Office Furnishings	20,000		5,000			25,000
Office Equipment	3,200		800			4,000
Radio Replacement	48,000		12,000			60,000
Major Capital Items:						
Replace 3 Paratransit Vehicles	140,000		35,000			175,000
TOTAL	\$1,849,652	\$375,000	\$731,053	\$125,000	\$919,000	\$3,999,705

At the public hearing the Council of the City of High Point will afford the opportunity for interested parties or agencies to be heard with respect to social, environmental, and economic aspects of the projects. Interested parties may submit orally or in writing evidence and recommendations to said projects. After comments are received projects in the grant applications may be added or deleted from the grant application.

Copies of the grant applications, including the detailed Program of Projects and the Transportation Improvement Plan for the area will be available for public inspection at the Transit Operations Center, 716 West Kivett Drive, High Point, NC 27262. The proposed program of projects will become the final program of projects unless modified and a final notice is published.

The meeting facilities of the City of High Point are accessible to people with disabilities. If you need special accommodations, call 883-3298 or TDD 883-8517.

William S. Bencini, Jr., Mayor
Lisa Vierling, City Clerk

716 West Kivett Drive · High Point, North Carolina 27262
Phone (336) 889-7433 · TDD Phone (336) 883-8517 · Fax (336) 883-3425

RESOLUTION
AUTHORIZING **CITY OF HIGH POINT**
TO ENTER INTO AN AGREEMENT WITH
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

A motion was made by _____ and seconded by
_____ for adoption of the following resolution, and
upon being put to a vote was duly adopted.

WHEREAS, the **City of High Point** has requested the North Carolina Department of Transportation to assist in the funding of transit planning tasks; and

WHEREAS, the **City of High Point** will provide **10%** of the cost of the above described project;

NOW THEREFORE, BE IT RESOLVED that the **City Manager** is hereby authorized to enter into a contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

.....

I, **Lisa Vierling, City Clerk** do hereby certify that the above is a true and correct copy of an excerpt for the minutes of a meeting of the **City of High Point** duly held on the _____ day of **May**, 2015.

Signature of Certifying Official

FINANCE COMMITTEE
Chaired by Mayor Pro Tem James C. Davis
April 30, 2015 – 4:30 p.m.
3rd Floor Lobby Conference Room

MINUTES

Present:

Chairman Jim Davis

Committee Members: Cynthia Davis, Alyce Hill and Chris Williams

Also Present:

Council Members Jeff Golden; and Jason Ewing

STAFF PRESENT:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Eric Olmedo, Budget and Performance Manager; Jeff Moore, Director of Finance; Loren Hill, President, High Point Economic Development Corporation; Sandy Dunbeck, Senior Vice President- High Point Economic Development Corporation; Terry Houk, Public Services Director; Jeron Hollis, Public Information; Mark McDonald, Director of Transportation; Angela Wynes, Transit Manager; Lee Tillery, Parks & Recreation Director; JoAnne Carlyle, City Attorney; Lisa Vierling, City Clerk; Tom Vincent, Deputy City Clerk.

Media Present:

Pat Kimbrough, *High Point Enterprise*

AGENDA ITEMS

150126 Contract - Resurfacing of City Streets

Consideration of award of contract to Blythe Construction, Inc. for resurfacing of city streets in the amount of \$675,481.65.

Terry Houk, Director of Public Services, noted this would be for repaving two sections of Wrenn, Rotary and Dayton. This will leave about \$685,000 in this line item.

A motion was made by Committee Member Hill, seconded by Committee Member Williams to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150127 Contract Extension - Rehrig Pacific Company - Garbage & Yard Waste Carts

Council is requested to approve an extension to the Rehrig Pacific Company contract for the purchase of garbage and yard waste carts in the amount of \$280,500.00.

Mr. Houk reported this is the same price as last year and this is the second year of a four-year renewable contract. Mr. Demko advised that staff is working on a business plan moving forward that calls for replacing these carts every 10-15 years.

A motion was made by Committee Chair J. Davis, seconded by Committee Member Williams to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150128 Budget Ordinance Amendment- High Point Train Depot

Consideration of adoption of ordinance amending the 2014-2015 Budget Ordinance in the amount of \$400,000 for renovations to the High Point Train Depot.

Mark McDonald, Director of Transportation, explained this is a Supplemental Agreement for work to be done on the passenger loading platform at the Depot. It is the 7th in a series of supplemental agreements dated back to 1993 for the Depot work. He shared that they realize the roof system that was installed on the Depot during renovation in 2004; the gutter system and the roofing system is failing and the roofing on the lower level needs to be replaced. He noted that NCDOT has identified some funding with \$320,000 in federal funding, which requires an \$80,000 match. The cost is anticipated to be somewhere around \$250,000 to \$300,000 for replacement of this new system and this agreement will allow the City access to these federal funds.

Chairman J. Davis asked what line item this would come out of. Eric Olmedo, Budget & Performance Manager, noted \$75,000 of it are funds that rolled over from previous years that were dedicated for the Depot restoration and \$5,000 would come out of the special appropriations fund.

A motion was made by Committee Member Williams, seconded by Committee Member C. Davis to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150129 NCDOT - Supplemental Agreement - High Point Train Depot Improvements

Council is requested to approve a supplemental agreement with the North Carolina Department of Transportation (NCDOT) for High Point Train Depot Improvements.

Note: This matter was related to 150128 Budget Ordinance Amendment- High Point Train Depot and discussed simultaneously with this matter.

A motion was made by Committee Member C. Davis, seconded by Committee Member Hill to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150130 NCDOT - Traffic Signal System Supplemental Agreement

Council is requested to approve a supplemental agreement with the North Carolina Department of Transportation (NCDOT) to include provisions for a back-up power supply for the traffic signal system enhancements.

Mr. McDonald explained this is a supplemental agreement with NCDOT for some additional work that was not included in the original scope of services for the signal system upgrades. It includes work to be done to provide a back-up power supply for the system to be located in the basement where the traffic center is. The cost is approximately \$25,000. He pointed out this is not a straight monetary grant and the money that the City would spend on the frontend to get the back-up system installed and whatever that cost is up to \$25,000 will be deducted from High Point's participation in the project at the completion of the project.

Mr. Olmedo advised there is \$50,000 available that was budgeted in this year's budget and \$100,000 for each subsequent year in the pay-as-you-go budget to match it for the next four years. Mr. McDonald added this is a federally funded project with the city's portion being very low considering the cost of the project.

A motion was made by Committee Chair J. Davis, seconded by Committee Member Hill to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150131 Revised Fee and Charges Schedule - Parks and Recreation Department

Council is requested to approve a revised Fees and Charges to the Parks & Recreation Fee Schedule to allow for new services at the City's parks facilities.

Lee Tillery, Director of Parks & Recreation, advised that these revised fees and charges did go to the Parks & Recreation Commission for review and were being forwarded to the City Council for approval. He called attention to some of the new services incorporated in the schedule such as kayaking and stand-up paddle boarding storage at Oak Hollow Marina. The Parks & Recreation Commission approved the revised fee and charges schedule on April 13th. He did point out that the kayak storage at Oak Hollow Marina was inadvertently left out of the schedule when it was reviewed by the Parks & Recreation Commission.

Mr. McCaslin advised the Committee that there would be additional fees/charges that would be part of the budget process that would be forthcoming, but these fees would need to go into effect quicker because the season is upon us.

A motion was made by Committee Chair J. Davis, seconded by Committee Member Williams to send this matter to City Council with a favorable recommendation for approval. Motion passed unanimously. [4-0 vote]

150150 Public Hearing - Vault Enclosures Expansion Project

Monday, May 4, 2015 is the date and time established to receive public comments on a request to approve a local match in an amount not to exceed \$10,000.00 for a State of North Carolina Building Reuse Grant for Vault Enclosures located at 308 Burton Avenue.

Loren Hill, President, High Point Economic Development Corporation, explained a public hearing was held by the City Council on January 15, 2015, which involved approval of this same project, but in the Randolph County portion of High Point. Hel explained that location fell through and the applicant was now seeking to locate at a site on W. Green Drive in the Guilford County portion of High Point so the grant process has to start over.

There were no questions or concerns regarding this matter.

OTHER ITEMS:**150132 Resolution- Interlocal Agreement with Piedmont Triad Airport Authority**

Council is requested to adopt a resolution approving an interlocal agreement to allow for an extension of water and sewer service to property owned by the Piedmont Triad Airport Authority.

Sandy Dunbeck, Senior Vice President, High Point Economic Development Corporation, briefed the Committee on the Interlocal Agreement with Advantage Truck Center. The company will be locating at a site on National Service Road in Colfax. The Airport Authority has agreed to lease them this property and the company had asked if they could access High Point's water and sewer. She noted that the Airport Authority had indicated that the property could not be annexed, so it was agreed to allow them access to the water and sewer service paying double rates. She noted this was approved by the previous City Council by an 8-0 vote during a closed session.

She advised that it was discovered after the fact, that the property potentially could have been annexed because it was not the Airport proper, but a satellite area, but there would be no taxation. Staff is asking that Council adopt the resolution approving the interlocal agreement. The company is proposing to add about 40 jobs with a \$6.5-7 million investment. Ms. Dunbeck pointed out the agreement actually states that should they purchase the property (currently they have a lease with a purchase option), they have agreed to ask for voluntary annexation from the City.

Mr. McCaslin clarified that the previous Council did approve the project and explained that staff felt this update was necessary due to the fact that some of the newly elected council members might not be aware of the request since it was initially brought before the previous Council. City Attorney JoAnne Carlyle explained this was done as an economic development project at that time and it was not being brought to Council as an economic development project, but as an interlocal agreement.

150133 Resolution- Signatory- City Properties

Council is requested to adopt a Resolution designating the manager as the authorized signatory for the purpose of executing license, lease and rental agreements for terms of one year or less of Mendenhall Transportation Terminal, High Point Museum, High Point Theatre, City Hall, Public Library and the High Point Depot.

Chairman J. Davis felt this matter should have been on the Finance Committee's agenda, as well as establishing a public hearing for the budget. He questioned why these were not placed on the agenda under the Finance Committee. Mr. McCaslin explained that staff made the decision because they seemed to be general discussion items for Council. Chairman J. Davis expressed concerns that the information for this matter was not placed in Dropbox. He questioned the purpose for the city manager to be able to sign leases. He felt some parameters were needed as to what kind of lease it would be and the amounts.

Mr. McCaslin explained that other staff members who have previously been signing these did not have the legal authority to do so. Ms. Carlyle advised that the statutes authorize the city manager to sign the leases and rental agreements. Mr. Demko added that it would consolidate some things to get more control and accountability as well as flexibility to increase uses. Committee Member C. Davis asked to see a fee schedule. Mr. Demko explained staff would be bringing a consolidated fee schedule to Council for all operations and the fees that are charged in the next budget year. Chairman J. Davis asked Mr. Demko how he would determine what the rates will be if a fee structure is not in place. Mr. Demko explained a fee structure is in place, but there is not a consolidated fee schedule that is brought to Council each year. He noted as far as leases, it is more to encourage increased use of the facilities.

Committee Member C. Davis asked if the fee schedules for these locations would be available in the Council's packet of information when the agenda is delivered. Mr. Demko agreed to have one ready before Monday's meeting. Ms. Carlyle advised she would amend the resolution to reference that and mentioned there has never been a formal decision made by Council to not charge non-profits and she recommended for Council to go ahead and make this clear even if it has to be amended at a later date. Chairman J. Davis disagreed and pointed out in the past, Council budgeted \$50,000 a year in the Theatre's budget to cover the days that the Shakespeare Festival used the Theatre and it went against the Theatre's budget. He pointed out a lot of money has been spent renovating the Theatre to try to increase revenues and he wanted to protect this and not take away from what they are trying to do.

Committee Member C. Davis felt any request that receives a complete waiver of the fee should be brought back to Council for consideration. Mr. Demko agreed and noted that if Council has not authorized a waiver of fees, then any change to the fee schedule adopted would have to come to Council. Ms. Carlyle explained sometimes requests for events are somewhat time-sensitive and this would allow the city manager to step in and sign it and it might be defeating the main purpose of the resolution up for consideration. Mr. Demko noted the other side of this is the level of accountability for the Theatre for cost recovery that is set in having staff manage it. Council Member Golden agreed with Ms. Carlyle in that Council does not need to convene every time requests like this come up. He asked if it might be possible to put a dollar amount on it and

allow the city manager the authority to sign off on it up to a certain dollar amount. Mr. Demko asked for clarification if it would be a dollar amount of the waiver, or the dollar amount of the charge. Council Member Golden noted a waiver up to a certain amount and anything above that amount would require Council's approval. Council Member Ewing pointed out the manager could poll Council before making a decision if there are any questions. Mr. Demko asked Council to let him know how they prefer to get it done. Ms. Carlyle pointed out this does not have to be permanent and could be revised.

Chairman J. Davis noted his concern was the broadness of the list. Ms. Carlyle explained the language in the resolution was taken from the statute and this is as much authority that a Council can give to a manager.

150158 Resolution - Interlocal Agreement - Piedmont Triad Mobility Management Call-Center

Council is requested to adopt a Resolution approving an interlocal agreement between the City of High Point and the Piedmont Authority for Regional Transportation (PART) to establish the Piedmont Triad Mobility Management Call Center.

At the Manager's Briefing held at 3:30 p.m. prior to the Finance Committee Meeting, Council members present agreed to add this item to the City Council Agenda for May 4, 2015.

Non-Profit Funding Recommendations

Chairman J. Davis asked the Committee Members to send him their recommendations for the Non-Profit grants this week.

There being no further business to discuss, the meeting adjourned at 5:06 p.m. upon motion duly made by Committee Member Williams and second by Chairman J. Davis.

Respectfully Submitted,

Lisa B. Vierling, MMC
City Clerk

James C. Davis, Chairman

FILED
DAVIDSON COUNTY, NC
DAVID T. RICKARD
REGISTER OF DEEDS
July 29, 2015 03:29:09 PM
DEED BOOK 2189
PAGE 1091 - 1094
INSTRUMENT # 2015000015103
DOCTYPE: ORD
RECORDING:\$26.00

Deputy: SKEPLEY

Return to: JoAnne Caryle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Ordinance No. 7159 / 15-42

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE
CITY OF HIGH POINT, NORTH CAROLINA

WHEREAS, The City of High Point has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein; and,

WHEREAS, the City Clerk has investigated the sufficiency of said petition and has certified it to be valid; and

WHEREAS, a public hearing on this annexation was held at the Municipal Building at 5:30p.m. on the 20th day of July, 2015; and,

WHEREAS, the City of High Point does hereby find as a fact that said petition meets the requirements of G.S. 160A-58.1 as amended;

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

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1 as amended, the following described territory is hereby annexed, and made a part of the City of High Point as of July 20, 2015.

ANNEXATION DESCRIPTION - Sylvia Kennedy (Annexation Case 15-04)

A portion of Davidson County Tax Parcel 0102000000044 lying approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and west of Fernley Court. The property is more specifically described as follows:

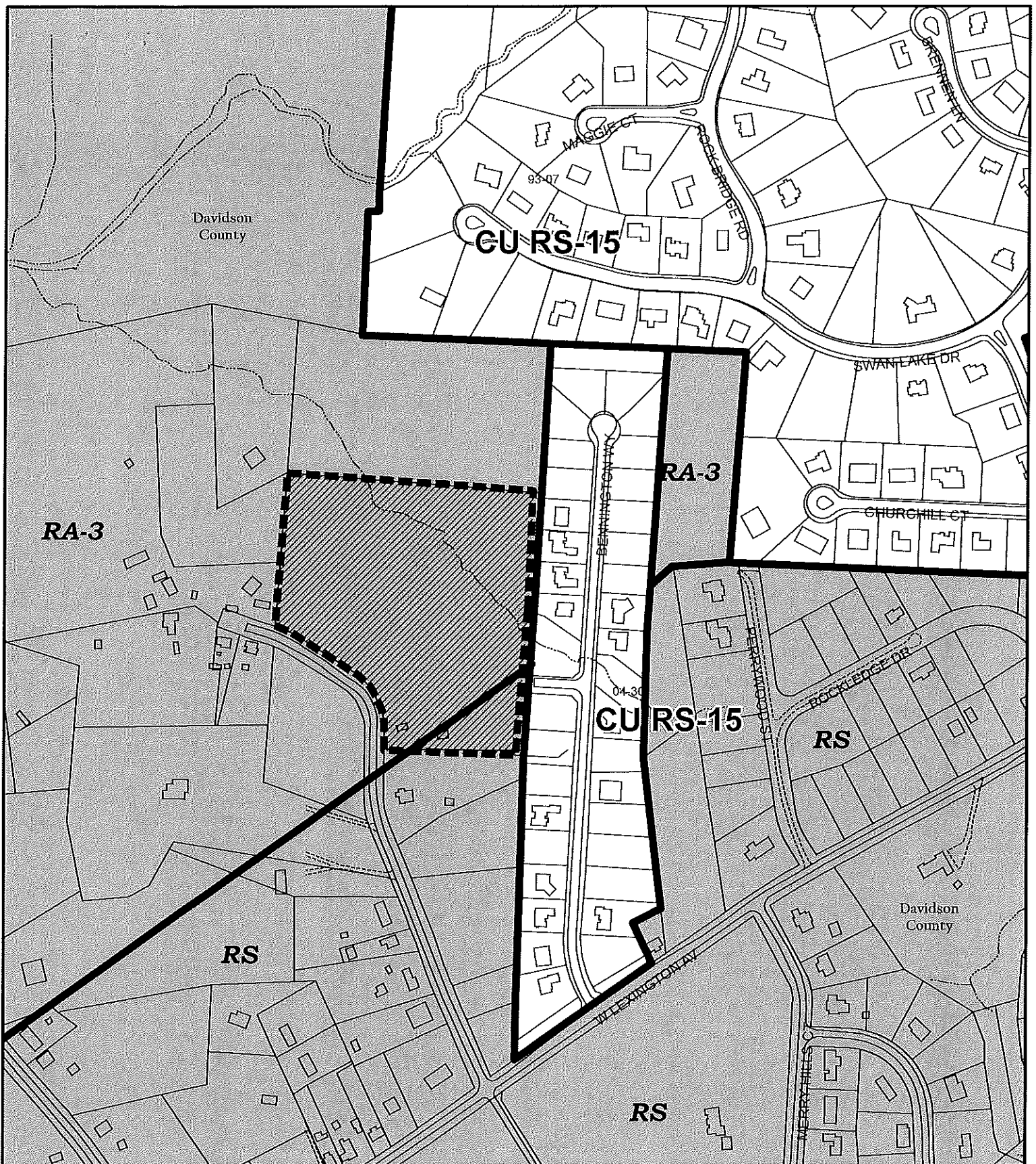
Beginning at an existing iron pipe, the SW corner of Jack Daniel Craven, Sr. as described in DB 1665 PG 1549, Davidson County Register of Deeds, said iron pipe having NC State Plane Coordinates (NAD 83) of N 808048.08, E 1682744.69 (U.S. Feet), running thence with the

southern line of Craven S 81 deg 25 min 37 sec E 788.57' to a new iron pipe set in the western line of "Swan's Landing" as recorded in Plat Book 47 Page 23, running thence with the western line of said plat S 3 deg 07 min 49 sec W 735.32' to a new iron pipe, running thence N 89 deg 37 min 34 sec W 455.47' to a new iron pipe in the western R/W of Richard Byerly Road, running thence with said R/W N 0 deg 08 min 48 sec W 77.36' to a point, on a curve to the left having a radius of 166.54' a chord bearing and distance of N 28 deg 03 min 21 sec W 156.66' to a point, N 56 deg 03 min 32 sec W 151.74' to a point, and on another curve to the left having a radius of 752.05' a chord bearing and distance of N 60 deg 53 min 29 sec W 126.71' to a new iron pipe, the SE corner of the afore referenced Jack Craven, running thence with the eastern line of Jack Craven and Nolan Craven (DB 2026 PG 73), N 3 deg 05 min 43 sec E 487.53' to the point and place of beginning, containing 12.300 acres, more or less.

SECTION 2. Upon and after July 20, 2015 the foregoing property and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of High Point, and shall be entitled to the same privileges and benefits as other parts of the City of High Point. Said territory shall be subject to municipal taxes according to G.S. 160A-58.3.

SECTION 3. The Mayor of the City of High Point shall cause to be recorded in the Office of the Register of Deeds for Guilford County and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, thereof, together with a duly certified copy of this ordinance.

Adopted by City Council,
this the 20th day of July, 2015.
Lisa B. Vierling, City Clerk



ANNEXATION REQUEST ANX15-04

Applicant: Allegro Investments Pro
Area: 12.300 acres (approximate)

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

**Planning & Development
 Department**

City of High Point

Date: April 28, 2015



Scale: 1"=400'
 G:/Planning/Secure/ba-pz/
 2015/pz/anx15-04.mxd

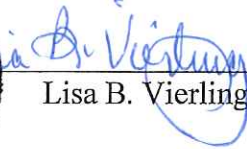
City of High Point
Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

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 Ordinance adopted by the City Council in official Session on July 20, 2015 and upon approval by City Council will be recorded in Book 90 of the Official Minute Books and Ordinance Book XIX of this City, under my care, custody and control. As of this date, action to adopt said Ordinance 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 23rd day of July, 2015.





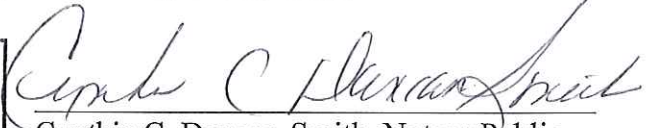
Lisa B. Vierling, City Clerk

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 23rd day of July 2015.

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



Cynthia C. Duncan-Smith, Notary Public

Commission Expires: 1/18/2020

PUBLISH ONCE: June 9, 2015

NOTICE OF PUBLIC HEARING

Take notice that the High Point City Council will hold a public hearing concerning the adoption of a resolution defining a new municipal service district in accordance with N.C.G.S. §160A-537 for the proposed establishment of the *Downtown High Point Business Improvement District* on Thursday, June 18, 2015 at 9:00 a.m. in the City Council Chambers, 211 South Hamilton Street, High Point, NC 27261. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the *Downtown High Point Business Improvement District*. The resolution to establish the *Downtown High Point Business Improvement District* will be considered by the High Point City Council on Thursday, June 18, 2015 at 9:00 a.m.

The map and report of the *Downtown High Point Business Improvement District* are available for inspection in the City Clerk's office at 336-883-3536 and online at <http://www.highpointnc.gov/edc/downtown.cfm>.

Lisa B. Vierling
High Point City Clerk

DOWNTOWN HIGH POINT BUSINESS IMPROVEMENT DISTRICT



City of High Point

City of High Point
North Carolina

G.S. 160A-537(b)
REPORT

For the

Downtown High Point Municipal Service District

to be referred to as the

Downtown High Point Business Improvement District (BID)

**For City Council Consideration
With an Effective Date of July 1, 2015**



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Introduction

This publication has been prepared for public inspection by the City of High Point for the establishment of a Municipal Service District in downtown High Point. This report is to be made available for public inspection according to the following excerpt outlined in “The Municipal Service District Act of 1973.” In 1973 the North Carolina General Assembly approved “Article 23. Municipal Service G.S. 160A-535.” See Attachment A.

Report Requirements

160A-537(b) Report – Before the public hearing required by subsection (c), the City Council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing the proposed district meets the standards set out in subsection (a):

[(a) Standards – The City Council of any city may by resolution define a service district upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.]; and

- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536

The report shall be available in the office of the City Clerk for at least four weeks before the date of the public hearing.

A Municipal Service District (MSD), commonly referred to as a Business Improvement District (BID), is a financing mechanism used to provide revenue for a variety of services that enhance, not replace, existing city services. The first BID was established in the French Quarter of New Orleans in the early 1970s. Now, there are more than 1,200 MSDs in North America according to the International Downtown Association. In each case, the services and activities of the BID have been tailored to meet the specific needs identified by the business community that funds them. The City of High Point seeks to establish a downtown BID to encourage the return of development and investment in the downtown. One of the primary reasons for establishing the BID is to clearly define an area of specific redevelopment focus and attention that warrants additional City funding.

Schedule

Wednesday May 6, 2015: Consideration by the Prosperity and Livability Committee with recommendation to City Council.

Monday May 18, 2015: Council calls for a required public hearing on the establishment of the BID to be held at its Thursday June 18, 2015 Council meeting.

Tuesday May 19, 2015: Staff mails notification to all property owners in the potential BID. Included in the mailing will be a reference to where to find this report which includes the background, purpose, and schedule. By state law, this mailing must occur at least four weeks prior to the required public hearing on the establishment of the BID.

Thursday June 18, 2015: Public Hearing and Council vote on BID at City Council meeting with an effective date of July 1, 2015.

Public Hearing Scheduled for City Council Meeting Thursday June 18, 2012

The public hearing on the establishment of the downtown High Point BID will be held during the City Council meeting on Thursday June 18, 2015 which begins at 9:00 am in the Council Chambers, 211 South Hamilton Street, High Point, North Carolina. During this hearing, members of the public are invited to provide comments regarding the resolution to establish the downtown High Point Business Improvement District. The resolution to establish the downtown Business Improvement District will be voted on by the High Point City Council at the City Council meeting on Thursday June 18, 2015. The BID will become effective July 1, 2015. There will not be a service district tax associated with the approval of the BID.

Questions

All questions about the downtown High Point Business Improvement District should be directed to The Core City Administrator for High Point, Wendy Fuscoe, via email through wendy.fuscoe@highpointnc.gov or by phone at (336) 883-8547.

History of Business Improvement Districts

Communities undertake the establishment of BIDs for a variety of reasons, and indeed one of the strengths of the concept is the ability to tailor the services offered by the BID to the specific needs of a certain community or business district.

Because the service needs of traditional commercial districts are often greater than those generally provided throughout a given municipality, BIDs have proven to be effective tools for enhancing and revitalizing the district and increasing their economic viability. BIDs create a mechanism through which enhanced programs and services are targeted to a geographically defined district's specific needs.

The downtown High Point proposed BID qualifies and meets the required statutory criteria for forming a Business Improvement District as the area can be considered a *downtown revitalization project* by "furthering the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets, promoting business investment, helping coordinate public and private actions in the downtown area, and developing and issuing publications about downtown) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience."

Downtown High Point Revitalization Plan History

The City of High Point adopted the Core City Plan in February 2007. The purpose of creating the plan was to provide a clear blueprint for improving the physical, economic and social facets of High Point's central core area. Because much of High Point's traditional downtown now serves as a Showroom District, the Core City Plan envisioned the creation of eight (8) mixed use centers and a downtown mixed use area that would be the area where non-furniture businesses and more traditional downtown uses such as restaurants, retail, and offices would be encouraged. In 2013, the Ignite Master Plan which was a publically-privately funded plan for the Uptowne and Downtown districts, proposed several discrete projects that could help in the creation of a diversified and economically strong downtown. City Council is currently considering one such project that would

involve the creation of a downtown civic square and amphitheater.

In 2014, City Council determined that the Downtown Corridor area connecting the Uptowne District to the Showroom district, would be an ideal area for concentrated revitalization. Several blocks are currently vacant or soon to be vacant, and the area contains historic properties and opportunities for infill development. The Core City Plan established several objectives for the downtown mixed use district:

- Showrooms would still be permitted, but new uses would be encouraged that would be consistent with those traditionally found in downtowns.
- The district should strive to maintain an urban form.
- The City will provide incentives to make it easier and more desirable for businesses to locate and for investors to improve properties and develop small scale infill commercial and mixed use buildings.
- The City desires for the downtown to be unique, attractive and a destination for residents and visitors to the City of High Point.

The Core City Plan guides decision-making about downtown projects by creating a vision for a more vibrant downtown core through public and private investments and the Ignite Master Plan contains several project ideas. Since the adoption of the Core City Plan, improvements have been made in several mixed use centers such as Washington Street, Uptowne and the Southwest area.

Streetscape improvements are being made on Washington Street and at the intersection of Main and Lexington in Uptowne and plans are being considered for South Main Street. The city has hired a Core City administrator and since 2008, over \$2 million in private dollars have been contributed to revitalization in the core.

The City of High Point wants to make the downtown aesthetically and economically appealing to citizens and potential business owners. The incentives for the Downtown High Point BID will attract and support new development by providing funds to make interior and exterior property improvements and encourage infill development.

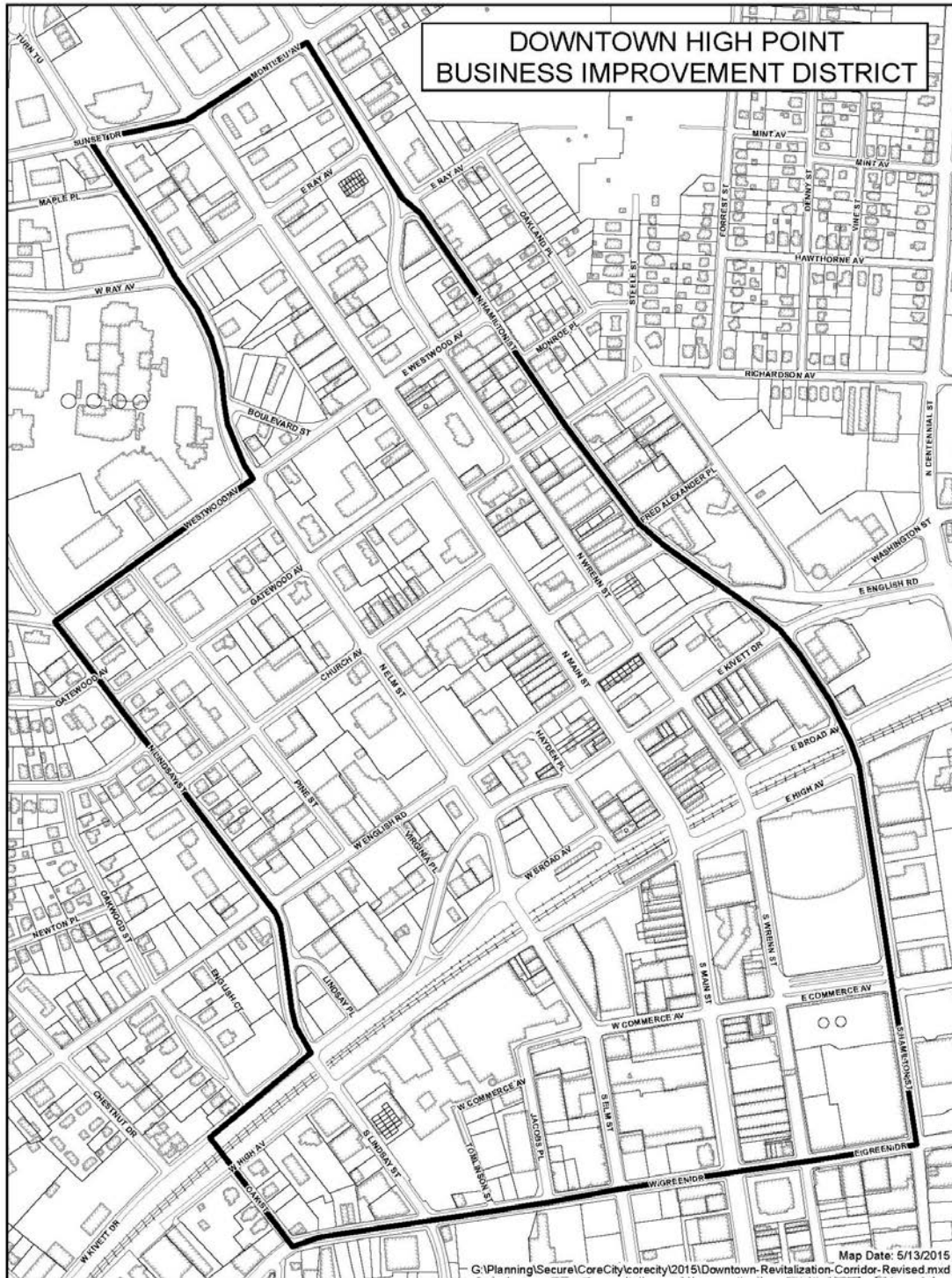
Additional information and related details about Core City Plan can be found on the City of High Point website at: http://www.highpointnc.gov/plan/core_city_plan.cfm.

The Ignite Master Plan can be found at: <http://www.high-point.net/CityProject/inquire.html>.

Downtown BID Boundary and Map

The map below shows the boundaries of the downtown High Point BID. The spine of the BID is Main Street and although there is some General Business and Light Industrial, the majority of the zoning is Central Business.

BID Border Outlined in Black



What to Expect in the Business Improvement District

A Business Improvement District is allowed to have an incremental tax to fund those activities and services that provide an enhanced level of service above and beyond those properties not included in the BID. The City of High Point is not proposing that an incremental tax be associated with the Downtown Business Improvement District. The BID is being used to help focus and encourage an increased level of property improvements and revitalization.

To help encourage new property redevelopment and investment by the private sector, the City will offer incentives that will encourage revitalization efforts within the BID boundary. Incentives will be used to drive private investment in the downtown improvement district. These incentives will encourage the reuse of underutilized buildings or vacant buildings and promote infill growth and new development.

Lifecycle and Future Changes to the Business Improvement District

"The Municipal Service District Act of 1973" authorizes City Councils in the State of North Carolina to create BIDs for downtown revitalization projects when services are to a greater extent than those provided for the entire city, as part of its annual budget process. If the High Point City Council supports the establishment of the downtown High Point BID, it will remain in effect until the High Point City Council decides to abolish the downtown BID. Council may add properties adjacent to the existing BID if 100% of the property owners to be added have signed a petition to do so. This consideration process would take place during the months leading up to the start of each fiscal year so that the changes could take effect on July 1 of the upcoming fiscal year.

Downtown BID Funding – No Tax Increase

North Carolina General Statutes for a BID provide that the City Council, upon determining that an area warrants a service district, may tax the property within the district at a rate determined to generate enough revenue to support the additional services to be provided by the district. The High Point City Council is not implementing a separate or additional tax associated with the Business Improvement District. The tax rate inside the BID will remain the same as the tax rate in the rest of the City. One of the primary reasons of establishing the BID is to clearly define an area of specific redevelopment focus and attention that warrants additional City funding. Funding will be made available through the General Fund and other unrestricted funds.

Article 23.
Municipal Service Districts.

§ 160A-535. Title; effective date.

This Article may be cited as "The Municipal Service District Act of 1973," and is enacted pursuant to Article V, Sec. 2(4) of the Constitution of North Carolina, effective July 1, 1973. (1973, c. 655, s. 1.)

§ 160A-536. Purposes for which districts may be established.

(a) Purposes. – The city council of any city may define any number of service districts in order to finance, provide, or maintain for the districts one or more of the following services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city:

- (1) Beach erosion control and flood and hurricane protection works.
 - (1a) (For applicability see note) Any service, facility, or function which the municipality may by law provide in the city, and including but not limited to placement of utility wiring underground, placement of period street lighting, placement of specially designed street signs and street furniture, landscaping, specialized street and sidewalk paving, and other appropriate improvements to the rights-of-way that generally preserve the character of an historic district; provided that this subdivision only applies to a service district which, at the time of its creation, had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter.
- (2) Downtown revitalization projects.
 - (2a) Urban area revitalization projects.
 - (2b) Transit-oriented development projects.
- (3) Drainage projects.
 - (3a) Sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
 - (3b) (For applicability see note) Lighting at interstate highway interchange ramps.
- (4) Off-street parking facilities.
- (5) Watershed improvement projects, including but not limited to watershed improvement projects as defined in General Statutes Chapter 139; drainage projects, including but not limited to the drainage projects provided for by General Statutes Chapter 156; and water resources development projects, including but not limited to the federal water resources development projects provided for by General Statutes Chapter 143, Article 21.

(b) Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" include by way of illustration but not limitation improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements therefor, the construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street, and other improvements intended to relieve traffic congestion in the central city, improve pedestrian and vehicular access thereto, reduce the incidence of crime therein, and generally to further the public health, safety, welfare, and convenience by promoting the economic health of the central city or downtown area.

In addition, a downtown revitalization project may, in order to revitalize a downtown area and further the public health, safety, welfare, and convenience, include the provision of city services or functions in addition to or to a greater extent than those provided or maintained for the entire city. A downtown revitalization project may also include promotion and developmental activities (such as sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area) designed to improve the economic well-being of the downtown area and further the public health, safety, welfare, and convenience. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district shall not prejudice the city's authority to undertake urban renewal projects in the same area.

(c) Urban Area Revitalization Defined. – As used in this section, the term "urban area revitalization projects" includes the provision within an urban area of any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section. As used in this section, the term "urban area" means an area that (i) is located within a city and (ii) meets one or more of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any nonresidentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

(c1) Transit-Oriented Development Defined. – As used in this section, the term "transit-oriented development" includes the provision within a public transit area of any service or facility listed in this subsection. A public transit area is an area within a one-fourth mile radius of any passenger stop or station located on a mass transit line. A mass transit line is a rail line along which a public transportation service operates or a busway or guideway dedicated to public transportation service. A busway is not a mass transit line if a majority of its length is also generally open to passenger cars and other private vehicles more than two days a week.

The following services and facilities are included in the definition of "transit-oriented development" if they are provided within a transit area:

- (1) Any service or facility that may be provided in a downtown area as a downtown revitalization project under subdivision (a)(2) and subsection (b) of this section.
- (2) Passenger stops and stations on a mass transit line.
- (3) Parking facilities and structures associated with passenger stops and stations on a mass transit line.
- (4) Any other service or facility, whether public or public-private, that the city may by law provide or participate in within the city, including retail, residential, and commercial facilities.

(d) Contracts. – A city may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces, through a contract with another governmental agency, through a contract with a private agency, or by any combination thereof.

Any contracts entered into pursuant to this paragraph shall specify the purposes for which city moneys are to be used and shall require an appropriate accounting for those moneys at the end of each fiscal year or other appropriate period. (1973, c. 655, s. 1; 1977, c. 775, ss. 1, 2; 1979, c. 595, s. 2; 1985, c. 580; 1987, c. 621, s. 1; 1999-224, s. 1; 1999-388, s. 1; 2004-151, s. 1; 2004-203, s. 5(m); 2009-385, s. 1.)

§ 160A-537. Definition of service districts.

(a) Standards. – The city council of any city may by resolution define a servicedistrict upon finding that a proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536 to a demonstrably greater extent than the remainder of the city.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the proposed district, showing its proposed boundaries;
- (2) A statement showing that the proposed district meets the standards set out in subsection (a); and
- (3) A plan for providing in the district one or more of the services listed in G.S. 160A-536.

The report shall be available for public inspection in the office of the city clerk for at least four weeks before the date of the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution defining a new service district under this section. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a map of the proposed district and a statement that the report required by subsection (b) is available for public inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, it shall be mailed at least four weeks before the date of the hearing by any class of U.S. mail which is fully prepaid to the owners as shown by the county tax records as of the preceding January 1 (and at the address shown thereon) of all property located within the proposed district. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed and his certificate is conclusive in the absence of fraud.

(d) Effective Date. – The resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council, except that if the governing body in the resolution states that general obligation bonds are anticipated to be authorized for the project, it may make the resolution effective immediately upon its adoption, but no ad valorem tax may be levied for a partial fiscal year.

(e) In the case of a resolution defining a service district, which is adopted during the period beginning July 1, 1981, and ending July 31, 1981, and which district is for any purpose defined in G.S. 160A-536(1), the city council may make the resolution effective for the fiscal year beginning July 1, 1981. In any such case, the report under subsection (b) of this section need only have been available for public inspection for at least two weeks before the date of the public hearing, and the notice required by subsection (c) of this section need only have been mailed at least two weeks before the date of the hearing. (1973, c. 655, s. 1; 1981, c. 53, s. 1; c. 733, s. 1; 2006-162, s. 25.)

§ 160A-538. Extension of service districts.

(a) Standards. – The city council may by resolution annex territory to any service district upon finding that:

- (1) The area to be annexed is contiguous to the district, with at least one eighth of the area's aggregate external boundary coincident with the existing boundary of the district;
- (2) That the area to be annexed requires the services of the district.

(b) Annexation by Petition. – The city council may also by resolution extend by annexation the boundaries of any service district when one hundred percent (100%) of the real

property owners of the area to be annexed have petitioned the council for annexation to the service district.

(c) Report. – Before the public hearing required by subsection (d), the council shall cause to be prepared a report containing:

- (1) A map of the service district and the adjacent territory, showing the present and proposed boundaries of the district;
- (2) A statement showing that the area to be annexed meets the standards and requirements of subsections (a) or (b); and
- (3) A plan for extending services to the area to be annexed. The report shall be available for public inspection in the office of the city clerk for at least two weeks before the date of the public hearing.

(d) Hearing and Notice. – The council shall hold a public hearing before adopting any resolution extending the boundaries of a service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the date of the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the area to be annexed. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(e) Effective Date. – The resolution extending the boundaries of the district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the council.

(f) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries extended to include territory which has been added to the historic district. (1973, c. 655, s. 1; 1981, c. 53, s. 2; 1987, c. 621, s. 2.)

§ 160A-538.1. Reduction of service districts.

(a) Upon finding that there is no longer a need to include within a particular service district any certain tract or parcel of land, the city council may by resolution redefine a service district by removing therefrom any tract or parcel of land which it has determined need no longer be included in said district. The city council shall hold a public hearing before adopting a resolution removing any tract or parcel of land from a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing.

(b) The removal of any tract or parcel of land from any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the city council.

(c) **(For applicability see note)** A service district which at the time of its creation had the same boundaries as an historic district created under Part 3A of Article 19 of this Chapter may only have its boundaries reduced to exclude territory which has been removed from the historic district. (1977, c. 775, s. 3; 1987, c. 621, s. 3.)

§ 160A-539. Consolidation of service districts.

(a) The city council may by resolution consolidate two or more service districts upon finding that:

- (1) The districts are contiguous or are in a continuous boundary; and
- (2) The services provided in each of the districts are substantially the same; or
- (3) If the services provided are lower for one of the districts, there is a need to increase those services for that district to the level of that enjoyed by the other districts.

(b) Report. – Before the public hearing required by subsection (c), the city council shall cause to be prepared a report containing:

- (1) A map of the districts to be consolidated;
- (2) A statement showing the proposed consolidation meets the standards of subsection (a); and
- (3) If necessary, a plan for increasing the services for one or more of the districts so that they are substantially the same throughout the consolidated district.

The report shall be available in the office of the city clerk for at least two weeks before the public hearing.

(c) Hearing and Notice. – The city council shall hold a public hearing before adopting any resolution consolidating service districts. Notice of the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a statement that the report required by subsection (b) is available for inspection in the office of the city clerk. The notice shall be published at least once not less than one week before the date of the hearing. In addition, the notice shall be mailed at least four weeks before the hearing to the owners as shown by the county tax records as of the preceding January 1 of all property located within the consolidated district. The notice may be mailed by any class of U.S. mail which is fully prepaid. The person designated by the council to mail the notice shall certify to the council that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud.

(d) Effective Date. – The consolidation of service districts shall take effect at the beginning of a fiscal year commencing after passage of the resolution of consolidation, as determined by the council. (1973, c. 655, s. 1; 1981, c. 53, s. 2.)

§ 160A-540. Required provision or maintenance of services.

(a) New District. – When a city defines a new service district, it shall provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year, after the effective date of the definition of the district.

(b) Extended District. – When a city annexes territory for a service district, it shall provide, maintain, or let contracts for the services provided or maintained throughout the district to the residents of the area annexed to the district within a reasonable time, not to exceed one year, after the effective date of the annexation.

(c) Consolidated District. – When a city consolidates two or more service districts, one of which has had provided or maintained a lower level of services, it shall increase the services within that district (or let contracts therefor) to a level comparable to those provided or maintained elsewhere in the consolidated district within a reasonable time, not to exceed one year, after the effective date of the consolidation. (1973, c. 655, s. 1.)

§ 160A-541. Abolition of service districts.

Upon finding that there is no longer a need for a particular service district, the city council may by resolution abolish that district. The council shall hold a public hearing before adopting a resolution abolishing a district. Notice of the hearing shall state the date, hour and place of the hearing, and its subject, and shall be published at least once not less than one week before the date of the hearing. The abolition of any service district shall take effect at the end of a fiscal year following passage of the resolution, as determined by the council. (1973, c. 655, s. 1.)

§ 160A-542. Taxes authorized; rate limitation.

A city may levy property taxes within defined service districts in addition to those levied throughout the city, in order to finance, provide or maintain for the district services provided therein in addition to or to a greater extent than those financed, provided or maintained for the entire city. In addition, a city may allocate to a service district any other revenues whose use is not otherwise restricted by law.

Property subject to taxation in a newly established district or in an area annexed to an existing district is that subject to taxation by the city as of the preceding January 1.

Property taxes may not be levied within any district established pursuant to this Article in excess of a rate on each one hundred dollar (\$100.00) value of property subject to taxation which, when added to the rate levied city wide for purposes subject to the rate limitation, would exceed the rate limitation established in G.S. 160A-209(d), unless that portion of the rate in excess of this limitation is submitted to and approved by a majority of the qualified voters residing within the district. Any referendum held pursuant to this paragraph shall be held and conducted as provided in G.S. 160A-209.

This Article does not impair the authority of a city to levy special assessments pursuant to Article 10 of this Chapter for works authorized by G.S. 160A-491, and may be used in addition to that authority. (1973, c. 655, s. 1.)

§ 160A-543. Bonds authorized.

A city may incur debt under general law to finance services, facilities or functions provided within a service district. If a proposed general obligation bond issue is required by law to be submitted to and approved by the voters of the city, and if the proceeds of the proposed bond issue are to be used in connection with a service that is or, if the bond issue is approved, will be provided only for one or more service districts or at a higher level in service districts than city wide, the proposed bond issue must be approved concurrently by a majority of those voting throughout the entire city and by a majority of the total of those voting in all of the affected or to be affected service districts. (1973, c. 655, s. 1; 2004-151, s. 4.)

§ 160A-544. Exclusion of personal property of public service corporations.

There shall be excluded from any service district and the provisions of this Article shall not apply to the personal property of any public service corporation as defined in G.S. 160A-243(c); provided that this section shall not apply to any service district in existence on January 1, 1977. (1977, c. 775, s. 4.)

ATTACHMENT B

Property Addresses Included in the Downtown High Point Business Improvement District

100 N ELM ST	113 W RAY AVE
100 N LINDSAY ST	114 116 W COMMERCE AVE
100 N MAIN ST	114 N ELM ST
100 S LINDSAY ST	114 S ELM ST
100 S MAIN ST	114 S MAIN ST
100 W HIGH AVE	115 GATEWOOD AVE
100 WESTWOOD AVE	115 S MAIN ST
101 103 N WRENN ST	115 W HIGH AVE
101 N HAMILTON ST	116 E COMMERCE AVE
101 N MAIN ST	116 S LINDSAY ST
101 S MAIN ST	117 N HAMILTON ST
101 WESTWOOD AVE	117 W ENGLISH RD
103 105 N MAIN ST	118 CHURCH AVE
104 HAYDEN PL	118 E KIVETT DR
104 N MAIN ST	118 N MAIN ST
105 SUNSET DR	118 N WRENN ST
106 N MAIN ST	118 W COMMERCE AVE
106 N WRENN ST	119 N LINDSAY ST
106 W KIVETT DR	120 S LINDSAY ST
107 OAK ST	120 S MAIN ST
107 SUNSET DR	120 W COMMERCE AVE
108 E COMMERCE AVE	121 N HAMILTON ST
108 E KIVETT DR	121 VIRGINIA PL
108 N ELM ST	122 N MAIN ST
108 S LINDSAY ST	123 N LINDSAY ST
109 OAK ST	124 MONTLIEU AVE
109 W RAY AVE	124 S MAIN ST
110 E KIVETT DR	125 N MAIN ST
110 GATEWOOD AVE	125 VIRGINIA PL
110 N WRENN ST	126 128 S MAIN ST
110 S ELM ST	126 N MAIN ST
111 E COMMERCE AVE	126 VIRGINIA PL
111 E GREEN DR	128 CHURCH AVE
111 GATEWOOD AVE	130 N LINDSAY ST
111 HAYDEN PL	130 S MAIN ST
111 N MAIN ST	131 OAK ST
111 W RAY AVE	131 W COMMERCE AVE
112 A W BROAD AVE	132 CHURCH AVE
112 E KIVETT DR	134 S MAIN ST
112 GATEWOOD AVE	135 S MAIN ST
112 N ELM ST	136 CHURCH AVE
112 S LINDSAY ST	136 N MAIN ST
112 W BROAD AVE	138 CHURCH AVE
113 GATEWOOD AVE	138 S MAIN ST

140 144 N MAIN ST
140 CHURCH AVE
142 CHURCH AVE
142 S MAIN ST
146 CHURCH AVE
149 CHURCH AVE
150 CHURCH AVE
150 S MAIN ST
151 W HIGH AVE
154 S MAIN ST
156 S WRENN ST
164 S MAIN ST
200 210 W COMMERCE AVE
200 E KIVETT DR
200 GATEWOOD AVE
200 N MAIN ST
200 S MAIN ST
200 WESTWOOD AVE
201 205 N HAMILTON ST
201 207 JACOBS PL
201 CHURCH AVE
201 E GREEN DR
201 HAYDEN PL
201 N MAIN ST
201 S MAIN ST
201 W BROAD AVE
201 W COMMERCE AVE
201 W ENGLISH RD
201 W HIGH AVE
202 BOULEVARD ST
202 E KIVETT DR
202 S WRENN ST
203 E BROAD AVE
203 E KIVETT DR
203 N MAIN ST
203 W HIGH AVE
204 BOULEVARD ST
204 GATEWOOD AVE
204 N LINDSAY ST
204 W ENGLISH RD
205 BOULEVARD ST
205 E WESTWOOD AVE
205 HAYDEN PL
205 N MAIN ST
205 S MAIN ST
205 TOMLINSON ST
205 WESTWOOD AVE
206 210 FRED ALEXANDER
206 BOULEVARD ST
206 CHURCH AVE

206 E KIVETT DR
206 GATEWOOD AVE
206 NEAR WESTWOOD AVE
206 RICHARDSON AVE
206 W BROAD AVE
206 W GREEN DR
206 WESTWOOD AVE
207 GATEWOOD AVE
207 N MAIN ST
207 PINE ST
207 S MAIN ST
207 TOMLINSON ST
207 W ENGLISH RD
207 W HIGH AVE
208 BOULEVARD ST
208 E KIVETT DR
208 JACOBS PL
208 N ELM ST
208 N LINDSAY ST
208 N MAIN ST
208 W ENGLISH RD
209 JACOBS PL
209 N MAIN ST
209 PINE ST
209 S MAIN ST
210 BOULEVARD ST
210 CHURCH AVE
210 E COMMERCE AVE
210 E COMMERCE AVE
210 GATEWOOD AVE
210 N LINDSAY ST
211 E BROAD AVE
211 E COMMERCE AVE
211 GATEWOOD AVE
211 PINE ST
211 RICHARDSON AVE
211 S MAIN ST
211 TOMLINSON ST
211 W ENGLISH RD
212 101 N MAIN ST
212 2A N MAIN ST
212 2B N MAIN ST
212 2C N MAIN ST
212 2D N MAIN ST
212 2E N MAIN ST
212 2F N MAIN ST
212 3A N MAIN ST
212 3C N MAIN ST
212 3G N MAIN ST
212 3H N MAIN ST

212 4A N MAIN ST
212 4B N MAIN ST
212 4C N MAIN ST
212 E KIVETT DR
212 JACOBS PL
212 N LINDSAY ST
212 N MAIN ST
212 N WRENN ST
213 GATEWOOD AVE
213 N MAIN ST
213 TOMLINSON ST
214 E KIVETT DR
214 N LINDSAY ST
214 N WRENN ST
214 S ELM ST
214 W ENGLISH RD
214 W GREEN DR
215 217 JACOBS PL
215 CHURCH AVE
215 GATEWOOD AVE
215 RICHARDSON AVE
215 S MAIN ST
216 N LINDSAY ST
216 PINE ST
217 GATEWOOD AVE
218 E KIVETT DR
218 GATEWOOD AVE
218 N LINDSAY ST
218 S ELM ST
220 S ELM ST
220 S MAIN ST
222 S HAMILTON ST
224 228 N WRENN ST
224 E KIVETT DR
225 N ELM ST
225 S ELM ST
228 N WRENN ST
230 232 S WRENN ST
233 S MAIN ST
235 S WRENN ST
236 S MAIN ST
238 N WRENN ST
239 S MAIN ST
242 N WRENN ST
243 NEAR S MAIN ST
243 S MAIN ST
244 N WRENN ST
245 N HAMILTON ST
246 N WRENN ST
247 S MAIN ST

258 S MAIN ST
268 S WRENN ST
300 A N MAIN ST
300 CHURCH AVE
300 GATEWOOD AVE
300 N LINDSAY ST
300 N WRENN ST
300 W BROAD AVE
301 N MAIN ST
301 W ENGLISH RD
302 N LINDSAY ST
302 W GREEN DR
303 GATEWOOD AVE
304 GATEWOOD AVE
304 N LINDSAY ST
305 311 W HIGH AVE
305 CHURCH AVE
305 N ELM ST
305 N MAIN ST
306 N LINDSAY ST
307 CHURCH AVE
307 N ELM ST
308 N LINDSAY ST
308 PINE ST
308 W BROAD AVE
309 N HAMILTON ST
309 N MAIN ST
311 CHURCH AVE
311 OPEN N HAMILTON ST
311 U1 N HAMILTON ST
311 U2 N HAMILTON ST
311 U3 N HAMILTON ST
311 W ENGLISH RD
312 N ELM ST
312 W BROAD AVE
313 N MAIN ST
315 N ELM ST
315 W COMMERCE AVE
315 W ENGLISH RD
317 12A W HIGH AVE
317 12B W HIGH AVE
317 12C W HIGH AVE
317 12D W HIGH AVE
317 12E W HIGH AVE
317 12F W HIGH AVE
317 12G W HIGH AVE
317 12H W HIGH AVE
317 14A W HIGH AVE
317 14B W HIGH AVE
317 14C W HIGH AVE

317 14D W HIGH AVE
317 14E W HIGH AVE
317 14F W HIGH AVE
317 14G W HIGH AVE
317 15A W HIGH AVE
317 15B W HIGH AVE
317 15C W HIGH AVE
317 N MAIN ST
317 W ENGLISH RD
317 W HIGH AVE
319 N HAMILTON ST
319 N MAIN ST
319 WESTWOOD AVE
321 N WRENN ST
325 N MAIN ST
329 N HAMILTON ST
329 N MAIN ST
330 332 E GREEN DR
331 333 N HAMILTON ST
340 N WRENN ST
346 N WRENN ST
348 N WRENN ST
400 N ELM ST
400 N LINDSAY ST
400 N MAIN ST
400 N WRENN ST
400 R1 W BROAD AVE
400 W BROAD AVE
400 W ENGLISH RD
401 W ENGLISH RD
401 WESTWOOD AVE
402 W BROAD AVE
404 406 N MAIN ST
404 N LINDSAY ST
405 N ELM ST
405 N MAIN ST
405 WESTWOOD AVE
406 N LINDSAY ST
407 415 N MAIN ST
407 W HIGH AVE
409 W HIGH AVE
410 N WRENN ST
410 W ENGLISH RD
410 W KIVETT DR
412 W GREEN DR
415 417 N HAMILTON ST
415 W HIGH AVE
416 N WRENN ST
418 W KIVETT DR
419 N HAMILTON ST

422 N WRENN ST
425 N HAMILTON ST
426 N WRENN ST
430 N WRENN ST
432 N WRENN ST
435 N WRENN ST
441 N WRENN ST
442 N WRENN ST
500 502 N MAIN ST
500 W ENGLISH RD
500 W KIVETT DR
501 N MAIN ST
501 W ENGLISH RD
502 510 W KIVETT DR
504 N MAIN ST
504 W ENGLISH RD
505 N WRENN ST
506 N MAIN ST
508 W ENGLISH RD
512 N MAIN ST
512 W GREEN DR
513 N HAMILTON ST
515 N HAMILTON ST
515 W ENGLISH RD
516 W ENGLISH RD
516 W GREEN DR
517 N HAMILTON ST
519 NEAR N HAMILTON ST
521 N HAMILTON ST
521 W ENGLISH RD
525 N WRENN ST
531 A N HAMILTON ST
531 B N HAMILTON ST
531 C N HAMILTON ST
531 D N HAMILTON ST
531 E N HAMILTON ST
531 F N HAMILTON ST
531 G N HAMILTON ST
531 H N HAMILTON ST
531 I N HAMILTON ST
531 J N HAMILTON ST
531 K N HAMILTON ST
531 L N HAMILTON ST
531 M N HAMILTON ST
531 N N HAMILTON ST
531 O N HAMILTON ST
531 OPEN N HAMILTON ST
531 P N HAMILTON ST
531 Q N HAMILTON ST
531 R N HAMILTON ST

531 S N HAMILTON ST
531 T N HAMILTON ST
533 N HAMILTON ST
600 N MAIN ST
606 N ELM ST
615 N HAMILTON ST
619 N HAMILTON ST
620 N MAIN ST
621 N MAIN ST
635 N MAIN ST
645 N MAIN ST
650 A N MAIN ST
650 N MAIN ST
658 N MAIN ST
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662 N MAIN ST
665 N MAIN ST
700 N ELM ST
700 N MAIN ST
704 N MAIN ST
710 N ELM ST
711 N MAIN ST
712 N ELM ST
715 N MAIN ST
717 721 N MAIN ST
720 N MAIN ST
727 N MAIN ST
737 N MAIN ST
740 N MAIN ST
748 N MAIN ST
751 N MAIN ST
755 N MAIN ST
762 N MAIN ST
779 N MAIN ST
788 N MAIN ST
790 N MAIN ST
793 N MAIN ST
800 N MAIN ST
801 N MAIN ST
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811 N MAIN ST
819 N MAIN ST
820 N MAIN ST
823 N MAIN ST

The Legal Framework for Business Improvement Districts (BIDs) in North Carolina

1. What is the legal authority for establishing a BID in North Carolina?

- In North Carolina the statutory authority for creating a BID is the Municipal Service District Act, G.S. 160A-535 through 160A-544. This Act permits a municipality to establish one or more municipal service districts and assesses a special tax in each of the districts to be used to fund services or projects in the district. Among the purposes for which municipal service districts may be formed is to fund *Downtown Revitalization Projects*, which include *urban area revitalization projects*. **The City of High Point is not assessing a special tax in association with its Downtown BID. The tax rate in the BID will be consistent with the tax rate in the rest of the City of High Point.**

2. What constitutes *downtown revitalization* (that is, what services may be provided in the BID)?

- G.S. 160A-536(b) lists a broad array of potential downtown revitalization projects.¹ And the list is not exclusive. As long as a project or activity benefits the downtown district or benefits the properties or residents in the downtown district, it likely may be funded with BID tax proceeds. Although technically a “service” district, municipalities may use BID tax proceeds to fund capital projects, operating expenses, and other activities in the BID.

¹ G.S. 160A-536(b) states:

Downtown Revitalization Defined. – As used in this section "downtown revitalization projects" are improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or downtown area. Exercise of the authority granted by this Article to undertake downtown revitalization projects financed by a service district do not prejudice a city's authority to undertake urban renewal projects in the same area. Examples of downtown revitalization projects include by way of illustration but not limitation all of the following:

- (1) Improvements to water mains, sanitary sewer mains, storm sewer mains, electric power distribution lines, gas mains, street lighting, streets and sidewalks, including rights-of-way and easements.
- (2) Construction of pedestrian malls, bicycle paths, overhead pedestrian walkways, sidewalk canopies, and parking facilities both on-street and off-street.
- (3) Construction of public buildings, restrooms, docks, visitor centers, and tourism facilities.
- (4) Improvements to relieve traffic congestion in the central city and improve pedestrian and vehicular access to it.
- (5) Improvements to reduce the incidence of crime in the central city.
- (6) Providing city services or functions in addition to or to a greater extent than those provided or maintained for the entire city.
- (7) Sponsoring festivals and markets in the downtown area, promoting business investment in the downtown area, helping to coordinate public and private actions in the downtown area, and developing and issuing publications on the downtown area.

- Common projects and services include enhanced maintenance of streets, sidewalks, and other public facilities; provision of extra security to augment regular police services; downtown marketing and promotion; presentation of special downtown events; management of downtown parking; promotion of downtown business location and expansion; and construction of capital improvements.

3. How are BID boundaries drawn?

- The municipal service district legislation implements N.C. Const. art. V, § 2(4), which allows a municipality to define special service areas in order to assess additional property taxes to fund services, projects or activities within the areas that are additional to the services provided throughout the unit.
- A municipality's governing board has broad discretion to draw BID boundaries within its downtown area. The governing board simply must find that the services, projects, or activities are provided to a greater extent than those financed, provided or maintained for the entire city.
- Districts should include only properties that will benefit from the additional services provided in the district.

4. What is the legal process for establishing a BID?

- The following flowchart depicts the procedural process for establishing a BID:

Step 1:

City council prepares a report which contains:

- a map of the proposed district;
- a statement showing that the services are needed in the district to a demonstrably greater extent than the rest of the city; and
- a plan for providing the proposed services in the district.

(included above in this report)

Step 2:

- City council files a copy of the report with the city clerk at least four weeks before holding a public hearing **(May 18, 2015)**
- City mails notice to each owner of property in the district at least four weeks before holding a public hearing **(May 19, 2015)**

Step 3:

- City prepares and publishes a notice of the public hearing at least one week before the hearing.
(Public Hearing planned for Council meeting June 18, 2015)

Step 4:

- City council holds the public hearing.
(Public Hearing planned for Council meeting June 18, 2015)

Step 5:

- City council may adopt a resolution defining and approving the BID.

(June 18, 2015)

Step 6:

- Generally, the district becomes effective at the beginning of the fiscal year commencing after the resolution establishing the district is adopted.

(Planned effective date of BID is July 1, 2015)

- The city council may make the district effective upon its adoption if it anticipates authorizing general obligation bonds for the project (but no *ad valorem* tax may be levied for a partial fiscal year).

5. How are BIDs financed?

- In North Carolina a municipal service district is a property tax district. The city may levy an *ad valorem* (property) tax within the district in addition to the citywide property tax, the proceeds of which finance additional services or projects provided to the district. **The City of High Point is not levying an additional tax rate within the BID.**
 - o The BID property tax (BID tax) is levied on the same tax base, within the district, on which the citywide property tax is levied. The property tax base includes real and personal property. The same exemptions apply to the BID property tax as apply to the citywide property tax.

6. May the city levy different BID tax rates within the BID?

- No. The BID tax rate must be uniform throughout the BID. If differential rates are desired for different parts of the downtown, different BIDs must be established. **(No incremental tax rate is being implemented with the City of High Point BID)**

7. May the city exempt certain property in the BID from the district property tax (for example, residential property)?

- No. Only the General Assembly may exempt or otherwise classify property subject to the property tax.
 - The same exemptions apply to the BID tax as apply to the citywide property tax. (Therefore property owned by governments and churches is exempt from the district tax, as is any other tax-exempt property.) Additionally, the personal property of any public service corporation is exempt from the BID tax.
- *Note: to the extent possible, the city should attempt to draw the district boundary to exclude residential property because the city may not exempt residential property from the BID tax. (See Question 3).*

8. Are there any limits on the BID property tax rate?

- The BID tax rate, combined with the property tax rate levied citywide, may not exceed \$1.50 per \$100 valuation, unless approved by a majority of the qualified voters residing in the district.

9. Once a BID is established and becomes effective, when must services be provided in the district?

- Once a BID becomes effective, the city must “provide, maintain, or let contracts for the services for which the residents of the district are being taxed within a reasonable time, not to exceed one year.”

10. May a city create a BID that does not take effect until a future fiscal year?

- Likely yes. G.S. 160A-537 states that “[t]he resolution defining a service district shall take effect at the beginning of a fiscal year commencing after its passage, as determined by the city council” Thus, the governing board likely may specify in the resolution creating the BID that it will take effect in a future fiscal year. The BID must take effect at the beginning of a fiscal year, though.

11. Does the BID have borrowing authority?

- No. A BID is part of the municipality’s government. It does not have independent borrowing authority.
- A municipality has a variety of funding options to finance capital projects. A city may issue bonds, the proceeds of which are used solely to finance services within a BID.
 - o If the city proposes to issue General Obligation bonds to provide services solely within a BID (and the bonds are going to be retired with BID tax revenue), the bond issuance must be approved by the majority of citizens in the city and by a majority of the citizens within the existing or proposed BID.

12. May the city contract with a private organization or entity to manage the BID?

- Yes. A city may provide services within the BID itself, or it may contract with another governmental agency or a private agency to provide the services.

- o Contracts with other governmental or private agencies must specify the purposes for which the funds must be used and require an accounting for the expenditure of the funds.

13. If a city enters into a contract to provide services within a BID that expands more than one fiscal year, are future city councils bound by the contract?

- Yes, unless the contract provides otherwise. G.S. 159-13(b)(15) requires the city's governing board to appropriate each fiscal year an amount required to meet its obligations under continuing contracts unless the contract language reserves to the city the right to limit or not make such an appropriation.

14. May the city appoint a citizen advisory board for the BID?

- Yes, the city may appoint a citizen advisory board for the BID. The city may grant the advisory board specific powers, however, the city must maintain final authority over the use of the BIDs funds. The city council is not legally bound by an advisory board's recommendations.

15. Once it is established and becomes effective, may a BID be extended to include additional property?

- Yes. The city council may annex territory to an existing BID if the area to be annexed is contiguous to the district and it requires the services of the district. (At least one eighth of the area's aggregate external boundary must be coincident with the existing boundary of the BID.)
- The city council also may extend the boundaries of any BID if it receives a petition signed by 100 percent of the real property owners of the area to be annexed.

16. Once a BID is established and becomes effective, may property be removed from the district?

- Yes. The city council may adopt a resolution to redefine a BID by removing property that no longer needs the services provided in the BID.

17. Once a BID is established and becomes effective, may it be abolished?

- Yes. The city council may adopt a resolution abolishing a BID if it finds that it is no longer needed.
- *Note that if a BID is abolished, any unexpended BID tax proceeds must be expended for the purposes for which the BID was established. The BID tax proceeds may not be transferred to the general fund or expended for any other purpose.*

18. Can a BID be established outside a municipality's central downtown?

- No. However, another purpose for which a municipal service district may be established is for "urban area revitalization." Urban area revitalization projects include any projects or services that may be provided in a downtown area as a downtown revitalization project.

An "urban area" is an area that (i) is located within a city and (ii) meets *one or more* of the following conditions:

- (1) It is the central business district of the city.
- (2) It consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses, or any combination of these uses.
- (3) It is located in or along a major transportation corridor and does not include any residential parcels that are not, at their closest point, within 150 feet of the major transportation corridor right-of-way or any non-residentially zoned parcels that are not, at their closest point, within 1,500 feet of the major transportation corridor right-of-way.
- (4) It has as its center and focus a major concentration of public or institutional uses, such as airports, seaports, colleges or universities, hospitals and health care facilities, or governmental facilities.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

METROPOLITAN PLANNING PROGRAM
GRANT AGREEMENT FOR
PUBLIC BODY ORGANIZATIONS

**NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION**

CFDA NUMBER: 20.505

and

PROJECT NUMBER: 16-08-113

**CITY OF HIGH POINT
On behalf of
HIGH POINT URBAN AREA
METROPOLITAN PLANNING
ORGANIZATION**

WBS ELEMENT: 36230.19.15.6

AGREEMENT: 2000004457

THIS AGREEMENT made this the 17th day of November, 2015, (hereinafter referred to as AGREEMENT) by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department", an agency of the State of North Carolina) and **CITY OF HIGH POINT**, [acting in its capacity as the designated Federal Transit Administration (FTA) Planning Program (49 U.S.C. 5303) recipient for the **HIGH POINT URBAN AREA METROPOLITAN PLANNING ORGANIZATION**, hereinafter referred to as the "Contractor"].

WHEREAS, the Contractor has been selected by principal elected officials as the designated transportation Lead Planning Agency for **HIGH POINT URBAN AREA METROPOLITAN PLANNING ORGANIZATION**; and

WHEREAS, certain funds may be made available to designated transportation Lead Planning Agencies for supporting the "3-C" Process pursuant to 49 U.S.C. 5303; and

WHEREAS, the Department receives funds from FTA which includes 49 U.S.C. 5303 funds which may be made available to the Contractor for transportation planning for the **HIGH POINT URBAN AREA METROPOLITAN PLANNING ORGANIZATION**; and

WHEREAS, 49 U.S.C. 5303 promulgates that it is declared to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the states and local communities efficiently and effectively; and

WHEREAS, the purposes of 49 U.S.C. 5303 are to assist in the development of improved public transportation facilities, equipment, techniques, and methods with the cooperation of public transportation companies both public and private; to encourage the planning and establishment of area-wide urban public transportation systems needed for transportation companies both public and private; and to provide assistance to state and local governments and their instrumentalities in financing such systems, to be operated by public or private public transportation companies as determined by locals needs; and

WHEREAS, various federal urban transportation planning regulations require that each urbanized area have a comprehensive, cooperative, and continuing transportation planning process (commonly referred to as the "3-C" process); and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes designates the Department of Transportation as the agency of the State of North Carolina responsible for administering all Federal and/or State programs relating to public transportation, and granted the Department authority to do all things required under applicable Federal and/or State legislation to properly administer the public transportation within the State of North Carolina; and

WHEREAS, effective February 14, 1986, the Governor of the State of North Carolina designated the Department as the single State Agency specifically authorized to administer Planning Program and Statewide Planning funds for urbanized areas; and

WHEREAS, the Governor of North Carolina, in accordance with Section 5303 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), Public Law 109-59, August 10, 2005, and the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, June 1998, as amended, has designated the Department as the agency to receive and administer Federal funds under this program; and

WHEREAS, the Department and the Contractor desire to secure and utilize funds for the above referenced purposes;

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, the Department and the Contractor agree as follows:

Section 1 Purpose of Agreement

The purpose of this Agreement is to provide for the undertaking of public transportation studies described in each cycle of Planning Work Program (commonly and herein after referred to as "PWP") properly developed, endorsed, approved, and transmitted by the Contractor to the Department, and to state the terms, conditions, and mutual undertakings of the parties as to the manner in which the PWP will be undertaken and completed.

Section 2 Project Implementation

The Contractor agrees to carry out the Project as follows:

a. **Scope of Project.** The City of High Point, operating as the High Point Urban Area, is seeking funds to collect transit data for route adjustment and to evaluate the Transit Element of the LRTP as well as update civil rights statistics for FTA reports. The Contractor shall undertake and complete the public transportation planning work described in such respective section of the PWP, filed with and approved by the Department and specifically incorporated herein by reference, in accordance with the terms and conditions of this Agreement. The planning funds referred to herein shall be 49 U.S.C. 5303 funds passed through the Department to the Contractor under this Agreement, and any planning funds provided to the Contractor under this Agreement shall be used for only transportation planning related activities and in accordance with the most current approved PWP. Nothing shall be construed under the terms of this Agreement by the Department or the Contractor that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations. The Contractor shall undertake and complete the public transportation planning work described in the PWP in accordance with the procedures and guidelines set forth in the following documents:

- (1) FTA Circular 8100.1C, dated September 1, 2008 at http://www.fta.dot.gov/documents/FTA_C_8100.1C.pdf
- (2) FTA Master Agreement, dated October 1, 2014, Document Number FTA MA (21), at www.fta.dot.gov/documents/21-Master.pdf;
- (3) The Section 5303 grant application for financial assistance.

The aforementioned documents, and any subsequent amendments or revisions thereto, are herewith incorporated by reference, and are on file with and approved by the Department in accordance with the terms and conditions of this Agreement. Nothing shall be construed under the terms of this Agreement by the Department or the Contractor that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.

b. **Cost of Project.** The total cost of the Project approved by the Department is **FIFTY-FOUR THOUSAND FOUR HUNDRED DOLLARS (\$54,400)** as set forth in the Project Description and Budget, incorporated into this Agreement as Attachment A.

(1) **Federal Share.** The Department shall provide, from Federal funds, **EIGHTY PERCENT (80%)** of the actual net cost of the Project, not in excess of **FORTY-THREE THOUSAND FIVE HUNDRED TWENTY DOLLARS (\$43,520)**.

(2) **State Share.** The Department shall provide, from State funds, **TEN PERCENT (10%)** of the actual net cost of the Project, not in excess of **FIVE THOUSAND FOUR**

HUNDRED FORTY DOLLARS (\$5,440). The Department does not provide matching funds for non-transit planning activities. The Contractor shall be responsible for any remaining costs.

(3) Local Share. The Contractor hereby agrees that it will provide **TEN PERCENT (10%)** of the actual net cost of the Project and any amounts in excess of the Department's maximum. The net cost is the price paid minus any refunds, rebates, or other items of value received by the Contractor which have the effect of reducing the actual cost. The Contractor shall initiate and prosecute to completion all actions necessary to enable it to provide its share of the Project costs at the time directed.

c. Period of Performance.

This Agreement shall commence upon the date of execution, unless specific written authorization from the Department to the contrary is received. The period of performance for all expenditures shall extend from **JULY 1, 2015 TO JUNE 30, 2016**, unless written authorization to the contrary is provided by the Department. **Any requests to change the Period of Performance must be submitted 60 days before the end of the current Performance Period.** The Contractor shall commence, carry on, and complete the approved Project with all practicable dispatch, in a sound, economical, and efficient manner.

d. Contractor's Capacity. The Contractor agrees to maintain sufficient legal, financial, technical, and managerial capability to:

- (1) Plan, manage, and complete the Project;
- (2) Carry out the safety and security aspects of the Project; and
- (3) Comply with the terms of this agreement, the Master Agreement between the FTA and the Department, the Approved Project Budget, the Project schedules, the Contractor's annual Certifications and Assurances to the Department, and applicable Federal and State laws, regulations, and directives.

e. Administrative Requirements. The Contractor agrees to comply with the following Federal and State administrative requirements:

- (1) U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards," CFR Title 2, Subtitle A, Chapter II, Part 200 at (http://www.ecfr.gov/cgi-bin/textidx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl).

(2) Title 19A North Carolina Administrative Code (N.C.A.C.) Subchapter 5B at (<http://reports.oah.state.nc.us/ncac.asp>).

f. Application of Federal, State, and Local Laws, Regulations, and Directives. To achieve compliance with changing federal requirements, the Contractor makes note that federal, state and local requirements may change and the changed requirements will apply to this Agreement as required.

g. Contractor's Primary Responsibility to Comply with Federal and State Requirements. Irrespective of involvement by any other participant in the Project, the Contractor agrees that it, rather than the participant, is ultimately responsible for compliance with all applicable Federal and State laws, regulations, and directives, the Master Agreement between the FTA and the Department, and this Agreement, except to the extent that the Department determines otherwise in writing. Unless otherwise authorized in writing by the Department, the Contractor shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department. Further, the Contractor shall incorporate the provisions of this Agreement into any lease arrangement and shall not enter into any lease arrangement without the prior concurrence of the Department. Any lease approved by the Department shall be subject to the conditions or limitations governing the lease as set forth by the FTA and the Department. If the Contractor leases any Project asset to another party, the Contractor agrees to retain ownership of the leased asset, and assure that the Lessee will use the Project asset to

provide mass transportation service, either through a "Lease and Supervisory Agreement" between the Contractor and Lessee, or another similar document. The Contractor agrees to provide a copy of any relevant documents.

(1) Significant Participation by a Third Party Contractor. Although the Contractor may enter into a third party contract, after obtaining approval from the Department, in which the third party contractor agrees to provide property or services in support of the Project, or even carry out Project activities normally performed by the Contractor, the Contractor agrees that it, rather than the third party contractor, is ultimately responsible to the Department for compliance with all applicable Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing.

(2) Significant Participation by a Subcontractor. Although the Contractor may delegate any or almost all Project responsibilities to one or more subcontractors, the Contractor agrees that it, rather than the subcontractor, is ultimately responsible for compliance with all applicable Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing.

(3) Significant Participation by a Lessee of a Contractor. Although the contractor may lease project property and delegate some or many project responsibilities to one or more lessees, the Contractor agrees that it, rather than any lessee, is ultimately responsible for compliance with all applicable Federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

h. Contractor's Responsibility to Extend Federal and State Requirements to Other Entities.

(1) Entities Affected. Only entities that are signatories to this Agreement for the Project are parties to this agreement. To achieve compliance with certain Federal and State laws, regulations, or directives, however, other Project participants (such as subcontractors, third party contractors, lessees, or other) will necessarily be involved. Accordingly, the Contractor agrees to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and state laws, regulations and directives affecting Project implementation, except to the extent FTA and the Department determines otherwise in writing. In addition, if any entity other than the Contractor is expected to fulfill responsibilities typically performed by the Contractor, the Contractor agrees to assure that the entity carries out the Contractor's responsibilities as set forth in this Grant Agreement for the Project or the FTA Master Agreement.

(2) Documents Affected. The applicability provisions of Federal and State laws, regulations, and directives determine the extent to which their provisions affect a Project participant. Thus, the Contractor agrees to include adequate provisions to ensure that each Project participant complies with those Federal and State laws, regulations, and directives, except to the extent that the Department determines otherwise in writing. In addition, the Contractor also agrees to require its third party contractors, subrecipients, and lessees to include adequate provisions to ensure compliance with applicable Federal and State laws, regulations, and directives in each lower tier subcontract and subagreement for the Project, except to the extent that the Department determines otherwise in writing. Additional requirements include the following:

- (a) Third Party Contracts. Because Project activities performed by a third party contractor must comply with all applicable Federal and State laws, regulations, and directives, except to the extent the Department determines otherwise in writing, the Contractor agrees to include appropriate clauses in each third party contract stating the third party contractor's responsibilities under Federal and State laws, regulations, and directives, including any provisions directing the third party contractor to extend applicable requirements to its subcontractors at the lowest tier necessary. When the third party contract requires the third party contractor to undertake

responsibilities for the Project usually performed by the Contractor, the Contractor agrees to include in that third party contract those requirements applicable to the Contractor imposed by the Grant Agreement for the Project or the FTA Master Agreement and extend those requirements throughout each tier except as the Department determines otherwise in writing. Additional guidance pertaining to third party contracting is contained in the FTA's "Best Practices Procurement Manual." FTA and the Department caution, however, that FTA's "Best Practices Procurement Manual" focuses mainly on third party procurement processes and may omit certain other Federal requirements applicable to the work to be performed.

- (b) Subagreements. Because Project activities performed by a subcontractor/subrecipient must comply with all applicable Federal and State laws, regulations, and directives except to the extent that the Department determines otherwise in writing, the Contractor agrees as follows:
 - 1 Written Subagreement. The Contractor agrees to enter into a written agreement with each subrecipient (subagreement) stating the terms and conditions of assistance by which the Project will be undertaken and completed.
 - 2 Required Clauses. The Contractor agrees to use a written document (such as a subagreement, lease, third party contract or other) including appropriate clauses stating the entity's (subrecipient, lessee, third party contractor or other) responsibilities under Federal and state laws, regulations, or directives, except to the extent that FTA determines otherwise in writing.
- (c) Compliance with Federal Requirements. The Contractor agrees to implement the Project in a manner that will not compromise the Contractor's compliance with Federal and State laws, regulations, and directives applicable to the Project and the Contractor's obligations under this Agreement for the Project and the FTA Master Agreement. Therefore, the Contractor agrees to include in each subagreement appropriate clauses directing the subrecipient to comply with those requirements applicable to the Contractor imposed by this Agreement for the Project or the FTA Master Agreement and extend those requirements as necessary to any lower level subagreement or any third party contractor at each tier, except as the Department determines otherwise in writing.

i. No Federal/State Government Obligations to Third Parties. In connection with performance of the Project, the Contractor agrees that, absent the Federal/State Government's express written consent, the Federal/State Government shall not be subject to any obligations or liabilities to any subrecipient, third party contractor, lessee, or other person or entity that is not a party to this Agreement for the Project. Notwithstanding that the Federal/State Government may have concurred in or approved any solicitation, subagreement, lease, or third party contract at any tier, the Federal/State Government has no obligations or liabilities to any such entity, including any subrecipient, lessee or third party contractor at any tier.

j. Changes in Project Performance (i.e., Disputes, Breaches, Defaults, or Litigation). The Contractor agrees to notify the Department immediately, in writing, of any change in local law, conditions (including its legal, financial, or technical capacity), or any other event that may adversely affect the Contractor's ability to perform the Project as provided in this Agreement for the Project. The Contractor also agrees to notify FTA and the Department immediately, in writing, of any current or prospective major dispute, breach, default, or litigation that may adversely affect the Federal/State Government's interests in the Project or the Federal/State

Government's administration or enforcement of Federal/State laws or regulations. The Contractor also agrees to inform FTA and the Department, also in writing, before naming the Federal or State Government as a party to litigation for any reason, in any forum. At a minimum, the Contractor agrees to send each notice to FTA required by this subsection to the FTA Regional Counsel within whose region the Contractor implements the Project.

k. Limitations of Agreement. This Agreement shall be subject to the availability of Federal and State funds, and contingent upon the terms and conditions of the Master Agreement between the FTA and the Department.

Section 3 Insurance & Real Property

a. The Contractor shall be responsible for protecting the state and/or federal financial interest in the facility construction/renovation and equipment purchased under this Agreement throughout the useful life. The Contractor shall provide, as frequently and in such manner as the Department may require, written documentation that the facility and equipment are insured against loss in an amount equal to or greater than the state and/or federal share of the real value of the facility or equipment. Failure of the Contractor to provide adequate insurance shall be considered a breach of contract and, after notification may result in termination of this Agreement.

In addition, other insurance requirements may apply, the Contractor agrees as follows:

(1). Minimum Requirements. At a minimum, the Contractor agrees to comply with the insurance requirements normally imposed by North Carolina State and local laws, regulations, and ordinances, except to the extent that the Department determines otherwise in writing.

(2). Flood Hazards. To the extent applicable, the Contractor agrees to comply with the flood insurance purchase provisions of Section 102(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a), with respect to any Project activity involving construction or an acquisition having an insurable cost of \$10,000 or more.

b. Recording Title to Real Property To the extent required by FTA and the Department, the Contractor agrees to record the Federal and/or State's interest in title to real property used in connection with the Project and/or execute at the request of the Department any instrument or documents evidencing or related to the State's interest in the Project's property.

- (1) As a condition of its participation in a Facility Project, the Department will retain a secured interest in the Project for the estimated life of the Project, expected to be forty (40) years, following completion of the Project; or the prorated share of the original investment or current fair market value (the higher value of the two); whichever comes first.

To the extent required by FTA and the Department, the Contractor agrees to record the Federal and State interest in title to real property used in connection with the Project.

c. Department Approval of Changes in Real Property Ownership. The Contractor agrees that it will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities used in the Project without prior written permission and instructions from the Department.

d. Disposal of Real Property.

- (1) If useful life is not attained, upon the sale or disposition of any Project facility, the Department shall be entitled to a refund of the original state and/or federal investment or the state and/or federal prorated share of the current fair market value of the project facility, whichever is greater.
- (2) For the purpose of this Agreement, the term "any sale or disposition of the Project facility" shall mean any sale or disposition of the facility for a use not consistent with purposes for which the state and/or federal share was originally granted pursuant to the Project Agreement, or for a use consistent

with such purposes wherein the transferee in the sale or disposition does not enter into an assignment and assumption agreement with the Contractor with respect to the Contractor's obligation under this Agreement or the Grant Agreement, so that the transferee becomes obligated as if the transferee had been the original party.

Section 4 Ethics

a. Code of Ethics. The Contractor agrees to maintain a written code or standards of conduct that shall govern the actions of its officers, employees, board members, or agents engaged in the award or administration of third party contracts, subagreements, or leases financed with Federal/State assistance. The Contractor agrees that its code or standards of conduct shall specify that its officers, employees, board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from any present or potential third party contractor at any tier, any subrecipient at any tier or agent thereof, or any lessee. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award. The Contractor may set de minimis rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. The Contractor agrees that its code or standards shall also prohibit its officers, employees, board members, or agents from using their respective positions in a manner that presents a real or apparent personal or organizational conflict of interest or personal gain. As permitted by State or local law or regulations, the Contractor agrees that its code or standards of conduct shall include penalties, sanctions, or other disciplinary actions for violations by its officers, employees, board members, or their agents, its third party contractors or sub-recipients or their agents.

(1) Gifts. State Executive Order 24 and G.S. Sec. 133-32.

It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offer or, 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). This prohibition covers those vendors and contractors who:

- (a) have a contract with a governmental agency; or
- (b) have performed under such a contract within the past year; or
- (c) anticipate bidding on such a contract in the future.

(2) Personal Conflicts of Interest. The Contractor agrees that its code or standards of conduct shall prohibit the Contractor's employees, officers, board members, or agents from participating in the selection, award, or administration of any third party contract, or sub-agreement supported by Federal/State assistance if a real or apparent conflict of interest would be involved. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in the firm selected for award.

(3) Organizational Conflicts of Interest. The Contractor agrees that its code or standards of conduct shall include procedures for identifying and preventing real and apparent organizational conflicts of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third party contract or sub-agreement, may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or sub-recipient or impair its objectivity in performing the contract work.

b. Debarment and Suspension. The Contractor agrees to comply, and assures the compliance of each third party contractor, sub-recipient, or lessee at any tier, with Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations, "Government-wide Debarment and Suspension (Non-procurement)," 49 C.F.R. Part 29. The Contractor agrees to, and assures that its third party contractors, sub-recipients, and lessees will, review the Excluded Parties Listing System at (<http://epls.arnet.gov/>) before entering into any contracts.

c. Bonus or Commission. The Contractor affirms that it has not paid, and agrees not to pay, any bonus or commission to obtain approval of its Federal/State assistance application for the Project.

d. Lobbying Restrictions. The Contractor agrees that:

a) In compliance with 31 U.S.C. 1352(a), it will not use Federal assistance to pay the costs of influencing any officer or employee of a Federal agency, Member of Congress, officer of Congress or employee of a member of Congress, in connection with making or extending the Grant Agreement;

b) It will comply with other applicable Federal laws and regulations prohibiting the use of Federal assistance for activities, designed to influence Congress or a State legislature with respect to legislation or appropriations, except through proper, official channels; and

c) It will comply, and will assure the compliance of each sub-recipient, lessee, or third party contractor at any tier, with U.S. DOT regulations, "New Restrictions on Lobbying," 49 C.F.R. Part 20, modified as necessary by 31 U.S.C. § 1352.

e. Employee Political Activity. To the extent applicable, the Contractor agrees to comply with the provisions of the Hatch Act, 5 U.S.C. §§ 1501 through 1508, and 7324 through 7326, and U.S. Office of Personnel Management regulations, "Political Activity of State or Local Officers or Employees," 5 C.F.R. Part 151. The Hatch Act limits the political activities of State and local agencies and their officers and employees, whose principal employment activities are financed in whole or part with Federal funds including a Federal grant, cooperative agreement, or loan. Nevertheless, in accordance with 49 U.S.C. § 5307(k) (2) (B) and 23 U.S.C. § 142(g), the Hatch Act does not apply to a non-supervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA assistance to whom the Hatch Act would not otherwise apply.

f. False or Fraudulent Statements or Claims. The Contractor acknowledges and agrees that:

(1) Civil Fraud. The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 et seq., and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its activities in connection with the Project. By executing this Agreement for the Project, the Contractor certifies or affirms the truthfulness and accuracy of each statement it has made, it makes, or it may make in connection with the Project. In addition to other penalties that may apply, the Contractor also understands that if it makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government concerning the Project, the Federal/State Government reserves the right to impose on the Contractor the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, to the extent the Federal/State Government deems appropriate.

(2) Criminal Fraud. If the Contractor makes a false, fictitious, or fraudulent claim, statement, submission, certification, assurance, or representation to the Federal/State Government or includes a false, fictitious, or fraudulent statement or representation in any agreement with the Federal/State Government in connection with a Project authorized under 49 U.S.C. chapter 53 or any other Federal law, the Federal/State Government reserves the right to

impose on the Contractor the penalties of 49 U.S.C. § 5323(l), 18 U.S.C. § 1001 or other applicable Federal/State law to the extent the Federal/State Government deems appropriate.

Section 5 Project Expenditures.

a. General. The Department shall reimburse the Contractor for allowable costs for work performed under the terms of this Agreement which shall be financed with Federal Section 5303 funds and State matching funds. The Contractor shall expend funds provided in this Agreement in accordance with the approved PWP and approved Project Budget included as Attachment A to this Agreement. It is understood and agreed that the work conducted pursuant to this Agreement shall be done on an actual cost basis by the Contractor. Expenditures submitted for reimbursement shall include all eligible cost incurred within the Period Covered. The Period Covered represents the monthly or quarterly timeframe in which the project reports expenditures to the Department. All payments issued by the Department will be on a reimbursable basis unless the Contractor requests and the Department approves an advance payment. The Department allows grantees in good standing to request advance payment (prior to issuing payment to the vendor) for vehicles and other high-cost capital items. The Contractor agrees to deposit any advance payments into its account when received and issue payment to the vendor within 3 (three) business days. The amount of reimbursement from the Department shall not exceed the funds budgeted in the approved Project Budget. The Contractor shall initiate and prosecute to completion all actions necessary to enable the Contractor to provide its share of project costs at or prior to the time that such funds are needed to meet project costs. The Contractor shall provide its share of project costs from sources other than FTA and State funds from the Department. Any costs for work not eligible for Federal and State participation shall be financed one hundred percent (100%) by the Contractor.

b. Payment and Reimbursement. The Contractor shall submit itemized invoices requesting reimbursement to the Department for the Period Covered not more frequently than monthly, or less frequently than quarterly, reporting on the Department's Uniform Public Transportation Accounting System (UPTAS) invoicing forms furnished by the Department for work performed under this Agreement. Invoices shall be supported by documentation of costs unless otherwise waived by the Department. Expenditures submitted for reimbursement shall include all eligible costs incurred within the Period Covered. All requests for reimbursement must be submitted within (30) days following the end of the project's reporting period. Failure to request reimbursement for eligible projects costs incurred within the Period Covered as outlined may result in non-payment and/or termination of the Project. **Any contractor that fails to submit a request for reimbursement for the first two quarters of agreement fiscal year by January 31st or the last two quarters by July 30th will forfeit their ability to receive reimbursement for those periods.** Invoices shall be approved by the Department's Public Transportation Division and reviewed by the Department's External Audit Branch prior to payment.

Additional forms must be submitted with reimbursement requests to report on contracting activities with Disadvantaged Business Enterprise (DBE) firms.

c. Excluded Costs. The Contractor understands and agrees that, except to the extent the Department determines otherwise in writing, ineligible costs will be treated as follows:

(1) In determining the amount of Federal/State assistance the Department will provide, the Department will exclude:

(a) Any Project cost incurred by the Contractor before the Effective Date of the Grant;

(b) Any cost that is not included in the latest Approved Project Budget;

(c) Any cost for Project property or services received in connection with a third party contract or subagreement with a subrecipient that must be approved by the Department, or other arrangement required to be, but has not been, concurred in or approved in writing by the Department;

(d) Any non-project cost consistent with the prohibitions of 49 U.S.C. § 5323(h); and

(e) Any cost ineligible for FTA/Department participation as provided by applicable Federal/State laws, regulations, or directives.

(2) The Contractor shall limit reimbursement for meals, lodging and travel to the rates established by the State of North Carolina Travel Policy. Costs incurred by the Contractor in excess of these rates shall be borne by the contractor.

(3) The Contractor understands and agrees that payment to the Contractor for any Project cost does not constitute the Federal/State Government's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the Contractor of the terms of this Agreement. The Contractor acknowledges that the Federal/State Government will not make a final determination about the allowability and eligibility of any cost until an audit of the Project has been completed. If the Federal/State Government determines that the Contractor is not entitled to receive any portion of the Federal/State assistance the Contractor has requested or provided, the Department will notify the Contractor in writing, stating its reasons. The Contractor agrees that Project closeout will not alter the Contractor's responsibility to return any funds due the Federal/State Government as a result of later refunds, corrections, or other transactions; nor will Project closeout alter the Federal/State Government's right to disallow costs and recover funds on the basis of a later audit or other review. Unless prohibited by Federal/State law or regulation, the Federal/State Government may recover any Federal/State assistance funds made available for the Project as necessary to satisfy any outstanding monetary claims that the Federal/State Government may have against the Contractor.

d. Federal/State Claims, Excess Payments, Disallowed Costs, including Interest.

(1) Contractor's Responsibility to Pay. Upon notification to the Contractor that specific amounts are owed to the Federal/State Government, whether for excess payments of Federal/State assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Contractor agrees to remit to the Department promptly the amounts owed, including applicable interest and any penalties and administrative charges.

(2) Amount of Interest. The Contractor agrees to remit to the Department interest owed as determined in accordance with N.C.G.S. 147-86.23.

(3) Payment to FTA. The Department shall be responsible to remit amounts owed to FTA, after receipt of repayment from the Contractor.

e. De-obligation of Funds. The Contractor agrees that the Department may de-obligate unexpended Federal and State funds before Project closeout.

Section 6 Accounting Records.

a. Establishment and Maintenance of Accounting Records. The Contractor shall establish and maintain separate accounts for the public transportation program, either independently or within the existing accounting system. All costs charged to the program shall be in accordance with most current approved budget and shall be reported to the Department in accordance with invoicing forms provided by the Department and the approved PWP.

b. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Contractor or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges, as referenced in 2 C.F.R. §200.400 – §200.475, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – Subpart E."

c. Allowable Costs. Expenditures made by the Contractor shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be:

- (1) Based on work completed to the satisfaction of the Department within the timeframe established by the most current approved PWP, and further be made In conformance with the PWP Description and the PWP Budget and all other provisions of this Agreement;
 - (2) Necessary in order to accomplish the Project;
 - (3) Reasonable in amount for the goods or services purchased;
 - (4) Actual net costs to the Contractor, i.e., the price paid minus any refunds (e.g., refundable sales and use taxes pursuant to N.C.G.S. 105-164.14), rebates, or other items of value received by the Contractor that have the effect of reducing the cost actually incurred;
 - (5) Incurred (and be for work performed) within the period of performance and period covered of this Agreement unless specific authorization from the Department to the contrary is received;
 - (6) In conformance with the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-87 "Cost Principles for State, Local, and Indian Tribal Governments;"
 - (7) Satisfactorily documented; and
 - (8) Treated uniformly and consistently under accounting principles and procedures approved or prescribed by the Department
 - In compliance with U.S. DOT regulations pertaining to allowable costs in 2 CFR §200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as follows:
- (a) Title 2 CFR 200, Subpart E – Cost Principles (formerly OMB Circulars A-87, A-21, and A-122)
 - (b) FAR, at 48 C.F.R., Subpart 31.2, "Contracts with Commercial Organizations" applies to Project costs incurred by a Contractor that is a for-profit organization.

Section 7 Reporting, Record Retention and Access.

- a. Reports. The Contractor shall advise the Department regarding the progress of the Project at a minimum quarterly and at such time and in such a manner as the Department may require. Such reporting and documentation may include, but not limited to meetings and progress reports. The Contractor shall collect and submit to the Department such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by the Department. Such reports shall include narrative and financial statements of sufficient substance to be in conformance with the reporting requirements of the Department. Progress reports throughout the useful life of the project equipment shall be used, in part, to document utilization of the project equipment. Failure to fully utilize the project equipment in the manner directed by the Department shall constitute a breach of contract, and after written notification by the Department, may result in termination of the Agreement or any such remedy as the Department deems appropriate.

The Contractor will be responsible for having an adequate cost accounting system, and the ongoing burden of proof of adequacy for such system shall be upon the Contractor. The Department will determine whether or not the Contractor has an adequate cost accounting system. Such determination shall be documented initially prior to payment of any invoices pursuant to the Agreement, and from time to time as deemed necessary by the Department. In the event of a negative finding during such determining proceedings, the Department may suspend, revoke, or place conditions upon its determination, and/or may recommend or require remedial actions as appropriate.

- b. Record Retention. The Contractor and its third party contractors shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Contractor, or until all audit exceptions have been resolved, whichever is longer, in accordance

with "Records Retention and Disposition Schedule – Public Transportation Systems and Authorities, April 1, 2006," at (<http://www.ah.dcr.state.nc.us/records/local/>).

c. Access to Records of Contractor and Subcontractors. The Contractor shall permit and shall require its third party contractors to permit the Department, the Comptroller General of the United States, and the Secretary of the United States Department of Transportation, or their authorized representatives, to inspect all work, materials, payrolls, and other data and records with regard to the Project, and to audit the books, records, and accounts of the Contractor pertaining to the Project. The Department shall reserve the right to reject any and all materials and workmanship for defects and incompatibility with Project Description or excessive cost. The Department shall notify the Contractor, in writing, if materials and/or workmanship are found to be unacceptable. The Contractor shall have ninety (90) days from notification to correct defects or to provide acceptable materials and/or workmanship. Failure by the Contractor to provide acceptable materials and/or workmanship, or to correct noted defects, shall constitute a breach of contract.

d. Project Closeout. The Contractor agrees that Project closeout does not alter the reporting and record retention requirements of this Section 6 of this Agreement.

Section 8 Project Completion, Audit, Settlement, and Closeout

a. Project Completion. Within thirty (30) calendar days following Project completion, the end of the Project's period of performance, or termination by the Department, the Contractor agrees to submit a final reimbursement request to the Department for eligible Project expenses.

b. Financial Reporting and Audit Requirements. In accordance with 2 CFR §200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:" Subpart F, "Audit Requirements" effective December 26, 2014 and N.C.G.S. 159-34, the Contractor shall have its accounts audited as soon as possible after the close of each fiscal year by an independent auditor. The Contractor agrees to submit the required number of copies of the audit reporting package to the Local Government Commission four months after the Contractor's fiscal year-end.

c. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with Title 2 CFR §200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards:" Subpart F – "Audit Requirements" (formerly OMB Circular A-133), are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in 2 CFR §200.414, Subpart E – Cost Principles (formerly OMB Circular A-87). The cost of any audit not conducted in accordance with Title 2 CFR §200 and N.C.G.S. 159-34 is unallowable and shall not be charged to State or Federal grants.

d. Funds Owed to the Department. The Contractor agrees to remit to the Department any excess payments made to the Contractor, any costs disallowed by the Department, and any amounts recovered by the Contractor from third parties or from other sources, as well as any penalties and any interest required by Subsection 4g of this Agreement.

e. Project Closeout. Project closeout occurs when the Department issues the final project payment or acknowledges that the Contractor has remitted the proper refund. The Contractor agrees that Project closeout by the Department does not invalidate any continuing requirements imposed by this Agreement.

Section 9 Civil Rights.

The Contractor agrees to comply with all applicable civil rights laws and implementing regulations including, but not limited to, the following:

a. Nondiscrimination in Federal Public Transportation Programs. The Contractor agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with the provisions of 49 U.S.C. § 5332, which prohibit

discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity.

b. Nondiscrimination – Title VI of the Civil Rights Act. The Contractor agrees to comply, and assures the compliance of each third party contractor at any tier and each subrecipient at any tier of the Project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act," 49 C.F.R. Part 21, and with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients."

- (1) Environmental Justice. The Contractor agrees to comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," with U.S. DOT Order 5610.2(a), "Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," and with FTA Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients," and 42 U.S.C. § 4321 note, except to the extent that the Department determines otherwise in writing.
- (2) Limited English Proficiency. The Contractor agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency" and U.S. DOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, which clarifies the responsibilities of DOT recipients of Federal financial assistance and assists them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.
- (3) NCDOT Title VI Assurance. During the performance of this contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:
 - (a) Compliance with Regulations: The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
 - (b) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 - (c) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
 - (d) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and

shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the North Carolina Department of Transportation (NCDOT) or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the NCDOT, or the FTA as appropriate, and shall set forth what efforts it has made to obtain the information.

- (e) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the NCDOT shall impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
 - i. withholding of payments to the contractor under the contract until the contractor complies, and/or,
 - ii. cancellation, termination, or suspension of the contract, in whole or in part.

- (f) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the NCDOT or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the NCDOT to enter into such litigation to protect the interests of the NCDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

- c. **Equal Employment Opportunity.** The Contractor agrees to comply, and assures the compliance of each third party contractor at any tier of the Project and each subrecipient at any tier of the Project, with all equal employment opportunity (EEO) provisions of 49 U.S.C. § 5332, with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and implementing Federal regulations and any subsequent amendments thereto. Except to the extent FTA determines otherwise in writing, the recipient also agrees to follow all applicable Federal EEO directives that may be issued. Accordingly:

General. The, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, sex, disability, age, or national origin. The Contractor agrees to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, sex, disability, age, or national origin. Such action shall include, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

- d. **E-Verify Compliance.** The contractor agrees that if it enters into any subcontracts in order to perform any of its obligations under this contract, will require that the contractors and its sub-contractors comply with the requirements of NC Gen. Stat. Article 2 of Chapter 64. The words contractors, subcontractors pertaining to E-Verify compliance shall have the meaning intended by N.C. Gen. Stat. 160A-20.1.

- e. **Disadvantaged Business Enterprises.**

(1) Policy. It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises (DBEs) as defined in 49 *CFR Part 26* shall have the equal opportunity to compete fairly for and to participate in the performance of contracts financed in whole or in part by Federal Funds.

The Contractor is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements.

(2) Obligation. The Contractor, subconsultant, and subcontractor shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract. The Contractor shall comply with applicable requirements of 49 *CFR Part 26* in the award and administration of federally assisted contracts. Failure by the Contractor to comply with these requirements is a material breach of this contract, which will result in the termination of this contract or such other remedy, as the Department deems necessary.

(3) Goals. Even though specific DBE goals are not established for this project, the Department encourages the Contractor to have participation from DBE contractors and/or suppliers

(4) Listing of DBE Subcontractors. The contractor, at the time the Letter of Interest is submitted, shall submit a listing of all known DBE contractors that will participate in the performance of the identified work. The participation shall be submitted on the Department's Form RS-2. In the event the contractor has no DBE participation, the contractor shall indicate this on the Form RS-2 by entering the word 'None' or the number 'zero' and the form shall be signed. Form RS-2 may be accessed on the website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

(5) Certified Transportation Contractor Directory. Real-time information about contractors doing business with the Department and contractors that are certified through North Carolina's Unified Certification Program is available in the Directory of Transportation Firms. The Directory can be accessed by the link on the Department's homepage or by entering <https://apps.dot.state.nc.us/vendor/directory/> in the address bar of your web browser. Only contractors identified as DBE certified in the Directory shall be listed in the proposal. The listing of an individual contractor in the Department's directory shall not be construed as an endorsement of the contractor's capability to perform certain work.

(6) Reporting Disadvantaged Business Enterprise Participation. When payments are made to Disadvantaged Business Enterprise (DBE) contractors, including material suppliers, contractors at all levels (Contractor, subconsultant or subcontractor) shall provide the Contract Administrator with an accounting of said payments. The accounting shall be listed on the Department's Subcontractor Payment Information Form (Form DBE-IS). In the event the contractor has no DBE participation, the contractor shall indicate this on the Form DBE-IS by entering the word 'None' or the number 'zero' and the form shall be signed. Form DBE-IS may be accessed on the website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

A responsible fiscal officer of the payee Contractor, subconsultant or subcontractor who can attest to the date and amounts of the payments shall certify that the accounting is correct. A copy of an acceptable report may be obtained from the Department of Transportation. This information shall be submitted as part of the requests for payments made to the Department.

e. Access for Individuals with Disabilities. The Contractor agrees to comply with 49 U.S.C. § 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. The Contractor also agrees to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as amended, with 29 U.S.C. § 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12101 et seq., which requires that accessible facilities and services

be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, as amended, 42 U.S.C. §§ 4151 *et seq.*, which requires that buildings and public accommodations be accessible to individuals with disabilities. In addition, the Contractor agrees to comply with applicable Federal regulations and directives and any subsequent amendments thereto, except to the extent the Department determines otherwise in writing, as follows:

(1) U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 C.F.R. Part 37;

(2) U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 C.F.R. Part 27;

(3) Joint U.S. Architectural and Transportation Barriers Compliance Board (U.S. ATBCB)/U.S. DOT regulations, "Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles," 36 C.F.R. Part 1192 and 49 C.F.R. Part 38;

(4) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability in State and Local Government Services," 28 C.F.R. Part 35;

(5) U.S. DOJ regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," 28 C.F.R. Part 36;

(6) U.S. General Services Administration (U.S. GSA) regulations, "Accommodations for the Physically Handicapped," 41 C.F.R. Subpart 101-19;

(7) U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630;

(8) U.S. Federal Communications Commission regulations, "Telecommunications Relay Services and Related Customer Premises Equipment for the Hearing and Speech Disabled," 47 C.F.R. Part 64, Subpart F; and

(9) U.S. ATBCB regulations, "Electronic and Information Technology Accessibility Standards," 36 C.F.R. Part 1194;

(10) FTA regulations, "Transportation for Elderly and Handicapped Persons," 49 C.F.R. Part 609; and

(11) Federal civil rights and nondiscrimination directives implementing the foregoing regulations.

f. Drug or Alcohol Abuse-Confidentiality and Other Civil Rights Protections. To the extent applicable, the Contractor agrees to comply with the confidentiality and other civil rights protections of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101 *et seq.*, with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended, 42 U.S.C. §§ 4541 *et seq.*, and with the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 201 *et seq.*, and any subsequent amendments to these acts.

g. Access to Services for Persons with Limited English Proficiency. To the extent applicable and except to the extent that the Department determines otherwise in writing, the Contractor agrees to comply with the policies of Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," 42 U.S.C. § 2000d-1 note, and with the provisions of U.S. DOT Notice, "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries," 70 Fed. Reg. 74087 *et seq.*, December 14, 2005.

h. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,"

i. Other Nondiscrimination Laws. The Contractor agrees to comply with all applicable provisions of other Federal laws, regulations, and directives pertaining to and prohibiting discrimination that are applicable, except to the extent the Department determines otherwise in writing.

Section 10 Planning and Private Enterprise

a. General. To the extent applicable, the Contractor agrees to implement the Project in a manner consistent with the plans developed in compliance with the Federal planning and private enterprise provisions of the following: (1) 49 U.S.C. §§ 5303, 5304, 5306, and 5323(a)(1); (2) the joint Federal Highway Administration (FHWA)/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, as amended by joint FHWA/FTA guidance, "SAFETEA-LU Deadline for New Planning Requirements (July 1, 2007)," dated May 2, 2006, and other subsequent Federal directives implementing SAFETEA-LU, except to the extent FTA determines otherwise in writing; (3) joint FHWA/FTA regulations, "Planning Assistance and Standards," 23 C.F.R. Part 450 and 49 C.F.R. Part 613 to the extent that those regulations are consistent with the SAFETEA-LU amendments to public transportation planning and private enterprise laws, and subsequent amendments to those regulations that may be promulgated; and (4) FTA regulations, "Major Capital Investment Projects," 49 C.F.R. Part 611, to the extent that those regulations are consistent with the SAFETEA-LU amendments to the public transportation planning and private enterprise laws, and any subsequent amendments to those regulations that may be subsequently promulgated.

b. Governmental and Private Nonprofit Providers of Nonemergency Transportation. In addition to providing opportunities to participate in planning as described in Subsection 9a of this Agreement, to the extent feasible the Contractor agrees to comply with the provisions of 49 U.S.C. § 5323(k), which afford governmental agencies and nonprofit organizations that receive Federal assistance for nonemergency transportation from Federal Government sources (other than U.S. DOT) an opportunity to be included in the design, coordination, and planning of transportation services.

c. Infrastructure Investment. During the implementation of the Project, the Contractor agrees to take into consideration the recommendations of Executive Order No. 12803, "Infrastructure Privatization," 31 U.S.C. § 501 note, and Executive Order No. 12893, "Principles for Federal Infrastructure Investments," 31 U.S.C. § 501 note.

Section 11 Preference for United States Products and Services To the extent applicable, the Contractor agrees to comply with U.S. domestic preference requirements.

a. Buy America. The Contractor agrees to comply with 49 U.S.C. § 5323(j) and FTA regulations, "Buy America Requirements," 49 C.F.R. Part 661 to the extent those regulations are consistent with SAFETEA-LU provisions, and subsequent amendments to those regulations that may be promulgated. The Contractor also agrees to comply with FTA directives to the extent those directives are consistent with SAFETEA-LU provisions, except to the extent that FTA or the Department determines otherwise in writing.

b. Cargo Preference-Use of United States-Flag Vessels. The Contractor agrees to comply with U.S. Maritime Administration regulations, "Cargo Preference-U.S.-Flag Vessels," 46 C.F.R. Part 381, to the extent those regulations apply to the Project.

c. Fly America. The Contractor understands and agrees that the Federal/State Government will not participate in the costs of international air transportation of any individuals involved in or property acquired for the Project unless that air transportation is provided by U.S.-flag air carriers to the extent service by U.S.-flag air carriers is available, in accordance with the requirements of the International Air Transportation Fair Competitive Practices Act of 1974, as amended, 49 U.S.C. § 40118, and with U.S. GSA regulations, "Use of United States Flag Air Carriers," 41 C.F.R. §§ 301-10.131 through 301-10.143.

Section 12 Procurement To the extent applicable, the Contractor agrees to comply with the following third party procurement provisions:

a. Federal Standards. The Contractor agrees to comply with the third party procurement requirements of 49 U.S.C. chapter 53 and other applicable Federal laws in effect now or as

subsequently enacted; with U.S. DOT third party procurement regulations of 49 C.F.R. §§ 18.36 and other applicable Federal regulations pertaining to third party procurements and subsequent amendments thereto, to the extent those regulations are consistent with SAFETEA-LU provisions; and Article 8 of Chapter 143 of the North Carolina General Statutes. The Contractor also agrees to comply with the provisions of FTA Circular 4220.1G, "Third Party Contracting Requirements," to the extent those provisions are consistent with SAFETEA-LU provisions and with any subsequent amendments thereto, except to the extent the Department or the FTA determines otherwise in writing. Although the FTA "Best Practices Procurement Manual" provides additional procurement guidance, the Contractor understands that the FTA "Best Practices Procurement Manual" is focused on third party procurement processes and may omit certain Federal requirements applicable to the third party contract work to be performed. The Contractor shall establish written procurement procedures that comply with the required Federal and State standards.

b. Full and Open Competition. In accordance with 49 U.S.C. § 5325(a), the Contractor agrees to conduct all procurement transactions in a manner that provides full and open competition as determined by the Department and FTA.

c. Exclusionary or Discriminatory Specifications. Apart from inconsistent requirements imposed by Federal laws or regulations, the Contractor agrees to comply with the requirements of 49 U.S.C. § 5325(h) by not using any Federal assistance awarded by FTA to support a procurement using exclusionary or discriminatory specifications.

d. Geographic Restrictions. The Contractor agrees that it will not use any State or local geographic preference, except State or local geographic preferences expressly mandated or as permitted by FTA. However, for example, in procuring architectural, engineering, or related services, the Contractor's geographic location may be a selection criterion, provided that a sufficient number of qualified firms are eligible to compete.

e. In-State Bus Dealer Restrictions. The Contractor agrees that in accordance with 49 U.S.C. § 5325(i), any State law requiring buses to be purchased through in-State dealers will not apply to purchases of vehicles acquired with funding authorized under 49 U.S.C. chapter 53.

f. Neutrality in Labor Relations. To the extent permitted by law, the Contractor agrees to comply with Executive Order No. 13502, "Use of Project Labor Agreements (PLA) for Federal Construction Projects," February 6, 2009, 74 Fed. Reg. 6985 et seq. As a result, the Recipient is no longer prohibited from requiring an affiliation with a labor organization, such as a project labor agreement, as a condition for award of any third party contract or subcontract at any tier for construction or construction management services, except to the extent that the Federal Government determines otherwise in writing.

g. Federal Supply Schedules. State, local, or nonprofit Recipients may not use Federal Supply Schedules to acquire federally assisted property or services except to the extent permitted by U.S. GSA, U.S. DOT, or FTA laws, regulations, directives, or determinations.

h. Force Account. The Contractor agrees that FTA may determine the extent to which Federal assistance may be used to participate in force account costs.

i. Department Technical Review. The Contractor agrees to permit the Department to review and approve the Contractor's technical specifications and requirements to the extent the Department believes necessary to ensure proper Project administration. The Contractor agrees to submit the following to the Department for its review and approval prior to solicitation:

- (1) New/adapted specifications for equipment, supplies, apparatuses and new-type rolling stock. This requirement does not apply to equipment, supplies, or apparatuses with cost of less than \$30,000; or to Minivans; Conversion and Lift Vans; Center Aisle Vans and Standard Vans; and Light Transit Vehicles (Cutaway-type Bus).
- (2) Drawings, designs, and/or description of work for construction, renovation, or facility improvement projects, including the purchase or construction of bus shelters.

j. Department Pre-award Approval. The Contractor agrees to submit procurement documents to the Department for its review and approval prior to award of a contract/ subcontract under this Agreement for any of the following:

- (1) All new-type rolling stock, excluding Minivans; Conversion and Lift Vans; Center isle Vans and Standard Vans; and Light Transit Vehicles (Cutaway-type Bus).
- (2) All construction projects equal to or greater than \$30,000;
- (3) Any "brand name" product or sole source purchase equal to or greater than \$2,500;
- (4) Any contract/subcontract to other than apparent lowest bidder equal to or greater than \$2,500;
- (5) Any procurement equal to or greater than \$90,000;
- (6) Any contract modification that would change the scope of a contract or increase the contract amount up to or over the formal (sealed) bid threshold of \$90,000.

k. Project Approval/Third Party Contract Approval. Except to the extent the Department determines otherwise in writing, the Contractor agrees that the Department's award of Federal and State assistance for the Project does not, by itself, constitute pre-approval of any non-competitive third party contract associated with the Project.

l. Preference for Recycled Products. To the extent applicable, the Contractor agrees to comply with U.S. EPA regulations, "Comprehensive Procurement Guidelines for Products Containing Recovered Materials," 40 C.F.R. Part 247, which implements Section 6002 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6962, and with subsequent Federal regulations that may be promulgated. Accordingly, the Contractor agrees to provide a competitive preference for products and services that conserve natural resources, protect the environment, and are energy efficient.

m. Clean Air and Clean Water. The Contractor agrees to include in each third party contract and subagreement exceeding \$100,000 adequate provisions to ensure that each Project participant will agree to report the use of facilities placed on or likely to be placed on the U.S. Environmental Protection Agency (U.S. EPA) "List of Violating Facilities," to not use any violating facilities, to report violations to the Department and the Regional U.S. EPA Office, and to comply with the inspection and other applicable requirements of:

- (1) Section 306 of the Clean Air Act, as amended, 42 U.S.C. § 7606, and other applicable provisions of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q; and
- (2) Section 508 of the Clean Water Act, as amended, 33 U.S.C. § 1368, and other applicable requirements of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377.

n. National Intelligent Transportation Systems Architecture and Standards. To the extent applicable, the Contractor agrees to conform to the National Intelligent Transportation Systems (ITS) Architecture and Standards as required by SAFETEA-LU § 5307(c), 23 U.S.C. § 512 note, and comply with FTA Notice, "FTA National ITS Architecture Policy on Transit Projects" 66 Fed. Reg. 1455 et seq., January 8, 2001, and any subsequent further implementing directives, except to the extent FTA or the Department determines otherwise in writing.

o. Competitive Proposal/Request for Proposal (RFP). The competitive proposal/ request for proposal (RFP) method of procurement is normally conducted with more than one source submitting an offer, i.e., proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. The Contractor acknowledges that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed below.

(1) The Contractor agrees that the RFP Method may not be used in lieu of an invitation for bids (IFB) for:

- (a) Construction/repair work; or
- (b) Purchase of apparatus, supplies, materials or equipment. See next Subsection, this Agreement, regarding information technology goods as services.

(2) The Contractor agrees that the RFP method of solicitation may be used (in addition to or instead of any other procedure available under North Carolina law) for the procurement of information technology goods and services [as defined in N.C.G.S. 147-33.81(2)]. This applies to electronic data processing goods and services, telecommunications goods and services, security goods and services, microprocessors, software, information processing, office systems, any services related to the foregoing, and consulting or other services for design or redesign of information technology supporting business processes. The Contractor will comply with the following minimum requirements [N.C.G.S. 143-129.8]:

(a) Notice of the request for proposals shall be given in accordance with N.C.G.S. 143-129(b).

(b) Contracts shall be awarded to the person or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding contracts shall be identified in the request for proposals.

(c) The Contractor may use procurement methods set forth in N.C.G.S. 143-135.9 in developing and evaluating requests for proposals.

(d) The Contractor may negotiate with any proposer in order to obtain a final contract that best meets the needs of the Contractor.

(e) Any negotiations shall not alter the contract beyond the scope of the original request for proposals in a manner that deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.

(f) Proposals submitted shall not be subject to public inspection until a contract is awarded.

(3) The Contractor agrees that the RFP method, in accordance with FTA Circular 4220.1F, under the guidelines of FTA "Best Practices Procurement Manual," should be used for procurements of professional services, such as consultants for planning activities and for transit system operations/management. The Contractor acknowledges that certain restrictions apply under North Carolina law for use of the RFP method and these restrictions and exceptions are discussed in Subsections 14t(1) and 14t(2) of this Agreement. For all architectural, engineering, design, or related services, the Contractor agrees that the qualifications-based competitive proposal process shall be used (see Subsection 14q, this Agreement).

(4) When the RFP method is used for procurement of professional services, the Contractor agrees to abide by the following minimum requirements:

(a) Normally conducted with more than one source submitting an offer (proposal);

(b) Either fixed price or cost reimbursement type contract will be used;

(c) Generally used when conditions are not appropriate for use of sealed bids;

(d) Requests for proposals will be publicized;

(e) All evaluation factors will be identified along with their relative importance;

(f) Proposals will be solicited from an adequate number (3 is recommended) of qualified sources;

(g) A standard method must be in place for conducting technical evaluations of the proposals received and for selecting awardees;

(h) Awards will be made to the responsible firm whose proposal is most advantageous to the Contractor's program with price and other factors considered; and

(i) In determining which proposal is most advantageous, the Contractor may award to the proposer whose proposal offers the greatest business value (best value) to the agency. "Best value" is based on determination of which proposal offers the best tradeoff between price and performance, where quality is considered an integral performance factor.

p. Award to Other than the Lowest Bidder. In accordance with Federal and State statutes, a third party contract may be awarded to other than the lowest bidder, if the award furthers an

objective (such as improved long-term operating efficiency and lower long-term costs). When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining which bid is lowest. Prior to the award of any contract equal to or greater than \$2,500 to other than apparent lowest bidder, the Contractor shall submit its recommendation along with basis/reason for selection to the Department for pre-award approval.

q. Award to Responsible Contractors. The Contractor agrees to award third party contracts only to responsible contractors who possess potential ability to successfully perform under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Contracts will not be awarded to parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities in accordance with the Federal debarment and suspension rule, 49 C.F.R. 29. For procurements over \$25,000, the Contractor shall comply, and assure the compliance of each third party contractor and subrecipient at any tier, with the debarment and suspension rule. FTA and the Department recommend that grantees use a certification form for projects over \$25,000, which are funded in part with Federal funds. A sample certification form can be obtained from the Department. The Contractor also agrees to check a potential contractor's debarment/suspension status at the following Web site: <http://epls.arnet.gov/>.

r. Procurement Notification Requirements. With respect to any procurement for goods and services (including construction services) having an aggregate value of \$500,000 or more (in Federal funds), the Contractor agrees to:

(1) Specify the amount of Federal and State funds that will be used to finance the acquisition in any announcement of the contract award for such goods or services; and

(2) Express the said amount as a percentage of the total costs of the planned acquisition.

s. Contract Administration System. The Contractor shall maintain a contract administration system that ensures that contractors/subcontractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

t. Access to Third Party Contract Records. The Contractor agrees, and agrees to require its third party contractors and third party subcontractors, at as many tiers of the Project as required, to provide to the Federal and State awarding agencies or their duly authorized representatives, access to all third party contract records to the extent required by 49 U.S.C. § 5325(g), and retain such documents for at least five (5) years after project completion.

Section 13 Leases

a. Capital Leases. To the extent applicable, the Contractor agrees to comply with FTA regulations, "Capital Leases," 49 C.F.R. Part 639 and any revision thereto.

b. Leases Involving Certificates of Participation. The Contractor agrees to obtain the Department's concurrence before entering into any leasing arrangement involving the issuance of certificates of participation in connection with the acquisition of any capital asset.

Section 14 Patent Rights If any invention, improvement, or discovery of the Contractor or any third party contractor or any subrecipient at any tier of the Project is conceived or first actually reduced to practice in the course of or under the Project, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, the Contractor agrees to notify the Department immediately and provide a detailed report in a format satisfactory to the Department. The Contractor agrees that its rights and responsibilities, and those of each third party contractor at any tier of the Project and each subrecipient at any tier of the Project, pertaining to that invention, improvement, or discovery will be determined in accordance with 37 C.F.R. Part 401 and any applicable Federal and State laws, regulations, including any waiver thereof.

Section 15 Rights in Data and Copyrights

a. Data. The term "subject data," as used in this Section 14 of this Agreement means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under this Agreement for the Project. Examples include, but are not limited to: computer software, standards, specifications, engineering drawings and associated lists, process sheets, manuals, technical reports, catalog item identifications, and related information. "Subject data" does not include financial reports, cost analyses, or similar information used for Project administration. The Contractor acknowledges that, regarding any subject data first produced in the performance of this Agreement for the Project, except for its own internal use, the Contractor may not publish or reproduce subject data in whole or in part, or in any manner or form, nor may the Contractor authorize others to do so, without the written consent of the Department, unless the Department has previously released or approved the release of such data to the public.

b. Copyrights. The Contractor acknowledges that the FTA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(1) The copyright in any work developed under this Agreement or subagreement/subcontract; and

(2) Any rights of copyright to which the Contractor or its subrecipients/ subcontractors purchase ownership with funds awarded for this Project.

c. Hold Harmless. Except as prohibited or otherwise limited by State law or except to the extent that FTA or the Department determines otherwise in writing, upon request by the Federal or State Government, the Contractor agrees to indemnify, save, and hold harmless the Federal and State Government and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Contractor of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project. The Contractor shall not be required to indemnify the Federal or State Government for any such liability caused by the wrongful acts of Federal or State employees or agents.

Section 16 Employee Protections

a. Activities Not Involving Construction. The Contractor agrees to comply, and assures the compliance of each third party contractor and each subrecipient at any tier of the Project, with the employee protection requirements for nonconstruction employees of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701 et seq., in particular the wage and hour requirements of Section 102 of that Act at 40 U.S.C. § 3702, and with U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5.

b. Activities Involving Commerce. The Contractor agrees that the provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., apply to employees performing Project work involving commerce.

Section 17 Environmental Protections. The Contractor recognizes that many Federal and State laws imposing environmental and resource conservation requirements may apply to the Project. Some, but not all, of the major Federal laws that may affect the Project include: the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 through 4335; the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q and scattered sections of Title 29, United States Code; the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377; the

Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 through 6992k; the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 through 9675, as well as environmental provisions within Title 23, United States Code, and 49 U.S.C. chapter 53. The Contractor also recognizes that U.S. EPA, FHWA and other Federal agencies have issued, and in the future are expected to issue, Federal regulations and directives that may affect the Project. Thus, the Contractor agrees to comply, and assures the compliance of each third party contractor, with any applicable Federal laws, regulations and directives as the Federal Government are in effect now or become effective in the future, except to the extent the Federal Government determines otherwise in writing. Listed below are environmental provisions of particular concern to FTA and the Department. The Contractor understands and agrees that those laws, regulations, and directives may not constitute the Contractor's entire obligation to meet all Federal environmental and resource conservation requirements.

a. National Environmental Policy. Federal assistance is contingent upon the Contractor's facilitating FTA's compliance with all applicable requirements and implementing regulations of the National Environmental Policy Act of 1969, as amended, (NEPA) 42 U.S.C. §§ 4321 through 4335 (as restricted by 42 U.S.C. § 5159, if applicable); Executive Order No. 11514, as amended, "Protection and Enhancement of Environmental Quality," 42 U.S.C. § 4321 note; FTA statutory requirements at 49 U.S.C. § 5324(b); U.S. Council on Environmental Quality regulations pertaining to compliance with NEPA, 40 C.F.R. Parts 1500 through 1508; and joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622, and subsequent Federal environmental protection regulations that may be promulgated. As a result of enactment of 23 U.S.C. §§ 139 and 326 as well as to amendments to 23 U.S.C. § 138, environmental decision making requirements imposed on FTA projects to be implemented consistent with the joint FHWA/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, and any subsequent applicable Federal directives that may be issued, except to the extent that FTA determines otherwise in writing.

b. Air Quality. Except to the extent the Federal Government determines otherwise in writing, the Contractor agrees to comply with all applicable Federal laws, regulations, and directives implementing the Clean Air Act, as amended, 42 U.S.C. §§ 7401 through 7671q, and:

(1) The Contractor agrees to comply with the applicable requirements of Section 176(c) of the Clean Air Act, 42 U.S.C. § 7506(c), consistent with the joint FHWA/FTA document, "Interim Guidance for Implementing Key SAFETEA-LU Provisions on Planning, Environment, and Air Quality for Joint FHWA/FTA Authorities," dated September 2, 2005, and any subsequent applicable Federal directives that may be issued; with U.S. EPA regulations, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," 40 C.F.R. Part 51, Subpart T; and "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 C.F.R. Part 93, and any subsequent Federal conformity regulations that may be promulgated. To support the requisite air quality conformity finding for the Project, the Contractor agrees to implement each air quality mitigation or control measure incorporated in the Project. The Contractor further agrees that any Project identified in an applicable State Implementation Plan (SIP) as a Transportation Control Measure will be wholly consistent with the design concept and scope of the Project described in the SIP.

(2) U.S. EPA also imposes requirements implementing the Clean Air Act, as amended, which may apply to public transportation operators, particularly operators of large public transportation bus fleets. Accordingly, the Contractor agrees to comply with the following U.S. EPA regulations to the extent they apply to the Project: "Control of Air Pollution from Mobile Sources," 40 C.F.R. Part 85; "Control of Air Pollution from New and In-Use Motor Vehicles and

New and In-Use Motor Vehicle Engines," 40 C.F.R. Part 86; and "Fuel Economy of Motor Vehicles," 40 C.F.R. Part 600.

(3) The Contractor agrees to comply with notice of violating facility provisions of Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.

c. Clean Water. Except to the extent the Federal Government determines otherwise in writing, the Contractor agrees to comply with all applicable Federal regulations and directives issued pursuant to the Clean Water Act, as amended, 33 U.S.C. §§ 1251 through 1377. In addition:

(1) The Contractor agrees to protect underground sources of drinking water consistent with the provisions of the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. §§ 300f through 300j-6.

(2) The Contractor agrees to comply with notice of violating facility provisions of Executive Order No. 11738, "Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans," 42 U.S.C. § 7606 note.

d. Historic Preservation. The Contractor agrees to encourage compliance with the Federal historic and archaeological preservation requirements of Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. § 470f; with Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," 16 U.S.C. § 470 note; and with the Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. §§ 469a through 469c, as follows:

(1) In accordance with U.S. Advisory Council on Historic Preservation regulations, "Protection of Historic and Cultural Properties," 36 C.F.R. Part 800, the Contractor agrees to consult with the State Historic Preservation Officer concerning investigations to identify properties and resources included in or eligible for inclusion in the National Register of Historic Places that may be affected by the Project, and agrees to notify FTA of those properties that are affected.

(2) The Contractor agrees to comply with all applicable Federal regulations and directives to avoid or mitigate adverse effects on those historic properties, except to the extent the Federal Government determines otherwise in writing.

Section 18 Energy Conservation. The Contractor agrees to comply with the North Carolina Energy Policy Act of 1975 (N.C.G.S. 113B) issued in accordance with the Energy Policy and Conservation Act, as amended, 42 U.S.C. §§ 6321 et seq., except to the extent that the Department determines otherwise in writing. To the extent applicable, the Contractor agrees to perform an energy assessment for any building constructed, reconstructed, or modified with FTA assistance, as provided in FTA regulations, "Requirements for Energy Assessments," 49 C.F.R. Part 622, Subpart C.

Section 19 Substance Abuse. To the extent applicable, the Contractor agrees to comply with the following Federal substance abuse regulations:

a. Drug-Free Workplace. U.S. OMB Guidance, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 2 C.F.R. Part 182, U.S. DOT regulations, "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)," 49 C.F.R. Part 32, that implement the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 et seq.

b. Alcohol Misuse and Prohibited Drug Use. FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 C.F.R. Part 655, that implement 49 U.S.C. § 5331.

Section 20 Federal Certification Regarding Alcohol Misuse and Prohibited Drug Use.

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Contractor certifies, by signing this Agreement, that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, and Section 18 of this Agreement.

Section 21 Safe Operation of Motor Vehicles.

- a. **Seat Belt Use.** In accordance with the provisions of Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note, the Recipient is encouraged to adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, rented, or personally operated vehicles, and to include this provision in any subagreements, leases, third party contracts, or other similar documents in connection with the Project.
- b. **Distracted Driving: includes Text Messaging While Driving.** In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While Driving December 30, 2009, the Grantee is encouraged to comply with the term of the following Special Provision
- c. **Text Messaging While Driving.** In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While December 30, 2009, the Grantee is encouraged to comply with the term of the following Special Provision.

Section 22 Safety The Grantee is encouraged to:

- (1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving –
 - (a) Grantee-owned or Grantee-rented vehicles or Government-owned, leased, or rented vehicles;
 - (b) Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or
 - (c) Any vehicle, on or off duty, and using an employer supplied electronic device.
- (2) Conduct workplace safety initiatives in a manner commensurate with the Grantee's size, such as:
 - (a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - (b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- (3) Include this Special Provision in its subagreements with its subrecipients and third party contracts and also encourage its subrecipients, lessees, and third party contractors to comply with the terms of this Special Provision, and include this Special Condition in each subagreement, lease, and third party contract at each tier financed with Federal assistance provided by the Federal Government

Section 23 Protection of Sensitive Security Information.

To the extent applicable, the Contractor agrees to comply with 49 U.S.C. § 40119(b) and implementing U.S. DOT regulations, "Protection of Sensitive Security Information," 49 C.F.R.

Part 15, and with 49 U.S.C. § 114(s) and implementing U.S. Department of Homeland Security, Transportation Security Administration regulations, "Protection of Sensitive Security Information," 49 C.F.R. Part 1520.

Section 24 Disputes, Breaches, Defaults, or Other Litigation.

The Contractor agrees that FTA and the Department have a vested interest in the settlement of any dispute, breach, default, or litigation involving the Project. Accordingly:

- a. Notification to the Department. The Contractor agrees to notify the Department in writing of any current or prospective major dispute, breach, default, or litigation that may affect the Federal/State Government's interests in the Project or the Federal/State Government's administration or enforcement of Federal/State laws or regulations. If the Contractor seeks to name the Federal/State Government as a party to litigation for any reason, in any forum, the Contractor agrees to inform the Department in writing before doing so. In turn, the Department shall be responsible for notifying FTA.
- b. Federal/State Interest in Recovery. The Federal/State Government retains the right to a proportionate share, based on the percentage of the Federal/State share awarded for the Project, of proceeds derived from any third party recovery, except that the Contractor may return any liquidated damages recovered to its Project Account in lieu of returning the Federal/State share to the Department.
- c. Enforcement. The Contractor agrees to pursue all legal rights provided within any third party contract.
- d. FTA and Department Concurrence. The FTA and the Department reserve the right to concur in any compromise or settlement of any claim involving the Project and the Contractor.
- e. Alternative Dispute Resolution. The Department encourages the Contractor to use alternative dispute resolution procedures, as may be appropriate.

Section 25 Amendments/Revisions to the Project.

The Contractor agrees that a change in Project circumstances causing an inconsistency with the terms of this Agreement for the Project will require an amendment or revision to this Agreement for the Project signed by the original signatories or their authorized designees or successors. The Contractor agrees that a change in the fundamental information submitted in its Application will also require an Amendment to its Application or this Agreement for the Project. The Contractor agrees that the project will not incur any costs associated with the amendment or revision before receiving notification of approval from the division. The Contractor agrees that any requests for amendments and or revisions will be submitted in accordance with the policies and procedures established by FTA and the Department.

Section 26 Information Obtained Through Internet Links.

This Agreement may include electronic links/Web site addresses to Federal/State laws, regulations, and directives as well as other information. The Department does not guarantee the accuracy of information accessed through such links. Accordingly, the Contractor agrees that information obtained through any electronic link within this Agreement does not represent an official version of a Federal/State law, regulation, or directive, and might be inaccurate. Thus, information obtained through such links is neither incorporated by reference nor made part of this Agreement. The Federal Register and the Code of Federal Regulations are the official sources for regulatory information pertaining to the Federal Government.

Section 27 Geographic Information and Related Spatial Data.

In accordance with U.S. OMB Circular A-16, "Coordination of Geographic Information and Related Spatial Data Activities," August 19, 2002, the Contractor agrees to implement its Project so that any activities involving spatial data and geographic information systems activities

financed directly or indirectly, in whole or in part, by Federal assistance, consistent with the National Spatial Data infrastructure promulgated by the Federal Geographic Data Committee, except to the extent that FTA determines otherwise in writing.

Section 28 Severability.

If any provision of the FTA Master Agreement or this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal/State laws or regulations.

Section 29 Termination of Agreement

a. The Department of Transportation. In the event of the Contractor's noncompliance with any of the provisions of this Agreement, the Department may suspend or terminate the Agreement by giving the Contractor thirty (30) days advance notice. Any failure to make reasonable progress on the Project or violation of this Agreement for the Project that endangers substantial performance of the Project shall provide sufficient grounds for the Department to terminate the Agreement for the Project. In general, termination of Federal and State assistance for the Project will not invalidate obligations properly incurred by the Contractor before the termination date to the extent those obligations cannot be canceled. If, however, the Department determines that the Contractor has willfully misused Federal/State assistance by failing to make adequate progress, failing to make reasonable and appropriate use of Project property, or failing to comply with the terms of this Agreement for the Project, the Department reserves the right to require the Contractor to refund the entire amount of Federal and State assistance provided for the Project or any lesser amount as the Department may determine. Expiration of any Project time period established for the Project does not, by itself, constitute an expiration or termination of the Agreement for the Project. The Department, before issuing notice of Agreement termination, shall allow the Contractor a reasonable opportunity to correct for noncompliance. Upon noncompliance with the nondiscrimination section (Section 8) of this Agreement or with any of the said rules, regulations or orders, this Agreement may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for contracts in accordance with procedures authorized in Executive Orders No. 11246 and No. 11375, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law. In addition to the Department's rights of termination described above, the Department may terminate its participation in the Project by notifying and receiving the concurrence of the Contractor within sixty (60) days in advance of such termination.

b. The Contractor. The Contractor may terminate its participation in the Project by notifying and receiving the concurrence of the Department sixty (60) days in advance of the termination.

Section 30 Contract Administrators.

All notices permitted or required to be given by one Party to the other and all questions about this Agreement from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Name: MS. MYRA FREEMAN Title: FINANCIAL MANAGER Agency: NCDOT/PTD MSC: 1550 MSC City/Zip: RALEIGH NC 27699-1550 Phone: 919-707-4672 Fax: 919-733-2304 Email: MSFREEMAN1@NCDOT.GOV	Name: MS. MYRA FREEMAN Title: FINANCIAL MANAGER Agency: NCDOT/PTD Street: TRANSPORTATION BLDG Address: 1 S WILMINGTON ST RM 524 City: RALEIGH NC

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Name: Angela W Wynes Title: Transit Manager Agency: City of High Point Postal Address: 716 West Kivett Drive City/Zip: High Point, NC 27262 Phone: 336-883-3062 Fax: 336-822-7175 Email: angela.wynes@highpointnc.gov	Name: Angela W Wynes Title: Transit Manager Agency: City of High Point Street Address: 716 West Kivett Drive City: High Point, NC 27262

Section 31 Federal Certification Regarding Lobbying.

The Contractor certifies, by signing this Agreement, its compliance with Subsection 3d of this Agreement.

Section 32 Federal Certification Regarding Debarment.

The Contractor certifies, by signing this Agreement, its compliance with Subsection 3b of this Agreement.

Section 33 Federal Certification Regarding Alcohol Misuse and Prohibited Drug Use.

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," at 49 CFR part 655, subpart I, the Contractor certifies, by signing this Agreement, that it has established and implemented an alcohol misuse and anti-drug program, and has complied with or will comply with all applicable requirements of FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, and Section 18 of this Agreement.

Section 34 Ethics Acknowledgement Policy on Gifts.

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."

IN WITNESS WHEREOF, this Agreement has been executed by the Department, an agency of the State of North Carolina, and the Contractor by and through a duly authorized representative, and is effective the date and year first above written.

CITY OF HIGH POINT
on behalf of
High Point Urban Area
Metropolitan Planning Organization

CONTRACTOR'S FEDERAL TAX ID NUMBER: 56-6000231

CONTRACTOR'S FISCAL YEAR END: June 30

BY:



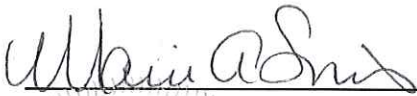
TITLE:

CITY MANAGER



(SEAL)

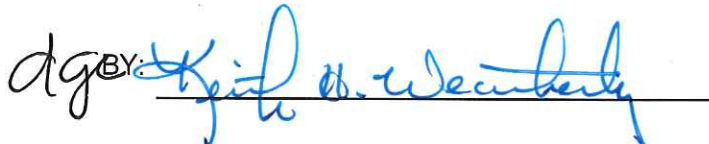
ATTEST:



TITLE:

Deputy City Clerk

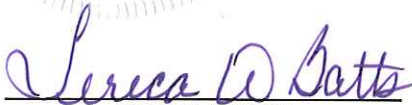
DEPARTMENT OF TRANSPORTATION

BY: 

TITLE:

DEPUTY SECRETARY FOR TRANSIT

ATTEST:



TITLE:

SECRETARY

Attachment

Certification Regarding Lobbying

(for bids and/or awards)

The Contractor certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Contractor shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Contractor's Authorized Representative: _____



Title: City Manager

APPENDIX A

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION DIVISION

PROJECT NUMBER: 16-08-113

APPROVED BUDGET SUMMARY

EFFECTIVE DATE JULY 1, 2015

PROJECT SPONSOR: CITY OF HIGH POINT

PROJECT DESCRIPTION: FY2016 METROPOLITAN PLANNING PROGRAM

I. TOTAL PROJECT EXPENDITURES

DEPARTMENT - 4526 PLANNING I - 36230.19.15.6 \$54,400
PERIOD OF PERFORMANCE JULY 01, 2015 - JUNE 30, 2016

II. TOTAL PROJECT FUNDING

	<u>TOTAL</u>	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
PLANNING - 36230.19.15.6	100%	80%	10%	10%
AGREEMENT # <i>200004457</i>	\$54,400	\$43,520	\$5,440	\$5,440
 TOTAL	 \$54,400	 \$43,520	 \$5,440	 \$5,440

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
APPROVED PROJECT BUDGET

PROJECT: 16-08-113
SPONSOR: CITY OF HIGH POINT
WBS: 36230.19.15.6

DEPARTMENT 4526 - PLANNING I

<u>OBJECT</u>	<u>TITLE</u>	<u>APPROVED BUDGET</u>
M302	442100-PROGRAM SUPPORT ADMINISTRATION	\$ 2,500
M303	442200-GENERAL DEVELOPMENT/COMP PLANNING	\$ -
M304	442301-LONG RANGE TRNSP PLN SYSTEM LEVEL	\$ 6,500
M305	442302-LONG RANGE TRNSP PLN PROJECT LEVEL	\$ -
M306	442400-SHORT RANGE TRNSP PLANNING	\$ 25,100
M307	442500-TRANSP IMPROVEMENT PROGRAM	\$ 5,000
M308	442612-CORD NON-EMERG HUMAN SVC TRNSP	\$ -
M309	442613-TRANSIT OPER PART IN METRO&S-WIDE PLN	\$ -
M310	442614-TRANSIT MGMT-OPS PLN TO INCREASE RIDER	\$ -
M311	442615-SYS PLN TO SUPT TRANSIT CAP INVEST DECIS	\$ -
M312	442616-SAFETY-SECURITY TRANSP PLANNING	\$ -
M313	442700-OTHER ACTIVITIES	\$ 15,300
	TOTAL PLANNING	\$ 54,400

Office of the Mayor
City of High Point
North Carolina
RESOLUTION...

WHEREAS, the High Point Fire Department received a Class 1 rating from the Insurance Service Office (ISO) Public Protection Classification program; and,

WHEREAS, the Insurance Service Office rates the Fire Department's ability to prevent losses and provide fire protection; and,

WHEREAS, the Insurance Service Office rates the municipal water supply system; and,

WHEREAS, the Insurance Service Office rates the emergency communications system in communities across the country; and,

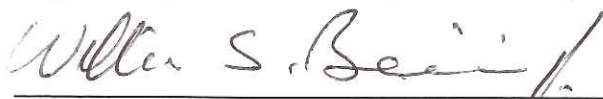
WHEREAS, an ISO Class 1 rating is the highest possible rating, a distinction that only 97 of more than 48,000 Fire Departments in the United States have earned; and,

WHEREAS, members of the High Point Fire Department cover 61.9 square miles and 122,790 people; and,

WHEREAS, courage, selfless concern for others and the duty to protect and serve are commonly held values among the High Point Fire Department.

NOW THEREFORE BE RESOLVED, that the High Point City Council recognizes the High Point Fire Department for achieving this outstanding Class 1 rating from the ISO and asks that all citizens join in honoring Chief Thomas Reid and members of the High Point Fire Department for receiving this exceptional rating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of the City of High Point, North Carolina, this 18th day of May 2015.



William S. Bencini, Jr., Mayor



CITY OF HIGH POINT

AGENDA ITEM



Title: Appeal of a Technical Review Committee Decision
(Allegro Investment Properties, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: At the May 18, 2015 public hearing, this request was continued to the July 20, 2015 meeting date.

Public Hearing: Yes

Advertising Date: None Required

Advertised By:

Attachments: Withdrawal Letter

PURPOSE:

A request by Allegro Investment Properties, LLC appealing the decision of the Technical Review Committee to uphold subdivision access requirements. This appeal is pertaining to 12.3-acres lying approximately 950 feet north of W. Lexington Avenue along the east side of Richard Byerly Road and west of Fernley Court.

BACKGROUND:

The applicant has submitted a letter withdrawing this request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends City Council accept the applicants request to *withdraw* this application.

From: [HERBERT SHANNON JR](#)
To: [HERBERT SHANNON JR](#)
Subject: FW: High Point City Council Public Hearing (Richard Byerly Rd Cases)
Date: Monday, July 13, 2015 10:49:43 AM

From: Ron Davis [mailto:arpllc@aol.com]
Sent: Sunday, July 12, 2015 2:04 PM
To: HERBERT SHANNON JR; jimmorgan@morganherring.com
Subject: Re: High Point City Council Public Hearing (Richard Byerly Rd Cases)

Mr. Shannon,

I would like to withdraw the **Appeal of a Technical Review Committee Decision** from The July 20, 2115 High Point City Council Public Hearing. I do want the remaining applications to remain on schedule.

Ron Davis
Allegro Investment Properties, LLC