

City of High Point

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



Minutes

Monday, March 1, 2021

3:30 PM

City Council Chambers

Special Called Meeting

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 was not allowed at this meeting. Instead, the meeting was live-streamed and the public was provided a link to listen to the meeting as it was being live-streamed.

www.HighPointNC.gov/VirtualPublicMeeting.

ROLL CALL

Mayor Wagner called the meeting to order at 3:33 p.m.

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

Mayor Jay W. Wagner (physically present)
Mayor Pro Tem Britt W. Moore- At Large (physically present)
Council Member Tyrone Johnson- At Large (physically present)
Council Member Cyril Jefferson- Ward 1 (physically present)
Council Member Christopher Williams- Ward 2 (physically present)
Council Member Monica L. Peters- Ward 3 (remote participation)
Council Member S. Wesley Hudson- Ward 4 (physically present)
Council Member Victor Jones- Ward 5 (remote participation)
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; Jeron Hollis, Managing Director; Ryan Ferguson, Marketing Manager; Mike McNair, Director of Community Development & Housing; Lee Burnette, Director of Planning and Development; Mary Brooks, Deputy City Clerk; and Lisa Vierling, City Clerk

Staff participating remotely:

Meghan Maguire, Assistant City Attorney; Marshall Yandle, Vice President- High Point Economic Development Corporation

Others participating remotely:

Jason Morado, ETC Institute

Approved as Amended

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

PRESENTATION OF ITEMS

[2021-83](#)**Potential Changes to Rezoning Procedures**

Staff will provide a presentation regarding potential changes to rezoning procedures.

Randy McCaslin, Interim City Manager, advised that Planning Director Lee Burnette has done some research regarding this subject matter over the years and that it has come up at some discussion points with various past Councils; however, no action was ever taken to move forward with it. He pointed out if Council is interested in making any such changes to the city's rezoning procedures, it would require introduction of a local bill to the General Assembly and noted the local legislation deadline is on Wednesday, March 3rd, so action would need to be taken quickly.

Lee Burnette, Director of Planning and Development, explained this is basically to delegate some of the Council's zoning decision authority to the Planning and Zoning Commission which would require the following two actions.

1. A local enabling legislation approved by the General Assembly; and
2. A local ordinance to be adopted by the City Council that would spell out the details of that authority.

He further explained that the NC General Statutes enable local governments to exercise zoning authority which the City of High Point does currently through the Planning and Zoning Commission. Some local governments have received special legislation or special authority from the General Assembly that enables them to delegate some of that zoning decision-making authority to their planning board after a public hearing is held, which is also subject to an appeal to the City Council. Some of the jurisdictions that have already been granted this enabling authority are:

Greensboro (1969)
Guilford County (1985)
Cabarrus County (Gastonia and other cities) (1993)
Durham County and Durham City (1993)
Randolph County (2017)
Davidson County (2018)
Brunswick County (2019)

Mr. Burnette spoke to how some of these jurisdictions can act on rezonings and/or zoning map amendments; some of these jurisdictions are using the enabling authority while some are not; some of the local governments by local ordinance have further refined or limited the delegation of authority. He went on to say that he has not found any examples of authority granted to adopt the Development Ordinance or any text amendment, so this would basically be rezoning or zoning map amendments.

He stressed this is strictly a City Council decision whether or not to seek the enabling authority and explained if Council is interested in pursuing it, the first step in the process would be to obtain the enabling authority from the General Assembly through a local bill which will establish any initial constraints. Each enabling legislation has had a constraint of an appeal to the City Council provision meaning that there has to be some provision in the jurisdiction's local ordinance that enables somebody to appeal it within whatever parameters the General Assembly may have spelled out to the governing body.

Mr. Burnette suggested Council consider broad enabling authority and seek zoning map amendments, not just rezonings, then the decision could be made as to whether or not it could be refined further. He pointed out that there is no requirement to act on the authority just because the enabling authority has been given. However, if Council does decide to obtain the authority, they could decide as a Council what the parameters are and whether or not to utilize the authority.

Mr. Burnette mentioned 160D which is a piece of the planning legislation that consolidates the city and county statutes and advised that all jurisdictions right now in North Carolina have either adopted or are either in the process of adopting amendments to their Development Ordinance for 160D. The High Point city staff is currently working on these amendments and will probably be coming to the Council in a few months for consideration because they have to be adopted by July 1st. He further explained that 160D prohibits third party rezonings and that the City of High Point obtained special enabling legislation in 1990 that basically only enabled the City Council and the property owner to initiate zoning applications.

If Council is interested in pursuing a local bill that would enable the Planning and Zoning Commission to make zoning decisions, Mr. Burnette also recommended the repeal of that special enabling legislation already in place that was passed in 1990, which would allow the State Statutes in 160D to govern, which still prohibits third party rezonings outside city government and outside the landowner.

Once any local legislation is adopted, the City Council could then consider the specifics and whether or not to fully pursue the authority, to what degree, what procedure to use, then a text amendment would need to be drafted which would be put out for public review/comment and would go through the typical text amendment procedure for Planning and Zoning Commission recommendation, public hearing, and then to City Council for action.

As a point of clarification, Mr. McCaslin advised there must be an appeal process in the procedure and there are two appeals that could take place:

1. The landowner or the petitioner filing the rezoning application; and
2. The City Council could also appeal if there is disagreement with the Planning and Zoning Commission's decision in which case it would come to the City

Council for final action.

Mr. Burnette explained that it depends on how the legislation is written, but basically any person can appeal, any one individual city council person could bring it forward, as well as any average citizen aggrieved or not aggrieved.

Mayor Pro Tem Moore felt Council should move forward with the first step which is to authorize the necessary procedures and apply for the local legislation, then additional discussion on the refining could take place. He believed this could be an opportunity to initiate something that continues efforts in making High Point a more business friendly, competitive environment and help make the process more efficient. Mr. Burnette reiterated that once the enabling authority is granted, then the City Council could decide what it wants to delegate and how, but suggested to wait to see what might be approved by the General Assembly first and then work within those parameters. Mayor Wagner agreed that it would be best to ask for as broad of authority as possible then it would be up the City Council to figure exactly how to implement it through a local ordinance.

Mr. McCaslin advised that Fred Baggett, the city's former city attorney and now the city's lobbyist in Raleigh at the General Assembly, has already drafted a broad bill that he has reviewed as well as City Attorney Carlyle. He plans on speaking to Representative Faircloth to introduce the local bill on the city's behalf.

Mayor Wagner asked if there were any questions or comments. Hearing none, **Mayor Wagner then moved to submit a local bill to the General Assembly through our representatives asking for broad authority to delegate decision-making authority for zoning map amendments to the Planning and Zoning Commission and to also include the repeal of the prior enabling legislation that was granted in 1990 regarding the filing of zoning map amendment applications. Council Member Hudson made a second to the motion.**

As a point of clarification, Council Member Jefferson asked if the Wednesday deadline would apply to the introduction of the new local bill as well as the repeal of the other enabling legislation. Mr. Burnette advised the deadline for all local bills would be on Wednesday, so this would be repealing a local bill that was enacted in 1990. Council Member Jefferson asked what happens once the 1990 legislation is repealed before a decision is made regarding the introduced enabling legislation. Mr. Burnette explained it would still be repealed if the new bill is enacted and if the special legislation is removed, it enables the City Council to decide who can file a zoning map amendment application whether it be the city manager, the Planning and Zoning Commission, etc.... Mayor Wagner added that it would allow more flexibility not just on the rulings on decisions, but who can actually file zoning map amendment applications.

Mayor Wagner asked if there were any additional questions or any comments. Hearing none, he proceeded with the roll call vote on the motion, which passed by the following 9-0 unanimous vote.

A motion was made by Mayor Wagner, 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 Jefferson, Mayor Wagner, Council Member Holmes, Council Member Peters, Council Member Johnson, Council Member Jones, Council Member Hudson, and Council Member Williams

2021-84

Results of the 2020 Resident Survey

Representatives from the ETC Institute will present the findings of the 2020 Resident Survey for the City of High Point.

Attachments: [High Point 2020 Community Survey Presentation - Feb 25 2021.pdf](#)
[REPORT - City of High Point Resident Survey Final Findings Report 2020 \(F](#)

Eric Olmedo, Assistant City Manager, advised that the city has been conducting resident surveys with the ETC Institute since 2007 and noted this is the 7th iteration of the survey. He introduced Jason Morado with the ETC Institute who would be doing the presentation and presenting the data from the survey. Mr. Olmedo referenced the full, very detailed survey which is hereby attached in Legistar and made a permanent part of these proceedings. He then turned the floor over to Mr. Morado.

Jason Morado, Director of Community Research at ETC Institute provided a brief history on the company. ETC is a market research firm based in Alatha, Kansas and they specialize in conducting community surveys for local governments. He spoke to the ETC Institute doing this specialized work for over 35 years and how they have conducted more than 900 community surveys in 49 states in the last ten years. He explained the purpose of the survey is to objectively assess resident satisfaction with the delivery of major city services; to help determine priorities for the community; to measure trends from previous surveys; to compare the city's performance with other communities regionally and nationally. He explained the methodology behind the survey; the printed version consists of seven pages; the survey was administered by a combination of mail and online to randomly selected residents throughout the city; the goal was to receive at least 400 completed surveys and they ended up with 407 which proved to be a good response; they are monitoring the demographics, survey respondents to ensure a good representation by key demographic areas such as race, ethnicity, age, and gender. The results of the 407 completed surveys that were returned is at the 95% level of confidence and has a margin of error of +/- 4.8% (which is a very small margin of error).

Mr. Morado shared a map of the city identifying the households that submitted the survey which showed there was a good representation throughout the city.

Overall, the satisfaction ratings this year are similar to the 2018 survey results and Mr. Morado explained this was a positive point, especially with all that has happened over the past year with the COVID pandemic. He then shared the following highlights for the survey:

High Point rates higher than other communities in the overall quality of city services (17% above the U.S. average and 12% above the regional average)
High Point rates higher than other communities in customer service from city employees (33% above the U.S. average and 35% above the regional average)
Top community priorities: maintenance of streets, sidewalks, and infrastructure; economic development; police services; enforcing codes and ordinances
Overall perception of the city: the positive far outweighs the negative
Highest rated areas were: quality of fire services, response to emergencies, trash recycling and yard waste, library services, parks and recreation, overall police services, and customer service
Areas with the biggest increases in satisfaction since 2018: cultural and recreation; environmental and utility; customer service
Areas with biggest decreases of satisfaction since 2018: fire inspection program; availability of affordable housing; availability of information about programs and services; hours of operation and services; provided by the Library; overall quality of Library services (most likely related to COVID restrictions which has been a nationwide trend)

In comparison of the city's results and results of other communities, there were seven areas where the city significantly rated higher than other communities and for everything else, the ratings were pretty much similar to other communities. There were no areas where the city rated significantly below other cities. The city outperformed other cities in the following categories: quality of fire services; response to medical emergencies; trash recycling and yard waste; parks and recreation; customer service, etc... The City of High Point had a 75% satisfaction rating compared to the regional or national average which is around 40%. The city also rated far above other communities in stormwater management and traffic flow. The lowest rated areas were identified as streets, sidewalks, infrastructure, and codes of ordinances; however, this is in line with trends in other communities as well.

Regarding the top priorities, the survey reflected a follow-up question and the question was posed to residents about which areas they think should receive the most emphasis by city leaders over the next couple of years; the responses were street, sidewalks, infrastructure, economic development, and police services.

The top priorities of the satisfaction rating for city services and which services should receive the most emphasis from city leaders over the next couple of years:

maintaining streets, sidewalks, and infrastructure
economic development
enforcing codes and ordinances

For transportation and roadway services, the top priorities identified were the condition of major city streets (which was a little more important than maintaining neighborhood streets); and availability of pedestrian walkways and sidewalks.

For public safety and emergency services, the highest priority was the efforts to reduce neighborhood street level drugs, prostitution, and crimes; visibility of police in neighborhoods and efforts to ensure the community is prepared for natural disasters or crisis.

The highest priorities for neighborhood services are enforcing the repair of substandard housing and enforcing removal of dilapidated housing. Other high priorities identified were the availability of affordable housing and the quality of public housing.

The highest priorities for cultural/recreational services were: special events/festivals; receiving information; parks and recreational programs; providing information to residents; availability of walking and biking trails.

The highest priorities for environmental and utility services: overall value for electrical utility rates and water/wastewater utility rates.

Another significant positive finding reflected in the survey was that the significant increase in residents' awareness of the Keep High Point Beautiful effort and programs. In 2018 the awareness level was 40% as compared to 53% with the latest survey.

When residents were asked to rate the importance of various reasons when deciding where to live, the most important reasons were safety, security, quality of health care, and quality of housing.

When residents were asked to rate the importance of various city topics, most residents felt it was important to provide incentives to attract new full-time private sector jobs; most felt it important to provide incentives to attract and retain retail development and restaurants; and provide incentives to attract and retain businesses and industries.

At the conclusion of the presentation, Mr. Moredo entertained any questions and/or comments regarding the information shared.

Council Member Holmes asked if the city was making any gains or if there were any areas that need to be targeted and pinpointed to make specific improvements. He asked Mr. Moredo's opinion of the overall assessment on how these surveys will move the city forward. Mr. Moredo replied the purpose of these satisfaction ratings are to set priorities; however there are areas where the residents have spoken as to the most important to focus on. He further explained that the low satisfactory ratings do not necessarily warrant investment of a lot of resources into an area and encouraged Council to look at the trends in the full report. He advised these are the areas that had the biggest increases and decreases in satisfaction of the residents since 2018 which includes city services and the general perceptions of the residents in the city.

In terms of population, Council Member Holmes asked the consultant if the city exceeded the survey return rate. Mr. Moredo replied that the city was right on target with the return rate. Council Member Holmes asked if the 407 responses was adequate for a city of High Point's size and Mr. Moredo replied in the affirmative; he explained that if you shrink the margin of error and do more surveys, then the results may become a little more accurate, but it becomes more expensive as well.

Mayor Wagner clarified that the city typically gets around 400 returned surveys; Mr. Moredo agreed and pointed out the other key to that is making sure that the demographics match up with the actual demographics of the city. He felt very confident that the results of the survey were a very good representative sample by race, ethnicity, age, gender, and geographic location.

Council Member Jefferson inquired about correlating some of these numbers with local events or initiatives that are taking place and if some of these numbers could possibly be attributed to COVID. Mr. Moredo replied that COVID has impacted some areas nationwide such as library services because they have been closed and limited hours. He advised that he was impressed and surprised with the increase in numbers for the recreational centers in High Point because this was another area that has had some decreases nationwide. He agreed that consideration should be given on what impact COVID has had on some of these areas.

Assistant City Manager Eric Olmedo added that he reviewed the results of the survey results in detail and agreed there were some things that really stood out such as the aquatic based programs that showed an increased satisfaction rate although the city lake park and other pools were closed last year. He explained that the surveys are also used to look at the validation for budget requests and where funding has increased in the past. He pointed out the survey shows the progress the city has made with the residents over the seven years the survey has been conducted. He noted that it is not a one-on-one relationship, but does help

inform staff on what is brought to the City Council to consider in budget discussions.

Interim City Manager Randy McCaslin advised that the various departments take their sections of the survey, discuss it within their management structures in their departments; and use it to guide trends in changing services and also budget requests.

Mayor Wagner felt it was also worth pointing out what a great job that staff does in customer service and the fact that High Point is rated so much higher on a national basis. He noted that oftentimes only the negative is shared, so it is always nice to hear when things are going well and that it is great to have a community-wide survey that backs it up.

Mr. Olmedo informed everyone that the survey results from this survey will be added this week to the city's website, as well as the previous seven surveys.

acknowledged receipt of report

2021-106

**HB 119 Property Tax Relief for COVID Affected Businesses and HB 7
Anti-Retaliation Bill**

The North Carolina League of Municipalities is asking that the City Council go on record in opposition of HB 119 Property Tax Relief for COVID Affected Businesses and HB 7 Protect City Employees from Retaliation.

Attachments: NCLM MEMO Opposition to HB 119 and HB 7.pdf

Interim City Manager Randy McCaslin distributed a handout from the North Carolina League of Municipalities (NCLM) regarding a couple of pieces of legislation currently moving through the General Assembly. HB 119 which is property tax relief for COVID affected businesses and the other bill is HB 7 which protects city employees from retaliation. He noted that while both of these bills on the surface sound very advantageous for the city to support; however, the League has reviewed the legislation and is asking the city to contact its local delegation to express opposition to these two pieces of legislation. Mr. McCaslin explained that doing so would give the League a little more authority so that they can negotiate with various members of the General Assembly in an effort to bring about changes that might need to be made or to purely oppose it. The League feels there are other ways to handle these and highly encourage the city to reach out to the legislators in opposition.

Mr. McCaslin asked that Council quickly review the information and asked Council Members to send him an email as to his/her opinion, then staff would prepare something for the Mayor's signature to send out to the local delegation.

[2021-85](#)**Closed Session- Economic Development and Personnel**

Council is requested to go into Closed Session pursuant to N.C. General Statute 143-318.11(a)(4) for Economic Development, and N.C. General Statute 143-318.11(a)(6) for Personnel.

Motion by Council Member Williams, second by Mayor Pro Tem Moore to leave the closed session and return to open session at 5:12 p.m.

Mayor Wagner announced there would be no action taken as a result of the closed session.

Mayor Wagner then moved to go into Closed Session at 4:27 p.m. pursuant to N.C. General Statute 143-318.11(a)(4) for economic development and N.C. General Statutes 143-318.11(a)(6) for personnel. Council Member Jefferson made a second to the motion. Following a roll call vote by Mayor Wagner, the motion to go into Closed Session carried by a unanimous 9-0 vote as follows:

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

ADJOURNMENT

There being nothing further to come before the City Council, the Mayor asked if there was a motion to adjourn the meeting. Council Member Jefferson made a motion to adjourn the meeting which was seconded by Council Member Johnson. Mayor Wagner asked if there were any objections to adjourning the meeting. Hearing none, the meeting adjourned at 5:13 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, City Clerk