



**MANAGER'S BRIEFING SESSION
HIGH POINT MUNICIPAL BUILDING
April 3, 2017 – 4:00 P.M.
3RD FLOOR LOBBY CONFERENCE ROOM**

Present:

Mayor William S. Bencini, Jr.; Mayor Pro Tem Golden (Ward 1); and Council Members; Latimer Alexander (At-Large); Cynthia Davis (At-Large); Jim Davis (Ward 5); Chris Williams (Ward 2), Alyce Hill (Ward 3), Council Members Jay Wagner (Ward 4), and Jason Ewing (Ward 6)

Staff Present:

Greg Demko, City Manager; Randy McCaslin, Deputy City Manager; Randy Hemann, Assistant City Manager; Jeron Hollis, Director of Communications & Public Engagement; JoAnne Carlyle, City Attorney; Brent Cole, Assistant City Attorney; Dawn Sparks, Legal Assistant; Loren Hill, President- High Point Economic Development Corporation; Mike McNair, Director of Community Development; Lori Loosemore, Supervisor- Code Enforcement; Heidi Galanti, Planning Administrator; Lee Burnette, Planning & Development Director; Jeff Moore, Director of Financial Services; Reggie Hucks, Inspections Administrator; Maria Smith, Deputy City Clerk; and Lisa Vierling, City Clerk

Others Present:

Judy Stalder, (TREBIC)

News Media:

Pat Kimbrough, *High Point Enterprise*

Handouts:

- *Draft Central Business District Building Design Standards*
- *Article E – Minimum Housing Code*
- *City of High Point Minimum Housing Ordinance Procedures*

Note: This handout will be attached as a permanent part of these proceedings.

City Manager Greg Demko called the meeting to order at 4:10 p.m. and recognized Lee Burnette, Planning & Development Director.

1. Presentation - Downtown Building Standards

Mr. Burnette turned the presentation over to Heidi Galanti, Planning Administrator. Ms. Galanti gave an overview on the post schedule standards for the moratorium. Staff addressed Council in February at which time they adopted a moratorium for new construction for non-residential buildings constructed in metal or vinyl. These building design standards were drafted for the Central Business District only.

She reviewed the map of the Central Business District. She explained the deadline for the moratorium is June 6, 2017. She then reviewed objectives and the purpose of the design standards:

Design Standards Objectives:

- ✓ Safeguards – that protect existing & future investments
- ✓ User-friendly – not complicated
- ✓ Manageable
- ✓ Practical – take market showrooms into consideration
- ✓ Allow design creativity – not suppress it

Ms. Galanti noted these design standards are similar to the standards used in other zoning districts such as: Main Street, Employment Center District and the Mixed Used District which is located on Washington Street. She did point out that staff is still not happy with some of these.

She did state the standards as proposed would apply to all new construction, expansions and exterior alterations. For the principle building standards, she mentioned how they dealt with:

- Façade Articulation
- Façade Materials
- Façade Transparency

Also, standards that addressed:

- Primary Entrances
- Roof-Mounted Equipment
- Service or Vehicular Bays

Staff is requesting that Council review the following standards over the next month, so when they return in May they will get Council's feedback. Ms. Galanti gave Council two options for reviewing these standards further and suggested either May 1st or May 2nd during Planning and Development Committee.

She shared that Planning and Development would be mailing out a meeting notice with the draft guidelines to all the property owners within the red area on the map to invite them to participate to a public drop in session on Tuesday, April 18, 2017 from 12 – 7 p.m. Citizens are welcome to come and ask questions to staff regarding standards.

Council Member Alexander had a question regarding roof-mounted equipment. He expressed concerns with lower buildings and the visibility of the roof-mounted equipment. Ms. Galanti agreed... and noted that there was a statement in her handout "*if visible from a public street.*" Council Member Alexander asked if she could define that or if she was referring to 70, 80, or 100 feet and he thought that would be much easier. Ms. Galanti discussed how this standard reads the same as what they currently have in the Employment Center, Main Street, and the Washington Street District. She did state that they *may* have to clarify as they apply that to the roof-mounted standards.

She mentioned that the public is invited to drop in during the public information session that would be held at the High Point Museum and they would be given the opportunity to share some feedback with staff. They would be posting an ad in the High Point Enterprise newspaper as well as the City of High Point North Carolina website <https://www.highpointnc.gov/> and would be sending a new flash email out about the session as well.

Council Member J. Davis asked about the "primary façade materials shall not change at outside corners..." Ms. Galanti gave an example—the Family Dollar on South Main Street, as soon as you turn that corner the façade material on the front would not change on the corner. As she explained, it

goes back to a certain distance before it changes as the purpose of that it would be that visible from the public street. She stated how people would see a real extreme example raw cinder at the corner. Instead, as she pointed out, you would rather see a design on the front to continue around to the side to a certain point where it would not be visible from the public street. Council Member J. Davis gave an example as having a building that had brick walls that were being changed and they wanted to change the façade to make it have a “modern” feel, that could not be continued down the side. He commented (as a contractor) that would be prohibitive. She advised that it would be aimed toward new construction versus alteration of a building.

Ms. Galanti reviewed how they would like to meet with the public on April 18, 2017 to receive their feedback, then she would put together a revision of these standards and come back to Council in early May to receive new input. She is also requesting as much feedback from Council between now and May. She shared that their next scheduled Planning and Zoning Commission meeting would be on May 23, 2017, City Council would meet on June 5, 2017 and the moratorium would end on June 6, 2017.

Council Member C. Davis realized that the letters are sent out to the property owners, but wanted to know if the business owners are also notified (those that are operating businesses). As she stated they would not miss a notification or an electronic notification. Ms. Galanti was not sure if they have access to that as they use the tax records but would consider looking into this. She suggested as to inserting a letter to the property owners to share with the tenants.

As Ms. Galanti mentioned in the beginning, the moratorium area was much larger and the objective was to start out with the that idea first then to the standards to the CB district. She reported how that would leave out the other areas which were outside of the blue areas. She was proposing to see where the Catalyst project may be in the next month or so and then review the boundaries of the CB district, evaluate to see if those are the best boundaries for the CB district, and, if not, go back to Council to suggest a modification. She was considering adding a Downtown Mix use District as it is mentioned in the Core City plan.

Council Member C. Davis asked if staff could assure that business owners will also be notified. Ms. Galanti noted staff could look into it and explained they take the information that is included on the tax records, which might make it a little difficult.

After completing the presentation, Ms. Galanti asked again for the Committee to give staff some direction and asked whether or not staff would need to bring this back to the Planning and Development Committee on May 2nd or the City Council on May 1st. She asked Council if there was anything in this process that may concern them or have questions on. She also pointed out Planning and Zoning meets on May 23, 2017 and City Council meeting is on June 5, 2017.

Council agreed to bring this back for further discussion to the next Manager's Briefing Session on May 1, 2017.

2. Presentation - Minimum Housing Code Ordinance Revision

Mr. Demko recognized City Attorney JoAnne Carlyle as she reported on the Minimum Housing Code Ordinance Revision.

Ms. Carlyle reviewed the copy of the ARTICLE E- Minimum Housing Code Ordinance as it was updated so it could flow more easily and would be more in line with the statutes.

She explained when a complaint comes through, it is considered a written petition, and a charge could result if the dwelling is unfit for human habitation.” She pointed out that there would be certain ways

for it to come about and it would have to include at least five residents, that would not have to be in the neighborhood or near the house or just within the City of High Point, written petition or complaint from any public authority that is related to dwellings, or just come from the inspector.

Once the complaint is submitted, she reported a preliminary investigation would be done. The inspector would then review the situation and decide whether there is any basis for the charges to see if it is unfit for human habitation then the inspector would see if it is untrue or not. The complaint would be issued and the notice of hearing would be issued to the owners or persons of interest (renters, trust, promissory note) anything to find a record. She reported in the notice of hearing and the complaint that would go out, a notice of hearing would also have to be published not less than 10 days, but not more than 30 days from that date.

At the hearing, inspectors make a determination as to whether the place is truly unfit for human habitation. Mayor Pro Tem Wagner asked who is in charge of the hearing and Ms. Carlyle replied that the inspector is in charge.

She expressed in the determination if they find the repair can be found to be $\leq 65\%$ then it would result in an order to repair, alter, or improve the property within 30 days. The order would also state that failure to make those repairs in a timely manner within those 30 days shall result in that inspector making a request to City Council for an ordinance to effectuate that repair.

In the order to vacate and close, Ms. Carlyle reported you can still vacate and close as follows to $\leq 65\%$ only if continued or conceived for the time allowed for the repairs it would present a significant threat of bodily harm and taking into account the nature of the repairs, the state of the property and any additional risk to the presence or past of minors under the age of 18 or occupants of visible or mental disabilities. Then or only then, may the inspector vacate and close.

Ms. Carlyle recommends under the current draft of the new ordinance, which includes an extension of time for compliance that the inspector can herself go ahead and allow if she were to find an extension or if the owner were to provide a written copy of the contract for repairs they have put into the ordinance that the inspector would be able to extend the period up to 90 days herself. She explained if the repair cost is $\geq 65\%$ of the value of the property then that order would be to remove or demolish the property within 30 days. She reviewed that if the repairs are not completed within the 30 days then she would go to City Council and ask them for an order to effectuate. With historic properties, there are differences as Ms. Carlyle explained if the Historic Commission had determined after a public hearing that is required that the property is historic and had not been condemned or unsafe, then the order may require a vacate/close. She pointed out through the historic dwelling then the inspector would come back out to do a vacate/close.

She reviewed the failure to comply with vacate/close which calls for summary ejectment which means that the inspector can file a complaint with the courts. If the vacate/close does apply there would be a statutory period of 90 days that would apply. She stated that if something was to be vacated for one year that the owner had abandoned with the intent to repair with continuation and vacate/close status then if the repairs could be made for $\leq 50\%$ of the value of the property. Council could adopt an ordinance to repair or demolish and if it were $> 50\%$ then an ordinance to demolish would apply.

Ms. Carlyle advised that any liens (costs of repairs, vacating, demolition, etc...) would be collected as special assessments, which would give them more priority.

Council Member J. Davis does not agree with one inspector being the judge and jury. He suggested it should be a panel and asked where the line is drawn between enforcing the Minimum Housing Code and common sense. Ms. Carlyle stated she was not sure this could be changed because it is statutory and only inspectors would have that authority. Council Member J. Davis proceeded to provide an example of repair of a heating system needing an inspection and Piedmont Natural Gas won't turn the gas on for a trial run to see if it is working properly. Lori Loosemore, Local Codes Enforcement Supervisor explained they only require heat from October until March. Council Member J. Davis also pointed out property owners are required to have a carbon monoxide detector as well as smoke detectors and Ms. Loosemore indicated that carbon monoxide detectors are not required under the Minimum Housing Code. Council Member J. Davis felt someone from the real estate business should serve on the panel and Ms. Carlyle advised that this would require a change in the legislation.

Council Member Alexander shared with Council that a citizen would be speaking during public comment at the Council Meeting this evening regarding a fire in his son's multi-tenant building which was not handled properly. In the case of multi-tenant buildings, he felt inspectors should immediately be sent in to conduct an inspection to ensure that when it is reoccupied it meets Minimum Housing Code. Ms. Loosemore explained that the Fire Department handles multi-family inspections.

Council Member C. Davis questioned the five residents reporting the condition of a home and asked if they have to swear that they have actually been in the home. She expressed concerns that they could be trying to gain access and asked how staff could ensure that the individuals signing the complaint have actually be in the house. Ms. Loosemore stated that she could not guarantee that, but the paper they have to sign states that they have knowledge of it. Council Member C. Davis stated it would be nice to look at the application to see if it says first-hand knowledge. Ms. Loosemore offered to look at it again, but was sure it does state when one signs it, one is attesting that one has knowledge that the property is substandard.

Ms. Carlyle advised this matter would come to Council for a vote at the next Council meeting on May 1, 2017, and the abandoned cars ordinance would go to the Community Housing, Neighborhood Development and Public Safety Committee on May 2nd.

Council Member Alexander was concerned with the "junk cars" on the property at the corner of Chestnut and Martin Luther King (MLK). Mayor Bencini explained the areas that Council Member Alexander is talking about are mixed in with residential areas which are hurting those residents. Ms. Galanti added that there are use standards in place for vehicle repair businesses so if it is a zoning violation, it could be handled as such.

There being no further business to discuss, the meeting adjourned at 4:55 p.m.

Respectfully Submitted,

Maria A. Smith
Deputy City Clerk