



Summary
City Council

Monday, November 6, 2017

7:00 PM

Council Chamber Room 230, City Hall

CALL TO ORDER

Mayor Joines called the meeting to order and asked the City Secretary to call roll.

ROLL CALL

Present: 8 - Council Member John C. Larson, Council Member Robert C. Clark, Council Member Dan Besse, Council Member Derwin L. Montgomery, Mayor Pro Tempore Vivian H. Burke, Council Member Denise D. Adams, Council Member Jeff MacIntosh, and Council Member James Taylor Jr.

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

RECOGNITION OF SERGEANT-AT-ARMS

Lt. Renee Melly.

H HONORARIUMS

H-1. [17-971](#) Proclamation Recognizing National Hunger and Homelessness Awareness Week.

Attachments: [National Hunger and Homelessness Awareness Week Proclamation](#)

Mayor Joines presented the Proclamation to Eric Proctor, President of the Board of Directors for the Bethesda Center.

Mr. Proctor thanked the Mayor and City Council and stated that homelessness is prevalent in the community. He noted several ways in which the Bethesda Center helps with homelessness and asked the Community to join them on the endeavor.

Z ZONING AGENDA

- Z-1.** [17-910](#) Public Hearing on Zoning Petition of Marketplace Mall, LLC (W-3346) from HB to GB-L: property is located on the east side of Peters Creek Parkway, north of Salisbury Ridge Road – Containing approximately 24.64 acres located in the SOUTH WARD (Council Member Larson). [Planning Board recommends approval of petition.]

Attachments: [W-3346 CARF.docx](#)
 [W-3346 Ordinance.docx](#)
 [W-3346 Permit.docx](#)
 [W-3346 Staff Report.docx](#)
 [W-3346 Location Map.pdf](#)
 [W-3346 Area Plan Map.pdf](#)
 [W-3346 Attachment A.docx](#)
 [W-3346 Attachment C.docx](#)
 [W-3346 Attachment D.docx](#)
 [W-3346 Attachment B.pdf](#)
 [W-3346 PB Letter.docx](#)
 [W-3346 Statements of Consistency Approval.docx](#)
 [W-3346 Statements of Consistency Denial.docx](#)

No one heard.

Council Member Larson: Motion for approval of: (1) W-3346 and (2) the Statement of Consistency for approval of said item.

Council Member Taylor: Second.

Motion carried with the following vote.

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-2.** [17-911](#) Public Hearing on Zoning Petition of Salem Baptist Church, Inc. (W-3349) from RSQ, RM5, and IP to IP-L (Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Police or Fire Station; Residential Building, Single Family; Urban Agriculture; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Community; School, Private; College or University; and Recreation Services, Indoor): property is located along both sides of Spring Street between Academy Street and Wachovia Street – Containing approximately 7.23 acres located in the SOUTH WARD (Council Member Larson). [Planning Board recommends approval of petition.]

Attachments: [W-3349 CARF.docx](#)
 [W-3349 Ordinance.docx](#)
 [W-3349 Permit.docx](#)
 [W-3349 Staff Report.docx](#)
 [W-3349 Location Map.pdf](#)
 [W-3349 Area Plan Map.pdf](#)
 [W-3349 Attachment A.docx](#)
 [W-3349 Attachment B.pdf](#)
 [W-3349 PB Letter.docx](#)
 [W-3349 Statements of Consistency Approval.docx](#)
 [W-3349 Statements of Consistency Denial.docx](#)

No one heard.

Council Member Larson: Motion for approval of: (1) W-3349 and (2) the Statement of Consistency for approval of said item.

Council Member Montgomery: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-3.** [17-913](#) Continuance of Public Hearing on Special Use Permit of Twin City Bible Church (W-3347) for a Transmission Tower in a RS9 zoning district: property is located on the east side of Ebert Street, across from Boone Avenue – Containing approximately 7.14 acres located in the SOUTHWEST WARD (Council Member Besse). [Planning Board recommends approval of petition.] (Item continued from the November 6, 2017 City Council meeting.)

Attachments: [Filed Order - W3347 Cell Tower](#)
[Smith Impact Analysis](#)
[FOR-AddendumREV2](#)
[Davidson County Broadcasting Co Inc v Iredell County](#)
[Cumulus Broadcasting LLC v Hoke County Bd Of Comrs](#)
[Blair Investments LLC v Roanoke Rapids City Council](#)
[160A-393 Appeals in the nature of certiorari](#)
[Verified Motion](#)
[S. Hawthorne Power Point](#)
[W-3347 Verified Petition - Opposition - Castro](#)
[Castro Presentation 12.18.17](#)
[W-3347 Verified Petition - Opposition - Ide](#)
[Staff Presentattion](#)
[W-3347 CARF.docx](#)
[W-3347 Permit.docx](#)
[W-3347 Staff Report.docx](#)
[W3347 Location Map.pdf](#)
[W-3347 Area Plan Map.pdf](#)
[W-3347 Cell Tower.pdf](#)
[W-3347 Revised Site Plan a.pdf](#)
[W-3347 Revised Site Plan b.PDF](#)
[W-3347 Revised Site Plan c.PDF](#)
[W-3347 ID Site Plan Review Chart.docx](#)
[W-3347 Special Use Permit Quasi-Judicial Proceeding November 2017.docx](#)
[W-3347 Attachment A.docx](#)
[W-3347 Report of Community Meeting.DOCX](#)
[W-3347 Attachment B Photo Simulations.pdf](#)
[W-3347 Transmittal letter.pdf](#)
[W-3347 Survey.pdf](#)
[W-3347 Cell Split Propagation Map.PPT](#)
[W-3347 Impact Study](#)

Mayor Joines read the guidelines for a Quasi-Judicial Hearing.

Proponents and Opponents wishing to speak concerning this item were sworn in.

Paul Norby, Director of Planning and Development Services Department, gave the staff report concerning this item.

Proponents:

Tom Johnson, Attorney with Nexsen/Pruet, 4141 Parklake Avenue Suite 200, Raleigh, NC 27612.

Michael Berkowitz, Certified General Appraiser, 1100 Sundance Drive Concord, NC 28027.

Opponents:

Daniel Castro, President of the Adrmore Neighborhood Association, 2218 Maplewood Avenue, 27103.

Bill Ebert, 437 Clark Hop Rd. Sparta, NC 28365.

Jane Ebert, 437 Clark Hop Rd. Sparta, NC 28365.

Jesse Ide, 125 Miller Crossing Court, 27103.

Emily Ide, 125 Miller Crossing Court, 27103.

Joan Richardson, 1126 Melrose St., 27103.

Rebuttal:

Proponents:

Tom Johnson, Attorney with Nexsen/Pruet, 4141 Parklake Avenue Suite 200, Raleigh, NC 27612.

Michael Berkowitz, Certified General Appraiser, 1100 Sundance Drive Concord, NC 28027.

Opponents:

Daniel Castro, President of the Adrmore Neighborhood Association, 2218 Maplewood Avenue, 27103.

Mayor Joines suggested Council request a Closed Session to consult with the Attorney.

Council Member Adams: Motion for Council to enter into Closed Session.

Council Member Burke: Second.

Jerry Kontos, Assistant City Attorney, cited the motion in reference to Council Member Adams' motion:
Motion that the City Council go into closed session pursuant to G.S. 143.318.11 (a) (3) to: (i) to consult with the City Attorney and (iii) preserve the attorney-client privilege.

Motion carried unanimously.

Closed Session 8:06 p.m.

Council Member Clark: Motion to dissolve the Closed Session and resume Regular Session.

Council Member Besse: Second.

Motion carried unanimously.

Reconvened Regular Session: 8:26 p.m.

Council Member Besse: Motion to continue this item to the December 4th City Council Meeting.

Council Member Adams: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-4.** [17-912](#) Public Hearing on Site Plan Amendment of Enclave Land Holdings, LLC (W-3350) for a Residential Building, Multifamily Development in a RM12-S zoning district: property is located on the west side of Bethania Station Road, south of Shattalon Drive – Containing approximately 16.73 acres located in the NORTH WARD (Council Member Adams). [Planning Board recommends approval of petition.]

Attachments: [W-3350 CARF.docx](#)
 [W-3350 Ordinance.docx](#)
 [W-3350 Permit.docx](#)
 [W-3350 Staff Report.docx](#)
 [W-3350 Location Map.pdf](#)
 [W-3350 Area Plan Map.pdf](#)
 [W-3350 Revised Site Plan pg1.PDF](#)
 [W-3350 Revised Site Plan pg2.PDF](#)
 [W-3350 Exhibit A.pdf](#)
 [W-3350 ID Site Plan Review Chart.docx](#)
 [W-3350 Statements of Consistency Approval.docx](#)
 [W-3350 Statements of Consistency Denial.docx](#)

Mayor Joines opened the Public Hearing and asked if there were anyone in the Council Chamber that wished to be heard on this item.

Proponents:

George Tullis, 1280 Whitlock Ridge Drive SW, Marietta, GA 30064, Representative for the Developer, Miller Valentine Group.

Opponents:

Cynthia Dunston, 4080 Bethania Station Road, 27106

Rebuttal:

Proponents:

Mr. Tullis.

Opponents:

Ms. Dunston.

Paul Norby gave a presentation on this item.

Mayor Joines closed the Public Hearing.

Council Member Adams: Motion for approval of (1) W-3350; (2) the Site Plan and

(3) the Statement of Consistency for approval of said item.

Council Member Larson: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Z-5. [17-836](#) Public Hearing on Zoning Petition of Burger King Corporation #1283 (W-3344) from HB MLKO to HB: property is located on the northwest corner of Martin Luther King, Jr. Drive and Fifth Street - Containing approximately 0.80 acre located in the EAST WARD (Council Member Montgomery). [Planning Board recommends approval of petition.] (Item Continued from the November 6, 2017 City Council Meeting.)

Attachments: [W-3344 CARF](#)
 [W-3344 Ordinance](#)
 [W-3344 Staff Report](#)
 [W-3344 Map](#)
 [W-3344 Area Plan Map](#)
 [W-3344 Attachment A](#)
 [W-3344 Attachment B](#)
 [W-3344 Attachment C](#)
 [W-3344 Attachment D](#)
 [Statement of Consistency - Approval - W-3344](#)
 [Statement of Consistency - Denial - W-3344](#)

Council Member Montgomery: Motion to continue item W-3344 to the January 2, 2018, meeting of the City Council.

Council Member Adams: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-6.** [17-835](#) Public Hearing on Site Plan Amendment of Jemsite Development, LLC (W-3343) for a Banking and Financial Services use in a GB-S zoning district: property is located on the west side of Silas Creek Parkway, north of Fairlawn Drive - Containing approximately 0.87 acre located in the NORTH WARD (Council Member Adams). [Planning Board recommends denial of the Site Plan Amendment and approval of the site plan with staff recommendations.] (Item Continued from the October 2, City Council Meeting.)

Attachments: [2017 09 25 Continuance Request W-3343](#)

[W-3343 CARE](#)

[W-3343 Ordinance](#)

[W-3343 Permit - REVISED AFTER PB](#)

[W-3343 Staff Report](#)

[W-3343 Map](#)

[W-3343 Area Plan Map](#)

[W-3343 Attachment A](#)

[W-3343 Attachment B](#)

[W-3343 Attachment C](#)

[W-3343 Interdepartmental Comments](#)

[Statement of Consistency - Approval - W-3343](#)

[Statement of Consistency - Denial - W-3343](#)

Mayor Joines asked if there were anyone in the Council Chamber in opposition of this item.

Proponents:

Doug Stimmel, 601 N. Trade St. Suite 200, 27101.

Mack Roebuck, 1180 Edgebrook Drive, 27106.

Mayor Joines requested that Mr. Stimmel come to the podium and state for the record that the petitioner accepts the new conditions.

Mr. Stimmel stated the new conditions were acceptable to the Petitioner.

Opponents:

Charles Wilson, 1177 Edgebrook Drive, 27106.

Ann Heller, 125 Edgebrook Drive, 27106.

Proponents Rebuttal:

Doug Stimmel

Opponents Rebuttal: None

Mayor Joines declared the Public Hearing closed and asked Mr. Paul Norby to give the presentation on this item.

Council Member Adams: Motion for approval of: (1) W-3343; (2) the Site Plan and (3) the Statement of Consistency for approval of said item.

Council Member MacIntosh: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Z-7. [17-790](#)

Public Hearing on Ordinance Amending Chapter B of the Unified Development Ordinances to Amend Regulations for Bufferyards - UDO-280 - Proposed by Planning and Development Services Staff. [Recommended by Planning Board and by Community Housing/General/Government Committee.]

Attachments: [UDO-280 CARF](#)

[Approved Version - UDO-280 Ordinance from CDHGG.docx](#)

[UDO-280 Staff Report](#)

[UDO-280 Appendix A](#)

[UDO-280 Appendix B](#)

[UDO-280 Memo.docx](#)

[UDO-280 Statement of Consistency](#)

Mayor Joines asked that Walter Farabee, Project Planner, give the staff presentation on this item.

No one heard.

Council Member Montgomery: Motion for approval of: (1) UDO-280 as recommended by the Community Development/Housing/General Government Committee, and (2) the Statement of Consistency for approval of said item.

Council Member Adams: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-8.** [17-793](#) Public Hearing on Resolution Adopting the Proposed South Suburban Area Plan Update. (Recommended by Community Development/Housing/General Government Committee)

Attachments: [SSAP Update CARF](#)
 [SSAP Update Resolution](#)
 [Approved Version SSAP 10-10-2017 CDHGG Recommended Plan.pdf](#)
 [SSAP Update Minutes](#)
 [SSAP Memo CDHGG 2017.pdf](#)
 [SSAP Update Comments from Planning Board Member](#)

Steve Smotherman, Project Planner, gave the presentation on this item.

Mayor Joines opened the Public Hearing.

The following citizens spoke in favor of the South Suburban Area Plan:

Carolyn Highsmith, 335 Anderson Drive, 27127

Ms. Highsmith spoke on behalf on the Konnoak Hills Neighborhood Association.

Hazel Watson, 3136 Anderson Drive, 27127

Representative of the New South Community Coalition.

Elaine Renegar, 1108 Twin Knolls Court.

Mayor Joines closed the Public Hearing.

Council Member Larson: Motion for approval of the South Suburban Area Plan Update as recommended by the Community Development/Housing/General Government Committee.

Council Member Besse: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

- Z-9.** [17-861](#) Resolution Authorizing a Settlement of a Condemnation Action with Melissa Renee Cox. (South Ward)

Attachments: [Property Acquisition - Melissa Renee Cox - CARF](#)
 [Property Acquisition - Melissa Renee Cox - RESOLUTION](#)
 [Property Acquisition - Melissa Renee Cox - MAP](#)

Council Member Larson: Motion for approval.

Council Member Clark: Second.

Motion carried with the following vote.

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Z-10. [17-922](#) Resolution Regarding The National League Of Cities 2017 Annual Conference.

Attachments: [2017 NLC CARE](#)
[2017 NLC Resolution](#)

Council Member Taylor: Motion for approval.

Council Member Larson: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Z-11. [17-879](#) Mayor Joines' Recommendations for Appointments to the Urban Food Policy Council:

Attachments: [George Redd IV](#)
[Jennifer Filipowski](#)
[Marcus Hill](#)
[Megan Regan](#)
[Melinda Hash](#)
[Scott Bowen](#)
[Mayor Joines Memo - Boards and Commissions](#)
[Sydney Richardson](#)
[Tembila Covington](#)
[Michael Banner](#)

Council Member Taylor: Motion for approval.

Council Member Montgomery: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Appointment - Category: Forsyth Community Food Consortium Advisory Council - Marcus Hill Term Expiring - September 2020.

Appointment - George Redd IV Term Expiring - September 2020.

Appointment - Jennifer Filipowski Term Expiring - September 2020.

Appointment - Megan Regan Term Expiring - September 2019.

Appointment - Sydney Richardson Term Expiring - September 2019.

Appointment - Tembila Covington Term Expiring - September 2019.

Appointment - Scott Andree Brown Term Expiring - September 2018.

Appointment - Michael Banner Term Expiring 2018.

Appointment - Melinda Hash - Term Expiring September 2018.

Z-12. [17-938](#) Mayor Joines' Recommendations for Reappointments to the Community Agency Allocation Committee:

Attachments: [Mayor Joines Memo - Boards and Commissions](#)

Council Member Taylor: Motion for approval.

Council Member Montgomery: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Reappointment - Martha Logemann - Term Expiring November 2020.

Reappointment - Miranda Jones - Term Expiring November 2020.

Reappointment - Joshua Canzona - Term Expiring - November 2020.

Z-13. [17-939](#) Mayor Joines' Recommendations for Reappointments to the Citizens' Budget Advisory Council:

Attachments: [Mayor Joines Memo - Boards and Commissions](#)

Council Member Montgomery: Motion for approval.

Council Member MacIntosh: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

Reappointment - Jesse Ide - Term Expiring - June 2020.

17-979

Continuance of Public Hearing on Special Use Permit of Twin City Bible Church (W-3347) for a Transmission Tower in a RS9 zoning district: property is located on the east side of Ebert Street, across from Boone Avenue – Containing approximately 7.14 acres located in the SOUTHWEST WARD (Council Member Besse). [Planning Board recommends approval of petition.] (Item continued from the November 6, 2017 City Council meeting.)

Mayor Joines recognized Jerry Kontos.

Mr. Kontos stated he was informed by the applicants attorney that Mr. Berkowitz has a conflict and would not be available on December 4th. Mr. Kontos asked Mr. Johnson to come to the podium.

Mr. Johnson stated that he and Mr. Berkowitz has a conflict with the date of December 4th.

Council Member Besse: I move to modify the motion to continue this item to the December 18th City Council meeting and request Mr. Kontos to inform everyone of the date change.

Council Member Clark: Second.

Motion carried with the following vote:

Aye: 8 - Council Member Larson, Council Member Clark, Council Member Besse, Council Member Montgomery, Mayor Pro Tempore Burke, Council Member Adams, Council Member MacIntosh, and Council Member Taylor

ADJOURNMENT

9:48 p.m.