# HIGH POINT CITY COUNCIL REGULAR MEETING NOVEMBER 21, 2022 – 5:30 P.M. COUNCIL CHAMBERS – MUNICIPAL BUILDING

### **MINUTES**

### ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:40 p.m.

Upon call of the roll, the following Council Members were Present (8):

Mayor Jay W. Wagner; Ward 3; Mayor Pro Tem Monica Peters, Ward 3; Council Member Britt W. Moore, At Large Council Member Tyrone E. Johnson, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member Williams, Ward 2; Council Member S. Wesley Hudson, Ward 4; and Council Member Holmes, Ward 6.

Absent (1): Council Member Victor A. Jones, Ward 5

Mayor Wagner called for a Moment of Silence. The Pledge of Allegiance followed.

#### **REGULAR AGENDA ITEMS**

#### FINANCE COMMITTEE - Britt Moore, Chair

# 2022-547 <u>Contract - NC League of Municipalities - Third Party Administrator (TPA) for Property & Liability Claims</u>

City Council is requested to award a three (3) year contract to NC League of Municipalities in the amount of \$240,000 to perform administration services for property and liability claims on the City's behalf.

Bobby Fitzjohn, Financial Services Director reported that the City contracts with a third party (TPA) to perform administration services for property and liability claims on the City's behalf; the current agreement with the NC League of Municipalities will end on December 31, 2022; staff was notified by the previous TPA that they would not renew their contract for 2022; staff reached out to several TPAs, receiving a favorable response from the NC League of Municipalities for a one-year agreement. Finance and legal staff are satisfied with the performance of the NC League of Municipalities and the pricing is fair compared to recent proposals shared by the Guilford City County Advisory Committee. At the completion of this three-year term, the City will conduct an RFP for TPA Services. The three-year agreement is estimated to cost the city approximately \$240,000 or \$80,000 per year. Funds are available

in the FY2022-23 budget and will be included in subsequent budgets. The Financial Services Department recommends approval of a three-year agreement for TPA services with the NC League of Municipalities beginning January 1, 2023, to December 31, 2025 with an estimated cost of \$240,000.

Council Member Hudson moved to approve a three (3) year contract to NC League of Municipalities in the amount of \$240,000 to perform administration services for property and liability claims on the City's behalf. Council Member Holmes made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

### 2022-548 <u>Contract - Agreement for Services - Laheen Management LLC - Apparatus Bay</u> <u>Floor Replacement/Repair - HPFD Headquarters</u>

City Council is requested to award a contract to Laheen Management, LLC. in the amount of \$169,000 for the repair of the deteriorating apparatus bay floor at Headquarters Fire Station.

Tommy Reid, Fire Chief reported Replacement/repair of deteriorating apparatus bay floor at Headquarters Fire Station Summit Engineering was retained to provide on-site inspections and provide bid specifications for repairs to the apparatus bay floor located at Headquarter Fire Station. The bay floors have sustained numerous cracks and the slab topping has started to delaminate allowing water to seep into basement area. Funding has been included in the 2022/2023 fiscal year budget. City Council is requested to approve the Agreement for Services contract to Laheen Management LLC in the amount of \$169,000.00.

Council Member Moore moved to approve a contract to Laheen Management, LLC. in the amount of \$169,000 for the repair of the deteriorating apparatus bay floor at Headquarters Fire Station. Council Member Peters made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

# 2022-549 Receipt & Presentation of FY2021-2022 City of High Point Annual Comprehensive Financial Report

City Council is requested to acknowledge receipt of the City of High Point Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022 and related required communications from the City's auditors, Cherry Bekaert LLP.

Bobby Fitzjohn, Financial Services Director reported that the city council has the statutory responsibility under G.S. 159-34 to engage an auditor for the financial and compliance audit of the city's budgets, accounts, and grants; the presentation of the Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022, would be presented by the audit firm Cherry Bekaert LLP; said that the city council approved the contract with Cherry Bekaert LLP for the financial and compliance audit of the City of High Point for the Fiscal Years 2021-2025 in April 2021; the Annual Comprehensive Financial Report was prepared by the city's Financial Services Department and the audit was completed on October 31, 2022; recognized staff for their work and efforts; and said the city council is requested to acknowledge receipt of the City of High Point Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2022 and related required communications from the City's auditors, Cherry Bekaert LLP.

Daniel Gougherty, Engagement Director with Cherry Bekaert LLP; explained the results of the audit for financial statements; said that the firm audited the financial statements of the city as of and for the year ended June 30, 2022, in accordance with the generally accepted auditing standards and Government auditing Standards and have issued the report dated October 31, 2022 with no findings; the following topics were discussed: results of the audit, significant audit matter, internal controls corrected and uncorrected misstatement, required communications, other matters, upcoming reporting changes, local government commission financial performance indicators; noted that the details for the report is located in the PPP that were made a part of these minutes; summarized the LGC performance indicators as followed: submitted report within five months from fiscal year end, change in fund balance of general fund was positive, budgeted tax levy for the general fund had less than 3% uncollected, effective pre-audit process to avoid pervasive budget violations, and no late debt service payments or debt covenant compliance issues; voiced appreciation for staff's efforts and entertained questions.

Council Member Moore acknowledged, for the record, that the FY2021-2022 City of High Point Annual Comprehensive Financial Report was received.

# 2022-550 <u>Contract Amendment - 2022 High Point Orthoimagery - Spatial Data Consultants, Inc. - LiDAR Data</u>

City Council is requested to approve a contract amendment in the amount of \$90,700 for the 2022 High Point Orthoimagery Project contract with Spatial Data Consultants, Inc. to include collection of LiDAR data.

Heidi Galanti, Planning Administrator reported that this request was to amend the existing 2022 High Point Orthoimagery Project contract with Spatial Data Consultants, Inc. to include collection of LiDAR data; the additional work would increase the total cost for the project to \$90,700. On November 2, 2021, the City of High Point entered a contract with Spatial Data Consultants for orthoimagery; during this project, Spatial Data Consultants

offered the City of High Point LiDAR imagery at a dramatically reduced rate for \$16,500, which is roughly 30% of the normal price of these services; and that the Planning & Development Department is recommending that the City Council approve the purchase. Funds for this project are available in the FY 2022-2023 budget; and approve the amendment with Spatial Data Consultants in the amount of \$16,500.

Council Member Moore moved to approve a contract amendment in the amount of \$90,700 for the 2022 High Point Orthoimagery Project contract with Spatial Data Consultants, Inc. to include collection of LiDAR data. Council Member Peters made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

Contract - czb, LLC - Authorization and Approval to create a Comprehensive Plan City Council is requested to award a contract to czb, LLC. in the amount of \$350,000 to create a comprehensive plan establishing the City of High Point's vision and long-range policies to guide the future growth and development of the community over the next 20+ years and include implementation tools along with action plans to achieve and track progress.

Heidi Galanti, Planning Administrator reported that staff is recommending the approval for the selection of czb, LLC to create a comprehensive plan for the city; said that this comprehensive plan would establish High Point's growth vision and long-range policies to guide the future growth and development of the community over the next 20+ years; the comprehensive plan would also include implementation tools along with action plans to help achieve and track the city's growth vision; an RFQ was issued on June 10, 2022; on July 12, 2022, 4 proposals were received from qualified firms to provide professional services to create a comprehensive plan for the city; a selection committee comprised of staff from the Planning and Development, Transportation and Parks and Recreation departments reviewed the proposals and selected the top three firms for an interview; staff negotiated a contract with czb, LLC and recommends approval. The project is anticipated to take approximately 15 months and it is proposed to start in January 2023. Funds for this project are available in the FY 2022-2023 budget. Staff is recommending approval for the contract with czb, LLC in the amount of \$350,000.00.

Council Member Moore moved to approve a contract to czb, LLC. in the amount of \$350,000 to create a comprehensive plan establishing the City of High Point's vision and long-range policies to guide the future growth and development of the community over the next 20+ years and include implementation tools along with action plans to achieve and track progress. Council Member Holmes made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson,

Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council

Member Holmes

Absent (1): Council Member Jones

### COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams, Chair

Council Member Williams moved to remove items 2023-535 and 2023-536 from the consent agenda and place them in pending. Council Member Hudson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson,

Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council

Member Holmes

Absent (1): Council Member Jones

Council Member Williams, Chair of the Community Development Committee, reported that the Community Development Committee meet on November 8, 2022, and recommended the matters under the Consent Agenda be forwarded to the City Council with a favorable recommendation for approval.

Council Member Williams then moved for approval of all matters on the Community Development Committee Consent Agenda. Council Member Jefferson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson,

Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council

Member Holmes

Absent (1): Council Member Jones

#### CONSENT AGENDA ITEMS

# 2022-533 <u>Combination Deed - 801 Vail Avenue and 802 Amos Street for Affordable Housing Development</u>

City Council is requested to approve a request for a combination deed for 801 Vail Avenue and 802 Amos Street to create a buildable lot for construction of an affordable housing unit and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Approved under consent agenda.

### 2022-535 Ordinance - Demolition of Dwelling - 1205 Filbert Place

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1205 Filbert Place belonging to (property owners name(s)).

Placed in pending.

#### 2022-536 Ordinance - Demolition of Dwelling - 1215 E. Russell Avenue

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1215 E. Russell Avenue belonging to (property owners name(s)).

Placed in pending.

### 2022-537 <u>Ordinance - Rescind Demolition Ordinance - 730 W. Fairfield Road - Minimum</u> Housing Code

City Council is requested to rescind an ordinance for demolition for dwelling located at 730 W. Fairfield Road due to property being demolished and in compliance with the City of High Point's minimum housing code.

Approved under consent agenda.

# 2022-538 <u>Ordinance - Rescind Demolition Ordinance - 2206 Gable Way - Minimum Housing</u> Code

City Council is requested to rescind an ordinance for demolition for dwelling located at 2206 Gable Way due to property being repaired and in compliance with the City of High Point's minimum housing code.

Approved under consent agenda.

### PLANNING & DEVELOPMENT - Mayor Jay W. Wagner

#### PUBLIC HEARINGS

### 2022-544 Clayton Properties Group, Inc., Zoning Map Amendment 22-22

A request by Clayton Properties Group, Inc. to rezone approximately 33.55 acres from a Conditional Use Residential Single Family - 5 (CU R-5) District and a Conditional Use Residential Multifamily - 5 (CU RM-5) District to a Conditional Zoning Residential Single Family - 5 (CZ R-5) District and a Conditional Zoning Multifamily - 5 (CZ RM-5) District. The site is located along the east side of Dilworth Road, approximately 750 feet north of Bickford Road.

Herb Shannon, Senior Planner-Planning and Development Department reported that this request was to rezone approximately 33.55 acres from a Conditional Use Residential Single Family – 5 (CU R-5) District and a Conditional Use Residential Multifamily – 5 (CU RM-5) District to a Conditional Zoning Residential Single Family – 5 (CZ R-5) District and a Conditional Zoning Multifamily – 5 (CZ RM-5) District; said that the site is located along the

east side of Dilworth Road, approximately 750 feet north of Bickford Road. The Planning and Zoning Commission reviewed this request at their October 25, 2022, public hearing; speaking on the request: the applicant's representative, Mr. Jason Ewing, Land Acquisition Manager, Shugart Homes, 221 Jonestown Road, Winston-Salem, spoke in favor of the request; Mr. Ewing provided an overview of the development proposal for this site that was annexed in 2008; he noted that they were proceeding through the subdivision review process and that the only change they were proposing from the prior zoning approval is to remove one of the three initially approved stub streets, due to the location of a previously unidentified stream. Speaking in opposition to the request were Mr. J. Tommy Hodgin, 460 Dilworth Road; Ms. Kelly Gage, 436 Dilworth Road and Mr. David Payne, 428 Dilworth Road; they spoke to the following concerns:

- Safety of the proposed public street access to the site from Dilworth Road
- Delayed response time for emergency services to this area (fire and ambulance)
- Why have subdivision plans been submitted for review if the zoning has not been approved
- Concern that the zoning site contains plant species that may be on the State environmental watch list
- Concern with the allowance of twinhomes and the proposed density of development

A question was asked during the public hearing if this request was denied could the site develop under standards of its current 2008 zoning approval; a request was also asked if staff could outline the primary changes between the 2008 zoning approval and this current zoning request. Staff said this if this current zoning application was denied, the site could still be developed under the standards of its 2008 zoning approval. Mr. Shannon noted that the proposed changes from the 2008 zoning approval are: to remove one of the three required stub streets due to the location of a classified stream at the northeast corner of the site; to adjust the land area of the previously approved twinhome tract from 13.3 to 13.8 acres; and to refresh the language of the ordinance to meet terminology / departmental policy standards based upon adoption of the current Development Ordinance in 2017. Staff is recommending approval of this request and that this consistent with adopted policy guides and reasonable in the public's interest.

Following staff's report Mayor Wagner opened the public hearing and asked if there were any speakers to speak for or against this matter.

**Jason Ewing**, Land Acquisition Manager, Shugart Homes, 221 Jonestown Road, Winston-Salem advised that he was available for any questions.

James T. Hogins 460 Dilworth Road, thanked everyone for speaking on this issue; voiced concerns regarding the entrance to the site; said that the entrance had a sharp curve that dropped 40 feet into a shar curve; spoke to the two fatalities at this curve along with multiple vehicle accidents; shared that he was a retired paramedic with a background as a Trauma and ED Nurse; and voiced concerns for response times for first responders to said location.

**David Pain** 4419 Deacon Court; thanked everyone for their time; spoke to the history about the property regarding an original request since 2008.

Mr. Shannon advised that was a separate case; and that no plan were submitted at this

point.

Mr. Pain continued and requested, as a part of conditioning, that there be a heavy buffering zone; spoke to a farmhouse that was documented at the High Point Library called the Payne House; said this home was in the N.C. Historic Preservation, and this property was not on the permit; and voiced concerns regarding the entrance where the curve is located.

Mr. Shannon noted that this was a separate case; the 2008 request was for zoning; and said that no plans were permitted.

Mayor Wagner asked if there was anyone else to speak on this matter for or against, hearing none Mayor Wagner closed public hearing and opened the floor for discussion.

Mayor Wagner thanked everyone for voicing their concerns; and asked Tommy Reid, Fire Chief to speak on the concerns regarding EMS/First Responders.

Chief Reid reported that numbers were ran for the five closest fire stations with an accreditation rating; and that there were no issues meeting the standards which were in the 90<sup>th</sup> percentile; and said that the medical/EMS provided the same service as the county.

Council Member Holmes inquired on the entrance of concern and if it triggered a traffic analysis. Greg Venable, Transportation Director said that staff would work with the applicant to modify the entrance for approval.

Council Member Moore requested that staff reach out to Guilford County regarding their EMS plans for the future expansion. Tasha Logan Ford, City Manager responded that staff would reach out to the county regarding this matter.

Mayor Wagner moved to approve the rezoning of approximately 33.55 acres from a Conditional Use Residential Single Family - 5 (CU R-5) District and a Conditional Use Residential Multifamily - 5 (CU RM-5) District to a Conditional Zoning Residential Single Family - 5 (CZ R-5) District and a Conditional Zoning Multifamily - 5 (CZ RM-5) District and adopt the consistency and reasonableness statements. Council Member Peters made a second to the motion. The motion carried by the following 8-0 unanimous vote:

- Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes
- Absent (1): Council Member Jones

#### Consistency and Reasonableness Statements

That Zoning Map Amendment 22-22 is consistent with the City's adopted policy guidance because the requested zoning amendments do not conflict with adopted policy guidance

documents. Development of this site will continue to be in accordance with the Low Density Residential land use classification governing this area. Furthermore, the request is reasonable and in the public interest because the requested CZ-R-5 and CZ-RM-5 District are reasonable, in that, as conditioned.

### 2022-545 <u>High Point University, Zoning Map Amendment 22-23</u>

A request by High Point University to rezone approximately 10.7 acres from a Conditional Zoning Institutional (CZ-I) District and the Office Institutional (OI) District to a Conditional Zoning Institutional (CZ-I) District. The site is lying along the north side of E. Lexington Avenue, between N. University Parkway and Meadowlawn Avenue 1301 E. Lexington Avenue and 1315 N. University Parkway).

Herb Shannon, Senior Planner-Planning and Development Department reported that this was a request by High Point University to rezone approximately 10.7 acres from a Conditional Zoning Institutional (CZ-I) District and the Office Institutional (OI) District to a Conditional Zoning Institutional (CZ-I) District; said that the site is on the north side of E. Lexington Avenue, between N. University Parkway and Meadowlawn Avenue 1301 E. Lexington Avenue and 1315 N. University Parkway); the Planning and Zoning Commission reviewed this request at the October 25, 2022, public hearing and approval was recommended; the applicant's representative, Mr. Jason Sweet, Assistant Vice President of Construction at High Point University, 1 North University Parkway, spoke in favor of the request, and provided a summary of the zoning. Staff recommended approval of this request as outlined in the attached staff report.

Mayor Wagner opened the Public Hearing and asked if there were anyone present who would like to speak for or against this matter. Seeing none the Public Hearing was closed.

Mayor Wagner moved to approve the rezoning of approximately 10.7 acres from a Conditional Zoning Institutional (CZ-I) District and the Office Institutional (OI) District to a Conditional Zoning Institutional (CZ-I) District. The site is lying along the north side of E. Lexington Avenue, between N. University Parkway and Meadowlawn Avenue 1301 E. Lexington Avenue and 1315 N. University Parkway). Council Member Johnson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

- Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes
- Absent (1): Council Member Jones

Mayor Wagner moved to adopt the consistency and reasonableness statements for Zoning Map Amendment 22-23. Council Member Johnson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

#### Absent (1): Council Member Jones

#### Consistency and Reasonableness Statements

That Zoning Map Amendment 22-23 is consistent with the City's adopted policy guidance because the Land Use Plan classifies the zoning site for Institutional land uses, and as conditioned, the requested CZ-I District supports adopted policy guidance and the policies of the University Area Plan. Furthermore, the request is reasonable and in the public interest because the request is reasonable as the site is surrounded on three sides by the High Point University campus and it is identified in the University Area Plan as an expansion area for campus.

### GENERAL BUSINESS AGENDA

Mayor Wagner moved to suspend the rules to add items to the agenda. Council Member Johnson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

### Approval request to update the One High Point Commission's Roster

Mayor Wagner moved to update the OHPC's Roster. Council Member Hudson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, and Council Member Holmes

Absent (1): Council Member Jones

### Approval request to approve the City Clerk's Contract-Sandra Keeney with a start date of December 5, 2023

Mayor Wagner moved to approve the City Clerk's Contract with a start date of December 5, 2022. Council Member Jefferson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

# 2022-552 Revisions to the Ordinance Establishing Dates & Times for Official Sessions of the High Point City Council

City Council is requested to adopt a Revised Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council reflecting the 2023 meeting dates: Cancellation of the Monday, January 2nd, 2023 Council Meeting, due to the New Year Holiday.

Cancellation of the Monday, January 16th 2023 Council Meeting due to the MLK Holiday, and rescheduling to Tuesday, January 17th, 2023,

Cancellation of the Monday, June 19th 2023 City Council Meeting due to the Juneteenth Holiday, and rescheduling to Tuesday, June 20th, 2023,

Cancellation of the Monday, July 3rd, 2023 City Council Meeting due to the July 4th Holiday,

Cancellation of the Monday, September 4th, 2023 City Council Meeting due to the Labor Day Holiday,

Cancellation of the Monday, October 16th, 2023 City Council Meeting due to the High Point Furniture Market.

Mayor Wagner moved to adopt a Revised Ordinance Establishing Dates and Times for Official Sessions of the High Point City Council reflecting the 2023 meeting dates. Council Member Hudson made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

### 2022-553 Reappointment - High Point Housing Authority Board - Portaro

Council is requested to confirm the reappointment of Chuck Portaro to the High Point Housing Authority Board; reappointment to be effective December 23, 2022 and will expire December 22, 2027.

Mayor Wagner moved to approve the reappointment of Chuck Portaro to the High Point Housing Authority board, effective December 23, 2022, and will expire December 22, 2027. Council Member Williams made a second to the motion. The motion carried by the following 8-0 unanimous vote:

Aye (8): Mayor Wagner, Mayor Pro Tem Peters, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Hudson, and Council Member Holmes

Absent (1): Council Member Jones

### **ADJOURNMENT**

There being no further business to come before Council, the meeting adjourned at 6:59 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Mary S. Brooks, CMC
Interim City Clerk