

**HIGH POINT CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING
February 19, 2018 – 5:30 P.M.**

ROLL CALL, PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor Wagner called the meeting to order at 5:30 p.m..

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

Mayor Jay W. Wagner; Mayor Pro Tem Chris Williams (Ward 2); Council Member Britt Moore (At Large), Council Member Donald Scarborough (At Large), Council Member Jeffrey Golden (Ward 1), Council Member Monica Peters (Ward 3), Council Member Wesley Hudson (Ward 4), Council Member Victor Jones (Ward 5), and Council Member Jason Ewing (Ward 6)

The Pledge of Allegiance followed a Moment of Silence.

REGULAR AGENDA ITEMS

FINAsswsNCE COMMITTEE - *Council Member Moore, Chair
Committee Members: Moore, Ewing, Hudson, and Jones*

2018-49 Contract - Linden Substation Upgrade

Council is requested to approve the award of contracts for Bid No. 38 for the purchase of equipment for the Linden Substation Upgrade as follows: Schedule I to Substation Enterprises, Inc., in the amount of \$114,324.00; Schedule II to ABB, Inc. in the amount of \$145,202.00; Schedule III to Siemens Industry, Inc., in the amount of \$148,228.00 and Schedule IV to Birmingham Control Systems, Inc. in the amount of \$126,990.00 for a total contract award of \$534,744.00.

Deputy City Manager Randy McCaslin reported that staff received bids for an upgrade to the Linden Street substation (an existing older substation). Over the last several years, staff has been upgrading and converting the older 69kV substations to 100kv substations for greater capacity and greater reliability in switching from one substation to another.

Staff reported that bids were received and opened on January 25, 2018, from thirteen suppliers who were solicited for providing substation equipment that will be installed at the Linden Substation. Each bid was reviewed for compliance with the technical specifications and purchase price. Based on the preceding factors, the following vendors submitted the lowest responsive and compliant bids totaling \$534,744.00.

- **Schedule I-** Substation Structure
Substation Enterprises, Inc. in the amount of \$114,324.00
- **Schedule II-** 121 kV Circuit Breakers
ABB, Inc. in the amount of \$145,202.00

- **Schedule III-** 15kV Circuit Breakers
Siemens Industry, Inc. in the amount of \$148,228.00
- **Schedule IV-** Relay and Control Panels
Birmingham Control Systems, Inc in the amount of \$126,990.00

Approved the award of contracts for Bid No. 38 for the purchase of equipment for the Linden Substation Upgrade as identified above for a total contract award of \$534,744.00.

A motion was made by Council Member Moore, seconded by Council Member Ewing, that this contract be approved. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

2018-50 Agreement- Regional Bicycle Plan - High Point MPO

Consideration of an Agreement for Services with Alta Planning and Design for the development of a Regional Bicycle Plan for the High Point Metropolitan Planning Organization (HPMPO).

Greg Venable, Transportation Administrator, advised this is an agreement with Alta Planning and Design for the development of a Regional Bicycle Plan for the High Point Metropolitan Planning Organization (HPMPO). The HPMPO encompasses the City of High Point, Archdale, Trinity, Jamestown, Thomasville, and portions of Wallburg, Lexington, Denton, Davidson County, Forsyth County, Guilford County, and Randolph County.

Council Member Ewing inquired about the \$269,000.00 and asked if this would be a shared cost with all the HPMPO jurisdictions. Mr. Venable explained these funds are from Federal funds that are passed down to the State, then allocated to the MPOs and that the HPMPO would be responsible for 20% of the cost (roughly \$53,000.00) that will be divided within the HPMPO based on population. He reported that this money would span over two budget years: this year's Fiscal Year's budget, and next Fiscal Year's budget.

Council Member Jones inquired about a timeframe for completion of the project. Mr. Venable explained they hope to get started in March, and it would probably take a little over a year to complete.

Approved the Agreement for Services with Alta Planning and Design for the development of a Regional Bicycle Plan for the High Point Metropolitan Planning Organization (HPMPO).

A motion was made by Council Member Moore, seconded by Council Member Ewing, that this agreement be approved. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

2018-51 Budget Ordinance Amendment - Redevelopment Program

Council is requested to adopt an ordinance amending the 2017-2018 Annual Budget to appropriate funds from unbudgeted Community Development Revenue and Unappropriated Fund Balance in the amount of \$300,000 for redevelopment purposes.

Eric Olmedo, Budget and Administrative Director, advised that the Community Development Department is requesting an additional \$330,000 in funding for redevelopment activities to support the City Council's Strategic Plan with activities that include: demolitions, nuisance abatement, the Homebuyer Assistance Program, the purchase of county tax foreclosure properties, etc....

Of the total \$300,000, \$225,000 will be coming from revenues received or revenues that the city anticipates receiving that were not budgeted. The remaining \$75,000.00 will come from Unappropriated Fund Balance (the city's savings account).

As a matter of clarification, Chairman Moore asked if this still keeps the fund balance in good shape. Mr. Olmedo confirmed that it does.

Adopted an Ordinance amending the 2017-2018 Budget Ordinance to appropriate funds from unbudgeted Community Development Revenue and Unappropriated Fund Balance in the amount of \$300,000 for redevelopment purposes.

A motion was made by Council Member Golden, seconded by Mayor Pro Tem Williams, that this Budget Ordinance Amendment be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

Ordinance No. 7380/18-09
Ordinance Book, Volume XX, Page 9
Introduced 2/19/2018; Adopted 2/19/2018

2018-52 Public Hearing - Acquisition of Property - 216 N. Lindsay Street

Monday, February 19, 2018 at 5:30 p.m. is the date and time set for a public hearing on the adoption of a Resolution granting the authority to acquire the property located at 216 N. Lindsay Street in the amount of \$185,000.00 as a part of the Catalyst Project.

The public hearing for this matter was held on Monday, February 19, 2018 at 5:30 p.m.

Assistant City Manager Randy Hemann advised for the benefit of the newly elected Council members, this is land around the stadium that is being purchased for the sole purpose of redevelopment and is not the land under the stadium that goes to the master developer. The city is purchasing the property under N.C. General Statute 158-7.1, which requires a public hearing. Mr. Hemann pointed out a map identifying the property is located in the agenda packet and entertained any questions.

There being no questions, Chairman Moore opened the public hearing and asked if there was anyone present who would like to speak in favor of or against this matter. There being no one present to speak, the public hearing was declared closed.

Adopted a Resolution granting the authority to acquire the property located at 216 N. Lindsay Street in the amount of \$185,000.00 as a part of the Catalyst Project.

A motion was made by Council Member Ewing, seconded by Council Member Peters, that this resolution be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Resolution No. 1749/18-11
Resolution Book, Volume XX, Page 11
Introduced 2/19/2018; Adopted 2/19/2018**

COMMUNITY HOUSING, NEIGHBORHOOD DEVELOPMENT AND PUBLIC SAFETY
COMMITTEE - Council Member Golden, Chair

Committee Members: Golden, Peters, Scarborough, and Williams

2018-53 Ordinance - Demolition of Structure - 3003 Oakcrest Avenue

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 3003 Oakcrest Avenue belonging to Michael Walton and Linda Walton.

Lori Loosemore, Local Codes Enforcement Supervisor, advised that this property was originally inspected due to a complaint that was received about the structure not being secure. The inspector went out and made an inspection on August 3, 2017 and found violations of the Minimum Housing Code. A hearing was held on August 23, 2017 and no one appeared for the hearing. It was determined that the repairs exceeded 65% of the value of the property, which prompted an Order to Repair or Demolish to be issued on October 5, 2017 with a compliance date of November 8, 2017. Ms. Loosemore noted delinquent property taxes are due on the property in the amount of \$12,035.00 and staff has not heard or been contacted by the property owner.

Chairman Golden asked if there was anyone present who would like to speak regarding this housing case.

Ernie Puglisi, a resident at 939 Marlboro Street, expressed appreciation to the City Council and the Code Enforcement office for taking care of these properties citing that it increases the value of the houses in the neighborhood, and increases the safety as well. He reinforced that the house does need to be demolished, as well as other houses in the neighborhood and hoped the city would also get to those in due time.

Delores Riley, a Ward 2 resident who resides at 301 Friendly Avenue, spoke on behalf of their Neighborhood Watch Group, in support of the demolition. She explained they have

made requests in the past to get these properties dealt with because they have been vacant and deteriorating for years, but with no success because staff at that time was understaffed and overworked. She commended the City Council for addressing this issue and getting the additional staff needed to take care of these properties. She gave accolades to Lori Loosemore, Michael McNair, Director of Community Housing and Development, and Council Member Williams in working with them to get something done and reiterated her appreciation to the City Council for streamlining some of the procedures, furnishing the money needed for the additional inspectors to help make a difference in these neighborhoods.

Chairman Golden asked if there was anyone else present who would like to speak regarding this housing case. There were no additional comments.

Adopted an Ordinance ordering the housing inspector to effectuate the demolition of a structure located at 3003 Oakcrest Avenue.

A motion was made by Council Member Golden, seconded by Mayor Pro Tem Williams, that this demolition ordinance be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7381/18-10
Ordinance Book, Volume XX, Page 10
Introduced 2/19/2018; Adopted 2/19/2018**

2018-54 Ordinance - Demolition of Structure - 268 Dorothy Street

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 268 Dorothy Street belonging to A Shane & Sherri Kennedy.

Lori Loosemore, Local Codes Enforcement Supervisor, reported this is a case from the old system that was restarted and brought over to the new Accela program that is currently being used. An inspection took place on December 19, 2016; a hearing was held on January 11, 2017, with no one appearing. An Order to Repair or Demolish was issued on January 11, 2017 with a compliance date of February 16, 2017. She advised that the owner did send the inspector an email on December 29, 2016 and stated that she thought the bank and foreclosed on the property in 2011 and that the bank stated that they did not want the house. The property owner informed staff that she has not wanted to have anything to do with the house at 268 Dorothy Street since 2011.

The property owner was not present, and there was no one present to speak regarding this housing case.

Adopted Ordinance ordering the housing inspector to effectuate the demolition of a structure located at 268 Dorothy Street.

A motion was made by Council Member Golden, seconded by Council Member Peters, that this demolition ordinance be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7382/18-11
Ordinance Book, Volume XX, Page 11
Introduced 2/19/2018; Adopted 2/19/2018**

2018-55

Ordinance - Demolition of Structure - 821 Hilltop Street

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 821 Hilltop Street belonging to T & S Investments.

Lori Loosemore, Local Codes Enforcement Supervisor, advised that the inspector observed that the property at 821 Hilltop Street was unsecured and performed an inspection on April 27, 2017. At that time, they found violations of the Minimum Housing Code and issued a hearing notice. A hearing was held on June 8, 2017, but no one appeared for the hearing. It was determined that the repairs exceeded 65% of the property value and an Order to Repair or Demolish was issued on September 21, 2017 with a compliance date of October 23, 2017. Staff has not been contacted by the property owner and delinquent property taxes are due on the property in the amount of \$10,079.52.

The property owner was not present, and no one was present to offer comment.

Adopted an Ordinance ordering the housing inspector to effectuate the demolition of a structure at 821 Hilltop Street.

A motion was made by Council Member Golden, seconded by Council Member Scarborough, that this demolition ordinance be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7383/18-12
Ordinance Book, Volume XX, Page 12
Introduced 2/19/2018; Adopted 2/19/2018**

PENDING ITEMS

2018-10

Ordinance - Demolition of Structure - 1227 Pearson Place

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1227 Pearson Place belonging to Monument of Praise Ministries.

Note: This matter initially came before the City Council at the January 16, 2018 meeting. At that time, it was referred back to staff for further review to be monitored by staff with a report back to City Council in 60 days. Matter due back by March 19, 2018.

2018-13 Ordinance - Demolition of Structure - 613 Manley Street

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 613 Manley Street belonging to Joshua and Sarah Stahl.

Note: This matter was initially heard by the City Council on January 16, 2018, at which time Council placed it in pending for 60 days to allow the property owner additional time. Due back on March 19, 2018.

PLANNING & DEVELOPMENT COMMITTEE - Mayor Pro Tem Williams, Chair
Committee Members: Williams, Jones, Moore, and Scarborough

2018-56 Mobilitie, LLC - Right-of-Way Encroachment RE-17-0013

A request by Lighttower Fiber Network / Fibertech Networks to install a small cell antenna pole within the North Lindsay Street right-of-way.

Justin Westbrook, with the Planning and Development Department, advised that this is a request by Lighttower Fiber Network/Fibertech Networks to install a cell antenna pole within the North Lindsay Street right-of-way. He explained it will be a 45-foot tall stealth pole located in the city's right-of-way. It was previously approved in 2016 by the City Council as RE-15-0010, but it was determined that the pole needed to be relocated due to the existing pole coming too close to certain underground utility lines. They felt it would be better situated across the street.

Council Member Williams asked about the possibility of them hanging the small cell antenna on the existing light poles in the area. Mr. Westbrook explained that was discussed, but it was determined that the Electric Department preferred not to allow Fibertech to put their equipment on the city's pole.

Approved the request by Lighttower Fiber Network/Fibertech Networks to install a small cell antenna pole within the North Lindsay Street right-of-way.

A motion was made by Council Member Hudson, seconded by Council Member Ewing, that this Right-of-Way Encroachment RE-17-0013 be approved. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

PUBLIC HEARINGS

2018-57 Ordinance - Debbie Tucker Roberson and Martin T. Tucker - Annexation 17-12

A request by Debbie Tucker Roberson and Martin T. Tucker to consider a voluntary non-contiguous annexation of approximately 8.78 acres lying along the south side National Service Road, approximately 500 feet west of Tyner Road. The property is addressed as 8017 National Service Road and is also known as Guilford County Tax Parcel 0169800.

Amanda Hodierne, attorney with Isaacson Isaacson Sharidan Fountain & Leftwich, LLP in Greensboro, representing the applicant, requested a withdrawal on this matter and related matter 2018-58 (Zoning Map Amendment 17-25). She explained that the property was under a contract for purchase and the due diligence revealed that it would not be suitable for the buyers intended use.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Ewing, that this matter be withdrawn at the request of the applicant. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

2018-58 Ordinance - Marsh Investments LLC - Zoning Map Amendment 17-25

A request by Marsh Investments LLC to rezone an approximate 8.7-acre parcel from the Residential Single Family-40 (RS-40) District, within Guilford County's jurisdiction, to the Employment Center (EC) District. The site is lying along the south side of National Service Road, approximately 500 feet west of Tyner Road (8017 National Service Road). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Amanda Hodierne, attorney with Isaacson Isaacson Sharidan Fountain & Leftwich, LLP in Greensboro, representing the applicant, requested a withdrawal on this matter and related matter 2018-57 (Annexation 17-12). She explained that the property was under a contract for purchase and the due diligence revealed that it would not be suitable for the buyers intended use.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Ewing, that this matter be withdrawn at the request of the applicant. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

2018-59 Ordinance - High Point University - Zoning Map Amendment 17-27

A request by High Point University to rezone approximately 108 acres from the Single Family Residential-3 (R-3) District and a Conditional Zoning Institutional (CZ-I) District to a Conditional Zoning Institutional (CZ-I) District. The site is lying between N. Centennial Street and N. University Parkway, and between E. Farriss Avenue and Barbee Avenue/Boundary Avenue.

The public hearing for this matter was held on Monday, February 19, 2018 at 5:30 p.m.

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.

This is a request by High Point University to rezone an approximate 108-acre parcel from the Single Family Residential-3 (R-3) District and a Conditional Zoning Institutional (CZ-I) District to a Conditional Zoning Institutional (CZ-I) District along the southern portion of the campus. There are two portions to the request.

The first portion of the request involves property at the intersection of Barbee and Willow Place, an approximate 0.48-acre parcel, that the University has recently purchased. They are requesting it be rezoned from the R-5 to the Conditional Zoning Institutional District to add to the campus and facilitate the development of the proposed Undergraduate Science Building. The property is directly abutting the campus as the campus is lying to the north and east of this property.

The second portion of the request is merging a previous campus zoning approval. This involves the land area to the east near Boundary Avenue and North University Parkway that is zoned CZ-I. Initial zoning approval was granted in 2012, which included specific zoning conditions for the area. This is an area that the University is currently using as a parking area. The proposal is to add it to the area to the west, a larger parcel of property that is approximately 100 acres.

As part of this application to add the one-half acre portion, staff suggested to the University to do some administrative cleanup in the area to possibly merge the two zoning ordinance approvals because it would allow for easier administration of zoning applications or rebuilding the area, which would narrow it down to just one document. It would remove conditions that are now addressed by the updated Development Ordinance and will also remove conditions that are no longer relevant as the University continues to expand.

Mr. Shannon touched on the following key items from the Staff Analysis section of the staff report.

- *As far as the area for the half-acre expansion, in 2014, High Point University was granted zoning approval along that portion of Barbee Avenue. At that time, there were two property owners that did not wish to sell, but since have sold their properties to the University and they will be bound by the same conditions as the areas surrounding them.*
- *Conditions around the perimeter of the site and perimeter of the campus, as to fencing, landscaping, limited access, etc... will be carried forward with this new ordinance to protect those property owners near the perimeter of the campus.*
- *Over the years, as the campus has grown, there have been numerous zoning approvals, which has led to established policy guidelines from those zoning approvals by Council.*

- *Expansion should be abutting the existing campus and it should encompass an entire block. The addition of these two parcels finishes out the block along the east side of Willow Place*
- *The request is consistent with the established policies for expansion of the campus, for any future expansions in this area along Barbee Avenue or Willow Place, per the policy-guiding documents, it should encompass the entire block.*
- *As far as consistency with adopted plans and policy guidance, the requested addition of the half-acre area does finalize that block and ensures that the whole block is part of the campus. Thus, it would be a logical expansion of the campus in that area.*

Staff finds the request is reasonable in the public interest as the merging of the two previous Conditional Zoning Districts into an updated district allows for consistent development standards and ensures consistency of the development of that portion of the campus.

For these reasons, staff and the Planning & Zoning Commission recommend approval.

Following Mr. Shannon's presentation of the staff report, he entertained any questions.

There being no questions, Chairman Williams opened the public hearing and asked the applicant to come forward.

***Barry Kitley**, 4114 Ponce de Leon Drive, representing High Point University, added that they did hold the required citizen's information meeting on January 3, 2018 and had some property owners show up. They also received three phone calls, but no negative responses. He recognized Dan Pritchett with Jamestown Engineering, who was present in the audience to address any technical questions.*

Chairman Williams asked if there was anyone present who would like to speak in support of or in opposition to this request.

***Louis Thibodeaux**, 1242 Kensington Drive, inquired about the percentage of the property that would be added to the existing campus. Mr. Shannon noted that while he did not have an exact figure, this specific zoning application does not encompass the entire campus, only the southern portion and pointed out the 0.48-acre parcel is the only area being added to the campus, totaling approximately 108 acres.*

Chairman Williams asked if there were any additional comments. There being none, the public hearing was closed.

Adopted an Ordinance approving Zoning Map Amendment 17-27 rezoning approximately 108 acres from the Single Family Residential-3 (R-3) District and a Conditional Zoning Institutional (CZ-I) District to a Conditional Zoning Institutional (CZ-I) District, based on consistency with the city's adopted plans and that the request is reasonable and in the public interest as outlined in the statements in the Staff Analysis Section of the Staff report.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Moore, that the Ordinance approving Zoning Map Amendment 17-27 be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

Ordinance No. 7386/18-15

Ordinance Book, Volume XX, Page 15

Introduced 2/19/2018; Adopted 2/19/2018

2018-60

Ordinance - City of High Point - Zoning Map Amendment 17-28

A request by the City Council to rezone four parcels, totaling approximately 4.1 acres, from the Retail Commercial (RC) District to the General Business (GB) District. These parcels are lying along the north side of E. Parris Avenue, between Johnson Street and Kirkwood Street.

The public hearing for this matter was held on Monday, February 19, 2018 at 5:30 p.m.

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.

This is a request that was initiated by the High Point City Council to rezone an approximate 4.1-acre parcel from the Retail Commercial (RC) District to the General Business (GB) District. On November 2, 2017, the City Council rezoned property at the corner of E. Parris Avenue and Johnson Street to General Business (GB). This determination was made because the RC District was inappropriate due to the property's size, as the RC District requires a minimum 5-acre parcel.

Mr. Shannon reviewed key factors in supporting that request:

The RC District requires a minimum lot area of 5 acres (that parcel was under 2 acres); As part of that evaluation, staff and the Planning & Zoning Commission identified a need for four other parcels lying along the north side of E. Parris Avenue that were also less than 5 acres and had the RC District designation, which prompted Council's initiation of ZMA 17-28 to rezone this area from the RC District to the GB District.

Mr. Shannon provided a brief history of the area and noted in the 1970s, E. Parris stopped at Kirkwood and the intent was to have commercial development fronting Eastchester Drive. The shopping plaza has already been developed and the intent was to have a larger commercial use behind it. However, in the 1980s, E. Parris Avenue was extended all the way through, and it cut the area in half. It was also determined that the area was in a flood zone and there was a stream running through. The combination of the road extension and the environmental factor with the stream led to the fact that there would not be an adequate amount of land area to combine for a large commercial development. Thus, the land area along the north side of E. Parris developed with smaller commercial uses with multi-family uses development further north.

Therefore, the intent of the RC District no longer fits. Additionally, there are some automotive related uses that are considered non-conforming under the RC District. The Land Use Plan designated this area for Community Regional Commercial, which supports the General Business District and the GB District supports smaller lot sizes for commercial use.

For these reasons, staff is recommending approval of the rezoning of these four parcels from the RC District to the GB District, which would allow the two non-conforming automotive related uses to become conforming uses in the GB District.

Staff and the Planning and Zoning Commission is recommending approval of the request.

At the conclusion of the staff's presentation, Mr. Shannon entertained questions.

Council Member Golden asked if the only reason for the change was to make these two automotive related uses conforming. Mr. Shannon explained that although the change would make those two uses conforming, staff felt it would also allow better re-use of those parcels and provided an example if the bank or the automotive uses went away, and another use came in, it may be more difficult under the RC District standards, and much easier for development under the GB District standards.

Chairman Williams asked if there were any additional questions for staff. There being none, he opened up the public hearing and asked if there was anyone present to speak. There being no one to speak, the public hearing was declared closed.

Adopted an Ordinance approving the rezoning of four parcels, totaling approximately 4.1 acres, from the Retail Commercial (RC) District to the General Business (GB) District, based on consistency with the city's adopted plans and that the request is reasonable and in the public interest based on the statements outlined in the Staff Analysis section of the staff report.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Golden, that this Ordinance approving Zoning Map Amendment 17-28 be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7387/18-16
Ordinance Book, Volume XX, Page 16
Introduced 2/19/2018; Adopted 2/19/2018**

2018-61 Ordinance - Sunland Properties, Inc. - Zoning Map Amendment 17-29

A request by Sunland Properties, Inc. to rezone approximately 3.5 acres from the Limited Business (LB) District and a Conditional Use General Business (CU-GB) District to the General Business (GB) District. The site is lying west of Kirkwood Street and south of E. Parris Avenue.

The public hearing this matter was held on Monday, February 19, 2018 at 5:30 p.m.

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.

This is a request from Sunland Properties, Inc. to rezone an approximate 3.5-acre parcel lying at the southwest corner of Kirkwood Street and E. Parris Avenue. The applicant owns two parcels that front along Kirkwood Street, and they are proposing to redevelop the area for a multi-structure commercial development. Due to the fact that this area is governed by three different zoning districts, the applicant has requested rezoning to the GB District so their project can be under one zoning standard.

Mr. Shannon advised when staff met with the property owner, they suggested that they contact the other three property owners that own property along E. Parris, along the northern part of the site that fronts along E. Parris, as they are in a similar situation. These three property owners agreed, and this resulted in a total of 3.5 acres to be rezoned from three different Conditional Use General Business Districts that were established in the 1990s and a Limited Business District.

The western portion of the block is fully developed with commercial use and already has the GB zoning designation; therefore, this will not be introducing a new zoning district in the area. Directly to the north, there is an existing retail center, the Home Depot, with a retail center shopping district to the east from that commercial development. The site is surrounded by higher intensity commercial uses; thus, the establishment of the district would be consistent with the manner, adjacent parcels in this block and surrounding properties have been zoned.

As far as the consistency statement, as the site is surrounded by commercial zoning, the GB District, and the Land Use Plan designates this as Community Regional Commercial, which is intended for the GB District, the request is reasonable and in the public interest. It allows these parcels to develop in the same manner as other GB Districts in this block. Staff and the Planning and Zoning Commission recommend approval to rezone this 3.5-acre parcel to the GB District.

Mr. Shannon entertained questions and clarified that the net result of this change would put the whole block in the General Business (GB) District and would remove the mix of the CU, GB, and LB Districts.

Council Member Ewing asked if there was a reason staff did not look at the corner to the north of this block since staff recommended the other strip along E. Parris to be rezoned to General Business. Mr. Shannon explained that property was a larger parcel and the applicant from previous experience was comfortable with their current zoning. He noted that

the applicant could always come back in the future if anything changes and request a change. Additionally, he noted that the site is directly abutting a residential use across the street, and a larger site leads to more intense development.

Chairman Williams asked if there were any additional questions. There being none, he opened the public hearing and asked if the applicant would like to comment.

Alex Field, 442 Chesterwoods Court, stated he represents the owner of the property and explained as they started preparing their site plan, they realized that all the different zonings, planting yards and buffers, made the process chaotic. When they approached the Planning Department staff, the staff suggested that they get consistent with the zoning so that they could have a consistent development.

Chairman Williams asked if there were any additional questions. There being none, the public hearing was declared closed.

Adopted an Ordinance to rezone approximately 3.5 acres from the Limited Business (LB) District and a Conditional Use General Business (CU-GB) District to the General Business (GB) District based on consistency with the city's adopted plans and that the request is reasonable and in the public interest for the reasons identified in the Staff Analysis section of the staff report.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Peters, that the Ordinance approving Zoning Map Amendment 17-29 be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7388/18-17
Ordinance Book, Volume XX, Page 17
Introduced 2/19/2018; Adopted 2/19/2018**

2018-62 Ordinance - Forward High Point - Text Amendment 18-01

A request by Forward High Point to amend the Central Business (CB), Mixed Use (MX), Mixed-Use Washington Street (MX-W) and Mixed-Use Downtown (MX-D) zoning district standards regarding drive-thru facilities.

The public hearing for this matter was held on Monday, February 19, 2018 at 5:30 p.m.

Bob Robbins, Planning Administrator 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.

This is a request by Forward High Point to amend the Central Business (CB), Mixed Use (MX), Mixed-Use Washington Street (MX-W), and Mixed-Use Downtown (MX-D) zoning district standards regarding drive-thru facilities.

Mr. Robbins explained that this is a text amendment that would affect drive-thru facilities or windows initially in the CB District. Currently, drive-thru lanes and windows are prohibited in the Development Ordinance, and such facilities are also prohibited in the MX District, the overall MX District, and also prohibited in the Mixed Use- Washington Street, and the Mixed-Use Downtown Districts.

As pointed out to staff by the applicant, this is an unintended consequence of the newly adopted Development Ordinance. When drive-thrus were taken out of the CB District, no thought was given as to how this would affect some of the existing businesses, particularly banks who still use drive-thru facilities. Staff reviewed this, and also looked at the Mixed-Use Downtown District that was also recently enacted, and felt that it would be appropriate to also allow drive-thru facilities with conditions to exist in that district as well.

The purpose of this amendment is to do the following four things that correspond with Sections 1 through 4 in the draft of the Ordinance contained in the Agenda Packet.

- 1. It adds to the flexibility of the Development Ordinance;*
- 2. It broadens economic development possibilities;*
- 3. It enhances consistency of regulations within the Development Ordinance; and*
- 4. It corrects an unintended consequence of a prior regulation.*

Mr. Robbins entertained questions following his overview.

Council Member Ewing asked if staff could provide a map identifying all the CB and MX Districts that would be affected. Mr. Robbins advised that he does not have one tonight, but noted there is only one MX District and only one CB District.

Mayor Wagner asked if it was of staff's opinion that this change would still protect the fostering of the desire to create a more urban style of development from a design standpoint. Mr. Robbins explained the conditions are the same as several other districts and noted it is mainly to move those facilities, the drive aisles, and the menu boards to the site or to the rear of those properties, rather than placing them out front where they are not wanted. Mayor Wagner asked if this could cause a detrimental effect as to the walkability in the area and if that would be something to be concerned about. Mr. Robbins felt the density of the development in the CB District would generally keep the numbers down and he did not foresee that the area would be overrun with drive-thru facilities. He noted that restaurants with drive-thrus would be prohibited in the district anyway, so it should limit it to some degree.

Chairman Williams asked if there were any additional questions or comments from Council. There being none, he opened the public hearing and asked if there was anyone present who would like to speak. There being no one present to comment, the public hearing was declared closed.

Adopted an Ordinance amending the Central Business (CB), Mixed Use (MX), Mixed-Use Washington Street (MX-W), and Mixed-Use Downtown (MX-D) zoning District standards regarding drive-thru facilities based on consistency with the city's adopted plans, and that the

request is considered to be reasonable and in the public interest based on the statements as identified in the Staff Analysis section of the staff report.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Jones, that this Ordinance approving Text Amendment 18-01 be adopted. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

**Ordinance No. 7389/18-18
Ordinance Book, Volume XX, Page 18
Introduced 2/19/2018; Adopted 2/19/2018**

GENERAL BUSINESS AGENDA

2018-63 Appointment - Boards & Commissions

Mayor Wagner is recommending the appointment of Willie Davis to the Human Relations Commission as the Mayor's appointment. Appointment effective immediately and will expire 11/1/2020.

Approved the appointment of Willie Davis to the Human Relations Commission as Mayor Wagner's appointment; appointment to be effective immediately and will expire on 11/1/2020.

A motion was made by Mayor Wagner, seconded by Council Member Moore, that this appointment be approved. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

2018-64 Appointment - Piedmont Triad Regional Development Corporation

Council is requested to confirm the appointment of Mayor Jay Wagner as High Point's representative to the Piedmont Triad Regional Development Corporation.

Approved the appointment of Mayor Jay Wagner as High Point's representative to the Piedmont Triad Regional Development Corporation.

A motion was made by Council Member Ewing, seconded by Mayor Pro Tem Williams, that this appointment be approved. The motion carried by the following unanimous 9-0 vote:

Aye (9): Mayor Wagner; Mayor Pro Tem Williams; Council Member Moore, Council Member Scarborough, Council Member Golden, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Ewing

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:30 p.m. upon motion duly made by Mayor Pro Tem Williams, and second by Council Member Golden.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk