

City of High Point

*Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260*



Minutes

Monday, February 15, 2021

5:30 PM

Council Chambers

City Council

Jay W. Wagner, Mayor

Britt W. Moore (At Large), Mayor Pro Tem

*Tyrone Johnson (At Large), Cyril Jefferson (Ward 1), Christopher Williams (Ward 2),
Monica L. Peters (Ward 3), S. Wesley Hudson (Ward 4), Victor Jones (Ward 5), and
Michael Holmes (Ward 6)*

As part of the City of High Point's on-going COVID-19 mitigation efforts, in-person attendance will not be allowed at this meeting. Instead, the meeting will be live-streamed and the public can listen to the meeting as it is being live-streamed by clicking on the following link www.HighPointNC.gov/VirtualPublicMeeting.

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

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

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

Mayor Wagner called the roll for attendance. The following council members were present (9):

Mayor Jay W. Wagner (physically present)

Mayor Pro Tem Britt Moore- At Large (physically present)

Council Member Tyrone Johnson- At Large (physically present) [Arrived at 5:33 p.m.]

Council Member Cyril Jefferson- Ward 1 (physically present)

Council Member Christopher Williams- Ward 2 (physically present)

Council Member Monica Peters- Ward 3 (remote participation)

Council Member Wesley Hudson- Ward 4 (physically present)

Council Member Victor Jones- Ward 5 (physically present)

Council Member Michael Holmes- Ward 6 (physically present)

The following staff members were physically present:

Randy McCaslin, Interim City Manager; Eric Olmedo, Assistant City Manager; Greg Ferguson, Assistant City Manager; JoAnne Carlyle, City Attorney; Lee Burnette, Director of Planning & Development; Herb Shannon, Senior Planner- Planning & Development; Chris Andrews, Planning Administrator- Planning & Development; Mike McNair, Director of Community Development and Housing; Mark McDonald, Transportation Director; Lori Loosemore, Code Enforcement Manager; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

The following staff members participated remotely:

Meghan Maguire, Assistant City Attorney; Terry Houk, Public Services Director; Robby Stone, Public Services Deputy Director; Trevor Spencer, Engineering Services Director; Derrick Boone, Public Services Assistant Director Glenda Barnes, Public Services Analyst; Kim Thore, ROW Coordinator; Michelle McNair, Community Resources Manager; Tom Beckett, Civil Engineer II

Also, Present:

Angela McGuill, High Point Housing Authority

Others participating in the meeting remotely were:

Judy Stalder, Tom Terrell, Craig Stone, Dan Pritchett, Michael Fox, and Richard Vanore, David Michaels, Ameyna, Ray Davis, Wendy Martin, Laura Krantz, Seldon Patty, Jim Grdich, Sara Stevenson; David Woodar, Poyner Spruill LLP

Present 9 - Mayor Pro Tem Britt Moore, Council Member Christopher Williams, Council Member Cyril Jefferson, Mayor Jay Wagner, Council Member Michael Holmes, Council Member Monica Peters, Council Member Tyrone Johnson, Council Member Victor Jones, and Council Member Wesley Hudson

RECOGNITIONS AND PRESENTATIONS

[2021-66](#)

Resolution - Angela G. McGill - High Point Housing Authority (HPHA) Director

Mayor Wagner will present a resolution recognizing Angela G. McGill, as the first female director of the High Point Housing Authority (HPHA) and her years of service to the High Point Community.

Attachments: [Angela McGill Resolution__Final](#)

Mayor Wagner will present a resolution recognizing Angela G. McGill, as the first female director of the High Point Housing Authority (HPHA) and her years of service to the High Point Community.

Mayor Wagner read the resolution into the minute and recognized Angela G. McGill, as the first female director of the High Point Housing Authority (HPHA) and her years of service to the High Point Community.

Angela G. McGill, High Point Housing Authority, extended appreciation to everyone on behalf of her recognition, and recognized the passing of two of her grandmothers who passed due to COVID.

[Applause/photo ops]

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative

[2021-73](#)

Council Member Williams, Chair of the Community Development Committee will provide an update to Council regarding code enforcement/blight reduction, and Council Member Holmes, Chair of the Marketing & Branding Task Force Initiative will provide an update on the Marketing & Branding Initiative.

Mayor Wagner advised that there were no updates at this time.

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair

Mayor Pro Tem Moore advised that the Finance Committee did meet at its regularly scheduled meeting; that all items were placed on the consent agenda with a favorable recommendation; noted that item 2020-528-Proposed System Development Fee, the fees were reduced by 50% from the recommendation received from the Study conducted by Stantec; would be effective on January 3, 2022; another study would be conducted on June 20, 2023; which would be considered for potential action on or before October 1, 2023; and that the exhibit had been updated to reflect the changes made.

Council Member Jefferson inquired on the enactment of the recommended fee amount from the Study and on discussions with the development community. Mayor Pro Tem Moore replied that the fees were reduced by 50% from the Study; spoke to discussions with the High Point Builders Association; TREBIC; and HPRAR; said that this institution was a part of the State Legislation passed in 2017; and that this fee structure was in the best interest of High Point in funding the CIP. Council Member Jones replied that he had also spoken to TREBIC; and that they were satisfied with the outcome.

CONSENT AGENDA ITEMS

[2021-56](#)

Resolution - Sale of City Owned Property - 229 Near Fisher Avenue

City Council is requested to adopt a resolution accepting the offer of \$1,500.00 and authorizing the sale of the City owned property at 229 Near Fisher Avenue through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Attachments: [FINAL 229 Near Fisher Avenue](#)
[RES Upset Bid 229 Near Fisher Avenue](#)
[ad 30926549 229 Near Fisher Ave CC 2.15.21](#)
[Quit Claim Deed 229 Near Fisher Ave](#)

Adopted a resolution accepting the offer of \$1,500 and authorizing the sale of the City owned property at 229 Near Fisher Avenue through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Resolution No. 1962/21-7

Resolution Book, Volume XXI, Page 7

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, that this matter be adopted. The motion carried by the following vote:

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

[2021-57](#)**Contract - Designa Southern Time - Parking Access & Revenue Control System - S. Main Parking Facility**

City Council is requested to award a contract to Designa Southern Time in the amount of \$76,242.00 for the purchase and installation of a new PARC system for the Main Street garage and authorize the appropriate City official and/or employee to execute the necessary documents.

Attachments: [FINAL Parking Upgrades Main St Designa ST proposal](#)
[SIGNED Sole Source Request Form Designa Southern Time 020121](#)

Approved a contract awarded to Designa Southern Time in the amount of \$76,242.00 for the purchase and installation of a new PARC system for the Main Street garage and authorize the appropriate City official and/or employee to execute the necessary documents.

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

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

[2021-58](#)**Contract Amendment - Wooten Company - Riverdale Sewer Lift Station "West Force Main"**

City Council is requested to approve Contract Amendment #1 with Wooten Company in the amount of \$120,000.00 to provide additional contract administration and construction observation services for the Riverdale Sewer Lift Station "West Force Main" project and that the appropriate City official and/or employee be authorized to execute the necessary documents.

Attachments: [FINAL Wooten- West Force Main Project - Amendment I2321](#)

Approved a contract amendment #1 with Wooten Company in the amount of \$120,000.00 to provide additional contract administration and construction observation services for the Riverdale Sewer Lift Station "West Force Main" project and that the appropriate City official and/or employee be authorized to execute the necessary documents.

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

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

[2021-59](#)**Change Order #4 - Breece Enterprises, Inc. - Water & Sewer Emergency Repairs**

City Council is requested to approve Change Order #4 with Breece Enterprises, Inc. in the amount of \$500,000.00 for the emergency repair of water and sanitary sewer utilities and

that the appropriate City official and/or employee be authorized to execute the necessary documents.

Attachments: [FINAL Water Sewer Emergency Repairs Change Order](#)

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

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

2020-528

Resolution- Proposed System Development Fee

The required public hearing for this matter was held on Monday, December 21, 2020 at 5:30 p.m. At that time, action was taken to refer this matter to the Finance Committee for further discussion regarding adoption of a proposed System Development Fee assessed by the Water and Sewer Funds according to the provisions of GS 162A, "North Carolina Water and Sewer Authorities Act." The Resolution and Exhibit A have been modified to reflect Finance Committee recommendation.

Attachments: [TREBIC doc](#)

[Joel Gillison Public Comment SDF.pdf](#)

[Revised Final System Development Fees](#)

[Revised System Development Fee Exhibit A](#)

[Signed-RES System Development Fee](#)

Adopted a Resolution for implementation of the System Development Fee with the following revisions:

1. The numbers set forth and recommended by the Stantec Study would be reduced by 50%; and
2. The System Development Fees would become effective January 3, 2022; and Another study would be performed by June 30, 2023 and the results of that study would be presented to City Council for consideration and possible action on or before October 1, 2023.

Resolution No. 1964/21-9

Resolution Book, Volume XXI, Page 9

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Hudson, that this matter be adopted. The motion carried by the following vote:

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

REGULAR AGENDA ITEMS

**PROSPERITY & LIVABILITY COMMITTEE - Council Member Hudson,
Chair**[2021-60](#)**Consideration of Approval - Segment of the Southwest Greenway System**

City Council is requested to consider approval of a segment of the Southwest Greenway System.

Note: At the February 15, 2021 City Council Meeting, the following motions/substitute motions were made:

Original Motion: A motion was made by Council Member Hudson, seconded by Council Member Jefferson, to consider approval of a segment of the Southwest Greenway System.

Substitute Motion #1: A motion was made by Council Member Jones, seconded by Council Member Hudson to send this request to the Finance Committee for further discussion to determine if the project would be considered a 'city project' or 'non-profit project' in regards to determining how or what type of funds to use.

Substitute Motion #2: A motion was made by Council Member Peters, seconded by Council Member Jefferson, to allocate \$82,000 in funding in the FY 2021-2022 budget to construct the Greenway project between Vale Street and West Ward Street.

Council Member Williams suggested this matter be tabled until the Recessed Meeting of City Council scheduled for Wednesday, February 17, 2021 at 5:30 p.m.

Mayor Wagner explained no further action would be necessary and the matter would appear on the February 1, 2021 Recessed Meeting Agenda.

Attachments: [FINAL_Cassell Greenway Extension](#)

Council Member Hudson noted at the Prosperity & Livability Committee meeting that there was discussion regarding the Southwest Greenway System; said the matter was voted on; approved, but not unanimously for consideration; and pointed out that the funds requested were not in the FY 2021-2022 budget.

A motion was made by Council Member Hudson, seconded by Council Member Jefferson, to approve a segment of the Southwest Greenway System.

A substitute motion was made by Council Member Jones, seconded by Council Member Hudson, to send this request to the Finance Committee for further discussion to determine if the project would be considered a 'city project' or 'non-profit project' in regards to determining how or what type of funds to use.

Council Member Peters spoke to the Southwest Greenway System being a city project, and not a non-profit project; and asked for an explanation on the price increase compared to an estimate provided in 2018 (\$40,000-\$50,000). Mark McDonald, Transportation Director replied and spoke to how the cost had risen dramatically for construction projects which resulted in the increased estimate.

Council Member Holmes inquired on the price increase from \$82,000 to \$100,000. Mr. McDonald replied that the Engineering Services and Transportation departments worked together to come up with the estimate of \$100,000 to assure there were enough funds to execute the project.

Council Member Williams inquired if the Southwest Greenway System was a city project or non-profit. Council Member Hudson replied that it was not a city initiative and was brought to the city by the Southwest Renewal Foundation. Mr. McDonald replied that the project was proposed by the Southwest Renewal Foundation; and that staff pursued it from that recommendation.

Randy McCaslin, Interim City Manager said that the Greenway Master Plan for the Parks and Recreation Department is currently underway and would be presented to council in April or May of 2021.

A substitute motion was made by Council Member Peters, seconded by Council Member Jefferson, to allocate \$82,000 in funding in the FY 2021-2022 budget to construct the Greenway project between Vale Street and West Ward Street.

Mayor Wagner explained the process of voting on substitute motions.

Discussion took place regarding the substitute motions that were made; funding for the greenway project; and the need for more information from staff before any action would be taken.

Council Member Jefferson spoke to the greenway being a city owned/maintained property; said that information for the project was provided at the Prosperity and Livability Committee meeting; voiced appreciation for the hard work and support from Dorothy Darr, and Tony Collins for the project; and that the committee voted to approve this request.

Discussion took place regarding staff's role versus council's role in creating the city's budget.

Mr. McCaslin stated that this recommendation was from the virtue of actions that came from the Prosperity and Livability Committee.

Discussion took place regarding the origination of the Downtown Economic

Incentive Policy; concerns on the protocol of how the budget was created; issues of precedent that were not staff originated; establishing a precedent; how past projects were added into the budget; and gathering more information on this project.

Mayor Wagner explained how the Downtown Incentive Policy was created with staff and knowledge of funding; voiced concern on precedent to earmark funds without knowing what the outcome of the budget would be; and spoke to budget cuts made due to the pandemic.

Council Member Peters stated that this request went through the proper steps before it was brought before council.

Council Member Jones voiced in agreement with Mayor Wagner's comments; voiced appreciation for the Prosperity and Livability Committee's time and discussion on this matter; and said that council has a responsibility to the city's taxpayers to call it what it is, if it is a city project, then ask the city manager to include it in the budget which will be voted on in June.

Council Member Jefferson spoke to the process of how the recommendation was made from the committee; said this recommendation had been made for several years; spoke to the project being a high priority; to decisions being made on economic development improvements all the time; to black and brown residents impacted in that area; and to benefiting that part of the city.

Mayor Pro Tem Moore inquired if the Economic Development funds were in the budget. Mr. McCaslin replied yes. Discussion ensued regarding Economic Development funds; how they are budgeted and used; to prioritizing this project; and the next FY budget. Mayor Wagner pointed out that economic development incentives are paid out of the Electric fund and cannot be spent on things such as the greenway.

Council Member Peters inquired if Cassell street was city owned; and if the project is approved would it be a city owned project. Mr. McCaslin replied yes.

Council Member Jefferson asked for clarification on how bonuses and leave payouts are paid out for city employees since several have been approved; and inquired about the employee leave payout policy. Mr. McCaslin replied that the funds for those were already budgeted and paid out of the salaries budget.

A substitute motion was then made by Council Member Williams, seconded by Council Member Jones to table this matter for further discussion at the Wednesday, February 17, 2021 Recessed Meeting. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:

Aye (9): Mayor Wagner, Mayor Pro Tem Moore, Council Member Johnson, Council Member Jefferson,

Council Member Williams, Council Member Peters, Council Member Hudson, Council Member

Jones, and Council Member Holmes

City Attorney JoAnne Carlyle advised council that the original motion and remaining two substitute motions would remain active until Wednesday, February 17, 2020 recessed meeting @ 5:30 p.m.

**COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams,
Chair**[2021-61](#)**Resolution - Community Housing Solutions of Guilford, Inc. - Conveyance of
Properties**

City Council is requested to adopt a resolution approving conveyance of (15) properties to Community Housing Solutions of Guilford, Inc. and that the appropriate City official and/or employee be authorized to execute the necessary documents.

Attachments: [FINAL Cedrow Subdivision Conveyance
Resolution Conveyance of Property Non Profit Corp
ad 30926550 Conveyance to Community Housing Solutions of Guilford, Inc](#)

Michael McNair, Community Development Director extended greetings; said staff was requesting approval for conveyance of properties to the Community Housing Solutions of Guilford, Inc.; provided a brief background on the project; and spoke to the progress made thus far.

Adopted a resolution approving conveyance of (15) properties to Community Housing Solutions of Guilford, Inc. and that the appropriate City official and/or employee be authorized to execute the necessary documents.

**Resolution No. 1963/21-8
Resolution Book, Volume XXI, Page 8**

A motion was made by Council Member Williams, seconded by Mayor Pro Tem Moore, that this matter be adopted. The motion carried by the following vote:

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

[2021-62](#)**Amendment - 2020 Urgent Repair Policies (URP20) Procurement & Disbursement**

City Council is requested to approve the amended Urgent Repair (URP20) Procurement and Disbursement Policies and that the appropriate City official and/or employee be authorized to execute the necessary documents.

Attachments: [FINAL 2020-21 Urgent Repair Program Procurement Policy Amendment 2.
Urgent Repair Policy Amendment \(signed\).pdf](#)

Michael McNair, Community Development Director said that the inability to get sufficient bids had caused delays in the ability to address urgent repairs in a timely manner. To better serve homeowners and administer the program more effectively, we believe it would be in the best interest of the program to add the option of contracting with CHS.

Mayor Wagner inquired on the average cost for repairs. Mr. McNair replied that the cost for repair ranged from \$8,000 to \$10,000.

Approved the amended Urgent Repair (URP20) Procurement and Disbursement Policies and that the appropriate City official and/or employee be authorized to execute the necessary documents.

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

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

[2021-63](#)

Contract Amendment - CDBG-CV

City Council is requested to approve CDBG-CV contract amendments in the amount of \$198,343.00 to the following CDBG-CV recipients and that the appropriate City official and/or employee be authorized to execute the necessary documents.

- Housing Consultants Group \$80,000.00 Mortgage, Rental and Utility Assistance
- West End Ministries \$60,000.00 Rental and Utility Assistance
- Piedmont Health and Sickle Cell Agency \$33,343.00 Rental and Utility Assistance
- Open Door Ministries \$25,000.00 Rental and Utility Assistance

Attachments: [CDBG-CV Contract amendments](#)

Michael McNair, Community Development Director reported that previous \$354,363 was awarded to local non-profits leaving a balance of \$198,343.00. The total amount of contracts with Housing Consultants Group (\$140,000.00) and West End Ministries (\$110,000.000) will exceed the \$90,000.00 threshold for Council action. The amended contract amounts for the Piedmont Health and Sickle Cell Agency (\$54,169.00) and Open Door Ministries (\$46,200.00) will be processed through Purchasing.

Approved CDBG-CV contract amendments in the amount of \$198,343.00 to the recipients listed above and that the appropriate city official and/or employee be authorized to execute the necessary documents.

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

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

[2021-64](#)

Ordinance - Demolition of Dwelling - 1700 Pershing Street

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1700 Pershing Street belonging to Heirs of Johnny L. Sprouse.

Attachments: [1700 Pershing St Council Packet](#)
 [ORD Demo 1700 Pershing St](#)

Lori Loosemore, Local Codes Manager, provided a brief overview for this property as followed:

- First Inspection: 11/16/2017
- Hearing Results: 11/18/2020: no one appeared for the Hearing.
- Order(s) Issued: 1/6/2021: Order to Repair or Demolish
- Date of Compliance 2/5/2021
- Appeals: None
- Owner Actions: Guilford County property taxes were due in the amount of \$16,979.32 for the years of 2012-2020.

Staff recommended the adoption of the requested ordinance to demolish the single-family dwelling and all outbuildings on said property.

Chairman Williams asked if any comments were received regarding this housing case. The Deputy City Clerk replied that no comments were received.

Ordinance No. 7691/21-8

Ordinance Book, Volume XXII, Page 8

A motion was made by Council Member Williams, seconded by Council Member Johnson, that this matter be adopted. The motion carried by the following vote:

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

[2021-65](#)

Ordinance - Demolition of Dwelling - 1205 Filbert Place

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1205 Filbert Place belonging to Frederick L. Sink.

Attachments: [1205 Filbert Council Final](#)

Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

Lori Loosemore, Local Codes Manager, noted that the home would be put on the market to be sold; spoke to the vetting process for potential buyers; and said if the property did not sell in the next couple of months, she would bring this item back before council.

A motion was made by Council Member Williams, seconded by Council Member Hudson, that this matter be removed. The motion carried by the following vote:

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

PLANNING & DEVELOPMENT - Mayor Jay Wagner**PUBLIC HEARINGS**

Mayor Wagner noted that due to recently adopted legislation regarding remote meetings, the public hearing for this meeting would remain open to allow for the required 24-hour period to receive any additional comments prior to any action being taken by the City Council this matter; these public hearing matters would be voted on at the Recessed Meeting on Wednesday, February 17, 2021 @ 5:30 p.m.; and provided information/instructions for submitting comments.

[2021-67](#)**Louise Yow Snyder et al - Annexation 20-09**

A request by Louise Yow Snyder et al for a voluntary contiguous annexation of approximately 28.5 acres located along the north side of W. Wendover Avenue, approximately 800 feet east of the intersection of W. Wendover Avenue and Morris Farm Road. The property is addressed as 4912 and 5000 W. Wendover Avenue, and also known as Guilford County Tax Parcel 154731 and 154740.

Attachments: [Staff Report \(AN-20-09\) \(1\)](#)
[Ordinance Annexation 20-09](#)

The joint public hearing for this matter and accompanying matter Zoning Map Amendment 20-24 was held as duly advertised on Monday, February 15, 2021 at 5:30 p.m.

Note: For specific comments made at the public hearing, please refer to Annexation 20-09.

Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings; and advised that this was a combined presentation for 2021-67 Annexation 20-09, and 2021-68 Zoning Map Amendment 20-24; and would be voted on separately.

The applicant is requesting annexation to have access to City utilities to facilitate development of a multifamily project. This property was situated in the northeastern portion of the City's planning area and abuts the City of High Point corporate limits along its northern and western boundary. There had been several annexation approvals in this area along W. Wendover Avenue, up to Guilford College Road, and along Piedmont Parkway. As this property was generally surrounded by the City's corporate limits, this annexation petition represented a logical progression of the City's annexation policy for this area and would not negatively impact the City's ability to provide services in this area.

The zoning request site currently had an AG District zoning under Guilford

County's zoning jurisdiction. The applicant had submitted an annexation petition, to allow connection to City utilities, and a Zoning Map Amendment requesting to establish a CZ RM-16 District to support development of a multifamily project. Included with this application was a conditional zoning ordinance in which the applicant offered conditions to restrict where development may be permitted, to limit site density or require the submittal of a Traffic Impact Analysis (TIA), and to restrict the location of vehicular access, as well as providing for right-of-way dedication. The zoning site lies along the north side of the West Wendover Avenue corridor. Lands along the north side of this corridor and east of Premier Drive to Hickory Grove Road were designated Medium Density Residential in the City's Land Use Plan. That medium density designation was intended to accommodate a variety of higher density residential uses, including townhouses and apartments, at a density of eight to 16 dwelling units per gross acre. A conditional zoning plan was included with this application. This plan divided the zoning site into two tracts, with the stream that bisects the site being the division line; impacts on public schools; and transportation impacts were included in staff report as well.

Staff recommended approval; and The Planning and Zoning Commission voted 8-0 to approve the following statement:

Consistency and Reasonableness Statements

That Zoning Map Amendment 20-24 is consistent with the City's adopted policy guidance because as conditioned, the requested CZ RM-16 District is supported by the relevant goals and objectives of the Land Use Plan and the West Wendover Avenue/Guilford College Road Corridor Plan. Furthermore, this zoning map amendment proposes to establish similar zoning as exists on abutting lands, which would enable a development pattern consistent with this portion of the West Wendover Avenue corridor and along Morris Farm Drive.

Council Member Hudson inquired on the traffic impact. Mr. Shannon replied that when the Transportation Department reviewed the request, their analysis noted that that if more than 220 units were installed that a traffic study would be required; and that the applicant offered a condition that did require a study if that were to occur, which would require improvements to be installed.

Mayor Pro Tem Moore asked if the set number of 220 units were consistent across the city; and if the request was approved, would the developer build a construction road into the development. Mr. Shannon replied that this was a specific analysis conducted based on this specific site for 220 units; and that there were no details at this time for the construction road because the property could be sold several times to different developers.

Craig Stone (Applicant Representative), Wynnefield Development, 5614 Riverdale thanked council for their consideration for the Wendover Heights

project; stated this community would be for working families; voiced appreciation to staff's support throughout this process; replied yes to Mayor Pro Tem Moore's question regarding building a construction road into the project; and that he was available to answer any questions.

Mayor Wagner asked if there were any questions. Hearing none, he reminded everyone that Council would be taking action on this matter on Wednesday, February 17th @ 5:30 p.m.

acknowledge public hearing held

2021-68

Wynnefield Properties, Inc. - Zoning Map Amendment 20-24

A request by Wynnefield Properties, Inc. to rezone approximately 28.5 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located along the north side of W. Wendover Avenue, approximately 800 feet east of the intersection of W. Wendover Avenue and Morris Farm Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: [Staff Report ZA-20-24 \(Council\) \(1\)](#)
[Public Comments ZMA 20-24.pdf](#)
[Ordinance ZMA 20-24](#)

Note: The joint public hearing for this matter and related matter Annexation 20-09 was duly held as advertised on Monday, February 15, 2021 at 5:30 p.m. Please refer to 2021-67 Annexation 20-09 for specific comments made at the public hearing.

acknowledge public hearing held

2021-69

High Point University - Zoning Map Amendment 20-25

A request by High Point University to rezone approximately 37.5 acres from the Residential Single Family-5 (R-5) District and a Conditional Zoning Institutional (CZ-I) District to a Conditional Zoning Institutional (CZ-I) District. The site is bounded by N. Centennial Street, E. Lexington Avenue, Panther Drive and E. Farriss Avenue.

Attachments: [Staff Report \(ZA-20-25\)](#)
[Public Comments ZMA 20-25.pdf](#)
[Ordinance ZMA 20-25](#)

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

A request by High Point University to rezone approximately 37.5 acres from the Residential Single Family-5 (R-5) District and a Conditional Zoning Institutional (CZ-I) District to a Conditional Zoning Institutional (CZ-I) District. The site is bounded by N. Centennial Street, E. Lexington Avenue, Panther Drive and E. Farriss Avenue.

The Planning and Zoning Commission voted 8-0 to approve the following statement:

Consistency and Reasonableness Statements

That Zoning Map Amendment 20-25 is consistent with the City's adopted policy guidance because the zoning site is designated as Institutional by the Land Use Plan, and supported by policies of the Core City Plan. Furthermore, the request is reasonable and in the public interest because the zoning request will incorporate the two remaining residentially zoned properties into the campus and create a uniform zoning district for all the land within this area.

Dan Pritchett (Applicant), Jamestown Engineering Group noted that he was available to answer any questions.

Mayor Wagner asked if there were any questions. Hearing none, he reminded everyone that Council would be taking action on this matter on Wednesday, February 17th @ 5:30 p.m.

acknowledge public hearing held

[2021-70](#)

Seldon E. Patty - Annexation 20-10

A request by Seldon E. Patty for a voluntary contiguous annexation of approximately 9.45 acres located at the southeast corner of Gallimore Dairy Road and S. Chimney Rock Road. The property is addressed as 775 and 771 S. Chimney Rock Road, and also known as Guilford County Tax Parcels 153576 and 153577.

Attachments: [Staff Report \(AN-20-10\)](#)
[Ordinance Annexation 20-10](#)

The joint public hearing for this matter and accompanying matter Zoning Map Amendment 20-26 was held as duly advertised on Monday February 15, 2021 at 5:30 p.m.

Note: For specific comments made at the public hearing regarding these matters, please refer to Annexation 20-10.

Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report, which is hereby attached in Legistar as a permanent part of these proceedings; and advised that this was a combined presentation for 2021-70 Annexation 20-10, and 2021-71 Zoning Map

Amendment 20-26; and would be voted on separately.

The applicant was requesting annexation to have access to City utilities to facilitate development of an industrial use. This property was situated in the northern portion of the City's planning area abutting the Piedmont Centre Industrial Park. This annexation petition represented a logical progression of the City's annexation policy for this area as the proposed annexation site abuts the City's corporate limits, and City services and service vehicles were already present in this area. The annexation of this parcel would not negatively impact the City's ability to provide services in this area.

The zoning map amendment site had an AG District zoning under Guilford County's zoning jurisdiction. The applicant submitted an annexation petition to allow connection to City utilities, and a Zoning Map Amendment request to establish a CZ-LI District to support development of a future industrial project. Included with this application was a conditional zoning ordinance in which the applicant offered conditions to combine the lots prior to development, and to meet most of the District Standards of the Employment Center (EC) zoning district.

The property was situated at the northern edge of the City's planning area and is designated by the adopted Land Use Plan for Restricted Industrial development. Restricted Industrial development is intended to accommodate office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments. There have been several zoning approvals to allow such uses in this portion of the City's planning area as the zoning site sits along the northern edge of the Piedmont Center Industrial Park. Also, the site is located in Zone 2 of the Airport Overlay District, which only allows nonresidential uses.

Adjacent industrial developments had a CU-LI District zoning that was conditioned to meet the higher development standards of the former Corporate Park (CP) District. Under these prior zoning approvals, the LI District was utilized to allow for a higher building area coverage. Under the new Development Ordinance, which became effective on January 1, 2017, the CP District was eliminated, and the newly established EC District was adopted to support industrial development in areas designated by the City's Land Use Plan as Restricted Industrial. This was one of the few remaining unannexed parcels adjacent to the northern portion of the Piedmont Centre Industrial Park. The applicant elected to not request EC District zoning, instead they requested CZ-LI District to match zoning of the surrounding area. To ensure development of the site was governed by similar higher development standards, as applied to the adjacent lands, the applicant offered a condition that the site meet District Standards of the EC zoning district, with the one exception being the building orientation standard.

Section 2.4.6.C. of the Development Ordinance states that the advisability of a

conditional zoning was a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

The Planning and Zoning Commission voted 8-0 to approve the following statement:

Consistency and Reasonableness Statements

That Zoning Map Amendment 20-26 is consistent with the City's adopted policy guidance because as conditioned, the requested CZ-LI District meets objectives of the Community Growth Vision Statement and the Land Use Plan, specifically protecting the appearance of the Gallimore Dairy Road corridor, and allowing for continued Restricted Industrial development as designated.

Furthermore, the request is reasonable and in the public interest because as conditioned to meet District Standards of the EC zoning district, the requested CZ-LI District will be similar to and compatible with the previous CZ-LI zoning districts approved in this area.

Michael Fox (Applicant's Representative), attorney with Tuggle Duggins P.A., 400 Bellemeade Street Greensboro extended greetings; recognized Richard Vanore, President, Koury Corporation, 2275 Vanstory Street Greensboro in attendance remotely; voiced appreciation for staff's support; noted that this request was approved unanimously at the Planning & Zoning Commission meeting; said that the Koury Corp. was excited to have an investment in High Point; they planned on having a high-quality light industrial investment; and that they were available to answer any questions.

Mayor Wagner asked if there were any questions. Hearing none, he reminded everyone that Council would be taking action on this matter on Wednesday, February 17th @ 5:30 p.m.

acknowledge public hearing held

[2021-71](#)

Koury Corporation - Zoning Map Amendment 20-26

A request by Koury Corporation to rezone approximately 9.45 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District. The site is located at the southeast corner of Gallimore Dairy Road and S. Chimney Rock Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: [Staff Report ZA-20-26 \(Council\)](#)
 [Ordinance ZMA ZA-20-26](#)

Note: For specific comments made at the public hearing regarding these matters, please refer to Annexation 20-10.

acknowledge public hearing held

PENDING ITEMS

2021-42

James Martin and Shirley Martin -Annexation 20-08

A request by James Martin and Shirley Martin for a voluntary contiguous annexation of approximately 4.21-acres located at the eastern terminus of E. Springfield Road, approximately 160 feet south of E. Springfield Road. The property is known as Guilford County Tax Parcel 196054 (portion) and 158007 (portion).

Note: The City Council held the public hearing on this matter as advertised on Monday, February 1, 2021 at 5:30 p.m.; however because the applicant had not yet submitted the required annexation map associated with the request, the public hearing was closed and the Mayor noted that the Council would take action on Monday, February 15, 2021.

Attachments: [Staff Report AN-20-08](#)
 [Ordinance Annexation 20-08](#)

Note: The City Council held the public hearing on this matter as advertised on Monday, February 1, 2021 at 5:30 p.m.; however, because the applicant had not yet submitted the required annexation map associated with the request, the public hearing was closed and the Mayor noted that the Council would take action on Monday, February 15, 2021.

Herb Shannon, Senior Planner with the Planning and Development Department, noted that this matter was continued from the February 1, 2021 council meeting to allow the applicant more time to submit the required annexation map associated with the request; and to allow sufficient time to receive comments from the public. The map was submitted and reviewed by staff; and noted that the map was accepted. As noted, prior at the February 1st meeting; this was a logical progression of the city's policy for this area; was for the annexation only; and that council may take action on this matter at this time.

Mayor Wagner noted that no additional comments had been received.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Williams, to pull this matter out of Pending. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:

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

Adopted Annexation Ordinance for a voluntary contiguous annexation of approximately 4.21-acres located at the eastern terminus of E. Springfield Road, approximately 160 feet south of E. Springfield Road. The property is known as Guilford County Tax Parcel 196054 (portion) and 158007 (portion).

A motion was made by Mayor Wagner, seconded by Council Member Hudson, to adopt the Annexation Ordinance approving Annexation 20-08. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:

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

Ordinance No. 7690/21-7

Ordinance Book Volume XXII, Page 7

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

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

[2021-22](#)

BRC Spirit LLC and BRC Spirit II LLC - Zoning Map Amendment 20-20

A request by BRC Spirit LLC and BRC Spirit II LLC to rezone approximately 3.6 acres from the Residential Single Family - 3 (R-3) District and a Conditional Use Office Institutional (CU-OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located west of Eastchester Drive and north of Hilton Court, and addressed as 1801 and 1809 Eastchester Drive.

Attachments: [Robb Jolly Email 01.15.21 \(link to petition and compilation of comments\)..pdf](#)
[Email from Judy Stalder Continuance of ZMA 20-20 to 2.15.21.pdf](#)
[1. Vesta Kennedy Emails #1 - #11.pdf](#)
[2. Vesta Kennedy Emails #12 - #17.pdf](#)
[3. Vesta Kennedy Emails #18 - #22.pdf](#)
[4. Vesta Kennedy Emails #23 - #29\).pdf](#)
[5. Vesta Kennedy Emails #30 and #31.pdf](#)
[Staff Report ZA-20-20](#)
[CZ Ordinance ZA-20-20 Revised \(03-01-21 Council\)](#)
[6. Vesta Kennedy Emails #32 - #36.pdf](#)
[7. Vesta Kennedy Emails #37 - #43.pdf](#)
[Public Comments from Others ZMA 20-20.pdf](#)
[Denial Letter ZA-20-20](#)

Herb Shannon, Senior Planner with the Planning and Development Department, noted this matter was initially introduced at the January 19, 2021 meeting of council; the applicant requested this matter be continued; and provided an overview of the staff report (amended), which is hereby attached in Legistar as a permanent part of these proceedings.

A request by BRC Spirit LLC and BRC Spirit II LLC to rezone approximately 3.6 acres from the Residential Single Family - 3 (R-3) District and a Conditional Use Office Institutional (CU-OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located west of Eastchester Drive and north of Hilton Court, and addressed as 1801 and 1809 Eastchester Drive.

The applicant desired to develop a convenience store with fuel sales and a major eating establishment (restaurant with drive-through window) at the northwestern corner of the intersection of Eastchester Drive and Hilton Court. The current zoning districts of the parcels, the R-3 District and a CU-OI District, do not permit these commercial uses. Therefore, the applicant has requested to rezone the site to a CZGB District.

The applicant included with their application a conditional zoning ordinance that offered conditions to allow right-in only access to the site from Eastchester Drive and to provide a 100-foot wide buffer adjacent to residential uses to the rear of the site; conditions to prohibit underground fuel storage tanks and to restrict allowable GB District uses to convenience store with fuel sales, major eating establishment, hotels or motel, microbrewery, microdistillery/microwinery, major personal service and major retail sales uses, which includes retail establishments up to 50,000 square feet of gross floor area.

The assessment documents that the land area in and around the I-74 interchange was narrow and did not offer large areas for development, and that direct vehicular

access from Eastchester Drive had been restricted by NCDOT from the I-74 interchange northward to the newly constructed Hilton Court/Gordon Road signalized intersection. In addition, land in this area was constrained by Oak Hollow Lake to the west, which is part of the City's potable water supply, and by established neighborhoods to the east. Furthermore, the area is impacted by the development restrictions of the Oak Hollow Lake Watershed Critical Area, as a significant portion of land to the west of this segment of Eastchester Drive are within Tiers 1, 2 and 3 of the Watershed Critical Area.

The zoning site was contained within Area 3 as denoted in the assessment report. The report stated that Area 3 consists of approximately 6 acres that are split between Oak Hollow Lake WCA Tiers 2 and 3 and City Lake GWA. Furthermore, it states that a portion of Area 3 could be graded so that it drains out of the Oak Hollow Lake WCA and into the City Lake GWA, which would allow more impervious surface and allow increased development intensity. The 3.6-acre zoning site is the only portion of Area 3 or the entire assessment study area where such development intensity could be increased by changing the grade of the site. The land use assessment concluded that Area 3 should remain in the Office land use category, which would support the OI district. The OI district allowed a wider variety of land uses that offered additional development opportunities while still adhering to the longstanding policies of the corridor.

Approval of the requested CZ GB district would enable commercial development of the zoning site inconsistent with the character of development, both existing and planned, for this segment of the Eastchester Drive corridor. No other properties in the surrounding area could be developed similarly. Therefore, commercial development on the zoning site could negatively affect the potential of those surrounding properties to be developed with office, institutional or residential uses, which are allowed by policy. In addition, the requested CZ GB district would allow access directly to Eastchester Drive, inconsistent with the corridor plan and against the recommendation of the Transportation Department.

Section 2.4.6.C. of the Development Ordinance stated that the advisability of a conditional zoning is a Eastchester Drive was an important major thoroughfare in the city, moving traffic entering the city from the north and from I-74.

There had been significant commercial development occurring along the Eastchester Drive corridor in three main areas. To manage traffic and to protect the gateway qualities of the corridor, the Eastchester Corridor Plan limited commercial development to well-separated clusters, or nodes, located at major intersections. Major commercial nodes were planned at 1) the intersection of N. Main Street and along the corridor to the N. Centennial Street intersection, 2) the midpoint of the corridor at the Skeet Club Road/Wendover Avenue intersection, and 3) the northern point of the corridor at the Regency Drive and Gallimore Dairy Road intersections. Over the years, these three planned commercial nodes were

expanded in area to accommodate additional commercial development where traffic could be adequately managed in those major intersection areas. The interchange at I-74 was never planned as a commercial node by the Eastchester Corridor Plan as there are watershed protection restrictions, development constraints and concerns that commercial development would adversely impact the efficiency of the interchange.

Due to the I-74 interchange improvement project, the City recently conducted a land use assessment of a 148-acre area along Eastchester Drive. The Eastchester Drive/I-74 Land Use Assessment studied the transportation project's impacts on adjacent land along Eastchester Drive from Festival Park on the northern end to Lassiter Drive on the southern end. The purpose of the study was to review the impacts and to evaluate the current land use policies for this portion of the corridor.

The Planning and Zoning Commission recommended denial of this request, as recommended by staff, by a vote of 9-0.

Note: A zoning map amendment application receiving a recommendation for denial from the Planning and Zoning Commission shall only be approved by the City Council with a two thirds (⅔) majority vote of the City Council members present and voting.

The Planning and Zoning Commission voted 9-0 to approve the following statement:

Consistency and Reasonableness Statements

That Zoning Map Amendment 20-20 is not consistent with the City's adopted policy guidance because there have been no changes in the type or nature of development in this area, no changes to the Land Use Plan and no changes in policies of the corridor plan to support commercial uses in this area. The land use impacts from the I-74/Eastchester Drive interchange improvements were recently studied. That land use assessment reported that the transportation improvements did not warrant a change in land use policy or zoning for the site and surrounding area.

Furthermore, the Commission stated that the recommendation of denial is reasonable and in the public interest because the established zoning and development pattern along this segment of the corridor primarily consists of OI Districts and residential districts. The requested CZ-GB District, to permit intense commercial use of the site, is not consistent with the established zoning and development pattern of the surrounding area.

Transcript

Herb Shannon: Are there any other questions that you have for staff at this time?

Councilman Holmes: Thank you, Herb. This is very thorough. This is Councilman Holmes. The amendment stated that there would be no underground fuel tanks, but still fuel sales, so how do they intend to manage the sale of fuel without underground tanks?

Herb Shannon: The applicant can probably address that, but it would not prohibit above ground fuel tanks. They are just saying they could not have underground fuel storage tanks.

Mayor Wagner: Anyone else with questions for staff? Thank you, Mr. Shannon. If the applicant is connected, Council will now hear from the applicant.

Judy Stalder: This is Judy Stalder. Can you hear me alright?

Mayor Wagner: Yes.

Mayor Pro Tem Moore: It's a little muffled.

Judy Stalder: This is Judy Stalder, 3735 Admiral Drive and that's in High Point. The owner/developer is BlueRidge Companies. They are based in High Point and Jim Grdich is here to represent them and answer questions. Our engineering company is CPT Engineering and they are located in High Point. Steve Webb is here to answer any questions. Our attorney grew up and still lives in High Point, Tom Terrell and I've been here for forty years, but I still like to say that I'm from High Point as well.

I want to thank you for continuing this hearing from last month. I know you've heard plenty about this rezoning request already, but I want to start by telling you that BlueRidge Companies heard what the neighbors had to say about underground fuel tanks and we heard what P & Z had to say about underground fuel tanks and I think that was the reason they voted 9-0 against this.

Our intent in removing underground fuel storage tanks from this request was to eliminate any kind of fuel sales on this property and I'd like to make sure that that's part of any vote on this is that it be amended to say that there will be no fuel sales on this property.

In addition to no underground fuel storage tanks. So, no overground fuel storage tanks and no underground fuel storage tanks.

So, that leaves this official request to rezone from CU-OI to CZ-GB with the only difference being from the current zoning, the only difference from the current zoning are three possible uses:

1. A drive-thru window for a restaurant. Restaurants are already permitted under the current zoning and as you know, the reasons typically mentioned for not permitting drive-thru restaurants often boil down to just encouraging pedestrian traffic. This site is an auto-oriented area with few, if any, pedestrians. And while we'd all like to see sidewalks on Eastchester Drive, it's never going to be a pedestrian destination. So, a drive-thru window.
2. Possibly a hotel or motel, and
3. Possibly a micro-brewery.

Those are the only three uses that we're proposing that are not allowed in the current zoning and that's the only changes that we're making now. None of these uses should be a surprise or even raise an eyebrow at the intersection of an interstate highway and a major state thoroughfare. So, to be clear, we are no longer asking for a convenience store with fuel sales or underground fuel tanks. I'd like to say one more thing about the location. There are millions of dollars of improvements being made to alleviate congestion, yes, but also to accommodate expected growth. New, well-done development is a return on that investment and I think we can do better than the metal building and the little house perched on the edge of the improvements that are there now.

The primary recommendations of the Land Use Plan and the recent Land Use Assessment, and I can tell you six ways that it does that.

1. The recommendation is a combination of smaller lots. This site combines two smaller lots into one site.
2. The protection of adjacent neighbors and this may be the most significant condition of this rezoning request. It provides for a 100-foot wide undisturbed buffer. Almost 35% of the total area of the site between new development and the adjacent neighbors and the lake. I sent you an email because we were too late to get a slide up on the display tonight. But an email that shows the current conditions and shows the current forested area of that 100 feet and all that will remain undisturbed. The remaining 2.47 acres adjacent to Eastchester Drive will make a nice sized development, but it's not going to be anything intense. It's not going to establish a major development or commercial node. It's just a little bit more intense than Office Institutional with the three uses that were added. This site, the part that will be developed is not visible from the homes at 1821 Eastchester or the condos at I-74 or many of the homes on Hilton Court.
3. Protection of the Water Supply. Whether this is new development that adheres to the Eastchester Overlay aesthetics or what's there now, any kind of development here must meet all local state and federal regulations for water protection. Our engineer, Steve Webb, is available to answer any of your questions on this. But, again, there will not be any underground fuel storage tanks

or overground fuel storage tanks in this request. This property can be graded to drain away from Oak Hollow Lake. So, it is the only property there that can probably meet that kind of grading.

4. It will maintain safe and efficient transportation along NC 68. It is located at a signalized intersection. There aren't any other properties that can [inaudible] there. There is full access from a side street to this property. We have said that we will improve and have a deceleration lane along Eastchester Drive. So, I'd like to talk about the right-in only for Eastchester Drive. That is something that will depend on the uses and we will defer to NCDOT on that. The TIA was performed according to the parameters dictated by High Point Department of Transportation and NCDOT and there was some back and forth between all of us about which uses trigger which improvements. But, the bottom line is that Eastchester Drive, NC 68 is a state highway and this site is subject to NCDOT regulations for access. The improvements are dictated by NCDOT regardless of the conditions on the zoning request. It's just one of those elements that's technical in nature and we defer to the regulatory body that's in charge of it. Frank Amenya from Davenport Engineering, who did the TIA, is also available to answer any of your questions this evening.

5. The aesthetics. The aesthetics are codified in the Eastchester Overlay District. The Overlay Standards regulate the building materials. It can't be metal like the current building. It regulates the landscaping, the signage, and a lot of other little things.

6. Meets the primary recommendations of the Land Use Plan by preventing zoning domino effect. This site is unique in the area as Mr. Shannon said. It is situated so that it ensures that it will not trigger other rezonings for commercial uses. It's the only property in the area where much of the developable portion of the site can be graded into the General Watershed area, rather than directly into Oak Hollow Lake. The site is relatively flat, while many of the other properties have topographic issues and, as stated before, it is at a signalized intersection with full access from a side street as required by the Eastchester Overlay.

I'd like to conclude this part of our presentation by emphasizing, this site is different from those around it and can be graded away from draining into Oak Hollow Lake. We're also providing that buffer between any development along Eastchester and the adjacent property owners and the lake. The TIA is done and we're looking for guidance from NCDOT as we begin our site development. But most importantly, the only change this request is asking for is the addition of three uses: a drive-thru, a hotel, or a micro-brewery.

At this time, I'll turn this over to Tom Terrell, who will talk about Land Use designations specifically.

Tom Terrell: Thank you, Judy and thank you members of Council, I hope you can hear me clearly. I'm Tom Terrell with the Law firm of Fox Rothschild, 529 W. Parkway in High Point. Judy has already made some of the points that I was going to make and I don't need to repeat all of them, but I am going to address the Land Use Policies that the staff used in order to recommend that you don't approve this. If you will go to the next slide please.

The reason is, not only in the new Land Use Study that's being done but even using the old study that's the basis of the staff's recommendation. They completely ignore 35 years of changes in state law, ordinances that we have adopted, corridor growth, local policies that we now have in place-none of which existed in 1985 and they do this in their recommendations as though it's still when we, when we back in the 80s when we started the original study of this corridor. Next slide please.

You saw the history, I think. If you don't know it, it's in the study itself but that plan started in 1985; it was adopted in 86; it was tweaked once, made a little bit stronger in several places, but it really remained and still remains, apparently, the exact same study that we did and adopted in 1986. Next slide.

Now, this is why it's no longer relevant. In 1989, North Carolina adopted very strict water supply/watershed regulations. The City of High Point followed three or four years after that with the local codifications of those watershed regulations. We no longer allow zoning boards, or councils to decide whether a zoning application is dangerous to the water supply. The state scientists' have come up with watershed regulations. They are codified based on science, not what we think we want or don't want. The same thing with transportation. This used to be subjective. I remember those days very, very well. You need to trust me. The City of High Point does not want, nor does it need to return to those days where everything was head-butting over the subjective requirements for transportation mitigation. We've codified those now and we're bringing in the experts, the third-party experts. This analysis that staff gives you, though, is telling you it's not in the expert's hands. They're telling you that it's in your hands as a subjective decision. That's wrong. Eastchester Corridor Overlay regulations are objective, they are codified. You don't decide to, objectively, on a case by case basis if something is pretty enough for this corridor. You either meet them or you don't. The same thing with what was called a domino effect. This place is built out. High Point has changed a lot since then, but the way we're looking, apparently, at all of our policies is stuck in the past and we need to move forward to where we are now. Next slide.

And this, again, this is an issue because we cannot use 1985 ordinances and laws for current issues. Go to the next slide.

Now, a little bit in-depth on this. I just mentioned this a few months ago but I can't say it enough is that water supply/watershed regulations and how we protect Oak

Hollow is codified. It is very objective. We control density. We control impervious surface percentages. We control what uses are and are not allowed and this is a situation where you are allowed or you're not allowed and what we've been talking about in this case is grading the site so that this use would actually no longer be in the Oak Hollow Watershed. That has to be recognized because we would be strictly following the law that is applicable. Go to the next slide.

Now, traffic mitigation, once again, a lot of us who are on this Zoom call remember those days. In '99 it was very controversial. It went on for several meetings. The City of High Point adopted a policy whereby a developer could trigger a certain number of uses at a.m. or p.m. peak, is required to hire a third party to decide. This is a third-party engineer, to determine what mitigation is required. Is it dangerous? Is it not dangerous? And these studies cost anywhere from thousands of dollars to tens of thousands of dollars. And, again, it's an objective decision. So, let's go to the next slide.

I want to go over, for those of you who don't read these things and you think this is just for the transportation department to analyze. Let me tell you what's in here. Davenport Engineering used Simchro and Sim traffic modeling. This is among the most sophisticated transportation/engineer software in the world. It is used by NCDOT. It is used by transportation engineers in almost every developed country that you can imagine. They also use the Institute of Transportation Engineer Trip Generation Manual which is based upon thousands of studies done across the country where they take averages to decide or to determine what is the expected traffic coming out of a certain use. They used a highly capacity manual, all of the NCDOT policies and forecasts, they met with our local transportation staff, they met with the State DOT, they went out there and they did conservative consumptions. So, go to the next slide.

We cannot do what the transportation staff or the planning staff, somebody's [inaudible] staff report did when they.....and I'm going to quote from the staff report, " the requested district does not protect transportation efficiency, nor does it promote safety because it does not include the transportation department's recommendation for the development to take access from Hilton Court. That recommendation is not based upon a single study. We're talking about, now, taking, going from all of these thousands of dollars we're making citizens spend to get transportation engineers to analyze something and to subordinate it to what staff wishes, what staff wants, what staff prefers, staff desires. That is not the way this policy is written. When Davenport Engineering says there is adequate capacity for the project's traffic, we have to accept that. They are the experts. They are using all the standards of transportation engineers. It's like when a civil engineer says a bridge is strong enough to hold your car, we accept their analysis and all of their math. When they say no improvements were triggered at I-74, but we accept it. When they say a right-in only entrance will alleviate queuing and delay, we need to accept that. So, this is, as I say here, it's at most a TRC issue

as Judy alluded to for the staff to look at the very specific use and see what that specific use might do. Of course, NCDOT is not obligated to follow the local ordinance but the city is. Next slide please.

The aesthetics of the Gateway Corridor. I was actually shocked to see this. I represent, Judy represents innumerable developers who just cringe because they have to comply with all of these Overlay protections. But you know something? We've codified it. It's in the law and our job is to say you have no choice. If it says your sign cannot be this, then it cannot be this. If it says your landscaping must be that, then your landscaping must meet that standard. This is all codified, everything from does it have to be brick or not, if it's in the ordinance you can't go below that. So, the error in the staff analysis is that you are supposed to use a subjective zoning decision to decide whether or not any use here is going to be, and I'll just use the phrase "pretty enough" for this corridor. Actually, we made that decision when we adopted the Eastchester Corridor Overlay. If we don't like the Eastchester Corridor Overlay provisions and we think they need to be strengthened, well let's strengthen them. But when somebody comes along, don't.....before anything is built and you've seen it, don't start judging it as being unattractive in any way. Next slide.

Now protecting the neighborhoods from incompatible development. Those are the actual quotes from the study. Arguably, this is a zoning decision. This is something that you could do, but, then, again you also have to ask is there a neighborhood and is there something to protect and is it incompatible? Go to the next slide.

This is what Judy was talking about. Cypress Court can't see this. If you're on the site, you cannot see Cypress Court. Same thing for the other properties nearby. There's a lot of this that it's just not seen at all. Next slide.

Between Cypress Court and this site, these are the two houses. If you go up close to them, I would argue to you that they represent not the future of this corridor, but the past and they just happen to still be there. I don't think this is a quote, unquote neighborhood we're trying to protect. The house on the right is the one that has all the monuments in front. Let's go to the next slide.

Hilton Court has three houses and an abandoned trailer. That's right next door. You know, I'm sure that those are wonderful places to live, but you have to ask at what point do we have a neighborhood that we're trying to protect? Go to the next slide.

Here are the houses on Hilton Court. Next slide, please.

And here's the abandoned trailer and the third house right here that's very far back from Eastchester. Next slide.

There are a couple of houses back here. In fact, I don't know in any circumstance where two houses comprise a neighborhood. Next slide, please.

The staff report suggests that there is something that is acceptable out on this corridor and that's something called "local convenience." I challenge everyone who is part of this call to name one business in High Point that only serves the neighborhood around it. I can't think. I live here. I grew up here. It really is for market purposes. It's a fiction because the smaller your business is, the greater the geographical reach you must have if you're going to survive. So, there are a lot of small businesses, coffee shops and things like that but people come from a long way in order to shop there. Next slide.

So, highest and best use. You know this is probably in the end an analysis that we need to be making. I think we all know this, nobody is going to put a single-family home there. There may be folks who suggest that that the logical thing but it's not going to happen. You know, it is too small. You don't see people or apartment developers coming in for a lot this size for multi-family. You also have impervious surface issues because an apartment is not going to carry the freight to grade the site so that it goes into the City Lake Watershed. If we're going to stand back and wait for more office development, I think that it's going to take a while. The office demand is getting weaker. We will have more office growth on Eastchester. I think that we will have it, but it's getting weaker the more we're all getting used to working from home. It cannot be something with underground or aboveground storage tanks. So, the highest and best use, other than just leaving it as an ugly metal building, is to have a small tract retail and that's all this would be is a small tract retail, that can carry the call to grade the site so that it drains over to the General Watershed of City Lake. That would be the most logical use and we ask that you favorably accept this application.

Mayor Wagner: Does anyone have questions for the applicant?

Mayor Pro Tem Moore: I've got a couple, Mayor. This is Councilman Moore. The first question I have is for staff. Mark, do we know if we're having a date on when they expect the improvements that are underway on 68 to be done?

Mark McDonald (High Point DOT): We anticipate those interchange improvements to be done by the end of the year.

Mayor Pro Tem Moore: Thank you. And for the applicant, the deceleration lane, that's part of your proposal, correct? That will go in no matter what use?

Judy Stalder: That's correct. That was part of the recommendations of the TIA and we've accepted that.

Mayor Pro Tem Moore: And, in the interim of when we delayed this from the first presentation, have you spoken out to some of the concerned citizens with any of the new items that you just presented to us?

Judy Stalder: We have not.

Mayor Pro Tem Moore: Fuel tanks of any kind are not going to be on the property?

Judy Stalder: No fuel tanks.

Mayor Wagner: Does anyone else have questions?

Council Member Jefferson: Mr. Mayor.....this is Councilman Jefferson. We've seen, I guess, in writing that there won't be the underground. This is my first time hearing in this meeting that we won't have the overground either. **Is there some way, I guess, that we can get that in writing that there won't be any overground?** And then also, I guess just wanting to feel a little comfortable, maybe, about, I mean I would hate to approve this and then this site would actually end up being sold off to someone else who has different plans. Assuming that the land use we put in is going to be restrictive and prescriptive.....

Interim City Manager Randy McCaslin: Madam Attorney may be getting you an answer, but this is being offered by the petitioner. So, these conditions you will be voting on as a part of this land use. They will go with the property.

Council Member Jefferson: Okay, so they couldn't just sell it.....

City Attorney JoAnne Carlyle: Right, and Mr. Shannon also has some comments about something being in writing as well.

Herb Shannon: Just for clarification, this evening the applicant offered additional conditions than what was initially provided. The Development Ordinance states that any conditions to be acted on by Council must be submitted in writing at least two business days prior to taking action. The only thing that we've received in writing as of this evening is that there would be no underground fuel storage tanks. All the other conditions which the applicant has offered this evening, those have not been submitted in writing. So, in order for those to be a part of your consideration on Wednesday, I guess before midnight this evening, they will have to submit those in writing the Planning & Development Department.

City Attorney Carlyle: I don't know how they could be submitted and considered and voted on Wednesday.

Mayor Wagner: Did the applicant hear that?

Attorney Tom Terrell: Would Council like to postpone its vote until two more

weeks after that?

City Attorney Carlyle: Tom, I believe you're going to have to have that time period after you submit those comments. That's when the clock would start on the COVID 24 hours and everything.

Council Member Holmes: Also...this is Councilman Holmes. Would such wholesale changes to this project, to Mayor Pro Tem Moore's point, is there plans to reach out to the public? You know there was overwhelming resistance to the original project scope. With these changes, are there any plans or were there any plans to reach out and have another public hearing to allow these changes to be expressed to the public before bringing these to Council? If I'm not mistaken, there's no plans to go back before Planning & Zoning. Is there any plans to publicly hold a hearing to express the changes to the public?

Attorney Tom Terrell: If that is something significant that you would like the applicant to do, I think the applicant would be willing to, I guess in the form of a letter to everybody on the notification list, those who have sent emails, to officially make those points.

Council Member Holmes: I think that would be appropriate seeing that this is in my district, my ward and I get all the calls. Yeah, I think that would be appropriate to update them on the changes.

Mayor Wagner: Madam Attorney, technically we have not taken a vote to even take this out of pending.

City Attorney Carlyle: True.

Mayor Wagner: So, this item is technically still in pending even though, I guess, we started a public hearing tonight. So, my assumption is that we can always just leave this in pending and pick it up in March.

City Attorney Carlyle: That will be fine, and it will give them an opportunity to put that in writing and also get that letter out to the neighbors.

Mayor Wagner: Okay, does anyone have an objection to just leaving this in pending?

City Attorney Carlyle: I would recommend leaving it.

Herb Shannon: Just for clarification for the public, if you could note a date specific so that the public has a clear understanding of when you're going to reconsider it.

Mayor Wagner: I think our next meeting is March 1st. So, it'll stay in pending until March 1st.

Mayor Pro Tem Moore: To the applicant, Tom, are you clear on what Council is doing and what we've asked?

Attorney Tom Terrell: Yeah, let me repeat it and if Judy has other understandings, I think she will jump in. I'm hearing Council asking the applicant to explain these changes in writing in every way reasonable to the people who have communicated to the city as well as those people who live within the notification area. And we also need to clarify that fuel sales, in addition to underground storage tanks, would not be allowed as part of the project.

Mayor Wagner: Right. Mr. Shannon is approaching the microphone.

Herb Shannon: Herb Shannon with the Planning & Development Department. And, also the applicant needs t

GENERAL BUSINESS AGENDA

2021-72

Minutes To Be Approved

Finance Committee; January 28, 2021 @ 4:00 p.m.

Regular Meeting of City Council; February 1, 2021 @ 5:30 p.m.

Community Development Committee; February 2, 2021 @ 4:00 p.m.

Prosperity & Livability Committee; February 3, 2021 @ 9:00 a.m.

Attachments:

- [1. January 28 2021 Finance Committee Minutes.pdf](#)
- [2. February 1 2021 Regular Meeting Minutes.pdf](#)
- [3. February 2 2021 Community Development Committee Meeting Minutes.pdf](#)
- [4. February 3 2021 Prosperity & Livability Committee Meeting Minutes.pdf](#)

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

Aye: 8 - Mayor Pro Tem Moore, Council Member Williams, Council Member Jefferson, Mayor Wagner, Council Member Holmes, Council Member Johnson, Council Member Jones, and Council Member Hudson

Absent: 1 - Council Member Peters

CLOSED SESSION-ATTORNEY CLIENT PRIVILEGE

A motion was made by Council Member Holmes, seconded by Council Member Williams, to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(3) for attorney-client privilege. Following a roll call vote by the Mayor, the motion to go into Closed Session carried by the following unanimous 8-0 vote.

Aye (8): Mayor Wagner, Mayor Pro Tem Moore, Council Member Johnson, Council Member Jefferson.

Council Member Williams, Council Member Hudson, Council Member

Jones, and Council Member Holmes

Absent (1): Council Member Peters

Upon reconvening into Open Session at 8:30 p.m., Mayor Wagner announced there would be action taken at this time as a result of the Closed Session.

ADJOURNMENT

There being no further business to come before Council, Mayor Wagner asked if

there were any objections to recess the meeting. There being none, at 8:31 p.m. the meeting was recessed to Thursday, February 17, 2021 at 5:30 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Mary S. Brooks, Deputy City Clerk