

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*



Minutes

Monday, March 20, 2017

5:30 PM

Council Chambers

City Council

*William S. Bencini, Jr., Mayor
Jay W. Wagner, Mayor Pro Tem
Latimer B. Alexander, IV., Cynthia Y. Davis
James C. Davis, Jason P. Ewing,
Jeffrey J. Golden, Alyce E. Hill,
Christopher Williams*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present:

Present: Mayor William S. Bencini, Jr., Mayor Pro Tem Jay Wagner (Ward 5); and Council Members Cynthia Y. Davis (At-Large), Jeffrey Golden (Ward 1); Christopher Williams (Ward 2), Alyce Hill (Ward 3), and Jason Ewing (Ward 6).

Absent: Council Members Latimer Alexander (At-Large) and James C. Davis (Ward 5).

Mayor Bencini called the meeting to order; a Moment of Silence followed.

He recognized members of Boy Scout Troop #55 at First United Methodist Church, Raymond Brits, Eric Tapia, Jack Ehmig and Sid Adams, Troop Committee Chairman and Merit Badge Counselor, who led the Pledge of Allegiance

RECOGNITIONS AND PRESENTATIONS

[170089](#)

Resolution - Southwest Guilford High School Men's Basketball Team

Mayor Bencini will present a Resolution to the Southwest Guilford High School Men's basketball team for capturing the North Carolina High School Athletic Association 4A State Championship.

Mayor Bencini read the resolution into the record congratulating Southwest Guilford High School Men's Basketball Team for capturing the North Carolina High School Athletic Association 4A State Championship. Some of the team members and coaches were present to accept the resolution. A photo opportunity followed the presentation of the resolution.

[applause, standing ovation]

[170090](#)

Resolution - High Point Central Women's Indoor Track Team

Mayor Bencini will present a Resolution to the High Point Central High School Women's indoor track team for capturing the North Carolina High School Athletic Association 4A State Championship.

Mayor Bencini read a resolution into the record congratulating the High Point Central High School Women's indoor track team for capturing the North Carolina High School Athletic Association 4A State Championship. A member of the track team and coach were present to accept the resolution. A photo opportunity followed the presentation of the resolution.

[applause, standing ovation]

REGULAR AGENDA ITEMS

FINANCE COMMITTEE - Council Member J. Davis, Chair

Members: J. Davis, C. Davis, Hill and Alexander

(Chairman J. Davis and Committee Member Alexander were absent)

In the absence of Chairman J. Davis, Committee Member Hill chaired this portion of the meeting.

170075

Contract - Waterview Pump Station VFD Improvements

Council is requested to award contract for Bid No. 38 to East Coast Construction Services, LLC in the amount of \$239,850.00 for improvements to the Waterview Pump Station.

Terry Houk, Director of Public Services, reported that these VFD improvements at the Waterview Pump Station are needed due to the Skeet Club road widening and upgrading the forced main from the pump station.

Approved award of the contract to East Coast Construction Services, LLC in the amount of \$239,850.00 for improvements to the Waterview Pump Station.

A motion was made by Council Member Hill, seconded by Council Member C. Davis, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

170076

Contract- Audit Services - Cherry Bekaert LLP

Council is requested to approve contract with Cherry Bekaert LLP for the completion of financial and compliance audit services for the FY July 1, 2016-June 30, 2017 in the amount of \$70,000.00.

Jeff Moore, Director of Financial Services, advised this is the third iteration with the current auditors, Cherry Bekaert. Cherry Bekaert has provided Council with an audit engagement letter for the city's financial compliance audit again this year at a cost of only \$1,000 more than the price than the price that was paid this past year. Staff is recommending approval.

Approved contract with Cherry Bekaert LLP for completion of the financial and compliance audit services for FY July 1, 2016 - June 30, 2017 in the amount of \$70,000.00.

A motion was made by Council Member Hill, seconded by Council Member Ewing, that this Contract be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

**COMMUNITY HOUSING, NEIGHBORHOOD DEVELOPMENT AND PUBLIC
SAFETY COMMITTEE - Council Member Golden, Chair**
Committee Members: Golden, Alexander, Ewing and Williams

[Committee Member Alexander was absent]

170077

Ordinance - Demolition of Structure - 901 East Green Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 901 East Green Street belonging to AR-MEL Investments.

City Attorney JoAnne Carlyle advised that Items 170077, 170078, and 170079 needed to be pulled from tonight's agenda with the hopes of bringing these cases back for consideration on the April 3rd agenda.

Placed this matter on the Pending List with the anticipation that it will be considered at the April 3rd meeting.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Golden, that this case be placed on the Pending list for the Community Housing Neighborhood Development & Public Safety Committee with the anticipation that it will be considered at the April 3rd meeting. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

170078

Ordinance - Demolition of Structure - 903 East Green Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 903 East Green Street belonging to AR-MEL Investments.

City Attorney JoAnne Carlyle advised that Items 170077, 170078, and 170079 needed to be pulled from tonight's agenda with the hopes of bringing these cases back for consideration on the April 3rd agenda.

Placed this matter on the Pending List with the anticipation that it will be considered at the April 3rd meeting.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Golden, that this case be placed on the Pending list for the Community Housing Neighborhood Development & Public Safety Committee with the anticipation that it will be considered at the April 3rd meeting. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

170079

Ordinance - Demolition of Structure - 905 East Green Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the demolition of a structure located at 905 East Green Street belonging to AR-MEL Investments.

City Attorney JoAnne Carlyle advised that Items 170077, 170078, and 170079 needed to be pulled from tonight's agenda with the hopes of bringing these cases back for consideration on the April 3rd agenda.

Placed this matter on the Pending List with the anticipation that it will be considered at the April 3rd meeting.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Golden, that this case be placed on the Pending list for the Community Housing Neighborhood Development & Public Safety Committee with the anticipation that it will be considered at the April 3rd meeting. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

PENDING ITEM

[160330](#)

Ordinance - Demolition of Structure - 512 Hines Street

Council is requested to adopt an ordinance requiring the building inspector to effectuate the demolition of a structure located at 512 Hines Street belonging to Eliseo Zavala. (At the November 7, 2016 meeting this item was deferred to the December 5, 2016 Council Meeting. At the December 5, 2016 Council Meeting, Council deferred this item for 60 days or until the February 6, 2017 Council Meeting. At the February 6th Council Meeting, item was placed back in pending. At the May 1, 2017 meeting this item was continued to the May 15, 2017 meeting. At the May 15th Council Meeting this item was deferred for 45 days). At the June 5th meeting item was deferred pending receipt of the executed Supplemental Order from the property owner.

PLANNING & DEVELOPMENT COMMITTEE - Mayor Pro Tem Wagner, Chair **Committee Members: Wagner, C. Davis, J. Davis and Golden** **(Committee Member J. Davis was absent)**

PUBLIC HEARINGS

[170081](#)

Ordinance - Annexation 16-08 - The R&J Hudson Family Limited Partnership et.al

A request by The R&J Hudson Family Limited Partnership and the Pleasant Farm Family Limited Partnership and Stella Pleasant to consider a voluntary non-contiguous annexation of approximately 35.2 acres lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg Road. The property is known as Guilford County Tax Parcel 0169749 (northern portion of this parcel).

The joint public hearing for this matter and related matter 170082 Zoning Map Amendment 16-30 was held on Monday, March 20, 2017 at 5:30 p.m.

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

Mr. Shannon noted that although staff will combine the presentation on both cases, it would be necessary for Council to conduct separate votes on each one.

This is a request to consider a voluntary non-contiguous annexation of approximately 35.2 acres lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg Road. The applicant is requesting this annexation and to re-establish initial city zoning for this property in order to access city utilities. Since the late 1980s, there have been multiple annexation and rezoning requests in this northern portion of the city's planning area. As a

result, city service vehicles are already in the area and the annexation of this property would be a logical progression of the city's annexation policy in this area.

Regarding the associated Zoning Map Amendment 16-30, the applicant is requesting a Conditional Zoning Light Industrial Zoning for this site. Mr. Shannon explained the applicant has requested that this project be reviewed under the previous Development Ordinance, which is permitted because the application was received in December of 2016 prior to the implementation of the new Development Ordinance which was effective on January 1st. They would be required to obtain site plan approval before December 31, 2017. With this area being designated as Restricted Industrial, for future zoning applications, staff would encourage the new Employment Center District, which has been designed for this area and based upon the way that district is designed, those future requests should have less conditions.

The applicant is proposing to establish a full scale equipment use on this site consisting of the selling and rental and repair of construction and agricultural equipment. They are proposing to develop a 50,000 square foot building on this site. Due to the size of the equipment, there will be outdoor display areas that the applicant will have situated on the site for display and sale and there will be outdoor storage of equipment that will be brought on the site for repair. Along with this, the applicant has also submitted a Conditional Zoning application which prohibits the following:

- certain retail uses,
- requires the development to be subject to the Corporate Park standards (except for maximum building coverage),
- limits outdoor storage to 12% of the site,
- provides for higher landscaping standard limits along Millwood School Road frontage, and
- restricts the amount of outdoor display and the number of access points to the site.

Key points that staff pointed out:

The request is consistent with the Land Use Plan. Although it does note a request from Conditional Zoning to Light Industrial, except for the amount of building coverage, everything else is subject to the Corporate Park standards which is similar to all other zoning approvals with the only deviation being the amount of outdoor storage that they are proposing.

They are subject to the Corporate Park standards which limits the location of loading areas.

they have offered higher landscaping standards along the Millwood School Road frontage where there would be landscaping, and an opaque fence behind that to help screen any view of the rear of the property.

Where they have outdoor storage, the building is required to be in front, outdoor storage in the rear

Mr. Shannon reported that the site is also unique in that it is bounded on three sides by public streets. this will help screen the outdoor storage area and the western limits of the stream running through the middle of the site will help ensure that the outdoor storage area doesn't creep further onto the site because there are specific buffer area requirements and the Millwood School Road frontage would act as the eastern frontage of that area.

Staff suggests that the request is reasonable and in the public interest because it is consistent with the Land Use Plan. Additionally, the applicant has also offered conditions to mitigate transportation impacts and offered conditions to meet the CP development standards. Staff recommends approval of the request. The Planning & Zoning Commission reviewed this request at their February meeting and also recommended approval by a vote of 7-0.

Mr. Shannon advised that regarding the annexation, the applicant has requested that it become

effective in 180 days, which would be September 16, 2017.

At this time, Chairman Wagner asked if the applicant or the applicant's representative would like to comment.

Tom Terrell, 529 W. Parkway with the law firm of Smith Moore Leatherwood, representing James River Equipment (JRE) Company, addressed Council in favor of the annexation request and the zoning map amendment. He introduced the property owners that were present.

JRE is one of the largest and most successful construction and agriculture equipment distributors in the Carolinas and Virginia with dealerships distributed throughout. Mr. Terrell pointed out that this area is moving to industrial or corporate park uses which is in line with the Land Use Plan.

Mr. Terrell pointed out the annexation, although voluntary, it does grow the the High Point tax base by 35 acres and 46 jobs would immediately transfer from Greensboro to High Point. He pointed out over the next 4-5 years, Mr. Romer, the owner, plans to grown and expand on this site to include up to approximately 80 jobs with an investment of \$9 million. Mr. Terrell stressed he is doing this without any incentives.

At this time, Mr. Terrell shared the following statements in the staff report that he felt sums it up:

"This annexation petition represents a logical progression of the City's annexation policy for this area as the property is adjacent to the City's corporate limits and City services and service vehicles are already present in this area. The annexation of this parcel will not negatively impact the City's ability to provide services in this area."

Regarding Zoning Map Amendment 16-30, Mr. Terrell felt this one sentence from the staff report sums up the map amendment perfectly:

"Except for the amount of outdoor storage, the applicant's request is the same as numerous other zoning approvals granted in this area by City Council under the 1992 Development Ordinance. And, "The request is consistent with the Land Use Plan because the conditions restrict the development to Corporate Park District standards, which are consistent with the Restricted Industrial land use classification."

With respect to the neighbors, Mr. Terrell reported that a letter was sent to all property owners within one-third mile of the subject property and all were very supportive. He stated there was no opposition voiced and there were no issues with the Transportation or Planning staff. At this time, he asked that any questions regarding the development be addressed to Mr. Romer, President of James River Equipment, who was present.

Mark Romer, 5510 Riverside Drive in Richmond, Virginia, welcomed the opportunity to expand in the North Carolina area. He explained that they do have an existing business in Greensboro, but the site in High Point would allow them to expand the business by bringing the agricultural component to the John Deere line. He stated they have a really good group of employees and they would like to keep it growing.

At this time, Chairman Wagner asked if there were any questions. There being none, he opened the public hearing and asked if there was anyone present who would like to speak in favor of or in opposition to the annexation or the zoning map amendment request. There was no one present to offer comment.

The public hearing was declared closed.

Adopted the Ordinance providing for the annexation of approximately 35.2 acres lying along the north side of Gallimore Dairy Road; annexation to be effective September 16, 2017.

Ordinance No. 7278/17-20**Introduced 3/20/2017; Adopted 3/20/2017****Ordinance Book, Volume XIX, Page 161**

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member C. Davis, that this Annexation Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

[170082](#)**Ordinance - Zoning Map Amendment 16-30 - JRE Real Estate, LLC**

A request by JRE Real Estate, LLC to rezone approximately 35.2 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District. The site is lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matter 170081 Annexation Case 16-08 was held on Monday, March 20, 2017 at 5:30 p.m.

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

Mr. Shannon noted that although staff will combine the presentation on both cases, it would be necessary for Council to conduct separate votes on each one.

Note: For specific comments made at the public hearing for this matter, please refer to 170081 Annexation Case 16-08 above.

Adopted Ordinance providing for the rezoning of this 35.2 acre tract from the Agricultural (AG) District, within the Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District based on consistency with the City's adopted plans and the request is reasonable in the public interest for the reasons as outlined in the staff report.

Ordinance No. 7279/17-21**Introduced 3/20/2017; Adopted 3/20/2017****Ordinance Book, Volume XIX, Page 162**

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member C. Davis, that Zoning Map Amendment 16-30 be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

[170083](#)**Ordinance - Zoning Map Amendment 16-31 - Selwyn Property Group Investments, LLC**

A request by Selwyn Property Group Investments, LLC to rezone approximately 16.25 acres from the Residential Single Family-3 (R-3) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the north side of Old Plank Road, between N. Main Street and I-74 (6531 Old Plank Road).

The public hearing for this matter was held on Monday, March 20, 2017 at 5:30 p.m.

Mayor Bencini asked to be recused due to a conflict of interest.

Mayor Pro Tem Wagner moved to recuse Mayor Bencini. Council Member Ewing made a second to the motion which carried unanimously. [7-0 vote] [Council Members Alexander and J. Davis were absent]

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

The applicant is requesting a 16.25-acre parcel be rezoned from its current Residential Zoning to the Conditional Zoning General Business District. Mr. Shannon explained that the land area associated with this site was previously acquired by NCDOT for right-of-way; however since the completion of the bypass project in 2011 and the incorporation of the roadway into the I-74 corridor, NCDOT has determined that this land was excess right-of-way and it converted back to the property owners it was initially acquired from. The applicant is requesting the rezoning to develop a commercial use on the property. In conjunction with the application, the applicant has also submitted a Conditional Zoning application containing conditions primarily addressing and mitigating transportation impacts.

Mr. Shannon pointed out the Land Use Plan designates this property for commercial use and it supports local convenience and commercial for that area. Since this area has been designated on the Land Use Map since the 1980s as commercial, the request is consistent with the Land Use Plan. As a result, commercial uses have already been established in this area. The property to the north is zoned for office uses; to the south there is an existing commercial development (GB Commercial Plaza); to the west, there is a combination of commercial/office complex.

The request for the Conditional Zoning General Business District will not introduce any zoning or uses that are not already established in this area. Staff suggests approval of the request as it is reasonable in the public interest and it is consistent with the Land Use Plan. The applicant has offered conditions to mitigate traffic impact, including restricting access and requiring street improvements at those access points. The Planning & Zoning Commission reviewed this request at their February 2017 meeting and also recommended approval by a 7-0 vote.

At this time, Chairman Wagner asked if the applicant or the applicant's representative would like to address Council.

Tom Terrell, 529 W. Parkway, Smith Moore Leatherwood, attorney representing the applicant, addressed Council in support of the request. He introduced Jay Clapp with Ramey Kemp & Associates (Traffic Engineers) and noted that Jensie Teague, a partner and owner of the Selwyn Property Group,

could not attend the meeting because his presence was needed at a contentious zoning hearing in Charlotte tonight.

Mr. Terrell felt the following sentence from the staff report explains it all:

"Since the adoption of the 1983 Land Use Map and its subsequent updates in 1992 and 2000, commercial land uses have been envisioned for this area."

Mr. Terrell advised they have had no known opposition from any of the neighbors and there were no issues with planning or transportation. He concluded his presentation by sharing the following quote from Mike Carr, who attended the Planning & Zoning Commission Meeting:

"In High Point we don't have a traffic problem, what we have is a lack of business problem."

Following Mr. Terrell's presentation, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to speak in support of or in opposition to this request. There being none, the public hearing was closed.

Adopted Ordinance approving Zoning Map Amendment 16-31 to rezone this property from the Residential Single Family-3 (R-3) District to a Conditional Zoning General Business (CZ-GB) District based on consistency with the City's Adopted Plans and the request is reasonable in the public interest for the reasons outlined in the staff report.

Ordinance No. 7280/17-22
Introduced 3/20/2017; Adopted 3/20/2017
Ordinance Book, Volume XIX, Page 163

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member C. Davis, that Zoning Map Amendment 17-01 be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

[170084](#)

Ordinance - Annexation 17-01 - The James & Linda Burgio Family Limited Partnership LTD

A request by The James & Linda Burgio Family Limited Partnership LTD to consider a voluntary contiguous annexation of an approximate 8.56-acre parcel lying along the east side of NC 68, approximately 450 feet north of Regency Drive. The property is known as Guilford County Tax Parcel 0169880.

The joint public hearing for this matter and related matter 170085 Zoning Map Amendment 17-01 was held on Monday, March 20, 2017 at 5:30 p.m.

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

proceedings.

Mr. Shannon noted that although staff will combine the presentation on both cases, it would be necessary for Council to vote separately on each one.

In regards to the annexation, the applicant is requesting the property be annexed in order to have access to city utilities. The property abuts the city limits to the east and to the south and on the opposite side is the Eastchester Corridor which is also in the city and has existing commercial development. This provides a logical progression of the city's Annexation Policy in this area and city service vehicles are already established so the request will not negatively affect the city's ability to provide services.

Regarding Zoning Map Amendment 17-01, Mr. Shannon reported that the applicant is requesting rezoning to a Conditional Zoning General Business District. Also included with this application is a Conditional Zoning Ordinance where the applicant has restricted allowable GB District uses:

To just a vehicle establishment
Allows any use under the Office category
Prohibits any type of outdoor storage, outdoor display

Additionally, the applicant has dedicated right-of-way for the proposed extension of Tynning Street, which abuts the property to the south. The goal is for Tynning Street to eventually be extended up to Gallimore Dairy Road as future development occurs in the area. The applicant has also offered a condition for a right-in, right-out access point to the property from NC 68 (Eastchester Corridor).

Key points that staff touched upon:

The site is within the Eastchester and Gateway Corridor Overlay. The land use policies have been established by Council that protect this corridor by limiting vehicle access, restricting certain commercial uses specifically to the commercial nodes identified in the Land Use Plan that prevent strip development.

The site is within an area that is designated as Commercial use on the Land Use Plan. The area is designated on the Land Use Plan as Local Convenience Commercial. Directly to the south is an area designated for Mixed Use that could allow a mixture of uses as the area is developed with a combination of retail and residential uses. The allowance of commercial uses is specifically supported by the Land Use Plan for this portion of the corridor.

Mr. Shannon pointed out that this application does challenge two longstanding policies of the Eastchester corridor: 1. Allowable Uses, and 2. Access. Staff believes these issues are addressed under the consistency with adopted

policies. Under allowable uses, the applicant is proposing a motorcycle dealership use on the property which falls within the vehicle establishment. Based upon previous zoning actions by Council specifically along the west side of the Eastchester Corridor and the development to the south, previous zoning approvals have specifically prohibited vehicle establishment uses, so the applicant is requesting a change in this policy.

Mr. Shannon also noted that the applicant has offered a condition that there would be no outdoor display and no outdoor storage. With this condition the end result driving by the development of the site would be consistent with the visual view of other commercial development in the area where there is no outdoor display/storage and no outdoor sales. Staff pointed out anytime Council makes a Land Use Plan decision it sets policy, so if there are any other vehicle establishments wanting the same use, staff would not to them that based upon the Council's decision, this is the policy in which that was approved and their request would need to be similar.

Regarding the access issue, Phase 3 of the Eastchester Corridor Plan covers this section of the corridor and it specifically limits the number of access points to the Eastchester Corridor. It specifically looks to the development of service roads for access. Mr. Shannon reiterated that the applicant has offered the condition of the right-in, right-out access to the Eastchester Corridor and pointed out providing a right turn lane and based upon the distance of the Tynning Street right-of-way to Eastchester Drive, it may lessen the impact of the deviation of this policy.

Staff is recommending approval and feels the use issue has been mitigated; however, if the request is approved, the access point to Eastchester would be a change to the Eastchester Corridor policy. The Planning & Zoning Commission reviewed this request at their February meeting and had a lengthy deliberation regarding the access issue, but did recommend approval by a vote of 6-1. Regarding the access issue, they specifically noted the following to support their recommendation for approval:

1. The site is limited to right-in, right-out with a decel lane.
2. Cited topographical conditions and limited visibility as to the distance to the Tynning Street right-of-way
making it difficult to actually see how to access the site.
3. Cited safety concerns for customers visiting the site on motorcycles.

Following the presentation of the staff report, Chairman Wagner asked if the applicant or applicant's representative would like to address Council regarding the request.

Judy Stalder, 665 N. Main Street, representing the applicant, addressed Council in support. She recognized Clint Cogburn and Mike Fox with the Tuggle Duggins Law Firm and Mark Wheelihan, owner of Harley Davidson of

Greensboro who were present. Ms. Stalder pointed out that Mr. Wheelihan is in the process of fine tuning his business model and needs a larger building. The relocation of his business will bring 50 jobs to High Point. Ms. Stalder advised that Mr. Wheelihan has found a property on Eastchester Drive that will meet his needs and also meet the rigorous requirements of the Harley Davidson Corporation.

She shared three key points regarding the applicant's request:

1. This is the right area for this business.

This particular area is right in the center of their customer base and has been approved by Harley Davidson Corporation.

2. The business will fit in with the Eastchester Corridor.

They are planning an upscale building that has the appearance of an office-style building and it will be big enough to allow everything to be done inside (all sales, service, storage and display).

3. The right-in, right-out is necessary and critical for this site.

The visibility of the site is less than ideal. They want to avoid having motorcyclists see the dealership up on the hill and not know how to get to it. Because of the vulnerability of the motorcycle riders, Ms. Stalder stressed how important safety is. She pointed out that Tyning is just not visible when turning onto Regency and just using the Tyning Street entrance would require them to funnel the motorcycles with their iconic sound past a hotel, apartments and a daycare center. NCDOT has agreed to the right-in, right-out with conditions, as well as the High Point DOT. The Planning & Zoning Commission also determined that it is necessary in regards to topography, safety of the riders and because the access to Tyning is not visible.

Ms. Stalder reported that they did contact the adjacent property owners (businesses and properties destined to be business) and only received positive comments. She asked for Council's approval of this application as it was submitted and to vote "Yes" to bring Harley Davidson back to High Point.

Following Ms. Stalder's presentation, Chairman Wagner opened the public hearing and asked if there was anyone present who would like to speak in support of or in opposition to this matter. There being no comments, the public hearing was declared closed.

Regarding Annexation Case 17-01, Chairman Wagner MOVED APPROVAL. Council Member Hill made a SECOND to the MOTION, which carried by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

Following the vote on Annexation Case 17-01, Chairman Wagner MOVED APPROVAL of Zoning Map Amendment 17-01 to include the right-in, right-out access to Eastchester because it is reasonable in the public interest and

consistent with the city's adopted plans for the reasons stated in the staff report. Council Member Hill made a SECOND to the MOTION.

For further discussion, Council Member C. Davis stated that she would support the zoning map amendment, but wanted to know if Council would be okay as a body to allow automotive in that area. Chairman Wagner responded and felt it should be part of the record that because the automotive is inside a building and there would be no outside display of automotive. He did not feel it necessarily would set a bad precedent and if another car dealership wanted to make a similar request and keep everything inside a building, it would be okay. Council Member C. Davis asked if the policy would need to be amended to ensure that. Chairman Wagner did not feel there was a need to amend the policy because this particular use as long as it is inside a building falls within the policy already in place.

There being no further discussion, the Mayor called for a vote on the MOTION to APPROVE Zoning Map Amendment 17-01. The MOTION carried by a 7-0 UNANIMOUS vote. [Council Members Alexander and J. Davis were absent]

Adopted the ordinance providing for the approval of ANNEXATION CASE 17-01; and

Adopted the ordinance providing for the approval of ZONING MAP AMENDMENT 17-01 to include the right-in, right-out access to Eastchester.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Hill, that this Annexation Ordinance be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

170085

Ordinance - Zoning Map Amendment 17-01 - The James & Linda Burgio Family Limited Partnership LTD

A request by The James & Linda Burgio Family Limited Partnership LTD to rezone approximately 8.56 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the east side of NC 68, approximately 450 feet north of Regency Drive (3022 NC Highway 68). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

The joint public hearing for this matter and related matter 170085 Zoning Map Amendment 17-01 was held on Monday, March 20, 2017 at 5:30 p.m.

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

Mr. Shannon noted that although staff will combine the presentation on both cases, it would be necessary for Council to conduct separate votes on each one.

Note: For specific comments made at the public hearing for this matter, please refer to 170084

Annexation Case 17-01 above.

Adopted the ordinance providing for the approval of ZONING MAP AMENDMENT 17-01 to include the right-in, right-out access to Eastchester, based on consistency with the City's adopted plans and the request is reasonable in the public interest for the reasons outlined in the staff report.

Ordinance No. 7282/17-24
Introduced 3/20/2017; Adopted 3/20/2017
Ordinance Book, Volume XIX, Page 165

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Golden, that Zoning Map Amendment 17-01 be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

PROSPERITY & LIVABILITY COMMITTEE - Council Member Ewing, Chair
Committee Members: Ewing, Hill, Wagner and Williams
(all were present)

[170080](#)

Memorandum of Understanding - High Point University

Council is requested to grant the Manager authority to sign an MOU adding additional improvements and maintenance responsibilities relating to the Farris Avenue Greenway, to High Point University (HPU). Council will need to vote on the Encroachment Agreement on a future date.

Deputy City Manager Randy McCaslin explained that the city entered into an MOU with High point University on October 20, 2013. This amendment to the existing MOU covers two factors:

It will allow HPU to have an encroachment on the right-of-way on the north side of the park area, which is the south side of E. Farris.

It will allow HPU to adopt this segment of the greenway and park area.

HPU has agreed to assume responsibility for future maintenance in that area of the greenway. This in no way diminishes access to the greenway; there will be access to the greenway on the west side of Centennial and on the other side of the area as well. HPU will also maintain the section of the greenway between what used to be W. College Drive (now Panther Drive) over to University.

Mr. McCaslin reported this Amendment to the MOU was discussed at the Prosperity & Livability Committee Meeting held on March 1, 2017 and the Committee unanimously agreed to support it.

He noted that Barry Kitley with HPU was present in the case of any questions regarding the Amendment to the MOU.

Approved the Amendment to the MOU with High Point University as proposed.

A motion was made by Council Member Ewing, seconded by Council Member Williams, that this Amendment to the MOU with High Point University be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

GENERAL BUSINESS AGENDA

170086

Appointments - Historic Preservation Commission

Council is requested to confirm the appointment of Dorothy Darr to the Historic Preservation Commission as Council Member Hill's Ward 3 appointment and the appointment of Mary Powell DeLille as Council Member Wagner's Ward 4 appointment. Appointments to be effective immediately and will expire July 1, 2020.

Mayor Pro Tem Wagner commented that Council should consider when making appointments to the Historic Preservation Commission, that the individuals have certain expertise, knowledge and background because if this is not done, it could result in the city losing its CLG status which would jeopardize access to grant funding. Bob Robbins of Planning and Development advised that it is a general requirement for experience either in architecture, architectural history, some related field of history, or at the very least someone who is interested in historic preservation.

Council Member C. Davis added that her appointee on the Historic Preservation Commission mentioned to her there was some frustration amongst the board members because some serving on the board were appointed without having any knowledge as to responsibilities/duties.

Approved the preceding appointments to the Historic Preservation Commission.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Hill, that these appointments be approved. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

170087

Municipal Records Retention & Disposition Schedule

At the March 6, 2017 City Council Meeting, council approved the amendment to the Municipal Records Retention & Disposition Schedule as proposed by the NC Department of Cultural Resources. Council Member Cynthia Davis is requesting that records identified in Standard 6 Items Number 3 and 18; and records identified in Standard 9 Item Number. 136 be kept for a longer period of time.

Mayor Bencini noted this was discussed at the last meeting and Council

Member C. Davis questioned the length of time some of the records are preserved. He then recognized Police Chief Kenneth Shultz, who was present to report on some research he was asked to conduct.

From the Police Department standpoint, he acknowledged there were three areas that would be impacted specifically dealing with the videos: In-Car camera systems; Interview Room recordings; and Evidentiary Video taping. Regarding the interview room recordings and the evidence side, it is their current policy to burn these to a DVD or a flash drive as soon as those interviews are conducted and most of the time, it requires a court order to destroy these records.

He expressed concerns regarding the storage and retention of the In-car Camera systems and pointed out it would be cost prohibitive to keep these records for a longer retention period. He worked through the IT Department and Dell to do some research on what it would cost for extending it for a year, which resulted in a price tag of \$164,000 additional expense for a year to increase that storage.

Council Member C. Davis stated she was satisfied with the current practices regarding the Interview Room recordings because all the information is put into a file and burned to a DVD or flashdrive. She noted that she was previously not aware of this information. She agreed that the additional cost of \$164,000 for the In-car Camera systems was quite concerning and wanted the chief to know that she just wanted assurance that if someone had to go to court, she wanted the information available in the case of an appeal and that she was not trying to cause an increase on the Police Department side.

No further action is needed at this time. The Amendment to the Municipal Records & Retention Schedule adopted at the March 6, 2017 meeting will be the same as adopted at that time.

removed

170091

Resolution - Guilford County Animal Shelter

Council is requested to adopt a Resolution Supporting the Guilford County Animal Shelter remaining at the current location of 4525 Wendover Avenue.

Mayor Bencini recognized Guilford County Commissioner Carlvena Foster, who represents High Point on the Board of Commissioners. He informed Ms. Foster that if the County is proposing to move the Animal Shelter from its current Wendover Avenue location, he did not want them to move it farther from High Point.

Commissioner Foster stated she did not either and the reason for her presence at tonight's meeting was because she read that the City Council would be adopted a Resolution tonight. She noted it was important enough to her as a High Point citizen and as a Guilford County Commissioner to come tonight to let Council and the High Point residents know that she has emphatically said to the Board of Commissioners that she does not support them moving the Animal Shelter from the Wendover Avenue location. She shared that they are looking at several sites and they are also looking at a site that is not very far away (about two miles from the Wendover site). She also pointed out that she did share some statistics obtained from the

Police Chief with the Commissioners last week because for some reason they were under the impression that High Point did not really use the Animal Shelter, although the numbers speak to the contrary. She advised that the Guilford County Board of Commissioners are still in discussions although they are trying to move forward with it.

Mayor Bencini thanked Commissioner Foster for her attendance at tonight's meeting and for her assisting High Point with this.

Adopted The Resolution supporting the Guilford County Animal Shelter to remain at the current location on Wendover Avenue.

Resolution No. 1660/17-70

Introduced 3/20/2017; Adopted 3/20/2017

Resolution Book, Volume XIX, Page 130

A motion was made by Council Member Davis, seconded by Mayor Pro Tem Wagner, that this Resolution be adopted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

[170088](#)

Minutes to Be Approved

Prosperity & Livability Committee Meeting; Wednesday, March 1st @ 9:00 a.m.

Special Meeting of City Council; Monday, March 6th @ 4:00 p.m.

Regular Council Meeting; Monday, March 6th @ 5:30 p.m.

Community Development & Neighborhood Housing Committee Meeting; Tuesday, March 7th @ 10:00 a.m.

Approved the preceding minutes as submitted.

A motion was made by Mayor Pro Tem Wagner, seconded by Council Member Ewing, that the preceding minutes be approved as submitted. The motion PASSED by a 7-0 unanimous vote. [Council Members Alexander and J. Davis were absent]

ADJOURNMENT

Upon motion duly made by Council Member C. Davis, second by Council Member Ewing, the meeting adjourned at 6:37 p.m.

Respectfully Submitted,

William S. Bencini, Jr., Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk

