

**HIGH POINT CITY COUNCIL
REGULAR MEETING
OCTOBER 5, 2020 – 2:30 P.M.
COUNCIL CHAMBERS**

MINUTES

Note: In order to maintain the health, safety, and well-being of our residents, staff, and the City Council, this meeting was conducted electronically. As part of the City of High Point's COVID-19 mitigation efforts, in-person public attendance was not allowed at this meeting. Instead, the open session portion of the meeting was live-streamed and the public was provided a link to listen to the open session portion of the meeting as it was being live-streamed.

www.HighPointNC.gov/VirtualPublicMeeting

CALL TO ORDER, ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

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

The recitation of the Pledge of Allegiance followed a Moment of Silence.

The Mayor then conducted a virtual roll call for attendance. The following council members were present (9):

Mayor Jay W. Wagner (physically present)
Mayor Pro Tem Christopher Williams- Ward 2 (physically present)
Council Member Tyrone E. Johnson- At Large (physically present)
Council Member Britt W. Moore- At Large (physically present)
Council Member Cyril Jefferson- Ward 1 (physically present)
Council Member Monica L. Peters- Ward 3 (physically present)
Council Member S. Wesley Hudson- Ward 4 (physically present)
Council Member Victor Jones- Ward 5 (physically present)
Council Member Michael A. Holmes- Ward 6 (physically present)

The following staff members were also physically present:

Randy McCaslin, Interim City Manager; Eric Olmedo, Assistant City Manager; Greg Ferguson, Assistant City Manager; JoAnne Carlyle, City Attorney; Meghan Maguire, Assistant City Attorney; Lee Burnette, Director of Planning and Development; Herb Shannon, Planning and Development; Chris Andrews, Planning and Development; Sandy Dunbeck, Executive Vice President, High Point Economic Development Corporation; Mike McNair, Director of Community Development & Housing; Lori Loosemore, Local Codes Enforcement Supervisor; Loren Hill, President- High Point Economic Development Corporation; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

The following individuals were also present:

Jeff Uphues, CEO, DC Blox (remote)
Mark Masi, COO, DC Blox (remote)
Margaret Burnham, Attorney representing DC Blox (physically present)
Mr. & Mrs. Terry Barney, residents at 317 Greer Avenue (physically present)

RECOGNITIONS AND PRESENTATIONS

2020-388 Proclamation - Domestic Awareness Month- October 2020

Mayor Wagner will read a proclamation declaring October 2020 as Domestic Awareness Month.

Mayor Wagner read a proclamation into the record declaring October 2020 as Domestic Awareness Month.

STRATEGIC PLAN UPDATE

Lori Loosemore, Local Codes Enforcement Supervisor, showcased a home at 819 Circle Drive that had been scheduled for demolition by adoption of a Demolition Ordinance by City Council in September 2019. Since that time, the property owner obtained permits and started making the repairs; the home has now been brought into compliance. Ms. Loosemore shared some before and after pictures of the property. Ms. Loosemore noted that the property is currently for sale and is listed for \$160,000 with a pending sale after being on the market for less than 30 days. She spoke to how this is the goal--to have properties repaired, raise the tax base, and have someone living there paying taxes, utilities, etc.....

PUBLIC COMMENT PERIOD

2020-381 Public Comment Period

A Public Comment Period will be held on Monday, October 5, 2020 at 5:30 p.m.

As part of the city of High Point's COVID-19 mitigation efforts, in-person public attendance will not be allowed at this meeting. Instead, the city will be live streaming this meeting. Once the City Council is in Session, please click on the following link to listen to the meeting as it is being live-streamed.

www.HighPointNC.gov/VirtualPublicMeeting

Although the public is unable to physically participate in the meeting, the public can submit comments by

1. Calling 336-883-3522 and leaving a message, or by
2. Emailing written comments to publiccomment@highpointnc.gov or by

3. Dropping off written comments in the city of High Point's utility payment drop-boxes located on both sides of the Municipal Building located at 211 S. Hamilton Street in the Green Drive and the Commerce Avenue parking lots.

All comments received will be forwarded to the City Council and will be incorporated as part of the permanent proceedings of the October 5, 2020 City Council Meeting. The city of High Point's Public Comment Policy restricts comments to no more than three (3) minutes which will apply for the telephone message submission. Email submissions and written comments should be kept at 350 words or less. The deadline for submitting public comments is Friday, October 3 at 5:00 p.m.

Mayor Wagner acknowledged three public comments that were received from **Jack McKinley, Crystal Greenidge, and Caroline Burnett**, and noted those comments have been distributed electronically to the City Council and will be attached as a permanent part of the proceedings of this meeting.

FINANCE COMMITTEE - *Council Member Moore, Chair*
Committee Members: Moore, Holmes, Jones, and Peters

CONSENT AGENDA ITEMS

Finance Committee Chair Moore reported all finance items were discussed at the Finance Committee Meeting held on Thursday, October 1st at 4:00 p.m. and are being forwarded to the City Council with a favorable recommendation for approval.

Motion by Council Member Moore, seconded by Council Member Hudson to approve all matters on the Finance Committee Consent Agenda. Following a roll call vote by the Mayor, the motion carried by the following unanimous 9-0 vote.

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

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-375 Contract - Sourcewell - Altec - Electric Bucket Truck

City Council is requested to award Sourcewell Contract 012418-ALT to Altec in the amount of \$224,760 for the purchase of an International truck with Altec Model AA55 body for the electric department and declare the old truck as surplus and disposing through the online auction process.

Approved award of a contract to Sourcewell- Altec- in the amount of \$224,760.00 for the purchase of an electric bucket truck, and declared the old truck as surplus to be disposed of through the online auction process.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-376 Contract - NC Sheriffs' Association Procurement - Amick Equipment Co. - Compact Refuse Truck

City Council is requested to award a contract using the NC Sheriffs' Association Procurement contract process to Amick Equipment Company in the amount of \$115,358.48 for the purchase of a new 2021 Isuzu truck with a New Way Model 8 yard Diamondback compact rear loading body and include declaring the old truck as surplus and disposing through the online auction process.

Approved award of a contract to Amick Equipment Company in the amount of \$115,358.48 for the purchase of a new 2021 Isuzu truck with a New Way model 8 yard diamondback compact rear-loading body using the NC Sheriffs' Association Procurement contract process, and declared the old truck as surplus to be disposed of through the online auction process.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-377 Contract - Sole Source Vendor - Siemens Industry Inc. - City Lake Raw Water Pump Station

City Council is requested to approve Siemens Industry Inc. as a sole source vendor to perform the total cell refurbishment and panel upgrade on VFD # 2 at the City Lake Raw Water Pump Station for \$123,692.60.

Approved award of a contract to Siemens Industry, Inc. in the amount of \$123,692.60 as a sole source vendor to perform the total cell refurbishment and panel upgrade on VFD #2 at the City Lake Raw Water Pump Station.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this sole source contract be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-378 Contract - Timmy Causey Grading & Demolition - 1519 Baker Road

City Council is requested to award a contract to Timmy Causey Grading & Demolition for the demo and removal of debris at 1519 Baker Road in the estimated amount of \$90,000 - \$120,000 depending on asbestos contamination that may be found.

Approved award of a contract to Timmy Causey Grading & Demolition for the demo and removal of debris at 1519 Baker Road in the estimated amount of \$90,000 - \$120,000 depending on asbestos contaminations that may be found.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this contract be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-379 Budget Ordinance - CARES Act Funding

City Council is requested to approve a budget ordinance appropriating the CARES Act funding of \$1,288,702 received through Guilford County and Davidson County in the Special Grants Fund.

Adopted an Ordinance amending the FY 2020-2021 Budget Ordinance appropriating the CARES Act funding of \$1,288,702.00 in the Special Grants Fund received through Guilford County and Davidson County.

A motion was made by Council Member Moore, seconded by Council Member Hudson, that this Budget Ordinance Amendment be adopted. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7637/20-53
Ordinance Book, Volume XXI, Page 52**

REGULAR AGENDA ITEMS**2020-380 Public Hearing - DC Blox - EDC Performance Based Incentives**

City Council is requested to authorize performance-based incentives for the DC Blox data center project equal to up to 50% of the property taxes already paid in a year - for a period of from 10 to 17 years; and 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.

At this time, Finance Committee Chair, Britt Moore, opened the public hearing and invited Loren Hill, President- High Point Economic Development Corporation, to the podium for staff's presentation regarding the economic development incentive request for DC Blox.

Mr. Hill advised that he and Sandy Dunbeck, Executive Vice President- High Point Economic Development Corporation, were both pleased to bring a project to Council at the request of a company who is considering High Point for a new facility-- DC Blox, headquartered in Atlanta, Georgia, who operates multi-tenant data centers. The company is considering building and operating a data center on a 14-acre tract at 4131 Sheridan Court, located on the corner of Piedmont Parkway and Sheridan Court in the Piedmont Center Business Park, adjacent to the Bicentennial Greenway.

Mr. Hill reported that the companies data centers have all the infrastructure needed by their clients (i.e. wiring, uninterruptable power sources, climate controlled systems, staffing and security measures, etc....) and the company's clients will put their data center equipment such as servers and affiliated equipment in the buildings.

Mr. Hill noted that they were approached by DC Blox over a year ago when they were looking at Piedmont Triad locations and that Sandy Dunbeck with the High Point Economic Development Corporation introduced them to this High Point location. Their proposal to complete six data halls in the building could result in a capital investment of more than \$305 million, which would increase High Point's tax base by this amount if DC Blox chooses the High Point location. The total investment of DC Blox in both real and personal property is expected to exceed \$50 million with the balance of the \$305 million from induced customer investment from the clients of DC Blox that put their equipment in this building, which could be more than \$255 million.

If the company chooses this High Point location, Mr. Hill pointed out that much money would be added to the city's tax base and it would be the largest capital investment for any project that he has worked on in the past 20 years with the previous largest capital investment project being Ralph Lauren in 2012 (in two phases, resulted in a \$163 million expansion).

Mr. Hill noted that as is typical with capital data centers, capital investment is impressively large and the job creation is minimal. DC Blox is proposing up to 9 employees at a wage of \$83,000 - \$93,000 a year, which is significantly above the Guilford County average of 49,000. They are also proposing three contracted security positions. He reported that according to Assistant City Manager Eric Olmedo, the estimated property tax paid to the City of High Point on the proposed \$305 million capital investment would be more than \$1.9 million per year at the current city tax rate of \$.6475 per \$100 valuation.

High Point is being asked to consider authorizing performance based incentives equal to up to 50% of the property taxes paid each year by DC Blox and its client businesses. Mr. Hill explained that DC Blox and the businesses with equipment in the building would pay those city taxes; DC Blox would total up the numbers and submit the dollar amount to the City of High Point for all taxes already paid at that location; the city would then go to the Guilford County Tax Department to have those numbers verified; then the city would give the company a grant equal to half of that amount with the city having already received its taxes first.

Mr. Hill advised that the incentives, if authorized, would be subject to the company meeting all benchmarks spelled out in the performance agreement. If the Sheridan Court location is chosen, the initial grant year will be designated by DC Blox and would be no later than 2024. Grants will be paid to DC Blox for a ten-year period. The incentive would be in effect for at least ten years and could be up to 17 years, depending on how quickly the data center builds its halls with its clients equipment. Mr. Hill explained that the equipment would depreciate and need to be replaced every 3-5 years. This type of incentive arrangement encourages companies with servers in a data center to continue to invest in the latest equipment, which means continued additions to the tax base.

Mr. Hill clarified that if the City Council does authorize these incentives, it would not be setting a precedent for other economic development projects--only for future data center projects. He further explained that an incentive like the one that he previously described is new to High Point and while such incentives are new to us, this type of incentive is already in effect in other cities in North Carolina and other states as well.

The Guilford County Board of Commissioners held its public hearing on October 1st for a similar incentive proposal and they anticipate voting on the request at their next regular scheduled meeting on October 15th. Mr. Hill advised that locations and competition for this project are in other southeastern states. He then turned over the presentation over to the clients, Jeff Uphues, CEO and Mark Masi, COO, who were participating remotely. Mr. Hill also recognized and introduced Margaret Barnham, an attorney from Greensboro who is working with DC Blox on this project.

Mr. Masi expressed delight to have the opportunity to provide more details about DC Blox and the reasons they feel High Point is a fabulous candidate to be the next opportunity for them to expand its data center. He shared that DC Blox's mission is to power and connect digital businesses in under-served growing markets in the southeast. They currently have data centers in Birmingham, Huntsville, Chattanooga, Atlanta, and their most recent data center in Greenville, SC.

Mr. Masi proceeded with an overview of the company and spoke to the following:

- *Reasons businesses need DC Blox (massive growth; space needs for IT infrastructure increasing; network infrastructure is key to moving data; and corporate data center ownership is declining.*
- *Reasons states, cities, and counties need DC Blox (critical infrastructure for the digital economy; attracts technology-dependent businesses; generates high wages and job skills; stimulate innovation and entrepreneurship; adds substantial property tax base).*
- *What does a data center do?*
A data center is a facility that provides the space, power, network and operations necessary to run an organization's information Technology (IT) equipment.
A multi-tenant data center offers the facility and operations for multiple companies to house and operate their IT equipment.
- *Three main service categories that DC Blox provides (co-location, connectivity, and storage)*

Mr. Masi shared a rendering of what the site will look like on the Sheridan Court location and pointed out it is a 14-acre site with about 10 buildable acres that would accommodate up to six data halls, supporting approximately \$300 million of personal property that would be refreshed every 3-5 years. He shared some photos of their Birmingham Data Center and stated they just received the Uptime Institute Tier III Certification for design for this center. Uptime is the premier organization in certifying data centers.

He then highlighted some of the amenities in their data center (common areas, meeting spaces for customers, high level of security). Over 80 cameras will be on the site with over nine layers of security from the front access gate to customer cabinets in the data center. They will also provide secure storage and receiving areas for customers and offer break/collaboration areas for customers as well as training and meeting rooms. In addition to their diverse employee base, Mr. Masi stated their mission is not only to serve enterprise government and university customers such as NC A & T, UNC-Greensboro and others, but the actual communities as well.

He elaborated on their serving locally mission and shared that it is focused on reducing the digital divide in underprivileged areas; fostering training and education for tomorrow's technology workers; technology support for non-profits and disadvantaged minority-owned businesses, and provided some serving locally examples. Mr. Masi encouraged everyone to visit their website to learn more about their mission and stories about how they serve locally and connect with their customers.

In closing, Mr. Masi thanked Council for their time and hospitality that they have received from the Economic Development team and so many others that they have encountered on their journey to bring DC Blox to High Point, Guilford County, and the Greater Piedmont Triad.

Following Mr. Masi's presentation, Mr. Hill advised that the company expects to make its decision on the location just before or after January 1, 2021. The High Point Economic Development Corporation staff recommends that Council authorize the performance based incentives for the DC Blox project, and authorize the city manager to execute a performance agreement with the company which will contain benchmarks for the company to achieve and a schedule for the payment of those incentives.

Chairman Moore asked if there were any public comments received regarding this matter; the clerk reported there were no comments received. He then asked if there were any questions/comments from Council.

Chairman Moore commented that this is certainly an exciting opportunity for High Point as it presents a new type of incentive for consideration. He asked about their description of the "underserved growing market" and if it is geographical or quantitative. Mr. Masi replied that they are a very analytical company and have studied about 40 markets in the southeast. He explained the communities that they have gone into have had a single Tier III rating, so they are state of the art facilities which are identified on their website. He shared that they build businesses where they know it is an area of the country which has a shortage of data centers (noting exceptions of Atlanta, Charlotte, and Nashville). Of those 40 markets, he

explained they have about 20 targets that they think are worthy of their investment that would support a data center. Chairman Moore thanked Mr. Masi for the clarification and asked if there were any additional comments.

In advance, Mayor Wagner welcomed DC Blox to High Point and expressed confidence about the city's ability to work with them as the city has done with prior companies seeking economic development incentives. He expressed appreciation for the investment and noted one of the things that the city has been attempting to do since he became Mayor is to diversify the economy in the city and he felt DC Blox would fit nicely with that.

Mr. Hill agreed and encouraged everyone to move the decision on this project along as fast as possible.

Chairman Moore thanked staff and DC Blox for their presentations and explained that the public hearing would remain open for the required 24-hour time period and a vote on the matter would be considered at a recessed meeting of City Council scheduled for Wednesday, October 7, 2020 at 5:30 p.m.

COMMUNITY DEVELOPMENT COMMITTEE - Mayor Pro Tem Williams, Chair
Committee Members: Williams, Hudson, Jefferson, and Johnson

2020-382 Rescission of Ordinance to Demolish - 819 Circle Drive

Council is requested to rescind the ordinance adopted on September 16, 2019 to demolish the dwelling at 819 Circle Drive belonging to Felix Luna Mendez.

Adopted an Ordinance rescinding the Demolition Ordinance adopted on September 16, 2019 for the dwelling at 819 Circle Drive.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Johnson, that the Ordinance rescinding the Demolition Ordinance for this property be adopted. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7632/20-48
Ordinance Book, Volume XXI, Page 48**

2020-383 Rescission of Ordinance to Demolish - 1516 Willard Avenue

Council is requested to rescind the ordinance adopted on August 5, 2019 to demolish the dwelling at 1516 Willard Avenue belonging to Creative Resources Ministries.

Lori Loosemore, Local Codes Enforcement Manager, reported that she showcased this property last month and advised that the property owner has made the repairs to the dwelling; they have already rented it; and the property is currently occupied.

Community Development Chairman Chris Williams entertained any questions. There were none.

Adopted an Ordinance rescinding the Ordinance to demolish the structure at 1516 Willard Avenue.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Holmes, that this matter be adopted. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7635/20-51
Ordinance Book, Volume XXI, Page 44**

2020-384 Ordinance - Demolition of Dwelling - 320 Greer Avenue

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 320 Greer Avenue belonging to Heirs of Mary Oham.

Lori Loosemore, Local Codes Enforcement Supervisor, advised this case was started after the inspector observed that the property was unsecured. The timeline for the property is as follows:

First inspection	6/22/2018
Hearing	1/8/2020
Order to Repair or Demolish	1/8/2020
Compliance Date	2/11/2020
Delinquent Property Taxes \$9,485.97	Years: 2005 and 2010-2020

Ms. Loosemore explained this housing case took longer to process due to it being heir property which required them to advertise it in the newspaper for service. The son of the property owner did appear for the hearing and stated that he did not have the money to make the necessary repairs; wanted to sell it; but would repair it because of the sentimental value it holds. Because the repairs exceeded 65% of the value of the property, the ordinance to repair or demolish was issued on January 8th. Ms. Loosemore reported that the inspectors were told several times that he had a purchaser for the property, but the property was never sold, mostly due to the money that was owed and the liens that were on the property. The property is on Guilford County's active tax foreclosure list.

Ms. Loosemore also pointed out that they are allowing someone to stay in the property and because of the unsafe conditions; no one is supposed be living there. Additionally, she

advised that the neighbors immediately next door to the property have observed constant criminal activities and they are present to speak regarding the housing case.

Community Development Committee Chair Chris Williams invited them to the podium.

Mr. and Mrs. Terry Barney, residents at 317 Greer Avenue, spoke to the multiple problems with the property; confirmed that the property is occupied; they were caught stealing power and the meter has been removed; they are using a generator with a drop cord hooked into the main power panel; the generator is noisy and runs all night long; people come in and out of the property all the time; have seen drug deals going on; overdose as occurred.

Mrs. Barney pleaded with Council to do something and talked about how challenging and shameful it is that their children have to be subjected to this kind of stuff. She also expressed concerns about the possibility of her home catching fire and burning down because of the drop cord they are using to run the generator.

Council Member Peters thanked the Barneys for coming forward; for sending her photos of the property; noted she has been in conversations with them since March; and how so many of the neighbors do maintain their property/lawns. She stated that from a legal standpoint, due process would have to be followed which takes time.

Council Member Jones pointed out this is why the city demolishes houses like this that have been neglected where there is criminal activity and spoke to how the Barneys are a perfect example of neighbors who get impacted.

Community Development Committee Chair Williams asked if there were any additional comments or questions.

Council Member Peters asked if anything could be done to have them remove the generator so it's not constantly running and if they could not be arrested for stealing power.

Ms. Loosemore advised that she has already been in conversation with Andy Osborne with the city and he confirmed there was someone living at the residence, so they went out to check it and found that the power had been cut at the pole. She questioned how that could be possible and stated she would call the electric department after the meeting to see if somebody could check it out tonight.

Interim City Manager Randy McCaslin explained they are actually generating power with a generator, but staff could check to see if the water has been cut off as well. Ms. Loosemore advised that all utilities have been cut off and reiterated that no one should be living in the house. Mr. McCaslin pointed out they could have bypassed the meter and possibly turned it back on. He stated he would let the police chief know that no one is supposed to be living there and ask them to patrol the area.

Council Member Moore inquired as to if the property owner's son is local and Ms. Loosemore replied that he is and that staff has been in contact with him on numerous occasions.

Community Development Committee Chair Williams asked if there were any additional comments/questions. There being none, he asked the clerk if any comments were received pertaining to this matter. The clerk replied that no comments were received.

Adopted an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 320 Greer Avenue.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Jefferson, that this Demolition Ordinance be adopted. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7636/20-52
Ordinance Book, Volume XXI, Page 51**

2020-385 Resolution - Authorization to Convey, List & Sell Property - (HCG) Housing Consultants Group - (NSD) Neighborhood Stabilization Program -131 1D James Road

City Council is requested to authorize the conveyance of property at 131 -1D James Road High Point NC for the purposes of selling property at a negotiated price through the (NSP) Neighborhood Stabilization Program to income eligible buyers; and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Mike McNair, Director of Community Development & Housing, reported this is the last house available that was acquired through the Neighborhood Stabilization Program (NSP). This condominium was a foreclosure; was repaired; and was previously occupied as a rental; and the city has currently offered it for sale. The appraisal for the property came in at \$80,000; however due to the NSP requirements, the city can only sell it for \$69,900. Mr. McNair referenced photographs of the unit that were included in the meeting packet.

Staff is asking that Council convey the property to the Housing Consultants Group, a non-profit and one of the city's real estate partners, then they would offer it for sale with the city receiving the net proceeds.

Community Development Committee Chair Williams asked the clerk if any comments or emails were received regarding this matter; the clerk replied that no comments or emails were received.

Adopted a Resolution authorizing the conveyance of city-owned property at 131-1D James Road to Housing Consultants Group (HCG) to be listed and sold to income eligible buyers through the NSP and to authorize the appropriate city official and/or employee to execute all necessary documents.

A motion was made by Mayor Pro Tem Williams, seconded by Council Member Jefferson, that this resolution be adopted. Following a roll call vote by the mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Resolution No. 1939/20-28
Resolution Book, Volume XX, Page 168**

PLANNING & DEVELOPMENT - Mayor Jay Wagner

2020-386 Brenda Murrow - Amendment to Unified Development Plan (ZA-03-01)

Consideration of an amendment to the Unified Development Plan for the Pennfield PDR (CU-03-01), which is located along the north side of W. Lexington Avenue, approximately 1,300 feet east of Swansgate Lane.

Herb Shannon, Senior Planner with the Planning 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 for a Unified Development Plan for the Pennfield development, which is located along the north side of W. Lexington Avenue, approximately 1,300 feet east of Swansgate Lane. This property was annexed into the city and obtained its current zoning in 2003 for a Planned Unit Development (PUD) with a Conditional Use Permit (CUP) that noted allowable uses such as townhomes or twinhomes and single family, and how each one of the individual lots would develop. Under the old PUD zoning that was a required step, but the process has since been streamlined, but this development is locked up in that previous standard.

The applicant has purchased two lots (lots 44 and 45A) and desires to combine these lots and do one single-family dwelling. The original PUD that was approved noted that these lots would develop as twinhomes and the applicant has submitted a request to revise the PUD for this project. During the review process, staff determined that there are only about 11 vacant lots remaining, so staff worked with the applicant to address their specific problem, and addressed the entire development so they won't have to keep coming back with future changes.

This proposed amendment to the UDP will update it to document and clean up those areas where lot combinations have occurred and also documents the location of the remaining vacant lots; specifically notes where those remaining undeveloped lots may develop either with twinhome structures or with single family; adds some flexibility to the developer as the development is closed out; resolves issues for any future property owners that are developing those remaining lots; and would enable a maximum of 57 units to be developed versus a maximum of 61 dwelling units approved in the original UDP.

Mr. Shannon advised that the revision does not change the layout of the development in any way, nor does it increase the density. Staff finds that the revised UDP is consistent with the

adopted plan development of a residential district and the CUP for the Pennfield development; staff is recommending approval. This matter was reviewed by the Planning & Zoning Commission at their September public hearing and they also recommended approval.

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

Council Member Moore asked if any complaints were received from the current residents. Mr. Shannon replied that he did have an opportunity to speak to the Homeowner's Association's president and noted that staff has not received any complaints.

Council Member Peters shared that her only concern was the hope that this would be beneficial to these residents and pointed out the developer of the Addison Creek neighborhood made some changes and ended up building more townhomes than they were supposed to. She asked if there would be a public hearing and wanted to ensure that the residents are aware of any potential impacts it might have. Mr. Shannon explained this change does not require a public hearing; pointed out there will be no change in use as it is still single family and townhomes that were part of the original zoning approval; so, therefore, there should be no impact to the residents.

Approved an amendment to the Unified Development Plan (UDP) (ZA 03-01) for the Pennfield PDR (CU 03-01) as outlined in the staff report.

A motion was made by Mayor Wagner, seconded by Council Member Moore, that this matter be approved. The motion carried by the following vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

PUBLIC HEARINGS

2020-387 City of High Point - Zoning Map Amendment 20-17

A request by the High Point City Council to rezone 208 properties, totaling approximately 87 acres, as part of the Comprehensive Zoning Map Amendment project. The properties are located within the Watermark Townhome subdivision (N. Centennial Street), 2603 Guyer Street, Ambassador Court Townhome subdivision (Ambassador Court), 2006 and 2011 E. Lexington Avenue (portion of the High Point Greenway), 2017 thru 2027 E. Lexington Avenue, Trails Crossing Townhome subdivision (E. Lexington Avenue), Broadstone Village Commercial tract and common area (northeast corner of E. Martin Luther King Jr. Drive and Dillon Road), Broadstone Village Apartment complex and common Area (Dillon Road) and a portion of 3216, 3220 and 3240 Bowers Avenue.

The public hearing for this matter was duly advertised and held on Monday, October 5, 2020 at 5:30 p.m.

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

Zoning Map Amendment 20-17 is part of the city's ongoing comprehensive zoning map amendment project; the intent is to evaluate zoning in the city and determine if zoning is out of sync or inconsistent with the current land use policies; and remove improper or obsolete zoning for those appropriate changes. The specific areas contained in Map #1, Map #2, and Map #3 are identified below.

The requested zoning of these various parcels/developments is intended to remove outdated and obsolete zoning conditions. These developments were granted their current City of High Point zoning between 1983 to 1999 under the former Development Ordinance, which was replaced by the current Development Ordinance in 2017. The various zoning conditions, adopted as a part of a conditional use (CU) zoning, were established to address land use policies, road improvements, and to ensure compatibility with adjacent property. Except for an undeveloped commercial tract, these projects have been completed and the various zoning conditions have been met. The requested rezoning of these various properties removes outdated and obsolete zoning conditions while maintaining the development's base zoning district.

Map #1

Three developments near the intersection of Eastchester Drive, N. Centennial, and Lassiter (Watermark townhome development; 2603 Guyer Street multi-family development; and Ambassador Place townhome development.

Staff is recommending that Council:

- ✓ Rezone the Watermark Townhome development from a CU RM-5 District to the RM-5 District
- ✓ Rezone the multifamily development at 2603 Guyer Street (Guilford County Tax Parcel 196877) from a CU RM-16 District to the RM-16 District
- ✓ Rezone the Ambassador Place Townhome development from the CU RM-16 District to an RM-16 District

Map #2

An area off of E. Lexington Avenue (2011 E. Lexington Avenue- portion of the High Point Greenway); 2019 through 2027 E. Lexington Avenue- multifamily development; and Trails Crossing Townhome development.

Staff is recommending that Council:

- ✓ Rezone property addressed as 2006 and 2011 E. Lexington Avenue (portion of High Point Greenway (Guilford County Tax Parcels 176785 and 182728) from a CU RM-16 District to the RM-16 District
- ✓ Rezone a multifamily development, addressed from 2019 thru 2027 E. Lexington Avenue (Guilford County Tax Parcel 182731) from the CU RM-16 District to the RM-16 District
- ✓ Rezone the Trails Crossing development from the CU RM-16 District to an RM-16 District

Map #3

- *An area off of E. Martin Luther King, Jr. Drive (portion of 3216 and 3220 Bowers Avenue- single family dwellings; portion of 3240 Bowers Avenue- open space/common area; Broadstone Village Apartments- multifamily development; 2865 Dillon Road- open space/common area of Broadstone Village Apartments; 3303 E. Martin Luther King, Jr. Drive- undeveloped parcel; and 2775 Dillon Road- undeveloped parcel (open space/common area associated with 3303 E. Martin Luther King, Jr. Drive).*

Staff is recommending that Council:

- ✓ *Rezone an undeveloped commercial tract and common area in the Broadstone Village development (Guilford County Tax Parcels 211879 and 211881) from a CU-GB District to the GB District*
- ✓ *Rezone the Broadstone Village Apartments and its common area (Guilford County Tax Parcels 211880, 212051, and 211882) from a CU RM-16 District to the RM-16 District*
- ✓ *Rezone the rear portion of two single family residential (R-5 District) lots, 3216 and 3260 Bowers Avenue, and the Broadstone Village common area (Guilford County Tax Parcels 211889 [portion], 211888 [portion] and 211910 [portion] from the CU R-5 District to an R-5 District*

Mr. Shannon advised that this request was reviewed by the Planning & Zoning Commission at their September meeting and they, too, are recommending approval of Zoning Map Amendment 20-17 based on the following Consistency and Reasonableness Statement:

That Zoning Map Amendment 20-17 is consistent with the City's adopted policy guidance because the proposed zoning map amendments are supported by the various land use designations for these areas as contained in the adopted Land Use Plan. Furthermore, the request is reasonable and in the public interest because the amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning designation, which cannot be amended.

In conclusion, Mr. Shannon reported that staff did have about 85 calls from the property owners/surrounding property owners and staff addressed their concerns. There were concerns that the rezoning would change the use of the property; there were concerns about the impact of taxes; and some expressed concerns about this being associated with eminent domain for some road improvements.

Mayor Wagner then asked the Clerk if any comments were received; the clerk replied that no comments were received regarding Zoning Map 20-17.

Mayor Wagner asked if there were any questions. Hearing none, he advised that the public hearing on this matter would remain open for the required 24-hour period and that Council would reconvene on Wednesday, October 7, 2020 at 5:30 p.m. to vote on the matter.

GENERAL BUSINESS AGENDA**2020-389 First Amendment to Land Disposition Agreement with Elliott Sidewalk Communities High Point LLC**

Council is requested to approve the First Amendment to the Land Disposition Agreement with Elliott Sidewalk Communities.

Greg Ferguson, Assistant City Manager, explained the next two items are follow-up items to the MOU that Council recently approved on September 14, 2020 regarding the Goldberg property and the construction schedule for 275 N. Elm Street. He advised that Assistant City Attorney Meghan Maguire distributed copies electronically to the City Council this afternoon.

He referenced Schedule B, which is where the one change occurred in regards to Building C (275 N. Elm Street) the proposed food hall. Mr. Ferguson explained that in July, the previous City Council, changed the schedule to July 2022 for the Certificate of Occupancy (CO) for that building, but that date is now being changed back to July 2021, which is consistent with Exhibit E and both of these two amendments being considered at this meeting.

He explained that the Land Disposition Agreement contains more detail; addresses what happens once the construction is in progress; includes language that outlines the process to go about obtaining a mutually agreed upon MAI appraisal; defines things that are excluded such as soft costs and any rise in land value over the time period; and confirms the updated Schedule E that is attached.

Mr. Ferguson reiterated that these amendments do reflect what Council had already approved in the MOU.

Mayor Wagner asked if there were any questions. There were none.

Approved the First Amendment to the Land Disposition Agreement with Elliott Sidewalk Communities High Point, LLC and the First Amendment to the Development Agreement with Elliott Sidewalk Communities High Point, LLC.

A motion was made by Mayor Wagner, seconded by Council Member Peters, that this matter be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-390 First Amendment to Development Agreement with Elliott Sidewalk Communities High Point LLC

Council is requested to approve the First Amendment to the Development Agreement with Elliott Sidewalk Communities High Point LLC.

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Mr. Ferguson reiterated that these amendments do reflect what Council had already approved in the MOU.

Mayor Wagner asked if there were any questions. There were none.

Approved the First Amendment to the Land Disposition Agreement with Elliott Sidewalk Communities High Point, LLC and the First Amendment to the Development Agreement with Elliott Sidewalk Communities High Point, LLC.

A motion was made by Mayor Wagner, seconded by Council Member Moore, that the First Amendment to the Development Agreement with Elliott Sidewalk Communities High Point, LLC be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-391 Minutes To Be Approved

Finance Committee Meeting Minutes: 9/17/2020 @ 4:00 p.m.

Special Meeting Minutes: 9/21/2020 @ 2:30 p.m.

High Point City Council Meeting Minutes: 9/21/2020 @ 5:30 p.m.

Recessed Meeting of High Point City Council Minutes: 9/23/2020 @ 5:30 p.m.

A motion was made by Council Member Moore, seconded by Council Member Jefferson, to approve the preceding minutes as submitted. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

2020-392 Appointment- Historic Preservation Commission (John Fitzwater)

Council is requested to confirm the appointment of John Fitzwater to the Historic Preservation Commission as Mayor Pro Tem Williams' Ward 2 appointee. Appointment to be effective immediately and will expire June 30, 2023.

Council Member Hudson moved to suspend the rules to place this matter on tonight's agenda for consideration. Council Member Holmes made a second to the motion, which carried by a 9-0 unanimous vote.

Mayor Pro Tem Williams shared the difficulty in trying to find someone to serve on the HPC due to the training and experience required and expressed gratitude to Mr. Fitzwater for his interest in serving in this capacity.

Approved the appointment of John Fitzwater to the Historic Preservation Commission; appointment to be effective immediately and will expire on June 30, 2023.

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

Aye (9): Mayor Wagner, Mayor Pro Tem Williams, Council Member Johnson, Council Member Moore, Council Member Jefferson, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

Additional Comments**"Coolest Thing Made in NC"**

Mayor Wagner reported that the NC Chamber announced that Thomas Built Buses, headquartered in High Point, is the winner of the "Coolest Thing made in NC" competition for their Saf-T-Liner C2 Jouley electric school bus.

National Night Out

Mayor Wagner reminded everyone that tomorrow is National Night Out and encouraged everyone to get out and participate and to take advantage of the complimentary meal that would be served at the Morehead Rec Center.

Birthday Wishes to Ryan Ferguson

Council Member Jefferson wished Ryan Ferguson, the city's Marketing Manager, a very happy birthday.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 6:48 p.m. upon motion duly made by Mayor Wagner and second by Council Member Moore.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, City Clerk