

City of High Point

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



Meeting Minutes

Tuesday, January 16, 2007

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Rebecca R. Smothers; Mayor Pro Tem John Faircloth, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., Michael D. Pugh; Bernita Sims, Lisa Stahlmann, M. Christopher Whitley and Ronald B. Wilkins were present.

Council Member Sims offered the invocation; the Pledge of Allegiance followed.

Present: Mayor Smothers, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh, Council Member Sims, Council Member Stahlmann, Council Member Whitley and Council Member Wilkins

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

Committee Members: Bencini, Faircloth and Pugh)

(all members of the committee were present)

Resolution - Bid No. 20 - Washington Terrace Community Building Addition**070012**

Council is requested to adopt a resolution awarding contract for Bid No. 20 for the Washington Terrace Community Building addition. Purchasing and Maintenance Operations recommends that contract be awarded to M & M Builders in the amount of \$511,000.00 which is the lowest responsible and responsive bid meeting specifications.

Chairman Whitley asked if there were any questions regarding this matter.

Council Member Alexander inquired as to if this amount was for the structure only or if it was all inclusive of the kitchen equipment.

Allen Oliver, Director of Parks & Recreation, explained that it does include all the equipment kitchen in the area.

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

A motion was made by Council Member Whitley, seconded by Council Member Bencini, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

City of High Point - Increase in Electric Rates**070018**

Council is requested to consider an increase electric utility rates for City of High Point customers as a result of the study by ElectriCities presented and considered by City Council on November 27, 2006.

Chairman Whitley explained this matter was discussed during a Finance Committee meeting held prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a

favorable recommendation approving the 6% increase for the electric rates to be effective with the first billing cycle in February.

A motion was made by Council Member Whitley, seconded by Council Member Alexander, that this matter be recommended for approval, consent agenda. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Sims, Council Member Stahlmann, Council Member Whitley and Council Member Wilkins
Nay: Council Member Pugh

Contract - The Buxton Company - Economic Development

070019

Council is requested to authorize the City Manager to execute contract in the amount of \$63,000.00 with The Buxton Company for the performance of assessing the potential for the City of High Point to identify, recruit and expand its retail sector; and adopt an ordinance amending the 2006-2007 budget in the amount of \$63,000.

Since this matter did not originally appear on tonight's Agenda, motion was made by Chairman Whitley and seconded by Council Member alexander to suspend the rules relative to placing this matter on the Agenda for consideration. The motion carried unanimously.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval of the contract with Buxton to develop a marketing strategy AND to adopt a budget ordinance amendment in the amount of \$63,000 with the funding coming out of the general fund balance.

A motion was made by Council Member Whitley, seconded by Council Member Stahlmann, that this matter be recommended for approval, consent agenda. The motion carried unanimously.

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair **Committee Members: Faircloth, Stahlmann, Pugh and Wilkins**

(all committee members were present)

Pending Items

Ordinance - Demolition of Structure - 322 Fourth Street

060081 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 322 Fourth Street belonging to Joyce Simpson Clark & Charlotte Lavern Simpson.

Ordinance - Demolition of Dwelling - 808 Macedonia Ct. - Smith

060227 Council is requested to adopt an ordinance ordering the Housing Inspector to effectuate the demolition of a dwelling located at 808 Macedonia Court belonging to Robert and Mary Smith.

Chairman Alexander asked Ms. Bossi to give Council a report on the progress of

this dwelling as well as the one at 810 Macedonia Court owned by Robert and Mary Smith.

Katherine Bossi, Local Codes Enforcement Supervisor, explained that the inspector met with the property owner today to do an inspection of these two properties and noted everything was pretty much like it was when the extension was granted 90 days ago with the exception of some exterior work that has been done with nothing being done on the inside.

Chairman Alexander asked if the property owner could explain why he was unable to finish the repairs on these properties.

Robert Smith explained that he has made all the repairs he committed to when he was before Council 90 days ago which include painting the exterior of the homes; installed vinyl siding on the front of both homes; totally renovated both porches and put in the brick that was falling down as well as redid the porch surfaces; repaired windows and/or replaced in one of the homes. He explained, with the exception of the windows in the one house at 808, all the other things have been done. He also informed Council that the inspector, Mr. Waymon, told him today that the houses were in significant "improved repair."

Mayor Smothers asked about the discrepancy between Mr. Waymon's report and the one given today by Ms. Bossi and felt the two different reports needed to be reconciled. She asked Ms. Bossi if she had taken any before and after photographs.

Chairman Alexander asked Mr. Smith if he was familiar with the Minimum Housing Standards in the City of High Point. Mr. Smith replied he didn't know the regulations verbatim, but he was working with Mr. Waymon to make sure he brings these houses up to that standard. Chairman Alexander asked when this would be done and reiterated that he had received complaints from adjacent property owners regarding the impact Mr. Smith's houses were having on their property and that vagrants were using the structure as a shelter.

At this time, Ms. Bossi shared the photographs taken last week regarding the "improvements" that have been made. She pointed out that nothing has been done to the interior and most of the work was done to the exterior of the homes. Mr. Smith reiterated that he fulfilled his commitment made to Council 90 days ago and made the repairs that he promised to.

Council Member Sims asked Mr. Smith how much longer he would need to effect the remaining repairs. Mr. Smith replied that he would like to have until May 1st to complete these houses. Ms. Bossi reminded Council that Mr. Smith also has another property that's currently a pending item that he's also in the process of repairing. Council Member Sims informed Mr. Smith that Council is very serious about the condition of housing and the appearance it has in the neighborhoods

and that she could not support it going on until May. She urged him to find a contractor and get the repairs done. Mr. Smith explained that it wasn't necessarily physically getting them done, but financially getting the repairs made. Chairman Alexander noted that financial ability was not his concern; his concern was for the community. He reminded Mr. Smith that he was asked 90 days ago if he wanted to put more money behind these improvements and it was pointed out that the tax value was \$21,000 with estimated repairs around \$12,000. He felt that there was no big effort on Mr. Smith's part and he was not inclined to grant another extension.

At this time, motion was made by Council Member Alexander, seconded by Council Member Pugh to place this matter on Thursday's Agenda with a favorable recommendation to execute the ordinance to demolish 808 Macedonia Court and 810 Macedonia Court.

Mr. Smith interjected and reiterated that he did what Council asked of him; he showed a good faith effort to get the improvements done and asked Council to work with him on carrying it through. Council Member Pugh reminded Mr. Smith about the warning that was issued to him 90 days ago not to throw good money after bad and explained there was a high probability that the houses would have to be demolished. Mr. Smith informed Council that demolishing these houses would absolutely put his family in financial ruin.

Mayor Pro Tem Faircloth asked Mr. Smith when he purchased these properties. Mr. Smith replied that he purchased a group of seven properties in 2003 and these two properties on Macedonia Court were included in that purchase. Council Member Wilkins felt that Mr. Smith should be given credit for at least trying to revitalize the neighborhood by putting something back and that he was afraid that if the houses were demolished, then nothing would be put back there.

At this time, Council Member Whitley offered a substitute motion to give Mr. Smith an extension until March 15th or thereabout --depending on the Council meeting date-- to get a report and at that time if the outside is not up to complete standards (per the Minimum Housing Code) based on staff's recommendations, then he would make a motion to demolish all three houses currently on pending (the two on Macedonia Court and one on Park Street). Council Member Bencini made a second to the substitute motion.

For further discussion, Council Member Sims asked about how long Mr. Smith had to effect the repairs to the Park Street property; it was noted that he was given 90 days until about March 5th to do the repairs on this structure. Council Member Sims noted that what Council had initially extended has not been done and felt that Council was sending the wrong message when allowing him to fix up the outside and not concerned about the inside. Council Member Whitley explained that his concern was that clarification was needed regarding the inspection that was made. Mayor Smothers noted that she would support the substitute motion, but would like

to have at Thursday's meeting at least some report from the inspector that based on the description of what was to have been completed in 90 days has either been done or not.

At this time, Mayor Smothers called for a vote on the substitute motion to recommend an extension to March 15th or thereabout and for the inspector to report at the meeting on Thursday morning regarding the true status of the repairs made. The substitute motion carried by a 6-3 vote as follows:

Votes: Aye: Mayor Smothers; Mayor Pro Tem Faircloth, and Council Members Bencini, Stahlmann, Whitley, and Wilkins.

Nay: Council Members Alexander, Sims and Pugh.

A motion was made by Council Member Whitley, seconded by Council Member Bencini, that this matter be recommended for Extension. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Bencini, Council Member Faircloth, Council Member Stahlmann, Council Member Whitley and Council Member Wilkins
Nay: Council Member Alexander, Council Member Pugh and Council Member Sims

Ordinance - Demolition of Dwelling - 810 Macedonia Ct - Smith

060228 Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 810 Macedonia Court belonging to Robert and Mary Smith.

Chairman Alexander asked Ms. Bossi to give Council a report on the progress of this dwelling as well as the one at 810 Macedonia Court owned by Robert and Mary Smith.

Katherine Bossi, Local Codes Enforcement Supervisor, explained that the inspector met with the property owner today to do an inspection of these two properties and noted everything was pretty much like it was when the extension was granted 90 days ago with the exception of some exterior work that has been done with nothing being done on the inside.

Chairman Alexander asked if the property owner could explain why he was unable to finish the repairs on these properties.

Robert Smith explained that he has made all the repairs he committed to when he was before Council 90 days ago which include painting the exterior of the homes; installed vinyl siding on the front of both homes; totally renovated both porches and put in the brick that was falling down as well as redid the porch surfaces; repaired windows and/or replaced in one of the homes. He explained, with the exception of the windows in the one house at 808, all the other things have been done. He also informed Council that the inspector, Mr. Waymon, told him today that the houses were in significant "improved repair."

Mayor Smothers asked about the discrepancy between Mr. Waymon's report and

the one given today by Ms. Bossi and felt the two different reports needed to be reconciled. She asked Ms. Bossi if she had taken any before and after photographs.

Chairman Alexander asked Mr. Smith if he was familiar with the Minimum Housing Standards in the City of High Point. Mr. Smith replied he didn't know the regulations verbatim, but he was working with Mr. Waymon to make sure he brings these houses up to that standard. Chairman Alexander asked when this would be done and reiterated that he had received complaints from adjacent property owners regarding the impact Mr. Smith's houses were having on their property and that vagrants were using the structure as a shelter.

At this time, Ms. Bossi shared the photographs taken last week regarding the "improvements" that have been made. She pointed out that nothing has been done to the interior and most of the work was done to the exterior of the homes. Mr. Smith reiterated that he fulfilled his commitment made to Council 90 days ago and made the repairs that he promised to.

Council Member Sims asked Mr. Smith how much longer he would need to effect the remaining repairs. Mr. Smith replied that he would like to have until May 1st to complete these houses. Ms. Bossi reminded Council that Mr. Smith also has another property that's currently a pending item that he's also in the process of repairing. Council Member Sims informed Mr. Smith that Council is very serious about the condition of housing and the appearance it has in the neighborhoods and that she could not support it going on until May. She urged him to find a contractor and get the repairs done. Mr. Smith explained that it wasn't necessarily physically getting them done, but financially getting the repairs made. Chairman Alexander noted that financial ability was not his concern; his concern was for the community. He reminded Mr. Smith that he was asked 90 days ago if he wanted to put more money behind these improvements and it was pointed out that the tax value was \$21,000 with estimated repairs around \$12,000. He felt that there was no big effort on Mr. Smith's part and he was not inclined to grant another extension.

At this time, motion was made by Council Member Alexander, seconded by Council Member Pugh to place this matter on Thursday's Agenda with a favorable recommendation to execute the ordinance to demolish 808 Macedonia Court and 810 Macedonia Court.

Mr. Smith interjected and reiterated that he did what Council asked of him; he showed a good faith effort to get the improvements done and asked Council to work with him on carrying it through. Council Member Pugh reminded Mr. Smith about the warning that was issued to him 90 days ago not to throw good money after bad and explained there was a high probability that the houses would have to be demolished. Mr. Smith informed Council that demolishing these houses would absolutely put his family in financial ruin.

Mayor Pro Tem Faircloth asked Mr. Smith when he purchased these properties. Mr. Smith replied that he purchased a group of seven properties in 2003 and these two properties on Macedonia Court were included in that purchase. Council Member Wilkins felt that Mr. Smith should be given credit for at least trying to revitalize the neighborhood by putting something back and that he was afraid that if the houses were demolished, then nothing would be put back there.

At this time, Council Member Whitley offered a substitute motion to give Mr. Smith an extension until March 15th or thereabout --depending on the Council meeting date-- to get a report and at that time if the outside is not up to complete standards (per the Minimum Housing Code) based on staff's recommendations, then he would make a motion to demolish all three houses currently on pending (the two on Macedonia Court and one on Park Street). Council Member Bencini made a second to the substitute motion.

For further discussion, Council Member Sims asked about how long Mr. Smith had to effect the repairs to the Park Street property; it was noted that he was given 90 days until about March 5th to do the repairs on this structure. Council Member Sims noted that what Council had initially extended has not been done and felt that Council was sending the wrong message when allowing him to fix up the outside and not concerned about the inside. Council Member Whitley explained that his concern was that clarification was needed regarding the inspection that was made. Mayor Smothers noted that she would support the substitute motion, but would like to have at Thursday's meeting at least some report from the inspector that based on the description of what was to have been completed in 90 days has either been done or not.

At this time, Mayor Smothers called for a vote on the substitute motion to recommend an extension to March 15th or thereabout and for the inspector to report at the meeting on Thursday morning regarding the repairs made. The substitute motion carried by a 6-3 vote as follows:

Votes: Aye: Mayor Smothers; Mayor Pro Tem Faircloth, and Council Members Bencini, Stahlmann, Whitley, and Wilkins.

Nay: Council Members Alexander, Sims and Pugh.

A motion was made by Council Member Whitley, seconded by Council Member Bencini, that this matter be recommended for Extension. The motion carried by the following vote:

Votes: Aye: Mayor Smothers, Council Member Bencini, Council Member Faircloth, Council Member Stahlmann, Council Member Whitley and Council Member Wilkins
Nay: Council Member Alexander, Council Member Pugh and Council Member Sims

Ordinance - Demolition of Structure - 910 A & B Asheboro Street - Green/Morgan

- 060236** Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 910 A & B Asheboro Street (duplex) belonging to James M. Green, Jr., James F. Morgan and Ann T. Morgan.

Ordinance - Demolition of Dwelling - 1010 Park Street - Robert B. Smith & Mary J. Smith

- 060294** Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1010 Park Street belonging to Robert B. Smith & Mary J. Smith.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Alexander and Pugh

(all committee members were present)

Chairwoman Sims reported there were no matters on tonight's Agenda for consideration by the Public Services Committee.

Pending Items

Shugart Management - Sanitary Sewer Easements

- 060246** Consideration of request from Shugart Management seeking City Council assistance in acquiring sanitary sewer easements in the Meadow Valley subdivision located off of Skeet Club Road.

Non-Compliant Stormwater Control Devices - 2005 Inspections

- 060273** Council is requested to declare two (2) stormwater control devices in violation of Section 9-7-6(c)(5) of the City of High Point Development Ordinance and allow the Public Services Department to proceed with enforcement.

Mr. James Simon, who resides at 3926 Blairwood Street in High Point, asked to address Council regarding this issue regarding the retention pond in the Johnson Street development. He asked for an extension so the property owners could formulate a committee of tenants so they could address this issue.

Mayor Smothers asked if this issue wasn't already taken care of and asked for staff to comment.

Pat Pate, Assistant City Manager, explained that staff sent out a letter to the property owners informing them that this would be further discussed in a February Council meeting. Mr. Simon noted that the letter made reference to today's date for the meeting--the 16th. Mr. Pate apologized and noted Mr. Boone had sent out letters to all the homeowners association members, but hasn't heard anything back. Mr. Simon explained that was the problem. There is no homeowner's association and that was the purpose of this request--to formulate one to address the issue as far as having their homes assessed. He explained he has some questions concerning some communication between the so-called owners since then and now, plus the extension.

Mayor Smothers asked Mr. Simon to please leave his contact information with staff and apologized that he had to sit there through the whole meeting.

TRANSPORTATION COMMITTEE - Council Member Faircloth, Chair

Committee Members: Alexander, Sims, Whitley and Wilkins

(all committee members were present)

Chairman Faircloth reported there were no matters on tonight's Agenda for consideration by the Transportation Committee.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members: Faircloth, Sims, Stahlmann, and Whitley

(all committee members were present)

Chairman Bencini reported there were no matters appearing on tonight's Regular Agenda for consideration by the Committee other than the scheduled Public Hearings on specific matters.

Pending Items

Ordinance - Annexation 06-07 - Yandle/Hamilton - Burton Road

060276 Consideration of a voluntary non-contiguous annexation of approximately 39 acres lying along the south side of Burton Road, approximately 2,300 feet west of the Guilford/Davidson County line and extending southward to include frontage on Cecil Road.

Ordinance - Rezoning Case 06-22 - Hamilton and Yandle - Burton Road

060277 a. Conditional Use Residential Single Family - 7 (CU RS-9) District
A request by Jack & Linda Hamilton and Julian & Sarita Yandle to rezone approximately 38 acres from the Low Intensity Residential (RS) District and Rural Agricultural-3 (RA-3) Districts, in Davidson County's zoning jurisdiction, to a Conditional Use Residential Single Family - 7 (CU RS-7) District. The site is lying along the south side of Burton Road approximately 2,300 feet west of the Guilford/Davidson County line and extending southward to include frontage on Cecil Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. A request by Jack & Linda Hamilton and Julian & Sarita Yandle for approval of an accompanying Conditional Use Permit with conditions pertaining to density, lot combination, fences, stream buffers, right-of-way dedication, vehicular access and turn lanes.

Ordinance - Annexation - Shugart Management, Inc. - Cedarwood Trail

060298 Consideration of a voluntary non-contiguous annexation of approximately 20.3 acres lying east of Cedarwood Trail approximately 2,100 feet south of N. Main Street, pursuant to petition submitted by Shugart Management, Inc.

Ordinance - Rezoning Case 06-25 - Shugart Management, Inc. - Cedarwood Trail**060299****a. Conditional Use Residential Single Family-9 (CU RS-9) District**

A request by Shugart Management, Inc. to rezone approximately 20.3 acres from the Residential Agricultural-3 (RA-3) District, in Davidson County's jurisdiction, to a Conditional Use Residential Single Family-9 (CU RS-9) District. The site is located approximately ½ mile south of the intersection of N. Main Street and Cedarwood Trail and lying approximately 200 feet east of Cedarwood Trail. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

b. Conditional Use Permit 06-25

A request by Shugart Management, Inc. for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, density, architectural design standards, landscaping, open space & stream buffers, environmentally sensitive areas and vehicular access.

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.

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

Planning & Development Committee - Council Member Bencini, Chair**Ordinance Amendment - Text Amendment TA06-06 - City of High Point -
Multi-Jurisdictional Development Ordinance Committee****070013**

A request by the Planning & Development Department to amend the Development Ordinance pertaining to the repeal of the Multi-jurisdictional Development Ordinance Committee (MDOC).

The public hearing regarding this matter was held on Tuesday, January 16, 2007 at 5:30 p.m.

The staff report is hereby incorporated as follows:

CITY OF HIGH POINT

DEPARTMENT OF PLANNING AND DEVELOPMENT

STAFF REPORT

TEXT AMENDMENT 06-06

December 12, 2006

Applicant: City of High Point

Request: To amend the Development Ordinance to remove the recognition of, and to repeal all requirements regarding the Multi-jurisdictional Development Ordinance Committee.

Staff Analysis:

The Multi-jurisdictional Development Ordinance Committee (MDOC) is a local committee that has existed for the last 14 years with the purpose of facilitating unity in the development ordinances used by the jurisdictions of Guilford County. Within the last year the members of MDOC have met with the planning staff of various local jurisdictions to discuss the future role of MDOC. It was decided that the original purpose of MDOC was met but, due to the diverging nature of the Development Ordinances of jurisdictions with Guilford County, it has recently been greatly diminished. It was therefore agreed upon by MDOC members and the Planning Directors that MDOC should be repealed. It was also agreed upon that it would be beneficial to establish a restructured planning forum, which could better serve the needs of the jurisdictions of the county.

This text amendment would remove High Point's recognition of, and participation in the MDOC and repeal the Development Ordinance requirement for review of certain text amendments by MDOC. The City of Greensboro and Guilford County, which also participate in the MDOC, are in the process of taking similar text amendments before their Planning Boards and elected officials.

Included with this staff report is a copy of a statement of mutual support for the replacement of MDOC. This document is signed by the Planning Directors of High Point, Greensboro and Guilford County, as well as by the MDOC chairman. In addition to illustrating the agreement among those parties regarding the replacement of MDOC, the document provides a brief overview of the history of the MDOC, the current state of the Unified Development Ordinances used by the three governments, and the evolution of MDOC.

Also included with this report is a copy of the resolution recognizing the formation of a planning forum for Guilford County. This document will be recommended for adoption to the various governing bodies within Guilford County, thereby creating a planning forum for the governments of Guilford County.

Recommendation:

The Planning and Development Department recommends approval of the proposed text amendment.

Chairman Bencini opened the public hearing and asked if there was anyone present who like to speak in favor of or in opposition to the text amendment. There being no one present to speak, the public hearing was closed.

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

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Rezoning Case 06-30 - Crown GCA, LLC - Old Winston Road

070014

a. Conditional Use Highway Business (CU-HB) District

A request by Crown GCA, LLC to rezone approximately 1.5 acres from the Limited Business (LB) District to a Conditional Use Highway Business (CU-HB) District. The site is lying along the west side of Old Winston Road, opposite Welch Drive.

b. Conditional Use Permit 06-30

A request by Crown GCA, LLC for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, landscaping & fencing, right-of-way dedication, construction easement dedication and vehicular access.

The public hearing regarding this matter was held on Tuesday, January 16, 2007 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

CITY OF HIGH POINT

PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

ZONING CASE 06-30

January 4, 2007

(Revised)

Applicant: Crown GCA, LLC Owner: R.R. King Rental, LLC

Proposal: To rezone 1.3± acre of a larger 6.8 acre parcel. From: LB Limited Business District

To: CU-HB Conditional Use Highway Business District

Site Information

Location Lying along the west side of Old Winston Road, opposite Welch Drive. The site is also known as Guilford County Tax Parcel 305-1-22 (portion of larger parcel)

Site Acreage Approximately 1.3 acres.

Current Land Use A car dealership (new & used automotive sales) is currently operating upon the western $\frac{3}{4}$ of this parcel. The 1.3 acres requesting to be rezoned is located at the rear or eastern $\frac{1}{4}$ of the parcel and is currently undeveloped.

Physical Characteristics The site is relatively flat.

Prox. to Water & Sewer City water and sewer utilities are currently available in this area.

Stormwater/ Drainage The site is not within a water supply watershed area;

stormwater controls are not required.

Overlay Districts None

Site Access & Street Classification

Street Name Classification Approximate Frontage

Old Winston Road Collector Street 320 ft.

Traffic Impact Analysis (TIA) A TIA is not required due to the size of this site, requested zoning district and allowable uses.

Surrounding Area Zoning and Current Use

North CU-SC Conditional Use Shopping Center Home improvement store

South LB Limited Business Automotive repair facility

*East CU-LO RM-8 Conditional Use Limited Office Residential Multifamily-8
Office use Apartment complex*

West HB Highway Business Automotive sales

School District Information

Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History

Land Use Map Designation The site has a Community/Regional Commercial land use designation. This classification includes a wide range of retail or service uses intended to serve the entire community and nearby regional customers.

Relevant Land Use Plan Goals, Obj. & Policies The following goals and objectives of the Land Use Plan are relevant to this request: Goal #2: Encourage development that enhances and preserves established neighborhoods; Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development; and Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.

Relevant Area Plans None

Related Zoning History 1. Zoning Case 94-12 for CU-SC District and CU GO-M District. A 15 acre site lying along the west side of Old Winston Road, opposite Moffitt Drive. This site is directly north of this current request. 2. Zoning Case 94-14 for CU-LO District. A 0.4 acre site lying at the northeastern corner of Old Winston Road and Welch Drive. This site is directly east of the current request.

Background Information:

The zoning site is part of a larger 6.8 acre parcel, which is split lot zoned HB District and LB District. The eastern $\frac{3}{4}$'s or the N. Main Street frontage of this parcel has a HB District zoning and is currently being used as a car dealership. The applicant is requesting rezoning of the 1.3 acres to the rear or eastern $\frac{1}{4}$ of this parcel in order to expand activities related to the car dealership, specifically to store vehicles and to permit automobile towing & storage services use and vehicular storage associated with this use. These uses are not currently permitted

under the LB District zoning on this portion of the site.

Issues:

Major Issues

v None

Minor Issues

v None

Findings:

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a zoning map amendment and Conditional Use Permit may be approved. 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 required findings.

That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety; staff finds

Compliance v The applicant has offered to dedicate right-of-way and to dedicate a construction easements to facilitate the planned widening of Old Winston Road. v The larger 6.8 acre parcel, which includes this zoning site, has two access points from N. Main Street that serve the site. In addition, there is also a shared access point to Old Winston Road with the abutting retail use to the north (Lowes home improvement store) that provides rear access to the site. The applicant has offered to prohibit any direct access to Old Winston Road for any use (principal or accessory), associated with motor vehicle sales or automobile towing & storage services uses.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance v Under the HB District standards, the entire parcel, not just this area proposed to be rezoned, would be subject to the following standards of the Development Ordinance for an automotive towing & storage services use. Ø No more than twenty (20) motor vehicles being stored on the premises at any one time. Ø A minimum six (6) foot high opaque fence of acceptable screening material, approved by the City of High Point Code Enforcement Officer, shall surround automotive storage area. v In regards to car dealership use, the Development Ordinance requires that no vehicle is to be located closer than ten (10) feet to the street curb or edge of pavement and is prohibited from being located within any right-of-way, required parking area, or planting yard. v The Development Ordinance requires a street yard planting area along the Old Winston Road frontage of the zoning site consisting of an 8 foot wide area with 2 trees and 17

shrubs every 100 linear feet. To ensure development of the zoning site will not negatively affect the adjacent residential neighborhood, the applicant has offered to provide a higher standard street planting yard consisting of minimum 25-foot wide Type B planting yard along the Old Winston Road frontage of the site. The Type B planting rate will provide 8 trees and 25 shrubs every 100 linear feet.

That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance v This segment of Old Winston Road, between E. Hartley Drive and N. Main Street, is the division line or transitional area between commercial uses lying along the west side of Old Winston Road and residential neighborhood along the east side of Old Winston Road. The conditions offered by the applicant to restrict the type of HB District uses, provision for a higher standard street yard landscaping along Old Winston Road and prohibiting direct vehicular access to Old Winston Road for automotive related will ensure that development of the site will be in harmony with the adjacent residential neighborhood and consistent with the Land Use Plan. v To ensure public services and facilities are sequenced to meet demands of future growth, the applicant has offered to dedicate right-of-way and construction easements for the planned widening and improvements to Old Winston Road.

Recommendation:

Staff recommends approval

Based upon the conditions in the attached Conditional Use Permit application and the preliminary findings of fact, the request is consistent with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan.

The Department of Planning and Development recommends approval of the requested Conditional Use Highway Business (CU-HB) District and the accompanying Conditional Use Permit.

[end of staff report]

Following the conclusion of the staff report, Chairman Bencini asked if there were any questions.

Council Member Alexander asked how long a wrecked vehicle could be stored on the property. Lee Burnette, Director of Planning & Development, explained they would be limited in number (20) of any operation on how many disabled vehicles they could have on the site, but there was no duration limit. Council Member Alexander stated he wasn't opposed to give them a reasonable amount of time, but since this was a conditional use, he would like to see some type of time limit on any

vehicle that sits there whether it be for six months, ninety days, etc... since this was adjacent to a residential neighborhood in the core community. He pointed out that even though it was a respectable, good standing dealership today, Council's actions lasts forever.

Chairman Bencini opened the public hearing and asked if there was anyone present who would like to speak in favor of this request.

Derek Allen, an attorney with Brooks, Pierce Law Firm in Greensboro representing the applicant, spoke in favor. He explained that since this was a conditional use district rezoning, a junk yard would actually constitute a new use and a use that would not be permitted in this district because the only new use permitted would be a car dealership with ancillary uses under the HB designation and junk yards would not fit into that description.

Council Member Alexander asked Mr. Allen if he would be willing to add a condition that a car could not sit there for whatever period of time deemed to be reasonable. Mr. Allen explained that he would have to consult with his client, but didn't think they would be adverse or hostile to that kind of condition at all. Mr. Allen proceeded to give a brief history of how this request became necessary. He explained that Crown was actually leasing the property as they have done so for many years, and recently received a letter of non-compliance from the city's zoning enforcement officer and that no one realized that the back portion was zoned differently from the front. They felt the easiest way to remedy the situation would be to request a rezoning and originally asked for the same zoning as the front portion-which was HB. At that time, they were informed by staff that since this was a transitional area, staff wanted to have some conditions added. Since Crown was leasing the property, they had to involve the property owners in the decision because it involved them signing off and giving away rights that belonged to them and not to the tenant of the property. Mr. Allen noted they had come up with conditions that they believe would work for Crown in terms of this ongoing business enterprise that also worked for the underlying landowner in terms of them preserving those rights and going forward which worked also in terms of the staff's concerns. In a nutshell, he explained they were just trying to bring a current non-complying zoning scenario into compliance and asked if there were any questions.

Chairman Bencini asked how long it would take to get with Crown to establish a reasonable length of time that a disabled car could be parked on that section of the property. Mr. Allen felt that he could accomplish this in a matter of a couple of days.

Council Member Sims inquired about the point of access to Old Winston Road and if there was going to be an additional access. Mr. Allen noted that there was one shared access at the parking lot which was also shared by Lowes and explained that in the conditions, that as long as it remains a car dealership, there won't be

any direct access, but once that use changes to another permitted user under that condition in the HB zoning district, then application could be made to the Department of Transportation for one access point.

Chairman Bencini asked if there was anyone else present that would like to speak in favor of the request.

Don Nielson spoke in favor. He explained he was representing the owner of the property and that he agreed with everything that Mr. Allen. He noted, too, that he would have to check with his client as to what the appropriate time would be to store disabled cars. He pointed out that there would be significant setbacks and buffer yards which they agreed to as part of the conditional use permit and that it wouldn't be as visible as one might think from the road.

Chairman Bencini asked if there were any opposition comments. There being none, he closed the public hearing and made a motion to place this matter on Thursday's Agenda with a favorable recommendation for adoption pending hearing back from Crown and the property owner regarding the length of time disabled vehicles could remain on the property. Council Member Sims made a second to the motion.

For further discussion, Mayor Pro Tem Faircloth pointed out that enforcement may be an issue and he didn't see how it could be enforced.

There being no further discussion, Mayor Smothers called for a vote on the motion. The motion carried unanimously. [9-0 vote]

A motion was made by Council Member Bencini, seconded by Council Member Sims, that this matter be recommended for adoption. The motion carried unanimously.

Ordinance - Rezoning Case 06-33 - City of High Point - W. Lexington Avenue

070015

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

A request by the High Point City Council to rezone approximately 25.19 acres from the Residential Single Family-12 (RS-12) District to a Residential Single Family-15 (RS-15) District. The zoning site is lying south of W. Lexington Avenue and Trafalgar Drive, and abuts the Guilford County line.

Chairman Bencini noted that he had been advised by the city attorney that he should ask to be recused from voting on this matter due to a conflict of interest; this is where his residence is.

Council Member Whitley motioned that Chairman Bencini be excused from discussion and voting regarding this matter. Council Member Sims made a second. The motion carried unanimously.

Due to Chairman Bencini's recusal, Council Member Whitley chaired the remainder of the public hearing regarding this request.

The public hearing regarding this matter was held on Tuesday, January 16, 2007 at 5:30 p.m.

Herb Shannon of Planning & Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
ZONING CASE 06-33
December 12, 2006*

*Applicant: City of High Point Owners: Bill Milliken representing the
Emerywood North Subdivision property owners
Proposal: To rezone 25± acres. From: RS-12 Residential Single Family-12
To: RS-15 Residential Single Family-15*

Site Information

Location The site is lying south of W. Lexington Avenue and Trafalgar Dive, and extends westward to the Guilford County line. The site is also known as Guilford County Tax Parcel 254-6-1 thru 5, 9 thru 24 & 25 and 254-7-1 thru 14 & 18 thru 25.

Site Acreage Approximately 25 acres.

Current Land Use Single family residences.

Physical Characteristics The site has a gentle to moderately sloping terrain.

Prox. to Water & Sewer City water and sewer utilities are currently available in this area.

Stormwater/ Drainage The site is not within a water supply watershed area; stormwater controls are not required.

Overlay Districts None

Site Access & Street Classification

*Street Name Classification Approximate Frontage
W. Lexington Avenue Major Thoroughfare 660 ft.*

Traffic Impact Analysis (TIA) The site is 100% developed, a TIA is not required.

Surrounding Area Zoning and Current Use

<i>North</i>	<i>RS-12 Residential Single-Family-12 District</i>	<i>Single family dwellings</i>
<i>South</i>	<i>RS-15 PI Residential Single-Family-12 District</i>	<i>Public & Institutional</i>
<i>District</i>	<i>Single family dwellings Church</i>	
<i>East</i>	<i>RS-20 Residential Single-Family-20 District</i>	<i>Single family dwellings</i>
<i>West</i>	<i>RS-15 Residential Single-Family-15 District</i>	<i>Single family dwellings</i>

*School District Information**Guilford County School System*

The site is fully developed, thus the requested rezoning will not have an additional impact upon the Guilford County School system.

Relevant Land Use Policies and Related Zoning History

Land Use Map Designation The site has a Low-Density Residential land use designation. This classification is primarily intended for single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.

Relevant Land Use Plan Goals, Obj. & Policies This request is neither in conflict with nor does it promote those goals and objectives of the Land Use Plan.

Relevant Area Plans None.

Related Zoning History 1. Zoning Case 06-19 for CU RS-9 District. An 11.9 acre site lying along the south side of W. Lexington Avenue and west of the terminus of Trafalgar Drive. The applicant withdrew this request prior to City Council making a decision upon this request. 2. Zoning Case 01-22 for CU-PDL District. A 10 acre site lying at the northeast corner of W. Lexington Avenue and High Point-Wallburg Road. City Council approved a 28 unit townhome development upon this site. However, the site was purchased by the abutting property owner and unlikely to be developed. 3. Zoning Case 03-10 for CU RS-7 District. A 7.6 acre site located along the south side of W. Lexington Avenue approximately 450 feet west of High Point-Wallburg Road. The applicant withdrew this request prior to City Council making a decision upon this request. 4. Zoning Case 00-10 for CU-PI District. A 11.8 acre site lying along the south side of W. Lexington Avenue, approximately 500 feet west of High Point-Wallburg Road. The applicant was proposing to develop a 120 unit Congregate Care Facility. This request was denied by City Council.

Background Information:

The property owners of the Emerywood North Subdivision are requesting their subdivision be rezoned from its current RS-12 District to the RS-15 District. The idea of rezoning this subdivision was advanced following a recent rezoning application, Zoning Case 06-19, for 11.9 acres west of this subdivision at the terminus of Trafalgar Drive. This zoning request was withdrawn; however, the homeowners in this subdivision are of the opinion that the requested RS-15 District more appropriately reflects the character in which their subdivision has developed and that the requested RS-15 District may make it more difficult for adjacent larger parcels west of their subdivision to rezone to a higher density district. However, staff would note that the granting of the requested RS-15 District in no-way guarantees that adjacent larger parcels to the west will not develop in a manner different from the Emerywood North subdivision.

The Emerywood North Subdivision was platted and recorded in February 1974, and developed in the following years. The current zoning regulations were

adopted in 1992, prior to 1992 this subdivision had a R-3 District zoning which permitted 3 units per are and minimum lot size of 12,000 square feet. In 1992 when the City rezoned the entire city, in order to adopt the current Development Ordinance the R-3 District was eliminated. Because the RS-12 District contained the same minimum lot size and density as the former R-3 District, the RS-12 District zoning was placed upon this subdivision.

Concerning this zoning proposal, based upon how this subdivision has developed, staff has no major issues of concern. Although the request is not necessary, it does not conflict with the provisions of the Land Use Plan. The dimensional standards, including setback requirements, are the same for the RS-12 and RS-15 Districts. The only difference is that the RS-15 District requires an additional 3,000 square feet of lot area and the minimum lot width is 5 feet wider (80 feet for interior lots and 90 feet for corner lots). This subdivision is 100% built-out, site specific surveys of how each lot has developed have not been provided; however, based upon a cursory review of the subdivision it appears that the vast majority of the lots meet the requested RS-15 District standards. Staff is aware of three lots within the subdivision which are approximately 200 to 600 square feet under the minimum 15,000 square foot lot area standard of the RS-15 District and there may be other minor dimensional discrepancies. However, since the subdivision is fully developed and setback standards are not changing under this zoning proposal if a lot does not meet all of the RS-15 District standards it will simply be considered an existing non-conforming lot. No property owners will lose reasonable use of their property, and subject to meeting setback requirements a house on a non-conforming lot may expand and be rebuild in the event the structure is destroyed.

Issues:

Major Issues

v None

Minor Issues

v None

Recommendation:

Staff recommends approval

The request is consistent with the surrounding zoning and development in this area, and not in conflict with the goals and objectives of the Land Use Plan. The Department of Planning and Development recommends approval of the requested Residential Single Family-15 (RS-15) District.

[end of staff report]

Council Member Alexander asked if there were any properties in the subdivision under 15,000 square feet and what would happen if one of those houses burned to the ground. Mr. Shannon replied there were about three or four lots and explained they would be permitted to rebuild as a single-family structure meeting all RS-15 standards. He pointed out that the setbacks for the RS-12 and the RS-15 districts were the same and the only difference would be in the lot size with RS-15 having larger and wider lots. Mayor Smothers explained that if those standards were to ever change, they could always appeal to the Board of Adjustments.

Council Member Whitley asked if there was anyone present who would like to speak in support of this request.

Bill Milliken, who resides at 1406 Overland Drive, spoke in favor. He explained that he was representing forty-two of the forty-four families in the neighborhood that signed the petition. He informed Council that there were three houses that would be non-conforming and that all these owners have signed the petition and their properties conform to all the setbacks. He also pointed out that there were deed restrictions put in place when this subdivision was built that exceeds even the RS-20 zoning.

Council Member Whitley asked if there were any additional comments. There being none, he declared the public hearing closed and motioned to place this matter on Thursday's Agenda with a favorable recommendation for adoption. Council Member Sims made a second to the motion which carried unanimously. [8-0 vote] [Council Member Bencini was recused]

A motion was made by Council Member Whitley, seconded by Council Member Sims, that this matter be recommended for adoption, consent agenda. The motion carried unanimously.

Ordinance - Annexation 06-11 - McLarty/Collins - Payne Road

070016

Consideration of a voluntary non-contiguous annexation of approximately 49.73 acres located on the south side of Payne Road (Forsyth County) and west of Fenway Road (Guilford County) pursuant to petition submitted by Y. McLarty and Joyce Y. Collins.

The joint public hearing regarding this matter and related matter 070017 Ordinance- Rezoning 06-35- LandCraft Management, LLC- Payne Road with accompanying Conditional Use Permit was held on Tuesday, January 16, 2007 at 5:30 p.m.

Note: For specific comments made regarding this request, please refer to related matter 070017 Ordinance- Rezoning 06-35- LandCraft Management, LLC- Payne Road with accompanying Conditional Use Permit.

Herb Shannon of Planning & Development gave an overview of the staff report.

CITY OF HIGH POINT

DEPARTMENT OF PLANNING AND DEVELOPMENT

*STAFF REPORT**ANNEXATION CASE 06-11**January 16, 2007*

Applicant: Patty Y. McLarty and Joyce Y. Collins Owner: Patty Y. McLarty and Joyce Y. Collins

Request: Voluntary contiguous annexation to obtain City services including water and sewer. Effective Date: Upon adoption

Site Information

Location South side of Payne Road (Forsyth County) and west of Fenway Road (Guilford County) (see attached location map). The site is also known as Forsyth County Tax Parcels 5613 017C and 5613 017D.

Site Acreage Approximately 49.73 Acres

Current Land Use Vacant

Proposed Development Proposed to develop single-family units with access to Payne Road and Fenway Road.

Proximity to Water & Sewer Water is located on Skeet Club Road Sewer is located in Meadow Creek Development west of Johnson Street near Pond Haven Road.

Stormwater/ Drainage The site is subject to the Oak Hollow Lake General Watershed Area requirements of the water supply watershed regulations.

Engineered stormwater measures are required for multifamily development with an impervious surface area that is greater than 24% or more of the site and for single-family residential developments with a density of 2 units per acre or greater.

Current Fire District Horneytown Fire Department (Article 3A Chapter 69 of the General Statutes - Rural Fire District)

Overlay Districts Oak Hollow Lake General Watershed Area

Site Access & Street Classification

Street Name Classification Approximate Frontage

Payne/Bickford Road Collector Street 1,500 ft.

Fenway Road Local Street 275 ft.

Surrounding Area Zoning and Current Use

North RS-20 Residential Single-Family-20 District (Forsyth County) Single family dwelling and undeveloped parcels

South RS-20 Residential Single-Family-20 District (Forsyth County) Single family dwelling and undeveloped parcels

East	AG Agricultural District (Guilford County)	Single family dwelling and undeveloped parcels
West	RS-20 Residential Single-Family-20 District (Forsyth County)	Single family dwelling and undeveloped parcels

Summary

City department responses are attached addressing the short and long-term impacts along with effects on future planned improvements. No comments were provided from the Fire Department. The responses are based on the proposed development of 98 single-family attached and detached dwelling units with an anticipated average value of \$300,000 per unit. It is anticipated that the first units will be available in the Summer of 2008 with build-out in the Fall of 2010. Based upon the responses, proximity of the proposed development appears to impact maintenance costs and the efficiency of service delivery. Public Services cites a 2.3 mile diversion to provide garbage collection and acknowledges that maintenance costs of the utility lines will increase as older utility systems are extended to serve the outer limits of the service area. The water service will be provided by the City of High Point, which requires the developer to extend service an additional 4,200 feet to serve the development. The sewer service would be provided via gravity sewer from an existing outfall system located near Pondhaven Drive in Meadow Creek Subdivision approximately 7,300 feet from the eastern boundary of this proposed development. These utility extensions will reduce in length significantly upon construction of Meadow Valley Subdivision (Shugart Development between Basswood Avenue and Dilworth Road) and it would appear that these utilities will need to be constructed through the Meadow Valley development before this proposed development can be served. The Police Department expresses concern with criminal prosecution jurisdiction that this annexation and other Forsyth County annexations will pose. The Electric Department acknowledged that Duke Power would serve this site. They cited a concern regarding, "the possible request to light Dilworth and Payne Road between this new development and the existing City Limits." Under current policy, the City will not light this area.

Departmental Questions and Responses Police

Short Term Impact. Based on current levels of personnel, equipment, technology and expected budget resources, what impact will the amount of development proposed for the first complete fiscal year after annexation have on your department's operations (level of customer service, response times, maintenance, pick up routes, patrol routes, etc.)? Please explain your answer, including a brief description of what (if anything) will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Police Response: This area is in Forsyth County and is a significant development,

size-wise. The PD has jurisdictional issues that should be addressed before this annexation. Without some agreement with Forsyth County, any felony case arrests (murder, burglary, etc.) will have to be processed in Winston-Salem. There is not a contiguous city limit link to this development; city services will have to travel outside the city to get to this development. Major Derek Stafford

Effects on Future Planned Improvements. Will the development proposed by this annexation require that your department accelerate or move up the schedule of planned capital expenditures or other improvements, change the prioritization of existing projects, or accelerate or modify the implementation schedule for existing plans? Please describe.

Police Response: See above; jurisdictional issues, and possible time/travel cost issues if no satisfactory resolution with Forsyth County.

Long Term Impact. Referring to the proposed development's size and projected schedule to build-out, what is the total expected impact on your department's operations? Please explain your answer, including a brief description of what will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Police Response: As population increase in 1,000 person increments, current staffing levels should be increased by 2.3 officers and necessary equipment. This would maintain service and performance levels at current rates. There adjustments would not have to be made at the time of each incremental increase, but should be considered in 12-24 month cycles. Cost per officer is currently \$39,000 (initial outfitting & equipment) plus salary, generally in the range of \$36,000 plus benefits: approximately \$87,000 per officer; approximately \$203,000 for 2.3 officers.

Departmental Questions and Responses Public Services

Short Term Impact. Based on current levels of personnel, equipment, technology and expected budget resources, what impact will the amount of development proposed for the first complete fiscal year after annexation have on your department's operations (level of customer service, response times, maintenance, pick up routes, patrol routes, etc.)? Please explain your answer, including a brief description of what (if anything) will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Public Services Response: This site will be impacted by SOC wastewater flow restrictions.

Garbage routes will be diverted over 2.3 miles (round trip to site) from route to

serve a satellite area.

Effects on Future Planned Improvements. Will the development proposed by this annexation require that your department accelerate or move up the schedule of planned capital expenditures or other improvements, change the prioritization of existing projects, or accelerate or modify the implementation schedule for existing plans? Please describe.

Public Services Response: Should this development occur, the existing sewer outfall system, located to the east near Pondhaven Drive in Meadow Creek Subdivision, would need to be extended approximately 7300 LF by gravity to the eastern property line of this site.

The existing public water system is located near 206 Dilworth Rd and would have to be extended north on Dilworth Rd and west on Bickford Rd. The total water main extension to the site is approximately 4200 LF.

If the proposed Meadow Valley subdivision is constructed, the pipe lengths provided above would decrease significantly.

Both water and sewer system would be required to be stubbed to serve adjoining properties.

Long Term Impact. Referring to the proposed development's size and projected schedule to build-out, what is the total expected impact on your department's operations? Please explain your answer, including a brief description of what will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Public Services Response:

- 1) If extension of utilities in the area promotes additional development or voluntary annexation of residences, then one additional garbage route may be required.*
- 2) As water and sewer systems are extended, the older utility systems are taxed in supplying water and accepting wastewater from the outer extremities and maintenance costs increase.*

Departmental Questions and Responses Transportation

Short Term Impact. Based on current levels of personnel, equipment, technology and expected budget resources, what impact will the amount of development proposed for the first complete fiscal year after annexation have on your department's operations (level of customer service, response times, maintenance, pick up routes, patrol routes, etc.)? Please explain your answer, including a brief description of what (if anything) will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Transportation Response: There will be no considerable impact on our department's operation for the first year after annexation.

Effects on Future Planned Improvements. Will the development proposed by this annexation require that your department accelerate or move up the schedule of planned capital expenditures or other improvements, change the prioritization of existing projects, or accelerate or modify the implementation schedule for existing plans? Please describe.

Transportation Response: No. The proposed north-south connector will pass along the western property line. The developer is required to dedicate right of way for the proposed roadway.

Long Term Impact. Referring to the proposed development's size and projected schedule to build-out, what is the total expected impact on your department's operations? Please explain your answer, including a brief description of what will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Transportation Response: After the internal streets are constructed in the subdivision, initial costs incurred will be of installation of signs and pavement markings and then subsequently maintenance of these signs.

Departmental Questions and Responses Electric

Short Term Impact. Based on current levels of personnel, equipment, technology and expected budget resources, what impact will the amount of development proposed for the first complete fiscal year after annexation have on your department's operations (level of customer service, response times, maintenance, pick up routes, patrol routes, etc.)? Please explain your answer, including a brief description of what (if anything) will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Electric Response: This is indeed in the area assigned to Duke Power after annexation. We will not serve power to this site.

If the streets are private, Duke Power will work with the developer to determine the lighting and billing. The City of High Point would not be involved.

If the streets are public, then Duke Power will work with the developer to determine the type of lighting desired and bill the City only for the wood-pole equivalent of the lighting cost per month. The developer must pay Duke Power for the extra costs of the lighting system over the cost of the standard wood-pole cost. Duke Power is the sole contact for future repairs on the lights.

My only concern is the possible request to light Dilworth and Payne Road between

this new development and the existing City Limits. Under current policy, We WILL NOT light this area.

Effects on Future Planned Improvements. Will the development proposed by this annexation require that your department accelerate or move up the schedule of planned capital expenditures or other improvements, change the prioritization of existing projects, or accelerate or modify the implementation schedule for existing plans? Please describe.

Electric Response: See above response.

Long Term Impact. Referring to the proposed development's size and projected schedule to build-out, what is the total expected impact on your department's operations? Please explain your answer, including a brief description of what will need to be added, changed, upgraded or replaced and a rough estimate of costs.

Electric Response: See above response.

[end of staff report]

Motion by Council Member Bencini to continue the public hearing regarding this matter until February 19, 2007. Council Member Whitley made a second to the motion which carried unanimously. [9-0 vote]

A motion was made by Council Member Bencini, seconded by Council Member Whitley, that this matter be continued for February 19, 2007. The motion carried unanimously.

Ordinance - Rezoning Case 06-35 - LandCraft Management, LLC - Payne Road

070017

- a. Conditional Use Residential Multifamily-5 (CU RM-5) District.
Conditional Use Residential Single Family-9 (CU RS-9) District
A request by LandCraft Management, LLC to rezone approximately 49.7 acres from the Residential Single Family-20 (RS-20) District, within Forsyth County's zoning jurisdiction, to a Conditional Use Residential Multifamily-5 (CU RM-5) District and Conditional Use Residential Single Family-9 (CU RS-9) District. The site is lying south of Bickford Road and Squire Davis Road, and extends eastward to Fenway Road.
- b. A request by LandCraft Management, LLC for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, development/ dimensional & density standards, fencing/walls or similar barriers, lot combination, landscaping, right-of-way & improvements, vehicular access and turn lanes.

The joint public hearing regarding this matter and related matter 070016 Ordinance- Annexation 06-11- McLarty/Collins- Payne Road was held on Tuesday, January 16, 2007 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

*CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT*

*STAFF REPORT
ZONING CASE 06-35
January 5, 2007
(Revised)*

Applicant: LandCraft Management, LLC Owner: Joyce Y. Collins and Patty Y. McLarty

Proposal: To zone 49.7± acres in order to develop a mixed residential development consisting of single family detached, twinhomes and towhome dwellings. From RS-20 Residential Single Family-20 District (Forsyth County) To CU RS-9 CU RM-5 Conditional Use Residential Single Family-9 District Conditional Use Residential Multifamily-5 District

Site Information

Location The site is lying south of Bickford Road and Squire Davis Road, and extends eastward to Fenway Road. The site is also known as Forsyth County Tax Parcels 5613 017C and 5613 017D.

Site Acreage Approximately 49.7 acre

Current Land Use One single family dwelling and an undeveloped parcel.

Physical Characteristics The site consists of open pasturelands with a moderately sloping terrain. There are two ponds in the center of the site and an intermittent stream runs through the site, from west to east, through these ponds.

Prox. to Water & Sewer City water and sewer utilities are not currently available in this area.

Stormwater/ Drainage The site is subject to the Oak Hollow Lake General Watershed Area requirements of the water supply watershed regulations.

Engineered stormwater measures are required for multifamily development with an impervious surface area that is greater than 24% or more of the site and for single family residential developments with a density of 2 units per acre or greater.

Overlay Districts None

Site Access & Street Classification

<i>Street Name</i>	<i>Classification</i>	<i>Approximate Frontage</i>
<i>Payne/Bickford Road</i>	<i>Collector Street</i>	<i>1,500 ft.</i>
<i>Fenway Road</i>	<i>Local Street</i>	<i>275 ft.</i>

Traffic Impact Analysis (TIA) A TIA is not required due to the size of this site, requested zoning district and allowable uses.

Surrounding Area Zoning and Current Use

North RS-20 Residential Single-Family-20 District (Forsyth County) Single family dwelling and undeveloped parcels

South RS-20 Residential Single-Family-20 District (Forsyth County) Single family dwelling and undeveloped parcels

East AG Agricultural District (Guilford County) Single family dwelling and undeveloped parcels

West RS-20 Residential Single-Family-20 District (Forsyth County) Single family dwelling and undeveloped parcels

*School District Information**Winston-Salem/Forsyth County School System*

<i>Schools serving zoning site</i>	<i>Maximum Capacity</i>	<i>Current Enrollment (Fall 2006)</i>	<i>Mobile Classrooms</i>	<i>Additional Students</i>
------------------------------------	-------------------------	---------------------------------------	--------------------------	----------------------------

<i>Union Cross Elementary</i>	<i>753 w/o mobile class</i>	<i>1,107 with mobile class</i>		<i>1,088</i>
<i>16</i>	<i>55</i>			

<i>Southeast Middle</i>	<i>904 w/o mobile class</i>	<i>976 with mobile class</i>	<i>946</i>	<i>4</i>	<i>27</i>
-------------------------	-----------------------------	------------------------------	------------	----------	-----------

<i>Glenn High School</i>	<i>1,310 w/o mobile class</i>	<i>1,574 with mobile class</i>	<i>1,591</i>	<i>13</i>	<i>26</i>
--------------------------	-------------------------------	--------------------------------	--------------	-----------	-----------

Additional School District Remarks: Union Cross has pending in Forsyth County 640 new homes = 250 students; Southeast Middle has pending 673 new homes = 131 students and Glenn High has pending 947 new homes = 268 new students. Also the new proposed Caleb's Creek with 2,333 homes could provide 1044 elementary, 522 middle and 696 high school students

Relevant Land Use Policies and Related Zoning History

Land Use Map Designation The site has a Low-Density Residential land use designation. This classification is primarily intended for single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.

Relevant Land Use Plan Goals, Obj. & Policies The following goals and objectives of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels. Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations.

Relevant Area Plans None

Related Zoning History Zoning Case 06-15 for CU RS-9 District - A 87 acre site lying along the north side of Skeet Club Road and extending north and west to include frontage along the east side of Dilworth Road at its intersection with Bickford Road. The Dilworth Road/Bickford Road frontage of Z06-15 is

approximately 2,000 feet east of this current zoning application site.

Background Information:

The applicant is requesting annexation and initial city zoning in order to develop a mixed-use residential development consisting of townhomes, twin homes, and single family detached dwellings units. The applicant is proposing to develop 122 dwelling units upon this 49 acre site, which equates to a gross density of 2.5 units per acre. Along with a zoning request the applicant has submitted a Conditional Use Permit that notes restrictions and development requirements above that of the Development Ordinance. Key highlights of this permit are as follows:

Ø Overview of Development Tracts

Tract Acreage Proposed Uses

Tract 1 20+ acres Proposed RM-5 District zoning Proposed uses may consist of any mixture of the following: · Single family detached dwellings · Townhome dwellings · Twin home dwellings If not developed for single family detached units this tract is limited to a maximum of 50 townhome/twin home dwellings.

Tract 2 29+ acres Proposed RS-9 District zoning To be developed for single family detached dwellings (approximate 72 dwelling units).

Ø Minimum 30 foot wide Type B planting yard along the western boundary of Tract 1 and a 20 foot wide Type B Planting yard along the southern boundary of Tract 1. The Type B planting yard consists of 8 trees and 25 shrubs every 100 linear feet.

Ø Only one point of vehicular access will be permitted from Payne/Bickford Road and from Fenway Road. Stub streets will be provided to the southern boundary of Tract 2 and the southwestern boundary of Tract 2.

Ø The applicant has offered to provide the following roadway improvements:

- Dedication of property for future widening and improvements to Payne/Bickford Road and Fenway Road, and dedication of property for the proposed north-south connector from I-40 to I-85 as shown on the High Point Urbanized Area Thoroughfare Plan Map.*
- Construct a westbound left turn lane on Payne/Bickford Road at the access point into the site and improve the north/south segment of Fenway Road from its intersection with Payne/Bickford Road to the access point into the site.*

Issues:

Major Issues

v Adequate Public Facilities:

The Land Use Plan addresses the provision of public services and facilities being sequenced to meet the demands of development. Currently there are no city service vehicles traveling in this area. Staff is currently awaiting an analysis from the various city service providers as to their ability to provide city services to a

residential development upon this site, which will be included in the annexation report.

Water and sewer lines are required to be extended by the developer to serve the site. City water mains are along Dilworth Road near the Skeet Club Road intersection. Gravity connection to a city sewer main is approximately 7,000 feet away at the western edge of the Meadow Creek subdivision along Johnson Street. This distance would be reduced to approximately 2,300 feet if the necessary sanitary sewer easements can be secured from private property owners for the proposed residential subdivision associated with Zoning Case 06-15. If, or when this sewer line is constructed, the applicant could extend a sewer line to serve this proposed development from the Dilworth Road area.

Minor Issues

- v Compatibility with abutting single family homes - Provision of a wider planting yard along the southern boundary of Tract 1 will further enhance compatibility with abutting single family dwellings.*
- v Street access and connectivity - The Transportation Department recommends the inclusion of a street stub to the southern property boundary of Tract 1 to provide additional connectivity.*
- v Recreational area - No conditions have been offered to provide this proposed 122-unit development with recreation uses. The single-family detached units will have the ability to provide some recreational area upon their individual lots; however, the smaller lot area of the townhome/twin home tract does not provide the same recreational opportunities.*

Findings:

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a zoning map amendment and Conditional Use Permit may be approved. 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 required findings.

That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety; staff finds

Compliance v The applicant has offered to dedicate right-of-way for future road improvements upon abutting roads, improve Fenway Road, install a turn lane and to limit access to the site from Payne/Bickford Road & Fenway Road. These improvements will assist in easing traffic congestion and facilitate turning movements. v The applicant has offered to provide street stubs to undeveloped land to the south and west for future roadway connections.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance, subject to staff recommendation v The site is approximately 650 feet east of the major intersection of NC Highway 66 and Payne Road. NC Highway 66 is designated as a major thoroughfare and Payne/Bickford Road is designated at a collector street. Additionally, the preliminary alignment of a north/south major connector road from I-40 to I-85 clips the northwestern tip of the property. Based upon the proposed long-term development pattern and road network of this area, development of townhomes upon the western portion of the site will be in harmony with surrounding area. v To ensure that the mass and scale of townhome units are compatible with abutting single family dwellings, the applicant has offered to restrict townhome structures to a maximum of 3 units per building. v The requested RS-9 District will require a minimum lot size of 9,000 square feet and a minimum lot width of 60 feet. Under the RS-9 District the typical interior lot will be 60 feet by 150 feet and have a buildable area of approximately 4,500 square feet. This will permit dwelling units of a similar size or larger to those in the surrounding area. v For the purpose of enhancing compatibility with abutting homes to the townhome/twinhome tract, the applicant has offered to provide a minimum 30 foot wide landscaping yard along the western boundary of Tract 1 and a 20 foot wide landscape yard along the southern boundary of Tract 1. These landscaping yards are to be planted at a Type B rate. The provision of a wider planting yard of at least 30 feet along the southern boundary of Tract 1 will provide for better protection for the abutting single family homes.

That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance, subject to staff recommendation v The zoning site is noted upon the City of High Point Land Use Map as Low-Density Residential, which is intended for residential uses and density up to 5 dwelling units per acre. The applicant has offered to restrict the development of the site to a maximum of 122 dwelling units, which equates to a density of 2.5 units per acre. v The Land Use Plan contains policy pertaining to the provision of adequate public facilities being sequenced to meet the demands of development. Compliance with this policy is subject to confirmation from the various City departments as to the ability to serve a residential development at this location.

Recommendation:

Staff recommends approval with amendments

The Planning and Development Department recommends approval subject to the following amendments

Amendment #1 Conditional II. E.2 (Landscaping) be amended to provided

additional buffering next to adjacent single family homes

E: Landscaping:

2. A minimum thirty (30) foot wide Type B planting yard shall be provided along the western boundary and southern boundaries of Tract 1 and a minimum twenty (20) foot wide Type B planting yard shall be provided along the southern boundary of Tract 1. In the event single family detached dwellings are developed in Tract 1, this planting yard shall not be required.

Amendment #2 Amend Conditional II.F.2.b (Access). The Transportation Department recommends a condition be added to provide for an additional stub street to the southern boundary of Tract 1.

F: Transportation:

2. Access:

b. Provide one street stub to the southern property boundary of tract 2, near the eastern property boundary and one street stub to the southern property boundary of Tract 1, near the western boundary of the property.

Based upon the staff recommended amendments, staff finds that the request will be generally consistent with the surrounding zoning and development in this area and generally in compliance with the goals and objective of the Land Use Plan; if at a minimum, these amendments are incorporated into the Conditional Use Permit.

[end of staff report]

_____ Transcript of Public Hearing: January 16, 2007 _____

Mayor Smothers: If anyone who has come in that wants to speak on this issue that has not been sworn in, you will need to tell us before you speak so you can be sworn in.

Herb Shannon: This is an annexation and rezoning request. The applicant is requesting annexation and initial city zoning for this 49 acre parcel. They are requesting to develop a mixed residential development consisting of townhomes, twinhomes and single-family dwellings. Just to note to everyone where we're at... this is Highway 66. This is Payne Road at the County line-this is the Guilford/Forsyth county line that turns into Bigford Road. Skeet Club Road is out here to the south. The area's highlighted in white are areas that are currently within the city limits. The areas in gray are currently outside the city limits and are either in Guilford or Forsyth County.

In regards to the annexation portion of the request, the applicant is requesting voluntary annexation of a non-contiguous piece of property in order to obtain city services. The annexation report begins on page 37 of your packet. On page 39

through 42, there are comments from the various city's service providers. Key issues that they noted were the following: First, based upon the responses, proximity of the proposed development appears to impact maintenance cost and efficiency to service delivery. Public Service cites a 2.3 mile diversion to provide garbage collection. Water services will be provided by the City of High Point, but would require extension of the sewer from the Meadow Creek Development which is along Johnson Street. Lee, if you could zoom out a little further please. Just for those who are not familiar with it, that's going to be further on up in this area where sewer will be extended, so the applicant will be required to obtain easements from abutting property owners for extension of that sewer line. The Police Department expressed concerns with criminal prosecution that the annexation site is in Forsyth County that will require their officers to go to Forsyth County for any type of testimony or prosecution. The Electrical Department acknowledged that Duke Power would be serving this area, but cites concerns regarding the possibility of requests for lighting along Dilworth and Payne Road. This is Dilworth and Payne Road. They expressed concerns about if this area is annexed, would there be a request for street lighting in that area. No response was received from the Fire Department at the time this report was presented. We just received comments this afternoon from them and Mr. Burnette is handing out the information to you for your review.

In regards to the zoning portion of this request, currently the site has a RS-20 zoning within Forsyth County. The applicant's requesting a dual zoning for this site. They're requesting that Tract 1 in this area right here be rezoned to a Conditional Use Residential Multi-5 District. That area is approximately 20 acres and the applicant is proposing that area be developed either with single-family detached townhomes or twinhomes dwellings. And, they included a condition that if it's not developed for single-family detached, that it be limited to a maximum of 50 townhomes or twinhomes.

Tract 2-that's this area right here. The applicant's requesting a Conditional Use Residential Single Family-9 for that portion of the site and they're proposing single-family detached dwellings in that area. That's about 29 acres and approximately 72 dwellings are anticipated for that area.

Along with the rezoning request, the applicant has submitted a conditional use permit that is included in your packet. Highlights to touch on. Number one: the applicant has offered to provide higher landscaping standards around the perimeter of the site-specifically in regards to Tract 1. Along the western boundary in this area, the applicant has offered a minimum 30 foot wide Type B planting yard for Tract 1. Along the southern boundary of Tract 1, the applicant has offered to provide a 20 foot wide Type B planting yard. And, just for the members of the public...the Type B planting rate consists of 8 trees and 25 shrubs every 100 linear feet. They've offered conditions that there be only one point of access on Payne Road and one point of access on Fenway. This is Fenway here, so it would be one point of access here and one point of access on Payne Road.

And, they've offered conditions for one street stub to the south of Tract 2 in this general area. One street stub to the west of Tract 2 in this general area with the intent that it line up with the Welborn right-of-way further to the west. They've also offered to dedicate right-of-way along Payne Road for future widening improvement for a left turn lane into the site and they've offered right-of-way for the proposed north/south connector from I-40 to Business-85 and that's to be along the northwestern portion of the site where they've offered that right-of-way.

That's a quick overview of the conditions. As far as issues of concerns, the main issue that staff noted was adequate public facilities and those are highlighted from the items in the annexation portion of the report. Minor issues: compatability with abutting single-family homes. Staff is recommending that a 30-foot wide Type B planting yard be provided along the southern boundary-the same as what's been offered along the western boundary of Tract 1. The second minor issues is street connectivity. The Transportation Department is recommending inclusion of an additional street stub at the southern boundary of Tract 1. Basically, in this general area, they're recommending there be an additional stub street for future connectivity. A final item that we noted was no conditions have been offered to provide this development which could have up to 122 dwelling units with any type of recreational use. The single-family detached units with the yards that will be included those minimum lot size, those property owners would be afforded the ability to have some on-site recreational area on the site. The main issue of concern was dealing with the townhome or twinhome section of the development.

In your report, we've also noted findings. In regards to public safety, we noted compliance. In regards to the finding that the request would not substantially injure the value of abutting property owners, we noted a finding of compliance subject to staff recommendation. This site is noted on our Land Use Map as having a low-density residential designation. This is a composite of our Land Use and Zoning Map. The areas noted in yellow are designated as low-density residential which permits densities for up to 5 units per acre. The request is addressing or within those guidelines. The requested RS-9 district could be generally compatible with the surrounding area. The one issue that we noted compliance subject to staff recommendation is if a wider planting yard...30 feet along the southern boundary could be provided ...that would enhance compatibility of the abutting property owners. The final criteria that we looked at was that the request and the character of the development would be in harmony with the area. As conditioned, they're looking at a density of approximately 2.5 units per acre-that is in line with the Land Use Plan for the area. And, the Land Use Plan contains a policy pertaining to the provision for adequate public facilities. Subject to the Council being comfortable with those issues raised in the annexation report, that would be compliant subject to the determination that they've met those issues of concerns raised. In conclusion, staff is recommending approval of this request with two amendments and those are outlined in your packet. The first is amending the landscape condition to increase that planting yard along the southern boundary of Tract 1 from 20 feet to 30 feet. And, a

recommendation from the Transportation Department that a condition be added to provide a stub to the southern boundary of Tract 1. This request was reviewed by the Planning and Zoning Commission at their December 12th meeting and they recommended approval of this request. Are there any questions?

Council Member Wilkins: Herb, where does the water come to here?

Herb Shannon: Water would be required to be extended along Dilworth Road in the existing water lines. Is that your question?

Council Member Wilkins: Yes.

Herb Shannon: I believe we have water lines up to this area. The applicant would be required to extend water up Dilworth Road either along Fenway or Bickford into the zoning site. In the event that this area over here-this has not developed yet-but has been annexed and approved for a rezoning for single-family dwellings. In the event that this area develops prior to this site, water is proposed to be extended up through here and it could be extended along Bickford Road, so it may become a timing issue. If the applicant comes in first, they'll be extending it up Dilworth Road. If this development comes in first, water will be required to be brought up Dilworth Road by this developer and they would just have to extend it along Bickford Road to the zoning site.

Council Member Wilkins: So, when we extend water, we extend it based on the streets...like we don't really go in land....

Herb Shannon: Correct. It would have to be extended in the right-of-way and that would be the responsibility of the developer.

Chairman Bencini: Herb, these two tracts in question, are they included in that area that's under study in the Heart of the Triad Plan?

Herb Shannon: I believe this may be near the southern boundary. Maybe Mr. Burnette can give you a little more clarification on that.

Lee Burnette: As of the latest with that study...what is actually being looked at is they're suggesting a very core area to be included for collin???? Development of some sorts. This area right here would still remain in High Point's jurisdiction under that proposal.

Council Member Alexander: Mr. Burnette, you had a map up before that had some green on it and in addition to that some yellow. The green area, what type of development do we hope to see occur in that area?

Lee Burnette: To give you a little bit of the background. When we did the 2000 Land Use Plan, there was new category added for future growth. The future

growth category was added primarily to sort of look at towards the future of areas that based at the time the Land Use Plan was completed, that lacked the ability to serve that area. That doesn't mean that in the future or in the near future that the city's ability to serve couldn't come into play-so the areas were carved out particularly on the periphery of the city as future growth areas. This area to the south, particularly along 66 was added during the hearing processes as a future growth area-to some degree because of concerns for development to the south, but also for the fact that water and sewer, particularly near the interchange of 66 and US 311 had to come from the south. That's why a majority of this area was put in the future growth.

Council Member Alexander: Have we looked at land use for that area or have we just left it kind of open?

Lee Burnette: We're continuing to look at it. The city has looked at that area, historically, and that's one of the areas that the city has targeted for some type of restricted industrial development that would be ideal for a business park development or some mixed-use. It would require, again, the extension of services to this area, and basically a willing property owner to go forward.

Council Member Alexander: and, would these...I mean if the connector road went through there and that connector road were limited access, could Tract 1 and Tract 2 develop in more of an industrial park as opposed to roof-top residential. Is there some reason why that land wouldn't be able to be used for another use?

Lee Burnette: I think when looking at the Land Use Plan in 2000, and really prior to that-that was the adoption date. A lot of what was being looked at at that time was looking at the industrial development to the south there at the interchange. The area to the north, because of the existing infrastructure roadway systems and to some degree the existing residential pattern that's in that area, you can even see immediately to the west and immediately to the north, you can't see it on this map because it's outside the map but it's also outside of High Point's planning jurisdiction. There are several rural subdivisions and once you get further north, the topography starts to get a little rough. So, yes, this area you could look at this as some other use-given the uses to the south, but I think primarily the reason why this is looked at as continued residential was looking at the existing conditions and to look towards the future as to what the possible uses are and the fact that the topography and the rural subdivisions that are already in existence in that area really didn't lend itself to a lot of potential industrial development. Particularly without good access. Now, with the north/south connector and with the Heart of the Triad project, there could be some changes to that, but I think even under the proposed plan that's being put forth there in this area, you're primarily looking at higher density residential-not necessarily say industrial development.

Chairman Bencini: Lee, the area adjacent to the north and to the east of the so-called future growth there, the yellow area there, it looks like there's a lot of

property there that hasn't developed that's fairly undeveloped and I guess my question in terms of looking at the potential to have higher value, non-residential property, I'm curious as to why that wasn't included, I guess, in the future growth plan.

Lee Burnette: Well, I think, again, if I may just sort of explain what was looked at in 2000. Can you slide that up just a bit, Herb? The Land Use Plan in 200, if I can recall when it went forward, was basically.....If a large portion of this area right here was indicated for restricted industrial development and that's because of the large farm property that's there. There's also some higher density development looked at particularly along the Skeet Club Road frontage because it backed up and there was some discussion and thoughts about a road system connection between 66 and Skeet Club Road to provide some connectivity. This was mainly focused on as a business park or a nodule type of development not necessarily looking at increased industrial development. Can you zoom it a little bit more, Herb? I think since that time, I think you're still looking at some of the same features and characteristics because you've got stream development through here that channelizes and cuts up some of this property. Since that time of the Land Use Plan in 2000, these are now protected corridors. So, I think even the fact that if you factor out the rural subdivisions that exist in some of the areas to the north up here, and you look at just the tracts that exist through here and then you just start adding the fact of stream connectivity through there, there's really nothing here to lend itself to industrial development unless you start putting these rural subdivisions with that. I think, you know, if we're looking at this and looking at what's possible with the Heart of the Triad, I think realistically, you're looking at, at least in this particular area, the opportunity for some higher density development that could support business development here and business development could happen further north.

Mayor Smothers: One further clarification on the north/south connector. There has been an adequate provision made for the dedication of that right-of-way? I know it's in here, but....

Mark McDonald: Yes mam, as best as we can determine at this point what that right-of-way would need to be. In the top left corner of Tract 1, that angled corner cut, that lines up pretty much where Squire Davis intersects with Payne Road in that general area.

Council Member Alexander: Mark, if that occurs, what would happen to those houses that are along through there?

Mark McDonald: Those houses would have to be purchased as part of the project.

Council Member Alexander: So, it wouldn't be residential then.

Mark McDonald: Not the properties that are along 66 right there. Keeping in

mind that the north/south connector is probably 20+ years out.

Mayor Smothers: Don't say that.

Mark McDonald: Well, the truth is the truth.

Chairman Bencini: Back to the point that if there's going to be transitioning in some other uses there because of the road improvement, does it make sense to start establishing large residential tracts within close proximity to a major thoroughfare and sometime down the road major thoroughfare?

Mayor Smothers: Of course, that major thoroughfare would have limited access.

Chairman Bencini: Which major thoroughfare are we talking about? Sixty-six or....

Mayor Smothers: North/South.

Council Member Alexander: Even with limited access, that's going to islandize....

Chairman Bencini: It's close enough to the intersection, that there's going to be access somewhere in there because of the intersection. And, of course, these two tracts that we're looking at are very close to the intersection and you have to ask the question, are we overlooking the opportunity for the kind of development that would be a higher use at least in terms of the city's tax base.

Chairman Bencini: Anyone present care to speak in favor of this request?

Tom Terrell: Thank you Chairman Bencini. Madam Mayor and Members of Council, I'm Tom Terrell, 529 W. Parkway Avenue, representing LandCraft Management. Many of you know this tract of land. I think several folks have known Jay and Henrietta Young who have lived on this site for many, many decades. Their daughters, Joyce Collins and Patty McLarty are here. You also probably know Patty's husband, George McLarty. This is a classic example. Lee, if you could, put that first thing up there that I just handed you-the site plan. I'll come back to this. This is a...if you could bring it out a bit so we can see that....it's a classic example of something that doesn't look today like it looked the first time it went into the planning department. There are quite a few changes that have been made and conversations with both Transportation and Planning Department-primarily the multi-family section was right down here. It used to have single-family up here. The entire Transportation layout is different. In fact, it was a brand new issue when it first emerged as to what was this thing called the north/south connector. And, we had to make some sort of provision for that.

Let me speak first about compatibility. This is an interesting conversation. We're hearing right here for the first time about the possibility of this being something

where we should have a higher use. In fact, when LandCraft was looking at this site, all the city's Land Use Map's were saying up to five units per acre. And, that was what they were relying upon when they started to spend money to develop this site and do the due diligence. Now, of course, then there's the rock and a hard place. The neighbors or some neighbors think that's way too high for what's being offered, so we're not sure who is....who we need to make happy here tonight, but we do have before you what we've offered. The Land Use Map does call for up to 5 units per acre, but the density that you're looking at is pretty close to 2.2-partly because there are ponds right here that have to be protected and will be protected. Those-not only are the ponds right here-but there's a stream and some wetlands down in here that take up an awful lot of the density. And, of course, there are ponds as you can see this flow here and here and a detention pond up here that is necessitated by that development.

I could repeat a lot of the conditions that are in the conditional use permit, but I don't think that's necessary to do, but I think it is important to address some of the issues that have come out in the staff report. I'll be very brief. First, on the issue of transportation, there are four points of access: one to the south; one here to the west; to the east; to the north. This point of access was not and had not been offered only because for 50 acres, this is an extremely interconnected site and it was possibly eating up some of the units there that were absolutely necessary for this project. As was that buffer. This neighbor right here was not calling for that buffer; she was quite happy with 20 feet, but I'm here to say that LandCraft has worked on its configuration and can meet that 30 feet without losing units, it thinks, as well as to put this stub in. So, given that, we'd like to go ahead and take that issue off the table because we think we've now worked that out. So that southern buffer that the staff has asked for 10 feet above what the ordinance calls for, even though neighbors have not, and I don't think there's any justification for it, let's go ahead and remove the issue. Let's make that an extra 10 feet and offer up a stub right here.

The other issue and we sort of had a mild disagreement with staff as it being recreation or not. This is a wonderful recreational area right here for passive recreation. Very nice, very level common area-not only for walking or playing, but also for those of you who are so-minded, it's a great place to fish. Ms. Collins and Ms. McLarty can tell you wonderful stories about grandchildren out there and the bass that they have pulled out of those ponds.

On the issue of annexation, I take issue with what we have in our staff report. Lee, could you put up the gray, the planimetric that shows where the city's line is? This is the Shugart tract that the City Council has just recently annexed. There's essentially one large tract of land between Shugart and this tract and if and when that ever develops, will be probably contiguity for those tracts of land. More importantly, if you would look at the staff report, and I hope you did not. It suggests that there is a 2.3 mile diversion for garbage trucks-for sanitation. That's not correct. At the most, that is a round trip calculation. But the suggestion was

that this was 2.3 miles outside the city limits. That's not correct. If you put your odometer on "0" at this point right here, where by the way, I'm sure there are city services in this area of high density, but if you put it on "0" right here and come up to this point of access-that's exactly five tenths of a mile-that's exactly one-half mile. So, I take some issue with that 2.3 miles. There's another 2.3 in the staff report. There's a suggestion that...and Mr. Faircloth knows far better than I, but for every 1,000 people you add to the population, it takes 2.3 police officers. If you use a reasonable assumption as to how many people could be in 122 homes, that would lead you to believe that it takes an entire one-half police officer for up to 122 homes. I just don't think that we would have a police officer up there two and a half days a week. We know that's not going to happen. It's not the type of subdivision or location where that would take place. None the less, that's in the staff report and I think I need to address that. If you do look, though, at the cost benefit analysis after all these costs have been taken into consideration, there is approximately \$450,000 left over after these costs have been assumed. Or, that's how I read it. I would be glad for somebody else to tell me I'm doing that wrong, but there is a net revenue and a gross revenue and the net revenue from this subdivision is \$450,000.

As to the electric as to asking to light the areas in between, we've never asked for that and I'm not sure where that issue comes from. That's not been a request from LandCraft or Shugart or anybody else that I'm aware of. On the issue of the Fire Department, we called them up and got a very rosy, cherry-it's no problem, we can contract with outside fire stations all the time.

Let me now move quickly to the....

Chairman Bencini: Tom, can you back up quickly to the police issue? The question about having to have High Point police officers deal in Winston Salem with situations that might happen in this area because....

Tom Terrell: That was in the staff report also. That's a good question, but my assumption is that High Point sits in four counties and if this is an issue that would not be unique to this subdivision. Every part of High Point in Forsyth, every part of High Point in Davidson, every part of High Point in Randolph and in Guilford, has to deal with that issue. I don't know how we deal with it, but I am sure we are not having to reinvent the wheel.

Council Member Alexander: Councilman Bencini, I believe we have an agreement in place with Davidson County where most of our residents live outside of Guilford County that we're able to process more serious crimes in Guilford County.

Chairman Bencini: But, we do not have this agreement with Forsyth County?

Strib Boynton: That's correct. No we do not.

Council Member Alexander: So, a serious crime would have to-the person being accused or charged would have to be then carried to Winston Salem and processed by a Forsyth County magistrate. If there were an agreement in place with Forsyth County, then we could process them here in High Point. But, I don't believe we have that in place right now.

Strib Boynton: We do not right now, but we'll have to work on that if this happens.

Tom Terrell: And, that's a good question. This is actually a new issue for me. I've never heard that issue raised before, but I guess that means we have to deal with it at some level higher than this one zoning issue. With respect to the neighbors, we had a neighborhood meeting. Everybody up in here was invited. We cast the net fairly widely and of course anybody in these surrounding tracts were invited to come. It was a sparsely attended meeting.

We, primarily, we have had among the neighbors some ongoing discussion with Mr. Anderson who is here tonight and I don't need to speak for him, but I would like to make some comments before he gets up to say how we dealt with his concerns. He has a primary concern about folks in this subdivision. He has a concern that there will be a lot of kids with ATVs....I need to see the southern stub from that...yeah, who will be going...his pasture is...this is his property line from here over. He has concerns about kids riding ATVs from this subdivision into his pasture. First of all, this is not the type of subdivision where you have a lot of people out riding ATVs, but LandCraft would be willing to state that the homeowners documents shall forbid ATVs and any use of ATVs within the development. To LandCraft, that's not a problem at all. Second, Mr. Anderson has been concerned about access along this right here. Actually, he's concerned about an access all the way up here so that they cannot ride ATVs. We met with him on the site as recently as this afternoon. What LandCraft is able to offer and will offer is a six foot stockade fence the entire length of this southern section right here.

Chairman Bencini: To be maintained in the future by the homeowner's association?

Tom Terrell: Absolutely. We have to work that out, but some of that fence will be on this persons lot and we may have to figure out how to create the restrictive covenants so that person has responsibility on his lot. But, that's just a legal issue that we'll have to deal with. The issue of a fence right here, there's already at least one and as we looked there today...a couple of fences right here already. We offered to plant a series of evergreens with very tight trunks to prevent any type ATV from getting through there. Mr. Anderson was not interested in that, so we are not offering that.

There are some issues of water quality and stormwater that may come up. We'll ask Rich Glover of Jamestown Engineering to address those. And, I believe that's

all that we'd like to present. We'd be delighted to answer any questions that you have.

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

Joyce Collins: Hi ladies and gentlemen. I'm Joyce Collins. I live at 400 Chesterwoods Court in High Point and I hope I get through this. In addition to cows, vegetables and wheat, my sister and I were raised on this land and it means a lot to us. Our mother and daddy farmed this land their entire life. Dad died three years ago and four month after that, mother had a stroke and she had to be put in assisted living. A time came that we had to make a decision as to what to do so we could continue her care. She died in October this year. [crying] Sorry.

Mayor Smothers: Take your time.

Joyce Collins: Thank you. My sister didn't want to do this because she was going to cry. Patty and I could not take over the farm because we have jobs and basically we are past that point in our lives. We looked really hard to find someone who could keep it as an operating farm. In fact, some of the neighbors wanted to buy it, but they could not meet the fair market value of it. So, we have been trying diligently and this is the best offer that we have come up with. These folks have been really, really conscientious about our concern with keeping the farm's character and preserving the lakes in which our grandkids caught fish and we had fish fry's and it was great. Anyway, Patty and I were raised to love our neighbors and we do. We had great neighbors when we were there and we would just like for them and ya'll to know that we've done everything we can to come up with the best solution for this land. Change is hard, but sometimes it just has to be done. Thank you.

Chairman Bencini: Thank you. Anyone else present that would like to speak in favor of this request? [none] Anyone present that would like to speak in opposition?

John Anderson: My name is John Anderson and I live at 9117 Fenway Road, Kernersville. I am the neighbor to the south that they've been talking about. Mr. Bencini, I have been told that there will be an intersection on the new four lane road in that area. I went to Planning and Zoning Friday and spent approximately half a day there and I expressed some of my concerns about this development. I don't want to try and stop it. I've known these girls all my life. We've both been raised there and, but we do need to make some modifications to this. We still have a working beef cattle farm there and we raise hay to sell to horse people.

One of my concerns is the entrance on Fenway Road. In 1963, the State Highway Department came to my father because the road came and automatically curved right on Fenway then it curves back to the left real hard there and they were

getting concerned about traffic at that time. So, my father and one of the neighbors got together and donated the land that is now called Bickford Road so that the road would go straight through instead of having to come down Fenway Road. The way it's drawn up now, 90% of the cars are going to come out on Fenway Road. There's still a curve there that goes down in a swag where you can't see where you come on top of the hill. Let me get some of my pictures here. [tape changed- Tape 2 of 2, Side A].....We have farm machinery that goes on this road. This particular piece of equipment happens to be fifteen foot wide. When a car goes down that hill in that hole and comes out, they's not but 180 feet between the top of that hill and the driveway that that piece of machinery comes out. This machinery does not run but about five or six miles per hour. There's not even time for them to react or the driver of the tractor to react to get out of the way.

Chairman Bencini: Could you show me on the map where that road is?

John Anderson: Right there.

Mayor Smothers: How far does the machinery go down the road, Mr. Anderson?

John Anderson: Do what?

Mayor Smothers: How far does the machinery go when it's on the road to another field or whatever?

John Anderson: We own the property all the way on Fenway Road. Sometimes we go down Dilworth Road. Sometimes we go Squire Davis Road. Where the rezoning sign is that is where their road is coming in to Fenway Road. You can see it going down into the curve there. Go ahead and put these other two up.

Council Member Alexander: Mr. Anderson, what's the width of Fenway Road?

John Anderson: The actual pavement is twenty foot. Fenway Road was just paved in the last two years. It's been dirt up until the last two years. There's a fifty foot right-of-way on Fenway Road, total. These are a little closer pictures. The one on the bottom is going down into the curve. The one on the top is coming up out of the curve. So, I would like to see this entrance closed. I was told at Planning & Zoning that ya'll allow the stubs to be considered the second entrance a lot of times and one of those stubs aligns up with Welborn Road and there's not but one property in between it. Welborn Road comes out on Highway 66.

I'm also concerned about flooding. Can you put the plat map up of the subdivision? I'm also concerned about flooding. All right, that's good. The property on the....can I see your pointer, Herb? There is approximately twenty acres right here on the upper side that drains across Payne Road right here. The State Transportation Department has a twenty-four inch tile under the road right here. This drains right down through here and turns and comes down the creek.

There's about fifteen acres on this side of Squire Davis Road that drains right down through here and comes under the road in a fifteen inch tile and drains right to here and comes into this upper lake. There's also about ten or fifteen acres right in here that drains back into this property. We own this L-shaped property that Mr. Terrell was talking about. Part of this property drains back into this. So there's approximately another forty acres that drains through this property into our property and during a heavy rain storms now, it floods through our pasture down there-sometimes as wide as forty feet at where it comes into Dilworth Road. Also, the lake, which I can't find the picture of, on the Young property, in a heavy rain, the lake runs over the dam. It has a pipe for a spillway, but the water runs over the dam in a heavy rain. So, any development we do here needs to contain 100% of its water to keep from flooding us any worse.

And, about the fence. I appreciate the offer for the backside. He's talking from right here to right here, but from right here to right here, they're talking about using this for recreation area for people to walk around, play in and that backs up to our pasture right here. People will be tearing down our fence, so I would like the fence put right on their side of their property to city standards, so they have to come through it before they tear our fence down.

Council Member Sims: Herb, can you move that up a little bit so we can see. Okay.

John Anderson: This is our property boundary right here and he's offered to put a fence right there. This is just open in between a big old hay field where you can walk, drive or anything out there. Put this up. This next picture coming up is this hay field on this other boundary. There's no ditches between the Young property or anything, you can drive your car, your truck or anything from one to the other. People will be all out in there and we can't have trash throwed all out in there because we're selling hay to horse people and it would be contaminated hay.

Also, another concern I have is pesticides and herbicide run off from these yards. Our cows drink out of the creek. We don't have another water source for the cows. We, as farmers, have to be licensed by the State of North Carolina to apply these things, but any homeowner can go to Lowes or Home Depot and buy anything they want to put on their yards-pesticides or herbicides. And, they wash their cars and that runs down through there. So, we need to contain this water somehow or another.

Also, I am extremely against the multi-family housing. It is not consistent with this area. This is the closes multi-family housing in High Point. It is on Wyndham Court off of Skeet Club. Houses like this are approximately 150-175 foot long. They are approximately 35-40 foot wide. That is a lot of roof water run off. I'd much rather see single-family homes. The yards are not much over 30 feet on these houses, so there's no where for the water to soak up. It has to run off. Also, another reason I'm against multi-family housing is the city makes the developer

build the streets to city standards. They make them put in the sewer to city standards and then they consider it private and will not service the sewer or the streets and the homeowners association has to pay for all that.

Chairman Bencini: Well, now that's not true.

John Anderson: Yes, it is true.

Mayor Smothers: It may be true in some developments, but they're older developments and it's not true in this case.

Chairman Bencini: We don't allow it anymore. Okay? We don't allow it anymore.

John Anderson: Well, let me tell you, I know where theys some right now-brand new developments that ya'll will not come out and clean the sewer.

Chairman Bencini: Well, I guess it depends on how you define brand new.

John Anderson: Well, they hadn't sold all the houses yet. They finally got them about all built.

Mayor Smothers: Mr. Anderson, anyway we've made our point and you've made yours.

John Anderson: Okay. All right. Also, if you do not close the entrance on Fenway, I would like farm signs to be installed on that. And, the size of the lots. They're asking for RS-9. Will you put this up? The top house is the closest development to us right now. That is RS-9. Look at the distance between the houses. There's no room for water to soak up when it runs off the houses. The bottom two houses is the closest RS-12 development closest to us. And, it's the one Mr. Terrell was talking about from his speedometer wasn't but a half a mile. I think it's a little further, but it's not two miles like ya'll were talking. It's not over $\frac{3}{4}$ to a mile at the most to the entrance on Payne Road. I would like to see the lots developed as RS-12. I was told at Planning and Zoning Friday that only Section B, I think ya'll called it B-the bigger section, that they probably would not lose over five lots to develop it RS-12 than RS-9.

I don't know about the schools. I have not seen any statistics on that, but my wife called Union Cross School which would be the normal elementary school in that area and they told her that it was designed for 750 students and today, they have 1,095 students in it. We did not call on any other schools. Any questions?

Mayor Smothers: Mr. Anderson, you said at the beginning that you didn't want to stop this development, so am I....and you have offered some alternatives for some things.

John Anderson: Yes mam. They told me at Planning and Zoning this was sort of "let's make a deal." [laughter]

Mayor Smothers: I'm not going to reply to that.

John Anderson: I don't want to...if these girls want to sell their land, I think they should be able to sell their land, but they should not be able to adverse affect our farm below the land.

Mayor Smothers: Well, and I think you, as well as we, heard Joyce talk about their concerns for their neighbors.

John Anderson: That is correct. We've known each other all of our lives.

Mayor Smothers: I noticed in the summary of the meeting with the neighbors, there were a number of notations made from addressing your concerns and I think there were some comments offered in that regard. There are trees that are going to be put in there and then the blockade fence which I think they were wanting to give you the key to, so you could get in and out, is that right Mr. Terrell? [Tom Terrell nodded in the affirmative]

Chairman Bencini: And, that's to be maintained in perpetuity I assume?

Mayor Smothers: Mr. Terrell, is that the fence you referred to that would have to have some covenants with the property owner?

Tom Terrell: It would be to make sure that where it crosses the road some right here and if NCDOT allows that, we think they will. We want to let Mr. Anderson have access to that.

John Anderson: I mean that's just a stubbed out road for future use, it's not....

Mayor Smothers: I understand, but I just wanted to make sure that

Council Member Alexander: Mr. Terrell, can I ask you a question? With respect to, I'm assuming that there are two ponds there, and I'm assuming that these ponds were probably built with what I call good ol'boy engineering. One of the lower pond, they're talking about the water will rise over and spill over the top of that.

John Anderson: This particular picture is the lower pond that the water runs over the dam when we have big rains. Now there is a pipe for the normal water to go over, but it will not carry.

Council Member Alexander: My question is, will the homeowners...what would happen if at some point that dam was not...if the integrity of the dam would not pass inspection?

John Anderson: This is an earthen dam that was probably built in the 50s.

Mayor Smothers: I think the question was for Mr. Terrell.

Tom Terrell: I'll have to talk to engineering

Mayor Smothers: I'm sorry, I don't know if Mr. Anderson is through.

John Anderson: You can talk here.

Tom Terrell: We have sat in the car together and we've stood this close before. We don't know as we are here tonight if this is what is called a regulated dam. With regulated dams, there are certain requirements that do exist. But, as part of and I'll ask Rich Glover with Jamestown Engineering to quickly jump in if I don't say this correctly, but as part of the engineering for the site, part of that includes studying the engineering of this dam to make sure it's sound. Now, Mr. Alexander, to answer your questins...LandCraft already is looking at ways to lower the water level of the lower pond at least.

Chairman Bencini: Where's the water going that's going to be lowered?

Tom Terrell: The water would go to the same location.

Chairman Bencini: What location is that? Where does it go?

Tom Terrell: Lee, if you could pull that photo off for a second. Right here, there's a pipe in the pond that sends water right through right here. John, would you agree with that?

John Anderson: Yes sir. It goes right down there to....

Chairman Bencini: ...to Mr. Anderson's land, that's where it goes.

Tom Terrell: That's correct.

Chairman Bencini: So, we're going to lower the capacity of these ponds and we're going to raise the impervious surface, is that kind of what we're doing here?

Rich Glover: No, actually a couple of years ago, the riser outlets on these ponds were raised and that's when it started overflowing. We'd like to take that down to increase the holding capacity of the pond in addition to putting in our detention ponds.

Chairman Bencini: How do you increase the holding capacity?

Rich Glover: By lowering the level of the pond and you can put more water in it that way. It can hold it during a storm and release it over a slower amount of time. It would shave off the peaks.

Chairman Bencini: You're going to dig dirt out of the pond?

John Anderson: No, he's going to lower the pipe that's in there.

Rich Glover: Yeah, so that it has room to store the...in addition to the detention ponds that we'll be installing.

Council Member Alexander: All right, if at any point in time any one of those dams becomes a problem, that would be a responsibility of the homeowners association there?

Rich Glover: It would be the responsibility of the homeowners association, however, before LandCraft ever turns anything over to associations and part of the requirements of that is to have it inspected to see if this would be classified under the state's dam safety laws. We also have our Geo tech engineers go out and check the stability of the dams.

Chairman Bencini: But, there's been no such inspection to this point?

Rich Glover: Not at this point, but we always do that before it's turned over to the homeowners association.

Chairman Bencini: And, the dams were built when?

John Anderson: In the 50s.

Chairman Bencini: and, there's been regular maintenance or no maintenance..what's happened to those dams?

Rich Glover: There haven't been any problems with it which is a good point. I mean it's been there 50 years and there's not been a problem to this point, so with added maintenance it should last. And if modifications have to be made to the dam, that's what we do, I mean we do that all the time.

Chairman Bencini: Now, your understanding of the law on these dams is that they would not be subject to state regulations? I don't know of any dams that are not subject to regulations. Why would a dam not be subject to state regulations?

Rich Glover: It's based on...a dam that has, it has to have a dam height of greater than 15 feet and an impoundment volume of 10 acre feet for it to be subject to the dam safety law.

Chairman Bencini: Okay, so that determination has not been made yet?

Rich Glover: It has not been made. We got through that anytime we have a dam on the property. Unless there is a house directly downstream and if there was a breach and we do a breach analysis to see where the water level be if there's living waters there that can change and it could fall under the dam safety act that way.

Mayor Smothers: Do you think it's close?

Rich Glover: Probably not with the impoundment volume.

Council Member Alexander: Now, you'll be using that as your sedimentation ponds? What will you do about sedimentation?

Mayor Smothers: Are you talking about during construction or after?

Council Member Alexander: Both.

Rich Glover: We'll have detention ponds here, here and here and we'd also have temporary sediment basins here on this side of the pond during construction.

Tom Terrell: It would not serve as a detention pond.

Rich Glover: Yes, it would serve as sediment ponds during construction and then as soon as construction is completed, then it will be transitioned into the detention ponds.

Council Member Sims: Mr. Anderson, you said that dam had...will overflow its banks, did I understand you to say that?

John Anderson: Yes mam. In a heavy rain, right now, that dam...

Mayor Smothers: The pond overflows or does water go over the dam?

Council Member Alexander: The water goes over the dam.

Council Member Pugh: It goes right over that road.

Council Member Sims: What happens to the proposed houses to the south of that dam?

John Anderson: Well, you'd think they might be a lot of water coming through them, wouldn't you? But, I don't think they have any houses drawn right below the dam in that low spot.

Council Member Stahlmann: Is that a dam we're looking at or a road?

John Anderson: That is the dam and the driveway for the existing house on the property that they are planning on leaving.

Chairman Bencini: Current dam construction will not allow that type of a setup would it?

State regulated dams, driving on top of the dam, State regulated dams do not, I believe.

Rich Glover: Most of the time, they don't allow public roads, but a driveway for a single house they would. We're not proposing to put a road across the top of it either.

Mayor Smothers: So, I presume that would just be nothing. I mean we know it won't have ATVs on it.

Council Member Sims: So, whatever's going on with that dam, pond whatever it is, is not going to affect those proposed houses.

John Anderson: If you'll look right here...I'll help them out a little bit. This is the dam right here and they don't have any houses right below the main spillway off the dam. They've got two houses proposed right in here which is right now where the over flows, but if they lower the level to increase the holding capacity, that should stop the overflowing. I helped ya'll out that much.

Mayor Smothers: Send them a bill.

Mayor Pro Tem Faircloth: Questions for the engineer. If in the future say the dam should go bad, is there anything that would prohibit the homeowners association deciding to simply do away with the ponds and allow the creek to flow through.

Rich Glover: Right now, the way EPA stands and the way they're directing the Corps of Engineers and the Division of Water Quality, existing ponds like this, they want to keep them in place. They're tied to an eco system and they don't want to alter that eco system. Those regulations do change overtime and they go from one direction to the other so I can't say what it would be in the future, but as for right now, they didn't want any alterations to these ponds. I had talked to them about possibly considering incorporating...instead of having the pond right above a pond which is above another pond, incorporate maybe just at the top end some sort of stormwater facility keeping the lower lake like it is and not making any changes to any of that.

Chairman Bencini: What type of liability insurance would the homeowners association be required to carry in regard to those ponds? I mean these are not sediment ponds, these are recreational ponds.

Tom Terrell: This is beyond legal in the insurance, but I can assure you that there would be extra insurance where you have these features inside of a subdivision.

Mayor Smothers: Do you have that at Jamesford Meadows?

Council Member Stahlmann: No, they're all retention ponds.

Council Member Sims: Mr. Anderson, can you speak for just another moment about how water flows? You talked earlier about the acreage above this proposed site.

John Anderson: Yes, the acreage up there, there's approximately 20 acres right up here that flows down to the side ditch to a point right here and the State Transportation Department has a 24-inch road tile under the road and it flows right down through here and it flows now just about right down through here and it curves right down into the creek right here. There's a 15-inch tile under Squire Davis Road that comes in right here and flows down right in here and comes into the upper pond now. There is also on Fenway Road, there's also an

A motion was made by Council Member Bencini, seconded by Council Member Whitley, that this matter be continued for February 19, 2007. The motion carried unanimously.

(continued)

18-inch tile approximately right here. It comes across approximately 25 or 35 foot wide parcel of our property with a ditch put in by the Department of Transportation that flows into the Young property right here.

I have a few more comments to make, but do ya'll have any more questions before I make these comments?

There is an existing house on the property that has a well and a septic tank that they're talking about leaving. If they leave this house on the well and the septic tank, I think that parcel should be at least as big as what the county requires.

Mayor Smothers: It would have to be.

John Anderson: According to the way they've got it drawn out, it looks like it would be, but I just wanted to bring that up for the record.

Mayor Smothers: I think Forsyth County or either Guilford-whichever one it's in-dictates how much land you have to have for a septic tank.

John Anderson: Yes, that's correct. And, there's also serving this house, there's also a power line that comes across our property approximately right through here. I would like for this house to be hooked to the new power system that they put in and these poles taken down that comes across our property here, which I was told this afternoon by Mr. Terrell and Rich that this will probably be what

happens, but I want it on the record.

Mayor Smothers: They're nodding.

Rich Glover: It would be tied to the internal electric system as well as water and sewer.

John Anderson: If you get all that done, I've got a few poles that I'd like for you to work on.

Chairman Bencini: We've got some on Westchester we'd like you to work on.

John Anderson: I could probably handle it. Are there any more questions? [none] I think that these small lots is not going to let the water flow and soak into the ground enough to take care...I don't think the retention ponds are going to be big enough to hold all the overflow of water. That's why I was recommending the RS-12 and I'm definitely against the RM-5. Thank you, unless you have any more questions.

Chairman Bencini: Thank you, Mr. Anderson. Is there anyone else that cares to speak in opposition?

Cathy Poole: My name is Cathy Poole. I live on 1607-A Squire Davis Road and I am good friends with the Anderson family. They are pillars of our community and come to a neighbors beckon call for any type of support. They're multi-tasking. My father buys his cattle hay from Robert Anderson off one of the large fields on Squire Davis Road. On January 11, 2007, the High Point Enterprise reported three sewer spills of 16,850 gallons into City Lake and Richfork Creek. Spills of less than 1,000 gallons have no reporting requirement. We need to be concerned about the cattle and the horses on the Anderson farm. Where the streams are, they use for drinking water. I request the zoning to remain in keeping with our area and that the sewer lines follow Bickford Road as opposed to crossing the Anderson farm. I am opposed to multi-family zoning and I would ask you to please be considerate of the Anderson family in your decision making. Thank you.

Chairman Bencini: Anyone else care to speak in opposition?

Mayor Smothers: May I ask the petitioner one more question, Mr. Bencini?

Chairman Bencini: Sure, please do.

Mayor Smothers: How much...and normally we see this with a site plan and you all may not know, but how much open space is there that is not going to be developed?

Rich Glover: I can tell you the impervious surface if that's what you're concerned

about. I know Mr. Anderson brought that up. We're under 24% impervious right now the way this development which is indicative of a normal RS-12 development because we do have so much open space.

Chairman Bencini: Yeah, the open space was dictated by the fact that it's water and it can't be built upon because....

Rich Glover: Portions of it are. Portions of it are in buffers and portions of it are no.

Chairman Bencini: If you count the buffers and parts you can't build on and add in the 24%, I mean it's obvious that a large percentage of this piece of property is being proposed to not have anything built upon it and I don't think that's out of the goodness of the developers heart to keep a lot of open space. I think it's the reality of the topography, am I correct?

Rich Glover: Yes, you're correct. I was trying to make the point, though, that the large amount of runoff because it's an RM-5 and a RS-9 development, it's not necessarily accurate because there are large amounts of open space.

Chairman Bencini: If you just calculate at this density on the buildable portion of the property, it would be much higher than 2.5 units per acre.

Rich Glover: That's right.

Mayor Smothers: The reason I asked the question is we had talked about whether or not this land because of where it was situated would be more appropriate for a higher use and I think the impact of the amount of open space that is required probably does negate that as a possibility.

Chairman Bencini: I agree with you 100%. This is a challenged piece of property for any kind of development and I think as the family members have stated, they'd love to see it remain a farm because that looks like, topographically, what it ought to remain as-not as a higher density, multi-family kind of development. I've got a question about...while you're up here...I've got a question about the road. The road that leads into and passes through the multi-family section, it looks like it narrows down quite a bit, or am I just imagining that?

Rich Glover: It does not narrow down. The projector may be skewing it.

Mayor Smothers: Probably, it's the angle.

Chairman Bencini: Well, it looks like to me it narrows at the stub point.

Rich Glover: It's a 50' right-of-way the whole way.

Chairman Bencini: I have questions and concerns about the compatibility with the multi-family being in this particular area. I don't see surrounding along Squire Davis Road or any of these areas. There's not much development out there to begin with and I'm not sure how appropriate the multi-family portion of this proposal, I'm not sure how compatible that is.

Mayor Smothers: You know, multi-family to me always sounds like apartments and this is really not apartments-this is townhomes and essentially duplex.

Chairman Bencini: I guess compatibility would beg you to ask the question where do you see similar type housing in the area and I guess I don't see any.

Council Member Whitley: I would just state that I do have a little bit of a problem with the RS-9. I have witnessed the water going over the dam out there and the water running in the ditches to the north. My biggest concern is it is a challenged piece of property; however, given how it's currently proposed to be built out, I think it would create more of a nightmare as far as the flooding. I don't think there's anyway they can control it.

Council Member Alexander: Mr. Chairman, I've got some issues on how we're going to serve it from a public safety standpoint. We don't currently have any type of arrangement with Horneytown, although I think they would be agreeable. I don't believe at this point in time that we could say to these future residents of High Point that we could give you equal service and until we can establish some relationship up there and provide adequate paid service to these folks, I'm going to have a hard time.

Council Member Pugh: I concur with Mr. Alexander on that.

Mayor Smothers: Well, we talked about that on another case this afternoon and recognize that there gets to be a tipping point-now whatever that is I don't think we know, but it's obvious more development is going to come and regardless of what type it is, there will be a need for service provisions.

Council Member Sims: I have a question for Ms. Poole. You said your address was 1607 A Squire Davis-what type of housing is that?

Cathy Poole: It's a private drive. I'm the second home down the driveway; there are four homes on a private drive. I live on three acres and my parents have a large farm.

Mayor Pro Tem Faircloth: Mr. Bencini, may I ask one more question?

Chairman Bencini: Sure, please do.

Mayor Pro Tem Faircloth: The multi-what we're calling multi-family, was that

choice made because of the topography and the available land there made it undesirable to have lots such as the other part of the development is, or was it simply to gain more units?

Rich Glover: Having multi-family there, there is a very flat portion of the property which is conducive for the multi-family and without having the lots go deep, it gives more users a view back along the lakes as opposed to having a handful of single family along there.

Chairman Bencini: Single family doesn't work well on flat land?

Rich Glover: They do work well, but multi-family works well also where it doesn't work well in other places.

Mayor Pro Tem Faircloth: Do you know what the difference would be in the number of units you could have gotten there with the single family?

Rich Glover: I don't recall right off hand, it's probably ten to fifteen units difference between the two.

Chairman Bencini: How many?

Rich Glover: Ten to fifteen. I'm trying to remember-it's been a while since I've done...

Chairman Bencini: So, you did run this scenario through at RS-12 or RS-15 or something like that?

Rich Glover: We did it at RS-9 on the whole thing.

Mayor Smothers: They've limited the number of townhomes or twinhomes to a maximum of fifty if there is no single family developed in that Tract 1.

Council Member Stahlmann: For a total of 122?

Rich Glover: Maximum, yes, which would be two and a half an acre.

Chairman Bencini: One hundred and twenty-two units on, what have you got developed there, half the property....122 units on 25 acres, is that what we're looking at?

Rich Glover: It's probably closer to two-thirds of the property, but yet.

Chairman Bencini: So 122 units on 33 acres? Is that right?

Tom Terrell: No, it's not. It's 122 on 50.

Chairman Bencini: Fifty-I understand Tom, but if you take out the non-buildable portion of the fifty, that's what I'm trying to get to. All the stuff with the ponds and the water that goes down to Mr. Anderson's land-that's not buildable. If it was buildable, I've got a feeling that we see a different plan here.

Tom Terrell: That's correct. That's just how it was calculated.

Chairman Bencini: That's just one of the real problems the way we do this because you take a piece of land that's not necessarily appropriate to carry a lot of units and you say, well we've got all this acreage and we can't build on a portion of it, so therefore, we figure the density on the portion that we can't build upon and I've always thought that was almost kind of disingenuous. And, Tom I think you and I have had this discussion before.

Tom Terrell: Yes, we have.

Mayor Smothers: Tract 1 is 20 acres, plus or minus and they're talking about a maximum of 50 townhomes or twinhomes.

Rich Glover: Yeah, we're at a density of two and a half units an acre just within the townhome portion.

Council Member Sims: How large would those townhomes or twinhomes be?

Rich Glover: The average building is about, I believe it's forty-nine to fifty-four in width, sixty feet in depth.

Chairman Bencini: Three thousand square feet?

Rich Glover: Plus the garage areas.

Chairman Bencini: Twenty-five, twenty-four?

Rich Glover: In that range.

Mayor Smothers: Two story?

Rich Glover: I don't believe so unless they have like a bonus or possible extra room upstairs or something of that nature-not a full two-story.

Council Member Wilkins: I have a question to ask Mr. Anderson. Mr. Anderson, I heard....if they can't build anything out there now, sooner or later they're going to have to. One day, it's going to have to come because that's land that's going to need to be developed.

Mayor Smothers: Mr. Wilkins, I don't think there's any need in having Mr. Anderson defend that, he's already told us that he supports their being able to develop it with conditions.

John Anderson: I'm not trying to keep these women from selling their land.

Chairman Bencini: I think he'd be happy with RS-12 is what he said earlier.

John Anderson: I would be very happy with RS-12. The Planning & Zoning Commission told me on this lower tract, that they wouldn't lose but five maybe six houses at the most on this lower tract with RS-12 versus RS-9.

Chairman Bencini: I think the upper tract, though, is where we're going to have a problem.

John Anderson: I think the upper tract is the big problem. If you'll look, there's more undeveloped land on the upper tract than they is developed land. They're cramming them in. And, this man's not going to build any houses, he's just going to put the streets in and sell the development. Any more questions.

Chairman Bencini: I'll reiterate I don't think the multi-family and I'm not speaking of apartments, I'm talking about fairly high intense residential use-at least in that one tract-I don't think it's appropriate for that area. So, from that standpoint, I think you could make an argument that the compatibility with the surrounding area doesn't exist.

Council Member Sims: Councilman Bencini, what about the individual who really doesn't want a detached single-family home, but likes that area? I mean we're somewhat in a fix as we've developed some of the core area in that we have not provided for a lot of flexibility in the type of housing that's provided. You're either locked into one type of home or another, but we don't have a lot of choices and a lot of, I think, a variety of what's available. Now, as this area develops and if everything that goes out there ends up being single-family detached housing for the individual who desires to live in a townhome or desires to live in something else, it's not available. I think that's one of the challenges that we're facing right now with the core. At what point in time does it become okay. At what point in time does it become compatible and based on what we're talking now that time may be never.

Chairman Bencini: No, I think what you've got out there and we've already heard from several folks were telling us about the cattle farms and the hay fields that exist out there and I don't think that's compatible with higher density, multi-family and I'm not saying that there's anything wrong with multi-family, I don't think I mean that at all. I'm talking about compatible with some surrounding land use and you don't see multi-family anywhere around that area and so I have to come to the conclusion from a planning standpoint, that it's not necessarily compatible

with the surrounding area. That taken with the idea that this is an area that apparently has a fair amount of water on it and when you go multi-family you do increase impervious surface and when you increase impervious surface, you increase the velocity of the water to that area that looks like it drains into an existing farm.

Council Member Sims: So at this point, the premise is we leave it just like it is until such time that there's no more farms and then we decide at that point that it's okay.

Chairman Bencini: No, not at all.

Council Member Sims: Well, I'm trying to understand the thought process at this point because I'm not getting it.

Chairman Bencini: the thought process is to slow down the velocity and to create a residential development with lower density, therefore, less impervious surface and therefore less impact on the neighboring land use.

Council Member Sims: Until such time that land use changes and that's what I just said.

Council Member Whitley: I don't think so. I think the problem we have with this property is this is a challenged piece of property because of the water; therefore, it doesn't mean anything around there could very well be...if this piece of property was Mr. Anderson's property, it could very well be zoned just like this. This one, however, has a different unique situation. All the water and everything draining towards it. I think that's what creates a difference between this and this type of use on this piece of property.

Mayor Smothers: I thought he said this area in Tract 1 was flat, so we're not dealing with slopes now. We've got flat land out there that they're going to build duplex type of development or....

Chairman Bencini: If you have RS-12 up there, you have less roof space. You're going to have less roof space because you've got larger lots surrounding those roofs and if you have more roof space, you're going to have more impervious surface and you got more impervious surface, you've got more velocity.

Council Member Alexander: Well, regardless of the size of a house whether it be a single-family home or whether it be attached, we're not prepared to serve them with equal city services. At least, not at this time.

Chairman Bencini: Well, I think there's some questions about that. I would like to see us have some type of agreement with Forsyth County before we get into this because once we get into it, we may be stuck for a while and I don't think that the

city wants to burn a whole lot of fuel running up and down the road trying to process legal situations because they happened to occur in that part of Forsyth County.

Mayor Pro Tem Faircloth: That's usually a fairly simple arrangement. It needs to go ahead and be done, but it's not that difficult.

Council Member Alexander: Well, how do you deal with the fire issue?

Council Member Sims: I think we're back to talking about that chicken and egg thing that we talked about this morning and at some point in time, if it needs to be addressed, we need to do it, but at this point, what reason do we have to do it if there's no development? If nothing is developed, what reason do we have to talk about it? None.

Mayor Smothers: I think there's obviously some differing points of view as to what types of sound development we encourage in this part of our growth area. The staff got up and said there was some encouragement in our general land use projections that we have some housing types other than single-family which is nothing but more urban sprawl. So, this is a way that it is somewhat isolated and buffered by single-family in its own development.

Council Member Stahlmann: Part of my concern with that, too, is if you eliminate the multi-family or the duplex or the townhome concept here because it's not compatible with what already exists or what's being proposed on this second tract and you make it all single-family, RS-9 or RS-12, and then the bottom tract becomes available and it can't go townhouse or multi-family because the development to the north is all single-family, at what point do you allow alternative housing to come in?

Chairman Bencini: Well, I think you have a better...it makes more sense to allow it and you don't have impervious surface problem which you appear to have on this piece. I think it goes back to what Mr. Whitley said. The water seems to be the water. That's the challenge of this piece of property.

Council Member Whitley: Your elevation right there is roughly 965.

Mayor Smothers: Well, then I'd like for staff to do a more thorough examination of this whole topographic issue as well as some supporting data that these receiving ponds are going to be sufficient.

Chairman Bencini: Why should staff do it? The petitioner doesn't even know if these dams fall under state regulations.

Mayor Smothers: Well, that's fine, Bill, and I think they could find that out. I don't say the staff has to do it, but it's certainly not going to be up to us to decide if the

information that's given us is accurate and, indeed, meaningful. So, if we have questions about that, then let's continue the public hearing. Let's ask for some analysis on the water issue and not just that old thing about...oh, well, that's part of an erosion control plan that's part of a development process. That's where we get hung up anyway.

Chairman Bencini: Wait a minute. I heard you today make an argument for the amount of care that we need before we go into these things to begin with.

Mayor Smothers: That's what I'm saying. That's what I'm talking about. Let's get more information than just voting either way and just leaving it up to the....

Chairman Bencini: What kind of information do we want? I'm certainly not a water expert. I don't...what do we need?

Mayor Smothers: Well, we sure have been playing expert up here.

Council Member Stahlmann: Well, I think it's a question of the proposed impervious surface, the existing ponds and the retention ponds that are proposed and how the water was going to affect the two tracts in the surrounding land of this development.

Mayor Smothers: And, answer the question about the dam. I mean somebody can get out there with a tape measure and see how high it is. I mean if the issue is fifteen feet.

Chairman Bencini: So, we're going to continue this then, Fred do we need to do it to a date certain?

Fred Baggett: Yes you do.

Mayor Smothers: Well, let's ask the petitioner, do you have any objections to doing some more analysis on this?

Tom Terrell: We do not.

Chairman Bencini: Do we have some suggestions on a date certain?

Rich Glover: I need some kind of clarification. Definitely, we will get up with the State. We will do a topography of the bottom of the pond to find impoundment volume, which is part of the requirements. We can go ahead and get that taken care of so I can work out what regulations the dam falls in and what's the condition of it now. We'll go ahead and get our geo tech engineer out there to inspect it and make his recommendations as to what needs to be done to bring it into compliance.

Chairman Bencini: The State inspector or your people?

Rich Glover: It'll be a....

Chairman Bencini: I'd kind of...well, you know, how often do the State inspectors come out and look at those kinds of dams?

Rich Glover: If it falls under their regulations, it's usually once every two to five years. It depends on the classification level of it. If it is under their classification, it'll be low hazard so it'll probably fall under their inspection for every five years.

Council Member Pugh: I think everybody would be satisfied if you get a current evaluation of the dam.

Chairman Bencini: Yeah, I think so. I think we need that. You know, I'd like for you to run a scenario on the whole impervious surface deal based on what you've got planned there and based on RS-12 for the whole site. I mean you said you ran an RS-12 for the whole site at one point, you did say that earlier, no?

Rich Glover: No, I said I did a RS-9 layout for the whole site.

Chairman Bencini: RS-9 you ran for the whole site?

Rich Glover: Yes-just a layout to see the number of lots.

Chairman Bencini: What is this RS-9 on Tract 2 there?

Rich Glover: Yes.

Mayor Pro Tem Faircloth: Mr. Terrell is LandCraft going to control the exterior of the buildings at some point where they would be brick or siding or is that going to be left to someone else?

Chairman Bencini: Good question, John.

Tom Terrell: It's a little bit beyond what's probably considerable at this hearing, but given your rules of thumb about what your price point would have to be, this would not be a cheaply constructed development.

Mayor Pro Tem Faircloth: Well, I think there would be a greater comfort level of that what we're calling multi-family if it were brick as opposed to vinyl siding. That's the only reason I asked the question.

Tom Terrell: In respect to vinyl siding....we can go ahead and say no vinyl siding, but that has never been contemplated. [talking to the petitioner] Are you ready to offer that?

Mayor: Why don't you all just include that in....

Chairman Bencini: Hold back on that. We've got some other issues to talk about. John, if you'll remember that when we get to talking about it again, I'd appreciate it. All right, so a date certain.

Mayor Smothers: And, if you did look at the RS-9 thing, just the layout, I think there becomes a...maybe you split a hair, but anytime you start going to single-family you're going to have more roads that have to be built, more streets have to be constructed to utilize the land and I don't know whether you can figure out the real difference in the total amount of impervious between that layout and that or not. If you can't that's fine. I just know it'll look different. Okay, did we get the date certain?

Chairman Bencini: No, we don't have a date certain yet. Tom, do you have a projected date certain when you'd like for us to reconvene?

Mayor Smothers: We meet twice in February.

Chairman Bencini: So do you want to go to the 19th of February? Today's the 16th of January and go to the 19th of February?

Tom Terrell: That'll be fine?

Chairman Bencini: Okay, the 19th of February will be the Monday meeting. I so move to continue the public hearing to February 19th.

Council Member Stahlmann: Second.

Mayor Smothers: All in favor of the motion, say Aye. Aye. Any opposed? [none] That motion carries. [9-0 vote]

[end of transcript]

Planning & Development Committee

For Information Only:

Prayer at Council Meetings
[There were approximately 200+ who attended the meeting]

Mayor Smothers noted that there was opportunity to have started the comments on prayer at 4:00, but that was not deemed a better time. She explained that fifteen minutes would be set aside for Rev. Allard for him to make a presentation and Council would conclude with that at 5:00 at which time the regular agenda items would be heard. Several citizens signed up to speak and were given the opportunity to do so within the fifteen minute timeframe that was allotted.

Mayor Smothers thanked everyone for coming and informed the audience that Council begins every Council Meeting with a prayer, has done so for years and will continue to do so. [applause]

Note: A copy of Mr. Allard's comments as well as back-up documentation on various case laws will be attached as a permanent part of these proceedings. They can be located in Exhibit Book Volume VIII, Page 16).

At this time, Rev. John Allard, 1411 Lyndhurst Drive in High Point offered his comments. He made a 12-minute presentation and a passionate plea to Council for them to preserve the tradition to allow City Council Members to pray the way they so choose to. He stated that Jesus should be afforded the same courtesy in prayer as any other form of prayer. He stated he and all these others were present at tonight's meeting to show their support and to stand behind the City Council. He noted they would be willing to challenge the ACLU with them because his God was a lot bigger than the ACLU.

Donald Austin, who resides in Archdale also addressed Council. Mr. Austin felt the ACLU was trying to put down the Christians and trying to close churches and if Christians didn't start standing up, the ACLU would succeed in doing this and they'd have to pray and worship God in silence.

Rhonda Petty, who resides at 2506 Friends Avenue (Apartment B), also addressed Council. She felt it was important to know that this city does belong to God and urged Council to think about their children and grandchildren.

Richard Callahan, 2421 Spencer Road, addressed Council. He felt not allowing people to pray in the name of Jesus was a violation of their 1st Amendment Rights. He urged Council to continue allowing prayer and the freedom to allow prayer in Jesus' name.

Betty Byrd, 970 Joe Moore Road in Thomasville, also addressed Council. She expressed how good it felt to be able to say the Pledge of Allegiance and say One Nation Under God. She also reminded everyone of the "indivisible" portion right after this and felt that the ACLU was trying to divide the nation by saying Christians could not pray to Jesus.

Charles Ramseur spoke. He expressed his love for Jesus Christ and noted that he lives and would die for him and that he would stand up to anyone who opposes it.

Rev. W. R. Brewington, Member of Friendship Missionary Baptist Church, noted that he recently was called on to offer an opening public prayer and that he did and would continue to give honor to his Lord and Savior, Jesus Christ. He noted that he was offended when someone approached him after he prayed and told him not to call on God or Jesus when praying in public.

Mike Morgan, 501 Sunset, encouraged everyone to read the book entitled One Nation Under God by David C. Gibbs. He noted that this country was established on Judean Christian values and on the Word of God and that the values were not meant to be changed. He felt the whole situation with the "separation of church and state" has flip-flopped.

At the conclusion of the remarks, Mayor Smothers thanked everyone for coming and stated it was reassuring that the greater community that we live in is full of good, strong and faithful people and she certainly hoped to work with them to make it the kind of country we all want to live and have our children grow up in.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 8:00 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk