

City of High Point

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

Meeting Agenda

Monday, July 20, 2009

4:45:00 PM

Council Chambers

Committee of the Whole

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

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

Committee Members - Bencini, Douglas, Alexander

090177 Contract - Bid No. 60 - Recycling Carts

Approval of contract awarding Bid No. 60 for the purchase of 36,000 95-gallon Recycling Carts for the 2009-10 fiscal year. Purchasing and Public Services recommend that contract be awarded to Rehrig Pacific company in the amount of \$1,377,000.00 which is the lowest responsible and responsive bidder meeting specifications.

090178 Contract - Bid No. 59 - Northwest Water System Improvements

Approval of contract awarding Bid No. 59 for the Northwest Water System Improvements. Purchasing and Public Services recommends that contract be awarded to Davis Grading, Inc. in the amount of \$1,669,309.75 which is the lowest responsible and responsive bidder meeting specifications.

090179 Contract - "Piggyback" City of Greensboro - Side Loading Refuse Trucks

Approval of contract awarding Piggyback bid with the City of Greensboro for the purchase of four (4) side loading Refuse Trucks. Purchasing, Public Services and Fleet Services recommends that contract be awarded to Amick Equipment Company, Inc. in the amount of \$907,364.00 which is the lowest responsive and responsible bidder meeting specifications.

090180 Contract - Used Equipment Purchase - Side Loading Refuse Trucks

Approval of contract awarding used equipment purchase for the purchase of 2 side loading refuse trucks. Purchasing, Public Services and Fleet Services recommends that contract be awarded to Amick Equipment Company, Inc. in the amount of \$367,916.00 which is the lowest responsive and responsible bidder meeting specifications.

090181 Resolution - City Reimbursement - New Refuse Collection Equipment

Council is requested to adopt a resolution authorizing that the City may reimburse itself for expenditures associated with the new refuse collection equipment purchase from lease-purchase proceeds issued by the City in the near future.

090182 Contract Amendment - Regional Site Solutions - Kivett Drive Gateway Project

Council is requested to approve a contract amendment with Regional Site Solutions in the amount of \$295,105.00 to complete the Kivett Drive Gateway Project.

Pending Items**090050****Revised Economic Incentive Policy**

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

3/5/2009

Committee of the Whole referred

Committee of the Whole

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Committee Members - Douglas, Pugh, Alexander

Pending Items**090110****Ordinance - Demolition of Structure - 618 Cable Street**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of structure located at 618 Cable Street belonging to Teresa A. Thomas.

5/18/2009

Committee of the Whole postponed

Public Safety Committee

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

Committee Members - Blakeney, Faircloth, Whitley, Alexander

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members - Blakeney, Pugh, Sims, Faircloth

090172**Minor Amendment to Conditional Use Permit 00-40 - High Point Deliverance Center**

A request by High Point Deliverance Center for a minor amendment to Condition II. pertaining to number of access points and installation of sidewalks. The site lying on the east side of James Road, approximately 250 feet south of the intersection of Oakview Road.

090183**Appointments to Boards and Commissions**

Consideration of appointments to Boards and Commissions.

PUBLIC HEARINGS ON ITEMS**Planning & Development Committee - Council Member Bencini, Chair**

090173**Ordinance - Text Amendment 09-06 - City of High Point**

A request by the City Council Planning & Development Committee to amend Sections 9-3-12(b); 9-3-15(b) and 9-9-6(i) of the Development Ordinance pertaining to prohibiting the filing of Map Amendment, Special Use Permit, or Text Amendment applications if an Appeal has been filed with the Board of Adjustment for that given property or applicant.

090174**Ordinance - Text Amendment 09-07 - City of High Point**

A request by the City Council Planning & Development Committee to amend Sections 9-2-1; 9-2-2(a); 9-4-13(b) and 9-5-1 of the Development Ordinance pertaining to the regulation of membrane structures.

090175**Resolution - Street Abandonment 09-14 - City of High Point**

A request by the Technical Review Committee to abandon an unnamed alley, lying approximately 425 feet east of Hurdoover Street between Edgedale Drive and Hillcrest Drive, with a small portion of the alley located north of Hillcrest Drive.

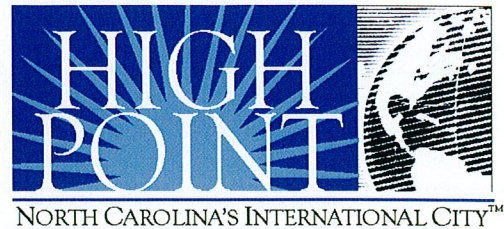
090176**Resolution - Street Abandonment 09-15 - City of High Point**

A request by the Technical Review Committee to abandon an unimproved portion of Chiquola Avenue, lying east of Hurdoover Street between Edgedale Drive and W. Farriss Avenue.

ADJOURNMENT

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: July 13, 2009
TO: Pat Pate, Assistant City Manager
W. Chris Thompson, PE, Director of Public Services
FROM: Richard D. McMillan, P.E., Asst. Director of Public Services
SUBJECT: Agenda Item – Recycle Cart Bid Recommendation

A handwritten signature in blue ink that reads "Richard D. McMillan".

I respectfully request that the following be included for consideration on the next City Council Agenda:

Consideration and approval for the awarding of a bid for 36,000 95-gal Recycling Carts to the Rehrig Pacific Company in the amount of \$1,377,000.00 (\$38.25/cart).

These carts are required for the automation of the recycling collection program. As these carts are received (Fall 2009), they will be delivered to residents. The department expects all carts to be received and delivered by Spring 2010. Once all carts are delivered and the one-arm trucks for collection are received, the collection routes will be serviced once every two weeks.

The carts include a color in-mold label (IML) which will be molded into the lid of the carts and provide educational information on what items are acceptable and not acceptable to place in the cart.

Staff is recommending not purchasing the options of radio-frequency identification tags (RFID tags) and hand-held scanners at this time.

Funding for this payment will be made from the following account:

DAE Account: 101712-526104 Expendable Tools and Equipment

If you have any questions, please contact me.

pc: Bob Martin, Purchasing Director
Patty Sykes, Purchasing
Leonard Barham, Environmental Services Superintendent
File

BID INFORMATION AND RECOMMENDATION**BID #** 60-062309**DATE OPENED:** May 28, 2009**DESCRIPTION:** Recycle Carts-95 Gallon**BID PACKAGES DISTRIBUTED:** 13**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 101712-526104**BUDGETED AMOUNT:** \$1,500,000.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
36,000	Recycling Carts	\$38.25	\$1,377,000.00

PURPOSE: This contract provides for the purchase of 36,000 95-Gallon Recycling Carts for the 2009-2010 fiscal year. These carts will be distributed to each household in High Point for the purpose of recycling collection. These carts are required for the automation of the recycling collection program.

COMMENTS: This bid utilized an internet reverse auction process using Bid Bridge, LLC as facilitator. The role of Bid Bridge is to provide the auction software, reach a potentially larger network of suppliers, educate the suppliers, conduct the auction and summarize the event. Fees for their service are paid by the winning vendor. Thirteen vendors were invited to participate in this event and responses were received from five vendors who agreed to participate. The five participating vendors submitted a total of forty-five bids during the thirty minute auction event. For your information, a summary report from Bid Bridge is attached.

BID TABULATION

VENDOR	PRICE PER CART	TOTAL COST FOR 36,000 UNITS
The Rehrig Pacific Company	\$ 38.25	\$ 1,377,000.00
Otto Environmental Systems (NC), LLC	38.88	1,399,680.00
Schaefer Systems International LLC	41.55	1,495,800.00
Cascade Engineering	43.25	1,557,000.00
Toter Incorporated	44.95	1,618,200.00

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **95-GALLON RECYCLE CARTS** be awarded to **THE REHRIG PACIFIC COMPANY**, the lowest responsible and responsive bidder meeting specifications, in the amount of \$1,377,000.00

DATE OF RECOMMENDATION: July 13, 2009


Strib Boynton, CITY MANAGER



Event Summary Report

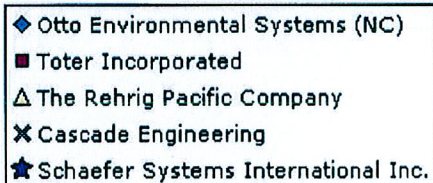
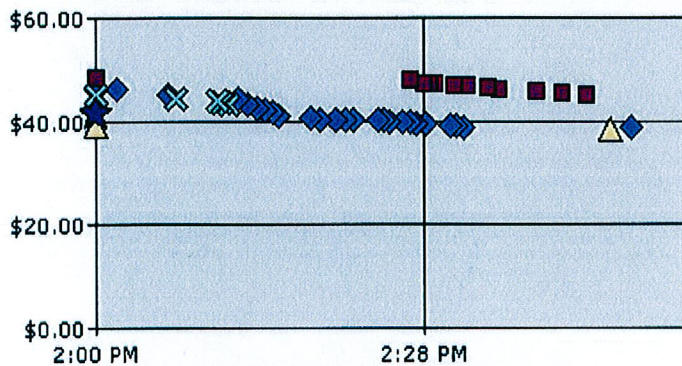
Recycle Carts - 95 Gallon

Started: 6/23/2009 2:00 PM
 Ended: 6/23/2009 2:52 PM

Recycle Carts - 95 Gallon

Recycling Container, Cost per Each per Specifications

Rank	Bidder	Initial Bid	Final Bid	# of Bids
1	The Rehrig Pacific Company	\$39.00	\$38.25	2
2	Otto Environmental Systems (NC), LLC	\$46.35	\$38.88	25
3	Schaefer Systems International Inc.	\$41.55	\$41.55	1
4	Cascade Engineering	\$45.00	\$43.25	5
5	Toter Incorporated	\$48.45	\$44.95	12



Number of Bids	45
1st Place TurnOvers	2
Est. Bid Ceiling	n/a
Est. Bid Decrement	\$0.05
Avg. Bid Decrement	\$0.36
Avg. Time Between Bids	1mins 16secs
High-Low Spread % 1st-2nd:	1.62 %
High-Low Spread % Total:	14.91 %
Extension Count:	31

Overall Cost for 36,000 Units

Rank	Bidder	Initial Bid	Final Bid	# of Bids
1	The Rehrig Pacific Company	\$1,404,000.00	\$1,377,000.00	2
2	Otto Environmental Systems (NC), LLC	\$1,668,600.00	\$1,399,680.00	25
3	Schaefer Systems International Inc.	\$1,495,800.00	\$1,495,800.00	1
4	Cascade Engineering	\$1,620,000.00	\$1,557,000.00	5
5	Toter Incorporated	\$1,744,200.00	\$1,618,200.00	12

Number of Bids	45
1st Place TurnOvers	2
Est. Bid Ceiling	n/a
Est. Bid Decrement	n/a

**RESOLUTION OF THE CITY COUNCIL OF CITY OF HIGH POINT, NORTH
CAROLINA DETERMINING ITS INTENT TO REIMBURSE ITSELF FOR CERTAIN
CAPITAL EXPENDITURES.**

WHEREAS, the City of High Point, NC (the "Borrower") has made certain capital expenditures and obligations in connection with the acquisition of certain refuse collection equipment, including the purchase of used refuse trucks and mobile toters, (the "Equipment"), prior to the date of this Resolution, and the Borrower expects to make additional capital expenditures in connection with the acquisition of the Equipment in the future.

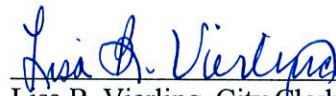
RESOLVED, that the Borrower intends to reimburse itself for all or a portion of such expenditures, to the extent permitted by law, with the proceeds of lease obligations issued by a political subdivision or other governmental entity for the benefit of the Borrower (the "Obligations").

FURTHER RESOLVED, that the maximum principal amount of Obligations expected to be issued for the Equipment is \$ 3,500,000.

* * * * *

The undersigned hereby certifies that the foregoing Resolution was duly adopted by the City Council of the City of High Point, NC ("Borrower") on July 20, 2009.





Lisa B. Vierling, City Clerk

DEPARTMENT OF PLANNING AND DEVELOPMENT
Inspection Services

MEMO

To: Strib Boynton, City Manager
From: Katherine W. Bossi, Local Codes Enforcement Supervisor
Subject: Pending Items: 618 Cable Street
Date: July 20, 2009

At the May 18, 2009 City Council meeting, the owner, Teresa Ann Thomas, was granted a 30-day extension. Ms Thomas appeared before Council again at the June 15, 2009 meeting requesting additional time to complete repairs. City Council granted another 30-day extension to Ms. Thomas which has expired. During this 30-day time extension, there has not been substantial progress. There are still major outstanding repairs such as electrical and mechanical. Even with the repairs Ms. Thomas has made, the estimate for the remaining repairs still exceeds 50% of the Guilford County tax value of \$8600.00.

It is still our recommendation for Council to adopt an ordinance to Demolish based on the number and estimated cost of the remaining violations.

Cc: Lee Burnette, Director of Planning and Development
Councilman John Faircloth

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

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

**STAFF REPORT
MINOR AMENDMENT TO CONDITIONAL USE PERMIT 00-40
July 20, 2009**

Request	
Applicant: Miracle of Faith Temple of Deliverance, Inc.	Owner: High Point Deliverance Center
Proposal: To revise conditions pertaining to number of access points and installation of sidewalks.	

Site Information	
Location:	The site lying along the east side of James Road, approximately 250 feet south of the intersection of Oakview Road.
Tax Parcel Numbers:	337-1-8 (Guilford County)
Site Acreage:	Approximately 2.6 acres
Current Land Use:	There is an existing vacant structure (former daycare center) upon the site. This existing structure consists of a two story building with a total gross floor area of 7,200 square feet.

Details of Proposal

The applicant, Miracle of Faith Temple of Deliverance, Inc., is in the process of purchasing the property and is proposing to establish a church use upon the site. The applicant is proposing to renovate the existing structure, which was used as a daycare center and use the current layout of the site which consists of a two story building, parking lot and two access points.

The Conditional Use Permit limits the site to one point of access and requires installation of sidewalks along the entire site frontage. The applicant is requesting to amend the permit to allow use of the site as it currently exists with its two existing access points to James Road and to not be required to install sidewalks except as would normally be required by the Development Ordinance.

Analysis

The Development Ordinance states that amendments to the conditions of a Conditional Use Permit which will result in equal or better performance and which do not alter the objectives and purposes of the requirements and conditions of the Conditional Use Permit shall be considered minor amendments. The City Council may approve minor amendments without a recommendation from the Planning and Zoning Commission and without a public hearing. In granting minor amendments, the City Council may require such conditions as will secure the objectives of those requirements or conditions amended.

In March 2000, an application to rezone the site from Residential Single Family-12 (RS-12) and Neighborhood Business (NB) Districts to its current Conditional Use Residential Multifamily-8 (CU RM-8) District was approved. The approved conditional use permit restricted the use of the

site to only allow a townhome development with a maximum of 18 units. Since only townhomes were permitted, the City Council at that time wanted to insure that there would not be multiple access points to James Road from each unit and that sidewalks would be installed due to the proximity of the site to Oakview Elementary School. Thus, the permit included a condition limiting the site to one access point, based upon a non-binding site plan presented during the public hearing, and a condition to insure sidewalks would be installed at the time of development as the current sidewalk installation standards of the development ordinance did not exist at that time.

The developer for the townhome project elected not to pursue that project and the current owner purchased the site in 2002 to establish a church use upon the site. Since only townhouses were permitted a Major Amendment application was submitted and approved in December 2001 to expand the allowable uses to any of the uses permitted in the RM-8 District, which would include a church. The owner never established a church on the site

In June 2009 the current applicant, a different church, submitted this Minor Amendment application as they are proposing to establish a church use upon the site using the current layout. They have submitted this minor amendment request to:

1. Allow two access point from James Road;
2. Installation of sidewalks would only be required if the criteria established in the Development Ordinance are triggered; and
3. Still require limited access and sidewalk installation for townhome use.

The Planning & Development Department and Transportation Department staff has reviewed the applicant's request and have identified no issues. Staff finds that the request is limited in scope and meets criteria to be considered a minor amendment.

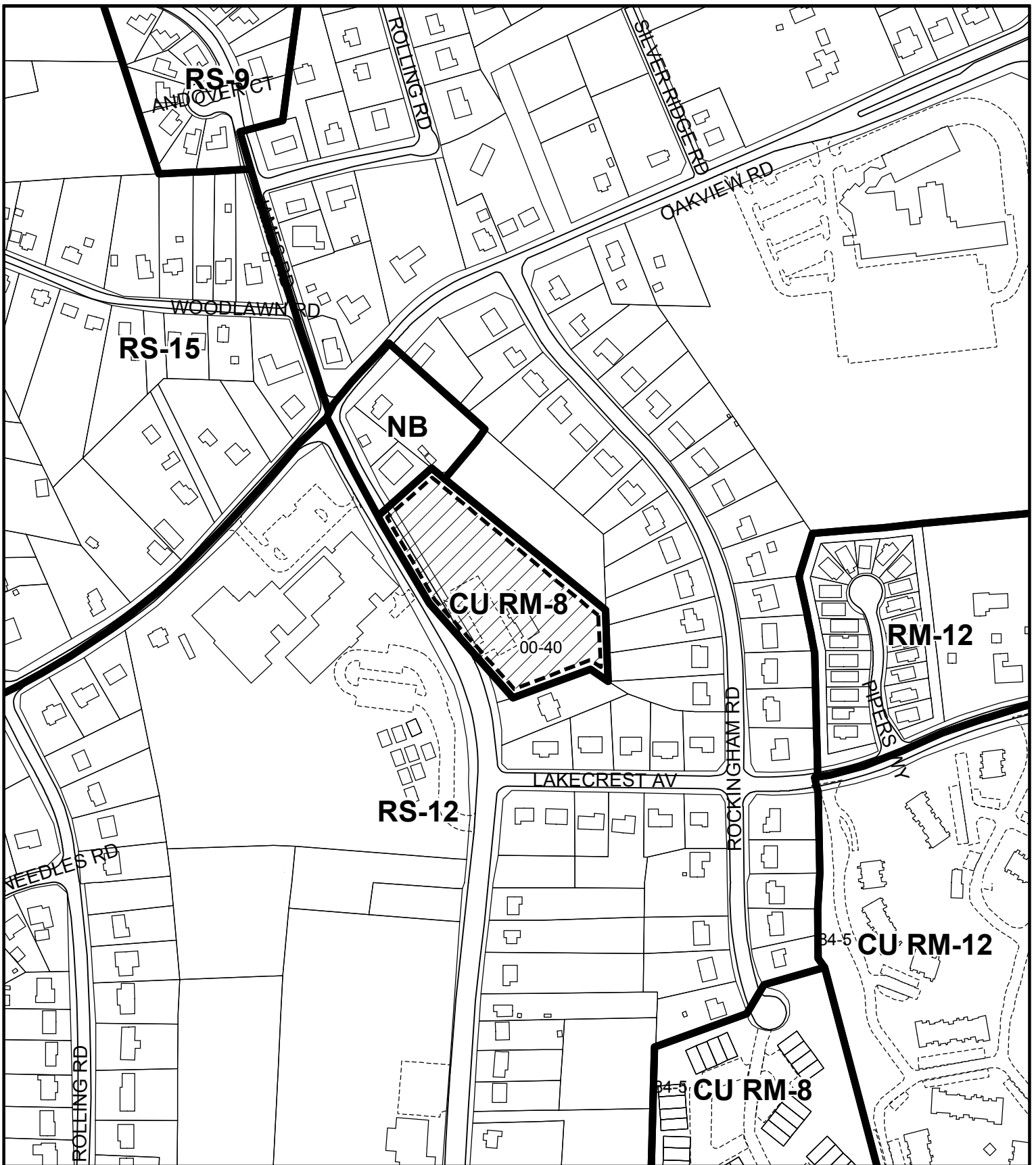
Recommendation

Staff Recommends Approval

The proposed amendment addresses the initial intent of City Council, when the site was zoned to the CU RM-8 District, as it related to townhouse development. Also, the allowance of a church or other allowable CU RM-8 District uses to have two access points and to rely upon criteria of the Development Ordinance as to when sidewalks are to be installed does not change the intent of the original zoning approval. Staff recommends approval of the request.

Report Preparation

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



MINOR AMENDMENT CUP00-40

(July 2009)

Request to amend vehicular access and sidewalks

Existing Zoning Boundary

Subject Property Boundary



**Planning & Development
Department**

City of High Point

Date: July 8, 2009



Scale: 1"=300'

y:/ba-pz/2009/pz/ma00-40.mxd

APPLICATION FOR A CONDITIONAL USE PERMIT
CITY OF HIGH POINT, NORTH CAROLINA
Conditional Use residential Multifamily-8 (CU RM-8) District

March 15, 2000
(Adopted)

February 7, 2002.
(Major Amendment)

July 20, 2009.
(Minor Amendment)

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

The undersigned hereby respectfully request that the High Point City Council, pursuant to Title 9, Chapter 3 of the City Code, grant a Conditional Use Permit for the following use(s), subject to the following conditions:

I. USES:

Any of the land uses allowed in the Residential Multifamily-8 (RM-8) District shall be permitted subject to the development and dimensional requirements of the Development Ordinance and the specific conditions listed in this Permit.

II. CONDITIONS:

A. Prohibited Uses: Multifamily dwellings and two family dwellings (twin homes or duplexes) shall be prohibited.

B. Transportation:

1. The rezoning site may have ~~one (1)~~ **two (2)** point of access onto James Road, **except as noted in Condition C.3 below.**
- ~~2. The property owner shall be required to install sidewalks along the entire James Road frontage of the rezoning site.~~
- 2.3.** The City of High Point Director of Transportation shall approve the exact location and design of all access points.
- ~~4. The City of High Point Director of Transportation shall approve all construction and improvements.~~

C. Townhouse Development: If the property is used for townhouse dwellings, then the following **additional** conditions shall apply.

1. The on-site structure shall be demolished prior to development.
2. Density - A maximum of 18 townhouse dwelling units shall be permitted.
3. **Parking, Vehicular & Pedestrian Access:**
 - a. Parking shall be permitted in the front and rear of the dwelling units. A maximum of 21 parking spaces shall be permitted in the front of the dwelling units (area between the structures and James Road right-of-way).
 - b. Access to any dwelling unit's vehicular garage shall be from the rear of the dwelling unit.
 - c. **Only one (1) point of vehicular access shall be permitted to James Road.**

- d. **The property owner shall be required to install sidewalks along the entire James Road frontage of the rezoning site.**
4. **Building Setback** - The maximum front or street yard setback of all structures shall not be greater than 90 feet from the James Road right of way line.
5. **Landscaping:**
 - a. A minimum twelve (12) foot wide Type C Yard, planted at the Type B yard rate, shall be provided along the northern one hundred sixty (160) feet of the eastern boundary of the rezoning site.
 - b. The remaining length of the eastern boundary of the rezoning site (area south of the northern one hundred sixty (160) feet) shall meet the following requirements:
 - i. Minimum thirty (30) foot wide Type B yard;
 - ii. All existing trees in this planting yard shall be preserved and the planting yard shall be supplemented, where necessary, to meet the Type B planting yard rate requirements;
 - iii. No development, structures, grading, etc. shall be permitted in this area.
 - c. A minimum thirty (30) foot wide Type B Yard shall be provided along the entire length of the southern boundary of the rezoning site. All existing trees in this planting yard shall be preserved and the planting yard shall be supplemented, where necessary, to meet the Type B planting yard rate requirements.
 - d. In addition to meeting the parking lot landscaping requirements of the Development Ordinance, all parking areas on the rezoning site shall be designed so that no parking space is more than fifty (50) feet from a canopy tree.
6. **Architectural Design Features:**
 - a. A maximum of six (6) dwelling units per building shall be permitted.
 - b. Any new structure on the property must contain a character; nature and appearance compatible with the surrounding single family detach dwelling subdivision. At a minimum, all dwelling units on the rezoning site shall contain the following features.
 - i. Maximum two-story height as viewed from the James Road frontage of the rezoning site and a maximum three story height as viewed from the rear of the rezoning site.
 - ii. Pitched roof.
 - iii. The front façades of dwelling units in each structure shall be required to be off-set a minimum of five (5) feet from abutting units in order to allow each dwelling unit to be individually distinguished.
7. **Stormwater Management:** An on-site engineered stormwater control device shall be provided.

DESCRIPTION OF PROPERTY: Being a total of one (1) lot totaling approximately 2.66 acres lying on the east side of James Road, approximately 250-feet south of the intersection of Oakview Road and is known as Guilford County Tax Parcel(s) 337-1-8.

An application has been duly filed requesting that the property involved in this application be rezoned from the Residential Single Family-12 (RS-12) District to a Conditional Use Residential Multifamily-8 (CU RM-8) District. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the use(s) authorized and the conditions imposed, unless subsequently changed or amended as provided for a Title 9, Chapter 3, of the City Code.

It is further understood and acknowledged that plans for any development to be made pursuant to any such Conditional Use Permit so authorized shall be submitted to the Technical Review Committee and/or other such approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.



July 2, 2009

To: Lee Burnette, Director of Planning and Development

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

Subject: **Minor Amendment Rez. Case 00-40**, Creative Center for Children, Inc. Property is located at the eastside of James Road, approximately 220 feet south of the intersection of Oakview Road and James Road.

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 (2) points of access shall be allowed to James Road.

The City of High Point Transportation Director shall approve all construction and improvements.

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

**RESOLUTION OF THE CITY COUNCIL OF CITY OF HIGH POINT, NORTH
CAROLINA DETERMINING ITS INTENT TO REIMBURSE ITSELF FOR CERTAIN
CAPITAL EXPENDITURES.**

WHEREAS, the City of High Point, NC (the "Borrower") has made certain capital expenditures and obligations in connection with the acquisition of certain refuse collection equipment, including the purchase of used refuse trucks and mobile toters, (the "Equipment"), prior to the date of this Resolution, and the Borrower expects to make additional capital expenditures in connection with the acquisition of the Equipment in the future.

RESOLVED, that the Borrower intends to reimburse itself for all or a portion of such expenditures, to the extent permitted by law, with the proceeds of lease obligations issued by a political subdivision or other governmental entity for the benefit of the Borrower (the "Obligations").

FURTHER RESOLVED, that the maximum principal amount of Obligations expected to be issued for the Equipment is \$ 3,500,000.

* * * * *

The undersigned hereby certifies that the foregoing Resolution was duly adopted by the City Council of the City of High Point, NC ("Borrower") on July _____, 2009.

Lisa B. Vierling, City Clerk

BID INFORMATION AND RECOMMENDATION

BID # "Piggyback" City of Greensboro, NC

DATE OPENED: 02/10/09

DESCRIPTION: Side Loading Refuse Trucks

BID PACKAGES DISTRIBUTED: 44

DEPARTMENT: Environmental Services Department

SOURCE OF FUNDS: 101712-532203

AMOUNT BUDGETED: \$1,750,000.

QUANTITY/DESCRIPTION	UNIT PRICE	TOTAL
4 ea. Side Loading Refuse Trucks	\$226,841.00	\$907,364.00

PURPOSE: Purchase of four side-loading refuse trucks for Environmental Services Division.

COMMENTS: On February 10, 2009, the City of Greensboro, NC opened a formal bid for the purchase of 3 side loading refuse trucks. The bid was awarded to Amick Equipment Company, the second low bidder. The City of Greensboro approved the award on April 14, 2009. The City of High Point is allowed by G.S. 143-129(g) to piggyback on this formal bid.

The low bidder, Lodal South, did not meet specifications.

The City of Greensboro received three bids:

VENDOR	PRICE EACH	TOTAL
Lodal South, Inc. 2207 Fyetteville Rd. Rockingham, NC 28379	\$216,614.00	\$866,456.00
Amick Equipment Company 181 Ashbrook Road Statesville, NC 28677	\$226,841.00	\$907,364.00
Volvo & GMC Truck Center 3880 I-85 North Charlotte NC 28256	\$227,285.35	\$909,141.40

The **PURCHASING DEPARTMENT, PUBLIC SERVICES DEPARTMENT and FLEET SERVICES DEPARTMENT** recommend that the contract for **SIDE LOADING REFUSE TRUCKS** be awarded to **AMICK EQUIPMENT COMPANY, INC.**, the lowest responsive and responsible bidder meeting specifications, in the amount of **\$907,364.00**,

DATE OF RECOMMENDATION: July 13, 2009



Strib Boynton, CITY MANAGER

Engineering Services Department

B. Keith Pugh, P.E.

DIRECTOR



Date: July 14, 2009

To: Pat Pate, Assistant City Manager

From: Keith Pugh, Engineering Services

Re: City Council Agenda Item – Kivett Drive Gateway – West Kivett Drive – Blain Street – North College Drive - James Road Sidewalk Improvements – Contract Amendment #17 - City Contract ENG-2007-03

On Thursday, May 3, 2007 the City of High Point received bids for Contract ENG-2007-03, Kivett Drive Gateway – West Kivett Drive – Blain Street – North College Drive - James Road Concrete Sidewalk Improvements. We received four bids. City Council awarded the work to Regional Site Solutions at the bid amount of \$996,749.

The contract work consisted of new concrete sidewalk construction and miscellaneous roadway improvements in various locations throughout the city. The Contract contains an extension clause which allows additional work up to 100% beyond the original contract amount. To date, 16 contract amendments have resulted in numerous additional projects being constructed under this contract at an additional cost of \$693,754.31. The current contract value is \$1,690,503.31.

Transportation has requested we amend this contract in order to construct intersection improvements along Kivett Drive in order to finish the proposed 2004 Bond improvements on this project. These improvements were originally conceived during the design development for the Kivett Drive Gateway but were subsequently removed prior to bidding due to budget concerns. The Contractor will provide mobilization, traffic control, 4' perimeter milling and disposal of material, manhole and valve adjustments, 1 ½" asphalt overlay, stamped brick "STREETPRINT" crosswalks, thermoplastic lane markings and clean up at the following locations:

1. Kivett Drive at Centennial Street
2. Kivett Drive at College Drive
3. Kivett Drive at Hoskins Street
4. Kivett Drive at Brentwood Street
5. Hoskins Street - Kivett Drive to railroad
6. Beach Street (crosswalks only)
7. Meredith Street (crosswalks only)
8. Woodberry Street (crosswalks only)
9. Hay Street (crosswalks only)

Engineering Services Department

PAGE 2 OF 2

SIDEWALK CONTRACT AMENDMENT

Transportation and Engineering Services recommend City Council approve the contract amendment (Change Order #17) with Regional Site Solutions in the amount of \$295,105. This will bring the total contract amount to \$1,985,608.31.

Funding is available in: 411610-527105-411001007220-40205 \$ 295,105.00 (2004 GO Bond Kivett)

/bkip

Cc: Mr. Jeff Moore, Finance Director
Mr. Bob Martin, Purchasing Division
Mr. Leon Adams, Adams and Clark Enterprises, Inc.
Mr. Mark McDonald, Transportation Director

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

**ORDINANCE
REQUEST:** Ordinance to Demolish

**PROPERTY
ADDRESS:** 618 Cable Street

OWNER: Teresa A. Thomas

**FIRST
INSPECTION:** Number of Violations: Unsafe 3_Minor 44
12-16-2008 *No heat
*No smoke detectors
*Rear exit – staircase very unstable

**HEARING
RESULTS:** Dwelling substandard; owner did not appear for hearing
1-7-2009

**ORDER(S)
ISSUED:** Order to Repair or Demolish (90-day)
1-7-2009 compliance date of 4-21-2009

APPEALS: None

**OWNER
ACTIONS:** Removed debris under the dwelling

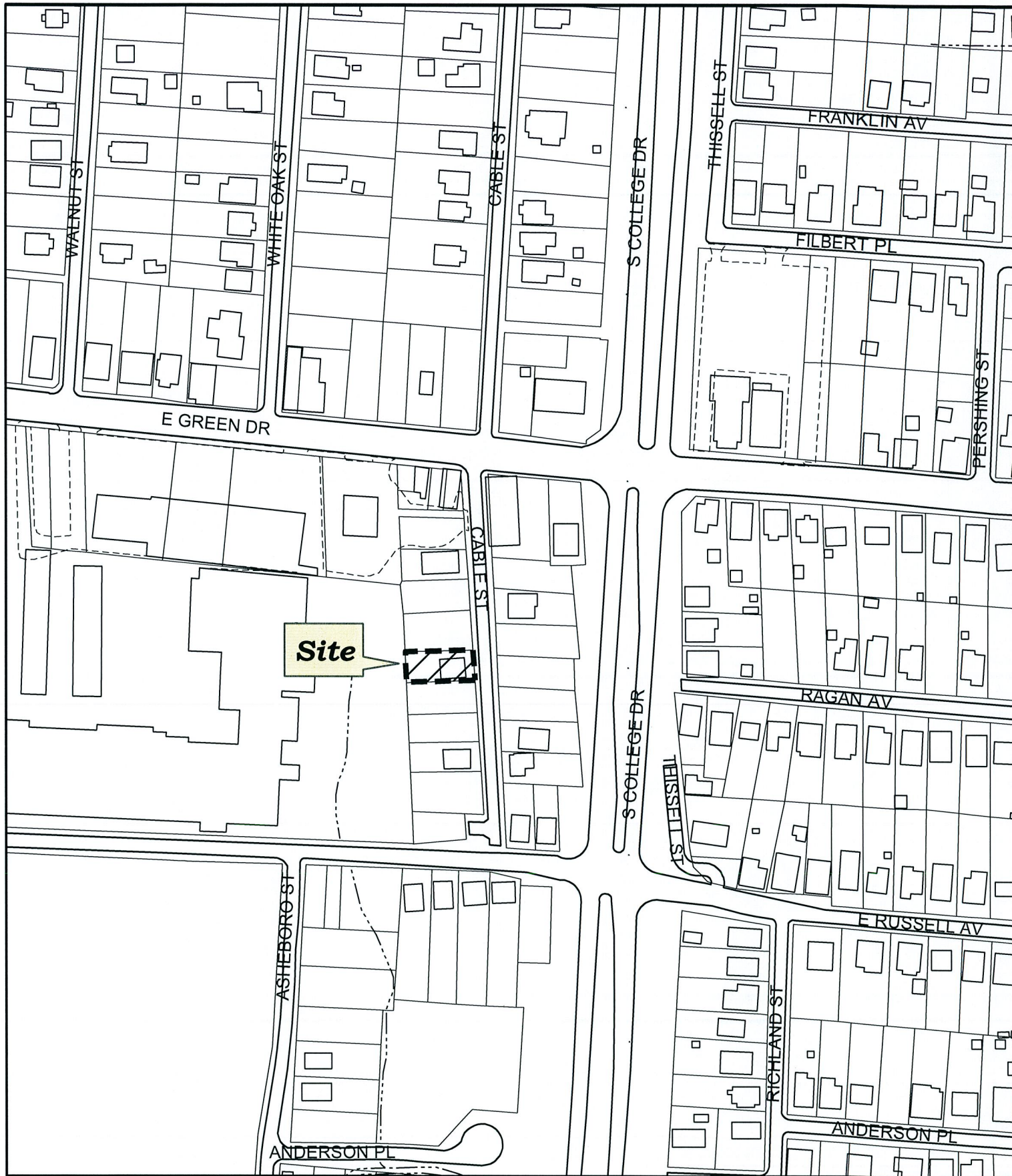
**STATUS OF
CLOSED DWELLINGS:** Vacant, no permits or substantial repairs
5-8-2009

**COMPLIANCE
DATE STATUS:** Conditions still exist
4-21-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$8600
Estimated Repairs \$17,475

**This case was originally started on 3-21-2007. The owner was not able to attend any hearings or City Council meetings. The owner's son appeared before Council and requested an extension due to the fact his mother, Teresa Thomas was not able to attend. On 4-7-2008, Council adopted a lesser order, an Order to Vacate.



618 Cable Street

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: May 11, 2009



Scale: 1"=200'

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ord-demo.mxd



618 Cable Street



618 Cable Street



MEMORANDUM

Date: July 13, 2009

To: Pat Pate, Assistant City Manager

From: Terry Houk, Assistant Director of Public Services (T.H.)

Re: Agenda Item

I respectfully request that the following be included for consideration on the next Council Agenda:

Acceptance of the low bid submitted by Davis Grading, Inc. for Northwest Water System Improvements

This project is to install a finished water transmission line from Sandy Ridge Rd. to serve areas located along Bame Rd., Adkins Rd., Boylston Rd., Macy Grove Rd., and Bunker Hill Rd. in the Northwest service area.

Public Services is recommending the bid be accepted for:

Northwest Water System Improvements	\$1,669,309.75
-------------------------------------	----------------

Funding for this project will come from: 421779-533701-421001020705-40201

Cc: Chris Thompson
Jeff Moore
Bob Martin
Patty Sykes
File



DAVIS-MARTIN-POWELL & ASSOCIATES, INC.

ENGINEERING • LAND PLANNING • SURVEYING

6415 Old Plank Road, High Point, NC 27265

(336) 886-4821 • Fax (336) 886-4458 • www.dmp-inc.com

July 6, 2009

Re: City of High Point, NC
Northwest Water System Improvements
Bid No. 59-063009
DMP Project E-3927 Water (AL)

Mr. Chris Thompson, PE
Director of Public Services
City of High Point
PO Box 230
High Point, NC 27261

Dear Chris:

The City of High Point received bids for the City's Northwest Water System Improvements Project at 2:00 pm June 30, 2009. A total of eighteen (18) bids were received, opened and read aloud.

After further evaluation of bids received and based on information submitted to the City by Davis Grading, Inc., their low bid submitted on June 30, 2009 has been deemed acceptable. Davis Grading, Inc. is an experienced contractor and is properly licensed by the State of North Carolina to perform utility construction projects. Davis Grading has also submitted M/WBE Subcontracting Good Faith Efforts and their Statement of Qualifications to undertake this work. Copies of M/WBE Efforts and Qualifications are enclosed. We recommend that the City of High Point award a contract to Davis Grading, Inc., in the amount of \$1,669,309.75 for this project.

We would further provide an overall project budget summary as follows:

Construction Cost Per Base Bid	\$1,669,309.75
Engineering Design	\$195,000.00
Construction Technical Services	\$140,000.00
Easement Mapping & Surveys	\$30,000.00
Construction Contingencies, Easement Acquisitions, etc.	<u>\$265,690.25</u>
Recommended Project Budget	\$2,300,000.00

Construction Contingencies, Easement Acquisitions, etc., are budgeted at approximately 15% of construction due to unknown costs that may be associated with easement compensation. Construction related technical services are based upon the inspection intensity anticipated for this project. Upon City Council approval, we will supply the construction documents and schedule a pre-construction conference. We will also return the original bid documents to Purchasing.

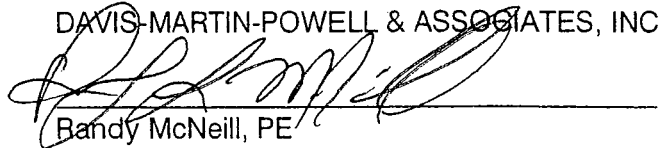
Our letter pertaining to an Engineering Services Amendment to add Construction Related Services in this project is also enclosed.

We greatly appreciate the opportunity to provide these services for you and the City and look forward to this project's timely and satisfactory completion.

If you have questions or need additional information, please let us know.

Sincerely,

DAVIS-MARTIN-POWELL & ASSOCIATES, INC.



Randy McNeill, PE

CP/dd
C: ~~C~~erry Houk
Greg Hall
Bob Martin
Robert Davis
File

BID INFORMATION AND RECOMMENDATION**BID #** 59-063009**DATE OPENED:** June 30, 2009**DESCRIPTION:** Northwest Water System Improvements**BID PACKAGES DISTRIBUTED:** 26**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 421779-533701-421001020705-40201**BUDGETED AMOUNT:** \$2,480,000.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 lot	Northwest Water System Improvements	\$1,669,309.75	\$1,669,309.75

PURPOSE: This project is to install a finished water transmission line from Sandy Ridge Rd. to serve areas located along Bame Rd., Adkins Rd., Boylston Rd., Macy Grove Rd., and Bunker Hill Rd. in the Northwest service area.

BID TABULATION

SEE ATTACHED

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **NORTHWEST WATER SYSTEM IMPROVEMENTS** be awarded to **DAVIS GRADING, INC.**, the lowest responsible and responsive bidder meeting specifications, in the amount of **\$1,669,309.75**

DATE OF RECOMMENDATION: July 13, 2009


Strib Boynton, CITY MANAGER

**BID TABULATION
CITY OF HIGH POINT
NORTHWEST WATER SYSTEM IMPROVEMENTS
BID NUMBER 59-063009**

CONTRACTOR'S NAME & ADDRESS	BID AMOUNT
Davis Grading, Inc. 3404 W. Zion Church Rd. Shelby, NC 28150	1,669,309.75
Buckeye Construction Co. PO Box 1229 Canton, NC 28716	1,739,925.00
Ramey, Inc. 5121 North Causeway Drive Winston Salem, NC 27106	1,763,364.00
Propst Construction Company P O Box 688 Concord, NC 28026	1,870,382.00
Jimmy R. Lynch & Sons, Inc. PO Drawer BB Pilot Mountain, NC 27041	1,880,600.00
Triangle Grading & Paving PO Box 2570 Burlington, NC 27216	1,893,171.00
Yates Construction Co. Inc. 9220 NC 65 Stokesdale, NC 27357	1,898,858.50
D.H. Griffin Infrastructure, LLC PO Box 7405 Greensboro, NC 27415-7405	1,909,922.00
Dellinger PO Box 929 Monroe, NC 28111	1,914,082.25
Seaside Environmental 4904 Waters Edge Dr. Ste 170 Raleigh, NC 27606	1,942,364.00
Advanced Dev. Concepts, LLC PO Box 3248 Matthews, NC 28106	1,943,615.08
RF Shinn Contractor PO Box 243 Concord, NC 28026	1,943,756.00
Charles D. Lowder, Inc. 2810 Griffith Road Winston Salem, NC 27103	2,062,336.85
Billings & Garrett PO Box 58340 Raleigh, NC 27658	2,107,214.50
Landform Construction PO Box 988 Mount Airy, NC 27030	2,124,022.00
H & C Utilities, Inc. 8200 N Hwy 150 Clemmons, NC 27012	2,169,462.22
Virginia Carolina Paving PO Box 568 South Boston, VA 24592	2,222,921.25
Sealand Contractors Corp. 1708 N. Caldwell St. Charlotte, NC 28206	2,243,121.50

PLANNING AND ZONING COMMISSION RECOMMENDATION

On June 23, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. Mark Walsh.

City of High Point

Text Amendment Case 09-06

A request by the City Council Planning & Development Committee to amend Sections 9-3-12(b); 9-3-15(b) and 9-9-6(i) of the Development Ordinance pertaining to prohibiting the filing of Map Amendment, Special Use Permit, or Text Amendment applications if an Appeal has been filed with the Board of Adjustment for that given property or applicant.

Mr. Loveland presented this request to the Commission and recommended approval as outlined in the staff report.

No one spoke in opposition.

Members of the commission expressed concern that after a Board of Adjustment decision the applicant would be unable to submit rezoning, special use permit or text amendment applications while pursuing an appeal through the court system, which could take years.

The Planning & Zoning Commission recommended ***denial***, by a vote of 6-1, of Text Amendment Case 09-06 due the applicant's inability to simultaneously pursue other applications while under appeal to the courts.

Because the Text Amendment request is being forwarded to City Council with an unfavorable recommendation from the Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for the Text Amendment request to be approved.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-06
June 23, 2009**

Request	
Applicant: City of High Point City Council Planning & Development Committee	Affected Ordinance Sections: Section 9-3-12(b)(6), <i>Application Filing</i> ; Section 9-3-15(b)(1), <i>Submission</i> ; and Section 9-9-6(i)(2), <i>Effect of Appeal</i> .
Proposal: To prohibit the filing of a Map Amendment, Special Use Permit, or Text Amendment application if an Appeal has been filed with the Board of Adjustment for that given property or applicant.	

Background

The City Council Planning and Development Committee initiated this amendment with a desire to prevent a single related issue from being considered concurrently by both the Board of Adjustment (BOA) as an appeal by and the Planning and Zoning (P&Z) Commission or City Council as either a rezoning, special use or text amendment request. After some consideration by Planning and Development staff, it was determined that the best way to achieve this is to link the application for an appeal to the Board of Adjustment with applications for rezoning, special use permits or text amendments to the Ordinance.

Details of Proposal

The proposed text amendment affects three sections of the Development Ordinance. Section 9-3-12 sets forth procedures for zoning map amendments, and is proposed to be amended in subsection (b), prohibiting the filing of a zoning map amendment application if an appeal has already been filed with the BOA for that same property. Section 9-3-15 sets forth procedures for text amendments, and likewise is proposed to be amended to prohibit the filing of a text amendment if an appeal has already been filed by the same applicant. The Development Ordinance stipulates in Section 9-3-14(d) that special use permit application shall follow the same procedure as zoning map amendments, so the same prohibition will be in effect for those applications as well. Lastly, the amendment adds a new paragraph to Section 9-9-6(i)(2), which also makes it clear that once an appeal is filed, no application for a zoning map amendment, special use permit or text amendment may be filed for that property or by that applicant as stipulated above until the appeal has been decided.

Analysis

Any zoning decision made by Planning and Development staff may be brought before the BOA as an appeal if the effected party believes that the decision is a result of a misinterpretation or misapplication of the Development Ordinance. Appeals to the Board generally take about a month to review and decide upon, and they are fairly rare - there have been only four appeal applications filed in the last 10 years. It would be even rarer, then, that an applicant would concurrently submit an application for an appeal and a rezoning, special use permit or a text amendment. An applicant would still be able to file such an application to P & Z - it just could not be done concurrently with a pending appeal. In such an instance the appeal would have to be heard and decided upon by the BOA first (and by the court should the Board's decision be appealed to the court). Then the applicant could proceed on to P & Z and City Council with the rezoning, special use or text amendment request if the need for a such a request still would exist.

This amendment would also prevent an application for a rezoning, special use permit or text amendment from proceeding if an appeal is pending for that same property or applicant even if that request is entirely unrelated to a pending appeal. This is an unintended consequence of this amendment and may be a slight impediment to an applicant, although it would give the applicant motivation to expedite the appeal process. As noted above, appeal requests have been uncommon so such an incidence would be unlikely to occur.

Recommendation

Staff recommends approval.

It is the desire of City Council that an applicant should pursue only one avenue of relief for an issue under appeal at once, which this proposed amendment would enable.

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 conclusions as written in this report, by adopting the staff's conclusions with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's conclusions, 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 conclusions as written in this report, by adopting the staff's conclusions with

additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's conclusions, 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 text amendment preventing the application for a rezoning, special use permit, or text amendment while an appeal is pending for that same property or property owner is reasonable and in the public interest because: 1) it allows for a more orderly resolution of an issue that has been applied for an appeal, and 2) this amendment would not infringe upon due process as it would not prevent an applicant from subsequently pursuing a rezoning, special use permit or text amendment regardless of its relevance to a prior appeal. 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 Douglas Loveland, AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.

TEXT AMENDMENT 09-06

PROPOSED AMENDMENT TO THE CITY OF HIGH POINT

DEVELOPMENT ORDINANCE

This text amendment prohibits the filing of a Map Amendment, Special Use Permit, or Text Amendment application if an Appeal has been filed with the Board Of Adjustment for that given property or applicant.

Section 1.

Section 9-3-12(b)(6), entitled *Application Filing*, shall be amended as follows:

~~d. Any application on a property that is initiated by the City Council shall not be subject to the provisions of Subsections a., b., and c. above.~~ **No application shall be filed for a property if an appeal has been filed with the Board of Adjustment pertaining to that same property. Such an application may be filed only after that appeal has been decided finally by the Board of Adjustment, or if the Board's decision is appealed to the courts, by the courts.**

e. Any application on a property that is initiated by the City Council shall not be subject to the provisions of Subsections a., b., c., and d. above.

Section 2.

Section 9-3-15(b)(1), entitled Submission, shall be amended to divide the text into subsections and to add subsection b. as follows:

(1) Submission:

a. The City Council; any local Board, Commission, or Department; or any person who resides or owns property with the jurisdiction may request to amend or appeal the text of this Ordinance.

b. No Text Amendment application may be submitted by a person, company, organization or other entity that has filed an appeal to the Board of Adjustment until that appeal has

been decided finally by the Board of Adjustment, or if the Board's decision is appealed to the courts, by the courts.

- c.** Requests to amend the text of this Ordinance shall be submitted in writing to the Department of Planning and Development.

Section 3.

Section 9-9-6(i)(2), entitled Effect of Appeal, shall be amended to divide the text into subsections and to add subsection b. as follows:

(2) **Effect of Appeal:**

- a.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in the Officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.
- b.** **The filing of an appeal prevents the filing of an application for a Zoning Map Amendment or a Special Use Permit pertaining to the same property, or the filing of an application for a Text Amendment by the same person, company, organization or other entity that filed the appeal until such an appeal is decided finally by the Board of Adjustment, or if the Board's decision is appealed to the courts, by the courts.**

<u>BID INFORMATION AND RECOMMENDATION</u>
--

BID # Used Equipment Purchase

DATE OPENED: Quote Dated 06/25/09

DESCRIPTION: Side Loading Refuse Trucks

BID PACKAGES DISTRIBUTED: N/A **DEPARTMENT:** Environmental Services

SOURCE OF FUNDS: 101712-532203

AMOUNT BUDGETED: \$1,750,000.

QUANTITY/DESCRIPTION	UNIT PRICE	TOTAL
2 ea. Side Loading Refuse Trucks	\$183,958.00	\$367,916.00

PURPOSE: Purchase of two used side-loading refuse trucks for Environmental Services Division.

COMMENTS: This purchase is allowable under GS143-129(e)(10) which gives units of local government the authority to purchase used equipment without complying with competitive bidding requirements.

The **PURCHASING DEPARTMENT, PUBLIC SERVICES DEPARTMENT and FLEET SERVICES DEPARTMENT** recommend that the contract for **USED SIDE LOADING REFUSE TRUCKS** be awarded to **AMICK EQUIPMENT COMPANY, INC.**, the lowest responsive and responsible bidder meeting specifications, in the amount of **\$367,916.00**,

DATE OF RECOMMENDATION: July 13, 2009



Strib Boynton, CITY MANAGER

PLANNING AND ZONING COMMISSION RECOMMENDATION

On June 23, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. Mark Walsh.

City of High Point

Street Abandonment Case 09-14

A request by the Technical Review Committee to abandon an unnamed alley, lying approximately 425 feet east of Hurdover Street between Edgedale Drive and Hillcrest Drive, with a small portion of the alley located north of Hillcrest Drive.

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

No one spoke in opposition to this request.

Speaking neither in favor nor in opposition was Mr. Anthony Counts of 214 Edgedale Drive, neighbor. Mr. Counts expressed curiosity of the motivation and timing of this street abandonment. Mr. Shannon briefly outlined the ongoing project by the Planning & Development Department to identify road right-of-ways (ROW's) and alley ROW's that are not used by the public, where staff has identified no public purpose in building or maintaining these ROW's for a public purpose.

The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 09-14, while retaining of a 30-foot wide electrical utility easement, by a vote of 7-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-14
June 23, 2009**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: Abandonment of an unnamed alley, lying approximately 425 feet east of Hurdoover Street between Edgedale Drive and Hillcrest Drive, with a small portion of the alley located north of Hillcrest Drive.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
Hillcrest Drive	Local	60 ft. R/W and 25.5-foot curb & gutter
Edgedale Drive	Local	60 ft. R/W and 25.5-foot curb & gutter

Adjacent Property Zoning and Current Land Use		
North:	Residential Single-Family-9 (RS-9)	Single-family Residence
South:	Residential Single-Family-9 (RS-9)	Single-family Residence
East:	Residential Single-Family-9 (RS-9)	Single-family Residence
West:	Residential Single-Family-9 (RS-9)	Single-family Residence

Analysis

The unnamed alley being considered for abandonment contains approximately 0.13 acres in area (being approximately 12 feet wide by 480 feet in length). The right-of-way contains no public improvements. The area between Hillcrest Drive and Edgedale Drive contains shared private residential driveways. This abandonment will not disrupt the prescriptive rights of the abutting property owners or the continued use of the existing driveways. Overhead electric lines run along the rear of the lots between Edgedale Drive and Hillcrest Drive crossing the alley. An easement for the utility crossing shall be retained. All properties abutting the alley have road frontage on either Edgedale Drive or Hillcrest Drive.

Findings

The Technical Review Committee (TRC) reviewed this request on April 22, 2009 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners on May 8, 2009.

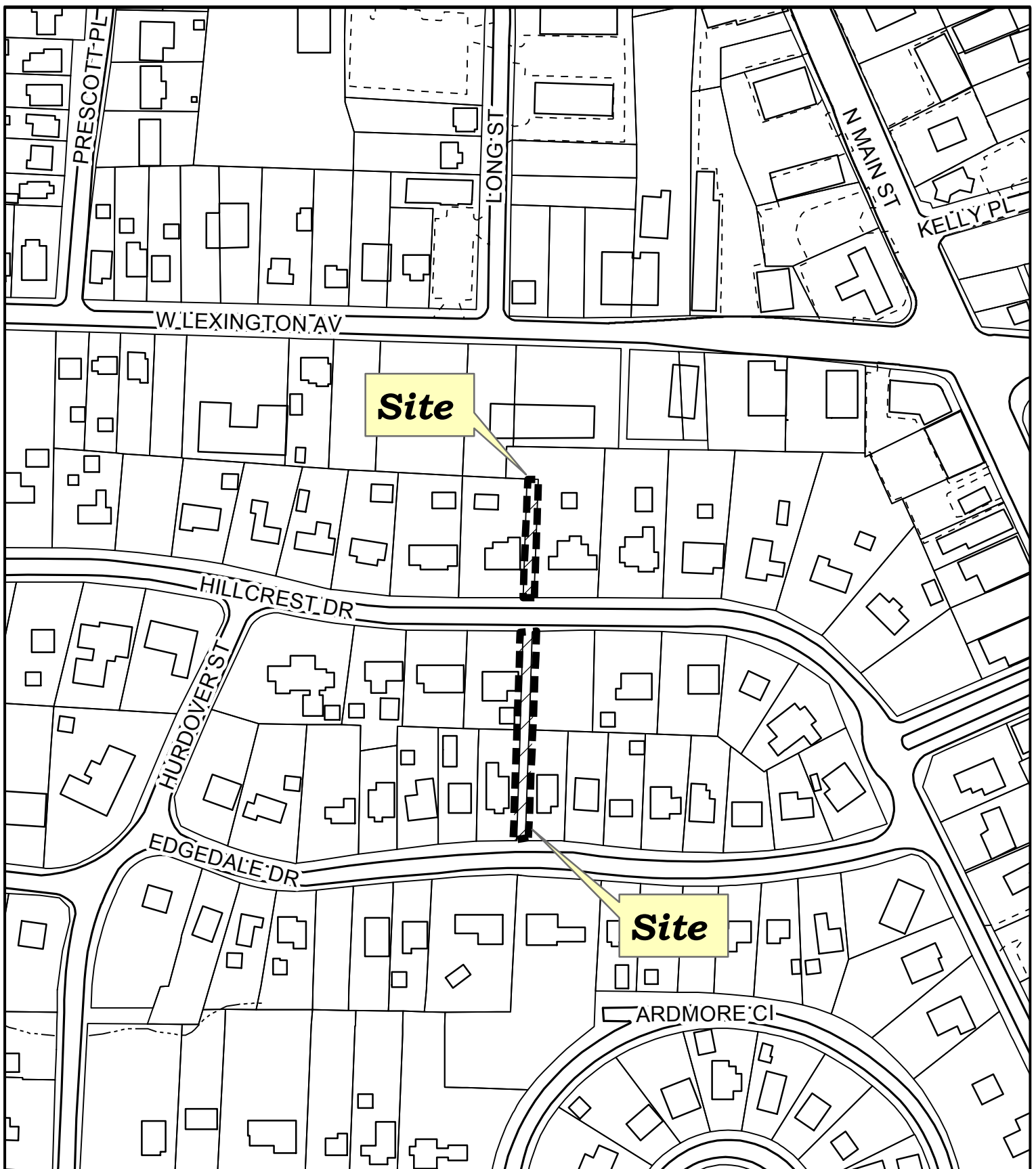
The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

Recommendation

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 30 foot electric utility easement centered on the existing overhead lines based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.



STREET ABANDONMENT REQUEST SA09-14

Applicant: Technical Review Committee

Area: 0.13 acres



Location of requested street abandonment

**Planning & Development
Department**

City of High Point

Date: June 8, 2009



Scale: 1"=200'

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Looking north across Edgedale Drive.



Looking south from Hillcrest Drive

Attachments: Photographs (June, 2009) and Aerial (February, 2008)



Looking north from Hillcrest Drive.



STREET ABANDONMENT REQUEST SA09-14

Applicant: Technical Review Committee

Area: 0.13 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: June 15, 2009



Not to Scale

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sa09-14photo.mxd

PLANNING AND ZONING COMMISSION RECOMMENDATION

On June 23, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. Mark Walsh.

City of High Point

Street Abandonment Case 09-15

A request by the Technical Review Committee to abandon an unimproved portion of Chiquola Avenue, lying east of Hurdoover Street between Edgedale Drive and W. Farriss Avenue.

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

No one spoke in opposition.

Speaking neither in favor nor opposition was Ms. Susan Mendenhall of 614 W. Farriss Avenue in High Point, neighbor lying south of right-of-way proposed to be abandoned. Ms. Mendenhall stated that while she understood that she would be responsible for maintaining the property upon abandonment, she is requesting that the area be cleared of all trash, debris and vegetation prior to the street abandonment taking place.

The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 09-15, contingent upon the City cleaning up the right-of-way before approving the street abandonment, by a vote of 7-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-15
June 23, 2009**

Request	
Applicant: City of High Point Technical Review Committee	Proposal: Abandonment of an unimproved portion of Chiquola Avenue, lying east of Hurdoover Street between Edgedale Drive and W. Farriss Avenue.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
Hurdoover Street	Local	50 ft. R/W and 20-foot ribbon pavement

Adjacent Property Zoning and Current Land Use		
North:	Residential Single-Family-9 (RS-9)	Single-family Residence
South:	Residential Single-Family-9 (RS-9)	Single-family Residence
East:	Residential Single-Family-9 (RS-9)	Single-family Residence
West:	Residential Single-Family-9 (RS-9)	Hurdoover Street Right-of-Way

Analysis

The unimproved portion of Chiquola Avenue being considered for abandonment contains approximately 0.06 acres in area (being approximately 30 feet wide by 92 feet in length). The right-of-way contains no public improvements. The area is maintained as a private yard. All properties abutting the right-of-way have road frontage on either Edgedale Drive or W. Farriss Avenue as well as Hurdoover Street.

Findings

The Technical Review Committee (TRC) reviewed this request on April 22, 2009 and identified no issues that would prevent its abandonment. An early notice was sent to the abutting property owners on June 2, 2009.

The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

Recommendation

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.



STREET ABANDONMENT REQUEST SA09-15

Applicant: Technical Review Committee

Area: 0.06 acres



Location of requested street abandonment

**Planning & Development
Department**

City of High Point

Date: June 8, 2009



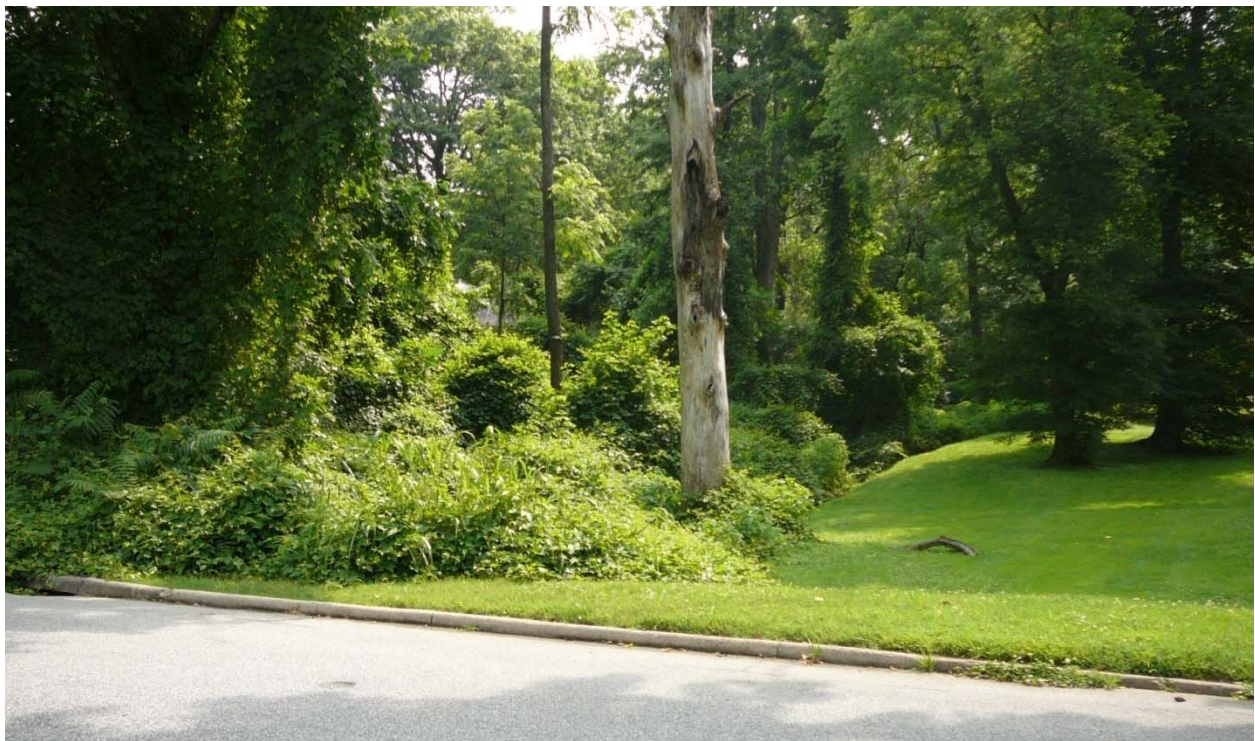
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Attachments: Photographs (June, 2009) and Aerial (February, 2008)



Looking east across Hurdover Street.



Looking east across Hurdover Street (just south of proposed abandonment)



STREET ABANDONMENT REQUEST SA09-15

Applicant: Technical Review Committee

Area: 0.06 acres



Location of requested street abandonment

Planning & Development
Department

City of High Point

Date: June 15, 2009



Not to Scale

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sa09-15photo.mxd

PLANNING AND ZONING COMMISSION RECOMMENDATION

On June 23, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. Mark Walsh.

City of High Point

Text Amendment Case 09-07

A request by the City Council Planning & Development Committee to amend Sections 9-2-1; 9-2-2(a); 9-4-13(b) and 9-5-1 of the Development Ordinance pertaining to the regulation of membrane structures.

Mr. Loveland presented this request to the Commission and recommended approval as outlined in the staff report.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 7-0, of Text Amendment Case 09-07.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-07
June 23, 2009**

Request	
Applicant: City of High Point City Council Planning & Development Committee	Affected Ordinance Sections: Section 9-2-1, <i>Definition Index</i> ; Section 9-2-2(a), <i>Buildings and Structures</i> ; Section 9-4-13 (b)(2), <i>Residential Districts</i> ; Section 9-5-1, <i>Development Standards For All Uses</i> .
Proposal: To define and regulate membrane structures.	

Background

The City Council Planning and Development Committee requested this amendment so as to regulate the placement and use of membrane structures or tents in response to some complaints from city residents.

Details of Proposal

This proposed amendment would affect four different sections of the Development Ordinance. Two sections in Chapter 2 would be amended to include membrane structures in the definition index, as well as to establish a definition of membrane structures as any structure having a plastic, canvas or similar material placed over a rigid frame. The amendment would also amend the section regulating residential accessory structures so as to allow membrane structures to be used as such utilizing the existing accessory structure requirements. One exemption from those requirements would be allowed for a temporary period of up to 14 days. Finally, this amendment alters section 9-5-1 to add a provision clarifying that membrane structures cannot be used for nonresidential purposes except as already permitted as temporary structures or associated with a market showroom.

Analysis

Membrane like-structures such as tents, canvas or plastic canopies and sheds are becoming widely available for use as storage sheds or carports. These structures offer a low cost alternative to a more conventionally built storage building or carport while providing much of the functionality. Since these structures are very similar in function and appearance to more conventionally built residential accessory structures it is therefore appropriate to regulate them as such. The residential accessory structure provisions require that any such structure be located in the side or rear yard, and also limits the cumulative size of any and all such structures to fifty

percent (50%) of the total area of the house itself. A building permit is required for any such structure that is larger than 12-feet in any dimension (or any size structure that has wiring or plumbing – which is unlikely for a membrane structure). This amendment would allow one exception to those existing provisions however, which would allow the placement of an additional membrane structure for a temporary period (being 14 days or less). For example, this would permit a canopy to be located on the property (including in the front yard if desired), regardless of the cumulative area of any existing accessory structures for a temporary event such as a wedding reception or weekend picnic, while allowing enough time for set up and removal before and after the event.

In addition this amendment would prohibit the use of a membrane structure as a permanent principal structure.

Recommendation

Staff recommends approval.

Membrane structures are likely to become more prevalent due to the lower cost and easier erection compared to more conventional accessory structures. It is therefore important that the Ordinance regulate the use and placement of these structures in an appropriate manner. This amendment therefore establishes provisions for the use of membrane structures as residential accessory structures and prohibits their use as a permanent principal structure.

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 conclusions as written in this report, by adopting the staff's conclusions with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's conclusions, 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 conclusions as written in this report, by adopting the staff's conclusions with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's conclusions, 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 text amendment regulating the use of membrane structures is

reasonable and in the public interest because: 1) it would allow the use and placement of such structures following existing residential accessory structures requirements; and 2) it would prevent the use of such structures for nonresidential uses except as previously allowed as a temporary structure for market showrooms. 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 Doug Loveland, AICP, and reviewed by Bob Robbins AICP and Lee Burnette AICP.

TEXT AMENDMENT 09-07

PROPOSED AMENDMENT TO THE CITY OF HIGH POINT

DEVELOPMENT ORDINANCE

(This text amendment defines and regulates membrane structures.)

SECTION 1.

Part 1.

Section 9-2-1, entitled *Definition Index*, shall be amended to add Membrane Structures.

Part 2.

Section 9-2-2(a), entitled *Buildings and Structures*, shall be amended to add the following (which shall be incorporated alphabetically):

Membrane Structures: A structure or building composed of a membrane material, such as canvas, plastic, or other fabrics, that is supported by a rigid framework of metal, plastic or other material.

SECTION 2.

Section 9-4-13 (b)(2), entitled *Residential Districts*, shall be amended to add the following as a new subsection b. The remaining subsections will be re-lettered accordingly:

b. A membrane structure shall be permitted as an accessory structure in residential districts in accordance with the residential accessory structure provisions of this section (9-4-13), except that one (1) additional membrane structure that does not meet the requirements of this section may be allowed for a temporary period not exceeding 14 days.

SECTION 3.

Section 9-5-1, entitled *Development Standards For All Uses*, shall be amended to add the following subsection:

(e) Membrane Structures

- (1) Membrane structures shall be permitted only for temporary use as specified in the North Carolina Building Code, or as otherwise specified in this Ordinance for Market Showrooms (Sections 9-5-2 (sss) Development Standards for Market Showrooms), and for Residential Accessory Structures (Section 9-4-13(b) Residential Accessory Structures).**

The existing subsection (e), entitled Sidewalks shall be re-lettered to subsection (f).