

City of High Point

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



Meeting Minutes

Monday, November 2, 2009

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
William S. Bencini, Mayor Pro Tem
Latimer B. Alexander, IV, Mary Lou Blakeney,
Foster Douglas, John Faircloth, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Mayor Smothers led the invocation; the Pledge of Allegiance followed led by Boy Scouts from Troop #42.

Scouts from Troop #42 (Christ Covenant Church) were present to fulfill requirements of their Citizenship, Community Badge. They led the Pledge

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

Absent: Council Member Alexander

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

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

Finance Committee; Monday, October 19th @ 3:30 p.m.

Combined Meeting; Monday, October 19th @ 4:45/5:30 p.m.

Regular Meeting; Thursday, October 21st @ 9:00 a.m.

FINAL ACTION TAKEN AT THIS MEETING

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, **motion was made by Council Member Whitley and seconded by Council Member Sims to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote] [Council Member Alexander was absent]**

Motion was then made by Council Member Whitley, seconded by Council Member Sims that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [8-0 vote] [Council Member Alexander was absent]

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

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

Committee Members: Bencini, Douglas and Alexander

(all were present except Alexander)

State Revolving Loans - Promissory SRF Note - NC-DENR - Obsolete Sewer Line Improvements**090263**

Council is requested to accept the \$1,367,134 in State Revolving Loans and authorize the Mayor to execute the preliminary Promissory Note Document. The proceeds from this loan are being used for the abandonment of the Lazy Lane lift station project and rehabilitation of obsolete sewer line improvements projects previously approved by City Council.

This matter was briefly discussed during a Finance Committee Meeting held at 3:30

p.m. prior to this meeting.

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

Approved the acceptance of \$1,367,134 in State Revolving Loans and authorized the Mayor to execute the preliminary Promissory Note document.

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

Contract - Bid No. 13 - Electric Meters

090264

Approval of contract awarding Bid No. 13 for the purchase of Electric Meters. Purchasing and the Electric Department recommends that contract be awarded to National Transformer Sales in the amount of \$100,560.00 which is the lowest responsible and responsive bidder meeting specifications.

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

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

Approved contract with national Transformer Sales in the amount of \$100,560.00 which is the lowest responsible and responsive bidder meeting specifications.

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

Supplemental Municipal Agreement - NCDOT - Pond Maintenance for Piedmont Parkway

090270

Council is requested to approve a Supplemental Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for pond maintenance for Piedmont Parkway.

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

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

Approved Supplemental Municipal Agreement with the North Carolina Department of Transportation for pond maintenance for Piedmont Parkway.

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

Pending Items

Revised Economic Incentive Policy**090050**

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

Note: This matter has been pending since it was first introduced on March 15, 2009.

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair
Committee Members: Douglas, Pugh and Alexander**(all were presented except Alexander)****Ordinance - Vacate/Close Structure - 1718 Brooks Avenue****090266**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1718 Brooks Avenue belonging to Schwarz Properties, LLC.

Chairman Faircloth announced that staff has recommended removal of this matter from the Agenda. The tenant has since been relocated and the dwelling is now vacant. The inspector will post the dwelling as closed, place the utilities on hold and insure that it is now secure.

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

Ordinance - Demolition of Structure - 1312 Lorraine Avenue**090267**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1312 Lorraine Avenue, belonging to JoAnn Cain.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1312 Lorraine Avenue. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Council Member Whitley asked the city attorney if this wouldn't be a good opportunity to start the proceedings to try to recoup the cost of the demolition given the amount of property associated and the location. City Attorney Fred Baggett agreed that this would definitely be an option to consider.

Chairman Faircloth asked if there was anyone present who would like to speak regarding this housing case. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1312 Lorraine Avenue.

Ordinance No. 6650/09-50**Introduced 11/02/09****Adopted 11/02/09****Ordinance Book Volume XVI, Page 135**

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

Ordinance - Demolition of Structure - 526 White Oak Street**090268**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 526 White Oak Street belonging to Emmanuel Wallace.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 526 White Oak Street. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if there was anyone present who would like to comment regarding this housing case. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 526 White Oak Street.

Ordinance No. 6651/09-51**Introduced 11/02/09****Adopted 11/02/09****Ordinance Book Volume XVI, Page 136**

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

Ordinance - Demolition of Structure - 1100 Jefferson Street**090269**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1100 Jefferson Street, belonging to Bank of America/ Trustee for EMC Mortgage Loans.

Katherine Bossi, Local Codes Enforcement Supervisor, reviewed the information as contained in the staff report for the housing case at 1100 Jefferson Street. [a copy of the staff report is hereby attached in Legistar as a permanent part of these proceedings]

Chairman Faircloth asked if there was anyone present who would like to comment regarding this housing case. There being none, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for

adoption.

Ordinance No. 6652/09-52

Introduced 11/02/09

Adopted 11/02/09

Ordinance Book Volume XVI, Page 137

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

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Blakeney, Faircloth, Whitley and Alexander

(all were present except Alexander)

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

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Blakeney, Pugh, Sims and Faircloth

(all were present)

Major Watershed Variance (Riverdale Road) City of High Point

090272

A request by the Public Service Department for a major watershed variance for proposed disturbance of an existing perennial and intermittent stream buffer as classified by the Department of Natural Resources Division of Water Quality. The buffer disturbance exceeds five percent (5%) of the stream; therefore, local and state (Environmental Management Commission) review is required. The site is located at the northeast corner of 5853 Riverdale Road, which is lying along the east side of Riverdale Drive and approximately ½ mile south of E. Kivett Drive. The site is also known as Guilford County Tax Parcel 15-94-7016-0-0882-00-005 (portion) and 18-00-0481-0-0001-00-004.

Note: This matter was heard following the public hearings of related matters **090274 Ordinance- Annexation 09-03- Cash- Riverdale Drive and 090275 Ordinance- Rezoning Case 09-09- City of High Point- Riverdale Drive.**

Mark Schroeder of Planning & Development gave an overview of the staff report. In his closing comments, Mr. Schroeder explained that staff recommends approval of the major watershed variance subject to the following conditions:

1. The issuance of the applicable 401/404 permits
2. Stream restoration plans or mitigation as required by the Division of Water Quality be obtained; and
3. That a revised watershed development plan be approved by TRC prior to disturbance within the buffer area.

Judy Stalder, 1814 Eastchester Drive, addressed Council in support of the request and briefly explained the purpose for requesting the variance.

City Attorney Fred Baggett pointed out that this is an integral part of the settlement with the State regarding the Seaboard project and the city's remediation for same.

Wendell Overby, Wetlands consultant, 1043 Cambrook Court in Concord, North Carolina was present in support of the request and offered to address any questions/concerns. He also shared that the variance in the proposal was tentatively on schedule for the EMC to hear on November 18th resulting in an urgency for a decision. He explained that they have been working with the EMC staff through the Division of Water Quality to get this on their agenda and have had on-site visits with members of the Division of Water Quality as well as the Corps of engineers.

Chairman Bencini asked if there were any additional comments in support of or in opposition to the major watershed variance request. There being none, and following the conclusion of the public hearings on the related cases **090274 Ordinance-Annexation 09-03- Cash- Riverdale Drive and 090275 Ordinance- Rezoning Case 09-09- City of High Point- Riverdale Drive**, the committee recommended approval of the request.

Approved Major Watershed Variance (Riverdale Road) based on staff's recommendation and conditions based on the findings of fact as outlined in the staff report which is hereby incorporated and attached in Legistar as a permanent part of these proceedings.

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

Pending Items

University Area Plan - City of High Point

090251 A request by the City of High Point for consideration of the University Area Plan.

CLOSED SESSION- PROPERTY ACQUISITION & ECONOMIC DEVELOPMENT

At 5:05 p.m., the Mayor announced the need for a closed session pursuant to N.C. General Statute 143-318.11(a)(5) to to establish terms for negotiating the purchase of property (Tax lots 103-4-1, 103-1-2 owned by LSB Properties, Inc. and 104-1-1 owned by Bud McGuinness) located west of Westchester Drive between coventry Street and Burton Road for a public park and N.C. General Statute 143-318.11(a)(4) to discuss possible incentives to attract business investment in the city.

Council Member Whitley made a motion for Council to enter into closed session to discuss property acquisition and proposed economic development projects. Council Member Faircloth made a second to the motion which carried unanimously.

Upon reconvening into open session, Mayor Smothers announced that Council authorized staff to proceed with purchase of the properties and established the terms of the purchases.

PUBLIC COMMENT PERIOD

There were no citizens present to address Council during the Public Comment period.

PUBLIC HEARINGS ON ITEMS

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

Public Safety Committee - Council Member Faircloth, Chair

Public Hearing - Transit System Route Changes

090265

Monday, November 2, 2009 at 5:30 p.m. is the date and time established by City Council to receive public comment on route and schedule changes for the transit system. The changes include modifying the existing Westchester Drive Route by splitting it into two routes to enhance safety for passengers going to destinations along the Westchester Drive corridor.

The public hearing for this matter was held on Monday, November 2, 2009 at 5:30 p.m.

Mark McDonald, Director of Transportation, explained that a few months ago, the High Point Department of Transportation received a request to evaluate Hi Trans Westchester route with safety being the focus--specifically the obstacles that expose them to dangerous traffic conditions such as crossing Westchester Drive and other busy streets. He pointed out that the ridership on this existing route is very consistent, but because the loop doesn't route back, stops are only accommodated on one side of the road with at least three locations where a significant transit generator lies on the opposite side of the road from where the established stops are.

He noted the first option considered was the possible reversal of the route and while the reversal would meet the immediate needs of some of the ridership, it would introduce similar problems to others. Additionally, it could create problems where the route would be coming back out on Dorothy and having to turn left at an unsignalized intersection onto National Highway which would not only affect the timing of the route greatly, but puts the buses in a situation of having to make left turns off a side street across a major thoroughfare. With these constraints in mind, staff looked at the possibility of splitting services into two distinct loop route and noted this alternative provides coverage on both sides of the street they serve and offers double coverage in

the area on the south end of the route. This would open up both sides of the road across the entire route to service.

The second route (Westchester Drive) would be sort of an overlap between the two routes and has a strong pocket of ridership that would be double served. In comparison of the reversal of the current route or splitting it into two routes, staff prefers splitting it as it more fully addresses the needs and safety of the ridership. Mr. McDonald explained that implementation of the split route option would require additional staffing, one driver and equipment and the department has already moved forward to direct a portion of the federal transit stimulus funds to PART for the purchase of a bus that can be customized to the city's needs and leased back to the city for use by Hi Tran. Delivery of the new bus is anticipated in early summer and staff expects service to begin on the new route towards the end of summer or as soon as everything can be put into place. He also pointed out the addition of this new equipment, etc... offers more flexibility and greatly enhances services currently provided beyond the English/Westchester/Chestnut corridors and provides the capability of running 30-minute headways instead of one-hour headways out on the Leonard Street route and will be able to offer Saturday service on the Montlieu Avenue route.

Mr. McDonald noted that staff is also actively seeking additional funding through the American Reinvestment and Recovery Act (ARRA) for the first years operating costs which is estimated to be approximately \$210,000 and would also pursue CMAQ funding. He pointed out the \$210,000 does not include income from fares, so this would allow some offset. Council Member Whitley asked if there would be a requirement that the city would have to proceed with the route changes if funding is not received through the grants and Mr. McDonald replied there would be no obligations for the city to carry it through, and the city would either have to find a way to absorb the added expenditures or eliminate the service.

In closing, Mr. McDonald emphasized that the window of opportunity for obtaining funding through ARRA is rapidly closing, that the final application must be submitted by November 6th and asked for Council's immediate consideration and action on this matter.

Chairman Faircloth opened the public hearing at this time and asked if there were any comments.

Felicia, who resides at 208-B Northpoint Avenue, spoke in support of the proposed route changes. She asked if the receipt of ARRA funding would result in Monday through Saturday service on all routes and pointed out most of the routes currently end at 5:00 p.m., but many people need service from the 5:00 to 7:00 p.m. window. Mr. McDonald replied it would not. Felicia also recommended another depot to be built in the future so riders wouldn't have to take an hour to hour and a half just to go twenty minutes.

Chairman Faircloth asked if there was anyone else present who would like to speak. There being no one else to speak, the public hearing was closed.

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

Approved the modifications to the existing Westchester Drive route by splitting it into two routes to enhance safety for passengers going to destinations along the Westchester Drive corridor.

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

Planning & Development Committee - Council Member Bencini, Chair

Special Use Permit 09-03 - Wood Coating Research Group

090273

A request by Wood Coating Research Group to allow "Research, Development or Testing Services" use in the General Business (GB) District. The site is lying at the northeast corner of Idol Street and Scott Avenue (602 Idol Street).

The public hearing for this matter was held on Monday, November 2, 2009 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report which is hereby incorporated as a permanent part of these proceedings.

_____ Transcript of Public Hearing comments _____

Chairman Bencini: The first item is Special Use Permit 09-03- Wood Coating Research Group. If you're here and plan to speak on this item, I would ask you to come forward and have the City Clerk Swear you in.

[oaths administered]

Chris Whitley: Madam Mayor, in disclosure, I would like to announce that I have received a phone call regarding this case and did not discuss the case once I found out it was a conditional use.

Mayor Smothers: Thank you Mr. Whitley. That will be noted. Anyone else receive any contact [none noted]

Herb Shannon: Herb Shannon with the Planning & Development Department. This is a Special Use Permit request submitted by Wood Coating Research Group. They are requesting a permit to allow research development and testing services in the General Business District. The site in question is located at 602 Idol Street. Just to note to everyone where we're at, this is N. Main Street, Westchester. The site's right here. It's just under one acre. There's an existing vacant building upon the site that's a little over 17,000 square feet that the applicant's proposing to use. This particular area of the city from Parris Avenue to Westchester and from N. Main to Idol, that area is for the most part all General Business. Since the mid-1980s there have been about fifteen zoning cases in

that area that have rezoned area from Residential to General Business District. There are only about seven single-family homes left in the area. Three off of Parris and two off of Scott. Everything else has been rezoned. Bob, if you can go to the next slide. This is a composite of zoning and land use. The areas noted in red are designated on our Land Use Map for Commercial Use and you can see this entire area is designated as Regional Commercial and except for those few remaining homes, it's fully developed as a commercial area.

Now the research developing and testing use is a wide range of uses from activities which may be totally indoors to some research activities that could be outside and could have any impact on surrounding properties. Therefore, the special use permit review is in order for the Council to determine the appropriateness of that use and mitigate any impact upon the adjacent property owners. The applicant is proposing a research and development use that will focus primarily on testing of paint, coating and polymers. They will also have an outdoor testing area where they will place samples of different materials, different coatings of different materials and expose them to the environment to determine their effectiveness. They are proposing five of these panels upon the site. Bob, if you can go to the next slide please.

The building in question is an existing building. They are proposing to use that facility and parking in the middle of the site. This is the area where they are proposing their outdoor testing panels and those would be about twelve feet long by five feet high with a total height of about eight feet. They've noted in their permit a maximum of five to be located on the grounds of the site. As you are aware with a special use permit, there are specific findings for the board to consider and those are noted on page 60 and 61 of your packet.

Key items to touch upon. That the proposed use will not endanger public health and safety. Staff has noted a finding of compliance with revision. Placement of the testing panels too close to the Idol Street property line could not only limit visibility, but traffic exiting the site, but also for traffic at the intersection of Scott and Idol. So subject to inclusion of a condition requiring the test panels to meet the setback requirements of the GB District which would be 15 feet. With that condition, staff finds the proposal would not endanger the public health and safety. Just to give you an idea of that 15' setback-the building at this location is set back 15', so subject to that being included in the permit, staff has noted a finding of compliance with that revision.

The second finding just to touch base on, that the request would not substantially injure the value of surrounding property owners. This is an existing commercial site, it already has an existing commercial building on it and is surrounded by commercial uses. The main entrance of this facility is facing existing commercial uses along Scott and Idol. Except for the outdoor testing panels, all the activities associated with the site will occur within the existing building. So in conclusion, staff is recommended approval of this request with the amendment that the outdoor testing panel shall meet the building setback standards of that district. Based upon that additional item, staff finds that the request is consistent with surrounding uses in zoning. Bob, if you can go to the next slide. This is an example that the application provided us with of how those panels would look. There's another picture of that also. At the October Planning & Zoning Commission, the Commission recommended approval of this request with the revision recommended by staff by a vote of 7-0. Are there any questions?

Council Member Sims: I have one question or a couple actually. Is this going to be fenced? Where these panels are, is it going to be fenced and secured?

Herb Shannon: The applicant's site plan does show a fence in this area. They can probably give you more detail on the specifics of how they're going to secure the site. The plan does show the panels in a fenced area.

Council Member Sims: The second question, on page 61 of what we were given, it mentions panels on the roof. Are they going to be roof panels or are they going to be on the ground?

Herb Shannon: The applicant has noted a desire that there be five panels on the ground and potential of having some panels on the roof.

Mayor Smothers: But would they be allowed to do that? I don't guess we regulate roofs after they build the building.

Herb Shannon: The permit does not exclude that, so that is a potential that the applicant has noted that they may consider in the future so they did include that in their permit.

Mayor Smothers: I noticed that there was comment made at the public hearing that dealt with some of the concerns apparently that that one resident had and wanted to be entered into the record that Mr. Obie had committed to 7:00 to 7:00 operating hours, six days a week.

Herb Shannon: That was from one of the property owners on Scott. He did address their concerns at the meeting. Those specific hours of operation were not included as part of the specific special use permit.

Chairman Bencini: They can't be, can they?

Fred Baggett: Yes they can.

Herb Shannon: That property owner just wanted a general idea of the hours of operation. Mr. Obie can probably give you a little more detail, but he had noted that typically his operations are five days a week, but there could be times he could be working six days a week.

Council Member Whitley: Herb, did staff take into consideration the appearance of what these panels are going to look like from the street? Particularly adjacent across the street is the existing building that the city has just purchased or will be purchasing.

Herb Shannon: That's something that staff did look at as far as one of the findings that the request be in harmony with the area. Our big concern was that there be a limit. That the entire site and parking lot not be filled with them. The fact that the permit does limit them to five addressed our concerns and the use across the street, that is another commercial use and is primarily a parking lot for that adjacent building.

Council Member Whitley: However, this is a very tight lot compared to what that picture

looks like and given the traffic coming up Scott Avenue, that's very crowded right there when they look to the right and see those panels.

Herb Shannon: That was why staff noted we felt it would be appropriate to have a setback condition to insure there is appropriate line of site.

Mayor Smothers: So they'll be aimed....I noticed they were angled, they'll be aimed toward the building so you'll just see the back of them.

Herb Shannon: Mr. Obie can probably give you more details and specifically how he desires them to be set up on the site. At a minimum they are going to be setback equivalent to where this building's at. So what you're seeing here, you're probably going to have to slide over a little bit more into the parking lot so there is an appropriate line of site from the intersection.

Chairman Bencini: Thank you Herb. Anyone present care to speak in favor of this request?

Ronald Obie: Madam Mayor, Chairman Bencini, Council Members, my name is Ronald Obie. I reside at 502 N. Rotary Drive in High Point. Thank you for allowing me to speak to you regarding our desire to relocate our business, Wood Coatings Research Group, to High Point specifically to the 602 Idol Street location. Wood Coatings Research Group is an independent research development organization focused primarily in the material-science arena. Our vision is that of a research institute conducting research and development on coating materials. We pride ourselves on new idea generation, training and problem solving. We are involved with the University of North Carolina at Greensboro in the form of a joint industry academic collaborative research project involving the determination of free energy of transfer of coalescent additives between hydro-organic phases. This and other projects have allowed us to introduced students to industrial and material science research areas. Students who have worked with us on our collaborative project have gone on to work with such companies as Sherwin Williams, some start their own small businesses and further their scientific education.

Further, WCIG prides itself in addressing projects targeted to improving the environment, product performance and productivity. For instance, some of our most recent projects have involved development of environmental friendly or green paints and coatings. Specifically we have a number of large coating manufacturers with whom we are working to make green seal and green guard acceptable stains and coatings. Development of such coatings will improve the environment with regard to volatile organic content and greenhouse gases. Additionally, do-it-yourself and contractor products based on technology we're working on will result in safer products for consumer and contractor use as well as be low in odor while making our homes safer. WCIG core values make up an acronym of depth and are specifically acumen, discipline, excellence passion and true. Our mission statement is to be the material science research development organization of choice due to creativity, innovation of materials and coatings through science. WCIG performs independent research and development, contract R & D for raw material suppliers such as Eastman Chemical Company, coatings companies and furniture manufacturers. Relocation of our company to 602 Idol Street will allow us to continue our work while allowing room for our company to grow. The use of outdoor exposure racks will allow the opportunity to assess impact of environmental stresses on materials.

We have spoken with some of our new neighbors regarding our relocation. Their primary concern has been whether or not there will be a noticeable odor due to our presence. Their primary frame of reference appears to be that of the atmosphere surrounding a company such as Marsh Furniture Company for example. Marsh Furniture Company utilizes greater than a million dollars worth in volume of organic finishes on a variety of application lines. Conversely, the amount of material that we would use for our spray application testing is very small and generally on the order of less than 50 ml per material spray test. Additionally, our work is focused on green technology which is inherently safer, thus is it our goal to insure our neighbors that there will be very little to no odor associated with the operation of our facility. Therefore, we respectfully request that approval of Special Use Permit 09-03 with regard to the location of 602 Idol Street be granted by this Council. I want to thank you again for your time and your consideration and I'll be happy to address any questions.

Chairman Bencini: Thank you Mr. Obie. Do any council members have any questions?

Council Member Whitley: Referring to the map where the panels are, is that the orientation you're planning on directing the panels?

Ronald Obie: The panels in order to be effective and according to ASTM testing methodology with is the American Society for Testing Materials requires that the panels be facing due south, so we would be facing the panels due south.

Council Member Whitley: Let me ask a follow up then. So that means you're going to cut down the trees right adjacent to there and across the property in order to get the benefit of the due south?

Ronald Obie: No Sir. Because of where the panels will be located there will be enough sun during the day such that no less than two hours of sunlight is prohibited from the panel during that 12-hour cycle.

Council Member Whitley: Have you done the year-round testing on that because I've been through there when it's been completely shady on that property in the middle of the summer.

Ronald Obie: No sir I have not done year-round testing.

Council Member Whitley: Currently the fence is the way it comes across from the property at the top and you're going to readjust the fence outwards toward the street?

Ronald Obie: Yes Sir. Apparently the fence comes straight down by where the parking is. When we decide to put the panels up which they will not go up immediately, then we will adjust the fence such that with the panels it would fit inside the fence.

Council Member Whitley: Because currently the fence is about 28-29 feet from the curb. If you put those panels given the length that you're going to make them farther out, I'm basing off an existing picture of a car here, you're looking at maybe 12-13 feet from the curb. Then you add in the fence and it's already not the most ideal area to look right when you pull up there. If you put the panels there, you're going to completely block vision of anything wanting to make a left.

Mayor Smothers: I thought Herb said that they would push them back into the parking area because they have to have the setback.

Council Member Whitley: Based on that map right there, they're pushing the fence forward from the existing fence. According to the actual Special Use Permit, we will have to actually....this picture is not representative of what we would have to do.

Mayor Smothers: Because they added the additional condition that deals with the setback-staff did.

Ronald Obie: Yes.

Mayor Smothers: And you have accepted that?

Ronald Obie: Yes Ma'am.

Chairman Bencini: It will be set back, Councilman Whitley, the same as the building setback to the north there so those panels will actually move back towards the east.

Council Member Whitley: It's supposed to be close to where the existing fence is now in order to stay away from the right-of-way based on the length of the panel.

Mayor Smothers: Well I presume he's measured it.

Ronald Obie: Yes Ma'am. If we want to....we will not initially be putting panels up there, but we need to have access to be able to put panels up there.

Council Member Faircloth: What would the....there was mention of panels on the roof, how would you go about locating those and what would they look like?

Ronald Obie: Right now, what we've been thinking about-if there was a need to, and part of the reason, well if there was a need to put panels on the roof, they would likely go....again they would have to be facing south so they could go anywhere on this roof probably in this area here.

Council Member Faircloth: Are the colors that you use in your testing are they varied colors as illustrated in that photo we saw or are you able to use nature colors?

Ronald Obie: Most of our colors will be white, or wood grain like earthtone colors.

Council Member Faircloth: That's the word I was looking for. Earthtones. Thank you.

Mayor Smothers: I would assume these panels are about the size of probably the solar panels that you see up on roofs anyway.

Ronald Obie: Solar panels can be pretty large. That's one of the thoughts, it wouldn't look too awfully bad concerning that. The other thing is people would have to purposefully look up to see the panels on the roof.

Mayor Smothers: Wasn't this the property that Country Furniture used for storage at one time?

Ronald Obie: I believe that is correct. Yes Ma'am.

Chairman Bencini: Any other questions of Mr. Obie?

Council Member Pugh: Your company is locating here from another location?

Ronald Obie: Yes Sir.

Council Member Pugh: How many employees do you have.

Ronald Obie: Right now, it's currently myself.

Mayor Smothers: Well welcome. You live here already, so we welcome your business.

Ronald Obie: thank you.

Chairman Bencini: Thank you Mr. Obie. Anyone else present care to speak in favor of this request? [none] Anyone care to speak in opposition? [none] Seeing no one.....

Council Member Whitley: Before you close the public hearing, I have one additional question for staff. Herb, we don't do a whole lot of special use permits, but aren't they required to have the exact site plan drawn out when it comes in before us?

Herb Shannon: It is encouraged that the site plan be as accurate as possible. Due to the length of time from the Planning & Zoning Commission meeting to today's City Council meeting, there wasn't much time to revise the plan. This was heard at the October 27th P & Z meeting.

Council Member Whitley: Well let me go back then because if this is a representation of what's going to go out there, it's not accurate based on what I'm looking at on Google Earth. I mean the panels are clearly going to be just about on the right-of-way and it will definitely be a hindrance to the site vision for the folks coming up Scott Avenue, so how far back are these panels off?

Herb Shannon: Staff was recommending that they meet the setback requirements in the General Business District which is 15 feet. That's why we included in our staff recommendation that additional condition be included in their permit.

Council Member Whitley: Then if you're at 15 feet and that map's accurate and it is going to cause a site hindrance.

Herb Shannon: What is represented on the graphic on the screen is not setback 15 feet.

Chairman Bencini: They're going to go back an additional 15 from where you see them there.

Council member Pugh: Herb, would they be measured at the place to make sure there

wasn't a site impairment there? There would be measures in place to make sure that the site distance was not impaired?

Herb Shannon: Yes, that is why staff is recommending they meet the GB setback of 15 feet to insure there's line of site.

Council Member Whitley: The building currently from the curb sits roughly 19 feet.

Herb Shannon: From the property line is what they did the survey....

Council Member Whitley: That's from the curb. I can't get to the property line because I don't have that on this map. So you're already at 19 feet from the end of the building to the curb. So if that's the case this map....that's what I'm saying...this map is not accurate. The building's out of place.

Herb Shannon: That is taken from the survey. What staff would insure is whatever goes on the site would meet that 15 foot setback. That is staff's recommendation.

Chairman Bencini: Thank you. At this time, I'll close the public hearing and **I'm going to make a motion to approve the special use permit based upon the findings and based upon staff's report that this special use permit is in general conformance with High Point's Land Use Plan.**

Council Member Sims: Second.

Mayor Smothers: We have a motion and a second. Is there further discussion?

Council Member Whitley: Madam Mayor, I will not support this. There's discrepancies in my opinion of the map and quite frankly this case should have been delayed until we had a more accurate map of exactly where their lot line was compared to the panels.

Mayor Smothers: Further comments?

Council Member Pugh: We do have an assurance they wouldn't be in the line of site.

Mayor Smothers: It's going to be setback the same as the building. All in favor of the motion, please say Aye. Aye.

Smothers, Bencini, Blakeney, Douglas, Faircloth, Pugh, Sims: Aye.

Mayor Smothers: Those opposed?

Council Member Whitley: No.

Mayor Smothers: Mr. Whitley is No.

[7-1 vote] [Council Member Whitley No] [Council Member Alexander absent]

[end of transcript]

Approved Special Use Permit 09-03 as requested by Wood Coating Research Group and as recommended by staff based upon the findings and based upon staff's report that this special use permit is in general conformance with High Point's Land Use Plan.

A motion was made by Mayor Pro Tem Bencini, seconded by Council Member Sims, that this matter be approved. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Bencini, Council Member Sims, Council Member Blakeney, Council Member Douglas, Council Member Faircloth and Council Member Pugh
Nay: Council Member Whitley
Absent: Council Member Alexander

Ordinance - Annexation 09-03 - Cash - Riverdale Drive

090274

Consideration of a contiguous annexation of approximately 3 acres. The site consists of the northeastern 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive, which is lying along the east side of Riverdale Drive and approximately ½ mile south of E. Kivett Drive. The site is also known as a portion of Guilford County Tax parcel 15-94-7016-0-0882-00-005.

The public hearing for this matter was held on Monday, November 2, 2009 at 5:30 p.m.

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

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if anyone was present who would like to speak in favor of the request.

Judy Stalder, 1814 Eastchester Drive, was recognized. She explained that if the city approves the major watershed variance associated with this case, it would be critical for the city to comply with the requirements to annex this property and have jurisdiction to insure long-term maintenance and to make sure the property continues to comply with the water quality requirements.

Chairman Bencini asked if anyone else was present who would like to comment in favor of or in opposition to this request. There being no further comments, the public hearing was declared closed.

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

Adopted ordinance providing for the annexation of this property. Annexation effective upon adoption of said ordinance.

Ordinance No. 6653/09-53

Introduced 11/02/09

Adopted 11/02/09

Ordinance Book Volume XVI, Page 138

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

Ordinance - Rezoning Case 09-09 - City of High Point - Riverdale Drive

090275

Agricultural (AG) District

A request by the Public Service Department to rezone approximately 3 acres from the Agricultural (AG) District, under Guilford County's zoning jurisdiction, to the City of High Point's Agricultural (AG) District. The zoning site consists of approximately 3 acres of a larger 16.5 acre parcel located at 5853 Riverdale Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The public hearing for this matter was held on Monday, November 2, 2009 at 5:30 p.m.

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

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if anyone was present who would like to speak regarding this request.

Judy Stalder, 1814 Eastchester Drive, spoke in favor.

There was no one else present to speak. The public hearing was closed.

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

Adopted ordinance amending the official zoning map of the City of High Point providing for the rezoning of this property from the Agricultural (AG) District, under Guilford County's zoning jurisdiction, to the City of High Point's Agricultural (AG) District.

Ordinance No. 6653/09-53

Introduced 11/02/09

Adopted 11/02/09

Ordinance Book Volume XVI, Page 138

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

For Information Only:

Randleman Tour

Chairwoman Sims of the Public Services Committee reminded Council of the Randleman Tour scheduled for Wednesday, November 4, 2009. The van will leave promptly at 1:30 p.m.

Public Safety Committee

Chairman Faircloth announced there would also be a Public Safety Committee meeting on Wednesday, November 4, 2009 at 9:00 a.m. to discuss transportation related issues.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:20 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk