

City of High Point

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



Minutes

Monday, August 2, 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)*

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

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

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

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

Mayor Wagner called for a Moment of Silence. The Pledge of Allegiance followed.

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**[2021-316](#)****Recognition - High Point Fire Department - International Accredited Fire****Organization**

Fire Chief Tommy Reid and members of the HP Fire Department will be recognized for recently being awarded as an International Accredited Fire Organization.

Attachments: [FINAL High Point Fire Department Accreditation 2021](#)

Mayor Wagner recognized Fire Chief Tommy Reid and asked him to come forward to the podium.

Chief Reid spoke to the High Point Fire Department receiving its initial accreditation in 2016; the requirement that the accreditation process be done every five years; the department's recent award as being an International Accredited Fire Organization; the process departments must follow regarding performance in services and delivery; and other considerations in the accreditation process such as finance, Human Resources, which covers all facets of the city; that High Point is a Class I rated fire department; and the fact that there are only 290 departments in the United States that have the Class I accreditation.

At the conclusion of his remarks, Chief Reid thanked the Management Team, the Mayor and City Council for all their support and noted that they could not have achieved this accomplishment without that support.

Mayor Wagner commended Chief Reid and the High Point Fire Department staff for their efforts in making this recognition happen and noted that the accreditation is through the Center for Public Safety Excellence, which means that High Point

has a great Fire Department--one that holds itself to the highest possible standards. He then opened the floor to anyone wishing to speak about this great honor and great accomplishment. [applause]

For Information Only

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative

[2021-330](#)

Strategic Plan Update

Council Member Chris Williams, Chairman of the Community Development Committee, will recognize staff to provide an update on the Strategic Plan regarding Blight Reduction. Council Member Michael Holmes, Chairman of the Marketing & Branding Task Force will provide an update on the Marketing & Branding Initiative.

Attachments: [Strategic Update - Code Enforcement Activity Report for July 2021.pdf](#)

Council Member Chris Williams, Chairman of the Community Development Committee, provided an overview of the numbers relative to Code Enforcement activity for July 2021.

Code Enforcement Activity	July 2021
Minimum Housing Complaints	25
Active Minimum Housing Cases	219
Cases before Council (demolition)	3
City demolished houses	5
Public Nuisance Complaints	120
Active Public Nuisance Cases	185
City Abated Public Nuisance Cases	51
Owner Abated Public Nuisance Cases	158
Zoning Complaints (vehicles, signs, etc..)	19
Active Zoning Cases	111
Signs Collected	217

Lori Loosemore, Code Enforcement Manager, showcased a house located at 807 Cliffside that has been repaired and spoke to the housing case that was initiated in May 2019; a hearing was held which resulted in an Order to Repair or Demolish; the property was sold in July 2019; the owner started making repairs without the proper permits which resulted in a Stop Order being issued; the owner applied for the permits in February 2020; the permit was issued; the repairs were completed in June 2021; the property sold again in July 2021 and it will be owner occupied.

Update- Marketing & Branding Task Force

Council Member Holmes, Chairman of the Marketing & Branding Task Force reported that the Task Force at their appointed time the last week in July; staff

presented the Task Force with a preliminary RFP for the acquisition of external firms to move the city's marketing and branding efforts forward; staff is now going back to incorporate some of the ideas shared at the meeting into the RFP; the next step will be finalizing the RFP to be sent to the Task Force and the City Council for consideration; staff anticipates accepting bids in October.

Council Member Jefferson asked if there was any information that could be shared that would be included in the specs and if any marketing efforts will be included. Council Member Holmes spoke to it being primarily around place branding; they are looking at the branding efforts and how the logos and standards currently in place need to be update and integrated into these logos and standards for the entire community; and they see these efforts as a pool of resources where any other business entities can pull from; regarding the marketing side, staff believes they will be able to handle the marketing side of it in house.

For Information Only

PUBLIC COMMENT PERIOD

[2021-331](#)

Public Comment Period

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards and presentations. Our policy states persons may speak on any item not on the agenda.

- * Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.
- * Persons addressing City Council are asked to limit their comments to 3 minutes.
- * Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.
- * If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

Thanks to everyone in the audience for respecting the meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

Attachments: [Request to Leave Name on new PD O.H. Leak Law Enforcement Center.pdf](#)

Paul Siceloff, a High Point resident at 210 Turner Place, presented and read a cover letter of a proposal dated July 19, 2021 addressed to the Mayor and City Council signed by the Rev. Angela Roberson, Executive Board, High Point Commemoration for 400 Years of African American History and Emily Gallimore, President, High Point Historical Society, asking for confirmation of the naming of the new Police Department Headquarters at 1730 Westchester Drive to remain as O.H. Leak Law Enforcement Center, designated with prominent exterior signage, and placement of a plaque at the entrance or in the foyer of the O. H. Leak Law Enforcement Center to contain the recommended text as follows:

Oriel Hardy Leak
(1917-2001)

O. H. Leak Law Enforcement Center
Names in 1997 by the City of High Point

In 1943, the City of High Point hired B. Allen Steele and O. H. Leak as officers of the High Point Police Department, the first African American police officers to serve in the State of North Carolina

Officer Leak continued to serve with distinction in the criminal investigation division for 32 years, rising in rank to detective (1952), lieutenant (1966), and captain (1971), until his retirement in 1975

Honors to his service and leadership included among others
Recognition for 30 Years of Service
High Point Chamber of Commerce, 1973
Officer of the Year
North Carolina Law Enforcement Officers Association, 1965
Man of the Year
Carl Chavis YMCA, 1965

Lieutenant Leak was selected as a member of the security detail for the presidential inaugurations of Richard M. Nixon (1969), and Lyndon B. Johnson (1965); and the visit by President John F. Kennedy to UNC-Chapel Hill (1963)

Captain Leak was named special counsel to the U.S. Secretary of Defense, serving in Germany as a racial liaison among U.S. troops, 1972

"The best way to find yourself is to lose yourself in service to others."
- Mahatma Gandhi

Rev. Angela Roberson, a High Point resident at 1452 Cantwell Court, a member of the Executive Board, High Point Commemoration for 400 Years of African American History, informed Council that this conversation was started in 2019 and they wanted to follow it up with a confirmed commitment that the name of the existing Police Department Headquarters at 1009 Leonard Street be transferred to the new Police Department Headquarters at 1730 Westchester Drive. She mentioned an article that appeared in the High Point Enterprise in 1997 and proceeded to read an excerpt from that article as follows:

"Black law enforcement officers from across the state attended Saturday's ceremony honoring O.H. Leak. Frank Holleman and Roscoe Pouncey, retired

Captains from the Winston Salem Police Department told the enterprise that naming the High Point Police Headquarters for a Black officer is a milestone."

Rev. Roberson asked the City Council to name the new headquarters as has already been done in 1997 and that the name of O.H. Leak Law Enforcement Center be transferred to the new headquarters.

Following the remarks, Mayor Wagner asked for staff for a response to the request.

Interim City Manager Randy McCaslin advised that the name on the new Police Department Headquarters will remain the same and confirmed that there are no plans to change the name.

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair

CONSENT AGENDA ITEMS

Finance Committee Chair Britt Moore reported all finance items were discussed at the Finance Committee Meeting held on Thursday, August 1, 2021 at 4:00 p.m. and are being forwarded to City Council with a favorable recommendation.

Motion by Council Member Moore, seconded by Council Member Jones to approve all matters on the Finance Committee Consent Agenda.

For further discussion, Council Member Jefferson asked for some clarity regarding administering the CSLRF Funds and asked if a determination has yet been made on how these funds will be disbursed and if today's vote would indicate that the \$11 million received has already been spoken for.

Bobby Fitzjohn, Director of Financial Services, advised that staff is still awaiting a response from the US Treasury Department on final guidance and noted they are in the interim final rule state. They will be crafting the final regulations and as such, staff feels more comfortable waiting to present a plan once it is know for sure what the money can be used for. He apologized for the use of all the different acronyms in the memo and explained that ARPA is the overall large umbrella of the act that was passed and the CSRF is the local fund portion. he further explained that all the resolution is doing is saying that the city has applied for and that we have received the money, that it will be administered according to the allowable use, and it authorizes the appropriate staff to do that when the time comes. He advised that staff would have to bring a grant project ordinance back to Council before anything can be done with these funds.

Mayor Wagner asked if there was any further discussion. Hearing none, he called for a vote on the motion to approve all finance-related matters on the Finance Committee Consent Agenda. The motion carried by a 9-0 unanimous vote as

follows:

Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.

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

[2021-317](#)

Resolution - Interlocal Agreement - City of High Point - Guilford County - High Point Fire Department

City Council is requested to approve an interlocal agreement with Guilford County for the High Point Fire Department to provide services to the Deep River Fire District.

Attachments: [1. Interlocal Agreement - Guilford County - HPFD- Deep River Fire District](#)
[Resolution Interlocal Agreement Deep River Fire District](#)

Resolution No. 1993/21-38
Resolution Book, Volume XXI, Page 38

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to adopt a Resolution approving an Interlocal Agreement with Guilford County for the High Point Fire Department to provide services to the Deep River Fire District. The motion carried by the following 9-0 unanimous 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

[2021-318](#)

Budget Ordinance - High Point Fire Department - Deep River District Positions

City Council is requested to approve a budget ordinance in the amount of \$114,880 for three new fire positions to operate Tanker 12 for the Deep River Fire District.

Attachments: [1a. Budget Ordinance - Guilford County - HPFD - Deep River Service District](#)
[Ordinance Budget Amendment Fire Dept Positions](#)

Ordinance No. 7734/21-51
Ordinance Book, Volume XXII, Page 51

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to adopt a Budget Ordinance Amendment in the amount of \$114,880 for three new fire positions to operate Tanker 12 for the Deep River Fire District. The motion carried by the following 9-0 unanimous 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

[2021-319](#)**Contract - New Flyer Industries - Transit Bus Purchase**

City Council is requested to award a contract to New Flyer Industries in the amount of \$499,993 for the purchase of (1) one 35 ft, low floor transit bus through a consortium bid for the purchase of buses through a (5) five-year contract with The Piedmont Authority for Regional Transportation (PART) as the lead agency.

Attachments: [2. Contract-New Flyer Industries - Transit Bus Purchase](#)

[Recommendation Form - New Flyer Industries Inc. 2021-07-21](#) SIGNED

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to award a contract to New Flyer Industries in the amount of \$499,993 for the purchase of one (1) 35-foot, low floor transit bus through a consortium bid for the purchase of buses through a five (5) year contract with the Piedmont Authority Regional Transportation (PART). The motion carried by the following 9-0 unanimous 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

[2021-320](#)**Contract - James River Equipment - John Deere 624P Wheel Loader Purchase**

City Council is requested to award a contract to James River Equipment in the amount of \$207,079.70 for the purchase of (1) one John Deere 624P Wheel Loader for the Ingleside Facility and declare the old loader as surplus and disposing through the online auction process.

Attachments: [3. Contract-John Deere- Wheel Loader](#)

[1002-johndeere624k_rec form](#) SIGNED

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to award a contract to James River Equipment in the amount of \$207,079.70 for the purchase of one (1) John Deere 624P Wheel Loader for the Ingleside Facility and to declare the old loader as surplus to be disposed of through the online auction process. The motion carried by the following 9-0 unanimous 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

[2021-321](#)**Contract - NC Sheriffs' Association Contract - Ilderton Chrysler Dodge - High Point Police Department Dodge Charger Purchase (10)**

City Council is requested to award an NC Sheriffs' Association Contract# 21-07-0915 to Ilderton Chrysler Dodge in the amount of \$304,777.00 for the purchase of (10) ten Dodge Charger Police Pursuit Sedans for the High Point Police Department.

Attachments: [4. Contract - Ilderton Chrysler Dodge - HPPD Dodge Charger
10 Dodge Chargers Recommendation SIGNED](#)

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to award a NC Sheriff's Association Contract #21-07-0915 to Ilderton Chrysler Dodge in the amount of \$304,777.00 for the purchase of ten (10) Dodge Charger Police Pursuit Sedans for the High Point Police Department. The motion carried by the following 9-0 unanimous 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

[2021-322](#)

Sole Source Contract - United Rentals - Thompson 32 GPM Hydraulic Power Unit

City Council is requested to award a sole source contract to United Rentals in the amount of \$41,946.00 for the purchase of a Thompson 32 GPM Hydraulic Power Unit to allow Public Services W/S Mains Division to utilize the additional pump head for emergency bypassing of sanitary sewer flows and to serve as a backup to the unit at the Riverdale Pump Station.

Attachments: [5. Sole Source Contract - United Rentals- Thompson Hydraulic Power Unit
Sole Source Request Form- United Rental- Thompson Pump SIGNED](#)

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to award a sole source contract to United Rentals in the amount of \$41,946.00 for the purchase of a Thompson 32 GPM Hydraulic Power Unit to allow Public Services W/S Mains Division to utilize the additional pump head for emergency bypassing of sanitary sewer flows and to serve as a backup to the unit at the Riverdale Pump Station. The motion carried by the following 9-0 unanimous 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

[2021-323](#)

Contract - Breece Enterprises, Inc. - Water/Sewer Maintenance-Emergency Repairs

City Council is asked to award a contract to Breece Enterprises, Inc. in the amount of \$904,725.00

to perform maintenance work and emergency repairs on the existing water and sewer system and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [6. 2021-22 Water and Sewer Maintenance - Breece Enterprises
Recommendation Form - Breece Enterprises - Water and Sewer Maintenanc](#)

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to award a contract to Breece Enterprises, Inc. in the amount of \$904,725.00 to perform maintenance work and emergency repairs on the existing water and sewer system and to authorize the appropriate City official and/or employee to execute all necessary documents. The motion carried by the following 9-0 unanimous 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

2021-324

Resolution - ARPA Funds

City Council is requested to adopt a resolution to accept the American Rescue Plan Act Funds and authorize the appropriate City officials to apply for, receive, and administer the CSLRF funds in accordance with all applicable federal and state laws, regulations, and guidance.

Attachments: [7. Resolution - Acceptance of ARPA Funds](#)
[Resolution ARPA Funds](#) [Executed 8.2.21](#)
[Resolution ARPA Funds](#)

Resolution No. 1994/21-39
Resolution Book, Volume XXI, Page 39

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to adopt a resolution accepting the American Rescue Plan Act Funds and authorize the appropriate City officials to apply for, receive, and administer the CSLRF funds in accordance with all applicable federal and state laws, regulations, and guidance. The motion carried by the following 9-0 unanimous 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

COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams, **Chair**

2021-325

Approval of Delegation of Authority to Act as Certifying Officer- HUD

City Council is requested to approve the Delegation of Authority authorizing Tasha Logan Ford to Act as Certifying Officer to execute HUD federal grant related documents and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [Approval of Delegation of Authority to Act as Certifying Officer August 2 2021](#)

Assistant City Manager Greg Ferguson advised that adoption of this resolution delegates the authority to new city manager, Tasha Logan Ford, to Act as Certifying Officer in the execution of HUD (Department of Housing and Urban Development) federal grant related documents.

A motion was made by Council Member Williams, seconded by Council Member Johnson, to adopt the Resolution approving the Delegation of Authority authorizing Tasha Logan Ford to Act as Certifying Officer to execute HUD federal grant related documents and to authorize the appropriate City official and/or employee to execute all necessary documents. The motion carried by the following 9-0 unanimous 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

[2021-326](#)

2021 Urgent Repair Policies - URP21 Procurement and Disbursement Policies - URP21 Assistance Policy

City Council is requested to approve the URP21 Procurement and Disbursement Policies and the URP21 Assistance Policy and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [2021 Urgent Repair Policies](#)
[2021 Urgent Repaired Program](#)
[Urgent Repair Policy 2021 Cycle](#)

Assistant City Manager Greg Ferguson reported that the NC Housing Finance Agency requires the adoption of the Urgent Repair Program Policies and Procedures to be adopted by City Council on an annual basis. He advised that the funds are already included in the 2021-2022 Annual Action Plan.

Mayor Wagner asked if there have been any changes to the policies and Mr. Ferguson replied that no changes have been made to the policies.

A motion was made by Council Member Williams, seconded by Council Member Peters, to approve the URP21 Procurement and Disbursement Policies and the URP21 Assistance Policy, and to authorize the appropriate City official and/or employee to execute all necessary documents. The motion carried by the following 9-0 unanimous 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

[2021-332](#)

Contract- 2021-2022 Operation InAsMuch Contract with Community Housing Solutions

Council is requested to approve a contract with Community Housing Solutions (CHS) in the amount of \$200,000 to fund materials and operational expenses with two (2) Operation InAsMuch (OIAM) events during the 2021-2022 fiscal year.

Attachments: [2021-22 Operation Inasmuch Contract with Community Housing Solutions](#)

Assistant City Manager Greg Ferguson advised this is a request for a contract totaling \$200,000 with Community Housing Solutions for the City to fund materials and operational expenses associated with the two Operation InAsMuch (OIAM) events that will take place during the 2021-2022 fiscal year. He reported that the first event has been scheduled for Saturday, October 23, 2021 and will take place in the Macedonia and Pershing Street communities; however, the date for the spring event has yet to be determined.

He noted that this will be the 10th OIAM event since May of 2016; that volunteers come together and utilize the materials and things that the City provides to do home repairs and necessary yard work; up until this point there have been 1,067 volunteers and 132 homeowners that have received assistance; the funding source for the \$200,000 is the Core City Redevelopment Fund.

Council Member Jones suggested it would be helpful for volunteers to have an online site where they can sign up as a volunteer. Mr. Ferguson advised that additional information and contact information can be obtained by:

1. Visiting the city's website
2. emailing ddonaldson@chshousing.org
3. Contacting the High Point Community Development Department

Council Member Williams inquired about any advertisement opportunities for these events besides the letter that is sent out by Community Housing Solutions to the homeowners. Council Member Jones noted an excellent way to get the word out would be through the Social Media platforms and this would probably increase the number of volunteers for the events.

A motion was made by Council Member Williams, seconded by Council Member Hudson, to approve a contract with Community Housing Solutions (CHS) in the amount of \$200,000 to fund materials and operational expenses with two (2) Operation InAsMuch (OIAM) events during the 2021-2022 fiscal year. The motion carried by the following 9-0 unanimous 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

[2021-333](#)

Ordinance - Demolition of Dwelling - 1221 Franklin Ave.

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 1221 Franklin Avenue belonging to Arelis Tejada & Eddys Joel Tejada.

Attachments: [1221 Franklin Council Packet Final](#)

Council Member Williams, Chairman of the Community Development Committee, reported that he has been advised by staff that they have received additional information on this housing case and they are recommending it be removed from the agenda.

A motion was made by Council Member Williams, seconded by Mayor Pro Tem Moore, to remove this matter from the agenda as requested by staff. The motion carried by the following 9-0 unanimous 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

2021-334

Ordinance - Demolition of Dwelling - 524 Cross Street

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 524 Cross Street belonging to Javier Heredia.

Attachments: [524 Cross Council Packet Final](#)

[Ordinance Demolition 524 Cross Street](#)

Lori Loosemore, Code Enforcement Manager, advised that staff received a complaint from the tenant for this property back in 2017; an inspection was performed on January 6, 2017; since that time, the owner de-constructed the structure; a hearing was held on November 20, 2020 with the new property owner who purchased the property in January 2019; the owner appeared for the hearing and stated that he did have the money to make the repairs and was eager to get started; the inspector agreed and granted the property owner additional time to make the repairs; the property owner did not follow through with the repairs; an Order to Repair or Demolish was issued on March 2, 2021 with a compliance date of April 2, 2021; the owner did apply for a building permit in 2019, but did not pay for the permit, so it was not actually issued until May 3, 2021; the property owner is delinquent in property taxes on the property in the amount of \$484.31 for 2020.

Ordinance No. 7732/21-49

Ordinance Book, Volume XXII, Page 49

A motion was made by Council Member Williams, seconded by Council Member Peters, to adopt an Ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 524 Cross Street. The motion carried by the following 9-0 unanimous 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

CONTINUED PUBLIC HEARING

2021-256

Classic Dyestuff, Inc. - Zoning Map Amendment 21-07

A request by Classic Dyestuff, Inc. to rezone approximately 3.4 acres from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District. The site is located east of the intersection of Brentwood Street and Gavin Drive (323 & 401 Brentwood Street) and west of the northern terminus of New Street (222, 226, 228 & 230 New Street).

Note: The public hearing on Zoning Map Amendment 21-07 was held on Monday, June 21, 2021 at 5:30 p.m. and was continued to August 2, 2021 at 5:30 p.m. at the request of the applicant's representative to allow his client additional time for further review/discussion before coming back to City Council with further revisions to their conditions.

Attachments: [Staff Report ZA-21-07](#)
[Conditions offered by applicant ZA 21-07 \(Brentwood\).pdf](#)
[Handout by Grant Almond of Table \(Manufacturing\).pdf](#)

Note: This public hearing was held on June 21, 2021 @ 5:30 p.m.; and was continued to August 2, 2021 @ 5:30 for further discussion and review.

Transcript

***Herb Shannon:** Senior Planner with the Planning and Development Department. Just a quick recap regarding Zoning Map Amendment 21-07. Council held a public hearing on this proposed rezoning at your June public hearing and it was continued to tonight's meeting. The applicant, Classic Dyestuff, is requesting rezoning of 3.4 acres located east of the intersection of Brentwood Street and Gavin Drive and also land to the northern terminus of New Street. The applicant is requesting rezoning of those parcels from the current LI District to a Conditional Zoning HI District to expand their existing facility. Their existing facility is lying just north and west of the zoning site, that area that's zoned HI on the map. There's an existing facility there that was built in 1983 and the current HI zoning on this site is a holdover from the prior zoning ordinances from the 1980s. Staff, at the June 21st meeting expressed concern with the proposed expansion of HI zoning in this area.*

First, the Land Use Plan classifies all those lands lying east of Brentwood Street and south of Martin Luther King, Jr. Blvd. for LI and except for the applicant's current facility that is HI, everything else along that eastern side of Brentwood Street is zoned for LI.

Another concern is along the opposite side of this portion of Brentwood Street, there are several residential neighborhoods the LUP classifies that area as Low Density Residential and Medium Density Residential and that's developed with a mixture of single-family and multi-family use. There are concerns of expanding HI uses next to the existing neighborhood.

The Land Use and development categories in this area are longstanding and expansion of the HI District use in this area is not supported by

Land Use Policy.

Finally, based upon the description of the current use and the applicant's proposed expansion, staff has classified the current use and their expansion as a Minor Industrial use, which is a permitted use in the LI District. So, there was concern on staff's part that a rezoning is not required because the current LI District would allow the uses that the applicant is proposing with their expansion. The Planning & Zoning Commission reviewed this request at their May public hearing and they recommended denial by a vote of 7-0. Because this request is being forwarded to you with a recommendation of denial from the Planning & Zoning Commission, a 2/3 majority vote from City Council is required for approval. Within your staff report, Page 2 of the cover letter is a statement forwarded to you from the Planning & Zoning Commission that Council can use to support denial of this request if Council desires to approve this request, you would need to include a consistency and reasonableness statement for approval.

The only new activity that has occurred since June is that Mr. Chris Andrews, our Development Administrator, had the opportunity to go out and tour the facility with the property owner and based on that tour, he had noted that the staff recommendation as to this being a minor manufacturing use where all activity is contained onsite. There's no odor, vibrations, smoke, etc....and that's a key classification of this being a minor manufacturing facility. We did have an opportunity to tour the facility, but our recommendation of denial remains the same.

That's just a quick recap. Are there any questions of staff at this time?

Council Member Peters: *Okay, I have a couple of questions. So, what they're doing is paint and some chemical coatings, correct?*

Herb Shannon: *I believe the applicant is here and they can get more into the details, but that was our understanding. They do some processing of paints, chemicals, etc.... They may be doing some expansion in producing hand sanitizer and so forth.*

Council Member Peters: *So, does paints and coating fall under HI or LI?*

Herb Shannon: *The old ordinance had a laundry list, 400-500 uses and you could pick your specific use. The way the new ordinance that was adopted in 2017, we not only look at the use, but how you operate. That*

gives staff more flexibility in making a determination. They do paints and coatings. They do have those activities. They do have some activities that are considered toxic but we have those same uses in High Point City Hall. We note that we have cleaning fluids, bug spray and whiteout in our cabinets that are completely toxic. Just because you have those materials doesn't make you a HI use. The way they are operating with everything being mostly contained indoors, there's no odor leaving the site, there's no smoke leaving the site, there's no vibration leaving the site. All their activities are contained on the site; thus, they are classified as minor manufacturing. So, we look at how you operate, not just picking through a list out of the DO.

Council Member Peters: *So, do we have that separated in the paperwork? Because what I saw is a list of HI and LI and basically it looks like what they are doing now fits into HI, so I understand both sides and, you know, I talked to Council Member Williams because this is his ward and I understand there are some concerns on both sides. But, my thought, you know, if they spend \$5 million on expansion and it clearly says in our ordinance that paints and coatings fit in HI, but now suddenly and somebody says wait a minute, you've expanded into LI. So, because the parcels are right there next to the HI zoning and that's the only area and they're not changing what they're doing, I just don't know why it would not be okay to just change those to HI or change the wording in our ordinance to allow paints and coatings to fit into LI so that they know that they are covered legally.*

Herb Shannon: *There are two different issues. The ordinance spells out how you operate is going to dictate how we classify you. The ordinance notes, for example, these types uses could possibly be considered, but that doesn't make them specifically Heavy or Minor. It's based upon the way they are operating. Now Council can always do a Text Amendment if Council wishes to get more granular in the uses description but that's what we tried to get away from in the previous ordinance. For protection, staff has noted to the applicant they can always request a Code Confirmation. They provide us detailed use of what they are proposing and we respond back in writing. We do that all the time. And if they want a higher comfort level, we'll be more than happy to do a Code Confirmation letter with our recommendation and they have that binding legal document. Once we make that determination, the only way that could change is if someone appeals that determination. But if they desire a higher comfort level, we are more than happy to do a Code Confirmation to give them that protection that they desire to make sure that future staff doesn't make a different*

determination. That has been offered to the applicant. But they gave us a very detailed letter of their activities as part of the zoning package and based upon that, staff as a whole, collectively, sat down and reviewed that and made the determination that this is a minor manufacturing use. If they come in tomorrow for site plan approval and a building permit, it would be issued. So, that was the concern that staff had was that the use is determined to be permitted and doesn't require rezoning.

Mayor Wagner: If they're asking for HI zoning and they are providing conditions to basically say they're going to limit it to the activities that they're currently doing, then what is the harm to the adjacent neighborhoods if their use of the property is not going to change?

Herb Shannon: Well, number one. It's already permitted. It doesn't require rezoning. Number two, once Council, whether you approve or deny a request, you are setting policy. Staff has concerns that if you expand HI zoning in this area, other property owners or applicants can say you let them expand, why can't we establish in this area. And there's a concern that it would be setting a precedent because anytime you make a zoning decision one way or another you're setting policy and there was a concern of expansion of HI uses due to the proximity of that residential neighborhood across the street.

Mayor Wagner: But if that HI zoning is limited by certain conditions and it basically comes down, the precedent that would be set would come down to the conditions.

Herb Shannon: Based upon the conditions they've offered, you would be expanding to include major manufacturing use. Now, you can parse it multiple different ways, but you're expanding major manufacturing which is not permitted in that area.

Mayor Wagner: Well, it is on the piece of property they already have.

Herb Shannon: It is on that, but no other parcel and once you set policy for expansion, staff has concerns that you're basically setting a precedent even if you do restrict it, you are expanding the intensity of industrial uses in that area. They may not be necessarily going to the full extent of that, but it does open the door for future requests in this area.

Mayor Wagner: But it would be subject to, presumably, if another case came to the Council and they were asking for HI with conditions, then

the Council would look at those conditions and determine whether they would fit into the precedent that's been set. So, they could very well say, well,it's going to come down to the conditions. So, even though it's a major manufacturing use, the conditions that they have presented limit it to what they are currently doing. They're just going to do more of it. Right?

Herb Shannon: *Not necessarily. Once you open the door for major manufacturing then anyone else that comes is going to say, hey, I'm just as intense or less intense as that use. That's a decision for council to make. Staff is just pointing out the concerns that we have in our professional opinion that you don't need to expand it if it's already allowed.*

Mayor Wagner: *But if the only major manufacturing use that they're asking for are the ones that are listed in the conditions, aren't they bound by that?*

Herb Shannon: *They are bound by that, but future property owners in the area could say I want to do another manufacturing use and I'm as intense or less.*

Mayor Wagner: *But that would be up to Council to approve.*

Herb Shannon: *Exactly.*

Mayor Wagner: *We're speaking on the same note, just coming from different directions.*

Chris Andrews: *Chris Andrews, Development Administrator in the Planning Department. Herb touched on this a little bit earlier, but the Development Ordinance is structured in a way that it lists major manufacturing, minor manufacturing, and there are examples within each of those. What's cited in the conditions that were proposed by the applicant, there's not necessarily just a coating or just a dye or just a paint manufacturing use. It is major manufacturing. It doesn't get any more granular. So, that's the consideration there. And then there's a separate condition about principle uses under allowing toxic chemicals or substances, pesticides, and fertilizers. That is within a completely different use type for warehousing and storage. And frankly, even having visited the site, that description of that use unless the applicant has something else planned that they haven't disclosed or described in their letter, that use does not match and is not congruent with what they*

are currently doing now. So, staff is certainly supportive of the expansion of Classic Dyestuff. It was a tremendous opportunity to see some of the industry that the city has supported here and helps employ so many city residents, but as Herb said, the expansion of their operation is not contingent upon this rezoning. So, Herb, touched on Code Confirmation, that is something that we've encouraged and can be applied for. The other opportunity for the applicant is to submit a site plan or a construction permit on both of those items, planning staff reviews the land use. We ask what the land use is on a site plan or a commercial construction permit and if staff were to make a determination that this use is actually not allowed, the applicant would have the opportunity to appeal that as well. So, there are a couple of different opportunities where if staff made a decision that is incongruent with what we've communicated here, they'd have an opportunity to appeal, but nothing on this site at this point merits a HI use.

Mayor Wagner: *Does anyone else have questions for staff? Will the applicant like to have an opportunity to be heard?*

Grant Almond: *I'm Grant Almond along with my partner, Andy Harris, who is here. We are counsel to the applicant, Classic Dyestuff. I also have with us the president of the company, Tom Picha. He's available to answer any questions you have.*

I wanted to start just by giving you a little bit of background. I know you have familiarized yourself with our case and the company, but Classic has been in business in High Point since 1979. It's a family-owned business. You've heard a little bit about what they do, but they manufacture a wide range of dyes, paint, coatings, other colorants. If it deals with color, they probably touch it in some capacity. They employ approximately 60 people here in High Point and about 15 other folks nationally and internationally. As you heard from Mr. Shannon, the current site on which they operated essentially for the last 40 years is a Heavy Industrial site. The surrounding properties there that they have acquired over the course of several years. In the process they've cleaned up some blighted parcels and structures and improved the appearance of that area specifically.

You know, when you boil it all down, our application isn't about use. We're not bringing a new use to this neighborhood. As you heard, we've been here for 40 years. When we held our community meeting, the only response we got from neighbors was positive and in support of what Classic was planning to do. As you heard from the Planning

Department, they support what we're trying to do. I think where we respectfully disagree is what's required under our Development Ordinance to bring this project forward. So, I'm going to talk about that in just a little bit.

One of the recommendations that there's been a lot of discussion about is the concept of a confirmation letter, a zoning confirmation letter. From our view, and we've spent honestly the past three years looking at this issue and considering how to move forward and have never been able to get comfortable with that process for a couple of reasons that we're going to talk about.

The first is that a zoning letter is a snapshot in time. So, what we would get is what you're doing today with very specific limitations is what is permissible. You know, if we have ten trucks instead of five. If we have excess raw materials that weren't anticipated five or ten years down the road, that zoning confirmation letter may not be sufficient.

Then, the second thing, and I'd like to pass out something for each of you to look at if I may. I'll just let you pass those down. So, what's being passed down the line is a selection from the Development Ordinance that speaks to what encompasses major manufacturing and, as you've heard, in the highlighted language, it specifically refers to paint and coatings which are large segments of the applicant's business. It doesn't say....it says these are examples of and I think, and Jay can attest to this, you know plain language from a legal standpoint matters. And although we can do our best to craft a zoning confirmation letter that addresses all the things that we can think about today, although that may bind the city, it does not restrict a third party from raising what's contained in the Ordinance as it reads today as you see in front of you, from challenging what we're doing in the future. And, in no way would a zoning confirmation letter protect the applicant from that scenario.

So, let's talk about some specifics of the project. You've heard some things moving around a little bit, but basically, of course we all know about what construction costs are, but right now it looks like this is a \$5-\$7 million project. You know, for this family-owned company that's a huge investment, but it's an investment that they want to make in High Point. You know, it's anticipated that that plan would happen in two to three stages if they are to move forward, but initially there would be a need for five jobs. And over those two to three stages, there'd be a total of 15. These are jobs that are going to be available and open to the

High Point community.

I think that concludes my comments unless there's questions of me or the applicant. I want to thank you for your time and hope you will support our project.

Mayor Pro Tem Moore: *It seems like there's small things here holding back a bigger project. So, your anticipation is....did I understand you to say that there's been some stumbling on this for about three years? That you've been trying to reconcile something concerning this project or expansion for three years?*

Grant Almond: *It's been in the evaluation stage for that period. Correct.*

Mayor Pro Tem Moore: *And if you get to go forward with it, your two to three stages you think would.....I mean what's your plan? If you started next month if things go well in the economy, you hope to build out the \$5-\$7 million in five years or do you know?*

Tom Picha: *I'm Tom Picha. Yeah, we would try to go ahead as soon as possible. We're still trying to figure out the best route to do that, the best designs. You know, originally, we were looking at an 80,000 sq. ft. single facility, now we're probably looking at multiple facilities to do different projects.*

Mayor Pro Tem Moore: *But, when we hear from staff that you don't really need this change because what you're wanting to do is already allowed, where am I missing the piece that you're having trouble with, Grant?*

Grant Almond: *So, I think that's, you know, what's presented to you in the selection of the ordinance. The ordinance says some of the things that you do are major manufacturing activities that require heavy industrial use. So, again, regardless of whether we're able to receive a zoning confirmation letter that speaks to that issue, again, it's clearly stated in the ordinance that does not eliminate a challenge from a third party seeking to enforce the plain language of the Ordinance.*

Mayor Pro Tem Moore: *So, there seems to be some discrepancy between you and staff and staff says that expansion is not dependent on this rezoning. You feel different than that from a legal standpoint?*

Grant Almond: *We do from a legal standpoint, no question. We've had, you know, some excellent conversations with staff. I think that both of us have worked hard and are reasonable, but we do respectfully disagree with their interpretation.*

Mayor Pro Tem Moore: *And, do I understand that....would staff agree also that the neighborhood was notified and the surrounding neighbors did not have a problem?*

Herb Shannon: *That is correct. As always, for any zoning application for both the Planning & Zoning Commission and City Council, there are legal ads in the newspaper, and we notify by mail all property owners within 300 feet.*

Mayor Pro Tem Moore: *Okay. Jay and I often kind of kid each other about him being a lawyer and me not, but plain language from a legal standpoint seems kind of oxymoronic to me.*

Mayor Wagner: *It doesn't mean that you can't argue about it.*

Council Member Hudson: *So, can I ask, is it simply a concern that you have? You don't actually manufacture paint, you manufacture things that go into paint? So, you're concerned that that definition may become broader?*

Grant Almond: *I'll let Mr. Picha speak to that.*

Tom Picha: *Yes sir. So, we make bases for paint. We make bases for wood stains which they are paints, basically. It's a concentrated paint. We use solvents in some cases, solvents such as acetone, almost like paint thinner, different solvents of all kinds. Our facilities, we're handling a lot of things there and we're at the stops. We can no longer safely do the things we want to do. We want to expand. We want to create a new facility. Paints and coatings is one of the areas of our expansion that's growing rapidly. We are also looking at doing more things for food, drug, and cosmetic uses. We have a cosmetic customer, a large cosmetic customer that would like for us to expand those also. Those are flammable products. One of the facilities that we're looking at doing is probably a 30,000 sq. ft. facility and the other one is maybe anywhere from 50,000-80,000 sq. ft., but we're probably going to break that up. We realize that the Fire Department just working, trying to help the Fire Department out was an issue. Smaller facilities are better in those kinds of situations.*

Council Member Jones: *You said currently that you're got approximately 50 employees here in High Point. Is that correct?*

Tom Picha: *Yes sir. We have approximately 75 employees in the US and then we have two employees outside of the United States. So, at the Brentwood Street facility, I think it's approximately 40 folks there and another 15 up the street off of Townsend Avenue and then we have various sales folks throughout the country. And then as I mentioned, we have a couple of international offices as well.*

Council Member Jones: *With this expansion, do you anticipate....obviously as the company is expanding, how many more jobs do you anticipate that may come from this expansion?*

Tom Picha: *Well, conservatively, right off the bat, five employees are needed immediately and then, no doubt, probably 15 at some point you know down the line. I would say within five years, easily that many folks to operate machinery, and these are not just minimum wage jobs, these are good jobs. We pay full benefits, insurance, we do the whole gamut. So, we take care of our people very well. Most of our employees have been with us a long time. We've got several people that have been there 20+ years. We try to take care of our people.*

Mayor Pro Tem Moore: *Tom and/or staff, the issue of neighborhood adequate protection. You've been there a long time. What is in place? Is it all internal containment exercises that you do in your processes that help protect the neighborhood or are there also exterior type things that you're doing?*

Tom Picha: *Yes, so, once we, you know, the way our current facility is we have fencing in place. There are neighborhood kids around and we definitely want to make sure.....now, that's something that we would do immediately is improve that fencing. I'd want it to look nice and I've kind of joked around, not talking HPU nice, but some nice fencing. Honestly, we want to be in this community. My family is living here.*

Mayor Pro Tem Moore: *Have you had any accidents in the past that were, you know.....*

Council Member Holmes: *OSHA reported.*

Tom Picha: *Sorry [cleared throat], I don't normally get up and speak*

very often anymore. No, we haven't had any bad accidents over the years. We've had a few over the years, but minor issues.

Mayor Pro Tem Moore: *Okay, thanks.*

Council Member Holmes: *This is a question probably for staff. In your assessment, if I'm not mistaken, you said that their plan didn't rise to the level of heavy industrial. Can you expand on that and give us a little clarity on it? What seems to be the discrepancy between what they're seeing and what you saw?*

Chris Andrews: *Certainly. Just to give some perspective on a few things. Staff has not seen any sort of site plan. It's been conceptual from the applicant. So, from a use standpoint is really what we're talking about here. Nothing site design related and whatnot. I think one of the discrepancies is that within the Development Ordinance, and I think Mr. Almond passed that out, there's a listing of uses and then some examples of things that could be within those use types. Those, again, are illustrative. They are not.....just because you manufacture paint or just mix paint, the presence of paint on a site or the presence of a certain chemical does not make it a use that requires heavy industrial zoning. I'll say that having visited the site, yes, you can tell it's an industrial use and there's certainly a lot of materials in their facility, but if you were to stand outside of it and took a tour of the site and if you were to stand back a couple hundred yards, it was indiscernible what was happening within that building. And that really is what the light industrial or minor manufacturing exemplifies. So, from staff's standpoint that's kind of where the disconnect is. The other thing I'll say is in the conditions that were provided by the applicant, if approved, there's not only the light industrial uses or the heavy industrial zoning, but only including light industrial uses. There's also a use that would expand the storage of toxic chemicals, pesticides and fertilizers. That is a wholesale trade use type. That is not something that is going on at the site now. So, these conditions do open up some of the possible uses on the site now.*

Council Member Holmes: *So, the expansion to heavy industrial would require some additional environmental regulations that they would need to meet from DEQ? Have they been consulted about this? Has the owner brought in DEQ to see if there's any issues that would conflict with that?*

Chris Andrews: *Council Member Holmes, I'm not familiar. At least the*

zoning does not have any DEQ tie. The applicant may be able to tell you more about any sort of environmental restraints and whatnot on the property, but it doesn't tie into the zoning at this point.

Council Member Holmes: *Thank you.*

Mayor Wagner: *I have a question or two, I guess. Under that subsection 1 under Manufacturing, I mean I'm just going through the definition. I've been to your place, so I believe y'all do have materials that are stored outdoors on-site.*

Tom Picha: *Correct. Yes sir.*

Mayor Wagner: *Are those considered unrefined materials?*

Tom Picha: *Yes, we call them crude or raw material.*

Mayor Wagner: *Do you do any processing outside or is all that done inside?*

Tom Picha: *Most of our materials are processed inside, but there have been occasions where if we needed to do something outdoors, we feel that we would like that ability. But to this point, very limited outdoor manufacturing.*

Mayor Wagner: *Okay. Does anyone else have any questions for staff or the applicant? Just to keep us moving, I'm going to make a MOTION to APPROVE it and state that it is consistent with the adopted policy guidance and reasonable in the public interest because there are other heavy industrial zoned properties in the immediate area; there will be adequate screening of adjacent properties; and the conditions given by the applicant limiting their uses under Heavy Industrial mitigates the impact of the zoning on the adjacent neighborhood.*

Council Member Jones: **SECOND.**

Mayor Wagner: *There's a MOTION and a SECOND. The SECOND was by Councilman Jones. I would like to state, I guess, in support of the MOTION that I think this property.....this company has been in High Point a long time and it's an original High Point company. Mr. Picha, I think your father started it in a little building back behind the factory and it's a home-grown company. I think that the neighbors have been given ample opportunity and don't seem to have any objection. I think*

the expansion would help us to acquire more jobs in an area of town that really needs the jobs. It's a good piece of property as far as the job that you do and the ability. It has good access to Interstate 74 and it's a part of town that really needs the jobs right now and I'm a believer in supporting our local companies. With that, I'll open the floor for any comments from the Council.

Council Member Peters: *If I can make a comment real quick. So, based on the information that staff has provided us with and, you know, and you're going to keep doing exactly what you're doing and they're saying that you can do that there. I want you to be able to expand in that area, so I will be approving this as well based on that.*

Mayor Wagner: *Does anyone else have any questions?*

Mayor Pro Tem Moore: *I'd just like to say that I will be in support of the motion and, Mr. Picha, I just want to thank you and your family. As somebody that was born and raised in this town, there were, at one time, hundreds if not thousands of companies near here and in here that were very similar to your business model. And we were very foolish for letting them go away. We had a Manager's Briefing at which, which says "Recast Your City" about small-scale manufacturing which is exactly where you fall although you serve a big pond. So, I thank you for a good fight and staying within the borders. I will be supporting the motion.*

Mayor Wagner: *Would anyone else like to speak?*

Herb Shannon: *Mr. Mayor, just to make sure that we're all on the same page, this is a policy that staff has adopted to make sure there is no confusion as far as conditions. At your June meeting, the applicant had handed out revised conditions. I just gave a copy of that to the applicant. I just want to make sure that we're all on the same page because that's different than what's in your package. And those conditions read.....*

Part I. Uses: *Only the following principal uses, as permitted in the Heavy Industrial (HI) District, shall be permitted, subject to the dimensional requirements of the HI District and the specific conditions listed in this ordinance.*

- A.*** *Any principal use of the Heavy Industrial (HI) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance,*

that is also a permitted use in the Light Industrial (LI) District and must be permitted in both districts.

- B. The manufacture of coatings, paints and dyes as authorized under the “Major Manufacturing” Use Type (Industrial Use Category) as listed in the Principal Use Table 4.1.9 of the Development Ordinance.*
- C. The manufacturing of specialty cleaning and sanitizing products as authorized under the “Toxic Chemicals or substances, pesticides or fertilizers” Use Type (Industrial Use Category) as listed in the Principal Use Table 4.1.9 of the Development Ordinance.*

And

Part II. Conditions

A. Development Standards

- 1. The District standards of the Light Industrial (LI) District Standards (Sec. 3.4.11.G) shall apply to the property.*

Just to make sure there's no confusion because we've had some problems in the past where staff was saying one thing and the applicant was saying another. Mr. Almond, are these the Conditions that you're offering?

Mayor Wagner: *Can you confirm that that's your understanding and those Conditions are the ones that we're approving?*

Herb Shannon: *This is what the applicant offered in June. I just wanted to make sure that everyone was on the same page as to what you are voting on.*

[applicant reviewed the Conditions that were read into the record by Herb Shannon]

Tom Picha: *We agree to them.*

Mayor Wagner: **That's confirmed.**

Herb Shannon: *Just for the record, make sure that's what your motion is.*

Mayor Wagner: That's fine. I love it when everybody gets along. So, the MOTION has been made to APPROVE this item and seconded.

All those in favor, please signify by saying Aye.

Mayor Wagner; Mayor Pro Tem Moore; Council Member Johnson; Council Member Jefferson; Council Member Peters; Council Member Hudson; Council Member Jones; and Council Member Holmes: Aye.

Mayor Wagner: Is there anyone opposed?

Council Member Williams: No.

Mayor Wagner: Okay, the MOTION PASSES by a vote of 8-1.

[end of transcript]

A motion was made by Mayor Wagner, seconded by Council Member Jones, to APPROVE Zoning Map Amendment 21-07 and stated that it is consistent with the adopted policy guidance and reasonable in the public interest because there are other heavy industrial zoned properties in the immediate area; there will be adequate screening of adjacent properties; and the conditions given by the applicant limiting their uses under Heavy Industrial mitigates the impact of the zoning on the adjacent neighborhood; including the Revised Conditions that were submitted by the applicant at the June 21, 2021 City Council meeting, confirmed and agreed upon by the applicant at this meeting.

The motion carried by the following 8-1 vote:

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

Nay: 1 - Council Member Williams

GENERAL BUSINESS AGENDA

[2021-335](#)

Appointment - Karen Gilbert - Human Relations Commission

City Council is requested to confirm the appointment of Karen Gilbert to the Human Relations Commission as Councilman Hudson's Ward 4 appointee. Appointment to be effective immediately and will expire on November 1, 2022.

Attachments: [Human Relations Appointment](#)

A motion was made by Council Member Hudson, seconded by Council Member Johnson, to approve the appointment of Karen Gilbert to the Human Relations Commission to be effective immediately and will expire on November 1, 2022. The motion carried by the following 9-0 unanimous 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

[2021-336](#)

Reappointment - William S. Bencini, Jr. - Piedmont Triad Airport Authority

City Council is requested to confirm the reappointment of former Mayor William S. Bencini, Jr. to the Piedmont Triad Airport Authority. Appointment will be effective immediately and will expire April 20, 2024.

Attachments: [Airport Authority Reappointment](#)

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Moore, to approve the reappointment of William S. Bencini, Jr. to the Piedmont Triad Airport Authority to be effective immediately and will expire on April 20, 2024. The motion carried by the following 9-0 unanimous 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

[2021-337](#)

Reappointment - Mary Lou Blakeney - ABC Board

City Council is requested to confirm the reappointment of Mary Lou Blakeney to the ABC Board. Reappointment to be effective immediately and will expire on 2/8/2024.

Attachments: [ABC Board Reappointment](#)

A motion was made by Mayor Wagner, seconded by Council Member Williams, to approve the reappointment of Mary Lou Blakeney to the ABC Board to be effective immediately and will expire on February 8, 2024. The motion carried by the following 9-0 unanimous 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

[2021-338](#)

Minutes To Be Approved

July 15, 2021 Finance Committee @ 4:00 p.m.

July 19, 2021 Special Meeting of City Council @ 3:00 p.m.

July 19, 2021 Regular Meeting of City Council @ 5:30 p.m.

Attachments: [1. July 15 2021 Finance Committee Minutes.pdf](#)
[2. July 19 2021 Special Meeting Minutes.pdf](#)
[3. July 19 2021 Regular Meeting Minutes.pdf](#)

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, to approve the preceding minutes as submitted. The motion carried by the following 9-0 unanimous 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

[2021-347](#)

Resolution- Reimbursement Agreement with Shamrock Petey, LLC

Consideration of a Resolution to Authorize a Reimbursement Agreement with Shamrock Petey, LLC in an amount not to exceed \$2,500,000.00. Shamrock Petey, LLC will design and construct municipal infrastructure that is included on the City's Capital Improvement Plan on a multi-parcel near the intersection of Penny Road and West Wendover Avenue Corridor Study.

Attachments: [Reimbursement Agreement Shamrock Petey LLC.pdf](#)
[Resolution Reimbursement Agreement Shamrock Petey LLC](#)

Resolution No. 1992/21-37
Resolution Book, Volume XXI, Page 37

Mayor Wagner moved to suspend the rules to place this matter on the agenda for consideration. Council Member Williams made a second to the motion to suspend the rules, which carried by a 9-0 unanimous vote as follows:

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jefferson, to adopt a Resolution approving a Reimbursement Agreement with Shamrock Petey, LLC in an amount not to exceed \$2,500,000.00 for the design and construction of municipal infrastructure that is included on the City's Capital Improvement Plan on a multi-parcel near the intersection of Penny Road and West Wendover Avenue Corridor Study. The motion carried by the following 9-0 unanimous 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

[2021-348](#)

First Amendment to City Manager's Employment Agreement

Consideration of a First Amendment to City Manager Tasha Ford's Employment Agreement inserting 457 deferred compensation for allowing more flexibility.

Mayor Wagner reported the only change in the First Amendment to the Employment Agreement with City Manager Tasha Logan Ford was inserting the additional wording for 457 deferred compensation to allow more flexibility.

Mayor Wagner moved to suspend the rules to place this matter on the agenda for consideration. Council Member Williams made a second to the motion to suspend the rules, which carried by a 9-0 unanimous vote as follows:

A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Moore, to approve the First Amendment to the City Manager's Employment Contract. The motion carried by the following 9-0 unanimous 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

ADJOURNMENT

Prior to adjournment, Mayor Pro Tem Moore wished Interim City Manager Randy McCaslin a Happy Birthday and everyone joined in with the "Happy Birthday" song.

There being no further business to come before City Council, the meeting adjourned at 6:46 p.m. upon motion duly made by Council Member Jones, seconded by Council Member Jefferson, and carried unanimously.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk