

City of High Point

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



Meeting Minutes

Monday, September 21, 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 offered the invocation; the Pledge of Allegiance followed.

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

Absent: Council Member Whitley

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Alexander and second by Mayor Pro Tem Bencini.

Finance Committee; Tuesday, September 8th @ 4:00 p.m.

Combined Meeting; Tuesday, September 8th @ 4:45/5:30 p.m.

Public Safety Committee; Wednesday, September 9th @ 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 Alexander and seconded by Mayor Pro Tem Bencini to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [8-0 vote]**

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

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 with the exception of Chairman Whitley)

Contract - Grimes & Taylor Stormwater Project -Triangle Paving & Grading**090234**

Approval of contract awarding Bid No. 08 for the construction of the Grimes and Taylor Stormwater Improvement project. Purchasing and Public Services recommend that contract be awarded to Triangle Grading and Paving Company in the amount of \$2,050,249.65 which is the lowest responsible and responsive bidder meeting specifications.

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

Approved contract for the construction of the Grimes and Taylor Storm water Improvement project with Triangle Grading and Paving Company in the amount of \$2,050,249.65 which is the lowest responsible and responsive bidder meeting

specifications.

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

Resolution - Automated Refuse and Recycling Collection Program

090239

City Council is requested to authorize the City Manager and Financial Services Director to accept the proposal for the lease-purchase agreement with Wachovia Bank NA, to authorize the borrowing as evidenced in the attached resolution, and to prepare and execute the necessary documents in connection with the financing agreement.

Pat Pate, Assistant City Manager, reported this is the financing piece for the automated refuse and recycling collection program.

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

Adopted resolution authorizing the execution and delivery of an installment financing contract in the amount of \$3,500,000.00 with Wachovia Bank, NA to finance the acquisition of certain equipment for use by the City of High Point, North Carolina, authorizing the execution and delivery of related instruments, and determining other matters in connection therewith.

Resolution No. 1550/09-78

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 192

A motion was made by Council Member Alexander, seconded by Council Member Sims, that this matter be adopted. 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 3/5/2009.

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair Committee Members: Douglas, Pugh and Alexander

(all were present)

Ordinance to Demolish Structure - 1003 E. Russell Avenue

090220

Consideration of ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1003 E. Russell Avenue belonging to Robert L. Bradley.

review the findings in the staff report [a copy of which will be attached in Legistar as a permanent part of these proceedings].

Ms. Bossi pointed out that there was an error in the report and the property owner is not George Brown, but Robert L. Bradley and that Mr. Bradley actually received the notices and has been the one that staff has been in contact with regarding this case.

Council Member Sims asked if the property owner has completed the repairs to the roof; Ms. Bossi replied that the property owner was just getting started and only the front portion of the roof is complete. Staff pointed out that the repairs were not being done by a licensed contractor, but by the property owner.

Following the conclusion of staff's report, 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 1003 E. Russell Avenue belonging to Robert L. Bradley.

Ordinance No. 6639/09-39

Introduced 09/21/09

Adopted 09/21/09

Ordinance Book Volume XVI, Page 124

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

Ordinance to Demolish Structure - 2405 Brentwood Street

090221

Consideration of ordinance ordering the housing inspector to effectuate the demolition of a structure located at 2405 Brentwood Street belonging to Browns Chapel Holiness Church.

Chairman Faircloth asked staff to report on the status of this housing case.

Katherine Bossi, Local Codes Enforcement Supervisor, gave an overview of the staff report [a copy of the staff report will be attached in Legistar as a permanent part of these proceedings].

Council Member Pugh expressed concerns about demolishing the building since the church did not have the funding to pay for the demolition. Council Member Faircloth inquired about an estimated cost for demolition and asked if the lien would be tied only to this particular lot since it was a single lot. Ms. Bossi noted it would be about \$3,500 to demolish the building and Mr. Baggett noted the lien would be attached only to this lot.

Chairman Faircloth explained he would be voting in favor of the ordinance to demolish because he felt this action was in the best interest of the public for protection of surrounding property values.

There being no additional discussion/questions, 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 2405 Brentwood Street belonging to Browns Chapel Holiness Church.

Ordinance No. 6640/09-40

Introduced 09/21/09

Adopted 09/21/09

Ordinance Book Volume XVI, Page 125

A motion was made by Member Faircloth, seconded by Council Member Alexander, that this matter be adopted. The motion carried by the following vote:

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

Ordinance to Demolish Structure - 402 Walnut Street

090222

Consideration of ordinance ordering the housing inspector to effectuate the demolition of a structure located at 402 Walnut Street belonging to the R.E. Mitchell, heirs.

Katherine Bossi, Local Codes Enforcement Supervisor, provided an overview of the staff report. [a copy of the staff report will be attached to Legistar as a permanent part of these proceedings].

Council Member Sims asked about the process for recovering liens for property belonging to heirs. Fred Baggett, City Attorney, explained that the city could foreclose on the lien.

Council Member Sims asked if staff could provide Council with an updated master list of dilapidated/substandard structures. Chairman Faircloth asked if staff could also include the number of liens the city has also.

Following the conclusion of the staff report, 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 402 Walnut Street belonging to the R.E. Mitchell heirs.

Ordinance No. 6641/09-41

Introduced 09/21/09

adopted 09/21/09

Ordinance Book Volume XVI, Page 126

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

Driveway Ordinance Amendment**090236**

Council is requested to approve amendments to the City of High Point Driveway Ordinance.

Chairman Faircloth noted this was discussed in the Public Safety Committee and came out with a favorable recommendation from the Committee.

Amandeep Mann of the Transportation Department gave an overview of the staff recommendations for the changes to the City's Driveway Ordinance. [the staff report will be attached to Legistar as a permanent part of these proceedings]

The recommended changes affect the following sections:

Section 6-1-75 Permit fee

Permit costs for duplex and triplex residential units will be the same as multi-family residential. Permit costs for all street/lane/sidewalk closures and/or cuts in the public right-of-way will be the same. An increase in the fee for a permit is recommended because of the staff time required to review the project, process the permit, and perform periodic site checks to ensure that proper traffic control measures are being followed. Staff believes an increase in the standard permit fee to \$30 is reasonable and in line with fees charged by other North Carolina municipalities for similar services.

Section 6-1-78 Number and spacing of driveway approaches

Small lot residential properties often do not have adequate frontage to accommodate a second drive with the existing spacing requirement of 40 feet. While multiple driveways on residential properties are infrequent, a second cut is occasionally requested to create a circle driveway so the residents (and visitors) have the option of pulling forward to enter the street instead of backing out. This is particularly advantageous on busier streets, at locations where sight distance may be limited, or for inexperienced and elderly drivers who are not comfortable backing into the street. Currently, lots that are less than 70-feet wide do not qualify for a second driveway. The recommended spacing of 30 feet will allow staff to accommodate the occasional request for a second driveway on lots with less than 70 feet of frontage, and will bring High Point's minimum spacing requirement more in line with other North Carolina municipalities.

Section 6-1-85 Turn Lanes and tapers, deceleration lanes

The current ordinance mandates the construction of turn lanes for development projects based on the total number of entering and exiting trips associated with the development. Since the exiting trips have no direct correlation to the need for turn lanes that provide ingress, it is not practical to consider them for this purpose. The distribution of site-generated trips entering the development will determine whether right turn lanes, left turn lanes, or a combination of both will be required, based on the results of a traffic impact study and a review by Transportation staff.

Section 6-1-86 Requirements for major thoroughfares

This change would permit the construction of a second driveway to properties zoned for single family residential uses on major thoroughfares, subject to a staff review of existing site and roadway conditions, and all dimensional requirements being met. A change in zoning from single family residential to any other zoning type, or a change in primary use by right that is substantially different from single family residential, would render a second driveway as non-conforming and could result in its closure. These conditions would be noted on the driveway permit when it is issued and kept on file in the Department of Transportation.

Section 6-1-90 Turn lanes, tapers, deceleration lanes on major thoroughfares
The current minimum storage and taper lengths for turn lanes on major thoroughfares (200 and 250 feet, respectively) are not practical for most developments. Traffic volumes generated by a typical development project, average travel and posted speeds on the affected roadway, and property frontage restrictions all work against the design and construction of improvements that extend to 450 feet. Such improvements are very costly and rarely prove to be as effective as intended.

Reducing the minimums by 100 feet each addresses these concerns and gives staff greater flexibility to determine when more is actually better. Supply would be driven more by need, based on actual conditions, the results of a traffic study, and the application of design standards and guidelines, than by arbitrary values that would in most cases far exceed demand.

section 10-1-291, Article P, Major Thoroughfares Designated for Supplemental Regulations Under Title 6, Article D, Section 6-1-86 through Section 6-1-89
Several new corridors have been added to Major Thoroughfares listed in this section. As High Point grows, the character and purpose of the city's transportation network changes. Traffic volumes are generally increasing, and staff's ability to keep pace by providing more roadway capacity is decreasing. The application of access management measures is often the most cost effective way to preserve street capacity and improve traffic safety. To do this, and to recognize their importance to the overall system, several roadway corridors (or specific segments thereof) are recommended for addition to the Major Thoroughfare list in the Driveway Ordinance. These routes generally match those listed on the Comprehensive Transportation Plan (formerly the Long Range Transportation Plan) for the High Point urbanized area; adding them to the Driveway Ordinance listing will increase staff's ability to consistently and effectively apply regulatory measures that can prolong a thoroughfare's useful life.

Following staff's report, the Mayor asked if there would also be some restrictions as to what types of plantings can be placed between driveways and pointed out it may cause some sight distance issues. Ms. Mann replied this would be handled on a complaint basis and staff would go out and trim the plantings if it is determined there are sight distance problems.

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

adoption.

Adopted ordinance amending Sections 6-1-75 Permit Fee; Section 6-1-78 Number and Spacing of Driveway Approaches; Section 6-1-86 Requirements for Major Thoroughfares; Section 6-1-90 Turn Lanes, Tapers, Deceleration Lanes on Major Thoroughfares; and Section 10-1-291, Article P, Major Thoroughfares Designated for Supplemental Regulations Under Title, 6, Article D, Section 6-1-86 through section 6-1-89 of the Driveway Ordinance.

Effective date of ordinance is October 1, 2009.

Ordinance No. 6642/09-42

Introduced 09/21/09

Adopted 09/21/09

Ordinance Book Volume XVI, Page 127

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

Request for Public Hearing - Hi Tran Route and Schedule Changes

090240

Council is requested to establish the date of Monday, November 2, 2009 at 5:30 p.m. to receive public comments on significant route and schedule changes to the existing Westchester Drive Route.

Since this matter did not originally appear on tonight's Agenda, **motion was made by Council Member Alexander, seconded by Council Member Sims to suspend the rules so this matter could be placed on the agenda for consideration. The motion carried unanimously. [8-0 vote] [Council Member Whitley was absent]**

Mayor Smothers asked staff if they were planning to prepare a press release. Angela Wynes, Asst. Transit Director, informed Council there would be a press release as well as postings at the terminals, on the buses, and at the shelters.

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

Approved the date of Monday, November 2, 2009 at 5:30 p.m. as the allotted time to receive public comments on significant route and schedule changes to the existing Westchester Drive Route.

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

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

(all were present except Whitley)

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)

Request to Initiate Zoning Map Amendment - Market Overlay District

090223

A request by the Planning and Development Department to initiate a zoning map amendment for the proposed Market Overlay District.

Mayor Pro Tem Bencini requested to be recused from voting on this matter due to a possible conflict of interest.

Motion by Council Member Alexander, second by Council Member Sims to grant Mayor Pro Tem Bencini's recusal. The motion carried unanimously.

[Note: Ms. Hinson submitted a written statement which will be distributed to Council and incorporated as a permanent part of these proceedings.]

Mayor Smothers explained that this is the initial action that must be taken in order for the Planning and Development Department to initiate a zoning map amendment that would carry on through a process that has been outlined.

Cathy Hinson, Building Manager for Union Square, was present and asked to address Council. She expressed concerns that their building is located only three blocks off Main Street, but has been excluded from the Core City District and asked if there was any possibility the boundaries could be changed to include their building. The Mayor explained the outer boundary limitations could not be changed and that staff would publish all the area contained within the configuration; however the area could be made smaller, but could not be enlarged unless the process is started over and adequate notice is given. Mr. Hinson explained she would like to be given an opportunity to offer comments before it comes to Planning & Zoning Commission or the City Council for action.

Council Member Sims noted that she was under the impression that it would be discussed in committee and that she would really like to allow Ms. Hinson and others who might be interested to express their viewpoint before it actually goes to the public hearing stage. Council Member Alexander pointed out that existing showroom space is proposed to be grandfathered and will remain. Ms. Hinson agreed, but expressed concerns regarding the proposed stipulations that would require them to come before City Council before they could do certain things and it still wouldn't be a guarantee. She asked Council again for the opportunity to work with the Planning and Zoning Committee before its passage. Andy Piper with Planning & Development noted that if Council initiates action on this matter tonight, it would be on the agenda to be heard by the Planning & Zoning Commission on October 27th.

Mayor Smothers noted timing may be an issue if it has to go to committee and it might be necessary to wait until another whole cycle of meetings before it's discussed. Council Member Sims explained she was not so much concerned about having to wait

as she was making sure Ms. Hinson's comments and suggestions would be incorporated before the public hearing piece of it. The Mayor pointed out that there have already been a number of public meetings where people were invited to come and give input and to comment on the tentative map. Mr. Piper confirmed this and explained that on August 5th, the planning staff did have a community open house and notices were mailed to everybody within the district and within a 600' radius as well as anybody who has property within an existing showroom. He informed Council that staff is prepared to make its presentation tomorrow before the Planning & Development Committee if this is the desire of Council.

Council Member Faircloth noted he also shares some of the same concerns as Council Member Sims and he would also like to have an opportunity for the Council to sit down and discuss this with any interested property owners and have staff present to explain the reasoning behind their recommendations.

At this time, Council Member Faircloth moved that this be discussed in the Planning & Development Committee. Council Member Blakeney made a second to the motion.

For further discussion, Council Member Sims suggested that Council also proceed and move this request to initiate the zoning map forward and she didn't intend to hold it up by any means, but just wanted to hear what Ms. Hinson and interested others have to say.

The motion carried unanimously to have this matter discussed in the Planning & Development Committee. [7-0 vote]

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation to initiate a zoning map amendment for the proposed Market Overlay District.

Initiated a zoning map amendment for the proposed Market Overlay District.

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

Resolution of Intent - Street Abandonment 09-19 - High Point University

090224

Approval of a Resolution of Intent that establishes a public hearing date of Monday, October 19, 2009 at 5:30 p.m. to consider a request to abandon an improved portion of Fifth Court. The portion of the right-of-way proposed to be abandoned is lying at the eastern terminus of Fifth Court, approximately 400 feet northeast of its intersection with Fifth Street.

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

Adopted Resolution of Intent establishing the date of Monday, October 19, 2009 at

5:30 p.m. as the date and time to consider a request to abandon an improved portion of Fifth Court (the portion lying at the eastern terminus of Fifth Court, approximately 400 feet northeast of its intersection with Fifth Street.

Resolution No. 1551/09-79

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 193

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

Resolution of Intent - Street Abandonment 09-20 - City of High Point

090225

Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an improved portion of Sheffield Street, lying north of Tuxedo Way approximately 400 feet northeast of Habersham Road.

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

Adopted Resolution of Intent calling for a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an improved portion of Sheffield Street lying north of Tuxedo Way approximately 400 feet northeast of Habersham Road.

Resolution No. 1552/09-80

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 194

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

Resolution of Intent - Street Abandonment 09-21 - City of High Point

090226

Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way between Brentwood Street and New Street, lying east of the Gavin Drive and Brentwood Street intersection.

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

Adopted Resolution of Intent establishing a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way between Brentwood Street and New Street, lying east of the Gavin Drive and Brentwood Street intersection.

Resolution No. 1553/09-81

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 195

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

Resolution of Intent - Street Abandonment 09-22 - City of High Point**090227**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed alley located between N. Centennial Street and Fourth Street, lying north of Richardson Avenue.

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

Adopted Resolution of Intent establishing a public hearing date of Monday, November 16, 2009 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed alley located between N. Centennial Street and Fourth Street, lying north of Richardson Avenue.

Resolution No. 1554/09-82

Introduced 09/21/09

Adopted 09/21/09

Resolution Book volume XVI, Page 196

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

MISCELLANEOUS**Resolution Supporting Council Member Alexander - NCLM 2nd Vice President****090238**

Council is requested to adopt a resolution supporting the candidacy of Council Member Latimer Alexander as 2nd Vice President of the North Carolina League of Municipalities (NCLM).

Council Member Faircloth commented that it was with tremendous pride that this matter be moved forward. Mayor Smothers highly encouraged those Council Members planning on attending the North Carolina League of Municipalities Conference in Greenville to attend the Nominating Committee meeting on Sunday as it would be very beneficial.

Adopted Resolution Supporting Council Member Alexander as the NCLM 2nd Vice President.

Resolution No. 1555/09-83

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 197

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

Appointment to Planning & Zoning Commission**090241**

Council Member Sims has submitted the name of Carson Lomax (Ward 1) for consideration of appointment to the Planning & Zoning Commission. Mr. Lomax will fill the already expired term of Nathaniel Bolds who was not eligible for reappointment. Appointment will be effective immediately and will expire 7/1/2012.

Since this matter did not originally appear on tonight's Agenda, **motion was made by Council Member Alexander, seconded by Council Member Sims to suspend the rules so this matter could be placed on the agenda for consideration. The motion carried unanimously. [8-0 vote] [Council Member Whitley was absent]**

Approved the appointment of Carson Lomax to the Planning & Zoning Commission. Term effective immediately and will expire 7/1/2012.

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

PUBLIC HEARINGS ON ITEMS

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

FINANCE COMMITTEE - Council Member Whitley, Chair**Public Hearing - Proposed Financing - Property at 607 Idol Street****090237**

Monday, September 21, 2009 at 5:30 p.m. is the date and time established by City Council to receive public comments on the proposed financing for the purchase of property located at 607 Idol Street for the JobLink site.

Jeff Moore, Director of Financial Services, explained the N.C. General Statutes require a public hearing to be held on the purpose of financing real property. Staff is proposing this property be acquired through a capital lease and repaid over a 10-year period.

In the absence of Chairman Whitley, Mayor Smothers opened the public hearing and asked if anyone was present who would like to comment. She acknowledged the presence of Lillian Plummer.

Pam Stern, who resides at 308 Pineridge Drive, had the following questions.

1. She questioned why the city chose this particular building since it wasn't in the Core City area and would require a change in bus routes.
2. She felt the city offered too much for the property
3. She expressed concerns that it might start trouble in the neighborhood and they were already experiencing problems with the Wilco.

The Mayor explained it was a rather exhaustive two-year process of trying to find a

suitable location and it was the feeling that this property did offer an opportunity that was excellent for combining the number of agencies for JobLink as well as the Employment Security Commission and that there were sufficient commitments that the lease payments would pay for the purchase of the building. She also cited the availability, condition of the building, one-level advantage, handicap accessibility as some of the main reasons this property was ideal. City Manager Strib Boynton explained that ultimately the people who would be using the building and paying for it preferred this site because of the ease of access and the fact that the building could be moved into pretty quickly at a very minimal cost.

Council Member Alexander pointed out the bus route is within the block and that the negotiated price the city has agreed to pay for the property is within 5% of the appraised value of the property. He reiterated that it would self-finance and at the end of the 10-year lease, the city would own the building with zero dollars invested by the citizens of High Point.

Mayor Smothers asked if there was anyone else present who would like to offer comment. There being none, the public hearing was closed.

Acknowledgement that the required public hearing was held.

Planning & Development Committee - Council Member Bencini, Chair

Ordinance - Annexation 09-02 - City of High Point - Penny Road

090228

Consideration of a contiguous annexation of approximately 2.68 acres owned by the City of High Point. The site is lying along the east side of Penny Road, approximately 560 feet south of East Fork Road (1646 Penny Road), and also known as Guilford County Tax Parcel 15-94-7007-0-1020-00-016.

The joint public hearing for this matter and related matters 090229 Ordinance- Rezoning Case 09-06- city of High Point- Penny Road- Residential Single Family-15 (RS-15) District and 090230 Special Use Permit 09-01- City of High Point- Penny Road was held on Monday, September 21, 2009 at 5:30 p.m. as duly advertised.

Note: For specific comments made at the public hearing for the annexation request, please refer to 090230 Special Use Permit 09-01- City of High Point- Penny Road.

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

Adopted Ordinance providing for the annexation of this property pursuant to a contiguous annexation petition filed by the City of High Point.

Ordinance No. 6643/09-43

Introduced 09/21/09

Adopted 09/21/09

Ordinance Book Volume XVI, Page 128

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

Ordinance - Rezoning Case 09-06 - City of High Point - Penny Road

090229

Residential Single Family-15 (RS-15) District.

A request by the City of High Point Electric Utilities Department to rezone an approximately 2.6 acre parcel from the Residential Single Family-40 (RS-40) District and Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Residential Single Family-15 (RS-15) District. The site is lying along the east side of Penny Road, approximately 560 feet south of East Fork Road and is addressed as 1646 Penny Road. Approval of this rezoning request is contingent upon City Council approval of an annexation of city owned property.

The joint public hearing for this matter and related matters 090228 Ordinance-Annexation 09-02- City of High Point- Penny Road and 090230 Special Use Permit 09-01- City of High Point- Penny Road was held on Monday, September 21, 2009 at 5:30 p.m. as duly advertised.

Note: For specific comments made at the public hearing for the annexation request, please refer to 090230 Special Use Permit 09-01- City of High Point- Penny Road.

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 rezoning of this property from the Residential Single Family-40 (RS-40) District and Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Residential Single Family-15 (RS-15) District based on consistency with the City's Land Use Plan as outlined in the staff's findings in the staff report.

Ordinance No. 6644/09-44

Introduced 09/21/09

Adopted 09/21/09

Ordinance Book Volume XVI, Page 129

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

Special Use Permit 09-01 - City of High Point - Penny Road

090230

A request by the City of High Point Electric Utilities Department for a Special Use Permit to allow a utility service facility use within the Residential Single Family-15 (RS-15) District. The site consists of approximately 2.6 acres lying along the east side of Penny Road, approximately 560 feet south of East Fork Road and addressed as 1646 Penny Road.

The joint public hearing for this matter and related matters **090228 Ordinance-**

Annexation 09-02- City of High Point- Penny Road and 090229 Ordinance- Rezoning Case 09-06- City of High Point- Penny Road- Residential Single Family-15 (RS-15) District was held on Monday, September 21, 2009 at 5:30 p.m. as duly advertised.

Note: For specific comments made at the public hearing for the annexation request, please refer to 090230 Special Use Permit 09-01- City of High Point- Penny Road.

_____ Transcript of Public Hearing: 9/21/09 _____

Chairman Bencini: Anyone that wants to speak on this case needs to come forward and have the city clerk swear you in. [oaths administered at this time by the city clerk]

Mayor Smothers: I think for the sake of ease, you're going to conduct all of this at one time?

Chairman Bencini: yeah, we'll cover the whole thing.

Herb Shannon: Yes. Annexation Case 09-02; Zoning Case 09-06 and Special Use Permit Case 09-01 all dealing with the same parcels so we're going to just combine our presentation. We would recommend that Council vote on them separately. These cases are pertaining to a 2.6 acre parcel lying along the east side of Penny Road about 560' south of the intersection of East Fork Road and we have a map of the area. This is Penny Road and this is East Fork and this cross-hatched area is the site in question that's proposed to be annexed, have zoning established and for a special use permit. As far as the area that you see in white are areas that are already within the city's corporate limit. The areas you see in gray are currently outside the city limits in the county [tape changed to Side B].....

.....annexation petition. The City of High Point Electric Utility Department has submitted these applications. This request to annex a city-owned parcel into the city. This is a logical progression of the city's annexation strategy. As you can see right across the street and to the south are parcels that are already within the city limits, already have city service vehicles servicing this area. So the annexation of this parcel would not negatively impact the ability to provide city services to the site.

In regards to the zoning, any time there is an annexation request, the city must establish zoning of a parcel. Staff is recommending an RS-15 District upon this site as there is already existing RS-15 property to the south of the site, on the east side of Penny Road. As far as surrounding uses-to the north, there is HD zoning in the county, there's a nightclub or lounge there according to the tax records. To the south and to the east it's zoned agriculture and RS-40 with existing single-family dwellings and on the opposite side of Penny Road an existing townhome subdivision. The site has a low density residential land use designation and the proposed RS-15 District is consistent with the Land Use Plan and the zoning in this area. Staff has no issues with the zoning request based upon similar type zoning on this side of Penny Road. Staff is recommending approval of the rezoning and the staff recommended statement of consistency is noted on page 54 of your packet.

In regards to the special use permit request, it is a special use permit to allow a utility service facility. In this case an electric substation within the RS-15 District. Utility service facilities are permitted in all residential zoning districts subject to obtaining a special use permit approval. The special use permit review is proposed to ensure that the facility is appropriate for that area and if there are any issues of concern with abutting property owners as being mitigated. The northeastern portion of the city's planning area has experienced a lot of growth in the past two decades and the electric utility department is recommending to keep up with the growth in this area of the city an addition substation in this area for future needs.

There is a specific site plan that's included with this request and Bob if you'll go to the next slide. You might have to zoom out a little. Because this is a special use permit, this is a binding sketch plan. This is the site in question. As I previously noted about 2.6 acres. The proposed substation will be located in the middle of this site. This is a specific fenced in area that will house the facility. There will be a fence that surrounds that area. There will be one structure about 650-750 sq. ft. right there (a brick structure with a pitched roof). The area impacted within the fenced area is about 36,000 sq. ft or a 1/3 of this site. This is setback about 50' from Penny Road, 60' from this side property, 60' from this side property owner and 50' ft....excuse me, I'm sorry....90' from the side property line setback and 60' from the rear property line. So it was oriented in such a way so that as much buffer as possible could be allowed to those abutting property owners. Surrounding the site along the perimeter is landscaping. What is being proposed is a double row of giant Arborvitae trees similar t Leyland Cypress and they are looking at a double row so there will be approximately 200 trees that will surround the perimeter of the site. In between the fenced area and the trees that will just be open buffer area and there would be a storm water control device along the southern portion of this site.

We included in your packet a similar facility. Bob if you could go to the next screen. This is a picture of the existing site currently there's no vegetation. It's just wide open, about knee high grass and if you'll just keep scrolling down. There's another picture of this site. You can see all the way through it. The next set of pictures is a similar facility that was built off of Barrow Road approximately five years ago and this is after five years of growth that's right next to the fire station off of Barrow Road. After five years of growth with similar type landscaping, you can barely see inside the facility based upon the type of landscaping that was placed on this facility. The same type of landscaping scheme is proposed for this site. Just an example of fast-growing, evergreen trees so it's year round screening for the facility.

In regards to the findings on page 58 and 60 of your report, as you're aware the Development Ordinance requires certain findings to be made. I'm just going to touch upon the key items. This is a low impact use. It will have one vehicle trip a day-just one service vehicle goes in a day just to check on the equipment. This facility is a public necessity. It will upgrade the city's overall electrical utility infrastructure in the northeastern portion of our planning area and it's a limited area of impact. Only a 1/3 of the site is being impacted. The rest of the area will be open space and buffer. The site is located off of a major thoroughfare. Unlike other utility service facilities,

you're not going in the middle of a residential neighborhood, it's on the outside of a neighborhood off of a major thoroughfare and higher setback standards are being proposed. The ordinance only requires a 10' side yard setback and a 30' rear yard setback and as I previously noted, a 90' side yard setback and 60' rear yard setback is being proposed and the landscaping proposed around the perimeter greatly exceeds the ordinance requirements. In conclusion, staff finds the request for the special use permit is consistent with the surrounding development in this area and meets the criteria of the development Ordinance. We're recommending approval of the annexation, the rezoning and the special use permit for a utility service facility. The Planning & Zoning Commission reviewed this request at their August public hearing and are recommending approval by a vote of 6-1. The one vote in opposition was from one member who felt that such a use would be more appropriate in a commercial or industrial area.

Just a few final items to touch on, we've received quite a few phone calls from the neighbors in this area. There has been some confusion. I just want to touch on that real briefly. Bob if you can go back to the first map please. I received several phone calls from neighbors believing that we are annexing all of this area off of Penny and East Fork Road. Several phone calls from neighbors off of East Fork Road thinking that this request was annexing that area. That is not the case. The only area to be annexed is this one site only-no other area. There were also quite a few people calling under the impression that this was going to be a commercial use. The zoning is RS-15. The use is for an electrical substation. If for some reason that special use permit is not developed, the only thing you can put on there is single family dwellings. So I just wanted to touch base on those points in case some of the neighbors are still under the impression that we're annexing a larger area, we are not. Are there any more questions?

Council Member Alexander: Herb, beyond the substation there, there will not be any storage facility for equipment or poles or anything like that, so traffic as you said would be one vehicle a day making sure the security is intact and the equipment is operating as designed.

Herb Shannon: Correct.

Council Member Sims: Herb, how many households would be served by this substation?

Herb Shannon: I do not have that answer. Mr. Garey Edwards from the Utility Department can probably address that and other technical questions.

Mayor Smothers: I think one of the things that Garey might also summarize is the rather extensive search they did for land in the area that would have the proper elevation and connection and all the rest of it.

Garey Edwards: Yes, Mayor we looked at.....first, Ms. Sims question. Typically a substation of this size usually serves between 1,500 and 2,000 customers. That's we will be looking at for this area. This area is currently served from the north station in

the area of Barrow Road and Willard Dairy and Deep River substation. Both those substations are loaded to the max right now. We're anticipating in between eight and ten megawatts of growth in this area in the next five years. We have an agreement with Duke Power who is to serve what. This area up here, we have exclusive rights once it's annexed to serve it so we've got to get a station somewhere along this corridor. And as the Mayor referred to it, we looked at half dozen or more sites along this area to evaluate and to site a substation somewhere along this corridor between the two substations preferably mid-point between them. This site was the....we got to this site and talked to the owners at the time and they were somewhat receptive to letting us purchase it and we pursued it and I had a consulting engineer look at the locations and loads with it-Southeastern Engineers-and they came to the recommendation over a year ago that this is probably the best one we could go to. Several of the other sites had topography problems getting in and out. Some of them we would have to go through direct condemnation to achieve the property. We've been through about a four year process to this point.

Council Member Faircloth: What is the height of the equipment that will be behind the trees?

Garey Edwards: Generally somewhere in the neighborhood of 30 feet.

Mayor Smothers: Maybe Bob can put back up that picture of the Barrow Road.....would you say the elevation will be similar?

Garey Edwards: It will be very similar.

Mayor Smothers: The picture with the trees on it. Those are Leyland Cypress at this location and we had a Arborist that recommended another variety. Leyland Cypress are susceptible to a disease.

Council Member Faircloth: How large will the trees be when you plant them?

Garey Edwards: About five feet.

Council Member Faircloth: And this is five years of growth?

Garey Edwards: Approximately.

Council Member Alexander: Inside the tree, the vegetative perimeter....what type of fence would you have? Would it be a stockade fence?

Garey Edwards: We're required by the National Electric Code to have an 8' foot fence with some kind of barbed wire on top of it. That's due to code requirements.

Council Member Alexander: Will that be a chain fence or....

Garey Edwards: It will be a cyclone fence with some kind of barbed wire on top of it. We'll also have cameras in the area and intrusion devices so we can monitor it with

our security.

Council Member Douglas: How high will these trees grow that you're going to plant?

Garey Edwards: I'll say they'll reach about 40'. I'm not an arborist by no means, but some places in there we actually had to nip them to get the lines in there.

Council Member Douglas: So they would actually hide the structures?

Garey Edwards: There's some advantages to it. It'll actually hide the substation, but one of the disadvantages is you cannot ride....the police can't ride by and look in there to see if anybody's in there. It's hid well. We'll have remote cameras in there to watch it with our security.

Mayor Smothers: If anybody goes in there they're crazy.

Garey Edwards: We've had questionable people do that looking for copper and everything else. We prosecuted a couple and actually caught people doing it.

Council Member Sims: How much lighting will there be at this site and will it impact at all the residential area?

Garey Edwards: We use a minimal amount. The type of area lights like we have in yards, sodium vapor lights. We won't try to make it look like Mars or anything, but by the same token we'll be able to drive up there and look in there and see what's going on in there. Plus you have the cameras and we'll have to have some lighting. It'll be like the normal lighting you see in a parking lot or something.

Mayor Smothers: But it'll be directed away from the....

Council Member Alexander: Will there be any noise or any smell or any sound generated by this?

Garey Edwards: The only sound you'd ever hear is if you have a fuse blow during a storm, you might hear a "thump" or something like that from the mechanical operation. You might hear a 60 megahertz hum every once in a while. There's containment devices on the transformer that if it was to rupture, it will hold the oil that spills in a concrete containment device. That's the only device that has oil out there. The rest have vacuum and gas chambers on them.

Mayor Smothers: Are you going to maintain that pond?

Garey Edwards: That's actually a bio filter. It'll be like plants and stuff. I have never seen run-off come off one of these because we put gravel on them so the water will go down. We're trying to make provisions on that house there to be able to water that, but I don't think it's going to get enough water to live. There will be an area where the substation equipment is where we'll be putting down clean stone.

Chairman Bencini: any other questions from Garey?

Council Member Faircloth: I have another question for Herb. You may have mentioned that this was not....I'm not sure of the words you used, but was not adjacent to a neighborhood and yet you've got a neighborhood right across the street and one adjoining behind it. Clarify that.

Herb Shannon: I can clarify. Sometimes you would have a utility service in the middle of a neighborhood where you're actually going down local streets. This is actually on the outer edge off a major thoroughfare. You're not going in the middle through local streets to get to the facility. This is off of a major thoroughfare which is on the outer edge of a neighborhood.

Council Member Faircloth: It's a matter of interpretation. Thank you.

Chairman Bencini: Anyone present care to speak in favor of this request? [none]
Anybody present care to speak in opposition?

Mayor Smothers: Or have questions that need clarification.

Chairman Bencini: Yes sir. Please come and identify yourself and give us your address please.

Freddie Lee Steele: Yes, I'm Freddie Lee Streele and I live out in that neighborhood. What I'm interested in is what is going to do to help the neighborhood. Will it help me or what? I don't understand what it is. I don't know what you are talking about.

Chairman Bencini: It's going to ultimately be an electrical substation.

Freddie Lee Steele: Will it help reduce the electric bill?

Chairman Bencini: No sir I doubt it's going to have any impact on it.

Mayor Smothers: It does help keep the lights on.

Council Member Alexander: This electricity will be for the citizens or for the people who buy their electricity from the City of High Point. Are you a Duke Power customer?

Freddie Lee Steele: Yes I'm a Duke Power customer.

Council Member Alexander: It won't have any effect on you at all.

Freddie Lee Steele: Alright. Well, I understand a little bit more than I did to start with, but what I came for was to understand whether it was going to help or hinder what's already there.

Council Member Faircloth: Duke Power has these substations out in your area

somewhere to serve you just as this one will serve the people that we'll be getting electricity from it. So you are served by something like this somewhere in your area but it's Duke Power.

Freddie Lee Steele: Alright. I thank you. At this particular site, they had this big ball thing going and that helped the people that were blind and couldn't see. That, in my opinion, was something great to help them, but since that's no longer happening there I wonder what they're going to put there was going to help somebody or do something to help me or what. So that's why I'm here tonight.

Mayor Smothers: Thank you sir. We appreciate you coming.

Chairman Bencini: Anyone else care to speak?

Irvin Gibson: Good evening. My name is Irvin Gibson. I live at 7222 East Fork Road. That's High Point and right out there where they are building this site. My main concern is about this system. I'm not an architect and I cannot explain all these little details in that drawing ya'll got there, but I do know one thing. I reject the proposal because to me, it's in the wrong area for the community. It's almost in the fork-East Fork and Penny Road-within 700 feet. They didn't show any houses across behind the fence or houses within 25' of that fence. There are three houses right in the back on East Fork. There's a neighborhood right across the street within 100' across the street from it. There's a playground right within 300' on the opposite side coming towards High Point down Penny Road. There's between 100 and 200 kids out there playing soccer, softball. Jamestown Park is right down the street from it and kids all the time running in the park. My main concern is about this issue about this place that they picked. I know that they've got places right down Halldale Road. The city's got land down there. They've got land on East Fork from the lake all the way back up. They've got land there at the Environmental Center all the way back up and they've got plenty more sites. If they want to pick a place, why didn't they make this a playground for the community to beautify the community. Why did they have to come in our area in our community when we've got enough offset that we don't need no more? And why didn't they do something to uplift the community, not block it off and make it look like a box? I have a concern about that. I know that some of ya'll are doing what ya'll think's best, but think about the community. Think about those kids and think about if something was to happen out there in that area during the construction of the power that would blow the whole community up. You've already got a Duke Power line coming right across the end of East Fork and Penny and I have been there several times and I see big balls of lightning coming down them power lines. I mean I can see big balls of lightning. Now suppose that would jump off and hit that power line or hit that system and explode. I have a lot of concern about it myself and I could have got ya'll a bunch of signatures but why if ya'll got your mind made up. I mean there's no need in me talking because ya'll are going to do what you want to do. It has happened in the past, but I still want ya'll to know that I've got a great concern about what's going on. I don't see why that some of them can't understand to do that in an area like this. I mean sit it back in the woods off the corner somewhere, not right on a main section where folks are coming in from Jamestown, High Point, plus all those side streets coming right there. That's my main

concern. I appreciate if you would take this into consideration. Thank you very much.

Chairman Bencini: Thank you Mr. Gibson. Anyone else care to speak?

Virgil Petty: I hadn't planned on speaking this evening, but my name is Virgil Petty and I've got a couple of questions.

Mayor Smothers: Mr. Petty were you sworn in?

Virgil Petty: Yes. When this gentleman talked about the capacity being full at Deep River Road. I drove by Barrow Road and it appeared that you can add maybe a transformer or two, but I'm not sure about you know what you've got in the substation. I'm just curious about the capacity issue and whether or not you can serve those different areas by increasing the capacity in these other substations.

Council Member Alexander: Part of the way that I understand it...if I misstate....part of the need to have it located in this area is because of the proximity. The further away from a substation you go the more loss of power you experience. In addition to that, the more of these substations that you have, our electricity is designed to be in a loop or circle so if you have a power outage in one place you can isolate that one area and still continue to serve a large area. So it's from a service standpoint and a reliability standpoint that we're adding this.

Virgil Petty: I can't really talk about the technical part of it all, but like I said I was just curious whether or not you could increase the capacity in these other substations.

Council Member Alexander: Garey, how many substations do we have now in town?

Garey Edwards: We have thirteen.

Council Member Alexander: And we've got them...I mean there's one right down the street at Commerce right behind us here and there's another one over here on Russell and on English. These are all in the middle of neighborhoods and we don't have issues there do we?

Mayor Smothers: I think probably the neighborhood that might replicate this to a degree in terms of housing would be the one on Barrow Road. There's a considerable amount of housing units very close to that as well as three schools.

Garey Edwards: We also have that substation pretty well full. The number of circuits that come out of there are pretty well capacities out. We don't have a backup to it either. There's been a lot of growth in that area for a number of years. If we lost a north station right now it would be hard to back it back up.

Mayor Smothers: We really did not take this lightly at all because we knew that it would be in an area where people live. I mean we gave them a hard time. We made them go back out and look some more and finally this just seemed to be....with the

capacity that it would have and the care that was going to be taken to integrate it into the neighborhood that it was just the best we could do.

Virgil Petty: Well, I went on line and looked at some of the electrical explosions and I don't know if the Council has looked at any of the aftermath of an explosion, but it looked pretty bad to me. I went on You Tube and looked at electrical explosions. I think it showed a transformer blowing up and I know there's a playground like the gentleman stated earlier. There's a playground in that area. There's kids playing and if one blew up or a breaker blew up or whatever, I'm pretty sure that would affect the kids playing in that playground area. So I don't know how often that occurs. You know transformers exploding or whatever, but I have a concern about it.

Mayor Smothers: Well we had one blow up in the middle of the night last night.

Garey Edwards: The one on Commerce did, but we didn't experience anything like that. The one that he's talking about on You Tube looked like it burned for 30 minutes. They didn't even turn the fire off to it. I mean you've got to have protections like your house has got a circuit breaker. These stations have got circuit switches on there that switches the power off when something like that happens. They are supposed to be protected.

Chairman Bencini: Thank you Mr. Petty. Anybody else care to speak? [none]
Seeing no one, I'm going to close the public hearing and **make one single motion to approve the annexation, the rezoning and the special use permit based upon staff's reports, the findings of fact and accepting staff's position that this is in general compliance with High Point's Land Use Plan.**

Fred Baggett: If you don't mind, Mr. Chairman, could you do separate motions?

Chairman Bencini: I'll be happy to. I guess **I'll rescind that motion and make a motion to approve the annexation.**

Council Member Sims: **Second.**

Mayor Smothers: **I have a motion and a second for the annexation and the effective date of the annexation will be upon adoption. All in favor, say Aye. Aye. [all] Any opposed? [none] [8-0 vote] [Council Member Whitley was absent]**

Chairman Bencini: The next motion I'm going to make is to approve the rezoning.

Council Member Alexander: **Second.**

Mayor Smothers: Questions? Comments? **All in favor, say Aye. Aye. [all] Any opposed? [none] [8-0 vote] [Council Member Whitley was absent]**

Chairman Bencini: The final motion I'll make is to adopt the special use permit based upon the findings of fact in staff's report that it is in general compliance with our Land Use Plan.

Council Member Sims: Second.

Mayor Smothers: Comments?

Council Member Faircloth: I'm in agreement with the two motions we just passed. I do have concerns to a great extent based on what the folks here have said and what other neighbors have said to me out there. I certainly can't argue with the effort that's been put in by the city to find a suitable place. I know you've really tried and I know it's tough to do, but I just can't support this especially with the close proximity to the playgrounds and the homes around it. So I'm going to vote against it.

Council Member Pugh: I'll have to concur with Mr. Faircloth.

Mayor Smothers: Well, I'm not sure I understand why you voted for the other two actions then in support?

Council Member Faircloth: Well, I don't mind the rezoning to residential. A house would do fine there and we're glad to have it in the city.

Mayor Smothers: All in favor of the motion, please say Aye.

Mayor Smothers, Mayor Pro Tem Bencini and Council Members Alexander, Blakeney, Douglas, and Sims: Aye [6]

Mayor Smothers: Any opposed?

Council Members Faircloth and Pugh: No.

Mayor Smothers: Mr. Pugh. Mr. Faircloth. Thank you the motion passes. [6-2 vote] [Council Member Whitley was absent]

When do you expect to start on that Garey?

Garey Edwards: We're ordering some of the equipment so it'll probably be next year before we start.

Mayor Smothers: I thought perhaps they might like to know as to when they can expect some activity. Did you all hear that? Next year.

[end of transcript]

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

Approved Special Use Permit 09-01 to allow a utility service facility use within the Residential Single Family-15 (RS-15) District based upon the conditions outlined in the Special Use Permit application, the preliminary findings of fact, the general

consistency with the surrounding zoning and development in this area, meeting development criteria for this use established by the Development Ordinance and compliance with the goals and objectives of the 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 Alexander, Council Member Sims, Council Member Blakeney and Council Member Douglas
Nay: Council Member Faircloth and Council Member Pugh
Absent: Council Member Whitley

Resolution - Street Abandonment 09-16 - City of High Point

090231

A request by the Technical Review Committee to abandon an unimproved portion of N. Hoskins Street, lying north of Graves Avenue opposite N. Hoskins Street.

The public hearing for this matter was held on Monday, September 21, 2009 at 5:30 p.m. as duly advertised.

Mark Schroeder of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the conclusion of staff's presentation, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak. There being no one present to speak in favor of or in opposition to this request, the public hearing was closed.

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

Adopted resolution authorizing the abandonment of an unimproved portion of N. Hoskins Street, lying north of Graves Avenue opposite N. Hoskins Street.

Resolution No. 1556/09-84

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume, Page 198

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

Resolution - Street Abandonment 09-17 - City of High Point

090232

A request by the Technical Review Committee to abandon an unimproved portion of Fairmont Avenue lying north of Wendell Avenue, approximately 750 feet west of Gordon Street.

p.m. as duly advertised.

Mark Schroeder of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Council Member Sims had a question regarding the driveway and what if anything the city could do to assist the neighbor to make it happen. She asked if staff has talked with Mr. DeBerry regarding the driveway situation. Mr. Schroeder replied in the affirmative and noted that the city would be abandoning the public's interest in the right-of-way and could not condition doing other additional public improvements to accommodate their driveway. He pointed out that he could continue to use that opening in the curbing and continue to use it for his parking with no further improvements by the city or the property owner.

Following the conclusion of staff's presentation, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak. There being no one present to speak in favor of or in opposition to this request, the public hearing was closed.

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

Adopted resolution authorizing the abandonment of an unimproved portion of Fairmont Avenue lying north of Wendell Avenue, approximately 750 feet west of Gordon Street.

Resolution No. 1556/09-84

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume, Page 198

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

Resolution - Street Abandonment 09-18 - City of High Point

090233

A request by the Technical Review Committee to abandon an unimproved portion of Arlington Avenue lying north of Wendell Avenue, approximately 300 feet east of Henry Place.

The public hearing for this matter was held on Monday, September 21, 2009 at 5:30 p.m. as duly advertised.

Mark Schroeder of Planning & Development gave an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.

Following the conclusion of staff's presentation, Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak. There being no one present to speak in favor of or in opposition to this request, the public hearing

was closed.

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

Adopted resolution authorizing the abandonment of an unimproved portion of Arlington Avenue lying north of Wendell Avenue, approximately 300 feet east of Henry Place.

Resolution No. 1558/09-86

Introduced 09/21/09

Adopted 09/21/09

Resolution Book Volume XVI, Page 200

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

For Information Only:

Meeting Reminders

Mayor Smothers reminded Council that the Planning & Development Committee would meet tomorrow, September 22nd at 2:30 p.m. and there would be no Thursday morning meeting or Manager's Briefing this week.

Election Timing

Council Member Alexander asked if the Committee of the Whole could find some time to discuss the possibility of changing the timing of the city's elections back to odd numbered years and that he would like to discuss it within the next four to six weeks, providing there's interest from Council. October 6th was mentioned as a possible date. For the record, Council Member Sims stated that she was not in support of changing the timing of elections again and Council Member Pugh also concurred.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk