

MINUTES
King City Council
Regular Session
March 2, 2020

The King City Council met at the King Recreation Acres Community Building on Monday, March 2, 2020, at 7:00 p.m. Present were: Councilman Charles Allen, Councilman Wesley Carter, Councilman Terri Fowler, Mayor Pro Tempore Rick McCraw, Mayor Jack Warren, City Manager Homer Dearmin, City Clerk Tammy Hatley, Director of Finance and Personnel Susan O'Brien, Director of Planning and Inspections Todd Cox, City Engineer Scott Barrow, Chief of Police Jordan Boyette, Fire Chief Steven Roberson, Public Works Superintendent Ricky Lewis, Public Utilities Superintendent Robert Pettitt, Water Treatment Plant Superintendent Ben Marion, Senior Center Director Paula Hall, Parks & Recreation Director Olivia Smith, Battalion Chief Keith Handy, Police Captain Ian Tedder, Lt. Jonathan Lane, Lt. Kenneth Gallimore, Parks Maintenance Worker Tom Bowen, and Chaplain Paul Norman.

Mayor Warren called the meeting to order and led the *Pledge of Allegiance*.

The invocation was offered.

ANNOUNCEMENTS

Mayor Warren noted the following announcements were listed on the agenda:

- King Chamber of Commerce Business Before Hours, Wednesday, March 4, 2020, 7:30-9:00 a.m., King Chamber of Commerce, hosted by Sparks Fitness
- Strategic Planning Workshop, Called Meeting: Friday, March 6, 2020, 8:30 a.m., King Recreation Acres Community Building
- American Legion Birthday Dinner: Monday, March 9, 2020, 6:30 p.m., Carl Calloway Post #290-King
- Parks & Recreation Advisory Board, Regular Meeting: Thursday, March 12, 2020, 7:00 p.m., King Recreation Acres Community Building
- Feed Stokes 5-k and Half Marathon: Saturday, March 14, 2020, 7:00 a.m., King Central Park
- King Planning Board, Regular Meeting: Monday, March 23, 2020, 7:00 p.m., King City Hall
- King Economic Development Advisory Board: Tuesday, March 24, 2020, 8:30 a.m., King City Hall

ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

PUBLIC COMMENT

Mayor Warren opened the floor to receive public comment.

Dr. Brad Rice of 104 Windsong Court, King, NC and Mr. Steven Hewett of 141 Willowbend Drive, King, NC addressed the Mayor and Council.

Being no one else present wishing to speak; Mayor Warren closed the public comment portion of the meeting.

CONSENT AGENDA

Councilman Allen moved to approve the consent agenda as presented. Councilman Fowler seconded the motion which carried by a unanimous vote of 4-0. Items approved were: (1) Approval of February 3, 2020, Regular Meeting Minutes; (2) Set public hearings at King City Hall on Monday, April 6, 2020, 7:00 p.m. for: (a) Consideration of Financing Agreement for Kensington Pump Station; (b) Rezoning Request by Triad Builders of King, Inc.

EMPLOYEE OF THE QUARTER PRESENTATION – Parks Maintenance Worker, Tom Bowen

Mayor Warren recognized Parks Maintenance Worker, Tom Bowen as the City of King *Employee of the Quarter* for the first quarter of 2020 and presented him with a recognition plaque, windbreaker and check.

RECOGNITION OF HESS FAMILY DONATION OF POLICE K-9

Chief of Police Boyette recognized the Hess family for their donation of Police k-9 Bestla.

PUBLIC HEARING – FINANCING AGREEMENT OF STREET PAVING

Mayor Warren opened the public hearing for Financing Agreement of Street Paving.

Being no one else present wishing to speak, Mayor Warren closed the public hearing for Financing Agreement of Street Paving.

Action

Councilman Fowler moved to approve Resolutions 2020-03 and 2020-04 as presented. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

PUBLIC HEARING – AMENDMENT TO CHAPTER 32, SEC. 32-241 TABLE OF AREA, HEIGHT AND PLACEMENT REGULATIONS

Mayor Warren opened the public hearing for Amendment to Chapter 32, Sec. 32-241 Table of Area, Height and Placement Regulations.

Being no one else present wishing to speak, Mayor Warren closed the public hearing for Amendment to Chapter 32, Sec. 32-241 Table of Area, Height and Placement Regulations.

Action

Mayor Pro Tempore McCraw moved to approve the Amendment to Chapter 32, Sec. 32-241 Table of Area, Height and Placement Regulations as presented. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

EVIDENTIARY HEARING – REZONING REQUEST CU-R-MF-A-042 BY FGM DEVELOPMENT, LLC OF RALEIGH, NC

Mayor Warren stated "Most of you will probably or I'd say you were at the City Cou.. er, the Planning Board meeting last week. Mr. Cox?"

Mr. Cox: "Yes"

Mayor Warren: "That was a different, completely different kind of hearing than you're at tonight. The last, the one you were at last week you could say or speculate or don't think or whatever about what you think will happen if a, an area is rezoned or if an area is built upon. There was no restriction on what you, what you could bring up. Tonight, we are what you call a quasi-judicial hearing. It's just like a

court of law and if any of ya, uh knows that it means the Council must take sworn testimony from anyone wishing to offer such factual information. Notice the word factual. It pertains to this case. Testimony is subject to cross-examination. In other words, if Council, if you get up there and speak, the Council can ask you questions or the attorney for the ones that's asking for the rezoning can ask questions. Council must then take the evidence as submitted by the developers, staff, and citizens and compare it to the ordinance requirements and make a determination as to whether this project is so designed to meet or exceed those requirements. Council may approve, approve with conditions or deny the request based on the findings of fact during the hearing. Council must decide this case, or cannot decide this case based on income, sex, religion, or color. None of those items can be considered. I will ask everyone to be cordial, to speak like you'd like to be spoken to and we will hear you and then the Council will have deliberations. Remember, if you get up, and we have probably ten or twelve people, one, two, three, four, thirteen people that signed up and if I butcher your name when I call you, I'll apologize beforehand because some of them I might, but just remember when you speak you must have evidentiary stuff either present it to this Council or have it with you and present it to the clerk, but it has to be evidence, it's not just here-say and I'll give you a good example of that. If you're maybe a little confused, if I say it's gonna hurt the land value well, as a citizen, I can say that but it's not evidence. I might think it. You might think it but whatever, I've got no way to prove it so I can't present that to the Coun..you might present that but the Council cannot use it as evidence so those are the type things that we're thinking of. Alright, I will now open this evidentiary hearing."

Mayor Warren opened the evidentiary hearing for rezoning request CU-R-MF-A-042 by FGM Development, LLC of Raleigh, NC.

Leslie Nix of 110 Ashview Court, King, NC was sworn and offered the following testimony: "Good evening Mr. Mayor and the City Council. My name is Leslie Nix. My family and I reside at 110 Ashview Court in Brentwood. Tonight, I am speaking on a few essential points within the King's Code of Ordinances Section 32-1 General Statutes, number 1, lessening Congestion in the Roads and Streets. Traffic is already a concern for King Street. Any more traffic in that area only intensifies this complex situation. More people creates more foot traffic walking or riding their bikes on a busy major roadways as well as needing to cross the railroad tracks in order to reach all the amenities that are further down into the city along with little or no sidewalks. The shopping hub of King is further down into the city. The distance from the fire station to WalMart is 1.7 miles and to obtain the public buses, this is from the fire station down to that area, over 52 is 2.1 miles. The area off of King Street is not the core of King. We are a residential neighborhood. Other points within this chapter include number 2, preventing the overcrowding of land. On Thursday, 2/27/20, I personally viewed another project built by this builder located in Lexington. I observed that the overcrowding of the land is what these buildings will do in this area of King. These are massive, imposing buildings that are being proposed for this property and along with extremely high roofs they are virtually almost four stories tall which is inconsistent with the aesthetics of the single-family residential aspects of our subdivision, which is zoned R-15. Number 3, avoiding undue concentration of population. To propose cluster housing of 70 to 72 apartments could equal as many as up to 250 people more is clearly an undue concentration of population in that proposed area. There is a reason why current ordinances are established for neighborhoods, to protect their consistency, their aesthetics and well-being. These statements and ordinances that are written in our chapter have to provide absolute (indecipherable) care of the City of King and how it is being maintained. We the citizens of King want to maintain the correct R-15 zoning. To alter this would not benefit the surrounding neighborhood. We implore this City Council to consider the impact this immense cluster project would impose on the current residents and the City of King. Thank you and thank you for your service."

Lee McGee of 227 Winchester Drive, King, NC was sworn and offered the following testimony: "My name is Lee McGee. I live at 227 Winchester Drive. I've been there for approximately about 4-1/2 years. The City of King residents currently experience heavy traffic congestion at the traffic light at the end of Dalton and Main. If you come through this intersection during the high traffic time, you can expect to sit there numerous traffic lights before you can get through the intersection. It also is very difficult now to exit the neighborhoods at Scenic, Sunset and Glenn due to the heavy traffic. This issue will escalate with an additional 72 units apartment complex. The additional traffic will increase the number of cars at this ent...at this particular entry (undecipherable) on King Street. On February 27, 2020, a traffic count was taken by a property owner in King using a click counter. This list did not take, the resident did not take his eye off the road while counting cars. Counts in the four directions and everything and from 5:50 a.m. until 3:30 a.m. was 2,048 cars. From 4 p.m. to 6 p.m. it was 2,615. There also, there also is too much student drivers and a hundred faculty staff that use this road traveling from West Stokes High School each week, each week day. We as citizens of the City of King pray that the Council will truly consider the impact of this traffic project and would impose on all of us residents of King. Thank you."

Gerald Smith of 103 Bellewood Court, King, NC was sworn and offered the following testimony: "Mr. Mayor, City Council, staff and guests my name is Gerald Smith. I live at 103 Bellewood Court. Have for 47 years, ever since the house was built. We already have a major issue, concerns with water problems in our neighborhood on Winchester Drive. If another 12 point one acres happens to be developed the rainwater from this site might not be able to absorb all the water in that land. It will add to current flooding and erosion problems for us and this you know we've already got hard rains. Lee McGee, the one that just spoke has struggled for years to get uh a ditch in front of his place repaired because of water running down. They put uh rip rap, they've put dirt but it's also a concern for the fire hydrant that's located right on his corner and that's at the water and the dirt and so forth that's washed around it so much that it could be a hazard to the fire department to hook up to that hydrant. Mr. Howell Patterson who is now deceased but his property, he built a bridge between my property and his on the back side of Winchester and two years ago it washed out. Totally washed out and its still very bad erosion there every time it rains hard. I've had massive flooding on my property that it's causing also. I'm glad I've never built a bridge but Brown Road has been washed out numerous times and flowing from said property in two different ways coming off of what we think to be is the Fowler property, North Main Street and Winchester creeks. In 2018, Brown Road and Country Place both were flooded. Mr. Frank Martin, Ms. Rose Pratt, Ms. Suzanne Griffin, all have problems with sink holes and water washing and flooding in their yards. Mr. Byron Scott lives at 208 Winchester, that creek is absolutely washing away uh up into his yard. Additional water may cause a washout on 220 Winchester Drive which is the Duvall's house and that's the one that's adjoining Mr. Skump's which is right on the other side of the creek. So, 434 Winchester, 2 years ago, uh the rain, hard rain washed out the bridge. Thank goodness it was above me and then Mr. Patterson's below me, now I didn't have a bridge so, but it was totally out of there where they couldn't even get up to the house. My time's up."

Mr. Smith distributed a packet of pictures to the Mayor and Council which is listed as Exhibit "C".

Tine Martin of 410 Winchester Drive, King, NC was sworn and offered the following testimony: "Mr. Mayor and City Council members, according to an article from Stanford Business of Uni...Stanford School of Business: *Is affordable housing good for the neighborhood?*, new affordable housing projects in poorer neighborhoods increase surrounding home prices while new projects in wealthier neighborhoods were drove down. This article, which speaks to the research, completed by Stanford professors Rebecca

Diamond and Tim McQuade covers the impact on the surrounding neighborhoods over a 10-year span. It indicates that 15 states, 7,098 low income housing tax credit sites were reviewed, which is LIHTC. The LIHTC provides the developer incentives to build affordable housing. At the time of this article in 2015, this program had funded 1/5th of the multi-family home developments. In low income neighborhoods where median income fell below \$26,000, the researchers saw that the home values appreciated 6.5% within a tenth of a mile of an LIHTC project. In higher income neighborhoods, those with median incomes above \$54,000, housing prices declined approximately 2.5% within a tenth of a mile of this project. Why the difference? In many cases, a new building in a poorer neighborhood created a sort of revitalization effect. Diamond says "These areas don't tend to have a lot of investments so it makes the neighborhood appear more desirable." On the flip side, wealthier neighborhoods didn't see affordable housing as an attractive amenity and that impact rippled through the area years after construction. In high income areas, you saw a strong housing price drop very locally and then it radiated outward over time McQuade says. The price effects remain even after 10 years, Diamond adds. Per McQuade and Diamond what we're saying is that government needs to think seriously about the trade-off, of how much we're benefitting the tenants of affordable housing versus the effects on our local neighborhood. According to the United States Census Bureau the median household in King, as of 2018, is \$63,913. Since the City of King have a median income over the \$54,000 range. So, based on this particular study, the proposal will decrease the market value of our homes. The study suggests that building such a development in an area with a higher median income may have a negative impact on our community. Thank you so much."

Ms. Martin submitted documentation for her evidence as Exhibit "D".

Tammy Burnette of 310 Winchester Drive, King, NC was sworn and offered the following testimony: "My name is Tammy Burnette. Most of you know me. I live at 310 Winchester Drive and I am a real estate agent. I've had my license for um a long time, but full-time selling for 15-years. Um, I have my bachelor's degree from Gardner Webb University in Business Administration and then went into real estate full-time. So, I have got some information I'd like to give you. I'd better do that at the end so I'll have time to talk. I'm gonna have to piggyback onto what Mrs. Martin just talked about in her article and the Census Bureau. HUD's website, which is the LIHTC qualified census tract is on their website which is the low-income housing tax credits they're gonna use to build um sites and that is taken off of HUD's website and HUD's website does not show King as being in a qualified area. As of January 1st, 2020, and based on our, the fact that what there, what these LIHTC qualified census tracts, they must have 50% of the household with incomes below 60% of areas median gross income or have a poverty rate of at least 25% or more to be able to qualify for these tax credits, um and I have their, the, the information in the packet for you guys to look at. Also, the IRS section 42 state tables also does not include Stokes County as being qualified for this program either. Um, and it's directly off of the HUD, HUD's website effective January 1st, 2020. The areas surrounding this site which specifically in this information I'm giving you, I've looked at Brentwood. For the past 12 months our um sales in our neighborhood have been anywhere from seventy-four, a hundred seventy-four thousand to two-o-six-five so it's not a poor neighborhood. Um, the home sales from all of King, I pulled them from 2018 and 2019, the whole entire years, which I have printed out for you so you can look at all of them, um, all 420 of them. So, they are average 162,593 for all of King. I did not specify anything other than residential single-family residential. It's not land, it's not single-wides and I mean I didn't take out single-wides or double-wides or anything like that, um, I will give you your handouts."

Ms. Burnette submitted documentation for her evidence as Exhibits "E", "F" and "G".

Terry Frye of 126 Fosstorall Street, King, NC was sworn and offered the following testimony: "Hello Mayor. Hi Council. Um, I just want to run over with you guys some statistic rates coming from the um, (undecipherable) type apartments. Um, I have uh called several 911 emergency centers and police departments of the smaller type towns like us. Um, I excluded Charlotte and areas like that and just trying to get the kind of information, um, as far as phone calls that comes from these kind of, the affordable housing and how much of a, um, a ,um, how much of a pressure it will put on our police and emergency responses. Um, I called the Davidson County, um, emergency center and talked to them. This information is hard to get. For the uh, Forest Hills, uh, apartments in Lexington and, um, the lady, she e-mailed me the, basically the (long ?) times of the (?) you guys about the calls they've gotten in the last, basically the last ten months, eleven months. I that's how long those apartments have been built. Uh, roughly fifty phone calls from, um, just those apartments in just that little bit of time. And, um, I've called uh, Clinton, North Carolina to the 911 center. Couldn't get a response out of them. Um, I called Dallas, North Carolina and I have talked to their 911 operator and police department and they put me over to the police officer that sort of patrols the area where these affordable apartments are located like we're getting here in King and um, he went back and looked up on them. He said he couldn't break it down by the years but he would break it down from since them apartments was built and give 2013 to present. Them apartments has received 1,931 phone calls to the police department. That averages out to about 275 calls a year or 22.9 calls per month they're getting out of these kind of places. Um, so, that, that information here is just sort of to show the stress that affordable housing will put on our emergency response crews here in the City of King and the one that is in Dallas, North Carolina, they actually have a police officer that lives in this complex, that has a police vehicle in that complex and they still get that kind of phone calls about this place. So, um, I have tried calling numerous others, um, 911 emergency centers where these apartments are located at in the towns of North Carolina. I've called um, Cherokee. We've tried Biscoe and I've tried Raeford and um, pretty much they, they tell me was none of my business what kind of calls come out of these centers and these apartment complexes. So, um, with that information, I just wanted to give you guys some facts on that and um, the stress that it would actually put on our um, emergency service here in King and I've got a little bit more information in this packet here if you'd like to read. Some has already been elaborated by Ms. Martin, she was up earlier. Thank you for your time. Thank you for listening.

Mr. Frye submitted documentation for his evidence listed as Exhibit "H".

J. Roddy of 402 N. Main Street, King, NC was sworn and offered the following testimony: "Mr. Mayor, Ladies and Gentlemen of the Council thank you for your time. As a law enforcement officer, I've been able to be immersed in this community firsthand and comparing this entire project with its predecessor of Conrad Corners, similar size, same developer, same management company. Although we have already had only twenty-seven reportable cases at the Conrad Corner's complex the official log with the Stokes County Dispatch Center shows we have been dispatched to the apartment complex a total of 202 times since it was erected. Fourteen of those in the month of January alone. Now, that is for our fire service and police department. One hundred thirty-nine of those calls were for police alone. These calls may not be a reportable offense but they're still things that require time from our resources. In our city, all our shifts for the police department average three officers per shift. In a city with a per capita over seven thousand, three officers per shift. Our Fire Department averages six firefighters per shift. Our Fire Department, since July of this year has already answered two thousand and three hundred calls and anticipates the possibility of answering over three thousand. To put this in perspective, Firehouse 1 of the Winston-Salem Fire Department averages thirty-one hundred calls a year. That's the biggest and busiest firehouse in the City of Winston. The City of Kernersville, their fire department averages thirty-two, uh, thirty-two hundred calls a year. When there's a critical incident at a multi-family housing

complex such as this, uh, and the two shootings we've had in recent years at Pineview, those require an enormous amount of resources just to secure a scene that large with that many people and oftentimes, officers who are not working that day have to be called in to work that scene and are then required to take time off from their normal shifts further decreasing the number of officers we have available at any given point in time. When we get busy and calls begin to backlog, we have to prioritize which calls are important."

Mayor Warren: "Thank you sir, we have a question Mr. Roddy if you will come back up please. Is that where you were talking about number of calls?"

Mr. Roddy: "Yes, your honor."

Mayor Warren: "Is that the number of any area in King? Do you know that or did you research that?"

Mr. Roddy: "I've researched a couple of the other places uh, of similar size. Within the last two years we've only been out to Pineview thirteen times and Country Squire, we've only been out there forty-one times in the last two years. Um, I'd say it'd be comparable to Woodcreek in call size."

Mayor Warren: "Thank you sir."

Cindy Holby of 305 Scenic Drive, King, NC declined to speak after having signed up.

Terrie Keaton of 211 Winchester Drive, King, NC declined to speak after having signed up.

Kevin Cole of 123 Glenn Avenue, King, NC declined to speak after having signed up.

Suzanne Griffin of 223 Winchester Drive, King, NC was sworn and offered the following testimony: "Mr. Mayor, City Council, uh, I am Suzanne Griffin. I live at 223 Winchester Drive um, and I'm gonna kind of hook onto what Mr. Smith had said and add some more to what he had said about the rain and the drainage and the inadequate drainage that we have coming from Winchester Drive in that area that goes down to, uh, Main Street. The branch goes down to Main Street to Brown Road and that area and where the creek has washed out part of the road. Um, in February, from the fifth to the thirteenth we had eight days of rain and it was approximately seven inches of rain. Um, that water washes down through our neighborhood, Brentwood, and comes down the two creeks and one of the creeks is the one that goes through the Fowler, uh, property. It runs to the left side of my house and that is part of the where they're slated to have their runoff from this property and right now it's a big field that absorbs part of this water. Um, if there's apartments put there and it's all going to be cemented that water has no where to go but down through our neighborhood and down the road to, um, Brown Road to wash out the bridges. Um, it's inadequate already, um, because like I said in February it washed out and it's still washed out and we have to get the Department of, I believe it's my understanding, the Department of Transportation, whatever has to come in and eventually fix that. So, you know, who knows how long it will be before it gets fixed and people have to go around that area to get to work. Um, the other thing I'd like to add on to was about the traffic. With there being seventy-two units there could possibly be added another two hundred and fifty drivers when you start thinking about the adults and the teenagers that will be driving from that community and the traffic is already backed up so far. That's also a main, that's the alternate route for Highway 52 if there's a wreck or whatever they alternate the traffic down through there which will be a, a, a, big mess for everybody that has to go through King during that time. Um, and that's basically all I have to add about that. Um, I do have a

photo of one of their properties in Greenville, North Carolina that shows how the um, the parking lot. Thank you.”

Ms. Griffin submitted documentation for her evidence listed as Exhibit “I”.

Dillard Burnette of 224 Whispering Creek Road, King, NC was sworn and offered the following testimony:” Mr. Mayor, Council, City staff I salute you and the service you do for this community and I also would love to address all these gentlemen on the back wall and how they protect us, fire and police. I have uh, I’m a concerned citizen plus I have two grandchildren that live in this development below where they are talking about putting these uh, HUDs, I can say that, but y’all can’t. I’ve had the privilege of sitting where y’all sit and the privilege of standing where I stand now. I’ve been through a couple of these before and I know exactly what you’re looking at and talking to and what I’m going to address is and nobody’s really gotten into tonight, the subject that came up at the Planning Board meeting. The degree of grade on this property in 13-percent. You’ll have to excuse me; I have Parkinson’s and I shake so just kinda gonna shake a little bit. Also, for the thirteen-percent grade and you take all the grass that’s on this piece of property now and you remove it, now it don’t take a rocket scientist to figure it up. You’re gonna have more water than you deal with and an example of that is right down here on Brown Road. Two years ago, the State said this was how it ends and a big old backfill is what they’ve got now. It will happen again too. The same way it happened in Bethabara. The Army Corps of Engineers went in and reworked their creek and said it wouldn’t flood in a hundred years. It was flooded the next spring and stays a flood zone as of today. So, you know as well as I know anything that man builds, mother nature can take down, you cannot control water. You can hope you can slow it down, but you cannot completely. This development has got problems before we, you even think about this. So, it probably needs to be looked at is who is going to handle the water runoff, how much is gonna be handled, and what you gonna do with the water? Cause I live downstream from this. A couple of other gentlemen I’m facing do the same thing. And another thing, I’ve listened to all this testimony tonight and I’ve yet to hear somebody speak in favor of this. Now you know as well as all these people spoke at the Planning Board and I hope y’all speak today. This is not King. King is a bedroom community. We’re not mass housing. If you go in and take that property and put nice houses in it will look wonderful. If you take that piece of beautiful property and put low rent apartments in it you’ve got a slum in the years to come because you’ve got to look at five-year and ten-years down the road and whose gonna maintain this? So, I beg of you tonight is listen to the citizens. They have spoke and turn this project down. Thank you.”

Mayor Warren: “Thank you. I will ask the Council to disregard his last statement about the slum and low rent due to discrimination. So, disregard that in his testimony.”

Beth Southern of 101 Scenic Ridge Place, King, NC was sworn and offered the following testimony: “Good evening, I’m Beth Southern and my husband Bill and I live at 101 Scenic Ridge Place here in King. Thank you for taking the time to hear all these voices tonight. I know it’s a long and thankless evening for you so I appreciate the time to speak. My appearance tonight is because Bill and I are deeply concerned about the potential spot zoning at this property. As you are aware, none of the adjacent property of the proposed site is currently zoned for multi-family residential housing nor is any of the property in the immediate area. We’re really concerned about the fact that stated earlier that the developer stands to receive substantial state and federal income tax credits for developing this property and the only folks that receive the benefits of those credits are the developer and the planned owner. Those credits don’t enlarge the benefit of the greater King community, the hardworking taxpayers or the first responders and the public schools that are gonna have to service the residents of this community.

As others have mentioned before, we're also deeply concerned about the traffic congestion on King Street. On exiting our neighborhood on to Scenic Drive every morning to go to work, to take our kids to school, to get groceries, to do those kind of things to make a left turn on to King Street, if it's a good morning maybe you only wait a few minutes, but I've waited over five before to make a left hand turn. We've also witnessed several significant accidents within a quarter mile of the intersection where we turn on to King Street including a rather severe one a few weeks ago that stopped all traffic on King Street for a couple of hours. Um, We, uh, again we, we support (indecipherable) development. We are verbally concerned about the benefits of this and going solely to the developer and the landowner and not being in keeping with the local community."

Mayor Warren: "That was the last speaker that signed up. I will now close that portion of the evidentiary hearing and we'll move on discussion if you have anything for Mr. Cox or the developer. Is the developer here?"

Mr. Cox: "Yes"

Mayor Warren: "Can I hear from him now please?"

Mr. Cox: "Um, probably let me do my thing."

Mayor Warren: "Okay"

Director of Planning and Inspection Cox was sworn and offered the following testimony: "Alright, Council you have before you a rezoning request tonight obviously and the tract in question is in the three hundred block of West King Street and the developer has wanted to develop twelve point one (12.1) acres and rezone that from B-2 and R-15 to Residential -Multifamily-Apartments. In your packet before you have zoning requirements for that, uh, I gave you some introduction and background, uh, talking about the project and uh, I've given you some facts about the project and the fact that it's in a watershed but they're not developing over twenty percent, twenty-seven percent impervious. Um, and also, the next section, Section 32-163 gives you the statement of intent for each district. Um, I'll read the Multifamily-Apartments and it says *'The intent of the R-MF-A residential multifamily-apartment district is to provide areas of high-density residential development. Residential units shall be rented or leased. Public water and sewer shall be available. This district shall be located near employment centers, shopping facilities and roads that can accommodate the traffic generated by the high-density development. Density of development shall be no more than 16 units per building and controlled by the maximum number of dwelling units per acre requirements as listed in article V.'* That was our table of heights, area and whatever. We approved that a minute ago. I'm glad I gave you a zoning map. It shows you the various zoning districts around the property. Um, the front part was zoned B-2 from our original incorporation in 1985, when we adopted zoning and the Council at that time, I guess wanted to have abutting old fifty-two at the time the business sector. There's a strip there that's business and of course behind it they've, they've left as residential. Um, on the next page I gave you Section 32-164. This is what's required for Conditional Use Districts and what should be on your map that was submitted to you by the developer of the site plan and any other supporting documents. Items one through ten and of course eleven is: *Any such other matters as the city may propose* and that is where we have the conditions that we typically attach to a project like this, which is in back of your packet. The next thing you have is uh, the excerpt from the Comp Plan and it shows the subject property, and it's in a G2 Controlled Growth Area and in that, uh, particular growth area, we propose uh, or we've proposed use of Single Family, Multifamily, Neighborhood Mix Centers, Neighborhood Scaled Commercial, Civic and

Light Industrial Uses and, and that was it for that particular district. So, Multifamily Dwellings is a listed use for this property as stated in our Comp Plan, so, um, that wouldn't be inconsistent with our plan. The next page, I made some budget statements, impacts on our city services, and the additional tax base and fees and then of course, I made you comments, staff comments and we talk about the um, issue of discrimination, which you've already covered and also, um, I gave you some facts about the, um, the property values and also looking at, uh, our traffic issues. Um, in talking with Mr. Barrow, our street, um, West King Street from there down to Goff Road is actually went down so that's a good thing for anybody who um, was concerned with traffic and I think the relocation of Goff Road crossing over fifty, uh, crossing over the railroad track has changed our, our street counts through there so it's actually come down as opposed to going up. Um, another issue that was brought up at the Planning Board was our infrastructure. Our infrastructure is good there. Um, our water is ample, which they would get off of West King Street and then we're asking for a tie-in to Barlow Court. That would give fire protection, adequate fire protection to the facility if approved and then also sewer. There was some concerns about sewer. I talked to our City Engineer. Our sewer is adequate there and it handles this plus quite a bit more. So, our utilities are in good shape and the only thing that I thought, uh, uh, mentioning was our buffer. You guys might want to look at somehow adjusting the buffer if you choose to move forward with the project. They've put some buffer standards up on there, but you might look at the, the various options we have in buffering. And, the next thing actually I'll have Council come back to that at the end and of course I gave you staff's recommendation and the Planning Board, of course, voted four to one with uh, that was last Monday night. I wanted to point out a couple of things in our conditions one through twenty-one and most of them are standard conditions, um, talking about developing it per state and local standards. Um, they have uh, since this is a rezoning, if you rezone it, you'd also be granting a conditional permit to construct the apartments and they'll have until March of 2021 to submit plans. So, they'll be a one-year affect on the permit. If the project isn't submitted, then it'll have to be resubmitted or renewed by you guys. Um, I made a note on number eight that talks about the stormwater pond. This is a permanent pond. Uh, it will be required to have a fence around it for protection and will be in place for the duration of the project. Um, and then there was a question about uh, at the Planning Board about not tying into any part of Brentwood and condition twenty-one I think covers that. Um, it says *'No driveway or street connection shall be made from the apartment project to any of the surrounding city streets (Sunset Drive, Barlow Court, Winchester Drive).'* So, no connection will be made other than the water connection. Um, I think that covers most of it. The others are just standard conditions and then of course we've notified the abutting property owners. You have those submitted. The State requires that we notify anybody that abuts the property within a hundred feet. So, I know some of the folks at the Planning Board has mentioned 'I didn't get a notification.' Well, if you're only, if you're a hundred feet or less then you have notification. If you are more than a hundred feet, obviously we don't notify you. Um, we use tax records as your address. Um, so if your address somehow is not correct on your tax records then when we mail it out it may not get to you. That's happened before. Uh, but that's what we use by State law to send out addresses or send out the notifications. Uh, we also publish it in the newspaper. Um, you have your notifications and then of course you have your site plan and then supplementary information that the developer wanted to put in the packet for you to look at and consider and that's all I have for you and when you get through, we'll come back to the Actions by Responsible Body when you're finished."

Mayor Warren: "Thank you Mr. Cox. Any questions for Mr. Cox?"

There were no questions from the Council for Mr. Cox.

Mayor Warren: "Alright, well hear, if you have no questions we will hear from the developer. Is he here? Todd?"

Mr Cox: "Should be. Uh, is Mr. Funk here?"

Mayor Warren: "Do you see him? I'll call his name out real loud and see if he's outside. Have one of the people to see if he's outside."

Mr. Cox: "Bobby Funk. Nobody out there?"

Mayor Warren: "Well, is he here?"

Mr. Cox: "Nope, afraid not."

Mayor Warren: "Did he go to City Hall?"

Mr. Cox: "Ah, he was notified of the meeting here."

Mayor Warren: "Council, you have heard the evidence. You've heard from the Planning Director. Do you have any questions of the Planning Director at this time? Nobody has any? Okay. Then your action you must do, you must take the evidence as submitted by the staff and citizens, compare it to the ordinance as I read before and make a determination as to whether the project is so designed to meet or exceed those requirements. The Council you may approve, approve with conditions, or deny the request based on the findings of facts during the hearing. You must disregard any evidence that you heard that was not presented with facts. If you must disregard any evidence that you heard or thought was biased in any way. Do you have any questions again? I will ask three times. To Mr. Cox, do you have any questions for Mr. Cox? Do you want to have any discussion among yourselves? Do you have any questions for each other, concerning the case or evidence? There being none I will ask Mr. Cox to do the, we'll have the Findings of Fact please."

Mr. Cox: "Mayor, if we could, I just got on to my e-mail and uh, Mr. Funk says 'I'm sorry for short notice but something came up with another rezoning hearing we have this evening in Gaston County. I will not be able to attend the Council meeting tonight. I have attached my presentation materials and would like to be added to the record, uh, at tonight's hearing."

Mayor Warren: "They're already in here right?"

Mr. Cox: "Um, yeah, I assume there should be a supplement package created for Council making our case for our rezoning request. So, you've pretty much got all that anyway. Um, and that's it."

Mayor Warren: "Well, I am not going to cancel this hearing because he couldn't be here. I'm sorry about that. We will go ahead and rule one way or another. As I said, you may approve, approve with conditions, or deny the request based on the Findings of Fact during the hearing. If you will read the Findings of Fact Mr. Cox."

Mr. Cox: "Okay. This will be for Action by Council or the Responsible Body and I think you read: City Council shall approve, modify, or deny the application uh, of course after consideration of the Planning Board's recommendation."

Action

Mayor Warren polled the board after Mr. Cox read each of the following six conditions. The Council voted that the answers to the six conditions under City Ordinance Article 13, Section 32-578 (d) *Action by the responsible body* are as follows:

- (1) The use request is listed among the conditional or special exception uses in the district for which the application is made. **Answer YES 4-0**
- (2) The requested use is essential or desirable to the public convenience or welfare. **Answer NO 4-0**
- (3) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. **Answer 2 votes NO/2 votes YES (Allen-yea, Carter-nay, Fowler-nay, McCraw-yea)**
- (4) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. **Answer NO 4-0**
- (5) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. **Answer NO 4-0**
- (6) Adequate measures have been or will be taken to provide ingress and egress, so designed as to minimize traffic congestion in the public streets. **Answer NO 4-0**

As it relates to NC GS 160A-383, Compliance with adopted comprehensive plans –

- (1) The proposed use will be in keeping with the spirit of the Stokes 2035 Comprehensive Plan. **Answer YES 4-0**

Mayor Pro Tempore McCraw moved to deny CU-R-MF-A-042 a conditional use rezoning request by FGM Development, LLC of Raleigh, NC for the reason that conditions 2, 3, 4, 5 and 6 under City Ordinance Article 13, Section 32-578 (d) *Action by the responsible body* were not met. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

FINDINGS OF FACT CONDITIONAL USE REZONING REQUEST CU-R-MF-A-042

1. Town & Country MH Inc is the owner of a property located in the 300 block of West King Street, King, NC which is located within the corporate limits of the City of King, NC and identified as SCTM# 5992-12-85-5568, portion of.
2. On February 3, 2020, FGM Development, L.L.C. – Fred Mills submitted a complete petition for a conditional use permit to construct 72 apartment units consisting of 12-1BR units, 42-2 BR units, and 18-3 BR units on 12.1± acres.
3. An advertisement for the public hearing on CU-R-MF-A-042 was published in *The Stokes News*.
4. Notice was mailed to property owners listed on tax records within 100 feet of the property as in rezoning cases.
5. Staff reviewed the developer's request and recommended approval with the conditions recommended or as added to or amended by Council.
6. On February 24, 2020, the City of King Planning Board conducted a duly advertised and noticed hearing on the FGM Development, L.L.C. Conditional Use Permit Request.
7. On February 24, 2020, The City of King Planning Board made a 4-1 recommendation for disapproval of the FGM Development, L.L.C. Conditional Use Permit Request.

8. On March 2, 2020, the King City Council conducted a duly advertised and noticed hearing on the FGM Development, L.L.C. Conditional Use Permit Request.
9. The tract at the 300 block of West King Street contains a total of approximately 12.1± acres.
10. The applicant has submitted a site plan.
11. The tract at the 300 block of West King Street is currently zoned (B-2/R-15), which is General Business/Residential Medium Density).
12. The tract at the 300 block of West King Street is abutted by R-15 zoning on the north and east sides and by B-2 zoning on the south and west sides.
13. The tract at the 300 block of West King Street has access to both water and sewer.
14. Section 32-206 of the City Code of Ordinances requires that a conditional use permit be issued for the construction of a multi-family unit in the City of King.
15. The tract is in a watershed designated area WS-IV but only has 27% impervious surface so no watershed review would be required.
16. Stormwater would be handled through a permanent detention pond on the lower end of the site.
17. Ms. Tammy Burnette testified that she is a real estate agent who has been in the area for 15-years and feels that values of area properties will be affected by the FGM Development, LLC apartment project.
18. Mr. Bobby Funk of FGM Development, LLC is the developer of the proposed Kingview Apartments.
19. Mr. Funk nor any other representative of FGM Development, LLC was present at the evidentiary hearing.

Mayor Warren called for a 5-minute recess at 8:32 p.m.

Mayor Warren reconvened the meeting.

REQUEST TO CO-SPONSOR 5K FIGHT FOR ROE ROE AND VETERAN’S WALK

Councilman Carter moved to excuse Councilman Fowler from voting on the 5k Fight for Roe Roe since she is an organizer of the event. Councilman Allen seconded the motion which carried by a unanimous vote of 3-0.

Councilman Allen moved to co-sponsor the 5k Fight for Roe Roe on May 23, 2020, using the Feed Stokes 5-k route. Councilman Carter seconded the motion which carried by a unanimous vote of 3-0.

Councilman Allen moved to co-sponsor the Veteran’s Walk on July 4, 2020, using S. Main Street from King City Hall to the Carl Calloway American Legion Post 290-King . Councilman Carter seconded the motion which carried by a unanimous vote of 4-0.

SOLID WASTE BID AWARD

Councilman Fowler moved to award the Solid Waste Bid to Foothill Waste of Sandy Ridge as recommended by staff. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

CONTRACT NAME				Bids Opened
SOLID WASTE COLLECTION				2/13/2020 2:00 p.m.
Bidder	DEPOSIT (5%)	Certificate	Performance	Bid Amount

(RFP Holder)	Bid bond, check, Etc...form	Of Insurance	Bond Letter	
ABC Garbage PO Box 546 Rural Hall, NC 27045				No Bid
Foothill Waste 55307 NC 704 Sandy Ridge, NC 27046 Justin Shelton	X	X	X	\$8.60 / HH
Republic 2875 Lowery Street Winston-Salem, NC 27101	X	X	X	\$13.50 / HH
Waste Industries-GFL 302 Grumman Road Greensboro, NC 27409 Seth Heath	X	X	X	\$12 / HH
Waste Management 3303 N. Glenn Avenue Winston-Salem, NC 27105 Mike Holbrook	X	X	X	\$10.25 / HH

CONSIDERATION OF APPROVAL OF AUDIT CONTRACT

Councilman Fowler moved to award the City's audit contract to Gibson & Co. as recommended by staff. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

Audit RFP		
Firm	Total Price	Hours Proposed
Gibson & Co.	\$27,750.00	238
Stout, Stuart, McGowen & King, LLP		
Bernard Robinson & Co.	\$22,000.00	130
Eddie Carrick, CPA	\$19,500.00	80
Cobb Ezekiel Loy & Co PA		
Dixon Hughes Goodman LLP		
Martin Starnes & Associates	\$26,600.00	250
Sherrill & Smith, CPAs, PA		
Bobby J. Massey CPA		
RSM US LLP		
Paul, Cox, & Todd PLLC		
S. Preston Douglas & Associates, LLP	\$26,750.00	216

FIRE INSPECTION AND INVESTIGATIVE SERVICES FOR THE TOWN OF RURAL HALL

Councilman Carter moved to approve the Interlocal Services Agreement with the Town of Rural Hall for Fire Inspection and Investigative Services as presented. Councilman Fowler seconded the motion which carried by a unanimous vote of 4-0.

Councilman Fowler moved to approve the amendment to the Schedule of Fees and Charges as presented. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

CONSIDERATION OF REVISED SOCIAL MEDIA POLICY/AMENDMENT TO PERSONNEL POLICY

Mayor Pro Tempore McCraw moved to approve the revised Social Media Policy and amendment to the Personnel Policy as presented. Councilman Fowler seconded the motion which carried by a unanimous vote of 4-0.

CONSIDERATION OF BUDGET AMENDMENT 2019-02.05

Councilman Allen moved to approve Budget Amendment 2019-02.05 as presented. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

SET DATES FOR BUDGET WORKSHOPS

Councilman Fowler moved to hold a budget workshop at King City Hall on Monday, April 27, 2020, at 8:30 a.m., Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

DEPARTMENTAL REPORTS/QUARTERLY STRATEGIC PLANNING REPORTS

There were no questions concerning the Department or Quarterly Strategic Planning Reports.

ITEMS OF GENERAL CONCERN

Councilman Carter: Nothing at this time

Councilman Fowler: Nothing at this time

Mayor Pro Tempore McCraw:

- Thanked Director of Planning and Inspections Cox for the work he did on the rezoning case as well as staff and the citizens who came to the meeting

Councilman Allen: Nothing at this time

Mayor Warren:

- Thanked everyone who attended the meeting.
- Noted that Manager Dearmin, Mr. Cox and the City Attorney had spoken with the FGM Development, L.L.C. attorney via a conference call prior to the meeting
- Stated that the proposed repairs to the Veteran's Memorial are estimated to cost \$85,000.

Action

It was the consensus of the Council to add Veteran's Memorial Repairs to their April 6, 2020, agenda.

EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF PERSONNEL PER NC GENERAL STATUTE 143-318.11 (A) (6)

Councilman Carter moved to adjourn to executive session for the purpose of discussion of personnel per NC General Statute 143-318.11 (a) (6). Councilman Fowler seconded the motion which was unanimously approved by a vote of 4-0.

Mayor Warren reconvened the meeting and stated that no action had been taken during the executive session.

ADJOURNMENT

Mayor Pro Tempore McCraw moved to adjourn the meeting. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

Approved by:

Attest:

Jack Warren
Mayor

Tamara H. Hatley, MMC, NCCMC
City Clerk