

City of High Point

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

Meeting Agenda

Monday, August 15, 2011

4:45:00 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Alexander, Chair**

Committee Members - Whitley, Smothers, Corey

110162 Budget Ordinance Amendment - Master Plan for Heritage Point - High Point Museum

Consideration of an ordinance amending the 2011-2012 Budget Ordinance to re-appropriate funds in the amount of \$70,000.00 for a long range Master Plan for the Heritage Point site at the High Point Museum.

110163 Contract - Bid No. 1646 - Heritage Point Master Site Planning

Consideration of award of contract for Bid No. 1646 for the Heritage Point Master Site Planning. Purchasing and the Library recommend that contract be awarded to Pearce Brinkley Cease & Lee, the best qualified candidate, in the amount of \$70,000.

110164 Request to Declare Surplus Property - 2002 Terex 390E Compactor

Council is requested to authorize staff to declare a 2002 Terex 390E compactor as surplus property and direct staff to dispose of said equipment through the on-line auction process.

110169 Neighborhood Stabilization Property - Change in Sale Price

Council is requested to approve the sale of Neighborhood Stabilization Property (NSP) located at 233 Windley Street with a sale price of \$55,000 and authorize the City Attorney's office to execute the necessary documentation for this sale.

110170 Purchase of Equipment - New Truck with Hooklift System

Consideration of the approval of the purchase of a new 2011 Ford F750 with a hooklift system from Piedmont Truck Center, the State contract award vender, in the amount of \$105,638.00.

110171 Change Order - Cayenta Contract

Council is requested to approve a change order to the Cayenta Utilities Software project contract that allocates the remaining funds in the amount of \$119,250.00 that have been budgeted for the implementation to the existing contract.

PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Council Member Sims, Chair

Committee Members - Alexander, Douglas, Corey

110172 Taxi Cab Insurance Requirements

Consideration of request by Mr. Zubair Ali, owner of the First Class Cab Company, to amend the Taxi Cab ordinance to reduce the liability amounts required by the City of High Point.

**PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair**

Committee Members - Sims, Henley, Moore

110165 Resolution of Intent - Annexation 11-03 - E. Fairfield Road/Ingram Road

Approval of a Resolution of Intent that establishes a public hearing date of September 19, 2011 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 16.71 acres lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (1214 & 1216 E. Fairfield Road).

Pending Items**110038 Part 150 Assessment Report**

Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

3/21/2011 Committee of the Whole referred

**Planning , Economic Dev.
& Information
Technology Committee**

MISCELLANEOUS**110168 Change in Meeting Date**

Due to the Labor Day Holiday, Council is requested to change the meeting date of the Committee of the Whole Meeting scheduled for Monday, September 5, 2011 at 4:45/5:30 p.m. to Tuesday, September 6, 2011 at 4:45/5:30 p.m.

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.**Planning , EDC & Information Technology Committee - Council Member Whitley, Chair****110166 Ordinance - Rezoning Case 11-08 - Butch Baur & Yean Leong Chu -
Westchester Drive**

A request by Butch Baur and Yean Leong Chu to rezone approximately 1.06 acres from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).

110167**Ordinance - Text Amendment 11-06 - City of High Point - Watershed Standards**

A request by the City of High Point to amend Section 9-2-1 Definition Index, Section 9-2-2(b) Drainage and Watershed Protection, Section 9-7-1(e) Exemptions, Section 9-7-3(c) Surface Water Buffers, Section 9-7-10(d) Watershed Variances and Section 9-9-11(c) of the Development Ordinance in response to new Randleman Lake Watershed standards required by the North Carolina Division of Water Quality (DWQ).

ADJOURNMENT

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 26, 2011, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Carson Lomax, John McKenzie and Martha Shepherd.

City of High Point

Text Amendment Case 11-06

A request by the City of High Point to amend Section 9-2-1 Definition Index, Section 9-2-2(b) Drainage and Watershed Protection, Section 9-7-1(e) Exemptions, Section 9-7-3(c) Surface Water Buffers, Section 9-7-10(d) Watershed Variances and Section 9-9-11(c) of the Development Ordinance in response to new Randleman Lake Watershed standards required by the North Carolina Division of Water Quality (DWQ).

Mr. Greg Morris presented the request and recommended approval as outlined in the staff report.

No one spoke in favor or in opposition.

The Planning & Zoning Commission recommended ***approval*** of Text Amendment Case 11-06, by a vote of 5-0.

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

**STAFF REPORT
TEXT AMENDMENT CASE 11-06
Date June 28, 2011**

Request	
Applicant: City of High Point	Affected Ordinance Sections: Sections 9-2-1 Definition Index, Section 9-2-2(b) Drainage and Watershed Protection, Section 9-7-1(e) Exemptions, Section 9-7-3(c) Surface Water Buffers, Section 9-7-10(d) Watershed Variances and Section 9-9-11(c) Minor Variances
Proposal: Amendments to the Development Ordinance in response to the new Randleman Rules	

Background

High Point has regulated its water supply watersheds for more than 20 years and its non-water supply watersheds since 2007. The purpose of this ordinance amendment is to comply with two new state watershed rules, 15A NCAC 02B .0250 Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers and 15A NCAC 02B .0252 Randleman Lake Water Supply Watershed: Mitigation Program for Protection and Maintenance of Existing Riparian Buffers.

Details of Proposal

All jurisdictions in the Randleman Lake Watershed are required by the NC Division of Water Quality (DWQ) to amend their local watershed regulations to conform to new rules pertaining to surface water buffers. In response to the new rules, the Department submitted proposed local ordinance changes to DWQ on December 1, 2010. Earlier this year, DWQ returned our submission with comments, and the Department staff revised the proposal accordingly and resubmitted to DWQ for their approval. On May 13, 2011 DWQ informed the City that the local changes were in compliance with the new rules and to proceed with the local ordinance amendment process.

In summary, DWQ's new rules pertain exclusively to activities in surface water (riparian) buffers. The buffers themselves will not increase in size as they will remain 50 feet wide except for those in high density development, which have a width of 100 feet. Instead, the general intent of these rule changes is to allow administrative approval of certain activities within the buffers rather than following the variance process that requires City and possible State approval to allow certain activities. Existing development or existing activities in a buffer is exempt and not affected by this rule change.

Under the State's rules, new development and activities in the surface water buffers will be classified as:

- Exempt – e.g. pedestrian access trails less than 4 ft. wide; canoe access points that don't remove trees.
- Potentially allowable – e.g. airline activities necessary to comply with FAA requirements like radar uses; water wells other than single-family wells as long as these uses meet certain standards.
- Potentially allowable with mitigation – e.g. driveway impacts other than crossing a stream; wet detention ponds, bioretention cells and constructed wetlands in Zone 1.

Activities that are potentially allowable or potentially allowable with mitigation will require a finding by the Technical Review Committee (TRC) that there is no practical alternative to the proposed development or activity. Such a finding requires a determination that the project cannot be done with a smaller impact through a reduced footprint, by moving the project to a different location, or by some other measure. In order to obtain a finding of no practical alternative, the applicant must submit a watershed development plan with an explanation of why there is no practical alternative.

If the project is required to be mitigated, there are three avenues to do so.

- Payment to the NC Ecosystem Enhancement Fund.
- Physical restoration or enhancement of a riparian buffer.
- Donation of real property or contribution of a permanent easement.

Development in buffers that is not allowed by the new regulations or development that is allowed but does not meet the new rule standards requires a variance approval either from the City Council or the NC Environmental Management Commission, depending on the proposed development's location within the surface water buffer. A variance approval is the only method for development or activities in surface water buffers under the current rules.

Analysis

As stated, this proposed amendment will provide options for buffer encroachments and is required to comply with State rules. The dimensions of the required riparian buffers are not altered under this proposed amendment.

Recommendation

Staff recommends approval.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: the amended ordinance will provide options and potentially streamline the process for those who wish to establish certain uses and activities within the riparian buffers in High Point. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Gregg Morris, AICP, and reviewed by Heidi Galanti, AICP and Lee Burnette, AICP.

TEXT AMENDMENT 11-06
PROPOSED AMENDMENT TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE

(This text amendment amends the Development Ordinance in response to 15A NCAC 02B .0250, Randleman Lake Water Supply Watershed: Protection and Maintenance of Existing Riparian Buffers and 15A NCAC 02B .0250, Randleman Lake Water Supply Watershed: Mitigation Program for Protection and Maintenance of Existing Riparian Buffers)

SECTION 1.

Part 1.

Section 9-2-1, entitled *Definition Index*, shall be amended to add Channel, Ditch, Ephemeral Stream, Intermittent Stream, Modified Natural Stream, Perennial Stream, Perennial Waterbody and Surface Waters (which shall be incorporated alphabetically).

Part 2.

Section 9-2-2(b), entitled *Drainage and Watershed Protection*, shall be amended to modify and add the following (which shall be incorporated alphabetically):

- (3) CHANNEL: A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
- (7) DITCH: A man-made, open drainageway in or into which excess surface water or groundwater from land, stormwater runoff, or floodwaters flow either continuously or intermittently.
- (16) EPHEMERAL STREAM: A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
- (21) INTERMITTENT STREAM: A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
- (22) MAJOR WATERSHED VARIANCE: A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor

greater than five percent of any ~~buffer~~, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent of any management requirement under the low density option; **any variance that pertains to activities that impact any portion of Zone 1 of a surface water buffer.**

(23) **MINOR WATERSHED VARIANCE**: A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any ~~buffer~~, density or built-upon area requirement under the high density option; or relaxation by a factor up to 10 percent of any management requirement under the low density option; **any variance that pertains to activities that impact any portion of Zone 2 of a surface water buffer.**

(24) **MODIFIED NATURAL STREAM: means an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.**

~~(22) PERENNIAL AND INTERMITTANT STREAMS: Those streams (and rivers), with associated lakes and ponds as indicated on the following:~~

- ~~a. One the most recent version of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographical map;~~
- ~~b. On the most recent version of the Soil Survey of Davidson County, Forsyth County, Guilford County, or Randolph County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service); or~~
- ~~c. By other site-specific evidence that indicates to the N.C. Divisions of Water Quality (DWQ) the presence of such waters not shown on either of these two maps or evidence that no actual stream or waterbody exists.~~

(27) **PERENNIAL STREAM: A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.**

(28) **PERENNIAL WATERBODY: A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at**

depths sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

(41) SURFACE WATERS: All waters of the state as defined in G.S. 143-212 except underground waters and wetlands.

SECTION 2.

Part 1.

Section 9-7-1(e), entitled Exemptions, shall be amended as follows:

(e) EXEMPTIONS

The following activities are exempt from the requirements of this Article; however, this exemption shall not be construed to permit uses prohibited in the underlying zoning district, or prohibited by this Article.

- (1) Development on lots of record of less than 20,000 square feet existing on July 1, 1993 in all watersheds except Randleman Lake Watershed, where the effective date is January 1, 2000.
- (2) Development on lots of record of less than 40,000 square feet existing on January 1, 2000, in the Downtown Area, which is shown on the High Point Watershed Map.
- (3) Construction of one single-family dwelling and its accessory structure(s) on a zone lot provided it is located outside Watershed Critical Area (WCA) Tier 1 within the Oak Hollow Lake, City Lake and Oakdale Reservoir Watersheds or outside Watershed Critical Area (WCA) Tiers 1 and 2 within the Randleman Lake Watershed.
- (4) The construction of one two-family dwelling and its accessory structure(s) on a zone lot in the Oak Hollow Lake, City Lake and Oakdale Reservoir Watersheds provided a sedimentation and erosion control plan is not required and provided it is located outside Watershed Critical Area (WCA) Tiers 1 and 2.
- (5) Development on a zone lot in a non-water supply watershed that disturbs less than an acre.
- (6) Replacement of existing built-upon area on a lot developed with a like or lesser amount of new built-upon area at the same location, or at a different location on the same zone lot if the Enforcement Officer has determined that equal or improved water quality will result.
- (7) Existing development as defined by Section 9-2-2(b) of this Ordinance **existing on July 1, 1993 in all water supply watersheds except**

Randleman Lake Watershed, where the effective date is January 1, 2000, and in non-water supply watersheds, where the effective date is July 1, 2007.

Part 2.

Section 9-7-3(c), entitled *Surface Water Buffers*, shall be amended as follows:

(c) SURFACE WATER BUFFERS

- (1) Applicability: This Section applies to all development and activities within the jurisdiction, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions or local units of government, and forest harvesting and agricultural activities. The NC Division of Water Quality shall administer the requirements of Rule 15A NCAC 02B .0250 and .0252 (Randleman Lake Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for these jurisdictions and activities.
- (2) Perennial and Intermittent Surface Water Buffers Required: A surface water buffer shall be maintained with a minimum width as specified in Table 7-3-1 and measured landward from the normal pool elevation water level of the water supply impoundment for lakes and ponds and from the top of bank of each side of for perennial and intermittent streams, lakes and ponds. Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the surface water buffer but are regulated pursuant to 15A NCAC 02H .0506. These waters are indicated on either 1) the most recent version of either the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps; or 2) the hard copy Soil Survey maps developed by the USDA Natural Resource Conservation Service; or 3) a map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Where the specific origination point of a perennial or an intermittent stream is in question, parties subject to this section shall request the Enforcement Officer to make a determination in accordance with Rule 15A NCAC 2B 0250(4)(b). In addition, other site-specific evidence may indicate to the NC Division of Water Quality the presence of waters not shown correctly on either of these two maps. Where these two maps show waters where no actual stream or waterbody exists, or where waters exist that are not shown on these maps, a developer may submit site-specific evidence in support of such claim to the Technical Review Committee. If the Committee determines that a discrepancy exists, the evidence may be submitted to the NC Division of Water Quality for a determination in water supply watersheds. For surface waters in non-water supply watersheds, the Committee will use the maps referenced above or a

~~classification study in accordance with the U.S Army Corps of Engineers or the N.C. Division of Water Quality methodology to determine stream classification. All surface water buffers shall be depicted as provided for in the "Guidebook of Standards and Practices for Development".~~

**TABLE 7-3-1
MINIMUM SURFACE WATER BUFFER WIDTH REQUIREMENTS**

Classification	Low Density ¹ Development		High Density Development ²		
Perennial Surface Waters (Streams, Lakes and Ponds)	50 feet		100 feet		
	Zone 1 30 feet	Zone 2 ³ 20 feet	Zone 1 30 feet	Zone 2 ³ 20 feet	Zone 3 50 feet
Intermittent Surface Waters (Streams, Lakes and Ponds)	50 feet		50 feet		
	Zone 1 30 feet	Zone 2 ³ 20 feet	Zone 1 30 feet	Zone 2 ³ 20 feet	

1. Low Density Development is development that is equal to or less than two dwelling units per acre or 24% built-upon area in all watersheds except Randleman. Low Density Development in Randleman watershed is development that is equal to or less than one dwelling unit per acre or 12% built-upon area.
2. High Density Development is development that is greater than two dwelling units per acre or 24% built-upon area in all watersheds except Randleman. High Density Development in Randleman watershed is development that is greater than one dwelling unit per acre or 12% built-upon area.
3. See Section 9-7-3(d) for additional buffers where surface waters abut moderate to steep slopes.

(3) Exemption Based on On-site Determination: When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, the affected party may submit a stream determination request to the Enforcement Officer. Upon request, the Enforcement Officer shall make an on-site determination. The Enforcement Officer may also accept the results of site assessments made by other qualified parties. Any disputes over on-site determinations shall be referred to the Director of the N.C. Division of Water Quality (DWQ) in writing. A determination by the Director of the DWQ as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of N.C.G.S. 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

a. Ditches and manmade conveyances, to include manmade stormwater conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated

stormwater runoff from an adjacent source directly to an intermittent or perennial stream.

b. Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground.

c. Ephemeral streams.

d. Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100. Ponds are part of the natural drainage way when they are hydrologically connected (i.e. the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

(4) Exemptions for Existing Development and Activities: Existing development that was present within a surface water buffer on the effective date the surface water buffer requirements were established is allowed to continue and is exempt from the requirements of Section 9-7-3(c) to the extent specified as follows:

a. The exemption of existing development and uses includes but is not limited to existing agriculture, buildings, facilities, ground mounted equipment, utility lines, on-site sanitary sewage systems, maintained lawns and uses any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity.

b. Only the portion of the buffer that contains the footprint of the existing development is exempt.

c. Activities necessary to maintain existing development are allowed provided the site remains similarly vegetated, no impervious surface is added within Zone 1 or 2 of the surface water buffer where it did not previously exist, and diffuse flow is maintained.

d. Grading and revegetating of Zone 2 is allowed for existing development upon review and approval of the Technical Review

Committee provided the health of the vegetation in Zone 1 is not compromised, the ground is stabilized, and the existing diffuse flow is maintained.

e. In addition, projects or development specified in 15A NCAC 02B .250 (6)(b) may be determined to be exempted in accordance with the requirements of that Section.

f. The exemption to the buffer requirements shall cease when the existing development or use changes to another permissible or non-exempt use. Any new development or use shall be subject to the surface water requirements.

(5) New Development and Activities: N.C. Administrative Code Section 15A NCAC 02B .0250(9) (Appendix – Surface Water Buffers Development & Activities Table) lists potential new development and activities within the buffer and categorizes them as exempt, allowable, or allowable with mitigation. All development and activities not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the surface water buffer or outside the buffer if the development or activity would impact the buffer, unless a variance is granted pursuant to Section 9-9-11 of this Ordinance, Watershed Variances. Watershed development plan approval, as provided for in Section 9-7-3(c)(9) is required for all new development and activity that is not prohibited. Such an approved plan shall constitute written authorization for uses that are allowable or allowable with mitigation, and a statement to that effect shall be included on the approved plan. The requirements for each category are as follows:

a. Exempt.

Development and activities designated as exempt are permissible without authorization by the Technical Review Committee provided that they adhere to the limitations of the activity as defined in Appendix 11, the Development and Activities Table. In addition, exempt development and activities shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

b. Allowable.

Development and activities designated as allowable may proceed provided that there are no practical alternatives to the requested development or activity pursuant to Section 9-7-3(c)(10) of this

Article. This includes construction, monitoring, and maintenance activities.

c. Allowable with Mitigation.

Development and activities designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested development or activity pursuant to Section 9-7-3(c)(10) of this Article and an appropriate mitigation strategy has been approved pursuant to Section 9-7-3(c)(11).

- (6) Buffer Zones: Required surface water buffers consist of two or three zones depending on the density of development and stream classification, as shown in Table 7-3-1. Zone 1 shall be the first 30 feet landward from the top of the stream bank or normal water level of other water bodies on all sides of the surface water measured horizontally on a line perpendicular to a vertical line marking the top of the bank. Zone 2 shall begin at the outer edge of Zone 1 and extend landward a minimum of 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water. Zone 3 shall begin at the outer edge of Zone 2 and extend landward 50 feet as measured horizontally on a line perpendicular to the surface water. Zones 1 and 2 shall be undisturbed except as allowed in this Section. Zone 3 can be disturbed but must remain vegetated. Refer to Section 9-7-3(d) for additional surface water buffers to protect steep slopes bordering streams. Such additional buffers would be added to Zone 2.

- ~~a. Exemption: The following waterbodies and land uses are exempt from the surface water buffer requirements:~~

~~Ditches and manmade conveyances, other than modified natural streams which under normal conditions do not receive drainage from tributary ditches, canals or streams, unless the ditch or manmade conveyance delivers runoff directly to state-classified waters;~~

~~Ponds and lakes created for animal watering, irrigation or other agricultural uses that are not a part of a natural drainageway that is classified;~~

~~Water dependant structures provided that they are located, designed, constructed and maintained to provide maximum nutrient removal, to have the least adverse effects on aquatic life and habitat and to protect water quality; and~~

~~Horticultural or silvicultural practices to maintain the health of individual trees and removal of individual trees which are in danger of causing damage to dwellings, other structures or the stream channel;~~

however, other selective cutting of individual trees is not exempted and is not an allowed activity.

a. Zones 1 and 2

1. ~~The following practices and activities are prohibited:—~~

- ~~i. Land disturbing activities and placement of fill other than those allowed in Section 9-7-3(c)(2)a;~~

No new development or land disturbing activities shall be allowed in Zones 1 or 2 of the surface water buffer, except that ~~water dependent structures as defined in Section 9-2-2, road crossings, railroad crossings, bridges, airport facilities and utility crossings may be~~ those activities and structures provided for in Appendix 11. ~~where no practical alternative exists, as determined by the Technical Review Committee.~~ Activities that cross the stream shall be constructed as close to 90 degrees relative to the stream as practicable, as specified in Appendix 11. ~~Where these activities are~~ Allowed activities they shall minimize built-upon surface area, divert runoff away from surface waters and protect water quality to the maximum extent practical through the use of Best Management Practices. Grading and revegetating for activities in Zone 2 is allowed providing that the health of the vegetation in Zone 1 is not compromised.

- ~~i. New on-site sanitary sewage systems that use ground absorption;~~
- ~~ii. The application of fertilizer;~~
- ~~iii. Any activity which threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.~~

2. The following ~~sheet~~ diffuse flow requirements must be met:

- i. Sheet Diffuse flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the surface water buffer.
- ii. Concentrated runoff from the new ditches or manmade conveyances must be dispersed into ~~sheet~~ diffuse flow before the runoff enters zone 2 of the surface water buffer. Existing ditches and manmade conveyances are exempt from this requirement; however, care shall be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion.

iii. Periodic corrective action to restore ~~sheet~~ **diffuse** flow shall be taken by the landowner if necessary to impede the formation of erosion gullies that allow concentrated flow to bypass treatment in the surface water buffer.

iv. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation in new ditches.

(a) Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone 2 of the riparian buffer.

(b) Periodic corrective action to restore diffuse flow in new ditches or manmade conveyances shall be taken if necessary to impede the formation of erosion gullies; and

(c) No new stormwater conveyances are allowed through the buffers except for those specified in Appendix 11, addressing stormwater management ponds, drainage ditches, roadside ditches and stormwater conveyances.

~~b. Zone 2~~

~~1. The following practices and activities are prohibited:~~

~~i. No new development shall be allowed in Zone 2 of the surface water buffer, except those allowed in Zone 1 and stormwater management facilities, utility construction and maintenance corridors, stream restoration projects, stream gauging, water wells, passive recreation facilities such as boardwalks, paved greenway trails, pathways and historic preservation and archaeological activities may be allowed where no practical alternative exists, as determined by the Technical Review Committee. Where these activities are allowed they shall minimize built-upon surface area, divert runoff away from surface waters and protect water quality to the maximum extent practical through the use of Best Management Practices;~~

~~ii. New on-site sewage systems that use ground absorption;~~

~~iii. Any activity which threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.~~

~~2. The following sheet flow requirements must be met:~~

- ~~i. Sheet flow must be maintained to the maximum extent practical through dispersing concentrated flow and re-establishment of vegetation to maintain the effectiveness of the surface water buffer;~~
 - ~~ii. Concentrated runoff from new ditches or manmade conveyances must be dispersed into sheet flow before the runoff enters Zone 2 of the riparian area. Existing ditches and manmade conveyances are exempt from this requirement; however, care shall be taken to minimize pollutant loading through these existing ditches and manmade conveyances from fertilizer application or erosion;~~
 - ~~iii. Periodic corrective action to restore sheet flow shall be taken by the landowner if necessary to impede the formation of erosion gullies that allow concentrated flow to bypass treatment in the surface water buffer.~~
- b. Zone 3: Zone 3 is required for all high density development. Zone 3 may be disturbed, but it must remain vegetated. The following practices and activities are prohibited in Zone 3:
- 1. No new development shall be allowed in Zone 3 of the surface water buffer, except those **developments and activities** allowed in Zones 1 **and 2** and stormwater management facilities, utility construction and maintenance corridors, stream restoration projects, stream gauging, water wells, passive recreation facilities such as boardwalks, paved greenway trails, pathways and historic preservation and archaeological activities may be allowed where no practical alternative exists, as determined by the Technical Review Committee. **where the Technical Review Committee makes a no practical alternatives determination.** ~~Where these Allowed activities are allowed they shall minimize built-upon surface area, divert runoff away from surface waters and protect water quality to the maximum extent practical through the use of Best Management Practices New Lots in the Surface Water buffer;~~
 - ~~2. New on-site sewage systems that use ground absorption;~~
 - ~~3. Any activity which threatens the health and function of the vegetation including, but not limited to, application of chemicals in amounts exceeding the manufacturer's recommended rate, uncontrolled sediment sources on adjacent lands, and the creation of any areas with bare soil.~~
- (7) Channelization: Channelization of perennial or intermittent streams shall be prohibited, except for access crossings, erosion control devices and runoff control devices.
- (8) New Lots in the Surface Water Buffer: To the extent practical, no new single-family or two-family residential lots shall be created which are entirely or partly contained within the surface water buffer.

(9) Watershed Plan Approval: The Technical Review Committee shall approve a watershed development plan only if the plan proposes to avoid impacts to surface water buffers defined in Section 9-7-3(c) of this Ordinance, or where the plan proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

(a) Determined the activity is exempt from requirements of this Ordinance;

(b) Received a determination of no practical alternatives for activities in Zone 3 on the approved watershed development plan from the Technical Review Committee pursuant to Section 9-7-3(10) of this Article;

(c) For uses designated as Allowable with Mitigation in the Development and Activities Table in Appendix 11 received approval of mitigation plan pursuant to Section 9-6-3(c)(11) of this Ordinance; or

(d) Received a variance pursuant to Section 9-9-11.

(10) Determination of No Practical Alternatives

(a) Applicants undertaking development or activities designated as allowable or allowable with mitigation shall submit a watershed development plan with a request for a no practical alternatives determination to the Technical Review Committee. The applicant shall certify that the project meets all the following criteria for a determination of no practical alternatives:

1. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
2. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
3. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(b) The applicant shall submit a watershed development plan containing at least the following information on a form supplied by the Planning and Development Department in support of their assertion of no practical alternatives determination:

1. An explanation of why this plan for the development or activity cannot be practically accomplished, reduced or

reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

2. Plans for any best management practices proposed to be used to control the impacts associated with the development or activity.

(c) Within 60 days of a submission that addresses Section 9-7-3(c)(10)b. , the Technical Review Committee shall review the entire project and make a finding of fact as to whether the criteria in Section 9-7-3(c)(10)a. of this Article have been met. A determination of no practical alternatives shall result in issuance of a certification on the approved watershed development plan. Failure to act within 60 days shall be construed as a finding of no practical alternatives and a certification on the watershed development plan shall be issued to the applicant unless one of the following occurs:

1. The applicant agrees, in writing, to a longer period;

2. The Technical Review Committee determines that the applicant has failed to furnish requested information necessary to make a decision;

3. The final decision is to be made pursuant to a public hearing;

or

4. The applicant refuses access to its records or premises for the purpose of gathering information necessary for the Technical Review Committee to make a decision.

(d) The Technical Review Committee may attach conditions to the determination of no practical alternatives that support the purpose, spirit and intent of this Ordinance.

(11) Mitigation: Mitigation in accordance with the requirements of 15A NCAC 02b .0252 shall apply to persons who wish to impact a surface water buffer buffer when one of the following applies:

(a) A person has received authorization pursuant to Section 9-7-3(c)(10) of this Article for a proposed development or activity that is designated as allowable with mitigation; or

(b) A person has received a variance pursuant to Section 9-9-11 of this Ordinance and is required to perform mitigation as a condition of a variance approval.

(12) Surface Water Buffer Variances: These variances pertain to Prohibited Uses or Activities in the surface water buffer. There are two types of variances from the surface water buffer requirements of this Article, as follows:

(a) A major variance is any variance that pertains to activities that impact any portion of Zone 1.

(b) A minor variance is any variance that pertains to activities that impact any portion Zone 2 of a surface water buffer.

(13) Appeals: Appeals of determinations of no practical alternatives by the Technical Review Committee shall comply with Section 9-9-11 of this Ordinance. Appeals pursuant to the requirements of Section 9-7-3(c)(1), which applies to activities conducted under the authority of the State, the United States, multiple jurisdictions or local units of government, and forest harvesting and agricultural activities, shall be referred to the Director of the N.C. DWQ for review, as provided for in N.C.G.S. 150B Articles 3 and 4.

Part 3. That Section 9-7-10(d) be amended as follows:

(d) ~~WATERSHED VARIANCES~~ RECORD KEEPING

The Enforcement Officer shall keep a record of all watershed variances, stream determinations and determinations of no practical alternatives. This record shall be submitted for each calendar year to the North Carolina Division of Water Quality on or before January 1 of the following year and shall provide a description of each project receiving a variance, stream determination or determination of no practical alternatives and the reasons for granting the variances them.

SECTION 3. Section 9-9-11(c), entitled Minor Variances, and Section 9-9-11(d) entitled Major Variances, shall be amended as follows:

(c) MINOR VARIANCES

The Technical Review Committee shall review and decide requests for minor variances to the standards and restrictions pertaining to Watershed Protection. In order to approve a requested minor variance, the Technical Review Committee shall make findings of fact showing that:

(1) There are practical difficulties or unnecessary hardships that would prevent compliance with ~~result from carrying out the strict letter of~~ this Ordinance. Variance requests shall be evaluated in accordance with all of the following:

a. The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;

b. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that

compliance with the provisions of this Ordinance would not allow reasonable use of the property;

c. The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;

d. The hardship is rare or unique to the applicant's property;

e. If the applicant complies with the provisions of this Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, the applicant's property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Technical Review Committee shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;

- (2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
- (3) The granting of the variance assures the public safety and welfare and does substantial justice.

The Technical Review Committee may attach conditions to the minor variance approval that support the purpose of this Ordinance. In addition, in the case of water supply watersheds, the City shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the applicable designated watershed and the entity using the water supply for consumption where the minor variance is being considered.

(d) **MAJOR VARIANCES**

Requests for major variances to the standards and restrictions pertaining to Watershed Protection shall be to the N.C. Environmental Management Commission (EMC), following review and favorable recommendation by City Council and after review and recommendation by the Technical Review Committee in accordance with the procedure set forth in 9-9-11(c). The major variance request shall be forwarded to the EMC with a report containing the findings of fact for City Council's favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Council's hearing of the request. Requests for major variances that do not receive a favorable recommendation shall be deemed denied. ~~and shall not be forwarded to the EMC.~~

APPENDIX 11

Surface Water Buffers

SURFACE WATER BUFFERS

Development and Activities Table 15A NCAC 02B .0250(9)

This table, 15A NCAC 02B .0250(9), sets out potential new development and activities within the surface water buffer and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the surface water buffer or outside the buffer if the development or activity would impact the buffer, unless a variance is granted pursuant to Section 9-9-11 of the city of High Point Development Ordinance, Watershed Variances. The requirements for each category are given in Section 9-7-3(c)(5) of the Development Ordinance. Terms used in this table, including access trails, airport facilities, dbh, development, greenway/hiking trails, high value tree, shoreline stabilization, stump diameter, temporary road and tree are defined in 15A NCAC 02B .0250 (2).

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities: • Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Rule and no impervious surface is added to the riparian buffer • Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Rule or impervious surface is added to the riparian buffer	X	X	
Airport facilities: • Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer • Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)¹		X X	X
Archaeological activities: • In Zones 1 and 2 and are designed, constructed and maintained to provide the maximum sediment removal and erosion protection, to have the least	X		

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical.			
Bridges		X	
Canoe access provided that installation and use does not result in removal of trees as defined in the Rule and no impervious surface is added to the buffer.	X		
Dam maintenance activities: • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under a U.S. Army Corps of Engineers Nationwide Permit • Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under a U.S. Army Corps of Engineers Nationwide Permit	X	X	
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers: • New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies • Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations • New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nitrogen and attenuate flow before the conveyance discharges through the riparian buffer • New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed	X	X X	X
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Sections 9-7-3(c)(6) and 9-7-3(c)(6)2 of this Article is established adjacent to the new channel.	X		
Driveway crossings of streams and other surface waters subject to this Rule: • Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer • Driveway crossings on single family residential lots that disturb greater than 25linear feet or 2,500 square	X	X	

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
feet of riparian buffer • In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer • In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer		X	X
Driveway impacts other than crossing of a stream or other surface waters subject to this Rule			X
Fences: • Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Rule • Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Rule	X	X	
Forest harvesting - see Item (16) of this Rule			
Fertilizer Application: One-time fertilizer application to establish vegetation	X		
Grading and revegetation in Zone 2 provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are revegetated with native vegetation	X		
Greenway / hiking trails: Designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical.		X	
Historic preservation: Designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical	X		
Maintenance access of modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities: • Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Sections 9-7-3(c)(6) and 9-7-3(c)(6)2 of this Article are established adjacent to the relocated channels • Mining activities that are not covered by the Mining		X	X

A11-4

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
Wooden-slatted decks (and associated steps) that are not at least 8 feet in height or vegetation is removed from Zone 1 for the installation and that it meets the requirements of Sections 9-7-3(c)(6) and 9-7-3(c)(6)2 of this Article			X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road crossings of streams and other surface waters subject to this Rule: - Road crossings that impact equal to or less than 40 linear feet of riparian buffer - Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer - Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Road impacts other than crossings of streams and other surface waters subject to this Rule			X
Road relocation of existing private access roads associated with public road projects where necessary for public safety: - Less than or equal to 2,500 square feet of buffer impact - Greater than 2,500 square feet of buffer impact		X	X
Stormwater BMPs: - Wet detention, bioretention, and constructed wetlands in Zone 2 if diffuse flow of discharge is provided into Zone 1 - Wet detention, bioretention, and constructed wetlands in Zone 1		X	X
Scientific studies and stream gauging: In Zones 1 and 2 if they are designed, constructed and maintained to protect water quality to the maximum extent practical.	X		
Streambank or shoreline stabilization		X	
Temporary roads provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that the tree planting may occur during the dormant season. A one time application of fertilizer may be utilized to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Section 9-7-3(c)(11) of this Article: - Less than or equal to 2,500 square feet of buffer disturbance - Greater than 2,500 square feet of buffer disturbance - Associated with culvert installation, bridge	X	X X	

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
construction or replacement			
Temporary sediment and erosion control devices provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in Section 9-7-3(c)(11) of this Article: • In Zone 2 only provided ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act and that the vegetation in Zone 1 is not compromised and that discharge is released as diffuse flow in accordance with Section 9-7-3(c)(6)2 of this Article • In Zones 1 and 2 to control impacts associated with uses approved by the local government or that have received a variance provided that sediment and erosion control for upland areas is addressed to the maximum extent practical outside the buffer • In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Section 401 and 404 of the Federal Water Pollution Control Act • In-stream temporary erosion and sediment control measures for authorized work within a stream channel	X X	X X	
Utility- Non-electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only^{4, 5} • Impacts other than perpendicular crossings in Zone 1 only^{4, 5}		X	X
Utility-Non-electric utility line perpendicular crossings of streams and other surface waters subject to this Rule^{4, 5}: • Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Perpendicular crossings that disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width • Perpendicular crossings that disturb greater than 40	X	X X	X

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width • Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer			X
Utility-Overhead electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only ^{4, 5} • Impacts other than perpendicular crossings in Zone 1 ^{2, 3, 4, 5}		X	X
Utility-Overhead electric utility line perpendicular crossings of streams and other surface waters subject to this Rule ^{2, 3, 4, 5} : • Perpendicular crossings that disturb equal to or less than 150 linear feet of riparian buffer • Perpendicular crossings that disturb greater than 150 linear feet of riparian buffer	X	X	
Utility-Underground electric utility lines: • Impacts other than perpendicular crossings in Zone 2 only ² • Impacts other than perpendicular crossings in Zone 1 ^{1, 4}	X X		
Utility-Underground electric utility line perpendicular crossings of streams and other surface waters subject to this Rule: • Perpendicular crossings that disturb less than or equal to 40 linear feet of riparian buffer ^{3, 4, 5} • Perpendicular crossings that disturb greater than 40 linear feet of riparian buffer ^{3, 4, 5}	X	X	
Vegetation management: • Emergency fire control measures provided that topography is restored • Periodic mowing and harvesting of plant products in Zone 2 only • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees which are in danger of causing damage to dwellings, other structures or human life • Removal of individual trees that are dead, diseased or damaged. • Removal of poison ivy • Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X X X X X X X X		
Vehicle access to water dependent structures			

Development and Activities	Exempt	Potentially Allowable	Potentially Allowable with Mitigation
• Vehicular access roads leading to water dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have a minimum practicable width not exceeding ten feet		X	
Water dependent structures as defined in 15A NCAC 02B .0202		X	
Water supply reservoirs: • New reservoirs provided that a riparian buffer that meets the requirements of Sections 9-7-3(c)(6) and 9-7-3(c)(6)2 of this Article is established adjacent to the reservoir • New reservoirs where a riparian buffer that meets the requirements of Sections 9-7-3(c)(6) and 9-7-3(c)(6)2 of this Article is not established adjacent to the reservoir		X	X
Water wells • Single family water wells • All water wells other than single family water wells	X	X	
Wetland stream and buffer restoration • Wetland, stream and buffer restoration that requires DWQ approval for the use of a 401 Water Quality Certification • Wetland, stream and buffer restoration that does NOT require DWQ approval for the use of a 401 Water Quality Certification	X	X	
Wildlife passage structures		X	

¹ Provided that:

- Heavy equipment is not used in Zone 1
- Vegetation is not compromised in the portions of Zone 1 and Zone 2 that are not impacted
- Trees that are cut down are removed by chain
- No permanent felling of trees occurs in the protected buffers or in the streams
- Stump removal is performed only by grinding
- At the completion of the project the disturbed area is stabilized with native vegetation
- Zones 1 & 2 meet the requirements of (7) and (8) of this Rule.

² Provided that, in Zone 1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the local government, or the Director of DWQ for the cases involving activities listed in Section 9-7-3(c)(1) of this Article.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

³ Provided that poles or towers shall not be installed within 10 feet of a water body unless the local government or the Director for the cases involving activities listed in Section 9-7-3(c)(1) of this Article completes a no practical alternative evaluation as defined in 9-7-3(c)(10) of this Article.

⁴ Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the local government or the Director for the cases involving activities listed in 9-7-3(c)(1) of this Article, as defined in Section 70703(c)(10) of this Article.

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench, where trees are cut.
- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

⁵ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

**RESOLUTION AUTHORIZING THE SALE
OF NEIGHBORHOOD STABILIZATION PROPERTIES**

WHEREAS, on May 3, 2010 the High Point City Council approved a contract between the City of High Point and S.H.A.R.E. Inc. to repair foreclosed properties under the Neighborhood Stabilization Program in zipcodes 27260, 27262, and 27265 for the purpose of turning dilapidated houses into desirable and livable homes, stabilize and enhance the neighborhoods, improve property values, preserve affordable housing, and provide homeownership opportunities; and

WHEREAS, the City has secured ownership and renovated the following property located at 233 Windley Street, High Point, North Carolina; and

WHEREAS, Neighborhood Stabilization Properties regulations limit the sales price that the city can set for each property according to Section 2301(d)(2) of Housing and Economic Recovery Act of 2008 (HERA), directing if an abandoned or foreclosed-upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition; and

WHEREAS, home purchasers must be income eligible under the NSP guidelines; and

WHEREAS, an offer of \$55,000.00 has been received from an eligible party for the purchase of the property located at 233 Windley Street, High Point, North Carolina.

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT
RESOLVES THAT:**

1. The above recitals are all true and correct and are incorporated herein by reference.
2. In order to effectuate the above-described transaction, the City Council hereby authorizes and directs the Mayor and the City Clerk of the City of High Point to execute all documents necessary to convey title to the property located at 233 Windley Street, High Point, North Carolina for \$55,000.

ADOPTED this the 15 day of August, 2011.

CITY OF HIGH POINT

By Rebecca R. Smothers
Rebecca R. Smothers, Mayor

Attested to:

Lisa Vierling
Lisa Vierling, City Clerk





August 9, 2011

MEMORANDUM

TO: Strib Boynton
City Manager

FROM: Louanne C. Hedrick
Budget & Evaluation Officer

SUBJECT: Agenda Item for City Council

On the next agenda, the Library is requesting City Council to approve a contract for a long-range Master Plan for the Heritage Point site at the High Point Museum.

Funding for these consulting services was approved by City Council on June 20, 2011 in the amount of \$70,000. This consisted of a grant from the Hayden Harman Foundation for \$40,000 as well as \$30,000 from the High Point Historical Society.

Since these funds were approved in the prior fiscal year, a budget amendment is needed to re-appropriate these funds in the current fiscal year. Attached is the budget amendment for City Council approval.

Randy McCaslin or I will be available if you have any questions.

cc: Pat Pate
Randy McCaslin
Jeff Moore
Lorrie Russell

Attachments: Budget Amendment
Memo – Lorrie Russell

Public Library

Lorrie Russell

INTERIM DIRECTOR



August 5, 2011

MEMORANDUM

TO: Randy McCaslin, Assistant City Manager

FROM: Lorrie Russell, Interim Library Director

RE: Heritage Point Funding

I would like to request that the funding for Heritage Point, which consists of \$70,000 (\$40,000 from the Hayden-Harman Foundation and \$30,000 from the High Point Historical Society) be rolled forward from the 2010-2011 budget to the 2011-2012 budget, in accounting unit 101465, account 527101. These funds were accepted by City Council in an amendment dated June 20, 2011. The funds are intended to cover the costs of the Heritage Point Master Site Plan.

CC: Jeff Moore, Director of Finance
Bob Martin, former Purchasing Manager
Louanne Hedrick, Budget Officer

Telephone
336.883.3644

Email
lorrie.russell@highpointnc.gov

P.O. Box 2530, 901 N. Main Street, High Point, NC 27261 USA
Fax: 336.883.3636 TDD: 336.883.3675

"AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
HERITAGE POINT FOR THE HIGH POINT MUSEUM AND HISTORICAL PARK

Be it ordained by the City Council of the City of High Point, North Carolina,
as follows:

Section 1. The Library received two revenue contributions totaling \$70,000 in fiscal year 2010-11 to be used to complete the Heritage Point planning process and site plan. These funds were approved and appropriated in the previous fiscal year but were unused.

Section 2. This amendment re-appropriates these funds in the current fiscal year:

- (A) That the General Fund of the City of High Point, is hereby amended as follows:

General Fund – Appropriated Fund Balance	\$ 70,000
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- (B) That the following General Fund – High Point Museum expenditure budget be amended as follows:

Library – High Point Museum (101465/527101)	\$ 70,000
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Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted this _____ day of August, 2011



MEMORANDUM

To: Randy E. McCaslin, Assistant City Manager

From: Lorrie Russell, Interim Library Director

Date: August 1, 2011

Subject: Heritage Point- Recommendation for Master Site Planning Firm
RFP #1647-120110
Firm Recommended: Pearce Brinkley Cease & Lee

Background:

In 2008 the Hayden-Harman Foundation agreed to provide \$50,000 to the High Point Historical Society to hire a firm to prepare a master plan for the High Point Museum, Historical Park, and adjacent properties. In October, 2009 the Historical Society hired Mark Livingston to facilitate a strategic planning process for the Museum. The cost for this plan was \$10,000 and was paid by the Historical Society from the Hayden Harman grant, leaving a balance of \$40,000.

The Historical Society selected a design team that worked from October, 2009 through May 2010 to develop the strategic plan. The design team included in their strategic plan an action plan for Heritage Point, their working name for the project to develop a long range master plan for the Museum, Historic Park, and adjacent properties. The Historical Society recommended a steering committee be appointed by the Mayor and City Manager to guide the Heritage Point master site plan. In the fall of 2010 Patrick Harman and Kem Ellis agreed to co-chair the Heritage Point Steering Committee and recruited members for the steering committee from names recommended by the Mayor and City Manager. The Hayden Harman Foundation gave the \$40,000 balance of the grant to the City to help cover the cost of the project. The High Point Historical Society has agreed to pay an additional \$30,000 to cover the remaining costs.

RFQ Process To Date:

On November 2, 2010 the Purchasing Division issued an RFQ for Master Site Planning and Design Services for the Heritage Point Project. Eleven firms responded by the December 1 deadline: Clark Patterson & Lee; Douglas Mund Design Group; The Freelon Group; GWWO, Inc.; Glave & Holmes; Haden Stanziale; Liollo Architecture; Pearce Brinkley Cease & Lee; Quinn Evans; Reich & Petch; Verner Johnson.

Kem Ellis, former Library Director; Lorrie Russell, Interim Library Director; and Edith Brady, Museum Director rated each of these firms using the City's ratings score sheet. Based on the ratings four firms were selected for in-person interviews: Clark Patterson & Lee; The Freelon Group; Pearce Brinkley Cease & Lee; Reich &

Telephone
336.883.3644

Email
lorrie.russell@highpointnc.gov

Petch. Interviews were conducted on January 21, 2011. The interview team consisted of: Kay Anderson, Library Board Chairman; Anne Andrews, Heritage Point Steering Committee Member; Edith Brady, Museum Director; Kem Ellis, former Library Director; Patrick Harman, Hayden Harman Foundation; Lorrie Russell, Interim Library Director. Attending as observers were: Bill Phillips, Pat Plaxico, Charles Simmons from the Historical Society and Jill Harwood from the Library Board.

The interview team has performed its due diligence by evaluating the firms interviewed and checking references, and unanimously agrees to recommend Pearce Brinkley Cease & Lee for these reasons:

- Their approach to our project aligns best with our expectations and budget to develop a conceptual plan rather than a detailed working plan;
- They have a balanced approach that focuses on the expectations of Museum visitors and the operational and functional needs of staff;
- They work extensively with museums and have a number of museum professionals on staff;
- They demonstrated sensitivity to designing with our needs in mind with community focus groups;
- They demonstrated a high level of competence and precision in both their written proposal and in-person interview;
- They have worked on high-profile projects as well as smaller projects such as ours with positive recommendations.

Pearce Brinkley Cease & Lee will subcontract with ConsultEcon, and under their proposal the two firms will provide both master site planning and economic consulting services for the project. Included in the scope of work are: Research and Analysis, including evaluation of the site, and a preliminary review of the market context and experience of comparable museums; Concept Design that will provide 2 to 3 different options; Options Workshops that will include interactive workshops with the design team to hone in on the final recommendations; and a Presentation by PBC&L that will present the final design to the museum staff and any community representatives deemed necessary.

The cost of the project agreed to by Pearce Brinkley Cease & Lee is a lump sum of \$70,000; \$40,000 to cover the Architectural/Masterplanning Service, and \$30,000 to cover the Economic Consulting costs.

BID INFORMATION AND RECOMMENDATION**BID #** 1646-120110**DATE OPENED:** 12-01-2011**DESCRIPTION:** Heritage Point – Master Site Planning**BID PACKAGES DISTRIBUTED:** 11**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 101465-527101**BUDGETED AMOUNT:** \$ 70,000.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 lot	Heritage Point – Master Site Planning	\$ 70,000.00	\$ 70,000.00

PURPOSE: To contract with a consulting firm to prepare a long range Master Plan for the Museum Historic Park and adjacent properties.

COMMENTS: Responses were received from 11 firms and a committee from the Library selected Pearce Brinkley Cease & Lee as the most qualified firm. A lump sum fee of \$ 70,000 has been negotiated with the firm.

Respondents

Clark Patterson Lee Design Professionals
DouglasMund Designgroup
Glave & Holmes Architecture
GWWO, Inc.
Haden Stanziale, PA
Liollio Architecture
Pearce Brinkley Cease & Lee Architecture
Quinn Evans Architects
Reich & Petch Design International
The Freelon Group Architects
Verner Johnson, Inc.

The **LIBRARY** and the **PURCHASING DIVISION** recommends that the contract for **MASTER SITE PLANNING** be awarded to **PEARCE BRINKLEY CEASE & LEE**, the best qualified candidate, in the amount of **\$70,000.00**

DATE OF RECOMMENDATION: August 8, 2011

Strib Boynton, CITY MANAGER

PUBLISH ONCE: Friday, September 2, 2011

**RESOLUTION TO ESTABLISH A
PUBLIC HEARING DATE FOR
VOLUNTARY CONTIGUOUS ANNEXATION
(Case # ANX09-01)**

WHEREAS, the City Council has been petitioned to annex the property of First Baptist Church of High Point. The proposed annexation site is approximately 16.71 acres and lying approximately 300 feet south of the intersection of E. Fairfield Road & Ingram Road (*1214 & 1216 E. Fairfield Road*). The property is also known as Guilford County Tax Parcels 0158087, 0158030 and 0158136.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-58.1;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Monday, September 19, 2011, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

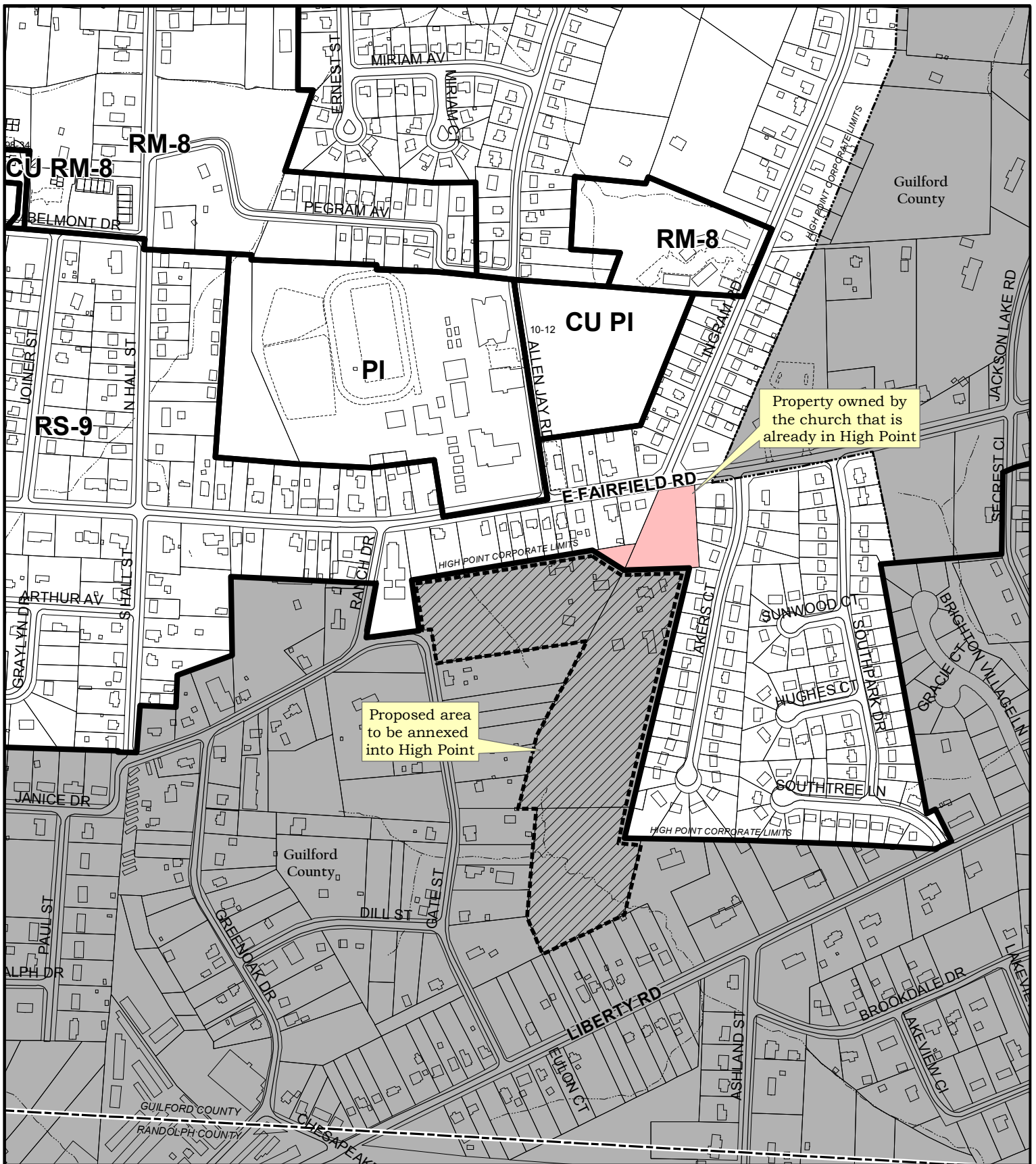
Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or the TDD# 336/883-8517.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six (6) months from date of passage of ordinance.

Further information pertaining to this request is available for public inspection upon request at the Planning and Development Department in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3336 or FAX 336/883-3056.

By order of the City Council,
This the 15th day of August, 2011

Lisa B. Vierling, City Clerk



ANNEXATION REQUEST ANX11-03

Applicant: Rev. Paul Cao (Vietnamese Mission)
Area: 16.17 acres

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

**Planning & Development
 Department**

City of High Point

Date: August 8, 2011



Scale: 1"=500'
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PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 26, 2011, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Carson Lomax, John McKenzie and Martha Shepherd.

Butch Baur & Yean Leong Chu

Zoning Case 11-08

A request by Butch Baur and Yean Leong Chu to rezone approximately 1.06 acres from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).

Mr. Shannon presented the request and recommended approval as outlined in the staff report.

Speaking in favor of the request was the applicant Mr. Butch Bauer of 5986 Financial Drive, Norcross, Georgia. He provided an overview of the development proposal and concluded by noting that representatives from the Tokyo Express restaurant and the consulting engineering firm are available in the audience if the Commission members have any questions.

No one spoke in opposition and the public hearing was closed.

Commissioner Cynthia Davis questioned if sufficient parking is being provided and if a turn lane would be required so that vehicles turning into the site would not back-up traffic during peak travel times.

Mr. Shannon replied that the Driveway Ordinance contains standards as to when a turn lane is required to be installed based on the specific land use and the size of a structure. Based on the preliminary layout the applicant has discussed with the Transportation Department, the proposed uses and size of buildings would not trigger the requirements for a turn lane. If another use is proposed upon the site that triggers the requirement for a turn lane then it would be addressed at that time. As for on-site parking, it was noted that parking requirements of the Development Ordinance will be met.

The Planning & Zoning Commission recommended **approval** of Zoning Case 11-08, by a vote of 5-0. Commission member Cynthia Davis noted for the record that City Council may wish to consider the traffic impact upon Westchester Drive.

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

**STAFF REPORT
ZONING CASE 11-08
July 26, 2011**

Request	
Applicant: Butch Baur on behalf of Waffle House Inc. Yean Leong Chu on behalf of Wang & Chung, LLC.	Owner(s): Wilburn & Frances Thornton, Westchester Baptist Church, Inc. of High Point Wang & Chung, LLC.
Zoning Proposal: To rezone 1.06 acres.	From: RS-7 Residential Single Family-7 District
	CU-GB Conditional Use General Business District
	To: CZ-GB Conditional Zoning General Business District.

Site Information	
Location:	Lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).
Tax Parcel Numbers:	0188706, 0188701(portion), 0188705 and 0188704
Site Acreage:	1.06 acres
Current Land Use:	Single family dwelling, church, vacant parcel and restaurant.
Physical Characteristics:	The site has a relatively flat terrain with no distinguishing features.
Water and Sewer Proximity:	An 8-inch City water line and an 8-inch City sewer line are adjacent to the site within the Westchester Drive road right-of-way.
General Drainage and Watershed:	The site drains in a general southwestern direction and development is subject to the Yadkin Pee-Dee General Watershed. Based upon the size of the development site and its development intensity, the watershed regulations may require stormwater controls to be provided.
Overlay District(s):	None

Adjacent Property Zoning and Current Land Use			
North:	CU-GB	Conditional Use General Business District	Various commercial/retail uses (<i>auto repair facility, carwash, nursery</i>)
South:	RS-7	Residential Single Family-7 District	Church
East:	CU-GB	Conditional Use General Business District	Vacant commercial building (<i>former Jiffy Lube auto repair facility</i>)
West:	CU-GB	Conditional Use General Business District	Commercial/retail use (<i>Sherwin Williams Paint Store</i>)

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	Parcels fronting along Westchester Drive have a Community/Regional Commercial designation. The zoning site includes a 27 ft. x 90 ft. portion of land lying to the rear of these frontage parcels which has an Office designation. • <u>Community/Regional Commercial</u>: This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers. • <u>Office</u>: This classification includes professional, personal and business service uses.
Land Use Plan Goals, Objectives & Policies:	<u>Goal #5</u> : Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
Relevant Area Plan:	None
Community Growth Vision Statement	None
Zoning History:	The zoning site is within an area that has transitioned from single family residential to commercial over the past 30 years. The two block area lying west of N. Main Street, bounded by W. Parris Avenue to the north, Idol Street to the west and the row of lots on the south side of Westchester Drive which includes the subject property was primarily a residential area consisting of single family detached dwellings upon deep narrow lots in the early 1980s. During the late 1980s and throughout the 1990s there were numerous rezoning applications approved by City Councils of that time to permit various commercial uses. Today this is primarily a commercial area consisting of CU-GB District zoning with various office, professional and commercial retail uses.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Westchester Drive		Major Thoroughfare
Vehicular Access:	This rezoning site can have two access points to Westchester Drive. One consisting of an existing driveway upon the western most parcel and the second upon the eastern most parcel.		
Traffic Counts: (Average Daily Trips)	Westchester Drive		26,000 Average Daily Trips (2009, 24-hour traffic count)
Estimated Trip Generation:	The proposed new restaurant use will generate approximately 286 trips/day, 25 trips (entering & exiting) each in the AM peak hour and in the PM Peak hour. The existing drive-thru restaurant generates approximately 318 trips/day, 29 trips (entering & exiting) each in the AM peak hour and in the PM Peak hour.		
Traffic Impact Analysis:	Required		Comments
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	There are no pedestrian facilities planned for this area.		

School District Comment

Not applicable to this zoning case.

Details of Proposal

The zoning site consists of three parcels and a small portion of an abutting larger parcel which are intended to be used by two separate parties for commercial uses. The two applications have been combined, and conditions in the Conditional Zoning Ordinance have been arranged in such a manner that each party has separate development standards so that if one party desires to move faster with development than the other, it would not negatively impact either owner. The proposed conditional zoning ordinance labels the eastern portion of the site as Tract A and the western portion of the site as Tract B.

The eastern portion of the zoning site (Tract A) is proposed to be developed by Mr. Butch Baur for a restaurant use; it consists of the parcel at 115 Westchester Drive and a 27 foot by 90 foot area lying to the south. The property has a RS-7 District zoning with an existing one-story single-family dwelling.

The western portion of the site (Tract B), 119 and 123 Westchester Drive, is proposed for rezoning by the current property owner Wang & Chung, LLC. The 123 Westchester Drive portion currently has a CU-GB District zoning and a restaurant with a drive-thru window (*aka Tokyo Express Restaurant*). The 119 Westchester Drive lot is undeveloped with a RS-7 District zoning. It has been used for overflow parking for the adjacent Tokyo Express Restaurant in violation of City's zoning regulations. The RS-7 District does not permit parking for commercial uses, so staff recommended the applicant seek rezoning and include both 119 and 123 Westchester Drive in order to include all the Tokyo Express property under the same zoning.

Staff Analysis

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

Consistency with Adopted Plans:

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

Staff Comments:

The land use plan designates this segment of Westchester Drive, from N. Main Street westward to Idol Street as Community/Regional Commercial which is intended for a wide range of retail or service uses that serve the entire community and nearby regional customers.

Reasonableness/Public Interest:

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

Staff Comments:

Staff finds the request to be reasonable based upon the following:

- ❖ The zoning site is located along an established commercial corridor where it is flanked by existing commercial zoning and uses. The request converts the last residentially zoned parcels along that segment of Westchester Drive lying between N. Main Street and Idol Street. The request does not extend commercial zoning; rather it fills in a gap within the existing commercial corridor. This addresses the intent of Goal #5 of the Land Use Plan pertaining to promoting an urban growth pattern that occurs in an orderly fashion.
- ❖ The intersection of N. Main Street and Westchester/Eastchester Drive is where two high volume commercial corridors intersect. The zoning site is less than 500 feet from this intersection and it is surrounded by existing commercial uses to the north, east and west.

Review Factors:

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

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses;
	<u>Staff Comments:</u> The site is lying in an established commercial corridor and abuts existing commercial zoning and uses on three sides.
<u>Factor #2</u>	Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;
	<u>Staff Comments:</u> To mitigate potential negative impact of having multiple driveway access within close proximity to each other, the applicants have offered conditions to limit the zoning site to two points of vehicular access, one to Tract A and one to Tract B.
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;
	<u>Staff Comments:</u> Staff has not identified any environmental impacts based upon the proposed district.
<u>Factor #4</u>	Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;
	<u>Staff Comments:</u> The site is within an area currently served by City of High Point utilities and services; the proposed district has no known impacts on municipal services.

<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.
	<u>Staff Comments:</u> ❖ The abutting lots to the east and west of the zoning site are zoned and developed with commercial uses; the requested rezoning to a CZ-GB District will not negatively impact adjacent property owners. ❖ There is a church lying to the south of the zoning site. Because the church parcel is over 10 acres in area and its building is over 350 feet to the south of the zoning site, this request will not negatively impact that property.

Changes in the Area:

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

Staff Comments:

Over the past 30 years this segment of Westchester Drive has transformed from an area that had single family dwellings as the primary land use to a corridor with commercial and service related uses. This is supported by the fact that the zoning site is the last remaining RS-7 zoned parcel fronting along this segment of Westchester Drive, between N. Main Street and Idol Street.

Development Patterns:

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

Staff Comments:

- ❖ Prior City Council zoning actions in this area established policy that multiple lots be combined to insure sufficient lot size for commercial development, and to restrict vehicular access along this major street. This zoning request consists of small individual parcels; the applicants have offered conditions to combine lots and restrict access along this major thoroughfare.
- ❖ Where commercial zoning abuts residential zoning, greater building setbacks and wider landscape yards are required. The requested commercial zoning will eliminate the required side-yard building setbacks and significantly reduce required landscape yards where the two applicants share a common property line.

Recommendation

Staff Recommends Approval:

As addressed in the Staff Analysis section of this report, the requested CZ-GB District is generally consistent with the Community/Regional Commercial designation upon the City's Land Use Map, is in harmony with the goals of the Land Use Plan and is located within an established commercial area where it is surrounded by existing commercial zoning and uses. The Planning & Development Department recommends approval of the request to rezone this 1.09 acre area to the CZ-GB District. As conditioned, the requested CZ-GB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

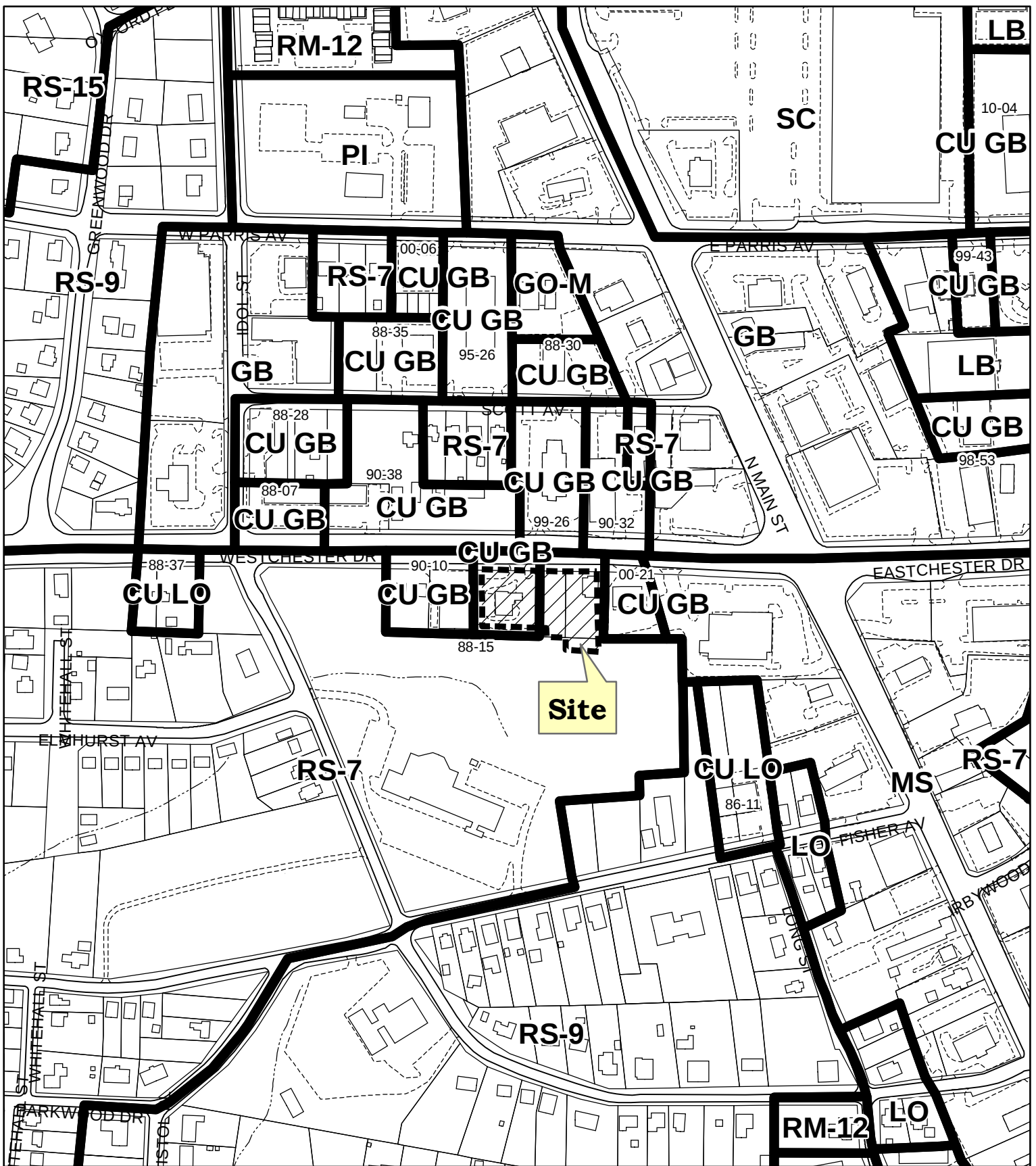
Upon making its recommendation, the NC General Statutes require that the Planning and Zoning Commission must place in the official record a statement of consistency with the City's adopted plans. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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

City Council:

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

Report Preparation

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



ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

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

**Planning & Development
 Department**

City of High Point

Date: July 8, 2011



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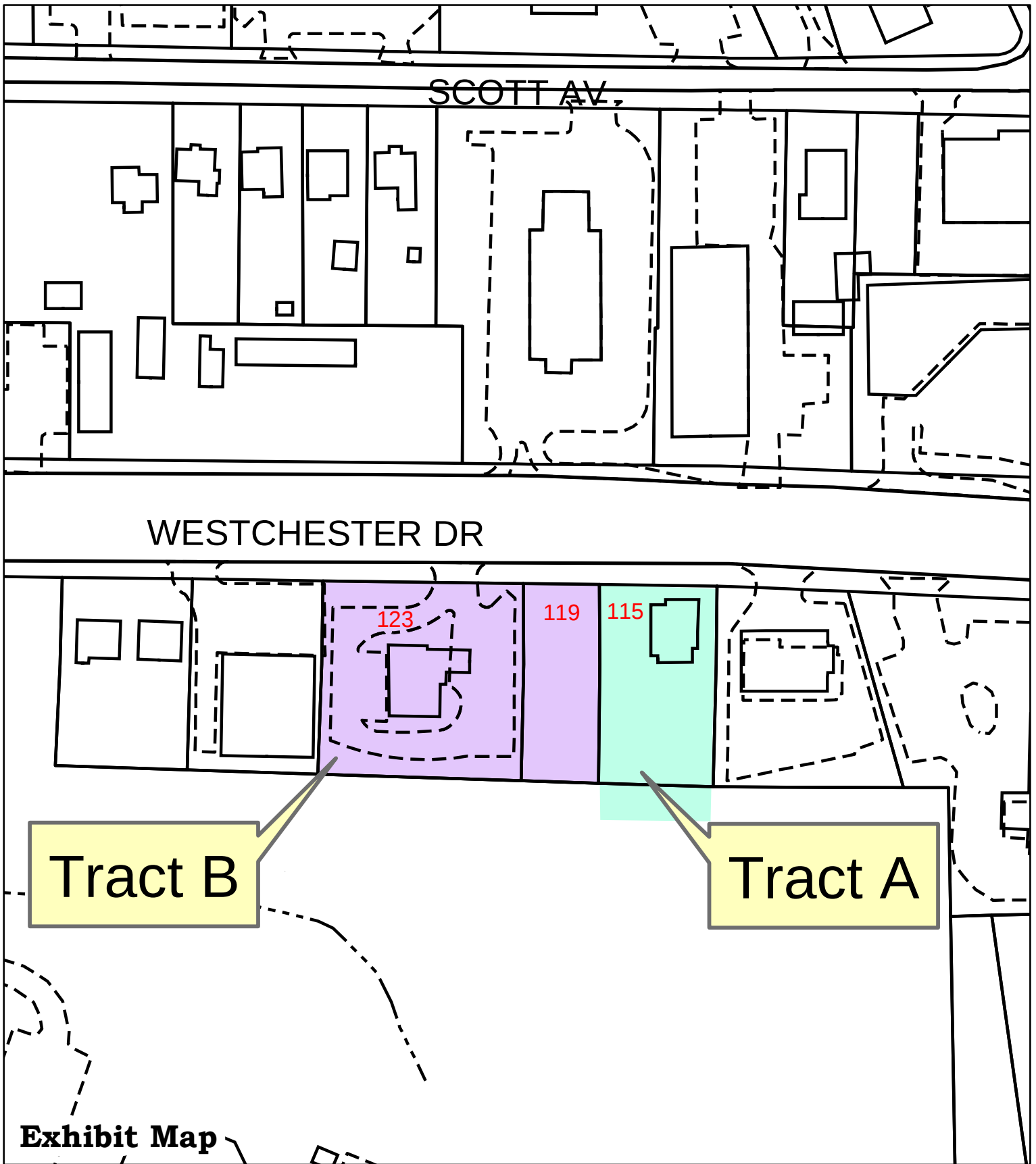


Exhibit Map

ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

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

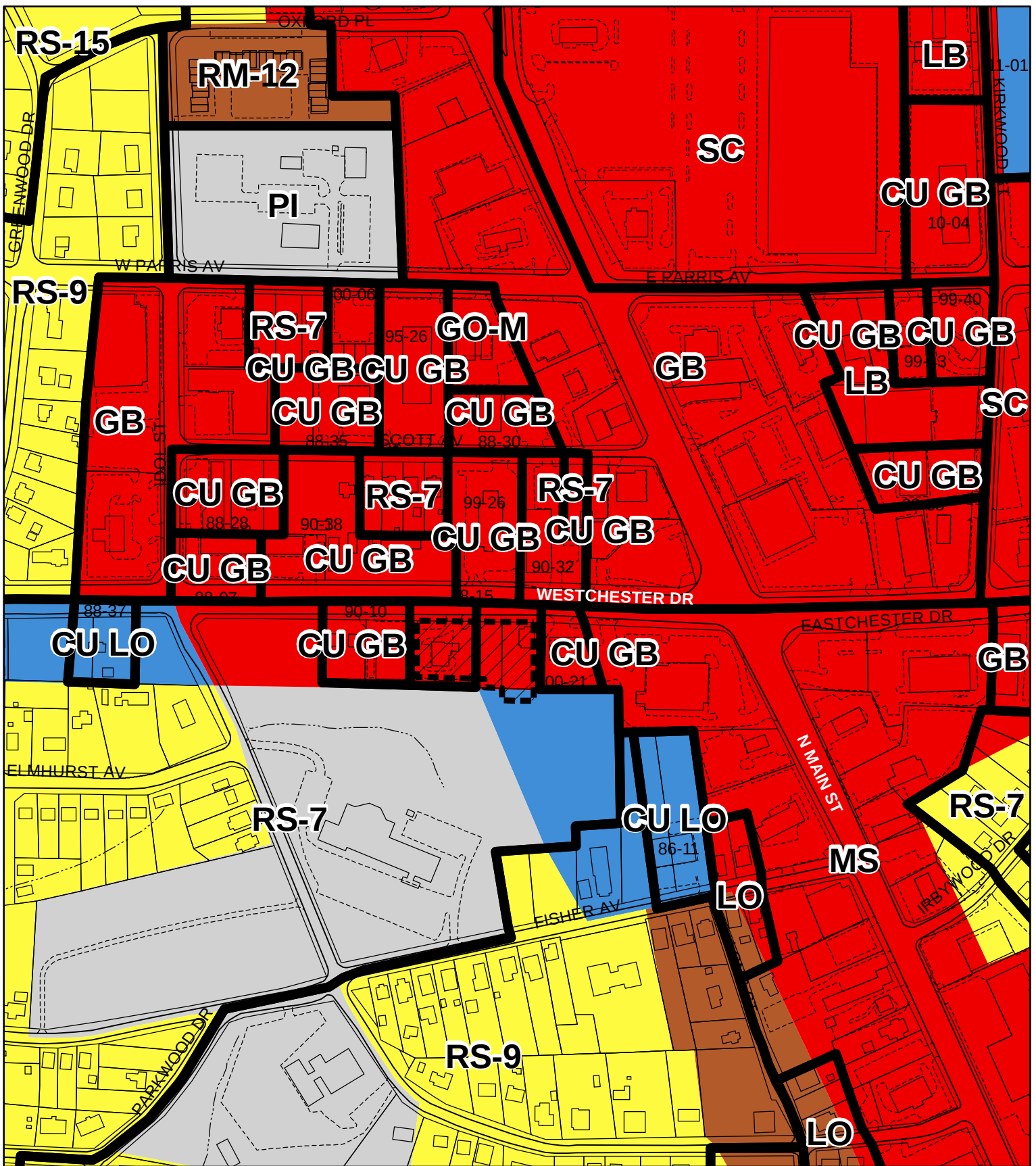
Planning & Development
Department

City of High Point

Date: July 14, 2011



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ZONING CASE 11-08

Land Use Plan

 Low-Density Residential	 Community/Regional Commercial
 Medium-Density Residential	 Institutional
 Office	 Recreation/Open Space

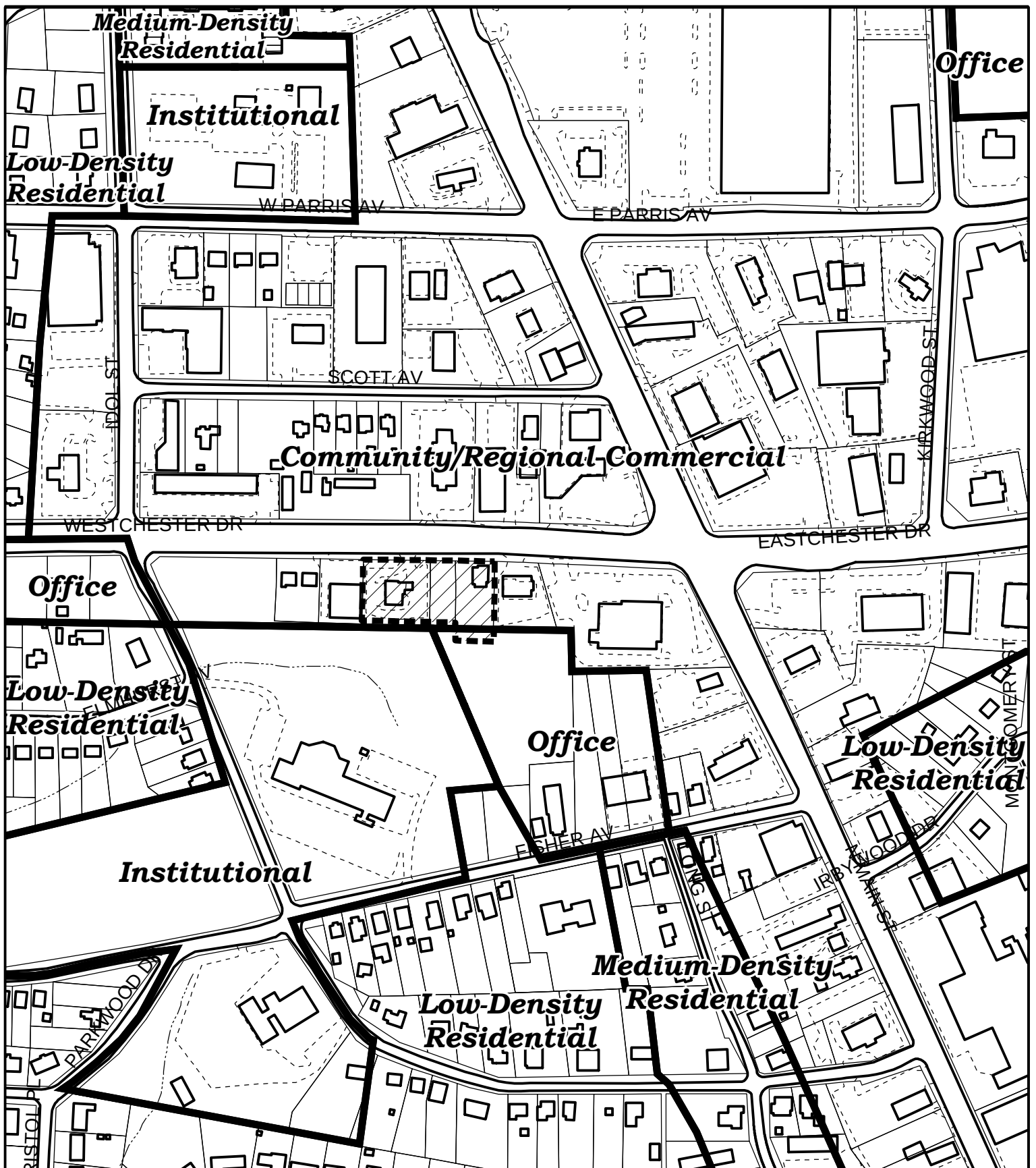
Planning & Development
Department

City of High Point

Date: July 18, 2011



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ZONING CASE 11-08

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



Planning & Development
Department

City of High Point

Date: July 15, 2011



Scale: 1"=300'

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ZONING CASE 11-08

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 15, 2011



Scale: 1"=300'

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ZONING CASE 11-08



**PROPOSED USES AND CONDITIONS FOR A CONDITIONAL ZONING DISTRICT
CITY OF HIGH POINT, NORTH CAROLINA**

**Zoning Case 11-08
Conditional Zoning General Business (CZ-GB) District**

June 27, 2011
(Submitted)

The property owner requests a Conditional Zoning District upon the property described in this document and offers the following conditions be placed upon the property. If adopted by the City Council, then these conditions contained herein will be incorporated into the Conditional Zoning District's ordinance of adoption. These conditions are not valid unless signed and affirmed by the property owner or representative with an approved power of attorney. The City Council and the property owner or authorized representative must agree upon revisions or additional conditions prior to the approval of this Conditional Zoning District.

I. USES: Any of the land uses allowed in the General Business (GB) District shall be permitted subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

II. CONDITIONS

A. Prohibited Uses: The following uses shall be prohibited:

1. Business, Professional & Personal Services Category
Boat Repairs, SIC Code 3730
Tattoo Parlors, SIC Code 7299
2. Retail Trade Category
Bars, SIC Code 5813
Bars (capacity > 100 persons), SIC Code 5813
Building Supply Sales (with storage yard), SIC Code 5211
3. Other Uses Category
Sexually Oriented Businesses

B. Development Standards:

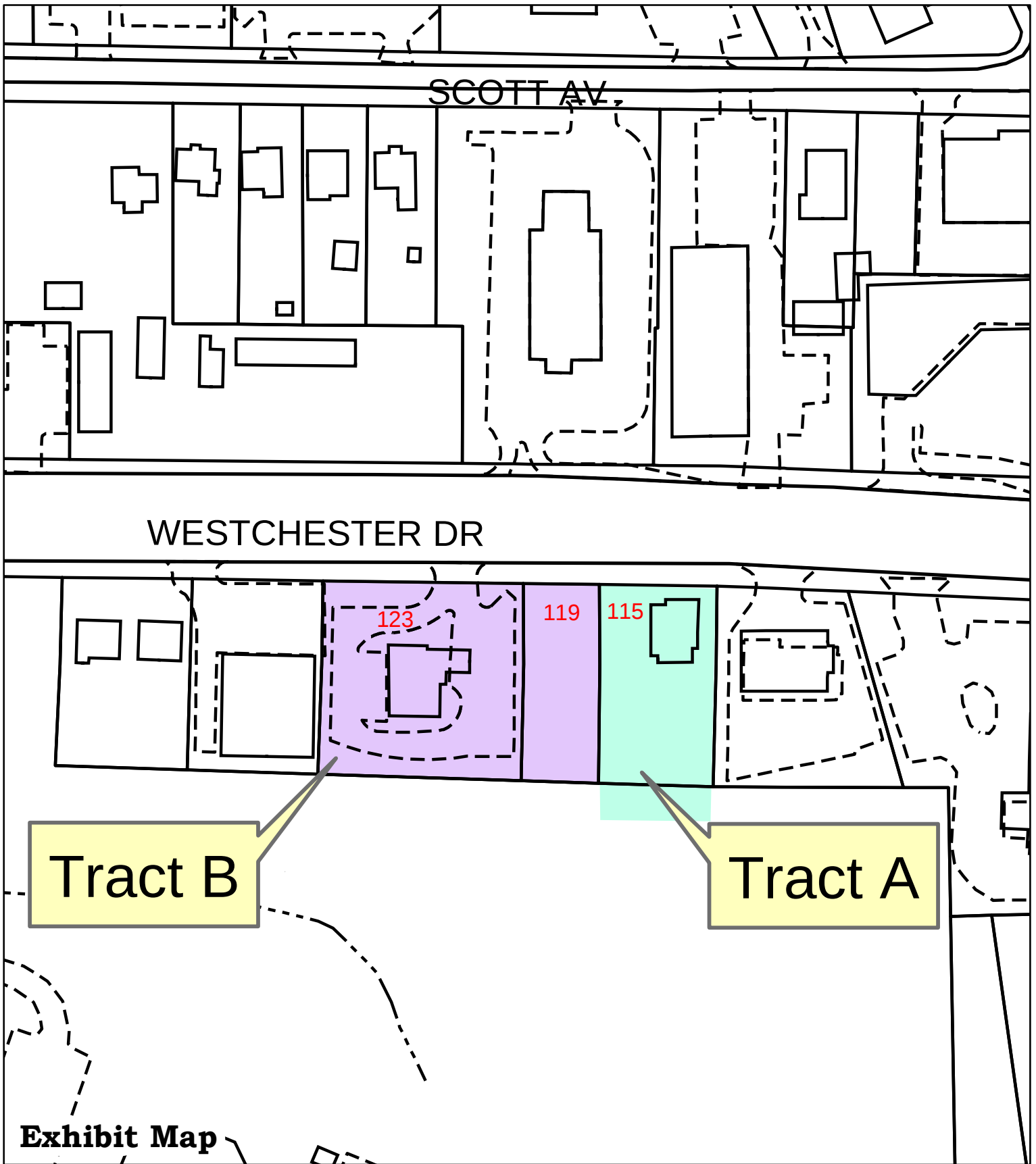
1. Tract A: The western portion of this zoning site, Guilford County tax parcel 0188704 (123 Westchester Drive) and parcel 0188705 (119 Westchester Drive), shall be known as Tract "A" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination - Tax parcels associated with Tract A shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access - Only one point of vehicular access shall be permitted to Tract A. Any existing access drive to parcel 188705 shall be required to be removed.

- c. Parking - The unpermitted parking upon parcel 0188705 shall be removed or the property owner shall submit a site plan to the Planning & Development Department for review and approval.
2. Tract B: The eastern portion of this zoning site, Guilford County tax parcel 0188706 (115 Westchester Drive) and a portion of tax parcel 0188701 (an approximately 27 foot by 90 foot area lying south of tax parcel 0188706), shall be known as Tract "B" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination – The tax parcels associated with Tract B shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access – Only one point of vehicular access shall be permitted to Tract B.

DESCRIPTION OF PROPERTY: Approximately 1.06 acres lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street. The site consist of three parcels and a portion of a fourth parcel and is also known as Guilford County tax parcel 0188704 (123 Westchester Drive), parcel 0188705 (119 Westchester Drive), parcel 188701 (115 Westchester Drive) and a portion of Guilford County tax parcel 0188701.

That portion of Guilford County tax parcel 0188701 is defined as follows:

Commencing at an existing concrete monument, said monument being the northeast corner of Westchester Baptist Church (Plat Book 58 Page 83); thence along the northern property line of Westchester Baptist Church North 89°31'55" West 144.62 feet to an existing iron pipe and point of beginning; said beginning point being the southeast corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 0°08'57" West 27.00 feet to a point; Thence North 89°31'55" West 90.00 feet to a point; Thence North 0°08'57" East 27.00 feet to an existing iron pipe, said iron pipe being the southwest corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 89°31'55" East 90.00 feet to the point of beginning, containing 2430 square feet more or less.



ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

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

Planning & Development
Department

City of High Point

Date: July 14, 2011



Scale: 1"=100'
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July 05, 2011

To: Lee Burnette, AICP., Director of Planning and Development
From: Mark McDonald, P.E., Transportation Director 
Subject: **Rezoning Case #11-08, Butch Baur. Property located on the south side of Westchester Drive, approximately 465 feet west of the intersection of Westchester Drive and N. Main Street.**

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

A traffic impact analysis was not required for this development. To require a traffic study the proposed development must be expected to produce at least one hundred and fifty (150) trips in the AM or PM peak hour. In order to mitigate the development's impact on the surrounding roadway network the following improvements will be required:

Access

Two points of access shall be allowed to Westchester Drive. One access point is the existing access point on Guilford County Tax Parcel 0188704. This access point shall be shared with the adjoining property to the east, known as Guilford County Tax Parcel 0188705. The second access point will be located on Guilford County Tax Parcel 0188706.

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

If you have any questions or would like to further discuss this case, please advise.

Citizens Information Meeting Report

Zoning Case 11-08

Submitted by: Butch Baur on behalf of
Waffle House Inc.



May 27, 2011

Herbert K. Shannon Jr., AICP
Department of Planning and Development
City of High Point
P. O. Box 230
High Point, N.C. 27261

Re: Citizen Information Meeting
Rezoning of 115 Westchester Drive (subject property)

Dear Mr. Shannon:

Our meeting was held on May 24, 2011 at 7:00 p.m. in the Fellowship Hall of Westchester Baptist Church. There were 3 property owners in attendance as follows:

Frankie Thornton owner of subject property
Wilburn Thornton owner of subject property
Eric Peacock senior pastor of Westchester Baptist Church

The handwritten sign-in sheet is attached as Attachment 1.

Also in attendance was Butch Baur the applicant and representing Waffle House Inc.

A notification letter dated and mailed May 12, 2011 was sent to 17 parties as supplied by the High Point Planning Department. The list of parties with addresses to which notice was mailed is attached as Attachment 2. The notification letter is attached as Attachment 3 and included the required statement provided by the High Point Planning and Development Department.

Full size site plans and surveys were available for review and reduced size copies were available for anyone to take home. Color renderings of the proposed building and aerial pictures were available for review.

I discussed the layout of our site plan.

Frankie Thornton's questions revolved around the positioning of our building which I explained is designed to make our building visible to the focal point at N. Main Street.

Eric Peacock's questions revolved around the proposed fencing or landscaping on the back side adjoining the church's property. We agreed to allow a church committee to approve our proposed fencing or landscaping.

I waited until 7:30 p.m. for other parties to join us then adjourned the meeting.

Submitted by:

A handwritten signature in black ink, appearing to read "Butch Baur". The signature is fluid and cursive, with the first name "Butch" written in a larger, more prominent script than the last name "Baur".

Butch Baur
Waffle House Inc.
5986 Financial Drive
Norcross, GA 30071

ATTACHMENT 2

AYSCUE, CAROLYN M
117 SCOTT AVE
HIGH POINT NC 27262

DONALD AND KAY SILVER LLC
PO BOX 6251
HIGH POINT NC 27262

HOOGLAND, CHARLES R OF CHARLES R
HOOG UST
1022 E ADAMS ST
SPRINGFIELD IL 62703

PREVATT, INEZ M
121 SCOTT AVE
HIGH POINT NC 27262

PRICE, RICHARD W ; PRICE, SAMANTHA C
822 QUAKER LN
HIGH POINT NC 27262

ROBBINS PROPERTIES LLC
120 WESTCHESTER DR
HIGH POINT NC 27262

ROBBINS, JERRY W ; ROBBINS, PHYLLIS C
921 SHAMROCK RD
HIGH POINT NC 27265

ROME PIZZA CORPORATION
2100 N MAIN ST STE 112
HIGH POINT NC 27262

SEAZONA PROPERTIES LTD
823 DONALD ROSS RD
JUNO BEACH FL 33408

SHERWIN-WILLIAMS DEV CORP
P O BOX 6027
CLEVELAND OH 44101

THOMPSON HOLDINGS LLC
P O BOX 8379
GREENSBORO NC 27419

THORNTON, WILBURN ; THORNTON,
FRANCES W
32 WILSHIRE DR
ASHEVILLE NC 28806

WANG & CHU LLC
123 WESTCHESTER DR
HIGH POINT NC 27262

WEIN NORTH CAROLINA LLC
PO BOX 901
DEERFIELD IL 60015

WESTCHESTER BAPTIST CHURCH
135 WESTCHESTER DR
HIGH POINT NC 27262

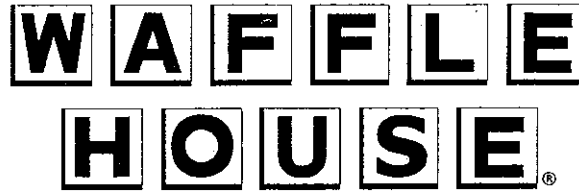
WESTCHESTER BAPTIST CHURCH
PO BOX 5188
HIGH POINT NC 27262

YOUNG, RUTHIEBELLE S ; YOUNG,
MICHAEL L
105 SCOTT AVE
HIGH POINT NC 27262

Westchester Baptist Church
5-24-11 at 7:00 p.m.

PLEASE SIGN

ATTACHMENT 3



"GOOD FOOD FAST"®

P.O. Box 6450 • Norcross, Georgia 30091-6450

(770) 729-5700

May 12, 2011

Dear Neighbor:

The purpose of this letter is to notify you of a citizen information meeting being held concerning a request for rezoning the .30 acre parcel at 115 Westchester Drive. The meeting will be held at the Westchester Baptist Church located at 135 Westchester Drive, High Point, N.C. on Tuesday, May 24, 2011 at 7 pm.

My company has contracted to purchase this parcel of land and has applied to rezone it from RS-7 to CZ-GB to allow us to build and operate a Waffle House restaurant. A preliminary site plan has been prepared for study and illustrative purposes and will be presented at this meeting. The plan is for a 1785 square foot building with walk in cooler and dumpster area. Access will be from Westchester Drive.

At the citizens information meeting you will be able to meet with me and learn more about our plans and approach to development and of course ask any questions you may have about it. I hope to demonstrate to your satisfaction that my company has a successful history of being sound and responsible operators. Our goal is to create an inviting and successful dining experience that is open to serving everyone in the community.

Enclosed is a required statement provided by the High Point Planning & Development Department outlining the purpose of the citizens' information meeting and the zoning process.

It would be appreciated if you would call or email to let me know whether you will attend preferably with the names of individuals attending so I can make sure the meeting arrangements are appropriate. Thank you for your attention to this matter,

Sincerely,

Butch Baur

Vice President-Real Estate Representative

Waffle House Inc.

butchbaur@wafflehouse.com

(W) 770-326-7068



**City of High Point
Conditional Zoning District
Citizen Information Meetings**

Anyone planning to file a zoning application for a conditional zoning district from the City of High Point is required to hold a citizen information meeting prior to filing the application. This requirement applies only to an application for a conditional zoning district or an application to amend a previously approved conditional zoning district. Conditional zoning is a type of zoning where property owners can impose specific conditions or restrictions on the development and use of their property, and where the conditions are enforceable by the City regardless of the property's future ownership.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person planning to file an application, otherwise known as the applicant, the opportunity to inform citizens about the development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed zoning site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a written description of the development proposal and any other available information that would help citizens to better understand it. After the zoning application is filed with the City's

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

Planning & Development Department, the applicant submits to the City a written report of the citizen information meeting(s). At a minimum, this report records the property owners notified; date, time and location of the meeting(s); the written description of the development proposal; and any comments, ideas or suggestions from citizens that were incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300 feet of the zoning site. This notice provides information on the conditional zoning district request; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the zoning site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the zoning site.

No condition can be included in a conditional zoning district that specifies ownership status, race, religion or characteristics of the development's occupants, the minimum size of a dwelling, the minimum value of buildings or improvements, or ones that otherwise excludes specific races, religions or classes of people.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the department's website for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department
336-883-3328
www.highpointnc.gov/plan/

Fleet Services Department

Gary L. Smith
DIRECTOR



DATE: August 10, 2011
TO: Randy McCaslin, Assistant City Manager
FROM: Gary L. Smith, Director of Fleet Services *Gary L. Smith*
SUBJECT: Agenda Item – New Truck with Hooklift System

I respectfully request that the following be included for consideration on the Council Agenda scheduled for August 15, 2011:

Acceptance of the quote submitted by Piedmont Truck Center for a new 2011 Ford F750 with a hooklift system per the current North Carolina Term Contract 070G (Item # 71) at a cost of \$105,638.00

This truck will replace a 1994 Ford F700 with a chipper body and a 1995 Ford F700 with a flat bed body. The new truck will have the capability of mounting and dismounting different truck bodies to the truck with a system known as a Swap loader. Utilizing the swap loader system allows the city to replace two trucks with one. It also reduces the number of trucks for the city to maintain and insure.

Funding for this equipment will come from the following account:

501271-532401

pc: Jeff Moore, Finance
pc: Patty Sykes, Purchasing
pc: Tracey Adams, Purchasing



Adding a Hook-lift Hoist to your daily operation allows you to accomplish the work of a small fleet, but with a single truck.

In less than three minutes, you can completely switch functions without leaving the cab of your truck.

FLATBED – for moving material, equipment, etc...

DUMP BODY – for hauling dirt, sand, rock, etc...

WATER TANK – watering and spraying needs.

V-BOX – sand/salt spreader.



What is the annual insurance cost associated with these trucks? How do you function when they breakdown, are out of service, and waiting for repairs? How many trucks do you have dedicated to each function, so your operation continues to run smoothly? How do you currently load them with materials?



Switch functions in less than 3 minutes.

Now a single truck is instantly a mini fleet, capable of accomplishing many functions and limited only by your imagination.



Reduce your insurance costs, by reducing the number of trucks needed to accomplish your daily tasks. Remember, you don't have to insure individual truck bodies. By having at least two trucks in place, equipped with the SwapLoader System, down time for repairs is a thing of the past.



Load your truck bodies at ground level. Not only is it safer for your employees, it provides easy access to all. Now you can drop off a body loaded with materials, making it easier to unload as needed. Your crew can continue with their daily schedule, uninterrupted.

Installing a Hook-lift Hoist on your truck will instantly expand your fleet's versatility and increase your productivity.

This shows how the hooklift system operates....



This is an example of a flat bed body....



This is an example of a chipper body...



BID INFORMATION AND RECOMMENDATION**BID NO.** N. C. State Contract 070G**DATE OPENED:** N/A**DESCRIPTION:** 2011 Ford F750 Truck with Hooklift System**BID PACKAGES DISTRIBUTED:****DEPARTMENT:** Fleet Services**SOURCE OF FUNDS:** 501271-532401**BUDGETED AMOUNT:** \$105,638.00**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 EA	2011 Ford F750 Truck with Hooklift System	\$105,638.00	\$105,638.00

PURPOSE: To replace a 1994 Ford F700 with a chipper body and a 1995 Ford F700 with a flat bed body. The new truck will have the capability of mounting and dismounting different truck bodies to the truck with a system known as a Swap loader. Utilizing the swap loader system allows the city to replace two trucks with one. It also reduces the number of trucks for the city to maintain and insure.

COMMENT:

VENDOR NAME	AMOUNT
Piedmont Truck Center 412 South Regional Road Greensboro, NC 27409-9308	\$105,638.00

The **FLEET SERVICES DEPARTMENT** and the **PURCHASING DIVISION** recommend that the purchase of a **2011 FORD F750 TRUCK W/HOOKLIFT SYSTEM** be awarded to **PIEDMONT TRUCK CENTER**, the North Carolina State Contract awarded vendor, for the total amount of **\$105,638.00**

DATE OF RECOMMENDATION: August 10, 2011


Strib Boynton, CITY MANAGER

COMMUNITY DEVELOPMENT & HOUSING

Michael E. McNair

DIRECTOR OF COMMUNITY DEVELOPMENT & HOUSING



MEMORANDUM

DATE: August 9, 2011

TO: Randy McCaslin, Assistant City Manager

FROM: Michael E. McNair, Director

SUBJECT: Authorization to change sales price on a NSP property

At its regularly scheduled meeting on June 20, 2011, Council approved Community Development going forward with the sale of nine Neighborhood Stabilization Properties (NSP) at their appraised values. An offer on the first unit located at 233 Windley Street has been received. Unfortunately, the most recent appraised value of that property declined from the earlier appraisal. NSP regulations require that the sales price not exceed the total development cost (i.e. acquisition, rehab etc...). Any difference between total development costs and the appraisal must be treated as a development subsidy that is not recoverable. Consequently, as a practical matter, the price will be driven by the market value at the time of sale.

Due to the most recent appraisal obtained by the bank providing the permanent loan, the sales price of \$60,000 must be lowered by \$5,000. Staff requests Council's favorable consideration to accept the offer of \$55,000.00 for the sale of the NSP property located at 233 Windley Street and authorize actions necessary to convey the fore-mentioned property.

**RESOLUTION AUTHORIZING THE SALE
OF NEIGHBORHOOD STABILIZATION PROPERTIES**

WHEREAS, on May 3, 2010 the High Point City Council approved a contract between the City of High Point and S.H.A.R.E. Inc. to repair foreclosed properties under the Neighborhood Stabilization Program in zipcodes 27260, 27262, and 27265 for the purpose of turning dilapidated houses into desirable and livable homes, stabilize and enhance the neighborhoods, improve property values, preserve affordable housing, and provide homeownership opportunities; and

WHEREAS, the City has secured ownership and renovated the following property located at 233 Windley Street, High Point, North Carolina; and

WHEREAS, Neighborhood Stabilization Properties regulations limit the sales price that the city can set for each property according to Section 2301(d)(2) of Housing and Economic Recovery Act of 2008 (HERA), directing if an abandoned or foreclosed-upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition; and

WHEREAS, home purchasers must be income eligible under the NSP guidelines; and

WHEREAS, an offer of \$55,000.00 has been received from an eligible party for the purchase of the property located at 233 Windley Street, High Point, North Carolina.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT RESOLVES THAT:

1. The above recitals are all true and correct and are incorporated herein by reference.

2. In order to effectuate the above-described transaction, the City Council hereby authorizes and directs the Mayor and the City Clerk of the City of High Point to execute all documents necessary to convey title to the property located at 233 Windley Street, High Point, North Carolina for \$55,000.

ADOPTED this the _____ day of _____, 2011.

CITY OF HIGH POINT

By _____
Rebecca R. Smothers, Mayor

Attested to:

Lisa Vierling, City Clerk



MEMORANDUM

Date: August 10, 2011
To: Strib Boynton, City Manager
From: W. Patrick Pate, Assistant City Manager
Re: Cayenta Utilities Software Implementation Change Order

The City is moving into the final stages of implementing the Cayenta Utilities Software project which was originally selected by ElectiCities for implementation by participating municipalities during the electric deregulation debates. High Point elected to delay the implementation of the software when the deregulation legislation did not materialize but we are now proceeding to schedule the completion of this project during this fiscal year.

The attached change order allocates the remaining funds of \$119,250 that have been budgeted for this implementation to the existing Cayenta contract. There are also hold back funds from the original contract of \$64,072.57 along with expenses of \$30,600 that are shown on this change order that will constitute the total amount of funds that will be due to Cayenta upon a successful completion of this project.

If you would like for us to provide any additional information for Council consideration at this time please let me know.

cc: Tom Spencer, Systems Project Administrator
Bob Martin, Customer Services Director



Subject:	CHANGE ORDER for CITY OF HIGH POINT	
Change Order #: 007	CO # 007 to License Agreement dated September 28 th , 2001	
Author:	Brad Atchison	
	IN WITNESS WHEREOF, the parties hereto have caused this Change Order to be duly executed as of This _____ day of _____, 2011 _____ Brad Atchison, General Manager Cayenta, a Division of N. Harris Computer Corp _____ Strib Boynton City Manager City of High Point, NC	
Revisions:	Author / Details	Date

Reference Wording - This Change Order is made a part of the License Agreement dated September 28th, 2001 between Cayenta, a Division of N. Harris Computer Corp. ("Cayenta") and City of High Point ("Client").

Cayenta shall perform the services and provide the deliverables defined in the following documents: Should any ambiguity, inconsistency, or conflict arise in the interpretation of Change Order #007, the same shall be resolved by reference in sequence to the provisions and representations contained in the documents referenced below

- | |
|---|
| 1. Licence Agreement between Cayenta and The City of High Point - September 28 th 2001 |
|---|

2. Statement of Work Version 3.2 - September 23 rd , 2002
3. Change Order #003 to License Agreement dated September 28, 2001, change order dated April 24, 2008.

These documents help define the scope of this project and will guide its execution.

1. Definitions

Definition/Term Name	Definition/Term Description
Change Control	The process that will be used throughout the project for controlling project scope.
Change Management	The activities, events, processes and procedures that are employed for handling transformation from one system environment to another, this relates mainly to the people and business processes.
Configuration	Process of performing table updates and algorithm changes to the System in order to have the system perform Client's specific user requirements. Configuration does not require programmatic software changes.
Conversion Validation	As a component of the data conversion process to ensure the data from the legacy CIS to the Cayenta CIS has been completed accurately.
Cut-Over	The Cut-Over includes all activities required to prepare the systems for the transition of testing the new Cayenta CIS to production processing with the new Cayenta CIS. The activities will include ensuring security is set, user profile established, close-out of pending data in the legacy system, manual data conversions if required, rollout of system access to end users and other activities Cayenta and Client deem necessary
Functional Requirement Document	Documents that describe in business terms all changes to the software that Cayenta will modify to meet the Client business requirements. These documents will include a definition of the change, screen layouts, report layout, describe searching, sorting, filtering and generally how the change will be accomplished.
Modification	A "Modification" shall be defined as custom code that is inserted into the standard System.
Test Plan	Document that outlines a strategy or approach for testing a particular test script of group test scripts. Describes key set-up issues, dependencies and other general factors.

Primary and Secondary Scenarios	Document that describes the steps and actions required to test a particular feature or function. Cayenta will provide both Primary Scenarios and Secondary Scenarios that cover a sample of all major features of a CIS. It is the Client's responsibility to add additional scenarios or modify the existing samples provided to ensure all business processes are adequately tested.
Priority Assignment Conditions	For each possible priority value, a statement indicating the conditions for assignment is provided: 0: Program Error without work around impacting a large number of tests. For example, client cannot bill accounts, or reminder billing is not functioning. 1: Program Error without work around impacting a small number of tests. For example, inability to calculate penalty for one collection event in a stream. 2: Program Error with work-around. For example, the inability to directly enter meter reads into the manual read entry form was a system error, but could be worked around by clicking the ellipses on the row and entering the read on the displayed form. 3: Issues not related to functional errors. This can include, but is not limited to: • Label changes. • Color changes to fields. • Requests for enhancements. This could include a request for an additional data element on a form, or an entirely new process ▪ Enhancement Management: Requests for changes to the system will begin as a P3. If agreement is reached on (a) the necessity of the enhancement and (b) the funding of the enhancement where applicable, it will be raised to either a P0 or P1 or P2 depending on the impact of the absent functionality.
User Acceptance Test	A final testing phase that will be conducted at the conclusion of all Integration testing. This testing phase will include all components of the project and will be managed and executed by the Client. Cayenta will provide support during this phase.

2. Contractual Changes – Financial Impacts

Document	Section	Impact
Statement of Work	Schedule	Schedule – impact on schedule due to new proposal for a project extension to go live. Refer to appendix C
	Services Budget	Services Budget – Additional proposed fixed price of \$119,250 plus the original remaining contract hold back of \$64,072.57
	Travel and Living	T&L budget – invoiced as incurred for trips as identified - \$30,600
	Payment Plan	Payment Plan – this is to fix the payment plan to the project extension timeline/milestones incorporating the proposed new services budget and remaining contract hold back
	Modifications & Interfaces	This proposal does not include any billable modifications or billable interfaces which for the purposes of this proposal are considered out of scope. All modifications/interfaces identified in the SOW and all Priority 0 and 1 defects in the issues tracking system are included in the proposal, with agreed to Priority 2 defects being delivered no later than 90 days post go live as described below
	Maintenance	Annual Maintenance for 2011 and 2012 identified for Cayenta Utilities and 3 rd Party applications for budgetary purposes Alignment of Annual Maintenance can be made to fall on August 1 st annually

Change Request

The City of High Point and Cayenta entered in to discussions to rationalize options for the Cayenta Utilities implementation project in order to arrive at a revised timeline along with a proposal for new effort and associated services costs:

1. The remaining tasks to be completed successfully
2. Ensure that the Cayenta software is ready for production use
3. The City of High Point's level of preparedness for production use is as complete as possible.



Taking in to consideration all the logistics, Cayenta has proposed a phased approach to the remaining tasks with clearly identifiable deliverables that will enable the City of High Point and Cayenta to look towards a controlled go live. See appendix C for a proposed timeline. Dates will be adjusted as needed and agreed to by both parties in writing to ensure a successful implementation.

Should the agreed to, phased deliverables not be met, then this will engage further change control discussions to outline the reasons for non-compliance from either party and if agreed to, any additional negotiated costs applicable to revising / extending timelines.

Milestones are identified as follows;

1. Milestone 1 –\$29,812 based on achieving the Phased deliverables described below
2. Milestone 2 –\$29,812 based on achieving the Phased deliverables described below
3. Milestone 3 –\$29,026 based on achieving the Phased deliverables described below
4. Milestone 4 –Go Live \$30,672.57
5. Milestone 5 – \$32,000 (part of Hold Back payment) - 45 days post go live
6. Milestone 6 –\$32,000 (part of Hold Back payment) – 90 days post go live

The above Milestones will not be invoiced or paid by the City until the following project deliverables are completed and accepted:

Milestone 1 – delivery of data conversion and review of conversion – A successful conversion is achieved where the data is exported from the City and Cayenta does a review, import and provides an audit report outlining any source data issues for the City’s correction. The City will have two (2) days to review the audit report, make corrections, or accept the audit exceptions. Cayenta will then deliver a functioning data conversion within two (2) days. Any P0/P1 *conversion* specific issues will be corrected by Cayenta within five (5) days. The conversion will address all P0/P1 *conversion* issues in Caystone. Therefore, any P0/P1 *conversion* issues assigned to both the City and Cayenta must be corrected and functioning at conversion delivery by the responsible party. (Subsequent conversions must be provided during milestone 3 where conversion is provided within three (3) days) before sign off and acceptance by the City of High Point).

Milestone 2 – bill to bill comparison, functional tests with controlled activities – This milestone will be considered delivered when bill to bill comparison produces no unexplained variances before sign off and acceptance by the City of High Point

Milestone 3 –integration tests with controlled activities for “simulated daily operations”, delivery of Priority 0 and 1 issues as described below – Success is considered a three (3) day conversion and all P0/P1 issues (including interfaces) must be functioning and successful testing of simulated daily operations before sign off and acceptance by the City of High Point. The City will have 30 days after delivery of converted data to test before providing acceptance. The City and Cayenta will follow a mutually agreed upon process to formally agree upon the classification of P0/P1 issues. Inability to agree upon P0/P1 classification between the City and Cayenta’s project managers will result in escalation to City Executive Management and Cayenta Executive Management (first VP of Services then General Manager).

Milestone 4 – Sign off for Go Live and acceptance by the City of High Point. This milestone will be considered delivered upon a successful three (3) day conversion and go-live in which all P0 and P1 issues identified prior to go-live are delivered and functioning in the City’s production environment. Bills will be produced from the Cayenta system with no unexplained variances.



Milestone 5 – 45 days post go live for delivery of Priority 0 & 1 issues created in the first 45 days of live operations as described below - sign off and acceptance by the City of High Point

Milestone 6 – 90 days post go live for delivery of all Priority 2 issues created prior to Go Live as described below - sign off and acceptance by the City of High Point

1. Cayenta will provide the City with a resolution, work around or a business decision will be agreed to by the City on all P0/P1's within 30 days of the issue being reported with the intention that these issues are validated by Milestone 3
2. All issues in the tracking system with a code of P2 created up to "Go Live" will have a resolution, work around or a business decision will be agreed to by the City within 90 days after go-live, at no additional charge.

The proposed costs are based on a fixed price / fixed effort as identified for this approach and outlined in the High Point Project Schedule spreadsheet attached.as Appendix C

In recognition of this proposal:

1. Cayenta confirms that the Cayenta consultant and Project Manager will be on site as outlined in the High Point Project Schedule spreadsheet and further confirm that they will remain on the project until its completion or they are no longer employed by Cayenta (any Travel & Living expenses will continue to be covered by the City of High Point).
2. Cayenta will schedule offsite working hours to a start time of 7:00am PST in order to reduce the time zone differences
3. Cayenta confirms that the effort costs for Phase 4a (Go Live period) will be inclusive of the existing contractual costs between Cayenta and the City of High Point, being the \$65k contractual hold back (Travel & Living expenses will continue to be covered by the City of High Point) as identified in the SOW.
4. Both Cayenta and the City understand that this project has had several delays in the past and this is basically the final opportunity to move forward toward to a successful go-live. This requires renewed effort on both sides to complete this project on-time with the revised and agreed to go live date. Therefore Cayenta and the City will set a priority on this implementation and issues presented by the City and the Cayenta team. The formal escalation procedures that will be followed are:

City of High Point - There are several steps/people that Cayenta can escalate and issue through; the first is Senior System Analyst, the second is the Customer Service Director currently the third is, Project Manager. If resolution is not achieved at these levels it can be brought to the Steering Committee that is chaired by Assistant City Manager who will make final business decision for the City.

Cayenta -

Escalation points are:

Project Manager

General Manager

5. The City of High Point confirms that it will staff the project in line with the S.O.W. version 3.2 dated September 20, 2002.
 - a. **Project Manager** - The High Point Project Manager should be experienced in the implementation of large software projects. The Project Manager must be capable of initiating appropriate changes to the hardware, software, personnel and processes, if required.
 - b. **Business Analysts / Trainers** - Business Analysts are High Point employees with sufficient experience and authority to fully participate in the design of business rules and the configuration of these systems. Business Analysts are chosen from the principal business areas impacted by the software (one individual may provide support in more than one functional area). Business Analysts are assigned to the project on a full-time basis for all aspects of configuration, testing and Cut-over to production. A Business Analyst should be capable of reviewing and revising business processes. Business Analysts will also provide a key role in providing end-user training. In the case of a Finance representative, this person should be fully conversant in the High Point GL System and Chart of Accounts structure. **System Analyst or IT Support** - High Point should provide IT support for different aspects of the project. Depending on the skill sets available, this support may be provided by one or several people. This person(s) will be responsible for providing the following assistance to the project team:
 - i. Environmental setup support (e.g. Citrix/network connectivity, workstation problems).
 - ii. Hardware issue resolution (printer problems).
 - iii. Will be responsible for all instance management of Cayenta's applications.
 - c. **Database Administrator** - A DBA familiar with the Legacy Database should be assigned to the project to assist in the Data Conversion sub-project. They should be able to provide assistance on the following tasks:
 - i. Should be completely familiar with the clients Legacy system and data architecture
 - ii. Will assist in analyzing all conversion and data related technical issues and strategies with relation to the Legacy system.
 - iii. Will be in constant contact with the Cayenta's Conversion Resource in order to revise all technical issue and strategies and their impact to the conversion.
 - d. **Report Writer / Analyst** - the High Point Report Writers/Analysts are responsible for working with the Business analysts to develop report specifications and write additional custom reports that do not form part of this Statement of Work. Depending on the number of additional custom reports required, it is recommended that 1 to 2 Report

Writer/Analysts be assigned to the report writing project task on a full-time basis for the duration of that task.

- e. **Legacy System Analyst** - The Legacy System Analyst is very familiar with High Point's legacy CIS system and the business processes it supports. This role is especially important for the Data Conversion tasks and this person should be available for key parts of the data conversion tasks:
 - i. Should be completely familiar with the clients Legacy system and the related business processes.
 - ii. Will assist in analyzing all conversion related technical issues and strategies with relation to the Legacy system.
 - iii. Will be in constant contact with Cayenta's Conversion Resource in order to revise all technical issue and strategies and their impact to the conversion.
- f. **Conversion Business Manager** - The Conversion Business Manager is responsible for directing the activities of the conversion team, for making decisions and for resolving issues that affect the conversion process. The Conversion Business Manager should be familiar with High Point's legacy CIS system and the business processes it supports. It is recommended that the Conversion Business Manager be assigned to the project on a part-time basis for the duration of the conversion project. This person should be prepared to provide the following commitment to the project:
 - i. Is a committed individual for the full length of the project
 - ii. Should be completely familiar with the Legacy system and the related business processes.
 - iii. Should attend Cayenta's workshops and understand the complete product functionality.
 - iv. Should participate in analyzing, authorizing and documenting all conversion related business issues and strategies.
 - v. This person should also communicate all related conversion business requirements and decisions to the Implementation Project Team.

The payment table below has been revised to reflect the payments required to cover the City of High Point's share of this proposal - at a fixed price / fixed effort of \$183,322.57 which includes the remaining contract hold back of \$64,072.57 plus Travel and Living expenses estimated at \$30,600

Modifications / Interfaces - other than the agreed to Modifications and Interfaces listed in Appendix "A" of this proposal, any further modifications or interfaces are considered out of scope for the purposes of this Change Order and any work that is considered Out-of-Scope must have a Change Order prepared and signed by authorized signing officers from both High Point and Cayenta before it will be added to the List of Modifications and Interfaces.

These Modifications and Interfaces will also require the same review of Business Requirements and prioritization as "In-Scope" work, before they are added to the List of Modifications and Interfaces. The Change Order shall detail amendments to this Statement of Work and shall include supporting documentation that assesses the impact of the Change Order on:

1. The overall cost of the project.
2. The project schedule including timeline and milestones.
3. The time frame for completion.



4. Any further areas that may be affected by the Change Order.

A Change Order may or may not result in a change to the overall cost of the project or the timeline required. As such, each Change Order will be assessed separately.

The City of High Point recognizes that while every endeavor will be made to not exceed the existing Travel and Living budget, Cayenta will continue to invoice Travel and Living expenses as incurred.

When the system goes live the project will transition into post go-live support as defined in the SOW. Transition to the Cayenta Support Desk will be coordinated 10 days prior to the completion of the transition period (60 days).

Proposed Total Costs - Payment dates to follow timeline. Payments will be made when the milestone is achieved and accepted by the City.

Payment Description as Identified on High Point Project Summary Spreadsheet	Amount
Change Order #007 - Milestone 1 - data conversion and review	\$29,812.00
Change Order #007 - Milestone 2 - Bill to Bill, Functional Tests	\$29,812.00
Change Order #007 - Milestone 3 - data conversion, Integration tests, agreed P0 & P1 issues	\$29,026.00
Change Order #007- Milestone 4 - Sign off for Go Live	\$30,672.57
Change Order #007 - Milestone 5 - 45 days post go live - Part of original hold back	\$32,000.00
Change Order #007 - Milestone 6 - 90 days post go live - Part of original hold back	\$32,000.00
Total Services This amount reflects an incremental \$119,250.00 and the remaining amount has already been encumbered by the City from the existing contract in the amount of \$64,072.57. This does not include travel expenses.	\$183,322.57
Estimated incremental Travel & Living Expenses - actual amount will be billed as incurred	\$30,600.00



MEMORANDUM

Date: August 10, 2011
To: Mayor and City Council
From: W. Patrick Pate, Assistant City Manager
Re: Taxi Cab Insurance Requirements

On August 5, 2004, City Council adopted a revised ordinance regulating the operation of taxi cabs in the City of High Point. Section 11-2-31 of this ordinance establishes conditions for financial responsibility. Section 11-2-31 (a) reads:

Sec. 11-2-31 (a) No person shall allow the operation of a taxicab within the city without complying with North Carolina General Statute 20-280. In addition, no person shall allow the operation of a taxicab within the city unless there is on file with the taxicab inspector a commercial insurance policy, or satisfactory proof of policy, for the taxicab. The policy must maintain minimum commercial liability limits of \$100,000 per person/\$300,000 per accident/\$50,000 property damage.

North Carolina General Statute 20-280 requires that business operating taxicabs within a municipality shall file with the governing board of the municipality proof of financial responsibility. This statute further defines states that "proof of financial responsibility" to mean a certificate of insurance and sets the minimum insurance limits for each taxicab as \$30,000 per person, \$60,000 per accident and \$25,000 for property damage.

Mr. Zubair Ali, from First Class Cabs, has asked for consideration by City Council of reducing the liability amounts required by the City of High Point. The Police Department has looked at this request and does not have concerns with using the statutory minimums for insurance but would like to see the Cab companies use these savings to improve the quality of the vehicles used to provide taxi services.

Attached is a quick survey done by the Budget Office to determine the insurance requirements for other municipalities in North Carolina. Based on the survey three other municipalities are using the same rates as High Point including Winston-Salem and three are using the state minimums including Greensboro.

If you would like for us to provide any additional information for Council consideration at this time please let me know. Representatives from the local taxi companies are also planning to be available to address questions that you might have on this requested ordinance change.

cc: Strib Boynton, City Manager
Jim Fealy, Police Chief

Survey of Minimum Requirements for Taxicab Vehicle Insurance

<u>City</u>	<u>\$ per person</u>	<u>\$ per accident</u>	<u>\$property damage</u>
High Point	\$100,000	\$300,000	\$50,000
Greenville	\$100,000	\$300,000	\$50,000
Winston-Salem	\$100,000	\$300,000	\$50,000
Charlotte*	\$100,000	\$300,000	\$50,000

Charlotte requires companies owners to cover additional which is \$1.0 Mil each occurrence, \$5,000 med exp-one person, \$500,000 combined single limit each accident, \$25,000 uninsured motorist

Rocky Mount	\$50,000	\$100,000	\$25,000
Raleigh	\$30,000	\$60,000	\$25,000 <i>same as General Statutes</i>
Wilmington	\$30,000	\$60,000	\$25,000 <i>same as General Statutes</i>
Greensboro	\$30,000	\$60,000	\$25,000 <i>same as General Statutes</i>

ARTICLE C - Vehicle Specifications and Equipment

Sec. 11-2-30 - Compliance with state law.

Sec. 11-2-31 - Financial responsibility.

Sec. 11-2-32 - Vehicle markings.

Sec. 11-2-33 - General vehicle requirements.

Sec. 11-2-34 - Taximeter.

Sec. 11-2-35 - Display of rate.

Sec. 11-2-36 - Taxicab inspections.

Secs. 11-2-37 through 11-2-45 - reserved.

Sec. 11-2-30 - Compliance with state law.

No taxicab shall be operated in the city unless the vehicle complies with all applicable state statutes regarding vehicle registration, safety and emissions inspections, equipment regulations, and tax laws.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-31 - Financial responsibility.

(a)

No person shall allow the operation of a taxicab within the city without complying with North Carolina General Statute 20-280. In addition, no person shall allow the operation of a taxicab within the city unless there is on file with the taxicab inspector a commercial insurance policy, or satisfactory proof of policy, for the taxicab. The policy must maintain minimum commercial liability limits of \$100,000 per person/\$300,000 per accident/\$50,000 property damage.

(b)

Every driver of a taxicab being operated out of the city shall carry and produce to any requesting law enforcement officer a card listing the current auto insurance company and policy number covering the taxicab. Carrying and producing a state automobile registration card with current and correct insurance information shall be deemed to comply with this subsection.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-32 - Vehicle markings.

(a)

Each certificate holder shall adopt a color and markings scheme for its taxicabs distinct from that of any other certificate holder. The paintings and markings are subject to the approval of the taxicab inspector. All taxicabs operating under one (1) certificate shall be identical in painting and markings. The name of the taxicab company and the taxicab vehicle number must be permanently marked on each side and the rear of the taxicab. The taxicab company's telephone number must be permanently marked on each side of the taxicab. All letters and numbers must be at least two (2) inches in height, sharply

contrasted with the background, clearly visible and placed as directed by the taxicab inspector. No certificate holder may assign a specific vehicle number to more than one (1) taxicab.

(b)

A taxicab may be equipped with, but shall not be required to have, an exterior top/advertisement light of a type approved by the taxicab inspector.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-33 - General vehicle requirements.

(a)

Each taxicab must be clean, operable, and in good repair. The trunk must be clean and empty, except for one (1) spare tire and necessary emergency equipment.

(b)

Each taxicab must have a minimum of three (3) doors, two (2) doors allowing entry to the driver's compartment and at least one (1) door allowing entry to the passenger's compartment. All doors of the taxicab must be operable from an interior and exterior handle.

(c)

All seat safety belts that were originally installed by the vehicle manufacturer shall be accessible and in working order in each taxicab.

(d)

The windshield and windows of each taxicab must be maintained free of cracks, scratches and any material or condition that reduces the clarity of vision of the driver.

(e)

Each taxicab shall have the following appliances or devices in good working order with operable on and off controls, if applicable:

(1)

All manufacturer's front windshield wipers.

(2)

Windshield defroster.

(3)

Passenger compartment heater.

(4)

Air conditioner.

(5)

Interior light, with operable on/off switch independent of the doors.

(6)

Speedometer.

(7)

A two-way radio mounted in the taxi.

(f)

All upholstery covering or interior lining in a taxicab must be substantially free of cuts or tears and ceiling lining may not sag more than one (1) inch.

(g)

All exterior paint and body of a taxicab shall be maintained in good condition, free of substantial rust, dents, scratches, chips and abrasions.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-34 - Taximeter.

Every taxicab shall have installed in it an operable taximeter of a design approved by the taxicab inspector. The taximeter must be inspected by the taxicab inspector prior to use to determine fares. A taximeter shall be in such condition that it is not more than five (5) percent from absolute distance accuracy. All manufacturer's lights on the taximeter shall operate. The taximeter shall be accurate in accordance with the current waiting-time rate and distance rate as set by city council.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-35 - Display of rate.

Every taxicab shall have displayed in or on the taxicab, clearly visible to passengers, the current rates of taxicab service.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Sec. 11-2-36 - Taxicab inspections.

(a)

Before operation of a taxicab, it must have passed an inspection of equipment by the taxicab inspector. The taxicab inspector shall specify a date when the current inspection shall expire and another inspection shall be necessary. A certificate holder shall deliver all of its taxicabs in operation to a location designated by the taxicab inspector at a specified date and time for inspection.

(b)

The taxicab inspector shall have the authority, at any time, to enter into or upon a taxicab at any location for the purpose of determining compliance with this chapter.

(c)

A taxicab which is found to be unsafe in any way or not in compliance with this chapter may be ordered out of service by the taxicab inspector and operation of the taxicab before approval by a taxicab inspector shall be unlawful and subject the certificate holder and any other person allowing the operation of the taxicab to criminal and/or civil penalties.

(d)

A taxicab inspection fee of \$5.00 shall be paid by the owner of the vehicle to the city collections division for each regularly scheduled taxicab inspection and every initial inspection. Receipt of payment shall be presented to the taxicab inspector performing the inspection. Upon a failure to pass an inspection, a reinspection will be performed at no charge. A field inspection initiated by a taxicab inspector, at a time other than regularly scheduled inspections, shall be at no charge. A taxicab that has passed the most recent regularly scheduled inspection that is taken out of service by a taxicab inspector shall be reinspected at no charge.

(Ord. No. 6159/04-56, § 2, 8-5-04)

Secs. 11-2-37 through 11-2-45 - reserved.

AN ORDINANCE AMENDING TITLE 11, ENTITLED “LICENSING AND REGULATION,” CHAPTER 2, ENTITLED “VEHICLES FOR HIRE,” ARTICLES C, *VEHICLE SPECIFICATIONS AND EQUIPMENT*, OF THE CODE OF ORDINANCES, REVISED 1997.

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

SECTION 1. That Title 11, Chapter 2, Article C be amended as follows:

SECTION 2. Sec. 11-2-31. Financial responsibility

(a) No person shall allow the operation of a taxicab within the city without complying with North Carolina General Statute 20-280. In addition to this compliance, no person shall allow the operation of a taxicab within the city unless there is on file with the taxicab inspector a commercial insurance policy, or satisfactory proof of policy, for the taxicab. This policy shall remain in full force and effect during the operation of the taxicab. The policy must maintain minimum commercial liability limits of **\$50,000 per person/\$150,000 per accident/\$50,000 property damage.**

SECTION 3. Should any section or subsection of this chapter be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. This ordinance shall become effective upon its passage.

Adopted this 15th day of August, 2011

Lisa B. Vierling, City Clerk