

**HIGH POINT CITY COUNCIL  
NOVEMBER 15, 2021 – 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 5:30 p.m.*

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

*Mayor Jay W. Wagner; Mayor Pro Tem Britt Moore, At Large; Council Member Tyrone E. Johnson, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member Monica L. Peters, Ward 3; Council Member S. Wesley Hudson, Ward 4; Council Member Victor A. Jones, Ward 5; and Council Member Michael A. Holmes, Ward 6.*

*The following Council Members were Absent (1):*

*Council Member Christopher Williams, Ward 2;*

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

**RECOGNITIONS AND PRESENTATIONS**

**2021-521     Proclamation - Sharon C. Smith - High Point Holiday Festival Parade**

Mayor Wagner will present a proclamation recognizing Sharon C. Smith and her service to the High Point Community as organizer of the High Point Holiday Festival Parade.

*Mayor Wagner read a proclamation into the record recognizing Sharon C. Smith for her 40 years of service to the High Point community as organizer of the High Point Holiday Festival Parade, declared Monday, November 15, 2021 as Sharon C. Smith Day in High Point, and encouraged all to attend this year's edition of the Holiday Festival Parade on Sunday, November 21, 2021 at 3:00 p.m. in downtown High Point.*

*[applause, photo op]*

**FINANCE COMMITTEE** - *Mayor Pro Tem Moore, Chair*  
*Committee Members: Moore, Holmes, Jones, and Peters*

**CONSENT AGENDA ITEMS**

*Finance Committee Chair Britt Moore reported all finance items were discussed at the Finance Committee Meeting held on Thursday, November 10, 2021 at 4:00 p.m. and are being forwarded to City Council with a favorable recommendation.*

**Motion by Council Member Moore, seconded by Council Member Holmes to approve all matters on the Finance Committee Consent Agenda. The motion carried by the following unanimous 8-0 vote.**

*Note: Although one motion was made to approve/adopt these matters under the Finance Committee Consent Agenda, action on all of these matters will be reflected throughout the Consent Agenda portion of these minutes as being made and seconded by the same persons.*

**2021-492      Report of Surplus Equipment Disposal FY 19/20 & 20/21**

City Council is requested to acknowledge receipt of the report of sale of surplus equipment for FY 2019/2020 & FY 2020-2021.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to acknowledge receipt of the report of sale of surplus equipment for FY 2019-2020 and FY 2020-2021. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-493      Contract - Black & Veatch International Company - Engineering Services - Rich Fork Diversion Pump Station**

City Council is requested to award a contract in the amount of \$163,000 to Black & Veatch International Company for professional engineering services to evaluate the necessary capacity and site selection of a new sanitary sewer pump station that would divert flow from the Riverdale Pump Station.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to award a contract in the amount of \$163,000.00 to Black & Veatch International Company for professional engineering services to evaluate the necessary capacity and site selection of a new sanitary sewer pump station that would divert flow from the Riverdale Pump Station. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-494      Contract - Change Order - Johnson Controls - High Point Police Department**

City Council is requested to approve a contract increase in the amount of \$113,614.68 with Johnson Controls for the new High Point Police Department located at 1730 Westchester Dr. High Point, NC.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to approve a contract increase in the amount of \$113,614.68 with Johnson Controls for the new High Point Police Department located at 1730 Westchester Drive. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-495      Contract - ElectriCities Joint Purchasing Agreement**

City Council is requested to approve a three-year Joint Purchasing Agreement with ElectriCities.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to approve a three-year Joint Purchasing Agreement with ElectriCities hat this matter be approved. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-496      Contract - WESCO Distribution - Montlieu Avenue - Underground Cable**

City Council is requested to award a contract to WESCO Distribution in the amount of \$739,407.75 for the purchase of underground cable for the overhead to underground electric conversion on Montlieu Avenue.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to award a contract to WESCO Distribution in the amount of \$739,407.75 for the purchase of underground cable for the overhead to underground electric conversion on Montlieu Avenue. The motion carried by an 8-0 unanimous vote as follows:**

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

Absent (1): Council Member Williams

**2021-498      Resolution - NCDOT Section 5303 Planning Grant Agreement**

City Council is requested to adopt a resolution approving an agreement with North Carolina Department of Transportation (NCDOT) for the federal and state share of the FY22 Section 5303 planning grant and authorize the City Manager to execute the required agreement with NCDOT to receive reimbursement funds for the project.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to adopt a resolution approving an agreement with North Carolina Department of Transportation (NCDOT) for the federal and state share of the FY 22 Section 5303 Planning Grant and authorized the City Manager to execute the required agreement with NCDOT to receive reimbursement funds for the project. The motion carried by the following 8-0 unanimous vote**

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

Absent (1): Council Member Williams

**Resolution No. 2019/21-64  
Resolution Book, Volume XXI, Page 64**

**2021-505     Agreement - Equipment Rental - City of Kannapolis - Train Engine**

City Council is requested to ratify an Equipment Rental Agreement with the City of Kannapolis for the use of a 2018 C.P. Huntington Engine for upcoming holiday events and that the City Manager and/or designee be authorized to execute all necessary documents.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, to ratify an Equipment Rental Agreement with the City of Kannapolis for the use of a 2018 C.P. Huntington Engine for upcoming holiday events and that the City Manager and or designee be authorized to execute all necessary documents. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**REGULAR AGENDA ITEMS**

**2021-497     Resolution - Authorize Issuance of Series 2021A and Series 2021B CES Revenue Refunding Bonds**

City Council is requested to adopt a resolution authorizing the issuance of up to \$21 million Series 2021A Taxable Combined Enterprise System (CES) Refunding Bonds and up to \$32 million Series 2021B Taxable CES Refunding Bonds.

*Bobby Fitzjohn, Director of Financial Services, noted as part of the planning process for issuing new General Obligation and Water/Sewer bonds in the Spring, the city's financial advisors reviewed the debt that will not be eligible to refund on a tax-exempt basis and*

*looked for alternatives. He advised one alternative they recommended is issuing taxable bonds directly to a bank with a clause that the city can refund at a tax-exempt rate at a later date when the bonds are actually callable. He further explained this is a unique situation that came about as a result of the 2017 tax law that prohibits the city from doing advanced tax-exempt refundings but allows the city to take advantage of today's low interest rates. He pointed out the 2021A issuance would save the city \$142,000 a year through 2032, which is the retirement of the initial debt that is being refunded, and it would result in a savings of \$148,000 for the 2021B refunding through FY 2040. He reiterated that this direct bank refunding would result in nearly \$300,000 in savings and a total of \$4.4 million in cash flow savings.*

*Mayor Wagner thanked Mr. Fitzjohn and the finance staff for working hard to save the taxpayers a lot of money over the next ten years or so.*

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, to adopt a resolution authorizing the issuance of up to \$21 million Series 2021A Taxable Combined Enterprise System (CES) Refunding Bonds and up to \$32 million Series 2021B Taxable CES Refunding Bonds. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

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**Resolution No. 2020/21-65  
Resolution Book, Volume XXI, Page 65**

COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams, Chair  
Committee Members: Williams, Hudson, Jefferson, and Johnson.

*Due to the absence of Chairman Williams, Council Member Hudson chaired this portion of the meeting.*

**2021-499      Ordinance - Demolition of Dwelling - 1221 Franklin Avenue**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1221 Franklin Avenue belonging to Arelis Tejada & Eddys Joel Tejada.

*Lori Loosemore, Code Enforcement Manager, advised that this property was originally inspected on January 7, 2019 when it was observed that the dwelling was unsecured; a hearing was held on January 27, 2021 and no one appeared for the hearing; an order to repair or demolish was issued that same day with a compliance date of March 4, 2021. She noted that the property owner has not made any applications for permits; the inspector did speak with the owner prior to the hearing and the owner stated that he would be hiring contractors the following week and hoped to have the house completed in 8 months; at that time the inspector explained the order to demolish would be issued and the repairs would need to begin soon.*

*Ms. Loosemore explained that she had planned on bringing the case to Council on August 2<sup>nd</sup>, but the owner submitted a plan that they would begin repairs and have them completed within 12 months. The property owner did apply for the permit, but the permit was not issued due to non-payment. On October 18th, the inspector and Ms. Loosemore did meet with a respective buyer for the property to discuss the repairs but when she checked on November 4th, the property still had not been sold. She advised that the property owner, Mr. Tejada, did email her on November 9th after he received the notice for the council meeting and requested additional time for them to make the repairs; however, she declined his request and told him he did have the opportunity to appear before Council tonight.*

*Acting Chairman Hudson asked if there was anyone in the audience who would like to speak regarding this housing case.*

*Eddys Tejada, identified himself as the property owner and shared that he and his wife purchased this property in 2019 to fix it up and live in it. He advised that they do have a contract for the sale of the property, but because of some issues with the IRS and taxes, the IRS mistakenly put a lien on the property, and they cannot complete the sale at this time until they receive the letter from the IRS. He requested additional time to get it worked out so that he could sale the property.*

*Council Member Holmes asked Mr. Tejada how much time he needed to begin repairs on the house. Mr. Tejada replied that if they do not sell the property before the end of the year, he recommends an additional six months to June 2022. Council Member Holmes asked Mr. Tejada to confirm that he does have a potential buyer and Mr. Tejada confirmed that he does have a contract for the sale of the property and he was waiting for the IRS letter stating that the lien has been removed.*

*Mayor Wagner questioned why Mr. Tejada did not attend the hearing that was held January 27, 2021 since he purchased the property in 2019. Mr. Tejada replied that he did not receive a letter notifying him of the hearing. The Mayor pointed out that the staff report indicates that the inspector did speak with Mr. Tejada on January 25th just prior to the hearing; he said he would be hiring contractor then, but still chose not to attend the hearing. Mr. Tejada advised that he did speak with two contractors but the prices they received for the repairs were too high.*

*Mayor Pro Tem Moore asked Mr. Tejada if he has a signed contract for a potential buyer that identifies how long the offer is for or a verbal commitment and Mr. Tejada replied that he does have a signed contract.*

*Mrs. Tejada reiterated that they do have an offer and noted they are waiting on the letter from the IRS so they can close. She advised they only received a letter notifying them of tonight's hearing and shared that they are keeping the house and property clean.*

*Council Member Peters asked if the photos of the property were current. Mrs. Tejada replied that the roof is not fixed, but they have cut the tree, cleaned the inside, locked the windows/doors, and provided their phone number to the neighbor to call them if they see anything going on.*

*Acting Chairman Hudson asked the property owner why the permit application was left unfinished. Ms. Tejada explained that right after they started the permit process, they received and accepted an offer to purchase the property and that was when they learned about the lien on the property. She noted they are still waiting for the letter from the IRS so they can sell the property.*

*Council Member Jones asked if staff could stay the demolition to allow for the transfer of ownership of the property to the new buyer if Council proceeds with the adoption of the demolition ordinance. Ms. Loosemore stated staff's preference would be to place the case in pending for 30 days. She agreed to amend her recommendation to place the case in pending for 30 days to give staff additional time to find out about the IRS lien and to give the property owner some time to receive the letter from the IRS. Ms. Loosemore stated staff did meet with an individual on October 18th who was interested in purchasing and repairing the property and noted that once the repairs are made, then staff would not record the ordinance to demolish.*

**At this time, Council Member Hudson made a motion to place this matter in pending for 30 days until staff could report back as to the status. The motion was seconded by Council Member Jefferson and carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

#### **2021-500     Ordinance - Demolition of Dwelling - 1834 Willard Road**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1834 Willard Road belonging to Heirs of Blanche Kinley.

*Lori Loosemore, Code Enforcement Manager, advised that the property was inspected on April 10, 2018; a hearing was held on January 27, 2021 but no one appeared for the hearing; an order to repair or demolish was issued with a compliance date of March 3, 2021; on October 18, 2021, Barry Kinley contacted the inspector, shared that he had a buyer for the property and requested additional time to get the deed in order so they could sell the property; and that staff was notified by the Fire Department following a fire that occurred on the property on October 29, 2021.*

*Acting Chairman Hudson recognized Barry Kinley to speak regarding this matter.*

*Barry Kinley, one of the heirs to the property, stated he thought he had the house sold, but then the house caught fire and the potential buyer came back and wanted to renegotiate the sale. He asked Council for an additional 30 days to allow him to get it sold or demolished. Mr. Kinley also explained that he has been trying to sell the property for the past ten years, but because there are 25 heirs tied to this property, it has caused delays. However, he was finally able to get up with everyone and they agreed to sign but the fire occurred before that could be finalized.*

*Council Member Jefferson asked Mr. Kinley if he could provide more details as to the fire that occurred. Mr. Kinley speculated that the fire was caused by an individual who was seen by a neighbor going in and out of the property.*

*Council Member Peters asked Mr. Kinley if he had received estimates on the cost of demolition. Mr. Kinley stated he had not, but the individual who was going to purchase the property was trying to renegotiate what he originally agreed on which was \$17,500 down to \$10,000 and felt this was probably due to having to demolish the structure and haul everything away. Council Member Peters asked if anyone in the family might be willing to help with the expense to get the house demolished. Mr. Kinley stated he was not sure and noted that he has been paying the taxes on the property for the past ten years. He advised his intentions are to find someone who is bonded that will take the house down.*

*Council Member Peters asked if staff has an estimate as to how much the demolition cost would be. Ms. Loosemore replied that staff has not put it out to bid or conducted any of the necessary inspections to demolish it, but based on previous bids received, she felt it would probably cost around \$7,000-\$10,000 to demolish it.*

*Council Member Peters expressed concerns that the burned structure is a huge hazard for the neighborhood and it needed to be demolished as soon as possible because of the potential liability associated with it. Mr. Kinley assured Council that he would start getting bids to have it demolished and asked if the demolition would also include the smokehouse as well. Ms. Loosemore advised that if the city puts the demolition out to bid, it would include any and all structures on the property. Council Member Peters pointed out that if Council proceeds with the adoption of the demolition ordinance, it would still give Mr. Kinley 30 days to figure it out.*

*City Attorney Carlyle advised the issue with adopting an ordinance would be that Council would have to meet again in order to rescind it and suggested placing this matter in pending until December 20th. Council Members Peters and Jones expressed that they would prefer to not place the matter in pending to get the clock running due to the safety and hazardous issues associated with the burned structure on the property.*

**A motion was made by Mayor Wagner, seconded by Council Member Jefferson, to adopt an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1834 Willard Road. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7767/21-84**

**Ordinance Book, Volume XXII, Page 84**

**2021-501      Ordinance - Demolition - 2429 W. Green Street - Travel Inn Express Restaurant**



Adoption of an ordinance ordering the building inspector to effectuate the demolition of a structure located at 2429 W. Green Street belonging to Harris Kahn LLC & Tahir Hamid

*Reggie Hucks, Inspections Services Director, shared some photographs of the structure on the property and advised that aerial pictures from a drone indicate that the roof has not been replaced. He noted the steel pan is rusted out on the restaurant due to the water pouring in from the roof. Mr. Hucks noted that Mr. Kahn's office is also attached to this building.*

*Mr. Hucks spoke to the property being condemned in November of 2020; a letter was sent out immediately advising the property owner of the condemnation; staff met with Mr. Kahn in February 2021 and gave him until June to have the roof replaced; staff informed Mr. Kahn that he needed to get a building permit by June and the repairs made in July; Mr. Kahn met with staff and said that it was too expensive to repair the roof; staff advised Mr. Kahn that the city would solicit bids to demolish the building and offered him to also solicit bids for comparison; the city received a bid of \$30,000 to take the entire restaurant down, including the office, but does not include the cost of asbestos abatement which would be additional.*

*Mr. Hucks advised that Mr. Kahn told him that he did get some bids, but never shared the names of the people bidding or any amounts. Staff is requesting that Council adopt an ordinance to demolish the building, including the office.*

*Acting Chairman Hudson asked if there were any questions.*

*Council Member Jones asked if this was one of the properties that was on the list last year to focus on and Mr. Hucks confirmed that it was.*

**A motion was made by Council Member Hudson, seconded by Council Member Jones, to adopt an ordinance ordering the building inspector to effectuate the demolition of a structure located at 2429 W. Green Street.**

Prior to calling for a vote on the motion, Mayor Wagner asked if there was anyone in the audience who would like to speak regarding this matter. Hearing none, he then called for a vote and **the motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7768/21-85  
Ordinance Book, Volume XXII, Page 85**

## PUBLIC HEARINGS

**2021-502      Public Hearing - Substantial Amendment #3 to the 2019-20 Action Plan**

City Council is requested to approve Substantial Amendment #3 to the 2019-20 Annual Action Plan and that the appropriate City official and/or employee be authorized to execute all necessary documents.

*The public hearing for this matter was held on Monday, November 15, 2021 at 5:30 p.m.*

*Thanena Wilson, Interim Community Development Director, advised this is a proposal to fund one year of the Winter Shelter's White Flag Initiative. The following three agencies will be partnering with the city in this initiative: Open Door Ministries, the Salvation Army, and West End Ministries. Ms. Wilson pointed out the proposal included in the Agenda Packet was actually a longer-term proposal and noted those agencies will be coming back before the Finance Committee because they want to seek some additional funding in future years. She advised this is in line with the purpose and mission for the Cares Act funds and staff is recommending that the first year of funding be provided from the funds that Community Development received through the Cares Act.*

*She spoke to the city allocating the \$588,651 that was received under the CDBG-CV 3 to a public facilities project, and although a project has not yet been identified, these funds were allocated for that type of activity. Staff is asking for approval of the reallocation of \$162,850 to fund the Winter's Shelter White Flag Initiative.*

*Ms. Wilson confirmed that the draft proposal was made available for public review and advised that the normal 30-day requirement for the public comment period was waived to a five-day period. It was made available to the public for review for the period of October 25-29, 2021 and no feedback/comments were received.*

*The Substantial Amendment #3 to the 2019-2020 Annual Action Plan was reviewed by the Citizens Advisory Council on October 28th and reviewed with the Community Development Committee on November 2nd and received a recommendation for approval by both.*

*Acting Chairman Hudson opened the public hearing and asked if there was anyone present to speak for or against the Substantial Amendment #3 as presented by staff. Hearing none, he asked if any representatives from Open Door Ministries, West End Ministries, or the Salvation Army were present. Seeing none, he thanked each agency for the programs they carry out.*

**A motion was made by Council Member Hudson, seconded by Council Member Jefferson, to approve Substantial Amendment #3 to the 2019-2020 Annual Action Plan and that the appropriate City official and/or employee be authorized to execute all necessary documents. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner

**2021-503      Resolution of Intent-Annexation 21-10**

Approval of a Resolution of Intent to establish a public hearing date of December 6, 2021, to consider a voluntary contiguous annexation of an approximate 1.46-acre parcel located along the north side of Willard Road, approximately 220 feet east of White Farm Lane. The property is addressed as 2405 Willard Road and also known as Guilford County Tax Parcel 195739.

**A motion was made by Mayor Wagner, seconded by Council Member Hudson, to adopt a Resolution of Intent establishing a public hearing date of December 6, 2021 at 5:30 p.m. to consider a voluntary contiguous annexation of an approximate 1.46-acre parcel located along the north side of Willard Road, approximately 220 feet east of White Farm Lane for property addressed as 2405 Willard Road and also known as Guilford County Tax Parcel 195739. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**Resolution No. 2021/21-66  
Resolution Book XXI, Page 66**

**PUBLIC HEARINGS****2021-473      Resolution - Shamrock Petey, LLC and City of High Point - Plan Amendment 21-06**

A request by Shamrock Petey, LLC and the City of High Point to change the Land Use Plan classification for approximately 41 acres from the Office and Medium Density Residential classifications to the Community/Regional Commercial classification. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

*Note: This matter was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Meeting @ 5:30 p.m. at the request of the applicant.*

*The joint public hearing regarding **Plan Amendment 21-06** and related matters **2021-474 Annexation 21-06; and Zoning Map Amendment 21-20** was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Council Meeting @ 5:30 p.m. at the request of the applicant.*

*Note: Related matters **2021-504 Annexation 21-08 and Zoning Map Amendment 21-23** were added after the November 1, 2021 City Council Meeting.*

*For specific comments made during tonight's public hearings on related matters 2021-473 Plan Amendment 21-06, 2021-474 Annexation 21-06, 2021-504 Annexation 21-08, 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23, please refer to 2021-473 Plan Amendment 21-06.*

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Transcript

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**Mayor Wagner:** I'm going to layout some ground rules and the process. First, the Council will hear from our staff who will give a presentation of their staff report. After that, whoever is the applicant or the applicant's representative will have an opportunity to speak and present their items. Then the hearing will be put to the floor and anyone who would like to come forward to speak will have an opportunity to do that.

**Heidi Galanti:** Prior to making our presentation, I have a few items and information that I'd like to share with you. Agenda items 473-475, 504 and 506 are all related and we will be making a presentation together. Herb Shannon and myself will be making presentations. It is staff's understanding that the applicant would like to request a continuance to the December 6th City Council meeting, but staff recommends that we give our presentation this evening and allow for public comment. The applicant is still working on conditions, so if you do vote to continue, I would recommend that you keep the public hearing open until that December 6th meeting. Finally, staff is asking that 2021-475 be withdrawn because it has been combined with 2021-506. The applicant is present if you would like to hear from them about the continuance and the request for withdrawal of that item.

**Tom Terrell:** Tom Terrell, Fox Rothschild. I'm representing Shamrock Petey. Dennis Bunker is here with that project tonight. I do wish to confirm that we will be dismissing 21-20 that has been merged into another application because we had some staggered applications coming in on this. I would also like to confirm that we do wish, as we said in a previous email, to continue the decision, but since we do not have the opportunity to communicate that with the public, I think it's only fair to continue and hear from the public this evening.

**Mayor Wagner:** Ms. Galanti, how do you exactly want to handle this? Do you want us to go ahead and vote on the item to be withdrawn?

**Heidi Galanti:** Yes, and withdraw that because it is combined.

**Mayor Wagner:** Zoning Map Amendment 21-20 we're going to withdraw that item as it has been combined with Zoning Map Amendment 21-23.

**So, I will make a MOTION then to WITHDRAW that Zoning Map Amendment 21-20.**

**Mayor Pro Tem Moore: SECOND.**

**Mayor Wagner:** Any questions? Hearing none, the **MOTION to WITHDRAW Zoning Map Amendment 21-20 carries unanimously.**

**Mayor Wagner:** Okay, now, do we want to do the staff report and open the public hearing?

**Heidi Galanti:** Madam Attorney, should they continue now or wait until later to continue the items?

**City Attorney JoAnne Carlyle:** That is completely up to the Mayor as the Chair.

**Mayor Wagner:** *Let's go ahead and have the staff report and then if the applicant wants to go ahead and speak tonight, that's fine. If they want to wait....if the continuance happens and they want to wait and do it then, that's fine as well. Mr. Terrell?*

**Tom Terrell:** *The applicant will wait.*

**Mayor Wagner:** *Okay, the applicant will wait.*

**Councilman Jefferson:** *Quick question. With us waiting to hear them next month, is there any harm in waiting to hear the staff report next month?*

**Mayor Wagner:** *There is no harm. What is your preference Ms. Galanti?*

**Heidi Galanti:** *My only concern is you may have some public here that's already here, so you may want to hear the presentation.*

**Mayor Wagner:** *Well, I'm going to open the floor to the public regardless.*

**Heidi Galanti:** *That's entirely.....it may be easier if they hear the presentation.*

**Mayor Wagner:** *Yeah, let's go ahead and have the staff presentation. The way I'll choose to handle it is, we'll hear the staff's presentation. The applicant has declined to speak tonight if it's continued. Then the public will be allowed to speak and I'm going to hold the public hearing open until the case is brought back in December. Then, that way, if there's been changes in it or whatever, we can hear from staff again and the applicant will present at that time and if there are any additional people who didn't get to speak or would like to respond to changes, we can hear from the public again as well. Okay, let's hear the staff report.*

**Heidi Galanti:** *So, staff will be giving presentations on the Plan Amendment, two annexations, and Zoning Map Amendment 21-23.*

*The first request is to amend the Land Use Plan for approximately 41 acres located on the southeast corner of West Wendover Avenue and Penny Road, from Office and Medium Density Residential to Community Regional Commercial. The Community Regional Commercial classification is a wide range of retail and service uses intended to serve the community and nearby regional centers.*

*The subject property is outlined with a black dash. The area shown in blue on the map represents Office; brown represents Medium Density Residential; the area to the east and south shown in yellow represents Low Density Residential; the area to the north and west shown in red represents Community Regional Commercial; the area shown with the yellow and purple hatch is Mixed-Use development; and the gray area shown diagonally across the intersection is Institutional Land Use classification.*

*The land uses in this area are to the north is the Palladium Shopping Center; to the east and south is the Nottingham residential subdivision and five single-family homes along Samet Drive; to the west is Wendover Crossing Shopping Center; and diagonally across the intersection is the Deep River Friends Meeting House.*

*Staff reviewed the applicant's request and noted that the Community Growth Vision Statement, the Land Use Plan, and the West Wendover Avenue-Guilford College Road Corridor Plan are relevant to this request. These policies recognize the importance of the appearance of key gateways into the community as they provide a first and last impression of the community. The policies encourage large retail uses to locate at key street intersections and they encourage growth in an orderly fashion. This area has been designated as Office and Medium Density Residential since 1992 and there have been two similar plan amendments to the north and west in 2001 and 2003. Staff recommends approval of the request to change the future Land Use Designation for approximately 41 acres to the Community Regional Commercial Land Use classification. The request meets the goals and objectives of the Community Growth Vision statement, the Land Use Plan, and the West Wendover Avenue-Guilford College Road Corridor Plan and it will be in harmony with the Land Use pattern of the surrounding area.*

*The Planning & Zoning Commission met on September 28th and favorably recommended this request by a vote of 6-0. Do you have any questions of me on the plan amendment before I turn it over to Herb for the annexation and zoning? Thank you.*

**Herb Shannon:** *Good evening, City Council. Herb Shannon, Senior Planner with the Planning and Development Department. I will be providing you a summary of the annexations and zonings related to the lands at this southeast corner at the intersection of West Wendover Avenue and Penny Road.*

*There are two annexation cases associated with this request. Annexation 21-06, and that's the land area associated with that and Annexation 21-08. In total, it's approximately 34.7 acres. There are separate applications as all the parcels for annexation were not submitted at the same time and there was also a concern of making sure that the annexation request meets State Statutes regarding satellite annexations of parcels within a platted subdivision.*

*As you can see from the map, this is basically a doughnut hole. Lands at this southeast corner, surrounding area is all within the City of High Point.*

*So, staff has reviewed this request and determined that this is a logical progression of the city's Annexation Policies. Since the 1990s, land at this intersection have been annexed and the applicant is requesting annexation to have access to city utilities for a commercial development. Staff has no objections with this request and if approved, it will not negatively affect the city's ability to provide city services. That is for Annexation 21-06 and Annexation 21-08.*

*In regards to the rezoning request, **Zoning Map Amendment 21-23**, the applicant is requesting to establish initial city zoning for this land area. They have requested a Conditional Zoning Retail Center District. Due to the intensity of the proposed development, a Traffic Impact Analysis was required. The Executive Summary of that analysis is part of the staff report. That analysis noted that a commercial development of approximately 160,000 square feet is proposed with multi-family uses between 180-360 units as a possible additional use.*

*In conjunction with this application, the applicant has provided a Conditional Zoning Ordinance in which they've offered conditions pertaining to permitted uses; they've also*

*restricted some uses; there are also standards regarding dimensional requirements, landscaping, screening and buffering, and various transportation conditions.*

*Very briefly, the adopted policy guidance documents governing this area would be the Land Use Plan, the West Wendover Avenue Corridor Plan, any conditions established from previous commercial developments. Specifically, to the north, you have the Shoppes at Deep River and the Palladium commercial development; and to the west is the Wendover Landing commercial development.*

*Zoning and development conditions from the surrounding area have established standards regarding development, meeting the higher standards of the Eastchester Gateway Corridor District; prohibiting and restricting certain districts along the perimeter of the roadways; and ensuring compatibility with the historic Friends Meeting facility as far as architectural standards, and as far as similar façade materials. Also, those various adjacent zoning has specific transportation conditions that limit the number of access points.*

*All that was taken into consideration with the evaluation of this proposal and staff offered the following for Council's consideration.*

*As far as compatibility with the surrounding area, as conditioned, the applicant has proposed higher architectural design standards at the northwestern corner opposite of the historic site and the zoning request will provide for similar higher standards to ensure compatibility. Also, as conditioned, various standards of the Gateway Corridor are proposed for the site and the applicant has agreed to those conditions. That will ensure the development will be consistent with the established zoning and development pattern of this area.*

*As far as impacts on adjacent property owners, you can see a property does about the Nottingham subdivision to the southeast. There's some existing single-family homes to the southwest along Samet Drive. The applicant has offered conditions that if the rear of commercial structures face those single-family homes along Samet Drive, that there will be higher architectural or landscaping standards. They've also offered conditions to address the approximate 17,500 daily trips as far as limiting the number of access points in road improvements.*

*Finally, the key issue is that this proposal will promote a preferred development pattern. Adopted Policy Guidance documents include a Land Use Plan, the Wendover Corridor Plan, have established policy along with the prior zoning approvals and, as conditioned, the proposed Conditional Zoning RSC District will assist to ensure this preferred development pattern, which has been established through prior zoning approvals. Thus, staff is recommending approval of the proposed Conditional Zoning RSC District.*

*This item was reviewed by the Planning & Zoning Commission at their October 26th public hearing. The Commission recommended approval by a vote of 8-1. At that meeting, there was quite a bit of discussion about last minute transportation-related conditions. The applicant and the Transportation Department are still working on those items. You do have included in your staff report the conditions offered by the applicant and to ensure that you can see what the Transportation Department was proposing, what the applicant was proposing. The*

*applicant's new language is highlighted for your consideration, and I believe they are still working with the Transportation Department on finalizing those final items.*

*The Planning & Zoning Commission stated that the request is consistent with adopted policy guidance because the proposed CZ RSC District is supported by adopted policy guidance documents included in the Land Use Plan. The Commission also noted that the request is reasonable and in the public interest because, as conditioned, the requested CZ RSC District would be similar and compatible with previous conditional zonings granted in this area.*

*That is a brief summary of the staff report. Are there any questions for Ms. Galanti and myself on the Plan Amendment or the Rezoning for this area?*

**Mayor Wagner:** *Does anyone have any questions?*

**Mayor Pro Tem Moore:** *You talked about the discussions continuing concerning the transportation. How will we be kept abreast of where that is? Will that come back to us in a final form on December 6th?*

**Herb Shannon:** *Yeah, the applicant has requested a continuance. Staff will continue to work with the applicant to try and finalize those items. Regardless, you will receive the most updated information at your December 6th meeting.*

**Mayor Pro Tem Moore:** *Thank you.*

**Mayor Wagner:** *Anyone else? Thank you very much.*

*Before we continue, I have one little announcement of news that's come over the wire. The Guilford County Board of Commissioners acting as the County Board of Health has rescinded the Mask Mandate effective immediately, so if you want to take your mask off you can. [laughter, applause]*

*So, now, as was stated before, the applicant has decided they'll speak at the continued meeting session. So, there was one person who signed up Maria Montoya. Maria, now is your opportunity. If you'd like to come forward and speak on this item and anyone else who would like to speak on this item can come forward after Ms. Montoya.*

**Maria Montoya:** *Good evening, Mayor and members of the.....this is very emotional for me. It's been a long, long road. So, I just want to come over here and let you and the public and some of my neighbors may be here from Nottingham, that.....my name is, of course, Maria Montoya, 225 West Wendover Avenue. I forgot to tell you that.*

*I have lived there for 26 years, but I'm here to ask for your help. This process has not been going on just for two years; it's been going on for 12 years. We started almost 13 years ago with the first contract. Four contracts-now the fifth contract with developers, and as you heard, it's a place that the city wants to develop. Everybody wants this to happen. It's good for the city. It's good for taxes, jobs, and you will hear all the numbers, but, yet I stand here after 12 years and it's still going on. I ask myself, why? How can this happen? What is really happening here? And I ask you guys to figure it out because it makes no sense. It makes no sense to me, and it can't be making any sense to you guys. So, it seems to me it always*



*bottlenecks on the road. You guys came to us and asked us to help with the road because it's a road that's needed for Nottingham. I mean they are seeing some traffic increase from people cutting through their neighborhood. It's a road that is really needed if you see the traffic count on Penny Road and Wendover.*

*So, but what has happened is that somehow, we got stuck 20 years ago and we expect all the conditions that have been across the road. Well, that can't happen economically. We were in a different time. This is a time that we need to work together. I mean I reduced the price on my property. My property went down in value, but I understand that it needs to happen. It's good for everybody, for the neighbors. I had a neighbor that passed away and never got to enjoy the money of his house. He had to move out and see it vandalized. So, I ask you guys, why? I went.....after four contracts, I handpicked Dennis, who has been my friend for 35 years. I begged, I pleaded, because nobody wants to do this project. It's crazy. You know the land doesn't help itself, it's a big hole. I mean it is a very expensive project and it's too small to bear the cost that the city wants to implement or ask for.*

*So, I don't know what to tell you guys. You need to decide. Do you want this road? Do you really want this road? Because you guys have to make it happen. We're here for you. We elected you. Make it happen. Make everybody work together. We all have to give in a bit. These are hard times, and we are not going to get another developer this dedicated and with this much patience. I mean, that is so honest about everything and to make it worthwhile. I feel guilty because I was the one that talked him into it. Let's stop the nonsense. I have put in my five-cents, you guys need to do that. You guys need to investigate why is this not happening and stop this nonsense. That's what we elected you for. I'm at the end of my road. I've lost my patience. It is affecting my health. I am done. If this doesn't happen, you will not see me here again, you will see me somewhere else. And, I'm sorry, I'm not that type of person, but it's just.....put yourself in my shoes. Who would withstand what we have withstood? Nobody in this room would, so don't do that to your citizens and help. The city, I love this city. My children grew up over here. This is good economics for the city, so please, that's all I ask, make it happen. It's in your hands.*

**Mayor Wagner:** *Thank you. There's no one else who signed up to speak on this item. Is there anyone here who would like to speak on this item. Hearing none, Madam Attorney, do you want us to go one by one on each of these cases to do the continuance?*

**City Attorney Carlyle:** *No, that's not necessary for the continuance to a date certain.*

**Mayor Wagner:** *So, the applicant has requested through our meeting on December 6th, is that correct?*

**Tom Terrell:** *That's correct.*

**Mayor Wagner:** **Okay, so I'm going to make a MOTION then to CONTINUE Items 2021-473, 2021-474, 2021-504, 2021-475.....no, that's the one we got rid of..... Let me start over. I'm going to make a MOTION to continue Items 2021-473, 2021-474, 2021-504, 2021-506, I think that's it, to our meeting on December 6th and I am going to be holding the public hearing open until that evening. Is there a second?**

**Council Member Holmes: SECOND.**

**Mayor Wagner:** *Okay, so there's a **MOTION** and a **SECOND**. Is there any discussion on that motion? Hearing none, all those in favor, please signify by saying Aye.*

**Mayor Wagner, Mayor Pro Tem Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes:** Aye. [8-0 vote; Council Member Williams was absent]

**Mayor Wagner:** *Is there anyone opposed? Okay, that motion is approved unanimously.*

[end of transcript]

**A motion was made by Mayor Wagner, seconded by Council Member Holmes, that this matter be continued to the December 6, 2021 Council Meeting at 5:30 p.m. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-474     Ordinance - Maria T. Montoya-Couch et al. - Annexation 21-06**

A request by Maria T. Montoya-Couch, SV LIM Holdings, LLC, Steven Lim, Barbara M. Jordan, Darrin R. Jordan, NorthState Telephone LLC and KTK for a voluntary contiguous annexation of approximately 27.2 acres, located at the southeast corner of W. Wendover Avenue and Penny Road. The property is known as Guilford County Tax Parcels 196671, 196672, 170002, 170004, 170005 and 170006.

*Note: This matter was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Meeting @ 5:30 p.m. at the request of the applicant.*

*The public hearing regarding related matters **2021-474 Annexation 21-06, 2021-473 Plan Amendment 21-06, 2021-504 Annexation 21-08, and Zoning Map Amendment 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23** was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Council Meeting @ 5:30 p.m. at the request of the applicant.*

*Note: Related matters **2021-504 Annexation 21-08 and Zoning Map Amendment 21-23** were added after the November 1, 2021 City Council Meeting.*

*For specific comments made during tonight's public hearings on related matters **2021-473 Plan Amendment 21-06, 2021-474 Annexation 21-06, 2021-504 Annexation 21-08, 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23**, please refer to **2021-473 Plan Amendment 21-06**.*

**A motion was made by Mayor Wagner, seconded by Council Member Holmes, that this matter be continued to the December 6, 2021 Council Meeting at 5:30 p.m.. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**2021-504 Mark & Carolyn Austin and Steven Lim-Annexation 21-08**

A request by Mark & Carolyn Austin and Steven Lim for a voluntary contiguous annexation of approximately 7.94 acres, located along the south side of W. Wendover Avenue approximately 300 feet west of Gisbourne Drive (5223 W. Wendover Avenue - Guilford County Tax Parcel 170007) and along the north side of Samet Drive approximately 400 feet east of Penny Road (7706 Samet Drive - Guilford County Tax Parcel 196673).

*The public hearing regarding related matters 2021-474 Annexation 21-06, 2021-473 Plan Amendment 21-06, 2021-504 Annexation 21-08, and Zoning Map Amendment 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23 was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Council Meeting @ 5:30 p.m. at the request of the applicant.*

*Note: Related matters 2021-504 Annexation 21-08 and Zoning Map Amendment 21-23 were added after the November 1, 2021 City Council Meeting.*

*For specific comments made during tonight's public hearings on related matters 2021-473 Plan Amendment 21-06, 2021-474 Annexation 21-06, 2021-504 Annexation 21-08, 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23, please refer to 2021-473 Plan Amendment 21-06.*

**A motion was made by Mayor Wagner, seconded by Council Member Holmes, that this matter be continued to the December 6, 2021 Council Meeting at 5:30 p.m.. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**2021-475 Ordinance - Shamrock Petey, LLC - Zoning Map Amendment 21-20**

*A request by Shamrock Petey, LLC to rezone approximately 25.5 acres from the Agricultural (AG) District, Residential Single Family - 40 (RS-40) District and General Office-Moderate Intensity (GO-M) District all within Guilford County's zoning jurisdiction, to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.*

*Note: This matter was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Meeting @ 5:30 p.m. at the request of the applicant. However, staff will be requesting that this matter be withdrawn from the agenda. The request has now been merged into **2021-506 Zoning Map Amendment 21-23** which is on tonight's agenda for public hearing.*

*The public hearing regarding related matters **2021-474 Annexation 21-06, 2021-473 Plan Amendment 21-06, 2021-504 Annexation 21-08, and Zoning Map Amendment 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23** was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Council Meeting @ 5:30 p.m. at the request of the applicant.*

*Note: Related matters **2021-504 Annexation 21-08 and Zoning Map Amendment 21-23** were added after the November 1, 2021 City Council Meeting.*

*For specific comments made during tonight's public hearings on related matters **2021-473 Plan Amendment 21-06, 2021-474 Annexation 21-06, 2021-504 Annexation 21-08, 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23**, please refer to **2021-473 Plan Amendment 21-06**.*

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Moore, that this matter be withdrawn. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**2021-506 Shamrock Petey, LLC-Zoning Map Amendment 21-23**

A request by Shamrock Petey, LLC to rezone approximately 34.7 acres from the Agricultural (AG) District, Residential Single Family - 40 (RS-40) District and Mixed Use (MXU) District all within Guilford County's zoning jurisdiction, to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

*The public hearing regarding related matters **2021-474 Annexation 21-06, 2021-473 Plan Amendment 21-06, 2021-504 Annexation 21-08, and Zoning Map Amendment 2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23** was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Council Meeting @ 5:30 p.m. at the request of the applicant.*

*Note: Related matters **2021-504 Annexation 21-08 and Zoning Map Amendment 21-23** were added after the November 1, 2021 City Council Meeting.*

*For specific comments made during tonight's public hearings on related matters **2021-473 Plan Amendment 21-06, 2021-474 Annexation 21-06, 2021-504 Annexation 21-08,***

**2021-475 Zoning Map Amendment 21-20, and 2021-506 Zoning Map Amendment 21-23, please refer to 2021-473 Plan Amendment 21-06.**

**A motion was made by Mayor Wagner, seconded by Council Member Holmes, that this matter be continued to the December 6, 2021 Council Meeting at 5:30 p.m.. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**2021-507 High Point University and Lily Pad Investors, LLC-Street Abandonment Case 21-02**

A request by High Point University and Lily Pad Investors, LLC to abandon (close) the eastern 365± of the Barbee Avenue right-of-way (a 50-foot-wide right-of-way). This is an improved right-of-way that runs in a general east - west direction between 908 to 920 Barbee Avenue (abutting Guilford County Tax Parcels 190710, 190711, 190712, 190713 and 1900041).

*The public hearing for this matter was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report which is hereby attached in Granicus and incorporated into the permanent record of these proceedings.*

*This is a request by High Point University and Lily Pad Investors, LLC to abandon (close) the eastern 365 +/- of the Barbee Avenue right-of-way (a 50-foot wide right-f-way). This is an improved right-of-way that runs in a general east - west direction between 908 to 920 Barbee Avenue (abutting Guilford County Tax Parcels 190710, 190711, 190712, 190713, and 1900041).*

*Mr. Shannon advised this is a public street that lies just south of the western entrance to the campus just east of N. Centennial Street. He noted that High Point University's campus has expanded south of International Avenue (previously Montlieu Avenue) to the north side of Barbee Avenue during the past decade and there have been previous requests by the university to abandon multiple public streets in this area. The university owns land along both sides of the right-of-way, so no one will be denied access to their property if it is abandoned.*

*Mr. Shannon advised that as the campus has grown, the university has expanded south of International Avenue; noted there is only one way out of the neighborhood which is to the west; there are no public uses in the eastern portion of the right-of-way; and that the applicant has requested the abandonment.*

*Staff evaluated the request and is supporting the abandonment as no property owner will be abandoned or will have access denied. Approval of the abandonment would be contingent with the condition that there would be several easements reserved for stormwater, sanitary sewer, water, a Piedmont Natural Gas easement, electrical easement, and a North State easement. The Planning and Zoning Commission reviewed this request at their October public hearing and recommended approval.*

*As far as the layout of the area, Mr. Shannon noted the applicant is proposing something similar where the eastern portion of the right-of-way is which will be abandoned and that the cul-de-sac would be relocated just east of this area so that public trucks or trash/delivery trucks, etc.... will have the ability to safely turn around. Staff is supporting this request as submitted by the Planning & Zoning Commission with the preservation of the aforementioned easements.*

*At the conclusion of the presentation of the staff report, Mr. Shannon entertained any questions for staff.*

*Hearing none, Mayor Wagner opened the public hearing and asked if there was anyone present in favor of or against this matter.*

*Speaking in favor of the request, on behalf of the applicant, was Jason Sweet, 8807 Desmond Drive, Lewisville, NC. He stated he could answer any questions that Council might have.*

*Mayor Wagner asked if there were any questions for Mr. Sweet. Hearing none, he asked if there were any others in the audience who would like to speak to this matter. There being no one else to speak, he declared the public hearing closed.*

**A motion was made by Mayor Wagner, seconded by Council Member Peters, to adopt a resolution to abandon (close) the eastern 365 +/- of the Barbee Avenue right-of-way (a 50-foot right-of-way) with the retention of the following easements in the right-of-way that are reserved for stormwater, sanitary sewer, water, a Piedmont Natural Gas easement, electrical easement, and a North State easement. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**Resolution No. 2018/21-63  
Resolution Book, volume XXI, Page 63**

## **2021-508     HEPHIGHPT, LLC-Plan Amendment 21-04**

A request by HEPHIGHPT, LLC to change the Land Use Plan classification for approximately 13 acres from the Low Density Residential classifications to the Local Convenience Commercial classification. The site is located at the southeast corner of Johnson Street and Skeet Club Road.

*The joint public hearing for this matter and related matter **2021-509 Zoning Map Amendment 21-18** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

\_\_\_\_\_  
Transcript\_\_\_\_\_

**Mayor Wagner:** *These are the items pertaining to Johnson Street and Skeet Club Road. There's Plan Amendment 21-04, Zoning Map Amendment 21-18, Zoning Map Amendment 21-2. Before we begin, somebody is shaking their head.*

**Herb Shannon:** *This is just for the Plan Amendment and Zoning Map Amendment 21-18.*

**Mayor Wagner:** *Oh, I'm sorry, I skipped ahead. My fault.*

*My understanding for this one, also, is that our applicant has requested a continuance I believe to December 20th, is that correct?*

*I'm seeing the applicant's attorney nodding his head. So, we're going to handle this one the same way we did the other one. We'll go ahead and have the staff report. Does the applicant wish to speak tonight, or would you rather wait until the 20th?*

**Brian Gavigan:** *The 20th.*

**Mayor Wagner:** *You'd rather speak on the 20th? Okay, so it will be the same as the other one. We'll go ahead and hear the staff report; the applicant will reserve their right to speak on the 20th; and then, I'll open the floor to the public to come forward and speak either for or against. And the public hearing will be held open until December 20th, presuming the Council is amenable to continuing it until then. I presume that they are. So, with that, we're going to go ahead and hear the staff report and proceed.*

**Mayor Pro Tem Moore:** *Excuse me, Mayor. Just a question for clarity for me. We made a continuance on one applicant tonight and we've been asked again. Just out of curiosity, when the request for these continuances come in?*

**Mayor Wagner:** *I believe one on the earlier case, I heard about that one towards the end of last week. I think they were both kind of towards the end of last week. Yeah, okay.*

**Andy Piper:** *Thank you, Mr. Mayor and Council Members. Andy Piper, Planner with the City of High Point Planning and Development Department. Just to orient everyone to our location on the map, the requested amendment to the Land Use Plan is for approximately 12.6 acres on the southeast corner of Johnson Street and Skeet Club Road, which are both considered major thoroughfares. The site is three parcels currently developed with single-family detached homes, including one which is recognized as a Guilford County Historic Landmark Property. The adjacent properties to the east and to the south are also developed with single-family detached homes. Across Johnson Street to the west is a religious institution with a school. And, across Skeet Club to the north are large lot residential properties and more rural in nature within unincorporated Guilford County. The site and the surrounding area, as you can see on this map, have a Low- Density Residential Land Use Plan classification.*

*The applicant is requesting a change in that classification from Low Density Residential to Local Convenience Commercial which is intended for Moderate Intensity Convenience/Retail/Service uses generally serving small local neighborhoods. The surrounding area has developed with single-family dwellings and other uses such as churches that are consistent with the current Low Density Residential Land Use Designation that has been in place since the mid-1980s.*

*Two townhome developments were approved further to the west along Skeet Club Road in the early 2000s and a recent Land Use Plan Amendment and Rezoning were approved in mid-August for the northwest corner of the intersection to accommodate additional Moderate Density Residential development.*

*There are no Land Use policies supporting the establishment of commercial uses in the area. This was re-enforced by evaluations done for the Johnson Street/Sandy Ridge Road Area Plan in 2003 and the Northwest Area Plan in 2011, which replaced the former plan. Neither plan identified this intersection for commercial development. The applicant's request would introduce a commercial land use to an area that has not seen any type of commercial development anywhere in the immediate vicinity. To meet the needs of this growing residential area, there are significant commercial nodes already established at either end of Skeet Club Road within approximately three miles of the site. In addition, the applicant's proposal to move the existing historic Mendenhall-Blair House to another location on this site would remove it from its historic context, providing another reason to support keeping the current less intense residential land use designation.*

*Therefore, staff recommends denial of the request because it will not be in harmony with the existing residential character of the surrounding area and there are no policies supporting the establishment of commercial uses in this area. The Planning & Zoning Commission agreed with staff's recommendation and voted 9-0 to recommend denial of the request at their October 26th meeting.*

*I'll be happy to answer any questions about the Land Use Plan Amendment before turning it over to Herb to present the Rezoning request.*

**Mayor Wagner:** *Any questions from anyone on the Land Use Plan Amendment?*

**Council Member Hudson:** *I have a question. I'm sure, I'm sorry, Mr. Piper, I know you're probably not the one that will be able to answer this. What's the current status of the Blair-Mendenhall House?*

**Andy Piper:** *It's a Guilford County Landmark property.*

**Council Member Hudson:** *What's the current designation on that house?*

**Andy Piper:** *It's a Guilford County Historic Landmark property.*

**Council Member Hudson:** *But it stops with the County?*

**Andy Piper:** *It's the County. Correct, there's no national or local designation.*



**Mayor Wagner:** Thank you, Mr. Piper. Mr. Shannon.....

**Herb Shannon:** Herb Shannon again. Senior Planner with the Planning and Development Department and I'll be providing you with a summary on the zoning portion of this request. That is Zoning Map Amendment 21-18. The applicant is requesting rezoning from the current Residential Single Family-3 or R-3 zoning to a Conditional Zoning Retail Center District and with a small segment of the site proposed for Conditional Zoning Limited Business.

Included with the Zoning Map Amendment is a Conditional Zoning Ordinance offered by the applicant with conditions pertaining to:

- Permitted and prohibited uses.
- Development and dimensional requirements.
- They've also offered landscaping, screening, and site standard conditions.
- Conditions pertaining to signage, building standards, right-of-way dedication, and
- Transportation/access requirements.

The zoning request has been submitted to support the development of a 65,000-75,000 square foot commercial use on the site with multiple outparcels. Due to the proposed traffic impact, a Traffic Impact Analysis was required as a part of the zoning application. The applicant submitted that study and that was reviewed and evaluated by the city's Transportation Department. That information is in the back of your staff report as back-up material, but the report notes that approximately 9,600 daily trips with over 400 AM and PM peak hour trips.

KEY ITEMS noted from the staff report. As Mr. Piper noted, the zoning site is located in a predominantly residentially developed portion of the city. These two corridors, Skeet Club Road and Johnson Street, have been studied in various forms since the adoption of the Land Use Plan, the current plan in 2003. That has been studied as part as the city's General Watershed and Watershed Critical Ordinance in the 1990s, as part of the Airport Overlay Study and the adoption of the Airport Overlay District in 2003 and its update in 2011. It was also part of the Johnson Street/Sandy Ridge Road Area Plan in 2000-2003. And, as Mr. Piper noted, that plan was replaced in 2011 with the Northwest Area Plan.

I would also note Land Use Policy has been set from numerous zoning approvals. Since the mid-1980s to 2021, Johnson Street and Sandy Ridge Road has about 60 zoning cases that have established it as a predominantly residential area. The current zoning pattern from the I-73, north along Johnson Street to Bame Road is residential. Similarly, along Skeet Club Road, except for the eastern/western terminus, all lands within that portion of the corridor are zoned with various residential zoning districts.

The KEY ISSUE that staff has noted regarding this request. First, lack of compatibility with the Land Use Plan and the proposed intensity of commercial development. When you review the Land Use Plan, there are various goals and objectives, and you can pick various items to support your position regarding this request. You know, those in favor may note that the fact that it's at the intersection of two major thoroughfares and Objective 8 in the Land Use Plan speaks to the stimulating of more efficient use of land. And those in opposition may point out Goal 2 and Objective 8 which speak to development and enhancing/preserving established neighborhoods and the fact that this site is in a Watershed Critical area.

*The KEY FACTOR the staff notes is that there is no current policy guidance to support commercial land use and zoning at this specific intersection. The SECOND KEY ISSUE is the intensity of the development. The applicant has noted that the majority of the site....there's the map of the site and that area in the teal color is proposed for Conditional Zoning RC (Retail Center); that area highlighted in purple, that's proposed for Conditional Zoning Limited Business. The intensity of development is that the RC District is the most intensive Commercial District lying outside the Core City area. Examples of areas within the city within that District is the former High Point mall, the Shoppes at Deep River and the Palladium Development. The applicant has noted within their Conditional Zoning Ordinance that they have proposed some tenants of the Limited Business District.*

*A request to rezone the entire site, or if Council desires to update the Land Use Policy for this area, a request to rezone the entire site to the LB District should be considered if that is Council's desire to change the Land Use policy for this area. The LB District is designed to accommodate Low to Moderate Intensity Office, Retail, and Personal Service use. The applicant has noted restrictions to meet some of the LB standards, but this is not an LB District. The LB District restricts the entire site to a maximum of 50,000 square feet. Furthermore, the LB District would not allow major restaurants. That's a restaurant with a drive-thru window. And, the applicant's proposal would exceed that square footage and would allow that use that is not permitted in the LB District. So, this is not an LB District.*

*KEY ITEMS that staff would note in the FINDINGS as far as compatibility with the surrounding area: approval of the requested Conditional Zoning RC District would enable commercial development inconsistent with the character of the surrounding area. And, as such, that would set policy as to the manner in which other corners of this intersection could develop.*

*As always, we look at are there any mitigation efforts that are being proposed. The applicant has offered conditions for higher development standards that meet the retail use type. That is a higher standard for commercial development. They propose:*

- *Higher landscaping and screening standards next to the abutting residential subdivision.*
- *Require a minimum overall lot size of 10 acres to discourage strip development.*
- *They've also offered traffic impact conditions to address the FINDINGS of the Traffic Impact Analysis where they are restricting the location and a number of access points to Skeet Club Road and Johnson Street and providing turn lanes at those access points.*

*As far as environmental issues, I would note that this site is within the Oak Hollow Lake Watershed Critical Area. As such, development would have to meet the requirements of the Watershed Ordinance.*

*Finally, a KEY ITEM was supporting change in the area. The current widening of Skeet Club Road and the proposed future widening of Johnson Street, those have been long range projects and they were considered in consideration of the Sandy Ridge Road Plan and the Northwest Area Plan. Both of those plans, neither one supported any commercial uses at this*

*intersection. Furthermore, there have been no changes in the type of development as far as zoning approval to support this intensity of commercial uses at this intersection.*

*Thus, staff is recommending denial of the request to rezone to the Conditional Zoning RC and Conditional Zoning LB District. The Planning & Zoning Commission reviewed this request at their October public hearing. They recommended denial by a vote of 9-0.*

*I would note that because this request is being forwarded to you from the Planning & Zoning Commission with a recommendation of denial, it would require a 2/3 vote, majority vote, of Council Members present and voting to be approved. The Commission stated that the request is not consistent with adopted policy guidance because the Land Use Plan and other adopted policy guidance documents do not support the establishment of commercial uses at the intensity proposed by the applicant at this location. The Commission also noted that the request is not reasonable and in the public interest because the RC District accommodates high intensity retail serving a regional area and would not be in the public interest to establish commercial development of this intensity in a predominantly Low-Density residential area as classified by the Land Use Plan.*

*I would note that Council, as always, when you have a rezoning request, you must place in the official record a statement of consistency. You have the statement being forwarded to you by the Planning & Zoning Commission, but Council has the opportunity to adopt its own statement.*

*That is a summary of the zoning request. Are there any questions for Mr. Piper on the plan amendment or myself regarding the rezoning request?*

**Council Member Holmes:** *Yes, this is Council Member Holmes. Mr. Shannon, as we consider the continuance of this case, has the applicant made any overtures that there are going to be any significant changes to the rezoning request that would justify continuance?*

**Herb Shannon:** *The applicant has been in discussion with staff about some additional conditions. We're still talking about those conditions to make sure that they are valid. Even with consideration of those conditions, the staff's recommendation for denial will stand.*

**Mayor Wagner:** *Anyone else with any questions for staff? Thank you, Mr. Shannon.*

*As was stated before, the applicant is sort of deferring their opportunity to speak until later. So, I'm going to open the floor for the public hearing. I'm not sure of the first name of the first person that signed up, it's Mr. Moore, Rick or Phil? Is it Rick Moore? Okay.*

*Mr. Moore, you'll have three minutes. Thank you, Sir.*

**Lee Moore:** *Good evening. Thank you, Mr. Mayor and City Council Members for hearing us once again on this matter. My name is Lee Moore. I live at 4302 Johnson Street in High Point which is directly across the street from this property. Not to bore you with what has been going on for over a month now, I would like to address you guys tonight and say that our neighborhood does not need a commercial development anywhere in its vicinity. We have commercial development three miles up the road, five miles up the road, in either direction. East, west, north, south, as far as you can see from the center of that intersection is*

*residential. That's what it was intended for. That's why I moved there over 21 years ago. We did our due diligence then. My wife and I drove there and sat beside this house night after night to listen to the airplanes fly over just to see how close they were. We checked with the city back then to see what the land use was. We knew that the road was going to be widened when we bought that property-not quite to the extent that it is, but, you know, it is widened. As Mr. Shannon stated, the widening of that road was planned many years ago and it was planned for residential growth, not commercial growth, not the commercial growth that has been talked about here or any commercial growth. Any Sunday morning when I leave my house to go have breakfast with the family, there is a police presence in front of the two churches there on Johnson Street for traffic. The road widening, if you've not been out there, and if you have, has been completed on the Skeet Club side and on the Johnson Street side. The part that has not been completed is on the Sandy Ridge roadside which has no bearing on this potential development at all, in our opinion. With that being said, there are approximately 9 grocery stores within 5-10 minutes of this location. Any type of commercial development on the corner would be a tremendous setback for our community. The safety and traffic impact alone would be devastating, in our opinion.*

*I reached out several months ago to Dr. Arwin Smallwood. He's the professor and chair of the Historical and Political Science Department for A & T State University, looking for options for the Mendenhall-Blair House and you'll probably hear tonight more as was heard during P & Z. This house has tremendous and very deep historical values to our community and especially to A & T State University which I've been a part of my entire life. My family and I still own the corner of E. Market and Highway 29 where I ran a convenience store for over 40 years. I reached out to Mr. Smallwood to see what our options would be for federal or state funding to try to utilize that house to preserve it, to save it, and use it for the value that it is.*

*To give Council some background on the house, the first section was built roughly in 1762. The second section was built after the 1800s. To try to move this house would be a disaster. I spoke to a moving company, they were a construction company. They have site engineers, they have architectural engineers. To move a house that's that old, that was built in three different phases, it just wouldn't happen. I mean it would crumble into pieces and as soon as you tried to do it, you'd lose it and that may be part of the plan. We don't know.*

*But with all that being said, lastly, I respectfully request a unanimous vote against this development, following the 9-0 vote by P & Z, the strong recommendation from our own Planning Department against the development and hope that you guys will vote in favor of us and deny it. Thank you very much.*

**Mayor Wagner:** *Thank you, Mr. Moore. The next person that signed up to speak on this item is Abigaile Pittman.*

**Abigaile Pittman:** *Hi.*

**Mayor Wagner:** *Hello Abigaile. We haven't seen you in a while.*

**Abigaile Pittman:** *I know. Do you need my address and everything?*

**Mayor Wagner:** *I've got it on the record here.*

**Abigaile Pittman:** *Okay, thank you. My name is Abigaile Pittman. I'm the High Point representative on the Guilford County Historic Preservation Commission. I think it's been close to 20 years, whose purpose it is to guide the stewardship of historic properties that embody important architectural elements and cultural history. The Mendenhall House is situated on the eastern portion of the rezoning site. Both the interior and the exterior of the house, the outbuildings and the land parcel are officially a local designated Guilford County Historic Property. The front portion of the house is the Greek Revival style house, simplified through the Quaker influence and constructed between 1848 and 1855. Elihu and his family farmed the family's surrounding 350 acres and ran a tannery, a shoe factory, a general store, and in later years, there was a small dairy on the site.*

*At the Planning & Zoning Commission meeting I submitted the documents related to its designation. Elihu and his family were central figures among the High Point and Guilford County Quaker community in the years before and after the Civil War for their involvement in education and abolition. He was also head of the building committee on the Quaker Friends that is a part of one of your zoning cases. The house serves as a bridge between the history of Black and White Southerners. Elihu And his second wife, Abigail, were likely part of the Underground Railroad and were known to have been threatened by members of the KKK for teaching freed slaves to read and write. The site represents a chapter of the American History and can be seen as a facet of our culture that is special to local history.*

*The applicants have offered, verbally, I don't believe it's in writing, to move the historic structure to the second smaller parcel, the one that's in purple. This would not preserve the valuable historic character of this house and the site. Picture in your mind the Publix grocery and its large parking lot at the corner of Main and Westchester. Now picture this historic home sitting in the corner of the commercial parking lot with all the outbuildings and large old trees gone.*

*My most sincere hope is that the community can come together to focus on a way to save and preserve the Mendenhall House and land. Professionally, I'm also an urban planner. I fully concur with the staff's recommendation that both of the requests be denied. As the planning staff has stated in the report, approval of the requested zoning districts would enable regional, commercial development of this site, inconsistent with the character of surrounding development and in conflict with the adopted Land Use Policy guidance documents. The current widening of Skeet Club Road and the proposed future widening of Johnson Street/Sandy Ridge Road corridor have been very long-range projects that were taken into consideration since the early 2000s when the former Sandy Ridge Road/Johnson Street Area Plan and the current Northwest Area Plan were developed. Neither of area plans suggest that the establishment of a commercial node at this intersection. I urge you to deny these requests.*

**Mayor Wagner:** *Thank you, Ms. Pittman.*

*The next speaker, I think it's Georgette Brousseau.*

**Dorothy Collins:** *Mr. Mayor, if I may, I had written my name down outside to speak against this. Dorothy Collins.*

**Mayor Wagner:** *You're not on my sheet. Let me hear from Ms. Brousseau and then we'll let you go after that. Did I get your name correct?*

**Georgette Brousseau:** *It's Brousseau.*

**Mayor Wagner:** *Alright, Ms. Brousseau.*

**Georgette Brousseau:** *I have a hand-out for the Council. So, good evening. If you could take one and pass it down. I also have it on a thumb drive if I'm permitted to do that.*

**Mayor Wagner:** *Madam Clerk, would you like to receive a thumb drive of this? Would that help you?*

**City Clerk:** *I've got a paper copy. It'll suffice for our records.*

**Georgette Brousseau:** *Okay, so thank you for hearing me again. The Planning & Zoning meeting on the 26th I had attended and spoke, and would like to thank all of my helpers in putting together a petition with close to 1,000 signatures from all the surrounding areas. So, I'm sorry, my address is 4460 Orchard Knob Lane and that is the development that is directly diagonal from the Mendenhall-Blair House.*

*So, Julianne Shamburg and I put together a paper petition and an on-line petition. Right now, we have 973 signatures. If we are in continuance for another couple of weeks, I'm sure that we'll pass 1,000.*

*So, we do have three major objections. First, is the city's Land Use Plan that was put in place in 2000 and remains unchanged today as Low Density Residential/Institutional. Herb Shannon has gone through all of that in great detail, but I would like to say that if it is approved or considered for approval, this would open the door to additional rezoning requests and that is literally my greatest fear.*

*Our second concern is the Mendenhall-Blair house. I would like to point out that in addition to what Abigaile has called everybody's attention to, is that Guilford County did receive a request for this to be demolished. That request was received in 2020. Guilford County Historical Landmark Commission did put a one-year hold on that and that was up in August of 2021. So, the request was to have this demolished-that is on paper-with the Commission.*

*We should be proud to preserve this history and not demolish it and should the attempt be made to move this house, it may crumble, and that would be a total disregard to its role in history and shame on us if we let that happen.*

*Our third concern is economic, and that's where the printout of all the photos came. So, there are many local businesses that have gone out of business. Their buildings have remained unoccupied for months and even years. Stein Mart as you can see in the photographs, Earth Fare, Coast, Kerr Drugs has been out since 2014, and, then of course we have Oak Hollow Mall which has been out since before I moved here. Harris Teeter has reduced their business hours. Most retailers offer home delivery services of either meals or grocery. Most retail establishments, in addition, have Help Wanted signs right now, so we're not keeping our current retailers profitable. So, we should concentrate our support for*

*existing businesses so that they can thrive. We should not dilute the field for a risk to all, and contrary to what Mr. Harris had commented at the Planning & Zoning meeting. Our community doesn't need this. We've heard from them that we don't need this and that we don't live in a food desert. Those of us that we have surveyed and spoken with, we've been satisfied with driving four miles, three miles in any direction to get to our retail centers. Most of us have moved to the area and specifically chose it for the quiet, the safety, the low crime rate. We live in a residential community and we need to keep it residential.*

*So, I created the packet for you to get a visual because I think that a picture tells a 1,000 words and especially seen on the last page where there is a super-imposed Mendenhall House with a grocer and a large parking lot and a drive-up, drive-thru restaurant window. It's totally incongruous. So, to conclude, we agree with the Planning & Zoning's unanimous vote to deny these applications and if these requests are approved, the precedent is set to approve all future rezoning requests and then our community and literally our landscape will be changed forever. So, we recommend and we hope that you go along with denying these applications.*

**Dorothy Collins:** *Good evening, thank you. My name is Dorothy Collins. I have a slightly different perspective concerning the preservation of the Elihu Mendenhall House located at 1106 Skeet Club Road which his father, James Mendenhall, began building in 1810 using handmade nails and finished in 1848. It was dedicated to the City of High Point on September 9, 1993, a little over 28 years ago. This house serves as a bridge between Black, or in other words, ADOS (American Descendants of Slaves) history and White Southerners of whom many were Quakers who advocated for the Abolition of Legalized Slavery. This Mendenhall house became an integral part of the Underground Railroad. African-Americans, as they were considered during this time, were taught there as well by Elihu And his second wife, Abigail, despite the threats from the KKK. This house became instrumental in helping free enslaved African-Americans through the Underground Railroad as reported by later occupants. After learning about this powerful history of the Mendenhall House, I feel the need to preserve such a rich history, which is vital to this city and state, instead of selling and demolishing this historical landmark and its surrounding acreage to make room for another commercial building such as*

*Publix, Food Lion, or Harris Teeter, and perhaps other commercial properties that are not needed.*

*I'm suggesting that this house be restored and made a site for people to tour, to learn more about our history that has been systemically kept hidden from us. For example, why not include an area where students, as well as adults, can go and learn about the true history behind the Underground Railroad; an area where they can learn about the contributions and accomplishments of African ancestors. Most of us don't know about such as sisters Margaret and Matilda Peters, nicknames Peat and Repeat long before Venus and Serena, who excelled in tennis while attending Tuskegee Institute in 1937 during segregation which didn't allow them to compete with whites, stifled because of blatant racism or about other abolitionists other than Harriet Tubman such as Martin Delaney, first Black field officer in the US Army; Sojourner Truth; also known as Isabella Baumfree, noted advocate and speaker of the Abolition Movement and women's rights; or the first Black General, US Army Benjamin O. Davis; or Cool Papa Bell, a Negro Baseball League star who, many, including the famous Satchel Paige, considered to be the fastest man in baseball; as well as Josh Gibson,*

*considered as the Black Babe Ruth. And, what about Ralph Bunche, the first Black African-American to win the Nobel Peace Prize in 1950, and so many others whose history I would love to know more about. A prolific history and the impact that they had in our rich heritage which we were not taught in school.*

*To subsidize the renovation and upkeep, perhaps create spaces available for other venues where people can pay to use such as seminars, weddings, an elderly activity center, tours, fishing pond, walking trail, bike trail, etc.... In closing, I think it would be a travesty to sell and demolish this house and allocate the land for senseless monetary gain. There are so many reasons to preserve the Mendenhall House, but none as important as keeping the history of the African-American evolution from slavery to greatness, alive and flourishing. Thank you for your time.*

**Mayor Wagner:** *Thank you, Ms. Collins. Rodney Snipes.....*

**Rodney Snipes:** *I'm not going to speak.*

**Ryan Schnaith-Ivan:** *Hello, I'm Ryan Schnaith-Ivan. My home address is 4512 Oak Hollow in High Point, but I'm here tonight as the Principal of the Immaculate Heart of Mary Catholic School which is directly across Johnson Street from this proposed development. And, as Mr. Moore.....I believe, our neighbor caddy-cornered, has mentioned the biggest worry that we have is the differentiation of the land use and changing the environment of the neighborhood, and in addition to traffic. We are one of the few churches on Johnson Street that doesn't have the budget to offer a police officer at our entrance, our singular entrance to our church property and the 2,000 families that we have as part of our Parrish, it would be an issue coming in and out with added traffic. I know, as the principal, when we have arrival and dismissal, it is already problematic trying to turn left out of our parking lot and to add additional traffic with a commercial site directly across the street, I'm not sure how we'd manage that on a regular basis. So, that is our biggest concern is the added traffic and added other uses of that neighborhood, changing it from the residential-safe environment that we have right now to something different.*

**Mayor Wagner:** *Okay, the next person on the list is Benjamin Briggs.*

**Benjamin Briggs:** *Thank you again, Benjamin Briggs. I live here in High Point at 1753 Penny Road. Just a, hopefully you'll be holding the public hearing open for the next meeting, so I won't take up all my time today. So, I'll save a little bit today for the next time, but I just want to clarify some of the facts about this property and its designation. Currently, it is designated as a Guilford County Landmark Property. It was designated by High Point City Council. All properties, and you just went through this process with John Coltrane House, Rev. Blair Coltrane House here in High Point. City Council designates individual landmark properties, not the county. There's a county joint commission that Abigaile serves on, and I have served. So, it is locally designated by High Point City Council, and it was done so in 1993. High Point has no individual landmark process. We have historic districts here in the city, but we don't designate individual landmarks because of the tax recognition of the property.*

*The property is eligible for the National Register. It is listed to the National Register's study list. The reason that it has not been placed on the National Register is because no former*



owner of the property ever applied for it. There is no big, dark Cadillac that comes into town with government off from the federal level to designate individual landmark properties for the National Register. It has to be made of the initiation of the property owner. So, no former owners have ever initiated it, but it has been deemed by the State of North Carolina to be eligible.

Demolition cannot be denied for a local landmark property. That's state law. If anybody would like to help me change that, I'd be very happy to speak with you about changing those rules, but right now, there are 20 landmark properties here in High Point of which the Blair-Coltrane House is the 20<sup>th</sup> and demolition cannot be denied with those, nor can demolition be denied from a private property owner for a National Register property. So, we've tried to do everything that we can through the designation to protect the property; however, last year, the property owner initiated the process to demolish the property. That was taken to the Guilford County Preservation Commission. There was a public hearing; a lot of people showed up. Again, it could not be denied, it could only be delayed, and it was delayed the full amount of time and that delay process is meant as a cooling off period to allow a thoughtful resolution and alternative to demolition of properties. So, we've tried everything we can, but it's not our choice. The property has been applied for destruction and that's on the table. So, that's what my addition is tonight. Thanks.

**Mayor Wagner:** Thank you, Mr. Briggs.

**Council Member Jefferson:** Mr. Mayor?

**Mayor Wagner:** Yes.

**Council Member Jefferson:** If you don't mind, just because I know what we've heard tonight and I don't know about you all, but what I've got plenty of calls and emails about, not only has it been about rezoning this, but it sounds like there may be a tad bit of confusion with regards to that actual house and where it stands. Like, I think we just heard from someone saying they don't want it sold and they think the city owns it. We need to make it clear that the city does not own it, it's a privately-owned house. The city has no power over this house. We don't own the house.

The other point that folks have been talking about and some folks I see are standing on either side of this which is don't approve the zoning because we don't want the house to go down. If the City Council didn't do anything for the next foreseeable future regarding this property, whatsoever, there's nothing we could do to stop the house from going down because the property owner has already had their year of delay. So, anyone who's here wanting to save the house, there's literally nothing—whether we vote Yes or No—with regards to what's going on here with zoning—that could have us stop that property owner, and that's basically what we're hearing right now. I mean, there's not.....

**Benjamin Briggs:** Just a little clarification, if there's no reason to tear it down, then it probably won't be torn down. So, if the rezoning is denied, I don't know that the property owner is incentivized to destroy the house because they would be destroying their own property. So, I don't know, if the rezoning request is not approved, I don't know that the owner will demolish it.

**Council Member Jefferson:** *So, full disclosure, because, again, this is a conversation that's come up a lot and, Benjamin, I appreciate you because you and I have had some email exchange about this and I know the applicant is not here to talk tonight. I think you guys are waiting to talk in December, but I just want to make sure, for the sake of everyone listening both here and in the room and on Social Media and for the paper when it gets written, that right now there's the speculation that the owner may not demolish if they feel like they don't have a reason, but this owner, well over a year ago, applied to have it demolished when all of this wasn't even on the table. This was the owner wanting to have it and it sounds like there's a whole other deal in there with regards to folks saying we want to preserve the house and we feel like rezoning it could stop it from being saying that the house is being saved because, ultimately if the owner decides to destroy it, the owner has that right to destroy it. So, we want to make sure everyone is clear about that. This isn't to speak in favor or against rezoning, this is literally just making sure, because I've gotten....I had someone come up to me at a dinner last week and said y'all ought to do something to save that house. How dare you approve rezoning? And, I said, heck, if we didn't approve rezoning, we could do nothing with the property and the house could go down. And, again, the owner could speculatively choose not to do something about it, but it's in their hands. Sorry, Mr. Mayor, but I just feel like we keep hearing that part. We just want to make sure because I think folks think that Council, tonight or any other night, has the power to stop that house from going down. We don't.*

**Council Member Jones:** *To add to Councilman Jefferson's point....*

**Mayor Wagner:** *One second. Okay, Councilman Jones go ahead.*

**Council Member Jones:** *Just like Councilman Jefferson said, it's not for or against it, but I disagree with what you are saying, Mr. Briggs, that they have no incentive to tear it down. The incentive is that's been one of the contentions of this project. If Council does or doesn't do anything, they could decide to tear that home down just to keep that point against this rezoning off the table for something two or three years from this. That is an incentive for them to tear it down. So, I do think it's important to find a way to preserve this piece of history, however that gets accomplished. So, I'd love to help you do that.*

**Benjamin Briggs:** *Well, I understand that this process was initiated through a developer showing interest in the property. So, the property owner, I understand, has not initiated this out of their own interest, but they were approached by a developer a year ago. That was what was presented at the Historic Preservation hearing a year ago. Maybe not this developer, but a previous developer. I can't get into that too much.*

**Council Member Jefferson:** *I'd love to know, just for the sake of everyone knowing, because that's going to be a speculative topic. Forgive me for making an assumption here, but just the nature of conversation such as these when we bring up very sentimental treasures in our community such as a home that was involved in the Underground Railroad, there is so much speculation out there about what's what. I just feel like the air needs to be very, very clear on this in terms of what's what because there's some folks thinking that the developer who's coming in right now, who's asking for this rezoning request, is the one who wants to tear down the house, but that developer is actually saying they want to keep the house, they would just have to move it. And, folks are saying, well, we don't want it moved because it could damage it. Okay, if we don't move it, there's no stopping it from going down in its current*

*position. At least, the developer, from what I hear, is telling us that they will keep it up. And, granted, I know we can't trust that necessarily because we don't know for sure what'll be what. But we want to be clear, there's no guarantee if we do nothing that the house will stay up. There's no guarantee about that and it sounds like there's no clarity about which developer wanted it torn down in the first place.*

**Mayor Wagner:** *Okay, let's move on. The next speaker is Candace Gregg.*

**Candice Greig:** *Hi. My name is Candice Greig. Thank you for listening to me, City Council. There's been so many interesting points tonight that I really am not going to speak. I agree with so much of it and I'm just not going to waste your time. My speech was small and that's it. I just wanted to say I agree with it, with trying not to take the property down, that house down.*

**Mayor Wagner:** *Thank you, Ms. Greig.*

*Okay, I'm at the end of the list of folks who have signed up. Is there anyone else who would like to speak on this item? If so, please come to the lectern and give us your name and address. Mr. Moore, you're back for round 2?*

**Lee Moore:** *Lee Moore, 4302 Johnson Street, High Point.*

**Mayor Wagner:** *Just keep it short.*

**Lee Moore:** *Yes sir. To rebut what we just heard just a minute ago. This is not solely about saving the Mendenhall-Blair House. That is a part of what we're here for. What we're here for is to preserve our neighborhood and our community from a commercial development that doesn't need to be there. So, when this gets written in the paper, as you stated, it does not need to be written that this meeting here was about saving this house and that is the only reason that these people are here. We're here because, as the church stated, it's a traffic and a safety issue. The Land Use Map states there's been no plan for that, and there still shouldn't be. So, if we're going to be clear, let's be clear. Thank you.*

**Mayor Wagner:** *Thank you, Mr. Moore. [applause]*

*Give us your name and address.*

**Ross Pickett:** *Hello, my name is Ross Pickett. I live on 1710 Gentry Court, right behind this shopping center. I've been living there for 16 years. I thought this was a great place to live. I worked like a slave to pay for it. Many hours. Now, when it's time for me to retire, you say you want to put a shopping center in my backyard. You want to put a wooden fence up that's going to fall apart, that when I come out my back door, this is what I have to look at. There's a drainage problem already in my backyard. And, far as what you saying, I don't have a problem with the developer building, but why you can't build other upscale houses? If you want to build something there, so that's not a problem with the house if you want to say tear the house down. I don't want the house torn down, but you can build something besides a commercial building. Why? What reason is it? That's all I have to say. Thank you.*

**Mayor Wagner:** *Thank you, Mr. Pickett. Sir, give us your name and address.*

**Jeff Reep:** *My name is Jeff Reep and I live at 4321 Poplar Creek Lane in High Point, which is the Gables.*

**Mayor Wagner:** *What's your last name?*

**Jeff Reep:** *Reep. R- E- E- P- P as in Paul.*

**Mayor Wagner:** *Thank you.*

**Jeff Reep:** *I'm not going to be the smartest speaker you had tonight. I'm here for very selfish reasons. I live right.....the back of my house looks right at that commercial space. I would like to state that I am pro-business when it makes sense for the community. I'm here voicing my opinion against the proposed shopping center located at the corner of Skeet Club and Johnson. The reasons for not wanting this shopping center are not any elaborate reasons other than the area is truly a residential area with a few places of worship scattered along Skeet Club. There's no commercial located on Skeet Club except for near 68 and Eastchester. There are currently six large grocery stores within 3.2 miles of the proposed site, and I will venture to say that if the Penny Road is approved, there will be seven grocery stores within 3.2 miles of the proposed site.*

*The attorney for the shopping center suggested at a previous meeting I was at that the proposed grocery store would fill a hole. There's not a hole. We're good. I hardly view the area as being in a hole and we need a grocery store. Open dumpsters will create rodent issues in the neighborhoods that we'll have to deal with. In closing, I'd like to request the board not to approve the proposed shopping center. I do not believe that it's necessary or will benefit the City of High Point.*

**Mayor Wagner:** *Okay, next. Before we continue, come on up. Before you speak, if you would like to speak, could you kind of form a line over here, so we'll kind of know when we're getting to the end? Okay, thank you.*

**Gloria Halstead:** *I'm Gloria Halstead, 901 Johnson Street, High Point. I just wanted to make a point of clarification with regard to what Councilman Jefferson had to say. The city can do something with regards to whether or not the house comes down because the city would have to issue a demolition permit for the house to come down. It can't come down without it. Also, the Guilford County Historic Preservation Commission would have to sign off on that demolition permit. Thank you.*

**Mayor Wagner:** *Thank you.*

**Ashley Reeves:** *Hi there. I'm Ashley Reeves and this is my daughter, Lydia Reeves, we're residents in the community. We live across the street from the proposed commercial development if it is rezoned. One of our concerns, we've only lived there for a year and did not know that this was going to be on the plate, but we're part of Fox Run Farms, which is an equestrian community. Side note, High Point University houses the equestrian team there on the farm behind our house. In addition to the aforementioned, I wanted to add that a commercial development would greatly increase the population, traffic, noise, lights, all of which are not at all conducive to an equestrian community. I ask that you support the denial*

*for rezoning which will encroach on our privacy, our farm lifestyle, and the safety of our riders. Thank you.*

**Mayor Wagner:** *Thank you. Yes, Sir, you're next.*

**Fred Catalano:** *Yes, my name is Fred Catalano. I live at 1217 Maplewood in High Point and I am the former president of the HOA of the Windsor subdivision that is just below this complex that is being talked about. Those houses.....myself, I used to be a truck driver, and you'll have trucks running around behind that and there's houses back there. You've going to have the trucks running, the refrigeration units running, and everything else. There's also a pond right there which also could be the garbage from the different areas be blown in and we pay \$3,500 a year to keep that pond clean. So, I'm totally against, and I'm sure most of the people of the Windsor community are against this. Thank you.*

**Mayor Wagner:** *Thank you, sir.*

*Yes sir?*

**Joe Barnes:** *My name is Joe Barnes. I live at 4333 Poplar Creek Lane in the beautiful city of High Point in the Gable community and I'm glad to be here tonight. It's good to see you, Mayor and City Manager and Councilmen and women and citizens. It's good to be here. We are a group of neighbors from the Gable community, and we wanted to come out and just share that we love High Point; we love pro-business; we're glad for new jobs to come to High Point when those jobs will bless everyone and looking at the proposal from the developer, our community feels that it would not be in the best interest of that area. As you've already heard from many of us, we moved in that community because some of now are looking at a 55 and older community that'll be a little quieter, a little safer. We can get out and walk and walk our dogs and animals and cats and not have to worry about so many delivery trucks. Of course, Amazon has changed that a little bit, but that development would make it very difficult for us to make left turns out of Poplar Creek Lane onto Skeet Club because that would increase traffic. The church with all the children there, Immaculate Heart of Mary, it would be very difficult. They probably would have to go in the budget and hire an officer to help direct traffic out there for worship. So, we ask the Council and Planning & Zoning Commission, thank you, we agree with you all that we not approve this land to be rezoned for any type of commercial development at this time. So, thank you for listening to us. Thank you for giving us the opportunity to come and share and hear our story. God bless all of you.*

**Mayor Wagner:** *This will be our last speaker. If anybody else wants to speak, speak now. Ma'am, go ahead.*

**Julianne Shamburg:** *Thank you. Julianne Shamburg, 4104 Saint Johns Street. I am not going to restate any points, but I just have a question for the City Council. Why do we have to do a continuance and all come back again in December? You had a really large neighborhood contingent at the Planning & Zoning, even more people spoke then. You heard staff say that even if they wrote conditions into their proposal, they still did not think it made sense. So, I am just asking City Council to go ahead and vote tonight so we all don't have to reconvene in December. Thank you. [applause]*

**Mayor Wagner:** *I believe the reason that, the developer and their attorney is here, but I believe their main reason to ask for it was there was a health issue, I believe, with one of the property owners. Is that correct?*

**Tom Terrell:** *Among other things.*

**Mayor Wagner:** *There's a health issue with one of the property owners. I'm inclined to do that, and it's generally been the unofficial policy, I guess, of Council that if parties are trying to work together and work with the city to make something happen, we're generally amenable to granting that extra time. It doesn't hurt anyone to really grant a little bit of extra time if the parties are still speaking and still working together. So, that's generally why we do it. And with that, I'm keeping the public hearing open but I'm not hearing from any more speakers tonight.*

*I'm going to go ahead and make the MOTION. Sir?*

**Chris Malcom:** *Can I speak?*

**Mayor Wagner:** *Absolutely the last one. You've got three minutes.*

**Chris Malcom:** *Chris Malcom, 3905 Kim Drive. If I can make a suggestion to have it rescheduled sometime after the holidays because a lot of folks are going to be.....December 20<sup>th</sup> is really close to the holidays. Just a suggestion.*

**Council Member Peters:** *So, I guess I have to wait to speak until after you've made a motion and a second?*

**Mayor Wagner:** *I'm going to ask the applicant what their thoughts are on that. Now, wait a minute, we are having a meeting in January, correct? We're not postponing the first meeting in January.*

**City Manager Tasha Logan Ford:** *It's that next day, Tuesday.*

**Mayor Wagner:** *I mean we are having a meeting. It's going to be on that Tuesday. What are your thoughts on that?*

**Brian Gavigan:** *Agreeable.*

**Mayor Wagner:** *Okay, does staff have an issue with that?*

**Herb Shannon:** *Staff doesn't have any objections with that. This will be the Tuesday, January 4<sup>th</sup> meeting?*

**Mayor Wagner:** *I believe that's correct. Okay. What I'm going to do then is make a MOTION to....I'm keeping the public hearing open, but to **CONTINUE the consideration of this item 2021-508 which is Plan Amendment 21-04 and 2021-509 which is Zoning Map Amendment 21-18 to our meeting on January 4, 2022 at 5:30 p.m. where we'll hear from the applicant and potentially take final action at that time.***

*Is there a second?*

**Council Member Hudson:** **SECOND.**

**Mayor Wagner:** *Seconded by Councilman Hudson. Is there any discussion from Council?*

**Council Member Peters:** *So, I get nervous when I like have to speak against some things. But anyway, I'm super thankful for all of you coming out. It means so much to all of us on Council to hear, and I am all for development. I think that all of us on Council, we really want to see economic growth, but when our Planning & Zoning was here until 11:00 at night—9-0—voted against this commercial. I think the applicant's going to have to come back with a whole new proposal. So, I think at this time so that everyone can enjoy their holiday season without this over their head, that we should deny the continuance and vote tonight. [applause]*

**Mayor Wagner:** *Anyone who would like to be heard on the MOTION? Anyone else who would like to be heard?*

**Council Member Jones:** *I wish.....I echo a lot of what Councilwoman Peters has said. I wish it were for a different reason. I wish we could come to a vote tonight to give these people some peace of mind and put this behind us. I do feel like the developer does have the right to be heard and if they were medically unable to be here, I think we owe them at least that much, so the full Council does hear what they have to say. I don't know that it will change the....we've already heard that it won't change the opinion of staff, I don't know that it would change the opinion of anyone on Council, but I do agree with most of what Monica said.*

**Mayor Wagner:** *Okay, anyone else?*

**Council Member Johnson:** *Yes, this is Councilman Johnson. I would agree completely with what Councilwoman Monica Peters said. Based on, if nothing's going to change, and I believe that you all mentioned that staff mentioned that basically it would still be a denial. Why would we wait and push it down until next year, let's vote on it today. Again, give this community the peace of mind to enjoy your holidays and let's get it over with tonight. [applause]*

**Mayor Wagner:** *Would anybody else here like to be heard on the MOTION?*

**Mayor Pro Tem Moore:** *I'd just like clarification, not clarification, I just find it somewhat when you have this much energy and this much interest on such an issue of importance to the community, I feel like we came in here and got notified at the 11<sup>th</sup> hour that we're going to have these continuances when we already, apparently knew about them for ever how long we've known about them. I don't think that was quite handled the correct way.*

**Mayor Wagner:** *I think part of the issue why it was handled the way it was, they did come in kind of towards the end of last week and what we don't want to do is have everybody, all these citizens who were concerned, to come in here and speak tonight and say, oh, we're continuing it, come back in a month. So, that's why we went ahead and had the hearing tonight; we went ahead and had the staff report because it wouldn't be fair to the folks who*

*came in and wanted to speak to tell them to go away and come back in a month. Out of fairness, now, for the applicant, I think that it's....given the issues that they have, you know, you want to be fair to both sides and I think it's only fair to the applicant and I know it's disappointing to the folks who are here. But, I think it's only fair to the applicant who's asked in good faith for a continuance and is trying to work out some of the issues, apparently, with the proposed development, that we grant the continuance. So, I'm in support of the continuance. Again, this.....it's not like this thing isn't going to get decided. It's going to get decided at some point. But, you know, if we're going to vote to decide something tonight, it's not going to be fair without us hearing from the applicant who I don't think is even ready to present tonight.*

**Council Member Peters:** *Madam Attorney, do I need to make a SUBSTITUTE MOTION?*

**Mayor Wagner:** *You can make a SUBSTITUTE MOTION if you would like.*

**City Attorney Carlyle:** *And I agree with the Mayor. If you do have a SUBSTITUTE MOTION, I think you need to hear from the applicant tonight as well.*

**Mayor Wagner:** *Yeah, again, I'm not sure they're ready to be heard from and I don't know, necessarily, if that's particularly fair to the applicant.*

**City Attorney Carlyle:** *It is a legislative decision. You don't have to hear from the applicant, but, of course, everything's been stated.*

**Mayor Wagner:** *Well, the public hearing is still open.*

**City Attorney Carlyle:** *Right, right. Exactly. It's not closed yet.*

**Mayor Wagner:** *I can let them come and speak if I want to.*

**Council Member Holmes:** *Mr. Mayor, the applicant is right here. He can weigh in, they can weigh in if they are ready to present tonight or not, or they can weigh in fully on this issue. All we need to do is ask them. They're right here in this room. They can clarify what their position is right now. If they are not prepared to speak tonight on the issue, then we can vote on the continuance. If they are prepared to present tonight, we can make the final decision on this, but we don't need to belay this over and over and over again, going around in circles when that applicant is right here in the room, and they can clarify their position.*

**Brian Gavigan:** *My name is Brian Gavigan. I know most of you from Civic life in High Point over the years. Our client is Tom Vincent, and he has been in the hospital as an inpatient with a very, very serious pulmonary ailment. This is his second hospitalization in the last two months, but I think he's going to be well. I appreciate your consideration for that. One thing that I would like to say to the Council and to the people in the room is I believe that we have some very, very good news, creative news, constructive news for the history issues and the preservation of the house, that will lift up and highlight the house as never before. You know, I think a lot of people have lived here a long time and didn't know that house was there or didn't know much about it at all and this developer wants to change that. Now, I can't make those commitments to you tonight because it's going to be a three-party agreement between the developer, the landowner, and Ms. Bridges from the African-*



*American Historical Trail. And that's what we have in mind is to make it, I think it's either the 13<sup>th</sup> or 14<sup>th</sup> stop. It's expensive to do it and we've got to get the landowner to agree who we are working with as well, but it's going to, not only quell most of the issues about that, well it will quell them all and I think it'll be exciting news. So, that's one thing. I believe, let's put it this way, it'll be worth the wait, okay?*

*The second thing is that one of the concerns that was prevalent at the Planning & Zoning hearing was a concern about fast food restaurants and we've made a pledge that there won't be any fast food restaurants, but one of the things we ran into at the Planning & Zoning hearing was some difficulty about what that language would be in a post-Covid era when a lot of restaurants that normally didn't have curbside or a pick-up window now do. An example is Panera. The one on Main Street now has a drive-thru window. So, is that now like a McDonalds? Or is it like the Panera that you knew on 68 for some time? We have gone back and forth with the city, with Mr. Shannon's department, on what that language meant. Part of that was on view during the Planning & Zoning hearing and we didn't work it out, but we want to work it out.*

*It is with respect to the community that we try and do everything that we can to make the community comfortable with this grocery store area. It's going to be a new grocery store. We also talked about limiting the hours and we want to talk about that, and we have some several other things that we're working on, and we have some information we want to talk to IHM about. I've been a member of IHM for 30 years and I know the people over there in the school and the church well. If you recognize me, I'm a lector at the 8:00 a.m. mass. Not a lot of people go to that one; it's at 7:30. But, we have some constructive and good news that we will bring to you. It won't be a waste of your time. It will be something I think will represent a breakthrough and the people in here may say there's nothing you can do that'll represent a breakthrough. I don't think that's the case. I think that whether it's December 20<sup>th</sup> or out of courtesy to the people in the room on January 4<sup>th</sup>, it'll be worth the wait. It'll be something special for our city.*

**Council Member Peters:** *May I ask the applicant a question?*

**Mayor Wagner:** *Yes, Mr. Gavigan.*

**Council Member Peters:** *Is it fair to say you kind of got to go back to the drawing board?*

**Brian Gavigan:** *Well, no, I wouldn't say that. I'd say that we're pretty far along on the drawing board on all the things I mentioned. So, by the way, I think we submitted the request last week. I think it was Wednesday.*

**Council Member Peters:** *So, if we did vote tonight, the applicant can come back in early 2022 and propose another proposal, another presentation?*

**Mayor Wagner:** *I believe that if it's denied, they can't resubmit for a year.*

**Brian Gavigan:** *No, we couldn't. Yeah, I think it's going to be worth the wait. It's a great grocery store. It'll mean a lot I think to a lot of people in the community that you'll hear from, and we'll settle in a positive way, an uplifting way with the issue and concerns about the house, which is the concerns of many.*

**City Attorney Joanne Carlyle:** Mayor, we're checking that right now. We made the amendment, and we think that we made the amendment to remove that one-year period of waiting.

**Mayor Wagner:** Alright, there's a motion on the floor. Are there any more comments or questions about the motion that's on the floor?

**The MOTION that's on the floor, which has been SECONDED is to continue this item to our January 4, 2022 meeting.**

**Council Member Peters:** And I'd like to make a **SUBSTITUTE MOTION** to deny the request for the continuation and vote tonight.

**Mayor Wagner:** Okay, there's a **SUBSTITUTE MOTION**. Is there a **SECOND**?

**Council Member Johnson:** **SECOND**.

**Mayor Wagner:** There's a **SUBSTITUTE MOTION** to decide the case tonight.

Is there any discussion on this item?

**Council Member Jones:** I'll restate what I said before. I wish we could vote on it tonight and I don't want to convince anybody. I know how difficult it is to come and gather at these things, but as fair as I've got to be to the people who live in High Point who have opinion and a stake in the game and live next door, ethically I think the developer needs to have the right to present to Council and I want to give them that opportunity. Trust me, I wish we could vote on this thing because I'm tired of answering emails and phone calls about this thing. In all fairness, I want to be able to sleep at night knowing my integrity allowed both parties to present what they need to present.

**Mayor Wagner:** Any other questions or comments on the **SUBSTITUTE MOTION**?

**Council Member Jefferson:** Mr. Mayor.....this is Councilman Jefferson. So, a number of thoughts are percolating in my mind with regards to this item. I think there's an immense amount, or I should rather say, lack of clarity with regards to a number of things here. I think that because it's come up so much and I appreciate all the comments made about it, it's come up so much about the house. There's just really no clarity about the house and what's going to happen. Like we've not even heard from the current owner what their plans are if this does not go through. I think if some people knew, like if we just hypothetically said to the current owner if this does not go through, it's going to demolish this house tomorrow. You'd have some people right now who would switch sides of the argument immediately.

[murmuring in the audience] [Mayor uses gavel]

**Mayor Wagner:** Quiet, please.

**Council Member Jefferson:** Well, thank you. So, I think there's an immense amount of just some clarity needed. I think my other thought, while I have an appreciation for organizing,

*there is a part of me that I'd be remiss to not say, there's a part of me that screams out, at least a perception, of there's the community pride for where we live. But there's a part of me that is saying it's not right and if they're saying he's in the hospital that we say we're going to go ahead and vote tonight. And, if the issue is that and you showed up tonight and you don't want to show up in two months, okay, that happens. Our city's got to do what's right. Show up in two months again, I think that's the right thing to do. The man is in the hospital. Thank you for your emails and your calls, but if we're hearing and they say the man is in the hospital, we've got to let them be heard. And, to say that the energy for tonight because there's a lot of people in the room, I don't know. I think when I ran and campaigned, I didn't say I'd always just be swayed by the amount of people that show up. I can appreciate that y'all, but I think there's an ethics to this all too. The man's in the hospital. So, if we need to make another SUBSTITUTE motion to the SUBSTITUTE MOTION, then a MOTION TO CONTINUE.*

**Mayor Wagner:** *Well, the motion to continue is still there. We're going to vote on the SUBSTITUTE MOTION first and then if it fails, then we'll vote on that ORIGINAL MOTION.*

*The ORIGINAL MOTION is still pending. The ORIGINAL MOTION to go to the January 4<sup>th</sup> meeting is still pending.*

**Council Member Jefferson:** *Well, my comments to Council are there's no need to rush this. There's no need to rush this, nothing's changing. Like whatever your nice house is in Ward 5 will still be nice in two months.*

*[murmuring in audience]*

**Mayor Wagner:** *Whoa, whoa, hey. [used gavel]*

*No more comments from the floor; this is discussion time between Council. Okay? I know y'all are emotional about this, but this is the time to listen.*

**Council Member Jefferson:** *And, my hope is that my peers on Council will have....I think the thought to, again, I mean the man's in the hospital and we're literally saying that we don't want to hear him because we've got a room full of emotional folks. I have a respect for that, but two things can be true, you can have respect for the folks that showed up tonight and respect for the fact that the man's in the hospital. I don't get what we're talking about here. So, if we're going to vote to approve, vote on this tonight because we don't want to wait for a man to get out of the hospital because people are upset tonight. My God, I don't know. Do ethics come into play every time we get 150 people upset? I don't know. I've got a lot of feelings right now about this because it just feels ethically wrong. It feels wrong.*

**Council Member Holmes:** *Mr. Mayor?*

**Mayor Wagner:** *Mr. Holmes.*

**Council Member Holmes:** *Thank you. Respectfully to all my fellow members of Council, I'm a part of this community as is Council Member Jones. I don't think that the entirety of what we're dealing with here tonight is, you know, folks being upset about two months. I think people are upset about the possibility of what their quality of life's going to be like for ten to*

*twenty years and how this is going to affect how they live, how they are part of this community for ten to twenty years. So, you know, I'm of the mind that these people have come here, they've leant their voices, they've called, they've done everything that we asked that community members do to weigh in on issues that are important to the development of our city. Many of you I've spoken to about the delicate balance that we face in growing this city and also maintaining a high quality of life for each of you and these are important issues. With that being said, for us to consistently be fair to all parties involved. If you've been here from the beginning, most of the parties who have come here tonight have asked for continuances and asked for stays. We've granted them; we've given them additional time. You know, for us to deny the applicant that's asked for additional time, when we've done exactly that on all other issues tonight, is inconsistent. So, I appreciate your passion and I understand what you're going through, but in terms of the consistency of how we govern, we have to be consistent in governing for every single person in the same way. So, if we granted continuances for other parties tonight, this party has, well within their rights, to ask for a continuance and we need to be consistent with granting that as well. I live in that community. I understand the impact that this is going to have. I share your concerns, but in terms of us being fair, a fair governing body to all the citizens in this city, we have to be consistent in how we deliver these decisions. And, if we did not grant them the continuance, we'd be inconsistent with what we've done, since I've been on Council, and especially inconsistent with what we've done in this very session tonight.*

**Mayor Wagner:** *Anyone else before the vote?*

**Council Member Peters:** *Well, I would like to say something Mayor Wagner.*

**Mayor Wagner:** *Yes.*

**Council Member Peters:** *Given the fact that the applicant is in the hospital, I wasn't aware of that. I understand that and I respect my fellow colleagues, so I would like to **WITHDRAW my SUBSTITUTE MOTION.***

**Mayor Wagner:** *Okay. The **MOTION** by Ms. Peters has been **WITHDRAWN.***

*So, the Council will now vote on the **ORIGINAL MOTION** which is to grant a continuance on this item to the meeting on January 4<sup>th</sup>. All of those in favor, please signify by saying Aye.*

**Mayor Wagner,** *Mayor Pro Tem Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes: Aye. [Council Member Williams was absent]*

**Mayor Wagner:** *Is there anyone opposed? [none] That **MOTION PASSES.***

[end of transcript]

**A motion was made by Mayor Wagner, seconded by Council Member Hudson, that this Public Hearing be continued to the January 4, 2022 Council Meeting at 5:30 p.m. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2021-509      HEPHIGHPT, LLC-Zoning Map Amendment 21-18**

A request by HEPHIGHPT, LLC to rezone approximately 13 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Retail Center (CZ-RC) District and a Conditional Zoning Limited Business (CZ-LB) District. The site is located at the southeast corner of Johnson Street and Skeet Club Road.

*The joint public hearing for this matter and related matter 2021-508 Plan Amendment 21-04 was held on Monday, November 15, 2021 as duly advertised.*

*Note: For specific comments made during the public hearing on this matter, please refer to 2021-508 Plan amendment 21-04.*

**A motion was made by Mayor Wagner, seconded by Council Member Hudson, that this Public Hearing be continued to the January 4, 2022 Council Meeting at 5:30 p.m. The motion carried by the following unanimous 8-0 vote:**

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

Absent (1): Council Member Williams

**2**

**021-510      BSP Investment LLC-Zoning Map Amendment 21-21**

A request by BSP Investment LLC to rezone approximately 6.5 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Residential Single Family - 5 (CZ-R-5) District. The site is located along the south side of Skeet Club Road, approximately 2,100 feet west of Johnson Street.

*The public hearing for this matter was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report which is hereby attached as a permanent part of these proceedings in Legistar.*

*This is a request by BSP Investment LLC to rezone approximately 6.5 acres located along the south side of Skeet Club Road, approximately 2,100 feet west of Johnson Street, from the Residential single Family-3 (R-3) District to a Conditional Zoning Residential Single Family-5 (CZ R-5) District.*

*Mr. Shannon advised the applicant is proposing to develop a single-family subdivision on this site. He shared a copy of the Land Use Plan and a map with the proposed site highlighted. The applicant is requesting rezoning of this property from an R-3 District to an R-5 District and Mr. Shannon pointed out that both the R-3 and the R-5 Districts are intended for single-family development; the primary difference between the two districts being the R-3 which allows three units per acre and the R-5 which allows five units per acre; and twin home development is allowed with at least five acres.*

*The site is within the Oak Hollow Lake Watershed Critical Area (WCA)- Tier 4; regardless of the standards of an individual zoning district, development in this portion of the Oak Hollow Lake WCA is restricted to two dwelling units per acre or 50% built-upon area; the requested R-5 District would simply allow for some flexibility in lot width and lot area. Mr. Shannon advised the key issue as to the intensity of development in this area is because the site is within the Watershed Critical Area and is impacted by a stream.*

*As far as compatibility with the surrounding area, the Land Use Plan supports single family development for residential development up to five units per acre. Prior zoning approvals have quoted a mixture of residential development within a half-mile of the intersection of Johnson Street and Skeet Club Road. Mr. Shannon pointed out the Saint Andrews Townhome development and the Orchard Knob Townhome development are located east of the site; reported the Land Use Policy has supported a mixture of residential development as long as the Watershed Critical Area requirements do not exceed the five units per acre that the Land Use Plan notes.*

*The applicant has offered a condition to install a public street through the site that would connect to the southern property line, so in the future, as the property to the south develops, there would not be another driveway access point to Skeet Club Road that could tap into the public street.*

*Mr. Shannon pointed out the request does promote a preferred development pattern and noted adopted policy guidance, mainly the Land Use Plan and other zoning approvals, have supported a mixture of residential zoning in this area and subject to meeting the requirements of the Watershed Critical Area and supported development up to five units per acre. Staff is recommending approval of the request. The Planning & Zoning Commission reviewed this application at their October public hearing and recommended approval by a vote of 9-0*

*Following Mr. Shannon's overview of the staff report, Mayor Wagner asked if the applicant or applicant's representative would like to come forward to speak.*

*Pankaj Jinwala, representing BSP Investment, introduced his colleague, Bimal Jinwala and the realtor from Ed Price Realtors who is assisting them in this transaction as well. He addressed Council in support of the Zoning Map Amendment 21-21 and offered to answer any questions.*

*Mayor Wagner asked if there were any questions. Hearing none, he opened the public hearing and asked if there anyone was present who would like to speak for or against this matter. There being no one present to speak, he declared the public hearing closed.*

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Moore, to adopt an ordinance providing for the rezoning of approximately 6.5 acres located along the south side of Skeet Club Road, approximately 2,100 feet west of Johnson Street, from the Residential Single Family-3 (R-3) District to a Conditional Zoning Residential Single Family-5 (CZ R-5) District and adopted the following Consistency and Reasonableness Statements:**

*That Zoning Map Amendment 21-21 is consistent with the City's adopted policy guidance because the proposed CZ R-5 District is supported by the Low-Density Residential designation and the goals and objectives of the Land Use Plan. Furthermore, the request is reasonable and in the public interest because the requested CZ R-5 zoning is in harmony with Low Density Residential Land Use Plan Classification that has historically been established for lands along this segment of the Skeet Club Road corridor.*

**The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7762/21-79  
Ordinance Book, Volume XXI, Page 79**

**2021-511 Bencini Realty Limited Partnership - Annexation 21-07**

A request by Bencini Realty Limited Partnership for a voluntary contiguous annexation of approximately 68.5 acres located south of the southern leg of Joyce Circle, approximately 270 feet west of Skeet Club Road and north of I-74. The property is known as Guilford County Tax Parcel 198681 and Forsyth County Tax Parcels 6892-08-4548 and 6882-99-7011.

*The joint public hearing for this matter and related matter **2021-512 Zoning Map Amendment 21-22** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report which is hereby attached in Legistar and incorporated as a permanent part of these proceedings.*

*Mr. Shannon advised that staff would do a combined presentation of Annexation 21-07 and Zoning Map Amendment 21-22; however, separate votes would need to be taken.'*

*This is a request by Bencini Realty Limited Partnership for a voluntary contiguous annexation of approximately 68.5 acres located south of the southern leg of Joyce Circle, approximately 270 feet west of Skeet Club Road and north of I-74, specifically known as Guilford County Tax Parcel 198681 and Forsyth County Tax Parcels 6892-08-4548 and 6882-99-7011. Mr. Shannon shared a map of the area proposed for annexation and stated that the zoning request is for 72 acres. He noted the eastern portion along Skeet Club Road*

*is already within the High Point corporate limits, so the annexation is just for the western portion of the site that is in unincorporated Forsyth County. The applicant is requesting annexation in order to access city utilities to facilitate the development of a residential subdivision. He advised there have been prior zoning approvals in this Forsyth County portion of the City of High Point's planning area; the property just to the north was recently annexed and granted city zoning approximately two years ago; and lands on the opposite side of the I-74 corridor, also in Forsyth County, was actually annexed in 2007 and has recently received permits for development.*

*Mr. Shannon reported that the annexation of this site would not negatively impact the city's ability to provide services as there are water and sewer lines available in the area, and city service vehicles currently run along the Skeet Club road corridor. Therefore, staff has no objections to the proposed annexation.*

*Regarding Zoning Map Amendment 21-22, the applicant is requesting to establish initial city zoning. They have requested a Conditional Zoning Residential Multi-family 16 zoning for this site. Included with this application is a Conditional Zoning Ordinance which the applicant has offered conditions pertaining to lot combination, landscaping, right-of-way dedication, and vehicle access.*

*For informational purposes, Mr. Shannon referenced information in the packet from the local school district regarding any impact to schools and the Executive Summary of the required Transportation Impact Analysis that was provided by the applicant .*

*As to compatibility with the surrounding area, the Land Use Plan designates the site for Medium Density Residential land uses. Part of the adoption of the Northwest Area Plan included a recommendation and there was a Land Use Plan Amendment. Mr. Shannon noted the RM-16 District is consistent with the Medium Density Residential designation that was established in 2011 for this area. He spoke to the Development Ordinance having specific standards regarding building height, number of attached townhome units, exterior lighting standards, perimeter lighting standards, perimeter landscaping standards, open space requirements, and screening requirements.*

*As far as mitigation of impacts, the applicant has offered to dedicate right-of-way along Skeet Club Road for road improvements for a turn lane, and they have also offered to improve the southern leg of Joyce Circle that this site abuts. Mr. Shannon noted that this site does have two streams running through it and stated any development would be required to meet the city's stream buffer requirements. He advised that Land Use Policies established from the Northwest Area Plan does support the requested RM-16 District for this area. Staff is recommending approval the site to establish initial city zoning for the Conditional Zoning RM-16 District. The Planning & Zoning Commission reviewed the request at their October meeting and recommended approval by a vote of 9-0.*

*Mr. Shannon noted that since the Planning & Zoning Commission meeting, the applicant has provided some updated conditions which are included in the Conditional Zoning Ordinance (bold and underlined text). The added conditions include:*

- *A condition that would prohibit multifamily uses*
- *A condition limiting the density to 550 units*



- *A condition to add some additional buffering and landscaping standards for the property to the south that fronts along Skeet Club Road.*

*Following staff's presentation, Mayor Wagner asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak.*

*Tom Terrell, 529 W. Parkway Avenue, attorney with the Law Firm ,Fox Rothschild, representing the applicant, Leoterra Development, spoke in support of the request. He recognized the following individuals:*

- ***Kye Bunker**, representing Leoterra Development, Frank Amenya with Davenport Engineering who conducted the Traffic Impact Analysis*
- ***John Bencini**, a banker in the community for over 40 decades, and cousin to Bill Bencini*
- ***Bill Bencini**, a cousin to John Bencini; he served on the Planning & Zoning Commission for many terms; served as a council member on the High Point City Council, served as Mayor of High Point, elected to serve on the Guilford County Board of Commissioners, etc....*
- ***David Wall**, a former council member, and his **wife, Bitsy**. They are next door neighbors to the proposed development.*

*Mr. Terrell confirmed that Leoterra has offered the conditions previously mentioned and noted they have been working with the Walls throughout and have been in constant communication with them because this proposed development will surround their house.*

*To answer the question as to why this development and why the location, Mr. Terrell advised that it was really obvious for the following reasons:*

- *Its proximity to the interstate*
- *It's an undeveloped tract that has all the utilities*
- *It's perfect transitional zoning*
- *There is industrial on the Land Use Plan to the west*
- *There is single family to the east and this is a perfect transition*
- *It is also very proximate to everything in High Point*
- *The site drops right down into Main Street and into the core City having more people there*
- *There is a need for more density*
- *It would be good for all the businesses in the area*
- *Most residential density is getting more dense*
- *This is what the market saying, and the market will direct where these types of uses are needed*

*Mr. Terrell shared that Leoterra has been finding many sites that are proximate to interstates and that is because there is a segment of the market where there are multiple breadwinners in each household, but they choose where they live, and the highway network gives economic strength and connects everyone to the jobs. He identified the following on the map: a couple of higher density developments on the map showing a trend in the area; areas on Skeet Club near businesses that could benefit from the growth population; a large undeveloped tract;*

*some similar homes; area to the north that's zoned RM-16; and single-family homes on Joyce Circle that are built close together; a closer development to the east.*

*Mr. Terrell reported they now have a limit and have worked with the Walls to drop the density numbers to a maximum number at 550 which would be about 7.8 units per acre and is still below what the Land Use Plan requires.*

*Following his presentation, Mr. Terrell announced that he would be glad to answer any questions and he would defer to Frank Amenya with Davenport Engineering could answer any questions about traffic.*

*Mayor Wagner asked if there was anyone else present who would like to speak in favor of or against these matters. Seeing none, he proceeded with the following motions.*

**A motion was made by Mayor Wagner, seconded by Council Member Peters, to adopt an ordinance approving the voluntary contiguous annexation of approximately 68.5 acres located south of the southern leg of Joyce Circle, approximately 270 feet west of Skeet Club Road and north of I-74, specifically known as Guilford County Tax Parcel 198681 and Forsyth County Parcels 6892-08-4548 and 6882-99-7011. The motion carried by the following 8-0 unanimous vote.**

**Ordinance No. 7764/21-81**

**Ordinance Book, Volume XXII, Page 81**

**Regarding Zoning Map Amendment 21-21, Mayor Wagner moved adoption of an ordinance to rezone approximately 72 acres located south of the southern leg of Joyce Circle, west of Skeet Club road and north of I-74 from the Residential Single Family-3 (R-3) District and the Residential Single Family-20 (R-20) Districts, within Forsyth County's zoning jurisdiction to a Conditional Zoning Residential Multifamily-16 (CZ RM-16) District and adopted the following Consistency and Reasonableness Statements.**

*That Zoning Map Amendment 21-21 is consistent with the City's adopted policy guidance because the proposed CZ R-5 District is supported by the Low-Density Residential designation and the goals and objectives of the Land Use Plan. Furthermore, the request is reasonable and in the public interest because the requested CZ R-5 zoning is in harmony with the Low-Density Residential Land Use Plan Classification that has historically been established for lands along this segment of Skeet Club Road corridor.*

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

Absent (1): Council Member Williams

**Ordinance No. 7761/21-78**

**Ordinance Book, Volume XXII, Page 78**

**2021-512      Leoterra Development, Inc.-Zoning Map Amendment 21-22**

A request by Leoterra Development, Inc. to rezone approximately 72 acres from the Residential Single Family - 3 (R-3) District and the Residential Single Family - 20 (R-20) Districts, within Forsyth County's zoning jurisdiction, to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located south of the southern leg of Joyce Circle, west of Skeet Club Road and north of I-74. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

*The joint public hearing for this matter and related matter **2021-511 Annexation 21-07** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Note: For specific comments made during the public hearing regarding **Zoning Map Amendment 21-22**, please refer to **2021-511 Annexation 21-07**.*

Regarding **Zoning Map Amendment 21-21**, Mayor Wagner made a motion, seconded by Mayor Pro Tem Moore to adopt an ordinance to rezone approximately 72 acres located south of the southern leg of Joyce Circle, west of Skeet Club road and north of I-74 from the Residential Single Family-3 (R-3) District and the Residential Single Family-20 (R-20) Districts, within Forsyth County's zoning jurisdiction to a Conditional Zoning Residential Multifamily-16 (CZ RM-16) District and adopted the following **Consistency and Reasonableness Statements**.

*That Zoning Map Amendment 21-21 is consistent with the City's adopted policy guidance because the proposed CZ R-5 District is supported by the Low-Density Residential designation and the goals and objectives of the Land Use Plan. Furthermore, the request is reasonable and in the public interest because the requested CZ R-5 zoning is in harmony with the Low-Density Residential Land Use Plan Classification that has historically been established for lands along this segment of Skeet Club Road corridor.*

**The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7761/21-78**  
**Ordinance Book, Volume XXII, Page78**

### **2021-513 Piedmont Triad Airport Authority-Annexation 21-09**

A request by the Piedmont Triad Airport Authority for a voluntary contiguous annexation of approximately 13 acres, located along the north side of National Service Road, approximately 1,200 feet west of Piedmont Triad Parkway. The property is known as Guilford County Tax Parcel 169804, 169805, 169806, 169810, 169812, 169734 and 169798.

*The joint public hearing for this matter and related matter **2021-514 Zoning Map Amendment 21-24** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these*

*proceedings. He pointed out that although staff would be providing a joint presentation on Annexation 21-09 and Zoning Map Amendment 21-24, two separate votes would be required.*

*Regarding Annexation 21-09, this is a request by the Piedmont Triad Airport Authority (PTAA) for a voluntary annexation of approximately 13 acres located along the north side of National Service Road, approximately 1,200 feet west of Piedmont Triad Parkway, specifically known as Guilford County Tax Parcels 169904, 169805, 169806, 169810, 169812, 169734, and 169798.*

*Mr. Shannon reported that: between 2013 and 2014, the PTAA had a proposal to develop this site; the PTAA is a governmental entity and is exempted from annexation requirements as far as water/sewer collection; they are in the process of selling the property and in order to meet the spirit of the agreement that they entered into with the City, with the pending sale in the next 30-60 days, they have submitted this request to annex the property as the new owner would not be a governmental entity; city services have been established in this area; this would be a logical progression of the city's annexation policy for this area.*

*Regarding Zoning Map Amendment 21-24, the applicant has submitted an application for a Conditional Zoning Light Industrial District and they have included conditions regarding right-of-way dedication, an avigation easement, and for development to be subject to the higher standards of the Employment Center District which is also another industrial site. Mr. Shannon explained that is similar to the pattern for the zoning that has been granted in this area and noted the properties across the street were annexed in the late 1990s and granted LI zoning, but to meet the higher development standards of the former Corporate Park District (the Corporate Park District has been transitioned over to the Employment Center District).*

*The applicant is proposing the same conditions that previous industrial users have proposed for this area and this request will be a continuation of the existing development standards for the area. Staff is recommending approval. The Planning & Zoning Commission reviewed this request at their October public hearing and also recommended approval by a vote of 9-0.*

*Following staff's joint presentation on **Annexation 21-09 and Zoning Map Amendment 21-24**, Mayor Wagner opened the public hearing and invited the applicant or applicant's representative to speak.*

*Speaking in favor of the request on behalf of the applicant was Clayton Krohn, Shope Krohn Attorneys at Law, 77 Crabtree Court in Greensboro. Mr. Krohn shared that he is the attorney representing Collier's Properties, Inc., the party purchasing the property from the Piedmont Triad Airport Authority and would be happy to answer any questions.*

*Mayor Wagner asked if there was anyone else in the audience who would like to speak for or against these matters. Hearing none, he declared the public hearing closed and proceeded with the following motions.*

**Regarding Annexation 21-09, Mayor Wagner made a motion, seconded by Council Member Holmes to adopt an ordinance providing for the annexation of approximately 13 acres located along the north side of National Service Road, approximately 1,200 feet west of**

**Piedmont Triad Parkway, specifically known as Guilford County tax Parcels 169804, 169805, 169806, 169810, 169812, 169734 and 16798. The motion carried by the following 8-0 unanimous vote.**

**Ordinance No. 7765/21-82**

**Ordinance Book, Volume XXII, Page 82**

Regarding Zoning Map Amendment 21-24, **Mayor Wagner made a motion, seconded by Mayor Pro Tem Moore to adopt an ordinance to rezone approximately 12.2 acres located along the north side of National Service Road, approximately 1,200 feet west of Piedmont Triad Parkway from the Residential Single Family-40 (RS-40) District and a Conditional Use Light Industrial (CU-LI) District, both within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District, and adopted the following Consistency and Reasonableness Statements.**

*That Zoning Map Amendment 21-24 is consistent with the City's adopted policy guidance because, as conditioned, the requested CZ-LI zoning is supported by the Restricted Industrial Land Use Plan designation for this area and the policies of the Northwest Area Plan. Furthermore, the request is reasonable and in the public interest because, as conditioned, the proposed CZ-LI District is similar and compatible with previous conditional zoning approvals granted in this area.*

**The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7765/21-82**

**Ordinance Book, Volume XXII, Page 82**

**2021-514 Collier's Properties, Inc.-Zoning Map Amendment 21-24**

A request by Collier's Properties, Inc. to rezone approximately 12.2 acres from the Residential Single Family - 40 (RS-40) District and a Conditional Use Light Industrial (CU-LI) District, both within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District. The site is located along the north side of National Service Road, approximately 1,200 feet west of Piedmont Triad Parkway. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

*The joint public hearing for this matter and related matter **2021-513 Annexation 21-09** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Note: Please refer to **2021-513 Annexation 21-09** for specific comments made during the public hearing regarding **2021-514 Zoning Map Amendment 21-24**.*

Regarding Zoning Map Amendment 21-24, **Mayor Wagner made a motion, seconded by Mayor Pro Tem Moore to adopt an ordinance to rezone approximately 12.2 acres located**

**along the north side of National Service Road, approximately 1,200 feet west of Piedmont Triad Parkway from the Residential Single Family-40 (RS-40) District and a Conditional Use Light Industrial (CU-LI) District, both within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District, and adopted the following Consistency and Reasonableness Statements.**

*That Zoning Map Amendment 21-24 is consistent with the City's adopted policy guidance because, as conditioned, the requested CZ-LI zoning is supported by the Restricted Industrial Land Use Plan designation for this area and the policies of the Northwest Area Plan. Furthermore, the request is reasonable and in the public interest because, as conditioned, the proposed CZ-LI District is similar and compatible with previous conditional zoning approvals granted in this area.*

**The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Ordinance No. 7765/21-82  
Ordinance Book, Volume XXII, Page 82**

**2021-515 High Point Land Investment, LLC-Plan Amendment 21-07**

A request by High Point Land Investment, LLC to change the Land Use Plan classification for approximately 19.3 acres from the Light Industrial classification to the Heavy Industrial classification. The site is located at the northern terminus of Alleghany Street and south of Durand Avenue.

*The joint public hearing for this matter and related matters 2021-516 Zoning Map Amendment 21-25 was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.*

*Note: The public hearing for the other related matter, 2021-517 Special Use 21-03 will be held separately following the joint public hearing on Plan Amendment 21-07 and Zoning Map Amendment 21-25.*

*Heidi Galanti, Planning Administrator with the Planning and Development Department, provided an overview of the staff report for Plan Amendment 21-25, which is hereby attached in Legistar as a permanent part of these proceedings.*

*Ms. Galanti advised that this request is to amend the Land Use Plan for approximately 19 acres located the northern terminus of Alleghany Street from Light Industrial to a Heavy Industrial classification; the Heavy Industrial classification includes a whole range of assembling, fabricating, and heavy manufacturing activities, some of which have environmental impacts or nuisance effects; the site is located at the southeastern quadrant of the intersection of I-74 and U.S. 29.*

*She shared a map of the Land Use Plan identifying the various surrounding properties and use classifications. She noted land uses in this area are as follows: to the north is U.S. Highway 29; to the east is a single-family dwelling and an undeveloped parcel; to the south is an industrial park with manufacturing and warehousing; to the west is a single-family dwelling and an undeveloped parcel.*

*Staff reviewed the applicant's request and noted that the Land Use Plan is relevant to this request because it encourages development to respect the natural environment, and it promotes growth in an orderly fashion. Ms. Galanti reported that the area was originally designated as Heavy Industrial in the mid-1980s; it was changed to Light Industrial in early 2000; an industrial park was created along Alleghany Street and Lorraine Avenue; this parcel has remained undeveloped; the site is constrained by a stream and a 72-foot utility easement on the northern half of the property and a 200-foot Duke Power Utility Easement on the southeastern portion of the property; these constraints limit development to the middle portion of the property; and, therefore, the Plan Amendment is limited to the approximate area where the property can be developed.*

*Staff recommends approval of the request to change the Land Use designation for approximately 19 acres to the Heavy Industrial Land Use Classification and due to constraints on the site and the adjacency to existing industrial uses near I-74 and U.S. 29, the Land Use classification will be in harmony with the Land Use pattern of the surrounding area. The Planning & Zoning Commission met on October 26, 2021 to review these matters and it is being forwarded to the City Council with a favorable recommendation by a vote of 9-0.*

*Following the conclusion of the staff's presentation and overview of Plan Amendment 21-07, Mayor Wagner asked if anyone had any questions for Ms. Galanti before turning the floor over to Mr. Shannon for presentation of Zoning Map Amendment 21-25.*

*There being no questions, Mr. Shannon proceeded to provide an overview of the staff report for Zoning Map Amendment 21-25, which is hereby attached in Legistar as a permanent part of these proceedings.*

*Mr. Shannon advised the zoning portion of this request is to rezone this property from its current Light Industrial zoning to a Conditional Zoning Heavy Industrial District to support the development of an asphalt plant and a concrete plant; the site abuts an existing industrial district and industrial park. The request for a change in the zoning classification to a Heavy Industrial District prompted staff to take a closer look at the case because the Heavy Industrial District permits some of the highest intensity and most noxious uses allowed within the Development Ordinance, and staff wanted to ensure that if this use is established there would not a negative impact on adjacent property.*

*Mr. Shannon reported the key issue in dealing with the site are the physical constraints and those existing environmental features and physical features around the area. He shared a topography map of the area showing the steep topography and property that drops off, so any industrial development of this site would be lower than the adjacent industrial park resulting in natural screening of views. He described some of the physical constraints as follows:*

- *To the north of the site is U.S. 29, also known as the Business-85 Corridor;*

- *To the west of the site is the I-74 corridor which separates the site from any of the surrounding neighborhoods.*
- *There is a 200-foot wide Duke Power transmission easement on the southern portion of the site and a 125-foot transmission easement;*
- *There is a 500-600-foot-wide Flood Zone area associated with the perennial stream on the site (about 29 acres);*
- *Only about 30% or 8 acres in the middle of the property can be used for development.*

*Mr. Shannon advised the applicant has offered a condition to limit uses to Light Industrial uses except for an asphalt plant which will be discussed in the public hearing for Special Use 21-03 and the concrete plant. Besides those two uses, all other uses will be of a light industrial nature and due to the physical constraints associated with the property, any development on this site can be separated from adjacent property owners.*

*Staff is recommending approval of the rezoning of this property from its current Light Industrial District to a Conditional Zoning Heavy Industrial District. The Planning & Zoning Commission reviewed this request at their October public hearing and also recommended approval by a vote of 9-0.*

*Following the presentation of the staff report by Mr. Shannon, Mayor Wagner asked if there were any questions of staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative forward to speak.*

*Speaking in favor of the request on behalf of the applicant, High Point Land Investment, LLC, was Tom Terrell, attorney with the Law Firm of Fox Rothschild LLP, 230 N. Elm Street, Suite 1200, Greensboro. Mr. Terrell advised that the site has been eaten up with flood plains and transmission lines; most of the property is not usable due to the horrible topography; there is not good access to the site due to the 500-year Flood Plain which does not leave much room for development; the site is surrounded by industrial uses and is adjacent to major highways; Alleghany Street dead ends near the site; there is very little residential use in the area; it is a very good location because it is in an isolated pocket conducive for an asphalt plant site; another asphalt plant, Hickory Springs, is located next door to the site.*

*Mr. Terrell noted they did not have a neighborhood meeting but did send letters to all property owners within 300 feet, and only two people reached out to ask if they were going to buy their property.*

*Mayor Wagner asked if there were any questions for Mr. Terrell. Hearing none, he asked if there was anyone present who would like to speak in support of or in opposition to the **Plan Amendment 21-07 or Zoning Map Amendment 21-25**. Hearing none, the Mayor proceeded with the following motions.*

**A motion was made by Mayor Wagner, seconded by Council Member Peters, to adopt a resolution approving the change of the Land Use Plan classification for approximately 19.3 acres located at the northern terminus of Alleghany Street and the south of Durand Avenue from the Light Industrial Classification to the Heavy Industrial Classification. The motion carried by the following 8-0 unanimous vote:**



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

Absent (1): Council Member Williams

**Ordinance No. 7761/21-78**  
**Ordinance Book, Volume XXII, Page 78**

**2021-516      High Point Land Investment, LLC-Zoning Map Amendment 21-25**

A request by High Point Land Investment, LLC to rezone approximately 29 acres from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District. The site is located at the northern terminus of Alleghany Street and south of Durand Avenue.

The joint public hearing for this matter and related matter **2021-515 Plan amendment 21-07** was held on Monday, November 15, 2021 at 5:30 p.m. as duly advertised.

Note: The public hearing for the other related matter, **2021-517 Special Use 21-03** will be held separately following the joint public hearing on **Plan Amendment 21-07 and Zoning Map Amendment 21-25**.

**A motion was made by Mayor Wagner, seconded by Council Member Peters, to adopt an ordinance providing for the rezoning of approximately 29 acres located at the northern terminus of Alleghany Street and south of Durand Avenue from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District, and to adopt the following Consistency and Reasonableness Statements relative to Zoning Map Amendment 21-25.**

*That Zoning Map Amendment 21-25 is consistent with the City's adopted policy guidance because, subject to approval of the Plan Amendment to establish a Heavy Industrial land use classification for this area, the proposed CZ-HI District would be supported by adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because the site is surrounded by LI zoned lands and isolated by various physical and environmental constraints. As conditioned, it is reasonable to support some limited HI District land uses at this location.*

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

Absent (1): Council Member Williams

**Ordinance No. 7760/21-77**  
**Ordinance Book, Volume XXII, Page 77**

**2021-517      High Point Land Investment, LLC-Special Use 21-03**

A Special Use Permit request to allow the Asphalt Plant use type, as listed in Principal Use Table 4.1.9 of the Development Ordinance, in the Conditional Zoning Heavy Industrial (CZ-HI) District. The site is approximately 29 acres and located at the northern terminus of Alleghany Street and south of Durand Avenue.

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Transcript

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**Herb Shannon:** *Because a Special Use Permit is a quasi-judicial hearing, anyone who wishes to speak will need to be sworn in by the clerk, so we can do that at this time.*

**Mayor Wagner:** *Is there anyone who plans to be heard on this case, please come forward and be sworn in.*

*[the city clerk administered oath to Heidi Galanti, Herb Shannon, Tom Terrell, Reynolds Neely, Brian Demetrick, and Molly Chisholm]*

**Herb Shannon:** *It's been a long evening, so as not to be repetitive, I would just like to note or have the clerk note for the record to refer back to background information on the zoning amendment case 21-25 for background information.*

*Special Use permits are only reviewed by the High Point City Council. The applicant is requesting a Special Use Permit to allow an asphalt plant use on this site. That use type is only permitted in the HI District with a Special Use Permit approval by the City Council. A Special Use is a use that may be appropriate in a zoning district because of its nature, extent, and external effect. It requires special consideration for location, design, and method of operation, before it can be deemed appropriate. Thus, we have this Special Use hearing for City Council to make a determination based upon Findings that staff has offered for your consideration in the staff report.*

*I'm going to bring the same photo back up as far as the 29-acre site. It's impacted by the transmission lines and flood zone and stream. The only difference is when you see to the left or right-hand side of the area outlined in blue is that with a Special Use Permit for that use, there's specific development standards that include an 80-foot setback. The applicant has offered a Special Use Permit in which development for the asphalt plant is only permitted in that area shaded in that teal color.*

*As far as Findings that the request will not materially endanger public health or safety, the asphalt use must obtain air quality permits and water permits from the NC Department of Environmental Quality.*

*As far as complies with all required standards and conditions in the Development Ordinance, along with meeting requirements for the HI District, the asphalt use in the Development Ordinance, there are specific statements they have to meet regarding setback, security fencing, rehabilitation after cessation of use, and access. Based upon the size of the site and the manner in which the development in the area is limited, the applicant is able to meet all those standards. They did submit a sketch plan to our Technical Review Committee to take a*

*look at. That was not a final approval, but just to make sure. Can these requirements be met? Yes, they can.*

*That the request will not substantially injure the value of abutting lands. The site is surrounded by LI zoned property. South of the U.S. 29 and east of the I-74 corridor, both are multi-lane highways which act as a barrier and separates the zoning site from adjacent lands to the north and west.*

*And this slide shows how the physical constraints on the site pushes development away from adjacent properties and limits it to just that one area.*

*The final Finding or two Findings that, of course, would be in harmony with the area in which it is located and general conformance with the city's adopted policy guidance. Based upon the conditions in the Special Use Permit limiting area development, it will be in harmony with the area and based on your prior action with the Land Use Plan Amendment and Zoning, the request is in conformance with the city's adopted policy guidance. Thus, staff is recommending approval of this Special Use Permit request.*

*I would note with their application, within your packet you will see that Special Use Permit, and this is the actual map that limits how the site could be developed. This is the sketch plan they submitted to our Technical Review Committee. This is not binding because things may move around, but the important issue is that they have that one area that they can develop in and we want to keep it flexible because items may move around but nothing can go outside that area noted as Area of Development. And, to protect the environmental area, they have offered a condition that they are proposing an access drive around the perimeter of this site. That would be a curved drive, so any loose material from the asphalt plant or concrete use cannot go straight into the stream, it will go into that curved area into the stormwater control device which they will regularly maintain.*

*That is a brief summary of the Special Use Permit. Are there any questions of staff at this time?*

**Mayor Pro Tem Moore:** *This is Councilman Moore. It's not every day that you look at an asphalt plant and all the environmental things that go with it. Who reports or monitors, or who do they monitor through? Is that through the state or the city?*

**Herb Shannon:** *I'll let the applicant get into some of that, but as far as the air and water quality, you will have the state monitoring that. As part of the site plan review process, staff would ensure that they meet all the stream buffer requirements and environmental standards and based upon the manner they've conditioned in their Special Use Permit, the plan that staff will approve is only limited to that area highlighted in teal which keeps them out of the environmental area. It is my understanding that our stormwater department does annual reviews of stormwater control ponds, so they will be looking at that annually.*

**Mayor Pro Tem Moore:** *Thank you.*

**Mayor Wagner:** *Thank you, Mr. Shannon. Any questions for staff? Alright, the public hearing is open, and we'll hear from the applicant.*

**Tom Terrell:** *Tom Terrell, 529 W. Parkway Avenue. I've almost memorized that. I work with Fox Rothschild, representing High Point Land Investment. We have some notebooks that we are going to handout with a lot of evidence. I can do this referentially. I can get us home a little bit quicker tonight. Here's one for the clerk and for the attorney.*

*We do take the evidence in this seriously. Council Member Moore asked a question about who monitors whom. We actually have a project overview at the very beginning, when I show you, it will make it clear that there were several permits coming down the road, not the least of which is an NCDOT driveway permit. But you have to go through the Air Quality Division for the Department of Environmental Quality for an air permit; for an air permit, you have to do substantial computer modeling based upon the actual equipment that you're using and the load and other equipment that you will be putting in that. You also have to show the exact location and it's very sophisticated and the State handles that. The Randleman Reservoir rules, Clean Water Act, all of that are applicable; some can actually be handled by the City.*

*We have several tabs here. These tabs apply to and are relevant to the standards. I first want to ask Mr. Brian Demetrick, did I say that correctly?*

**Brian Demetrick:** *Close.*

**Tom Terrell:** *Mr. Demetrick, is a civil engineer who works for Eagle Engineering. Step up Brian. You've been sworn in. I'm going to ask you two questions. First, to your satisfaction, does the applicant meet all of the standards and conditions in this application?*

**Brian Demetrick:** *Yes, they do.*

**Tom Terrell:** *And have you read the materials that are in the Health and Safety portion of the notebook?*

**Brian Demetrick:** *Yes, I have.*

**Tom Terrell:** *To your satisfaction, are they true and accurate?*

**Brian Demetrick:** *Yes, they are.*

**Tom Terrell:** *Reynolds Neely, would you come up? Mr. Neely served for several decades as the planning director in the City of Asheboro. He is now a consultant for the Town of Liberty. He has also worked for numerous companies across North Carolina on various projects.*

*I'm going to do this quicker instead of a presentation. Mr. Neely, I'm going to ask you did you offer a report in this notebook on how this project is in harmony with the area and in general conformance with the Land Use Plan?*

**Reynolds Neely:** *Yes, Sir.*

**Tom Terrell:** *And do you adopt that statement as yours?*

**Reynolds Neely:** *I do.*

**Tom Terrell:** Any questions for Mr. Neely? Thank you.

*I'll ask Molly Chisholm to come up. Ms. Chisholm is with, and probably everybody here knows Hilton Crowder. She has been a State Certified Appraiser for 28 years. Ms. Chisholm prepared a Market Impact Study using a paired sales analysis where you take property adjacent to an asphalt plant and compare it to property that's within the same time, market, enough away that it would not be impacted.*

**Ms. Chisholm,** is this your report?

**Molly Chisholm:** Yes, it is.

**Tom Terrell:** And do you conclude from your report that there's substantial evidence that this asphalt plant will not harm the value of adjacent or adjoining properties?

**Molly Chisholm:** That's correct.

**Tom Terrell:** Any questions for Ms. Chisholm?

**Mr. Mayor,** I submit that the applicant has now presented competent material and substantial evidence entitling it to the permit in question. We'll be glad to answer any questions if you have them.

**Mayor Wagner:** Thank you, Mr. Terrell. Any questions for the applicant or for any of those folks who were sworn in?

**Council Member Holmes:** Mr. Terrell, how long did this entire study take?

**Tom Terrell:** I'm sorry.

**Council Member Holmes:** How long did this entire study take?

**Tom Terrell:** Do you mean the Market Impact Study?

**Council Member Holmes:** Yes, the Market Impact Study.

**Tom Terrell:** Ms. Chisholm.....I'll answer that for her. She did an asphalt plant for me in Statesville in 2016 and she had some of the data for that, but she has updated that data and she added a new study and did some spot checks to determine that the data holds from then to now.

**Council Member Holmes:** From that Statesville Plant, which I'm assuming we compare the plant to what's being proposed here.

**Tom Terrell:** There were actually, there were more businesses, and it was in a more populated area than this.

**Council Member Holmes:** Any complaints, issues?

**Tom Terrell:** No.

**Council Member Holmes:** Any DEQ issues?

*Tom Terrell: Any DEQ issues?*

*Council Member Holmes: Yeah.*

*Tom Terrell: When you go to the DEQ, it's a check list and if you don't meet it, they send you back to make changes and adjustments until you get it right. Thank you.*

*Mayor Wagner: Any other questions? Has everyone that's been sworn spoken? I'm assuming that there's no one else in the room who has evidence to present.*

*Okay, I have a question for our attorney. There is, enclosed in the notebook that we got, a draft order. Is this something that we reviewed and can approve tonight? Or do we have to come back and do Findings of Fact later.*

*City Attorney JoAnne Carlyle: That's just something that's been recommended by Attorney Terrell. We will be going ahead and preparing the Findings of Fact as we usually do. I've made him aware of that already and coming back for approval.*

*Mayor Wagner: But we can go ahead and approve the case and return to those Findings of Fact later?*

*City Attorney Joanne Carlyle: Yeah.*

**Mayor Wagner: So, I'll MOVE for APPROVAL of Special Use Permit 21-03 with the understanding that we will come back and approve formal Findings of Fact at a later date. Is there a SECOND?**

**Council Member Holmes: SECOND.**

*Mayor Wagner: Okay, it's been seconded by Councilman Holmes. Any discussion on the motion? Hearing none, all those in favor of approval of this matter, please signify by saying Aye.*

**Mayor Wagner, Mayor Pro Tem Moore, Council Member Johnson, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes: AYE.**

*Mayor Wagner: Is there anyone opposed? Motion carries. Thank you for everyone's patience.*

[end of transcript]

**A motion was made by Mayor Wagner, seconded by Council Member Holmes, to approve Special Use 21-03 to allow the Asphalt Plant use type as listed in Principal Use Table 4.1.9 of the Development Ordinance in the Conditional Zoning Heavy Industrial (CZ-HI) District containing 29 acres for property located at the northern terminus of Alleghany Street and south of Durand Avenue.**

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

Absent (1): Council Member Williams

#### GENERAL BUSINESS AGENDA

##### **2021-518      Appointment - Jennifer Mays - Parks & Recreation Commission**

Council is requested to confirm the appointment of Jennifer Mays to the Parks & Recreation Commission as Council Member Chris Williams' appointee. Appointment to be effective immediately and will expire on July 1, 2024.

**A motion was made by Mayor Wagner, seconded by Council Member Hudson, to approve the appointment of Jennifer Mays to the Parks & Recreation Commission; appointment effective immediately and will expire July 1, 2024. The appointment carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

##### **2021-519      Appointment - Oliver Helsabeck - Theatre Advisory Board**

Council is requested to confirm the appointment of Oliver Helsabeck to the Theatre Advisory Board as Council Member Wesley Hudson's appointee. Appointment to be effective immediately and will expire on June 1, 2022.

**A motion was made by Council Member Hudson, seconded by Council Member Johnson, to approve the appointment of Oliver Helsabeck to the Theatre Advisory Commission; appointment to be effective immediately and will expire June 1, 2022. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

##### **2021-520      Minutes To Be Approved**

October 28, 2021 Finance Committee @ 4:00 p.m.

November 1, 2021 Special Meeting @ 4:00 p.m.

November 1, 2021 Regular Meeting @ 5:30 p.m.

November 2, 2021 Community Development Committee @ 4:00 p.m.

**A motion was made by Mayor Wagner, seconded by Council Member Hudson, to approve the preceding minutes as submitted. The motion carried by the following 8-0 unanimous vote:**

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

Absent (1): Council Member Williams

**Public Input Sessions Scheduled- ARPA Funding**

*City Manager Tasha Logan Ford announced the city would be having some public input sessions this week regarding the use of ARPA funding. The first session will be held on Tuesday at the High Point Library from 6:00 p.m. to 7:30 p.m. and the second session will be held at the High Point Museum from 6:00 p.m. to 7:30 p.m.*

**ADJOURNMENT**

*Prior to adjournment, Mayor Wagner wished everyone a Happy Thanksgiving and encouraged everyone to attend the Holiday Parade scheduled for Sunday and the Christmas Tree Lighting at Truist Point on Saturday.*

*There being no further business to come before the City Council, the meeting adjourned at 8:56 p.m. upon motion by Mayor Pro Tem Moore and second by Council Member Jefferson.*

Respectfully Submitted,

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Jay W. Wagner, Mayor

Attest:

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Lisa B. Vierling, MMC  
City Clerk