

**HIGH POINT CITY COUNCIL
REGULAR MEETING
APRIL 15, 2019 – 5:30 P.M.
COUNCIL CHAMBERS – HIGH POINT MUNICIPAL BUILDING**

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:30 p.m. A Moment of Silence followed by The Pledge of Allegiance.

*Upon call of the roll, the following Council Members were **Present (9):***

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

RECOGNITIONS AND PRESENTATIONS

2019-143 Proclamation - Macedonia Baseball Program

Mayor Wagner will present a proclamation to Dell McCormick recognizing the 20-year anniversary of the Macedonia Baseball Program and proclaim Saturday, May 4th, 2019 as “Macedonia Boys & Girls Baseball Day” in the City of High Point.

Mayor Wagner read the proclamation into the record recognizing the 20-year anniversary of the Macedonia Baseball Program and proclaimed Saturday May 4th, 2019 as “Macedonia Boys & Girls Baseball Day.”

Prior to reading Dale McCormick extended an invitation for everyone to attend the May 4th baseball game; and stated the first pitch would be at 9:00 a.m.

[applause, photo opportunity]

2019-144 Proclamation - National Community Development Week

Mayor Wagner will present a proclamation to members of our Community Development Department, designating the week of April 22nd - 26th as “National Community Development Week.”

Mayor Wagner read the proclamation into the record designating the week of April 22nd-26th as “National Community Development Week.”

Jim Bronnert, Chairman-Citizens Advisory Council and President of the Oakview Neighborhood Association, offered some comments regarding Community Development Week; and shared some events that would be taking place locally as part of National Community Development Week.

Jerry Mingo, Vice Chair of Citizens Advisory Council and President of the Burns Hill Neighborhood Association, spoke to the Community Base Initiative (CBI) grant received to hold the youth summit; to how the Youth Summit would be for youth to come together to discuss “why we have violence in our city”, expressed appreciation in receiving the grant; and introduced Steve Key as the next speaker.

Steve Key, representing the High Point Housing Coalition, spoke to the upcoming Housing Coalition Bus Tour and Housing Summit on Thursday April 25th; stated the focus would be on housing and how it impacted education in the school system from 9 a.m. to 11 a.m.; lunch would be provided; the Bus Tour would start at 11:30 a.m. until 2 p.m. and would show the new housing projects.

Mr. Bronnert mentioned the grand opening of the affordable housing project at Hartley Ridge Apartments on Friday, April 26th.

[applause, photo opportunity]

2019-145 Proclamation - Fair Housing Month

Mayor Wagner will present a proclamation to the Human Relations staff for the City of High Point, designating April as “*Fair Housing Month*” in the City of High Point.

Mayor Wagner read the proclamation into the record designating April as “Fair Housing Month” in the City of High Point.

Accepting the proclamation were: Ryan Wall, HPRAR President; Angela Roberson; Fanta Dorley, Human Relations Manager; and Jeron Hollis, Director of Communications and Public Engagement.

[applause, photo opportunity]

2019-146 Proclamation - National Day of Prayer

Mayor Wagner will present a proclamation to the Human Relations staff for the City of High Point recognizing Thursday, May 2, 2019 as a National Day of Prayer in the City of High Point.

Mayor Wagner read the proclamation into the record recognizing Thursday, May 2, 2019 as a “National Day of Prayer in the City of High Point” and presented it to Angela Roberson, and Jeron Hollis, and Fanta Dorley.

[applause, photo opportunity]

2019-167 Proclamation - National Get On Board Day

Mayor Wagner will present a proclamation to Angela Wynes, High Point Transit Director, designating April 25, 2019 as “National Get On Board Day” in the City of High Point.

Mayor Wagner read the proclamation into the record designating April 25, 2019 as “National Get On Board Day” in the City of High Point and presented it to Angela Wynes, Transit Manager.

[applause, photo opportunity]

2019-164 Invitation - Great American Clean Up - Keep High Point Beautiful

Rebecca Coplin, High Point Beautification Supervisor, will be in attendance to invite Council to the Great American Cleanup and unveiling of a sculpture on April 27th.

Rebecca Coplin, High Point Beautification Supervisor, extended an invitation to the 16th Great American Clean Up on April 27th from 9 a.m. to 1 p.m.; stated last year 22 thousand pounds of liter, debris, and recyclables were collected from the streetscapes, streams, lake, and greenway; that at 12:30 p.m. everyone would meet at First Presbyterian Church, then locate to the library at 12:30 for the unveiling of the environmental sculpture by an artist with ties to High Point, Jim Swaim; and that the sculpture would be of river otters, a native animal to the region.

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

CONSENT AGENDA ITEMS

Chairman Moore reported that the Finance Committee did meet as scheduled on Thursday, April 11, 2019 and placed all the Finance-related matters on the Consent Agenda with a favorable recommendation for approval.

Council Member Moore moved to approve all finance-related items on the Consent Agenda. Council Member Hudson made a second to the motion, which carried by a 9-0 unanimous 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.

2019-147 Contract - BABB & Associates - Kersey Valley Landfill Ground Water Assessment Monitoring Program

City Council is requested to approve a sole source contract with BABB & Associates in the amount of \$39,300 for ongoing groundwater assessment and monitoring as required by the operating permit for the Kersey Valley Landfill.

Approved a sole source contract with BABB & Associates in the amount of \$39,300 for ongoing groundwater assessment and monitoring.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. The motion carried by a 9-0 unanimous vote as follows:

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

2019-148 Contract - Pratt - Pre-Purchase of Plug Valves - Riverdale Lift Station

City Council is requested to approve a contract with Pratt to purchase five (5) plug valves in the amount of \$127,655 to expand the capacity of the Riverdale Lift Station while an emergency bypass is in place to repair the station from flooding that occurred during Hurricane Florence.

Approved sole source contract with Pratt to purchase five plug valves in the amount of \$127,655.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. The motion carried by a 9-0 unanimous vote as follows:

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

2019-150 Contract - GEA Westfalia - Rebuild of Centrifuges- Eastside WWTP

City Council is requested to approve a sole source contract with GEA Westfalia to perform the manufacturer's required 3-year cycle - 8,000-hour service rebuild on the two (2) centrifuges at the Eastside WWTP in the amount of \$89,958.95.

Approved a sole source contract with GEA Westfalia to perform the manufacturer's required 3-year-cycle-8,000-hour service rebuild on the tow centrifuges at the Eastside WWTP in the amount of \$89,958.95.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. The motion carried by a 9-0 unanimous vote as follows:

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

2019-151 Contract - Crowder Gulf LLC - Pro-Active Storm Debris Removal Services

City Council is requested to award a contract to Crowder Gulf, LLC for disaster recovery services. This contract will assure that a contractor will be accessible to provide clean up assistance when a major storm event occurs.

Approved a sole source contract with Crowder Gulf LLC for disaster recovery services.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. The motion carried by a 9-0 unanimous vote as follows:

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

2019-152 Contract - Meraki Managed Services - 5S Technologies

City Council is requested to approve a 5-year service contract with 5S Technologies in the amount of \$216,000. This purchase will replace devices nearing end of life status and provide managed services for all 119 Meraki wireless devices currently in place.

Approved a sole source contract with Meraki Managed Services for a 5-year service with 5S Technologies in the amount of \$216,000.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. The motion carried by a 9-0 unanimous vote as follows:

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

2019-153 Agreement - New Cingular Wireless d/b/a AT&T Mobility- Pole Attachment Agreement

City Council is requested to approve an agreement allowing New Cingular Wireless d/b/a AT&T Mobility to attach lines/equipment to the City's overhead distribution system.

Approved agreement allowing New Cingular Wireless d/b/a AT&T Mobility to attach lines/equipment to the City's overhead distribution system.

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

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

2019-154 Resolution - Allen Jay Rec & Deep River Recreation Centers - NCEM Grant Designation of Applicant's Agent

City Council is requested to adopt a resolution to designate Perry Hall, Emergency Manager and Brian Evans, Deputy Fire Chief with the Fire Department as the City's agents to apply for the NCEM Hazard Mitigation grant to add generators at the Allen Jay and Deep River Recreation Centers.

Approved a resolution designating Perry Hall, Emergency Manager and Brian Evans, Deputy Fire Chief with the Fire Department as the City's agents to apply for the NCEM Hazard Mitigation grant to add generators at the Allen Jay and Deep River Recreation Centers.

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

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

**Resolution No. 1836/19-23
Resolution Book Volume XX, Page 95**

REGULAR AGENDA ITEMS

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

2019-155 Public Hearing - 2100 E. Martin Luther King Jr. Drive - EDC Performance Based Incentives

Monday, April 15, 2019, at 5:30 p.m. is the date and time established for the purpose of receiving public input on a funding request from Ox Bodies Inc. to locate at 2100 E. Martin Luther King, Jr., Drive in High Point. The High Point City Council will consider authorizing up to \$87,600 in Economic Development Incentive and also authorize the City Manager to execute a performance agreement containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Loren Hill, President of the High Point Economic Development Corporation, introduced the item; stated that he, Sandy Dunbeck, and Marshall Yandle are pleased to bring a proposed manufacturing project to south High Point. Mr. Hill provided details on the project as follows:

Ox Bodies, Inc. – founded in 1972 in Fayette, Alabama – makes dump truck bodies. The company is considering leasing 45,000 square feet of space in the former Hatteras Yachts facility. That building is a 218,570-square foot facility, located at 2100 East Martin Luther King, Jr., Drive. For many years, only a couple of small tenants have occupied this large building, so it would be great to have much more activity return to this facility.

If the company opens its operations in this building, Ox Bodies would paint dump truck bodies; install those bodies on the chassis provided by clients; and provide parts, service, and installation of other commercial truck accessories.

If the company picks High Point for this proposed plant expansion:

- *The company would increase the High Point tax base by \$2 million, in upfit and equipment. Ox Bodies would spend \$1 million initially and another \$1 million within 5 years.*
- *The landlord would also make capital improvements to accommodate this project.*
 - *The company would create up to 40 jobs here in High Point: 15 jobs would be added in the first year, at an annual average wage of \$49,000.*
 - *Those jobs would include 10 labor/production jobs; one parts/counter sales job, one mobile service technician/service sales job; three managerial/office jobs, and up to 25 additional labor/production jobs would be added in years 3-7.*

Following the provisions of the City incentives policies, the company has agreed to coordinate with the High Point Economic Development office to hold a job fair in central High Point to help with the City's goal to employ as many High Pointers as possible.

The City's performance-based Capital Investment Incentives Policy and Job-Creation Policy provide for up to \$87,600 for such a project that would locate in an underutilized building in south High Point. The source of that funding would

be the City's Economic Development Incentive Fund, which is funded by general and electric revenues. Any such incentives would be subject to the company meeting benchmarks spelled out in a performance agreement. Payments would be made in installments, after the company achieves those benchmarks.

In addition to considering High Point for this facility, the company is also looking at locations in: Mecklenburg, Cabarrus, Wake, and Rockingham counties in North Carolina, and in York County in South Carolina.

The company expects to make its location decision in the next 30-60 days. Keith Ankrom, Director of Operations at the Fayette facility, stated the building was suited for their company's need and that this area was good for expansion; and that it would include skilled labor such as welding and fabrication.

Council Member Golden inquired if Mr. Ankrom had any communications with local community colleges in reference to the skilled labor that would be used. Mr. Ankrom stated no, but he had the resources for that information.

Mayor Wagner thanked Mr. Ankrom for his interest in High Point and stated that he would be grateful if his company relocated here.

Mr. Hill stated that the High Point EDC staff recommends that the City Council:

- 1. Authorize up to \$87,600 in performance-based incentives for the Ox Bodies project.*
- 2. Authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.*

There being no questions, Council Member Moore closed the public hearing.

Motion was made by Council Member Williams, seconded by Council Member Moore to authorize up to \$87,600 in Economic Development incentives and authorized the City Manager to execute a performance agreement containing benchmarks for the company to a chief and a schedule for the payment of such financial incentives. The motion carried by the following unanimous 9-0 vote:

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

PENDING ITEMS**2018-169 Amendment to License Agreement - Cingular Wireless PSC, LLC (AT&T)**

City Council is requested to approve an Amendment to the License Agreement with Cingular Wireless PCS, LLC (AT&T) which allows the location of communication equipment at the City's Ward Water Plant; and authorize the City Manager to execute the agreement.

Note: This matter was initially heard by City Council on May 21, 2018, at which time action was taken to refer it to the Finance Committee at the suggestion of City Attorney JoAnne Carlyle due to necessary clean-up on the contract in general as the company has changed hands and names.

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

Committee Members: Golden, Peters, Scarborough, and Williams

2019-156 Community Development and Housing Department - 2019-2020 Annual Action Plan

Monday, April 15, 2019 at 5:30 p.m. is the date and time established to receive public comment on the Community Development and Housing Department 2019-2020 Annual Action Plan. The plan was approved by the Citizens Advisory Council at their meeting on March 28, 2019 and will be available for public review for 30 days.

Michael McNair, Community Development and Housing Department Director, presented an overview of the 2019-2020 Annual Action Plan draft; stated it described sources, uses and beneficiaries; identified activities that strengthen neighborhoods such as: affordable housing, community capacity building, and strategic code enforcement; and it ensures consistency with the 5-year consolidated plan.

Mr. McNair provided a 2019 Annual Action Plan schedule; discussed how there was a lot of public interaction with the Plan that included meetings and a public comment period; stated there was a presentation and Public Hearing that went before the Citizens Advisory Council (CAC) and was approved. Mr. McNair spoke to finalizing the Plan to submit to the Department of Housing and Urban Development (HUD); gave an overview of the income guidelines received annually from HUD; to how they used an 80% median for initial eligibility for affordable housing; to having \$3.85 million in funds available for this program; and gave a list of sources where funds would be received from as follows: CDBG & CDBG Program Income, HOME & HOME Program Income, NSP Program Income, City Infill Development (GF), City General Fund, North Carolina Housing Finance Agency, Volunteer Income Tax Assistance, and Core City Redevelopment.

Mr. McNair highlighted how the CAC was a part of the review process of applications received from non-profits for the 2019 Public Services Grant Requests; and provided a list of the agencies they were recommending for the approval of funding; spoke to the Core City redevelopment Activities to help enhance communities and neighborhoods; spoke to "The Townhomes @ Meredith" project; highlighted details that included: New Paths Development and Consulting, Inc. is proposing to build 42 townhomes at 515 Meredith Street, 3 bedroom/2.5 bath units at 1,369 square feet, estimated rents = \$850 a month based on a \$34,000 household income, primary funding from HUD 221 (D)(4) loan, HOME funds loan request = \$650,000, and having a 12-month construction period.

Mr. McNair advised the final steps are as follows:

- ✓ Complete necessary activities for preparation of the 2019-20 Annual Action Plan Completion of the public comment period (ends April 24th)
- ✓ Council approval on May 6th, and
- ✓ Submission to HUD by May 15th

Mr. McNair noted the Annual Action Plan must be approved by HUD in order for the City to receive CDBG & HOME allocations.

Council Member Golden inquired on the use of extra funds, if any, after allocation. Mr. McNair stated funding would be reallocated in the Plan; and that the process would have to start all over it exceeds 20% of the allocation.

Following staff's presentation of the 2019-2020 Annual Action Plan, Chairman Golden opened the public hearing and asked for any comments. There being none, the public hearing was closed.

The 2019-2020 Annual Action Plan will be placed on the May 6, 2019 High Point City Council Agenda for approval.

2019-157

Ordinance to Demolish - 933 Randolph Street

City Council is requested to adopt an ordinance ordering the building inspector to effectuate the demolition of a structure located at 933 Randolph Street belonging to TAK Homes LLC.

Lori Loosemore, Local Codes Enforcement Manager, reported that this structure was originally inspected on August 21, 2018. A hearing was held on September 24, 2018, Sandra Azurdia appeared for the hearing. The inspector explained to Ms. Azurdia the minimum housing process and the violations, which Ms. Azurdia did not have any disputes. Ms. Azurdia stated she would be selling the property. As to date, there were no "For Sale" signs to establish an intent to sell. It was determined in the structure's present state, the necessary repairs to the dwelling exceed 65% of the value. An Order to Repair or Demolish was issued on October 24, 2018. Delinquent taxes in the amount of \$296.65 are owed on the property.

Council Member Williams inquired about the barricade behind the door in the back of the home presented on the photograph provided. Ms. Loosemore stated it was not in violation because the property was vacant.

There was no one present to speak regarding this property.

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

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

**Ordinance No. 7518/19-35
Ordinance Book Volume XX, Page 147**

2019-158 Ordinance to Demolish - 303 Kennedy Avenue

City Council is requested to adopt an ordinance ordering the building inspector to effectuate the demolition of a structure located at 303 Kennedy Avenue belonging to Steven and Jeannie Shamka.

Lori Loosemore, Local Codes Enforcement Manager, reported that this structure was originally inspected on May 31, 2017. A hearing was held on October 23, 2018, but the property owner did not appear for the hearing. It was determined in the structure's present state, the necessary repairs to the dwelling exceed 65% of the value. An Order to Repair or Demolish was issued on October 24, 2018. To date, staff has heard nothing from the property owner. Delinquent taxes in the amount of \$4,032.87 are owed on the property.

There was no one present to speak regarding this property.

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

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

**Ordinance No. 7519/19-36
Ordinance Book Volume XX, Page 148**

PLANNING & DEVELOPMENT COMMITTEE - Council Member Williams, Chair**2019-159 Zoning Map Amendment 19-03 - Wynnefield Properties, Inc.**

A request for City Council to accept a letter of withdrawal from Wynnefield Properties, Inc. for Zoning Map Amendment 19-30.

A motion was made by Council Member Williams, seconded by Council Member Moore, that City Council accept a letter of withdrawal from Wynnefield Properties, Inc. for Zoning Map Amendment 19-30. The motion carried by the following unanimous 9-0 vote:

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

Council Member Golden voiced disappointment in not having the opportunity for affordable, safe, and clean housing; spoke to the initiatives council set for themselves to address blight in the community; to assisting the Housing Authority to help with housing due to the long waiting list for Section 8 vouchers; read the feedback of reasoning for the decision from the public; that there was no data to support reasoning of crime increase or property value decreasing; spoke to equality; and referenced the Proclamation on designating April as "Fair Housing Month."

Council Member Peters spoke to affordable housing apartments near single-family homes, specifically Elm Towers, and stated she would have liked for the decision to have been brought to council.

Mayor Pro-Tem Ewing spoke to the positive impacts of affordable housing with properties and families; spoke of the success of other affordable housing projects developed by Wynnefield Properties; voiced disappointment of resistance to the proposal from the community; spoke to the competitive process for this type of project with the state of North Carolina; pointed out more than likely another city would be awarded the opportunity to develop one of their projects; spoke to how the perception of affordable housing was with the public without statistics or information; and hoped Wynnefield Properties would find a suitable location and present another affordable project next year.

Council Member Jones spoke to his attendance at the Planning and Zoning Commission meeting where the commissioners provided information to residents to a zoning change and possible impact it would have; to the possibility of said property being purchased for other uses other than housing; and that hopefully when it is developed it would be to the same level as other highly other successful Wynnefield Developments.

Council Member Williams concurred with Council's remarks; voiced disappointment on the public's feedback and the withdrawal; spoke to the hope of future opportunities with Wynnfield Properties; and spoke to the importance of height/density.

Council Member Hudson echoed disappointment; thanked Mr. McNair for his hard work; and hoped to continue to remove the prejudice and stigma that was still present from the community on affordable housing.

2019-168 Land Disposition Agreement - Elliott Sidewalk Communities

Council is requested to approve a Land Disposition Agreement ("LDA") with Elliott Sidewalk. This LDA sets forth terms relating to the transfer of title to certain parcels to Elliot Sidewalk for development in the Multi-Use Stadium area. This LDA provides Elliot Sidewalk an interest in certain parcels, which are also the subject of a Development Agreement between the City and Elliot Sidewalk. Council will take the Development Agreement into consideration as a separate matter, following this LDA.

JoAnne Carlyle, City Attorney spoke to the Land Disposition Agreement (LDA) with Elliott Sidewalk Communities; to the terms with timelines and benchmarks for development; stated there was good communication with the attorney for Elliott; and that Legal would handle any substantial issues, if any, after voted on by council.

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

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

PUBLIC HEARINGS

2019-160 Zoning Map Amendment 19-02 - Chick-fil-A, Inc.

A request by Chick-fil-A, Inc. to rezone an approximate 1.3-acre parcel from a Conditional Use Retail Center (CU RC) District to a Conditional Zoning General Business (CZ GB) District. The site is lying at the northeast corner of E. Hartley Drive and N. Main Street (2700 N. Main Street).

The public hearing for this matter was held on Monday, April 15, 2019 at 5:30 p.m. as duly advertised.

Herbert Shannon, Jr., Senior Planner, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings.

He explained the applicant is requesting to rezone this parcel from its current CU RC District to the CZ GB District to utilize signage standards of the GB District. The zoning site contains a new restaurant building on a parcel that abuts the Walmart development on N. Main Street. In conjunction with this application, a Conditional Zoning Ordinance has been submitted that prohibits direct driveway access to N. Main Street and E. Hartley Drive. The existing shared access driveways will continue to be used for access. The signage was initially developed in late 1991 for a major eating establishment (drive-thru restaurant). The current freestanding sign was permitted under the standards of the 1985 Development Ordinance and is nonconforming. Non-conforming signs are to be removed when a building on a site is demolished; however, in late 2018, the former restaurant building on the site was razed and the property was redeveloped. With the demolition and redevelopment of this site, the current nonconforming free-standing sign is to be removed.

The existing freestanding sign is approximately 40-feet tall and totals 190 square feet of area; thus, making it nonconforming as to height and area. The applicant was granted a variance variance in November 2018 to increase the allowable sign height on the property to 15 feet, but an increase in the area of the sign is not allowed. Compared to the current nonconforming sign, a new freestanding sign under the GB District standards would have a similar copy area, but would be 10 feet shorter.

Following the staff's presentation of the staff report, Chairman Williams opened the public hearing and asked if there was anyone present to speak in favor of or in opposition to this request. There being no one present to offer comment, the public hearing was closed.

Adopted an ordinance approving Zoning Map Amendment 19-02 to rezone an approximate 1.3-acre parcel from a Conditional Use Retail Center (CU RC) District to a Conditional Zoning General Business (CZ GB) District. The site is lying at the northeast corner of E. Hartley Drive and N. Main Street (2700 N. Main Street) based on consistency with adopted policy guidance because of similar properties fronting this section of N. Main Street as adopted by Land Use Plan in a GB District. Additionally, Council finds that the request is reasonable and in the public interest because the GB District is applied along N. Main Street in individual parcels, small group developments, and other shopping center developments similar to the rezoning site.

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

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

Ordinance No. 7520/19-37

Ordinance Book Volume XX, Page 149

2019-161 Text Amendment 19-01 - City of High Point

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following:

- 1)amend the rules of evidence for quasi-judicial public hearing procedures
- 2)standardize language and formatting among conditional zoning, planned development and zoning map amendment procedures
- 3)amend development agreement review standards;
- 4)amend the MS district landscaping requirements;
- 5)clarify compliance requirements for GCO district development located at entrances to residential subdivisions;
- 6)change separation requirements for waste-related service uses;
- 7)clarify a cross access exemption;
- 8)clarify required plant material for parking lot perimeter landscaping;
- 9)correct an error regarding landscape yard type application;
- 10)reduce the land use intensity score for minor manufacturing and microbrewery use types;
- 11)correct an omission regarding standards for electronic changeable copy signs;
- 12)add several new features to the table that lists allowable encroachments into setbacks; and
- 13)modify and delete definitions.

The public hearing for this matter was held on Monday, April 15, 2019 at 5:30 p.m. as duly advertised.

Robert Robbins, AICP, Planning and Development Administrator, spoke to the changes as follows: changes proposed in sections 1 and 3 are due to changes in the state law, and sections 9 and 11 are corrections of either errors or omissions. Most of the other sections involve clarifying language or changing wording to be more consistent throughout the ordinance or among similar sections of it. This is all very similar to what has been done in the previous five amendments. There are a few sections that have substantive changes. Sections 6 includes minor changes to separation requirements for waste-related service uses and some language clarification; Section 10 reduces the land use intensity score for two use types; Section 12 adds several development features to the table of allowable encroachments into required setbacks and Section 13 modifies one definition and deletes three others that are not used; and stated this amendment was approved at the March 26, 2019 Planning and Zoning Commission meeting unanimously.

Council Member Golden inquired about penalties for not following the guidelines. Mr. Robbins replied that it would become a zoning violation; they would investigate and issue a notice of violation (if any); and proceed if violations were not corrected (if any).

Following the presentation of the staff report, Chairman Williams opened the public hearing and asked if there were any comments. There being none, the public hearing was closed.

Adopted an ordinance amending the preceding sections of the City of High Point Development ordinance as identified in Text Amendment 19-01 based on consistency with the purposes, goals, objectives and policies of relevant Comprehensive Land Use or Area Plans. Additionally, City Council has determined that the request is consistent with adopted policy guidance because these miscellaneous amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance. City Council also stated that the request is reasonable and in the public interest because the proposed amendments continue to pursue making the Development Ordinance error-free, easier to read and understand, and more consistent in its use of language and formatting.

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

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

**Ordinance No. 7521/19-38
Ordinance Book Volume XX, Page 150**

2019-162 Public Hearing-Resolution - Development Agreement - Elliott Sidewalk Communities

This is the required public hearing to consider a request by Elliott Sidewalk Communities High Point, LLC to establish a Development Agreement with the City of High Point for an approximate 3.11-acre area lying west of N. Elm Street, north of W. English Street and east of N. Lindsay Street.

The public hearing for this matter was held on Monday, April 15, 2019 at 5:30 p.m.

Herbert Shannon, Jr., Senior Planner, stated that Elliott Sidewalk Communities High Point LLC has submitted an application to enter into a development agreement with the City of High Point to facilitate the construction of a mixed-use

project in the Core City area. The agreement is for approximately 3.11 acres in the downtown area adjacent to the new catalyst project (downtown stadium). The site is generally located west of N. Elm Street, north of W. English Street, and east of N. Lindsay Street.

Mr. Shannon advised that the development agreement is a voluntary contract between the City of High Point and Elliott Sidewalk Communities High Point LLC detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property and that the agreement guarantees a property owner the right to develop a defined project for a specified period of time subject to the terms in the agreement.

The site for the proposed development agreement is subject to the standards of the Mixed-Use Downtown (MX-d) District and the requirements of the Development Ordinance. Elliott Sidewalk Communities is proposing to develop a mixed-use project, constructed over a 15-year period, with the option of two 5-year extensions, consisting of the following:

- ✓ *Multi-family dwelling units;*
- ✓ *Office uses;*
- ✓ *Commercial use; and*
- ✓ *Visitors accommodations (hotel).*

Mr. Shannon reported that staff is supportive of the request and the matter went to the Planning & Zoning Commission on March 26, 2019, at which time they expressed comfort with the spirit of the agreement and the proposed mixed-use development in the MX-D District and recommended approval with the understanding that the final details of the Development Agreement would be addressed prior to the request being submitted to City Council.

JoAnne Carlyle, City Attorney, referenced the map provided on the dias of the final plat that was recorded this afternoon, which will be substituting one of the exhibits; advised that separate votes are needed on the ordinance and resolution; if there are continued negotiations, there will be no substantial changes made without Council's review and additional vote; recently added in a unilateral right of termination based on timeline/development for the buildings to occur.

Following the presentation by staff, Chairman Williams opened the public hearing and asked if there were anyone present to speak in favor of or in opposition to this matter. There being no one present to speak, the public hearing was closed.

A motion was then made by Council Member Williams, seconded by Mayor Pro-Tem Ewing, that the Resolution Authorizing a Development Agreement between the City of High Point and Elliott Sidewalk Communities High Point LLC be adopted. The motion carried by the following unanimous 9-0 vote:

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

Resolution No. 1835/1922

Resolution Book Volume XX, Page 94

A motion was made by Council Member Williams, seconded by Council Member Peters that the Ordinance adopting the Development Agreement between the City of High Point and Elliott Sidewalk Communities High Point LLC be. The motion carried by the following unanimous 9-0 vote:

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

Ordinance No. 7517/19-34

Ordinance Book Volume XX, Page 146

GENERAL BUSINESS AGENDA

2019-165 Reappointment - Boards & Commissions - City/County Insurance Advisory Committee

City Council is requested to confirm the reappointment of John Causey to the Guilford County/City Insurance Advisory Committee. Reappointment will be effective immediately and will expire December 21, 2021.

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

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

2019-166 Revision to City Council Appointment to Committees

Council is requested to confirm the appointment of Council Member Victor Jones as the appointee to the Young Professionals Group and confirm the appointment of Mayor Pro Tem Jason Ewing to the newly created Opportunity Zones Task Force to representing the City.

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Ewing, that the Revisions to the City Council Appointment to Committees be adopted. The motion carried by the following 9-0 unanimous vote:

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

2019-163 Minutes To Be Approved

Finance Committee Meeting, Thursday, March 28th 4:00 pm

City Council Special Meeting, (Closed Session) Monday, April 1st 4:30pm

City Council Regular Meeting; Monday, April 1st 5:30pm

Community Housing & Neighborhood Development Meeting; Tuesday, April 2nd 10:00am

Prosperity & Livability Committee Meeting; Wednesday, April 3rd 9:00am

The minutes of the preceding meetings were unanimously approved as submitted.

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

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

Prior to adjournment, Mayor Pro-Tem Ewing spoke to the Miss NC Teen competition in which he was selected to be a judge in the event; thanked everyone who attended; stated everyone did an amazing job of making everyone feel welcome; and expressed appreciation for the 3,500 books donated by the pageant contestants to the Oak Hill Elementary School library.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:46 p.m. upon motion duly made by Council Member Moore and second by Council Member Williams.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Mary S Brooks, Deputy City Clerk