

City of High Point

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



Meeting Agenda

Monday, December 6, 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**STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative****2021-547****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: Nov 2021 Monthly Report2.pdf

PUBLIC COMMENT PERIOD**2021-546****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.

FINANCE COMMITTEE - Mayor Pro Tem Moore, Chair**CONSENT AGENDA ITEMS****2021-524****Utility Construction Agreement - NCDOT Interchange Improvement Project - -U-5896, US 29/US70/Business 85 & South Main Street (SR 1009)**

City Council is requested to approve a Utility Construction Agreement with North Carolina Department of Transportation (NCDOT) in the amount of \$2,153,063. for water and sewer improvements at the upcoming NCDOT interchange improvement project at US 29/ US 70/ Business 85 and South Main Street (SR 1009) and that the appropriate City official and/or employee be authorized to execute all necessary documents to finalize the agreement with the NCDOT.

Attachments: [2. NCDOT Utility Construction Agreement \(UCA\) U-5896 - US 29 US 70 Busir](#)

[2021-525](#)**Contract - WESCO Distribution, Inc. -- Montlieu Undergrounding Project - Material Purchase**

City Council is requested to award a contract to WESCO Distribution, Inc. in the amount of \$1,562,612.66 for material purchases in conjunction with the Montlieu Undergrounding project that was previously approved by City Council.

Attachments: [3. Contract WESCO Distribution Inc. - Montlieu Undergrounding Project - Mat](#)

[2021-526](#)**Contract - Tetra Tech, Inc. - Pro-Active Storm Debris Removal**

City Council is requested to award a contract to Tetra Tech, Inc. for storm debris removal services in the event of any potential storms resulting in large quantities of vegetative debris.

Attachments: [4. Contract Tetra Tech Inc. - Pro-Active Storm Debris Removal](#)

[2021-527](#)**License Agreement - Climavision Operating, LLC - Weather Equipment - Potts Avenue Water Tower**

City Council is requested to approve a license agreement with Climavision Operating, LLC to install and maintain weather related equipment on the Potts Avenue water tower and authorize the appropriate city official to execute all necessary documents.

Attachments: [5. License Agreement Climavision Operating LLC - Weather Equipment-Potts](#)

[2021-528](#)**Resolution - Sale of City Owned Property - 1215 E. Green Drive**

City Council is requested to adopt a resolution accepting the offer of \$7,000.00 and authorizing the sale of the property through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Attachments: [6. 1215 Green Drive-Sale of City Owwned Property by Upset Bid Process](#)

REGULAR AGENDA ITEMS[2021-523](#)**Transit - Bus Pass Donation Policy**

City Council is requested to adopt a Bus Pass Donation Policy regarding the donation of transit passes to assist customers in need.

This matter was discussed at the Finance Committee meeting held on December 2, 2021 and forwarded to City Council with a favorable recommendation to be placed on the regular agenda.

Attachments: [1. Transit Bus Pass Donation Policy](#)

[2021-529](#)**Authorize Issuance of Series 2021A CES Revenue Refunding Bonds**

City Council is requested to approve the attached “Bond Order Authorizing The Sale And Issuance By The City Of High Point, North Carolina Of Not To Exceed \$21,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021A And A Subsequent Tax-Exempt Combined Enterprise System Revenue Refunding Bond And Authorizing The Execution And Delivery Of Certain Documents In Connection Therewith”.

Attachments: [7. Bond Order 2021A Revenue Refunding Bond](#)

[2021-530](#)**Authorize Issuance of Series 2021B CES Revenue Refunding Bonds**

City Council is requested to approve the attached “Bond Order Authorizing The Sale And Issuance By The City Of High Point, North Carolina Of Not To Exceed \$32,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021B And A Subsequent Tax-Exempt Combined Enterprise System Revenue Refunding Bond And Authorizing The Execution And Delivery Of Certain Documents In Connection Therewith”.

Attachments: [8. Bond Order 2021B Revenue Refunding Bonds](#)

[2021-531](#)**Acknowledge Receipt - City of High Point Annual Comprehensive Financial Report 2021**

City Council is requested to acknowledge receipt of the City of High Point Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 and related required communications from the City’s auditors, Cherry Bekaert LLP.

Attachments: [9. Acknowledge Receipt of ACFR-2021](#)

**COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams,
Chair**[2021-532](#)**Ordinance - Demolition of Dwelling - 315 Louise Avenue**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 315 Louise Avenue belonging to Stephen Macconnell.

Attachments: [315 Louise Council Packet2](#)

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner[2021-533](#)**Adoption of Findings of Fact and Conclusions of Law-Special Use 21-03**

City Council is requested to adopt the Findings of Fact and Conclusion of Law in reference to Special Use 21-03.

Attachments: [SU-21-03 Adoption of Findings of Fact and Conclusions of Law](#)

[2021-534](#)**Historic Marker Request - Washington Terrace Park**

A request by Yalik's African American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, and Visit High Point for approval of a historic marker to recognize Washington Terrace Park, to be located on the north side of the park entrance on Murray Street.

Attachments: [Historic Marker Request - Washington Terrace Park](#)

[2021-535](#)**Historic Marker Request - Green Hill Cemetery**

A request by Yalik's African American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, and Visit High Point for approval of a historic marker to recognize Green Hill Cemetery, to be located on the south side of the cemetery, 350 feet from the corner of Meredith Street and R.C. Baldwin Avenue.

Attachments: [Historic Marker Request - Greenhill Cemetery](#)

PUBLIC HEARINGS[2021-536](#)**Madi Construction, LLC-Annexation 21-10**

A request by Madi Construction, LLC for a voluntary contiguous annexation of an approximate 1.46-acre parcel located along the north side of Willard Road, approximately 220 feet east of White Farm Lane. The property is addressed as 2405 Willard Road and also known as Guilford County Tax Parcel 195739.

Attachments: [Staff Report AN-21-10](#)

[2021-537](#)**Ezine Inc. and Orbaden Inc.-Zoning Map Amendment 21-26**

A request by Ezine Inc. and Orbaden Inc. to rezone approximately 0.7 acres from the Heavy Industrial (HI) District to the Central Business (CB) District. The site is located along the north side of W. Green Drive, approximately 300 feet west of S. Lindsay Street (512 & 514 W. Green Drive) and at the northeast corner of W. Green Drive and Oak Street (520 W. Green Drive).

Attachments: [Staff Report ZA-21-26](#)

[2021-538](#)**High Point Eastchester Investment, LLC.-Zoning Map Amendment 21-27**

A request by High Point Eastchester Investment, LLC, to rezone an approximate one-acre parcel from the Office-Institutional (OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street.

Attachments: [Staff Report ZA-21-27](#)

[2021-539](#)**City of High Point-Zoning Map Amendment 21-28**

A request by the High Point City Council to rezone 151 properties, totaling approximately 36.14 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 10 properties, totaling approximately 4.11 acres, from the Residential Single Family - 5 (R-5) District, Office Institutional (OI) District and Residential Multifamily - 16 (RM-16) District to the Transitional Office (TO) District. The properties are located along the north side of Washington Street between Penn Griffin High School and the N. University Parkway bridge.
- b) To rezone 136 properties, totaling approximately 30.98 acres, from the Residential Multifamily - 16 (RM-16) District and to the Residential Single Family - 7 (R-7) District. The properties are located between Park Street and S. University Parkway and between Leonard Avenue and E. Commerce Avenue.
- c) To rezone 5 properties, totaling approximately 1.05 acres, from a Conditional Use Transitional Office (CU-TO) District to the Transitional Office (TO) District and the Residential Single Family - 7 (R-7) District. The properties are located at 401 Park Street and 702, 704, 706 and 707 E. Commerce Avenue.

Attachments: [Staff Report ZA-21-28](#)

[2021-540](#)**City of High Point-Zoning Map Amendment 21-29**

A request by the High Point City Council to rezone 78 properties, totaling approximately 42.08 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone an approximate 3.35 acre parcel from a Conditional Use Residential Multifamily - 16 (CU RM- 16) District to the Residential Multifamily - 16 (RM-16) District. The parcel is located at 1022 True Lane.
- b) To rezone 74 properties, totaling approximately 29.33 acres, from the Residential Multifamily - 16 (RM-16) District to the Residential Single Family - 5 (R-5) District and the Light Industrial (LI) District. The properties are located south of the intersection of Hickory Chapel Road and Randall Street, within the Garner Height subdivision and includes a portion of the property located at 1237 Hickory Chapel Road.
- c) To rezone 3 properties, totaling approximately 8.44 acres, from a Conditional Use Light Industrial (CU-LI) District to the Light Industrial (LI) District. The properties are located at 1124, 1120 & 1018 Roberts Lane.

Attachments: [Staff Report ZA-21-29](#)

PENDING ITEMS (Continued Public Hearings)

[2021-473](#)**Resolution - Shamrock Petey, LLC and City of High Point - Plan Amendment 21-06**

A request by Shamrock Petey, LLC and the City of High Point to change the Land Use Plan classification for approximately 41 acres from the Office and Medium Density Residential classifications to the Community/Regional Commercial classification. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

Note: This matter was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Meeting @ 5:30 p.m. at the request of the applicant.

Attachments: [PA-21-06 Final Staff report and CC fwd for 11-1-21 CC mtg ver2](#)

[2021-474](#)**Ordinance - Maria T. Montoya-Couch et al. - Annexation 21-06**

A request by Maria T. Montoya-Couch, SV LIM Holdings, LLC, Steven Lim, Barbara M. Jordan, Darrin R. Jordan, NorthState Telephone LLC and KTK for a voluntary contiguous annexation of approximately 27.2 acres, located at the southeast corner of W. Wendover Avenue and Penny Road. The property is known as Guilford County Tax Parcels 196671, 196672, 170002, 170004, 170005 and 170006.

Note: This matter was continued from the November 1, 2021 City Council Meeting to the November 15, 2021 Meeting @ 5:30 p.m. at the request of the applicant.

Attachments: [02. Staff Report AN-21-06 \(Council\).pdf](#)

[2021-504](#)**Mark & Carolyn Austin and Steven Lim-Annexation 21-08**

A request by Mark & Carolyn Austin and Steven Lim for a voluntary contiguous annexation of approximately 7.94 acres, located along the south side of W. Wendover Avenue approximately 300 feet west of Gisbourne Drive (5223 W. Wendover Avenue - Guilford County Tax Parcel 170007) and along the north side of Samet Drive approximately 400 feet east of Penny Road (7706 Samet Drive - Guilford County Tax Parcel 196673).

Attachments: [03. Staff Report AN-21-08 \(Council\)](#)

[2021-506](#)**Shamrock Petey, LLC-Zoning Map Amendment 21-23**

A request by Shamrock Petey, LLC to rezone approximately 34.7 acres from the Agricultural (AG) District, Residential Single Family - 40 (RS-40) District and Mixed Use (MXU) District all within Guilford County's zoning jurisdiction, to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: [04. & 05. Staff Report ZA-21-23 \(Council\)](#)

GENERAL BUSINESS AGENDA[2021-545](#)**Appointment of John Kennett - Reappointment of Deborah Davis/David Horne/Tyler Walsh to Board of Adjustment**

City Council is requested to approve the following appointment/reappointments to the Board of Adjustment.

Reappointment of Deborah Davis as a full member; appointment to be effective immediately and will expire June 30, 2024.

Reappointment of David Horne as a full member; appointment to be effective immediately and will expire June 30, 2023.

Reappointment of Tyler Walsh as an alternate member; appointment to be effective immediately and will expire on June 30, 2024.

Appointment of John Kennett as a full member; appointment to be effective immediately and will expire June 30, 2023.

Attachments: [BOA Appointments](#)

[2021-541](#)**Minutes To Be Approved**

November 10, 2021 Finance Committee Meeting Minutes @ 4:00 p.m.

November 15, 2021 Regular Council Meeting Minutes @ 5:30 p.m.

November 17, 2021 Public Safety Committee Meeting Minutes @ 4:00 p.m.

Attachments: [1. November 10 2021 Finance Committee Meeting Minutes.pdf](#)
[2. November 15, 2021 Regular Meeting Minutes.pdf](#)
[3. November 17 2021 Public Safety Committee Minutes.pdf](#)

ADJOURNMENT



December 3, 2021

To: Randy McCaslin, Deputy City Manager

From: Thanena Wilson, Interim Dir. of Community Development & Housing

Subject: Strategic Update on Code Enforcement Activity for November 2021

This report summarizes Code Enforcement activity for the month of November. During this period Local Codes Enforcement (LCE) staff processed 25 new minimum housing complaints; 39 new public nuisance complaints and collected 149 signs. Additionally, during the month of November:

- LCE staff recorded 17 zoning complaints.
- A total of 58 Public Nuisance cases were abated (4 - City abated and 54 - owner abated).
- Two inspectors did work on a Saturday morning (11/20) and collected 44 signs
- 3 properties waiting appeal period to expire
- 7 properties waiting on demolition
- There are four housing cases with an ordinance passed for demolition waiting for repairs to be completed (337 Wingo, 216 Underhill, 1004 Prospect and 1113 Jefferson).
- Three inspector positions remain open and interviews are underway.
- During the report period there were 346 total active cases:
 - o 213 active minimum housing cases
 - o 30 active public nuisance cases
 - o 103 active zoning cases

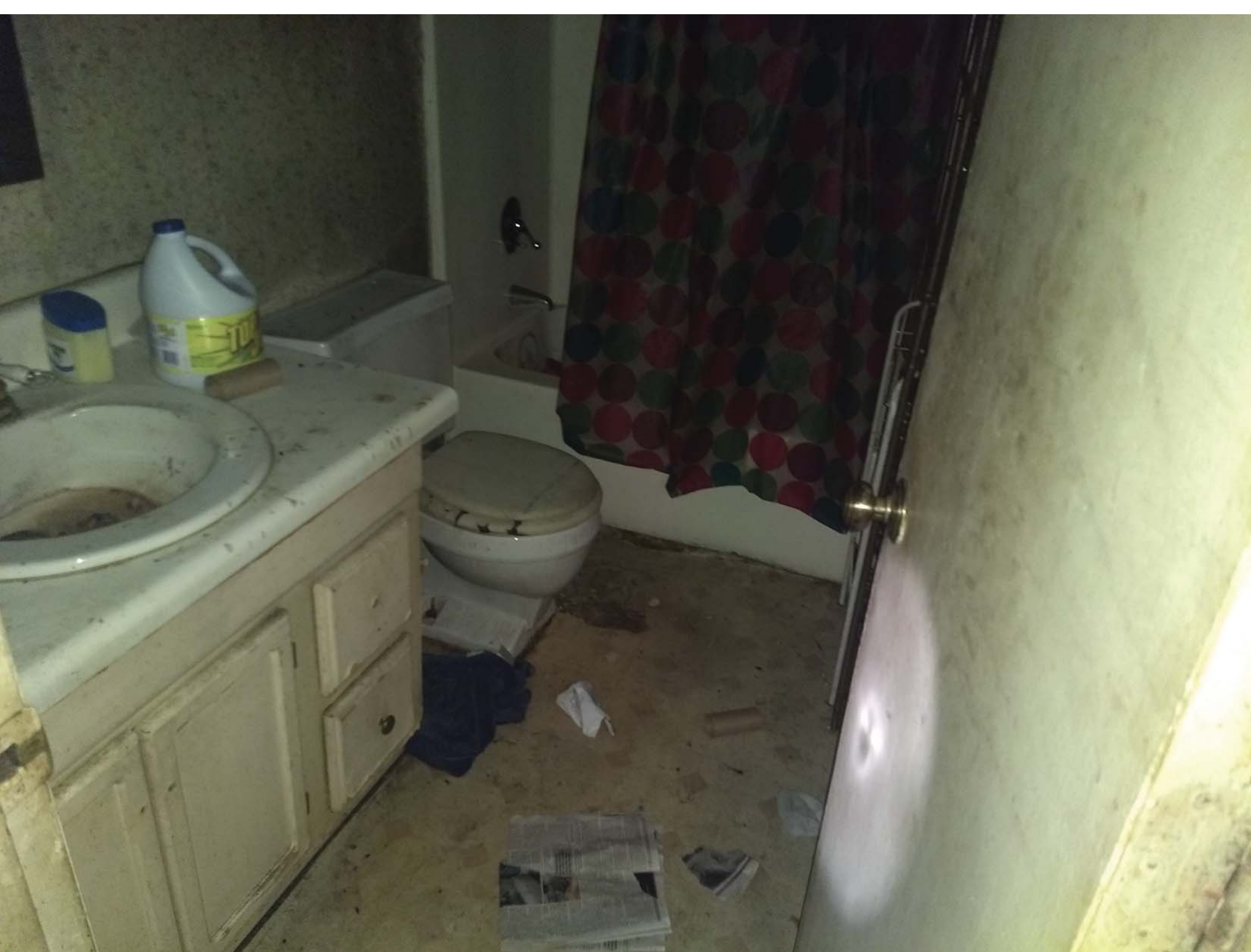
Please see the attachment containing a table summarizing detailed activity and pictures.

Local Codes Enforcement Monthly Activity												
		Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
1. Minimum Housing												
	a. Minimum Housing Complaints	21	6	24	26	25	11	25	17	22	24	25
	b. Active Minimum Housing Cases	242	247	237	231	231	226	219	223	236	230	213
	d. Cases Taken Before City Council											
	i. For Demolition	2	3	2	2	3	3	3	1	3	0	3
	e. City Demolished Houses	1	1	4	2	1	1	5	0	0	1	2
2. Public Nuisance												
	a. Public Nuisance Complaints (incl. unsecured	33	35	63	156	205	135	120	133	104	59	39
	b. Active Public Nuisance Cases	82	93	90	299	142	206	185	177	110	82	30
	c. City abated PN Cases	16	20	10	30	112	82	51	52	53	35	4
	d. Owner abated PN Cases	33	38	63	88	212	142	158	120	110	65	54
3. Zoning												
	a. Zoning Complaints (Vehicles, Signs, Banners)	14	35	22	37	22	30	19	23	22	32	17
	b. Active Zoning Cases	131	148	123	113	108	144	111	132	115	109	103
	c. Signs collected	110	231	63	320	25	115	217	103	148	314	149
		TOTAL ACTIVE CASES - 346										















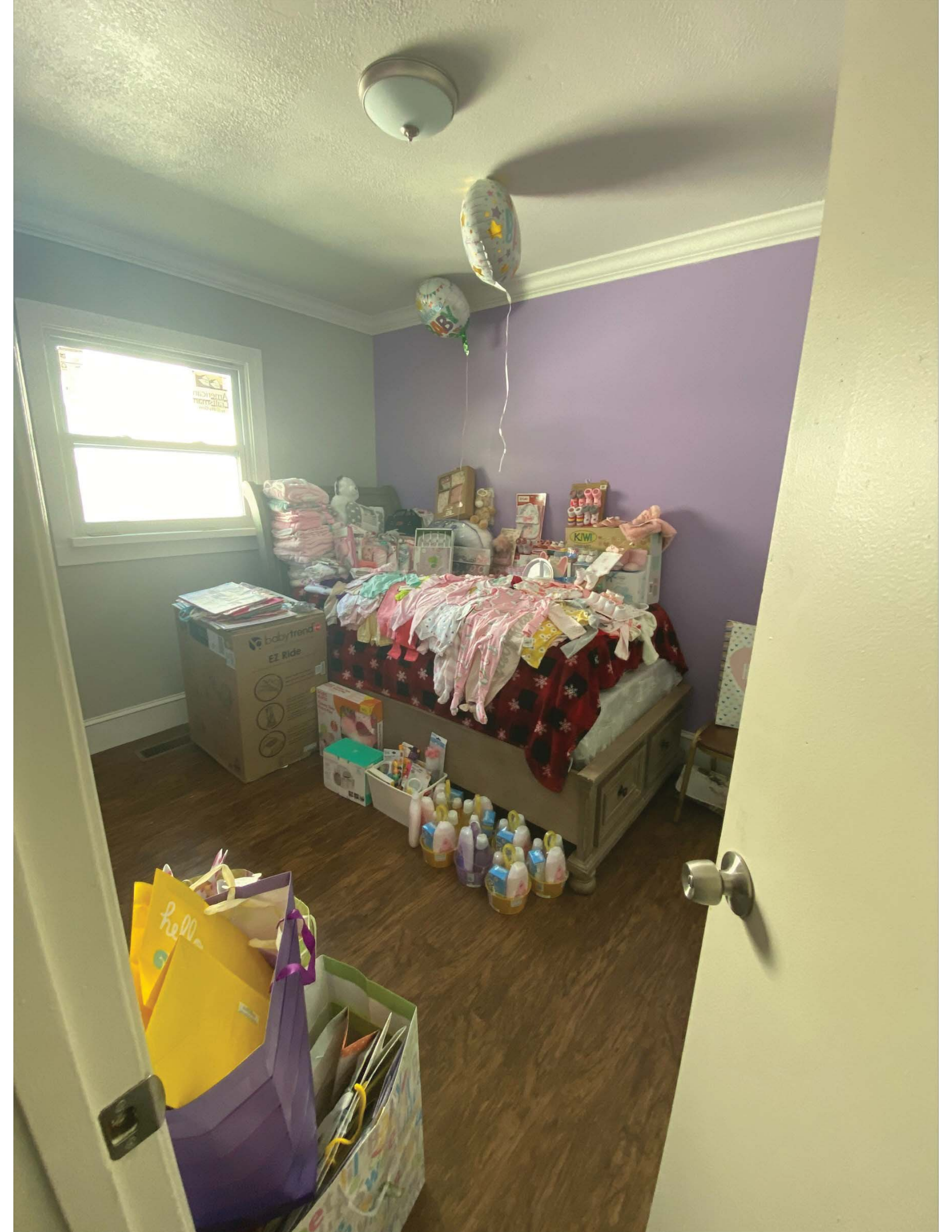


















CITY OF HIGH POINT

AGENDA ITEM



Title: Resolution Sale of City Owned Property – 1215 E. Green Drive

From: JoAnne Carlyle, City Attorney

Meeting Date: Monday, December 6, 2021

Public Hearing: Not Required

Advertising Date: N/A

Advertised By: N/A

Attachments: Resolution

Purpose/Background:

Life Changing International Church has offered a bid of \$7,000.00 for a City owned lot located at 1215 E. Green Drive, Parcel No. 174671. The property is approximately 6,534 square feet (0.15 acre) in size. The property was received by the City in 2021 from a tax foreclosure. The bidder owns adjacent property and plans to use the property as supplemental property for their church.

Budget Impact:

N/A

Recommendation/Action Requested:

Council is requested to adopt a resolution accepting the offer of \$7,000.00 and authorizing the sale of the property through the upset bid procedure of N.C.G.S. 160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

**RESOLUTION OF HIGH POINT CITY COUNCIL
AUTHORIZING UPSET BID PROCESS FOR CITY PROPERTY
LOCATED AT 1215 E. GREEN DRIVE, HIGH POINT, NC**

WHEREAS, The City of High Point (“City”) owns a lot consisting of approximately 6,534 square feet (0.15 acre) in size identified as Parcel No. 174671, 1215 E. Green Drive, High Point, North Carolina (“Property”); and

WHEREAS, North Carolina Statute §160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, Life Changing International Church has made an offer of \$7,000.00 for the Property and has paid the amount of \$350.00, the required five percent (5%) deposit on their offer;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of High Point, North Carolina:

1. Authorizes sale of the Property described above through the upset bid procedure of North Carolina General Statute § 160A-269.

2. The City Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property, the amount of the offer, and shall state the terms under which the offer may be upset.

3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the City Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day notice period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the City Council.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier’s check, or certified check. The city will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The city will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that:

- the City Council must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed; and
- the buyer must pay with cash at the time of closing.

8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate city officials are authorized to execute the instruments necessary to convey the property to Life Changing International Church.

Adopted this the 6th day of December, 2021.

Mayor Jay W. Wagner

Lisa B. Vierling,
High Point City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Historic Marker Request
(Greenhill Cemetery)

From: Chris Andrews, Interim Planning and
Development Director

Meeting Date: December 6, 2021

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: A. Historic Preservation Commission Recommendation
B. Staff Report

PURPOSE:

A request by Yalik's African American Art & Cultural Movement in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, and Visit High Point for approval of a historic marker to recognize Greenhill Cemetery to be located on the south side of the cemetery, 350 feet from the corner of Meredith Street and R.C. Baldwin Avenue.

BACKGROUND:

The Historic Preservation Commission is designated by the Historic Marker Policy to review and evaluate all proposed roadside historic markers prior to consideration by City Council. This roadside historic marker request is the tenth request under the City's roadside Historic Marker Policy.

BUDGET IMPACT:

Yalik's African American Art and Cultural Movement is purchasing this marker.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended approval of this request as outlined in the attached staff report.

- B. At its November 10, 2021 meeting, the Historic Preservation Commission reviewed a request for a historic marker recognizing Greenhill Cemetery. Six members of the Commission were present. Mr. David Fencl, Senior Planner, presented the request and recommended approval of the request as outlined in the staff report.

The Historic Preservation Commission determined that the proposed marker met the minimum evaluation criteria of the Historic Marker Policy, which includes the site's significance occurred at least 50 years before the request, no other public or private markers

recognize Greenhill Cemetery, and the location of the proposed marker is within the corporate limits. The Historic Preservation Commission also determined that the proposed marker will be consistent in appearance with several existing City markers and recommended approval of the historic marker request, as recommended by staff, by a vote of 6-0.



To: Historic Preservation Commission Members

From: David Fencil, Senior Planner

Meeting Date: November 10, 2021

Subject: Greenhill Cemetery Historic Marker Request by Yalik's African-American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, Visit High Point, and the City of High Point

PURPOSE:

The Historic Preservation Commission (HPC) is designated by the Historic Marker Policy to review all requests for historic markers to be located in public street rights-of-way. The HPC shall first determine whether the request meets the minimum evaluation criteria outlined in the policy, and if the request meets the minimum evaluation criteria, the HPC shall then evaluate the request based on relevant criteria as determined by the HPC.

The following criteria must be present and factually correct in order for the HPC to review any request for placement of a marker:

1. Any site or event requested to be recognized must be at least 50 years old and for any individual to be recognized with a marker, the individual's contribution that is the subject of the request must have occurred as least 50 years before the request.
2. There may not be any current markers, public or private, currently recognizing the site or event within the City of High Point.
3. The location requested to be recognized must be within the corporate limits of the City of High Point and within public view.

Requests for markers shall be evaluated based on relevant criteria as determined by the HPC, including the following:

1. Is each historical claim by the applicant presenting the request supported by documentation or other evidence of the claim's validity? Documentation should consist of primary sources that were created at the time of the event and may include tax records, deeds, newspaper articles, meeting minutes, photographs, etc. Secondary sources may be submitted to help provide context and justify the significance of the event, person, or location.
2. In an attempt to avoid repetition and promote diversity in the recognitions, is the requested site, event or individual closely related to a site, event or individual accomplishment that has already been recognized with a Marker?

3. Has the site, event, or individual contribution maintained its significance over time?
4. Is the site, event or individual recognized outside of High Point at state wide, national, or international levels?
5. Marker proposals will be rejected if the Commission cannot authenticate or verify the historical information to its satisfaction. The Commission shall make the deciding rule if there is conflicting evidence.

STAFF ANALYSIS:

According to the information supplied with this Historic Marker Request, the city purchased 6 acres of property for \$750 on the east side of the city to establish a cemetery for African American residents in January 1910. The first burial in what is now called Greenhill Cemetery took place in August 1910. Prior to the establishment of Greenhill Cemetery, African Americans had been buried in Oakwood Cemetery. Greenhill Cemetery now covers eleven acres and consists of 1250 burial plots.

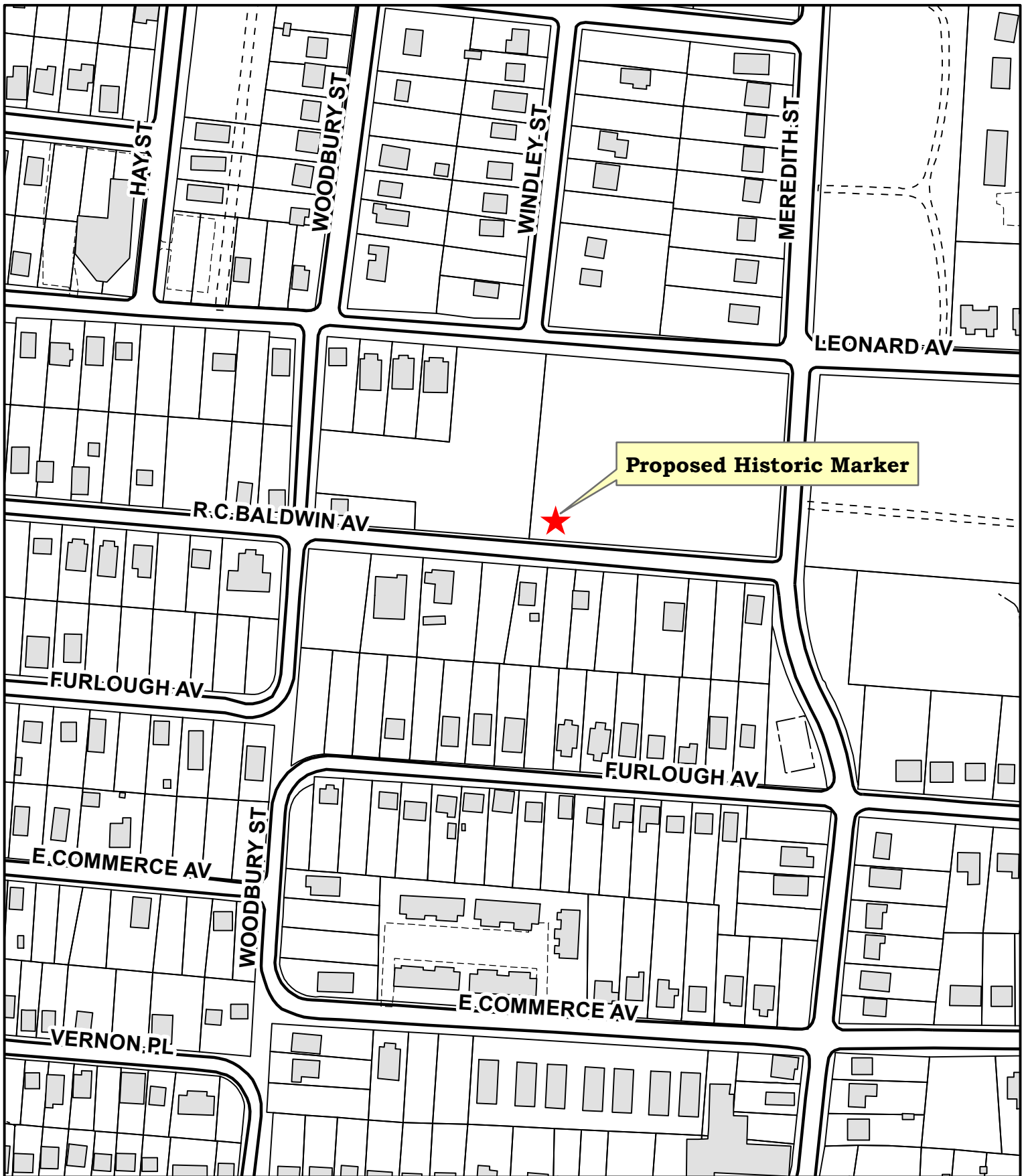
Greenhill Cemetery is the final resting place for many prominent African American families, educators, politicians, preachers, doctors, and lawyers. Among those buried at Greenhill includes Willis R. Hinton, who was born into slavery and eventually owned and operated the Hinton Hotel on Washington Street; Alfred J. Griffin, Principal of High Point Normal and Industrial School from 1897-1923 and William Penn High School from 1923-1930; Reverend William Blair, presiding elder of St. Stephens A.M.E. Zion Church and John Coltrane's grandfather; John and Nannie Kilby, business pioneers and owners of the Kilby Hotel; Dr. Garland Alfonso Gerran, who was High Point's first black doctor to set up practice in the 1890s; and E.E. Curtwright, who became Principal of William Penn High School following A.J. Griffin and had joined the staff in 1902.

Staff believes that this historic marker request meets the minimum evaluation criteria due to Greenhill Cemetery being established more than 50 years ago, there are no other historic markers recognizing Greenhill Cemetery and the marker's proposed location is within the City of High Point and within public view. The applicant has submitted copies of primary resources, such as a 1910 High Point Enterprise article and City Council minutes documenting the purchase and payment for the cemetery property, a newspaper article documenting the first burial in the cemetery and city plans documenting cemetery plots dated 1952 and 1959.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the Historic Preservation Commission recommend approval of the historic marker request for Greenhill Cemetery. This historic marker request meets the minimum evaluation criteria, and with the documentation submitted with this request, staff believes this request meets the relevant evaluation criteria of the Historic Marker Policy.

Attachments: Greenhill Cemetery Historic Marker Location Map
 Historic Marker Request and Documentation



HISTORIC MARKER REQUEST

Greenhill Cemetery



Proposed marker location

Planning & Development
Department

City of High Point



Scale: 1"=200'

City of High Point Historic Marker Request

The cast aluminum roadside marker falls under the new City of High Point Historic Marker Policy. The marker will be manufactured by Sewah, Inc., a company who manufactures for NC State Highway Historic markers. The wording was written by Jerry Mingo, President of the Burnhill Neighborhood Association.



We would like to use the following shape mounted on a 7-foot post with the city seal. The following measurements and costs of the roadside marker are from Sewah Studios in Marietta, Ohio, who make many state roadside markers in cast aluminum and bronze throughout the US, including those for NC.

Size: 30"x 42" Georgia pattern

Style: Georgia Pattern

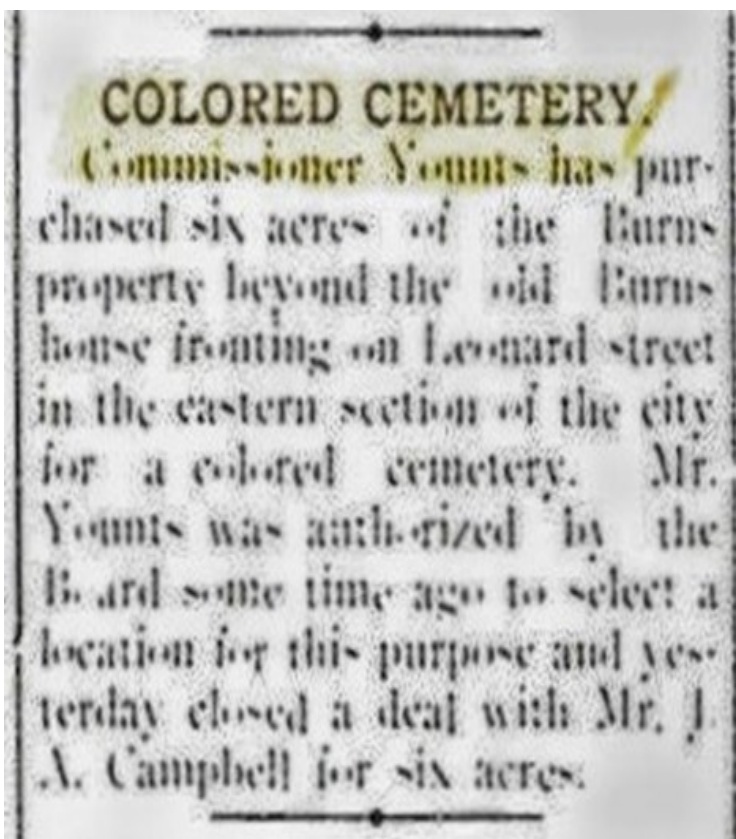
Post: 7foot mounting post

Letters: 1 inch

(Same copy both sides.)



*Greenhill Cemetery 1700 Leonard Street
High Point, NC*



Commissioner E.A. Younts purchased six acres of the Burns property beyond the old Burns house fronting on Leonard St. in the eastern section of the city for a colored cemetery. Mr. Younts was authorized by the board some time ago to select a location for this purpose and yesterday closed a deal with Mr. J.A. Campbell for six acres.

[High Point Enterprise, January 25, 1910](#)

HP- Streets

July 14 1910

Regular meeting of the Board of Council of the City of High Point was held in the Mayors office February 14th, 1910, at 2:30 P.M.

Fred N. Tate, Mayor, presiding.

Councilmen present: S. H. Hilliard, J. H. Vestal, H. A. Millis, E. A. Younts, J. T. Burrus, J. W. Sechrest, Thiers Leach and Dr. Peacock.

Minutes of last meeting were read and approved.

Upon motion of Dr. Peacock seconded by E.A. Younts, it was ordered that poll tax for 1907 be refunded to

W. I. Montgomery. Upon motion of Dr. Peacock seconded by J. T. Burrus, the Mayor and Auditor were authorized to execute note for \$750. payable to the High Point Savings & Trust Company, placing deed in escrow to secure money to pay for cemetery purchased on Leonard Street. It was further ordered that all money paid to the City as lots are sold, be credited on this note.

Upon motion of H. A. Millis seconded by Dr. Peacock, the ordinance in regard to the obstruction of streets and sidewalks passed its second reading. ✓

Councilmen Peacock, Leach, Burrus, Sechrest, Younts, Millis, Vestal and Hilliard all voting aye.

Upon motion of Thiers Leach seconded by E. A. Younts, amendment to Section 52 City ordinances in regard to condemned meats passed its second reading. Councilmen Peacock, Leach, Burrus, Sechrest, Younts, Millis, Vestal and Hilliard all voting aye. ✓

Upon motion of Dr. Burrus seconded by J.W. Sechrest a committee composed of H. A. Millis, E.A. Younts, J. W. Sechrest, Fred N. Tate, Mayor, with authority to act, was appointed to confer with the manager of the High Point Hoisery Mills in regard to sewer rentals.

Upon motion, meeting adjourned.

R. Newby Sec. Fred N. Tate Mayor.

HP. City Council Mins.

February 14, 1910 – City Council Minutes. Upon motion of Dr. Peacock, second by J.T. Burrus, the Mayor and Auditor, we authorized to execute note for &750.00, payable to the High Point Savings & Trust Co., placing deed in escrow to secure money to pay for cemetery purchased on Leonard St. it was further ordered that all money paid to the city as lots are sold, be credited on this note.

FIRST BURIAL IN THE COLORED CEMETERY

The first burial in the colored cemetery took place yesterday. The burial ground for colored people heretofore was alongside the white cemetery, but at a meeting of the City Council, sometime ago they ordered the purchase of a burial ground for colored people. Councilman Younts purchasæd a piece of ground in the eastern part of the city, in the Burns property. Mr. Sechrest is busy today laying off the lots. Those that are not sold will be sodded with bermuda grass.

August 15, 1910, the first burial at Greenhill Cemetery

IDEA: "H" in plain terms, that it may be properly classified. The "Special Information" for persons dying away from home should be given in every instance.

Registered No. 149

STATE OF NORTH CAROLINA.

269

STATE BOARD OF HEALTH—DIVISION OF VITAL STATISTICS.

PLACE OF DEATH.

Town of High Point

CERTIFICATE AND RECORD OF DEATH.

(No. Moan Town Street.)

(If death occurs away from
USUAL RESIDENCE
give facts called for under
"Special Information.")

FULL NAME

Rosena Lee

(If death occurred in a
Hospital or Institution,
give its NAME instead of
street and number.)

PERSONAL AND STATISTICAL PARTICULARS.

SEX

female

COLOR

colored

DATE OF BIRTH

Aug (Month)

12 (Day)

1899 (Year)

AGE

11 years.

5 months.

1 days.

SINGLE, MARRIED,
WIDOWED, OR DIVORCED

Single

BIRTHPLACE
(State or country)

Caswell Co. NC

NAME OF
FATHER

Weldon Lee

BIRTHPLACE
OF FATHER
(State or country)

Caswell Co. NC

MAIDEN NAME
OF MOTHER

Michie Moore

BIRTHPLACE
OF MOTHER
(State or country)

Caswell Co. NC

OCCUPATION

School Girl

THE ABOVE STATED PERSONAL PARTICULARS ARE TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

(Informant)

Sandy Lee

(Address)

High Point NC

Filed

8/14 19 10

Registrar

Registrar.

MEDICAL CERTIFICATE OF DEATH.

DATE OF DEATH

Aug (Month)

13 (Day)

1910 (Year)

I HEREBY CERTIFY, That I attended deceased from

Aug 10 19 10 to Aug 11 19 10

that I last saw her alive on Aug 11 19 10

and that death occurred, on the date stated above, at 10.30 P. M.

The CAUSE OF DEATH was as follows:

Pericarditis & Complications
(Endocarditis)

(duration) 3 days.

Contributory

(duration) 3 days.

(Signed) C. J. H. Gayland M. D.
8-14-10 (Address) High Point NC

SPECIAL INFORMATION only for Hospitals, Institutions, Transients, or Recent Residents.

Former or
Usual Residence

How long at
Place of Death? Days.

Where was disease contracted,
if not at place of death?

PLACE OF BURIAL OR REMOVAL

DATE OF BURIAL

High Point NC

Aug 14 19 10

UNDERTAKER

ADDRESS

J. W. Sechrist

High Point NC

The first burial at Greenhill, may have been for Rosena Lee, an eleven year old school girl.

Greenhill Cemetery 1952

Be 27 1954

CERTIFICATE OF IMPROVEMENTS

This is to certify that all requirements of Chapter 44, Article XV of the 1950 Code of Ordinances of the City of High Point governing subdivisions involving the Planning Department, Public Works Department, and Utility Department have been met.

Robert M. J. [Signature] 5-26-59
 Director Planning Dept.
 [Signature] 5-26-59
 Director Public Works
 [Signature] 5-26-59
 Director Public Utilities

PLANNING COMMISSION AND CITY COUNCIL ENDORSEMENTS

Provided that this plan is recorded within 30 days of final approval, recommended by City Planning and Zoning Commission.

Date: 5-26-59
 Approved by City Council: 5-26-59 Date
 City Manager

NORTH CAROLINA
 COUNTY

That the plat or map hereon is in all respects correct and was prepared from actual survey made by him on the day of 1959 that the subdivision or development or a portion thereof is (not) within the corporate limits of the City of _____ and approved by it.

This the day of _____ 1959
 Subscribed and sworn to before me on the day of _____ 1959
 Notary Public

My Commission Expires _____

NORTH CAROLINA, GUILFORD COUNTY
 The foregoing certificate of _____ Deputy Clerk, Superior Court

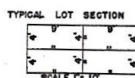
This the day of _____ 1959
 Deputy Clerk, Superior Court

CITY OF HIGH POINT, N. C.			
DEPARTMENT OF PUBLIC WORKS			
ENGINEERING DIVISION			
GREEN HILL CEMETERY			
PROPERTY OF			
CITY OF HIGH POINT, N.C.			
5-12-59			
Survey CHNIEL	Scale	Approved	Sheet
Drawn H.M. LEE	1" = 30'		of
Grades	Proj.		N. B.
Trace			Comp.

ADDITION TO
 GREENHILL CEMETERY
 BLOCK - 6

PROPERTY OF
 CITY OF HIGH POINT, N.C.
 5-12-59 SCALE: 1"=30'

Filed for registration on the day of JUN 1 - 1959
 1959 at 12 o'clock A.M., and duly recorded in the Office of Register of Deeds of Guilford County, N.C. in Book No. _____ Page _____
 J. H. McARDOO
 Register of Deeds



I certify that this is a true and accurate survey made by me on the 12th day of May 1959 and that the original south is correct. This plat has been approved by the City of High Point.

Geo. B. Dean
 REG. ENGR. HIGH POINT, N.C.

Sign and sealed this 13th day of May 1959
 [Signature]
 City Manager

ATTESTATION 5-25-59

Greenhill 1959



Greenhill Cemetery is rich in history, housing prominent individuals, families and war veterans.

Willis R. Hinton was born into slavery around 1838 in Wake County, he arrived in High Point after slavery ended. Hinton owned and operated a restaurant on S. Main St., which he sold. He then opened an 11-room hotel at 607 E. Washington St., that he called the Hinton Hotel. It was High Point's



Alfred J. Griffin, Principle of High Point Normal and industrial School, 1897-1923, later William Penn High School, 1923-1930. Several of his family members are buried at Greenhill



Buried at the cemetery is Rev. William Blair, Presiding elder of St. Stephens A.M.E. Zion Church on Leonard Avenue and John Coltrane's grandfather.



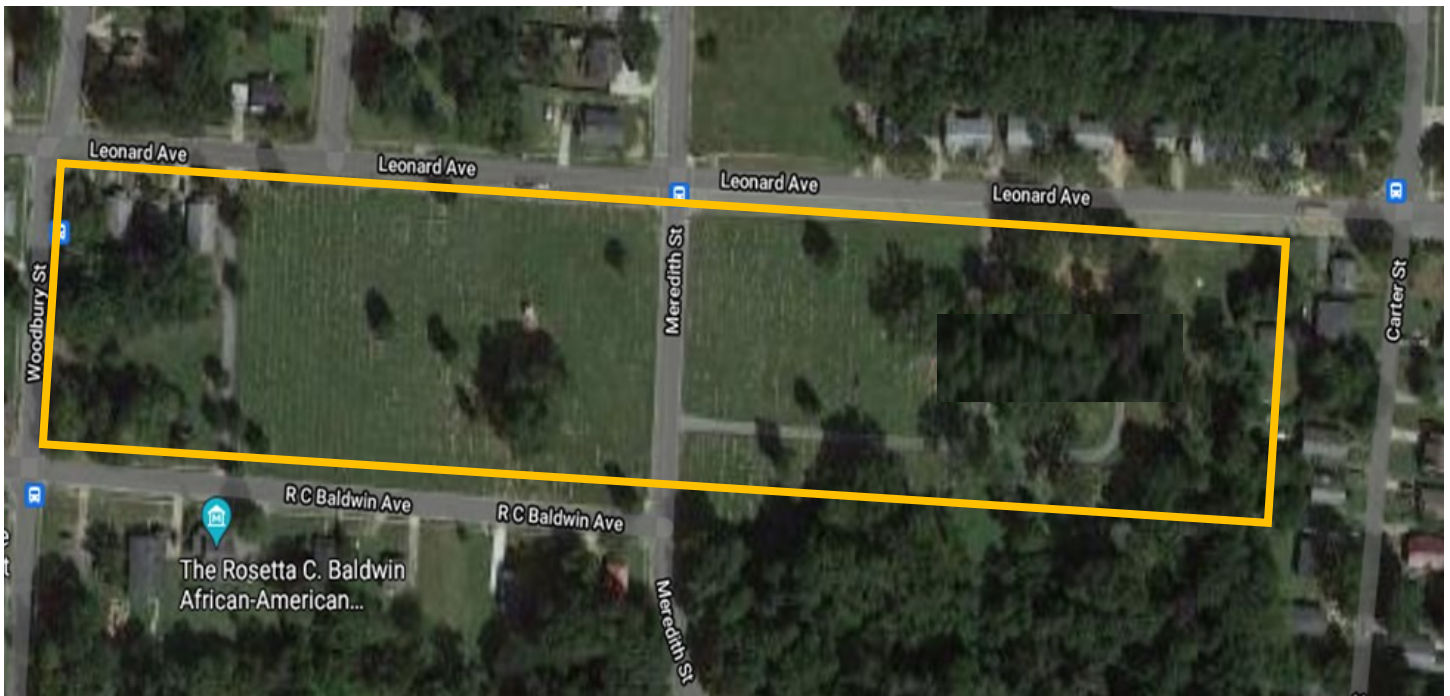
John and Nannie Kilby, Business pioneers and owners of the Kilby Hotel



Dr. Garland Alfonso Gerran was High Point's first black doctor to set up practice here in the 1890s. Gerran graduated from Shaw University's Leonard School of Medicine in Raleigh. His office was at 603 E. Washington St. and he lived 707 E. Washington St. with his wife Marie.



E.E. Curtwright joined the staff of William Penn High School in 1902 and was the principal following A.J. Griffin.



The cemetery now situated on approximately 11 acres of land owned by the City of High Point and consists of 1250 burial plots.

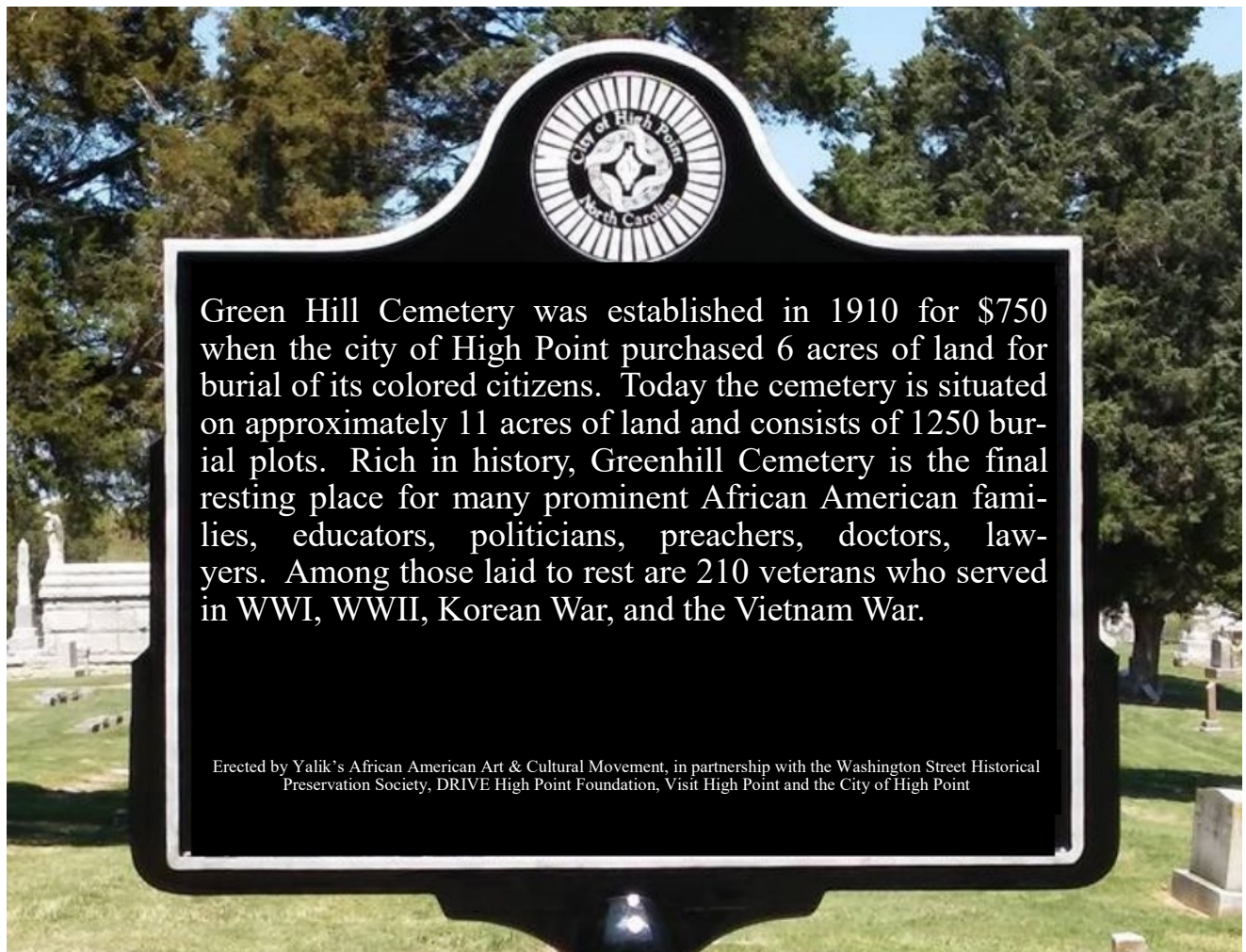


Goals for Greenhill Cemetery

- Replace fencing
- Lighting of cemetery
- Upgrade landscaping
- Improve signage inside cemetery and direction signage around the community
- Improve monuments conditions, settings and grounds
- Plan and prioritize future capital projects and improvements such as acquiring properties at corner of Leonard Ave. and Woodbury for future expansion.



The historical marker for Greenhill Cemetery will be placed on the southside of the cemetery, 350 ft from the corner of Meredith St and R.C. Baldwin Ave. The location is within the corporate limits of the City of High Point and the site will be within public view. Location of the maker has been approved by Cemetery Parks Supervisor, Brad Embry.



Verbiage for Marker

Green Hill Cemetery was established in 1910 for \$750 when the city of High Point purchased 6 acres of land for burial of its colored citizens. Today the cemetery is situated on approximately 11 acres of land and consists of 1250 burial plots. Rich in history, Greenhill Cemetery is the final resting place for many prominent African American families, educators, politicians, preachers, doctors, lawyers. Among those laid to rest are 210 veterans who served in WWI, WWII, Korean War, and the Vietnam War.

Erected by Yalik's African American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, Visit High Point and the City of High Point

Marker Inscription

Cost for marker \$2,315

CITY OF HIGH POINT

AGENDA ITEM



Title: Appointment/Reappointments to the Board of Adjustment

From: City Clerk's Office

Meeting Date: December 6, 2021

Public Hearing: N/A

**Advertising Date /
Advertised By:** N/A

Attachments: Application to Serve- John Kennett

PURPOSE:

To confirm the following appointments/reappointments to the Board of Adjustment.

- Reappointment of Deborah Davis as a full member; appointment to be effective immediately and will expire June 30, 2024.
- Reappointment of David Horne as a full member; appointment to be effective immediately and will expire June 30, 2023.
- Reappointment of Tyler Walsh as an alternate member; appointment to be effective immediately and will expire on June 30, 2024.
- Appointment of John Kennett as a full member; appointment to be effective immediately and will expire June 30, 2023.

BACKGROUND:

Mayor Wagner is recommending the preceding appointment/reappointments to the Board of Adjustment.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

Council is requested to approve the preceding appointment/reappointments to the Board of Adjustment.

Profile

John

First Name

Kennett

Last Name

kennett@freemankennett.com

Email Address

821 Arbordale Ave.

Street Address

Suite or Apt

High Point

City

NC

State

27262

Postal Code

Business: (336) 869-3464

Primary Phone

Mobile: (336) 259-9039

Alternate Phone

Freeman Kennett Architects

Employer

Which Boards would you like to apply for?

Board of Adjustment: Submitted

Ward you reside in?

4

Interests & Experiences

Please list any work, volunteer, and/or educational experience that you would like us to consider in the review of your application.

Partner with Freeman Kennett Architects since 2005 Architecture degree from NC State University 1991
Have served as a board member for the following in the past: Big Brothers Big Sisters Camp Cheerio High Point Friends School Currently serving on the High Point Community Foundation Board Member at Wesley Memorial Church Married to Kim Kennett Daughter Katie is a junior at Western Carolina University Son JP is a senior at High Point Central HS



Upload a Resume

Have you participated in Leadership High Point?

☐ Yes ☒ No

If yes, please list the year in which you participated in Leadership High Point:

Gender

☒ Male

**APPROVAL OF SPECIAL USE PERMIT 21-03
(1800 Alleghany Street, High Point, NC)**

CITY OF HIGH POINT CITY COUNCIL

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This application for a Special Use (“SU”), for an Asphalt Plant use type in a Conditional Zoning Heavy Industrial (“CZ-HI”) District, came before the High Point City Council (“Council”) on November 15, 2021 for a quasi-judicial hearing (“Hearing”). Based on the testimony of the witnesses, the documentary evidence, the application and related materials, the exhibits, the Staff Report and other evidence presented at the Hearing, the Council finds that the SU should be approved, and in support thereof, makes the following Findings of Fact and Conclusions of Law as required by N.C. Gen. Stat §160D-102(28) and §160D-406(j).

FINDINGS OF FACT

1. Section 2.4.12(C) of the City of High Point Development Ordinance provides as follows:

Special Use Review Standards A special use shall be approved upon a finding that the applicant demonstrates the proposed special use:

- (a) Will not materially endanger the public health or safety if located where proposed;
- (b) Complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses;
- (c) Will not substantially injure the value of the abutting land, or the special use is a public necessity;
- (d) Will be in harmony with the area in which it is to be located; and
- (e) Is in general conformity with the City's adopted policy guidance.

2. The subject property (Guilford County Tax Parcel 180717) addressed as 1800 Alleghany Street, lies at the northern terminus of Alleghany Street and south of Durand Avenue, and consists of approximately 29 acres of land. Blue Skye Holdings, LLC is the property owner and the High Point Land Investment, LLC is the applicant (“Applicant”).

3. The site has a moderate to severely sloping terrain and undeveloped. A perennial stream, running in a general east-west direction, with a corresponding floodway and 100 and 500 year flood zone runs through the northern and middle of the site. This floodway/flood zone area ranges in width from 500 to 600 feet. There is also a 72-foot wide City of High Point electrical transmission line easement that runs in an east-west direction through the middle of the site and an additional 200-foot wide Duke Power transmission line that runs across the southern portion

of the site. Development is subject to the Randleman Lake General Watershed Area (GWA) requirements and primary stormwater control measures are required for non-residential development with an impervious surface area that exceeds 12% or more of the site. The proposed development is able to meet applicable watershed requirements.

4. Pursuant to the Development Ordinance of the City of High Point (“DO”), Table 4.1.9 “Principal Use Table”, the Asphalt Plant use type is within the Industrial Use Classification, under the Manufacturing and Production Use Category. An Asphalt Plant is defined by the DO, under Table 4.2.7.C.(a), as an industrial establishment engaged in the production of asphalt, macadam, or blacktop for use in the construction and repair in roadways and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients. Accessory uses may include the storage and maintenance of paving equipment as well as the stockpiling of used asphalt for re-use.

5. Pursuant to the DO, an Asphalt Plant use type is permitted in the HI District subject to a SU approval by the Council. The property has a Conditional Zoning Heavy Industrial (CZ-HI) District zoning designation that was approved under Zoning Map Amendment 21-25 (ZA-21-25). The HI district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental and visual impacts.

6. This SU application, “SU-21-03”, proposes to establish an Asphalt Plant facility, details of this request are as follows:

- (a) Uses: Asphalt Plants use type and its customary accessory uses shall be permitted subject to the development and dimensional requirements of the Heavy Industrial (HI) District and the specific conditions listed in this Special Use Permit and SU Plan.
- (b) The Major Manufacturing use type (Concrete Manufacturing), which is a permitted principal use in the HI District, will operate in conjunction with the Asphalt Plant use type.
- (c) Development of the site shall be generally consistent with the SU plan. The Asphalt Plant use type and its accessory activity shall be restricted to that area noted as “Only area of development” as depicted on the SU plan.
- (d) Containment of Perimeter Gravel Road and Asphalt/Concrete Plant

Materials: The central and northern portion of the site contain a perennial stream with a substantial floodway, and 100- and 500-year flood zones. To maintain the location of the perimeter gravel road and to keep materials out of the adjacent environmentally sensitive areas, the following shall be installed as part of development permit approval:

- i. A permanent concrete curb and gutter, as depicted in exhibit #1 or exhibit #2 of the Special Use Permit, shall be installed along the northern and western edge of the perimeter gravel road; or
- ii. A minimum four (4) foot tall soil berm, meeting standards of Section 5.5.6.H of the Development Ordinance, shall be installed in close proximity to the northern and western edge of the perimeter gravel road; or
- iii. A combination of the above noted concrete curb & gutter and soil berm as approved by the Technical Review Committee.

(e) Transportation Access standard: Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue. Subject to approval by the Transportation Department, access from Alleghany Street may be revised to be taken from the northern terminus or northwestern western side of this right-of-way.

7. The Zoning and use of land adjacent to the property are outlined below:

Adjacent Property Zoning and Current Land Use		
North:	Light Industrial (LI) District	Durand Avenue and US 29 (formerly Business 85) r
South:	Light Industrial (LI) District	Industrial and warehousing use
East:	Light Industrial (LI) District	Industrial use, undeveloped parcel and single family
West:	Light Industrial (LI) District	Single family dwellings

8. Development of the site is subject to conditions of Conditional Zoning Ordinance ZA-21-25 and conditions of SU Permit 21-03.

9. At the November 15, 2021 hearing, the applicant's' representative Mr. Tom Terrell, attorney, Fox Rothschild LLP, 230 N. Elm Street, Suite 1200, Greensboro, NC presented the following in support of this request:

- (a) That the application was duly filed, complete, and compliant with the technical and dimensional requirements of the DO, as evidenced by the testimony of staff and support of the Technical Review Committee.
- (b) That the asphalt plant is subject to a site plan submitted to the City and reviewed by the City of High Point's Technical Review Committee.

- (c) That notice of the SU application and an accompanying application to rezone the parcel from the LI District to a CZ-HI District by posting of the property, notification in a newspaper of general circulation, and notice to surrounding owners was properly accomplished as required by statute and the DO.
- (d) That all witnesses were under oath and all parties were given opportunities to present evidence and to cross-examine witnesses.
- (e) That the applicant presented competent, material and substantial evidence in its application, other written materials provided in a bound notebook, and through witness testimony, that it meets the standards in the City of High Point Development Ordinance §2.4.12(C) precedent to the issuance of a special use permit.
- (f) The materials in a presentation notebook that the proposed use will not materially endanger the public health and safety, including testimony that asphalt is non-toxic; the National Institute for Occupational Safety & Health has determined that asphalt fumes should not be classified as carcinogens; all asphalt plants must meet rigid standards imposed by the EPA and NCDEQ; 95% of asphalt is crushed stone or gravel and 5% is petroleum (although with lime or cellulose fibers in very small percentages); 99.9% of air particulates are removed by filtration technology; and the EPA has determined that asphalt plants should not be included on its list of pollution sources.
- (g) The testimony of Professional Engineer Jeremy Roberts (Principal at Eagle Engineering, Inc. 2013 Van Buren Avenue, Suite A, Indian Trail, NC 2807) that the proposed plant meets all conditions and specifications in the DO.
- (h) The testimony of Molly Chisholm, certified appraiser (NC State Certified Residential Appraiser – NC-#A4075), whose Market Impact Study was performed in compliance with standards and practices of the Appraisal Institute and conformed to the Uniform Standards of Professional Appraisal Practice, and demonstrated through a paired sales analysis using several site studies that the proposed use will not substantially injure the value of adjacent or adjoining properties. This Impact Study (Market Impact Analysis of a Proposed Asphalt Plant located in High Point NC - Nov. 2, 2021) was submitted into evidence by Mr. Terrell; and
- (i) The testimony of Reynolds Neely of Planning and Zoning Services. Mr. Neely noted that he is the former City of Asheboro, NC Planner Director. His report pertaining to the proposed Asphalt Plant was submitted into evidence by Mr. Terrell. Mr. Neely noted in his professional opinion the request will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point, based in part on its location adjacent to other industrial uses and two major highways and several sections in

the High Point Land Use Plan. The Conclusion statement from his November 15, 2015 report, that was part of his evidentiary presentation to the High Point City Council, stated *"As more specifically discussed in this report, based upon the above facts, having knowledge of asphalt plants and areas surrounding them, training and studies of the principles of zoning and land use planning, experts' reports, the site in question and its surrounding properties, the High Point Development Ordinance; the Land Use Plan for the High Point Planning Area (amended); the Land Use Map for the High Point Planning Area (amended); the Business Interstate 85 Corridor Plan; and the High Point Community Growth Vision Statement, it is my professional opinion that the use will be in harmony with the area in which it is to be located and Is in general conformity with the City's adopted policy guidance."*

- (j) The City Council accepted Mr. Roberts, Ms. Chisholm, and Mr. Neely as experts in their respective fields.
- (k) The City Council heard no competent evidence from which to make findings *contra*.
- (l) That no one was present to speak or present evidence against the application.
- (m) Mr. Terrel also stated that High Point Land Investments met its burden of production and became entitled to the SUP based upon:

10. During the hearing, no one testified in opposition to the SU and no competent, material, or substantial evidence was presented to rebut the *prima facie* case presented by the Applicant.

CONCLUSIONS OF LAW

Pursuant to the foregoing FINDINGS OF FACT, Section 2.4.12 of the City of High Point Development Ordinance and other applicable law, the Council, by a 8-0 vote, makes the following Conclusions of Law:

1. Based on the evidence in the record, the Council finds as a matter of law that the requested asphalt plant use, as conditioned under SU-21-03, as submitted by the Applicant, will meet all required standards of the DO.

2. The Applicant bears the burden of proving to the Council, by competent, material and substantial evidence, that the proposed Asphalt Plant will meet the standards in Section 2.4.12(C) of the DO. If the Applicant fails to meet its burden of producing competent, material and substantial evidence as to any one of the standards, the SU must be denied.

3. In this case, the Council finds that the SU should be approved, for the following

reasons, pursuant to Section 2.4.12(C):

- (a) Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report SU-21-03, the request will not materially endanger the public health or safety if located where proposed. An asphalt plant use must obtain an air quality permit and water quality permits from the North Carolina Department of Environmental Quality (DEQ). Under DEQ, its Division of Air Quality handles air permits for asphalt plants, and its Division of Water Quality handles water permits (if required).
- (b). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-21-03; the requested Asphalt Plant facility is able to comply with all required standards, conditions, and specifications of the DO, including Chapter 4: “Uses” of the City of High Point Development Ordinance Section 4.3.5.B.1 (Manufacturing and Production – Asphalt Plant).
- (c). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-21-03; the requested Asphalt Plant facility will not substantially injure the value of the abutting land as:
 - i. The site is surrounded by LI zoned lands and development;
 - ii. The site lies south of the US-29 corridor and east of the I-74 corridor, both of which are existing multilane highways. These highways act as a barrier that separates the zoning site from adjacent lands to the north and west; and
 - iii. A 200-foot wide Duke Power transmission line easement lies along the southern boundary of the site. Other electrical easements, utility easements and a stream with a 500 to 600 foot wide flood zone area lies along the northern portion of the site. Of the 29 acres associated with this parcel, only 30% (approximately 8 acres in the middle of the parcel) is available for any significant development. The applicant has offered a condition that restrict the asphalt plant use to this approximate 8 acre area; thus, isolating the area of development from surrounding lands.

- (d). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-21-03; the requested Asphalt Plant will be in harmony with the area. Due to physical and environmental constraints, and restrictions noted on the special use site plan, development is restricted to an approximate 8 acre area in the middle of the site. These constraints and special use conditions will assist to limit the intensity of development and also provide separation from abutting lands to ensure development will be in harmony with surrounding lands.
- (e). Based upon evidence and testimony presented by the Applicant and its representatives and the findings in the Planning & Development Department Staff Report for SU-21-03; the requested Asphalt Plant will be compatible with the surrounding area and in conformance with adopted plans. As approved by Land Use Plan Amendment 21-07, the area of development for the asphalt plant is classified by the Land Use Map as Heavy Industrial. The proposed use is consistent with adjacent industrial related uses and established land use policies in this area.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Applicant's request for a special use permit for an Asphalt Plant is unanimously APPROVED by a vote of 8-0, by Council on November 15, 2021, subject to the following conditions which were offered and agreed to by the Applicant:

The City of High Point City Council, pursuant to Section 2.4.12, Special Use, of the Development Ordinance of the City of High Point, approved a Special Use and Site Plan for the following use, subject to the following condition(s):

Part I. USE: Asphalt Plants use type and its customary accessory uses shall be permitted subject to the development and dimensional requirements of the Heavy Industrial (HI) District and the specific conditions listed in this Special Use (SU) document.

NOTE: The Major Manufacturing use type (Concrete Manufacturing), which is a permitted principal use in the Heavy Industrial (HI) District, will operate in conjunction with the Asphalt Plant use type.

Part II. Conditions:

1. Development of the site shall be generally consistent with the attached site plan submitted with the special use application. The Asphalt Plant use type and its accessory activity shall be restricted to that area noted as “Only area of development” as depicted on the special use site plan. Subject to approval by the Transportation Department, access from Alleghany Street may be revised to be taken from the northern terminus or northwestern western side of this right-of-way.
2. Containment of Perimeter Gravel Road and Asphalt/Concrete Plant Materials.
The central and northern portion of the site contain a perennial stream with a substantial floodway, and 100- and 500-year flood zones. To maintain the location of the perimeter gravel road and to keep materials out of the adjacent environmentally sensitive areas, the following shall be installed as part of development permit approval:
 - a) A permanent concrete curb and gutter, as depicted in exhibit #1 or exhibit #2 2, shall be installed along the northern and western edge of the perimeter gravel road; or
 - b) A minimum four (4) foot tall soil berm, meeting standards of Section 5.5.6.H of the Development Ordinance, shall be installed in close proximity to the northern and western edge of the perimeter gravel road; or
 - c) A combination of the above noted concrete curb & gutter and soil berm as approved by the Technical Review Committee.
3. Transportation Conditions
 - a) Access: Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue.
 - b) Other Transportation Conditions: The City of High Point Transportation Director shall approve the exact location and design of all access points and improvements.

Part III. The property is approximately 29 acres, and located at the northern terminus of Alleghany Street and south of Durand Avenue. The property is addressed as 1800 Alleghany Street and also known as Guilford County Tax Parcel 180717.

Part IV. A special use and the associated site plan approval are perpetually binding and run with the land, unless amended. A material change to a special use or to an

associated site plan that alters the objectives and purposes of the requirements or conditions of the special use constitute an amendment to the special use.

If development approved as a special use is discontinued for a period exceeding one (1) year, or if a special use is replaced by a use otherwise permitted by right in the zoning district, the special use approval is deemed abandoned and the special use approval is null and void.

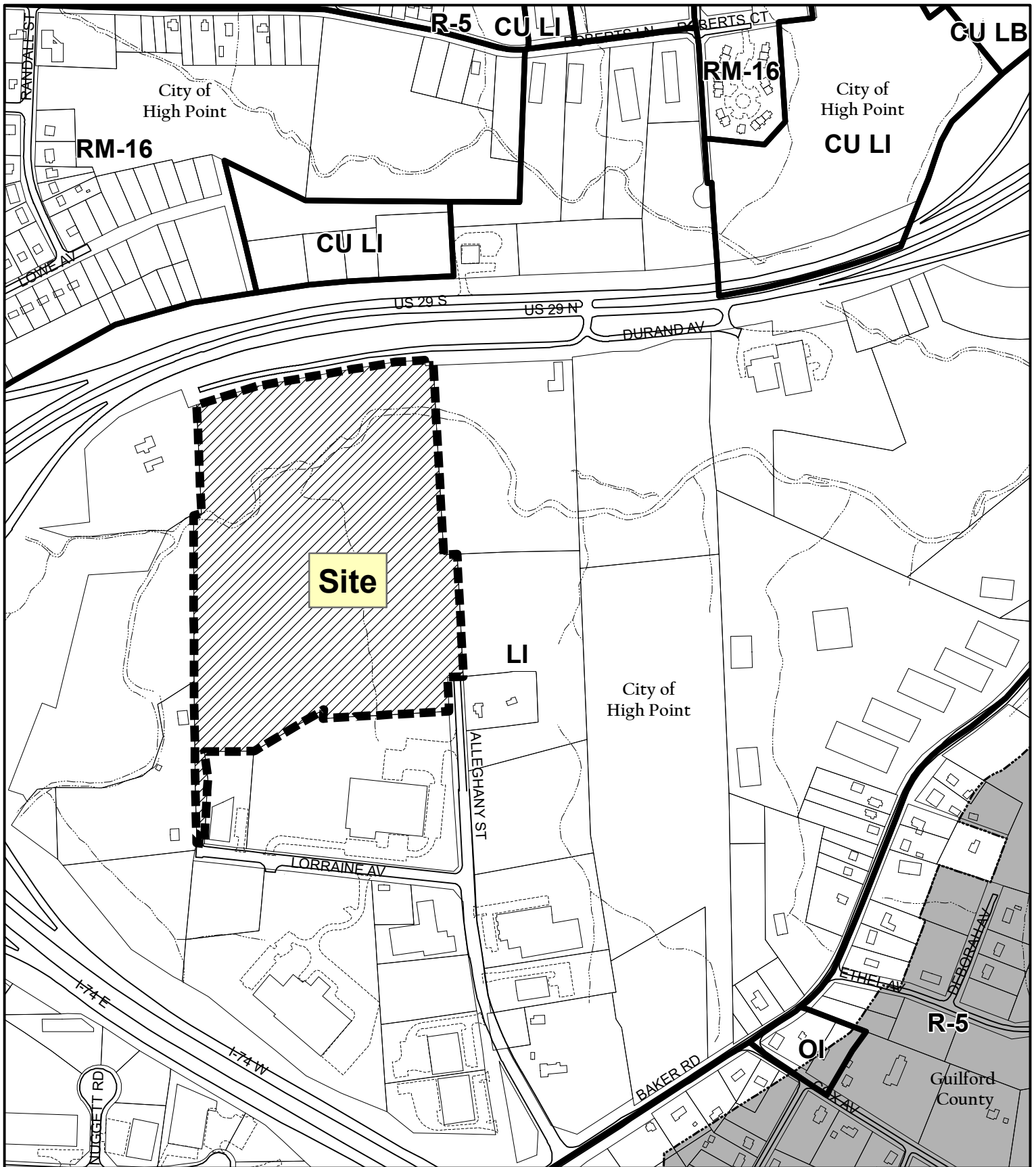
An action invalidating a special use condition of approval for any reason shall render the special use null and void.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of **December, 2021**

By: _____
Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk



SPECIAL USE PERMIT: SU-21-03

Request: To allow an Asphalt Plant use type in the Conditional Zoning Heavy Industrial (CZ-HI) District.

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

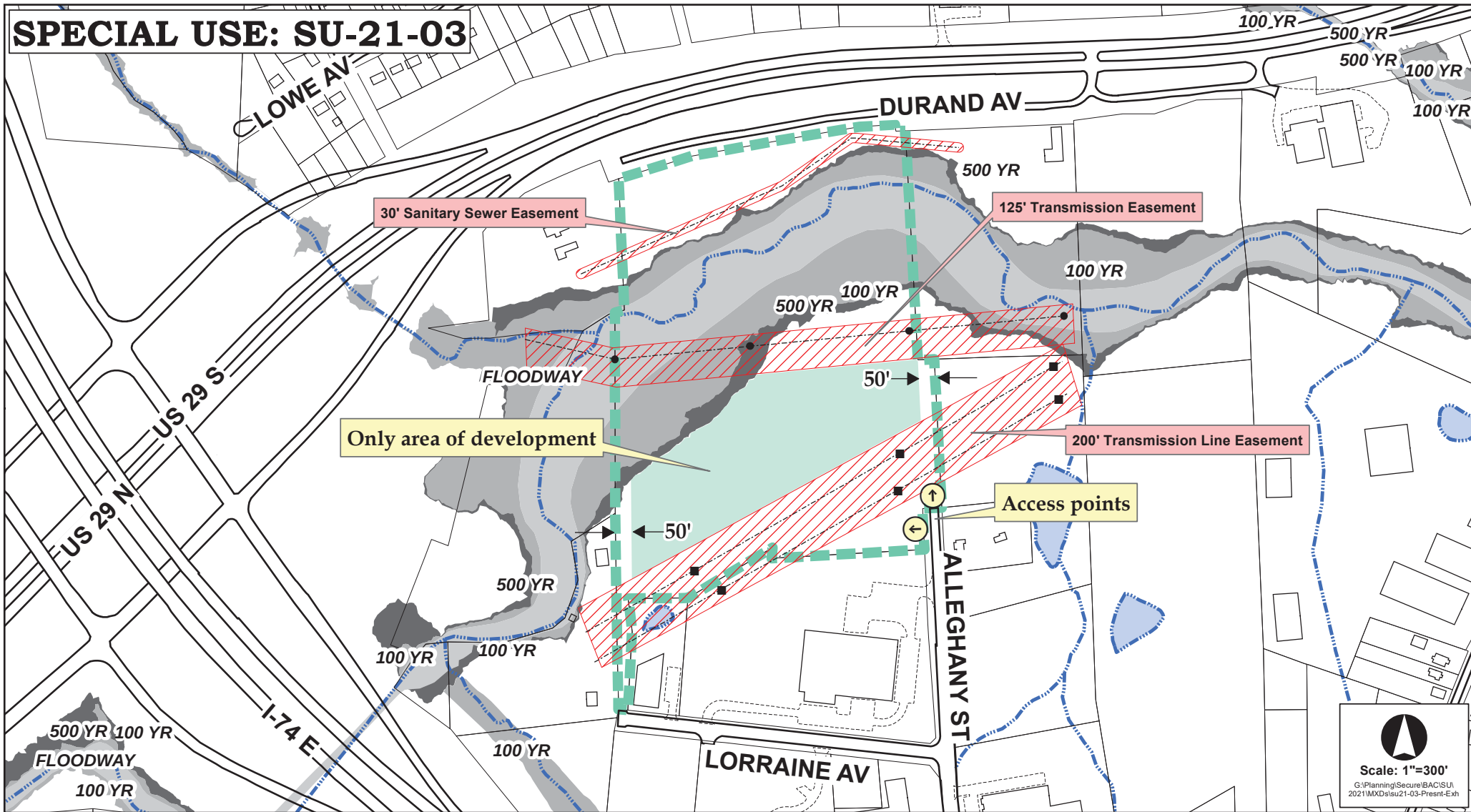
**Planning & Development
Department**

City of High Point



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 SU/2021/MXD/su21-03-NM

SPECIAL USE: SU-21-03



CITY OF HIGH POINT

AGENDA ITEM

**Title: Authorize Issuance of Series 2021B CES Revenue Refunding Bonds****From:** Bobby D. Fitzjohn, Financial Services Director**Meeting Date:** December 6, 2021**Public Hearing:** No**Advertising Date:** N/A**Advertised By:****Attachments:** Bond Order

PURPOSE:

The Financial Services Department recommends that the City Council take the final step to authorize the issuance of up to \$32 million Series 2021B Taxable Combined Enterprise System (CES) Refunding Bonds.

BACKGROUND:

The bond market is currently favorable for refunding the City's outstanding Series 2014 CES Revenue Bonds. On November 15th, City Council approved the initial resolution authorizing staff to begin the process, this is the final action required.

The proposed refunding will allow the City to take advantage of current market rates by utilizing direct bank loans rather than waiting until the bonds are callable. The bonds' taxable rates will be converted to the tax-exempt rates upon the call date of the refunded bonds.

An RFP was distributed to more than 50 national, regional, and local lending institutions by the City's Financial Advisors. Upon analysis, staff is recommending the Truist Bank proposal for the 2021B bond, with an 8.1% NPV savings or cash flow savings of approximately \$148 thousand per year through FY 2040, a total cash flow savings of approximately \$2.8 million.

The LGC will consider the application for refunding at their December 7, 2021 meeting and the refunding will close on December 16th.

BUDGET IMPACT:

The refunding savings will be built into the debt service budgets for the Water & Sewer Fund in the 2022-2023 Annual Budget and successive years.

RECOMMENDATION / ACTIONS REQUESTED:

City Council is requested to approve the attached "Bond Order Authorizing The Sale And Issuance By The City Of High Point, North Carolina Of Not To Exceed \$32,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021B And A Subsequent Tax-Exempt Combined Enterprise System Revenue Refunding Bond And Authorizing The Execution And Delivery Of Certain Documents In Connection Therewith".

A regular meeting of the City Council of the City of High Point, North Carolina (the “City Council”) was duly held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, the regular place of meeting, at 5:30 p.m. on December 6, 2021:

Members Present:

Members Absent:

* * * * *
* * *

Councilmember _____ introduced the following order, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

BOND ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF HIGH POINT, NORTH CAROLINA OF NOT TO EXCEED \$32,000,000 TAXABLE COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021B AND A SUBSEQUENT TAX-EXEMPT COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the City of High Point, North Carolina (the “City”) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the “Act”) to issue, subject to the approval of the Local Government Commission of North Carolina (the “Commission”), at one time or from time to time, revenue bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has heretofore entered into a Trust Agreement, dated as of November 1, 2004, as supplemented and amended (the “Trust Agreement”), with Wachovia Bank, National Association (succeeded by U.S. Bank National Association), as trustee (the “Trustee”), authorizing the issuance of revenue bonds thereunder for the purpose of financing and refinancing the cost of improvements to the City’s Combined Enterprise System created thereunder;

WHEREAS, pursuant to the Trust Agreement and a Sixth Supplemental Trust Agreement, dated as of May 1, 2014 (the “Sixth Supplemental Trust Agreement”), between the City and the Trustee, the City has heretofore issued its \$37,640,000 Combined Enterprise System Revenue Bonds, Series 2014 (the “2014 Bonds”); and

WHEREAS, the City Council of the City (the “City Council”) has been advised by the Financial Services Director that the City can achieve debt service savings by refinancing the 2014 Bonds;

WHEREAS, the City has determined (1) to issue its not to exceed \$32,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021B (the “2021B Bond”) and (2) to apply the proceeds of the 2021B Bond, together with other available funds, to (a) refund the 2014 Bonds maturing

on and after November 1, 2025 (the “*Refunded Bonds*”) and (b) pay the costs of issuing the 2021B Bond and the Tax-Exempt Bond (as defined below);

WHEREAS, the City will issue the 2021B Bond under the Trust Agreement and a Tenth Supplement Trust Agreement, to be dated as of December 1, 2021 (the “*Tenth Supplemental Agreement*”) between the City and the Trustee;

WHEREAS, the City and the Commission have arranged for the issuance of the 2021B Bond to Truist Bank (the “*Purchaser*”) pursuant to the terms of the Trust Agreement, the Tenth Supplemental Agreement and the Bond Purchase Agreement (as defined below);

WHEREAS, pursuant to the terms and conditions of the Tenth Supplemental Agreement and the Forward Purchase Agreement (as defined below), the City also desires to authorize the sale and issuance to the Purchaser of a tax-exempt revenue refunding bond in the principal amount equal to the outstanding principal amount of the 2021B Bond at the time of issuance thereof (the “*Tax-Exempt Bond*”) for the purpose of refunding and redeeming the 2021B Bond;

WHEREAS, the City has filed with the Commission an application for the approval and private sale without advertisement of the 2021B Bond and the Tax-Exempt Bond in accordance with Section 159-85 of the General Statutes of North Carolina, as amended;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been or will be filed with the City and are available to the City Council:

1. the Tenth Supplemental Agreement, including the forms of the 2021B Bond and the Tax-Exempt Bond set forth in exhibits thereto;
2. the Bond Purchase Agreement to be dated as the date of delivery thereof (the “*Bond Purchase Agreement*”) among the Commission, the Purchaser and the City, related to the sale of the 2021B Bond;
3. the Escrow Agreement (2021B) to be dated as of December 1, 2021 (the “*Escrow Agreement*”) between the City and U.S. Bank National Association, as escrow agent, related to the refunding of the Refunding Bonds; and
4. the Forward Purchase Agreement to be dated as the date of delivery thereof (the “*Forward Purchase Agreement*”) among the Commission, the Purchaser and the City, related to the sale of the Tax-Exempt Bond.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, AS FOLLOWS:

Section 1. In order to raise the money required to (a) refund the Refunded Bonds and (b) pay other costs incurred in connection with the issuance and sale of the 2021B Bond and the Tax-Exempt Bond, the 2021B Bond is hereby authorized and will be issued pursuant to the Act, the Trust Agreement and the Tenth Supplemental Agreement. In order to provide the money to refund and redeem the 2021B Bond, the Tax-Exempt Bond is hereby authorized and will be issued pursuant to the Act, the Trust Agreement and the Tenth Supplemental Agreement. The Board has determined that the sale and issuance of the 2021B Bond, and the subsequent sale and issuance of the Tax-Exempt Bond if and when issued, as provided in this Bond Order is in the best interests of the City in order to achieve debt service savings.

Capitalized words and terms used in this order and not defined herein shall have the same meanings given such words and terms in the Trust Agreement and the Tenth Supplemental Trust Agreement.

Section 2. The aggregate principal amount of the 2021B Bond authorized by this Bond Order will not exceed \$32,000,000 and the interest rate on the 2021B Bond will not initially exceed 2.75% per annum (which rate may be adjusted in accordance with the Tenth Supplemental Agreement). The aggregate principal amount of the Tax-Exempt Bond, if and when issued, authorized by this Bond Order will not exceed the principal amount equal to the outstanding principal amount of the 2021B Bond at the time of issuance thereof and the interest rate on the Tax-Exempt Bond will not initially exceed 2.32% per annum (which rate may be adjusted in accordance with the Tenth Supplemental Agreement). The final maturity of the 2021B Bond and the Tax-Exempt Bond shall not be later than November 1, 2039.

Section 3. The City requests that the 2021B Bond be sold at private sale by the Commission without advertisement to the Purchaser at such price as the Commission determines to be in the best interest of the City and in accordance with the Tenth Supplemental Agreement and the Bond Purchase Agreement. The City will be authorized, but not obligated or required, to issue and sell the Tax-Exempt Bond to the Purchaser under the terms of the Tenth Supplemental Agreement and the Forward Purchase Agreement. The City requests that the Tax-Exempt Bond, if and when issued, be sold at private sale by the Commission without advertisement to the Purchaser at such price as the Commission determines to be in the best interest of the City and in accordance with the Forward Purchase Agreement.

Section 4. The issuance of the 2021B Bond and the Tax-Exempt Bond by the City in substantially the form and content set forth in the Tenth Supplemental Agreement, subject to appropriate insertions and revisions in order to comply with the provisions of the Trust Agreement and the Tenth Supplemental Agreement, are hereby in all respects approved and confirmed, and the form and content of the 2021B Bond and the Tax-Exempt Bond set forth in the Tenth Supplemental Agreement are hereby in all respects approved and confirmed, and the provisions of the Trust Agreement and the Tenth Supplemental Agreement with respect to the 2021B Bond and the Tax-Exempt Bond (including without limitation the maturity dates and rates of interest) are hereby approved and confirmed and are incorporated herein by reference.

The 2021B Bond and the Tax-Exempt Bond, if and when issued, together with any other obligations secured on a parity therewith pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement and the Tenth Supplemental Trust Agreement. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2021B Bond and the Tax-Exempt Bond, if and when issued, and no holder of the 2021B Bond and the Tax-Exempt Bond, if and when issued, has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 5. That the form and content of the Tenth Supplemental Agreement, the Escrow Agreement, the Bond Purchase Agreement and the Forward Purchase Agreement (collectively, the “*Bond Documents*”), and the respective exhibits thereto, are hereby in all respects approved and confirmed, and the Mayor, the City Manager or the Financial Services Director and the City Clerk or any assistant or deputy City Clerk, or anyone serving in such capacity, and their respective designees (the “*Authorized Officers*”) are hereby authorized, empowered and directed to execute and deliver the Bond Documents for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions, or deletions therein as shall to

them seem necessary, desirable, or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions, or deletions therein, and that from and after the execution and delivery of the Bond Documents, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Documents as executed. The Trustee is hereby appointed as Bond Registrar under the Trust Agreement and the Tenth Supplemental Agreement and as Escrow Agent under the Escrow Agreement.

Section 6. The City Manager and the Chief Financial Officer of the City are each hereby authorized to (i) if and when the Tax-Exempt Bond is issued, execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable Income Tax Regulations thereunder and (ii) call the Refunded Bonds for redemption.

Section 7. No stipulation, obligation or agreement herein contained or contained in the 2021B Bond, the Tax-Exempt Bond, the Bond Documents or any other instrument related to the issuance of the 2021B Bond and the Tax-Exempt Bond shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2021B Bond and the Tax-Exempt Bond or be subject to personal liability or accountability by reason of the issuance thereof.

Section 8. The Authorized Officers, or their respective designees, are hereby authorized, empowered, and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Bond Order and the Bond Documents; except that none of the above will be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Order, (b) the specific provisions of the Bond Documents, (c) any agreement to which the City is bound, (d) any rule or regulation of the City, or (e) any applicable law, statute, ordinance, rule, or regulation of the United States of America or the State of North Carolina.

Section 9. From and after the execution and delivery of the documents hereinabove authorized, the Authorized Officers, or their respective designees, are hereby authorized, empowered, and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed, and are further authorized to take any and all further actions to execute and deliver any and all other documents as may be necessary in the issuance and on-going administration of the 2021B Bond and the Tax-Exempt Bond, if and when issued, and the execution and delivery of the Bond Documents.

The Authorized Officers, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2021B Bond and the Tax-Exempt Bond are issued, certified copies of all the proceedings and records of the City relating to the 2021B Bond and the Tax-Exempt Bond, and such other affidavits, certificates, and documents as may be required to show the facts relating to the legality and marketability of the 2021B Bond and the Tax-Exempt Bond as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits, and documents, including any heretofore furnished, will constitute representations of the City as to the truth of all statements contained therein.

This order also constitutes the resolution referred to in Section 2.08 of the Trust Agreement approving the award of the 2021B Bond and the Tax-Exempt Bond, if and when issued, by the Commission and directing the authentication and delivery of the 2021B Bond and the Tax-Exempt Bond, if and when issued, to or upon the order of the purchasers therein named upon payment of the purchase price therefor plus the accrued interest thereon.

Section 10. All acts and doings of the Authorized Officers, or their respective designees, that are in conformity with the purposes and intents of this Bond Order and in the furtherance of the issuance of the 2021B Bond and the Tax-Exempt Bond and the execution, delivery, and performance of the Bond Documents are hereby in all respects approved and confirmed. Any provision in this Bond Order that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 11. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements, or provisions are null and void and separable from the remaining agreements and provisions and do not in any way affect the validity of any of the other agreements and provisions hereof or of the 2021B Bond and the Tax-Exempt Bond authorized hereunder.

Section 12. The proceeds from the sale of the 2021B Bond and the Tax-Exempt Bond, if and when issued, and other available funds of the City shall be deposited in accordance with the Tenth Supplemental Agreement and the Escrow Agreement.

Section 13. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 14. This Bond Order is effective immediately on its adoption and pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City other than the procedures set out in the Act.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

STATE OF NORTH CAROLINA)
)
CITY OF HIGH POINT) ss:

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of so much of the proceedings of the City Council as it relates to an order entitled “**BOND ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF HIGH POINT, NORTH CAROLINA OF NOT TO EXCEED \$32,000,000 TAXABLE COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021B AND A SUBSEQUENT TAX-EXEMPT COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH**” duly adopted by the City Council of the City of High Point, North Carolina, at a meeting held on the 6th day of December, 2021 and that such proceedings are to be recorded in the minute books of said City Council.

WITNESS my hand and the seal of the City of High Point, North Carolina, this the ____ day of _____, 2021.

City Clerk
City of High Point, North Carolina

(SEAL)

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-29
(City of High Point)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 24, 2021, and
December 1, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the High Point City Council to rezone 78 properties, totaling approximately 42.08 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone an approximate 3.35 acre parcel from a Conditional Use Residential Multifamily – 16 (CU RM-16) District to the Residential Multifamily – 16 (RM-16) District. The parcel is located at 1022 True Lane.
- b) To rezone 74 properties, totaling approximately 29.33 acres, from the Residential Multifamily - 16 (RM-16) District to the Residential Single Family – 5 (R-5) District and the Light Industrial (LI) District. The properties are located south of the intersection of Hickory Chapel Road and Randall Street, within the Garner Height subdivision and includes a portion of the property located at 1237 Hickory Chapel Road.
- c) To rezone 3 properties, totaling approximately 8.44 acres, from a Conditional Use Light Industrial (CU-LI) District to the Light Industrial (LI) District. The properties are located at 1124, 1120 & 1018 Roberts Lane.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

There were no public comments regarding the request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-29 is consistent with the City's adopted policy guidance because the zoning map amendments are supported by the Land Use Plan and will ensure the manner in which development has occurred is consistent with zoning of the area. Furthermore, the request is reasonable and in the public interest because the amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-29
December 6, 2021
(Revised)**

Request

A request by the High Point City Council to rezone 78 properties, totaling approximately 42.08 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on lands in the southeastern portion of the City along Hickory Chapel Road and Roberts Court.

Background

The purpose of the Comprehensive Zoning Map Amendment Project is to review and evaluate the zoning of land throughout the city, identify areas where the zoning is out of sync with the existing use of land or is inconsistent with current land use policy, and propose appropriate changes in zoning for those areas. A primary goal of the project is to remove improper or obsolete zoning districts that may be acting as a barrier to development. The Comprehensive Zoning Map Amendment Project was initiated in 2017. The City Council initiated this current fourth round of zoning evaluations, associated with this request, in December 2020.

Details of Proposal

The following is a summary of affected developments, along with an attached analysis of each area being considered under this Zoning Map Amendment.

From	To	Development/Use	Location
CU RM-16 (CU 98-11)	RM-16	Group Home	1022 True Lane
RM-16	R-5 LI	Single family dwellings and undeveloped portion of an industrial development	Properties located south of the intersection of Hickory Chapel Road and Randall Street, within the Garner Height subdivision and includes a portion of the parcel located at 1237 Hickory Chapel Road.
CU-LI (CU 89-02) (CU 89-17) (CU 84-38)	LI	Industrial and vacant buildings	1010, 1018, 1020 and 1124 Roberts Lane

Analysis

The requested rezoning of these various properties is intended to remove outdated and obsolete zoning conditions. These developments were granted their current conditional use (CU) zoning between 1984 to the 1998 under previous development ordinances. These developments have been fully completed and their various zoning conditions have either been met or are now governed by the current Development Ordinance. The request is intended to remove outdated and obsolete zoning conditions, while maintaining the development's base zoning district. See attached evaluations for further detail.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

The zoning map amendments are supported by the Land Use Plan and will ensure the manner in which development has occurred is consistent with zoning of the area.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

The amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.

Recommendations

Staff recommends approval of the following zoning map amendments:

- 1) Rezone 1022 True Lane (Guilford County Tax Parcels 176981) from a Conditional Use Residential Multifamily – 16 (CU RM-16) District to the Residential Multifamily – 16 (RM-16) District.
- 2) Rezone the parcels within the Garner Height subdivision from the Residential Multifamily – 16 (RM-16) District to the Residential Single Family – 5 (R-5) District.
- 3) Rezone a portion a portion of the property located at 1237 Hickory Chapel Road from the Residential Multifamily – 16 (RM-16) District to the Light Industrial (LI) District.
- 4) Rezone 1124, 1120 & 1018 Roberts Lane (Guilford County Tax Parcels 177077, 77078 and 77074) from a Conditional Use Light Industrial (CU-LI) District to the Light Industrial (LI) District.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the statement(s) as written in this report or with any additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or changes as agreed upon by the Council, or, if the Council is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

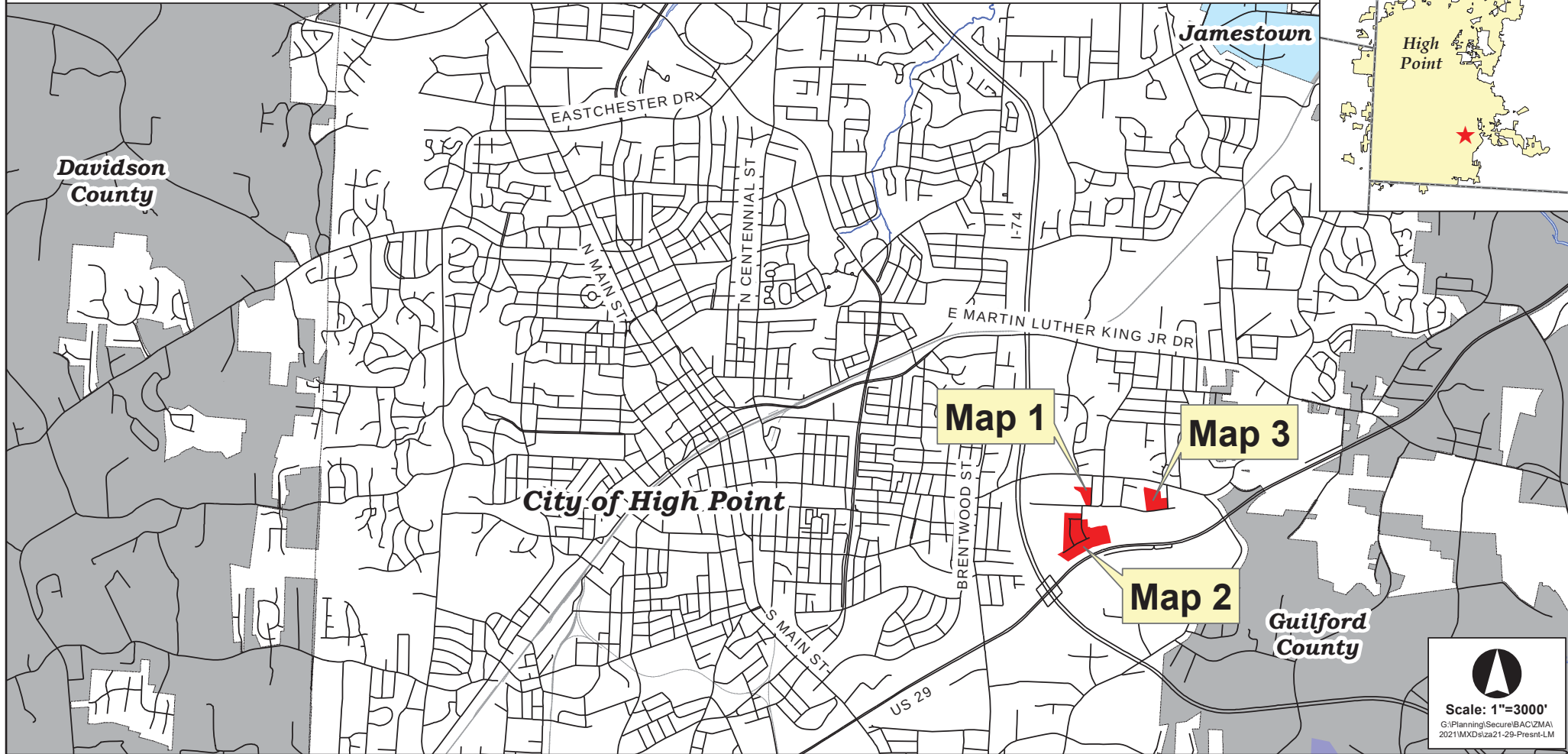
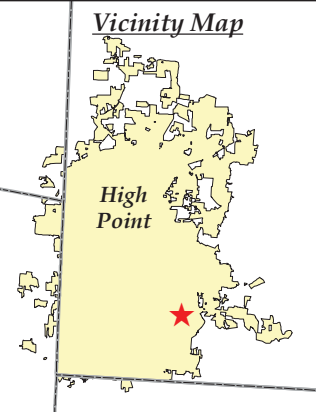
LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-29

Applicant: City of High Point

Vicinity Map

High Point



Davidson
County

City of High Point

Jamestown

Map 1

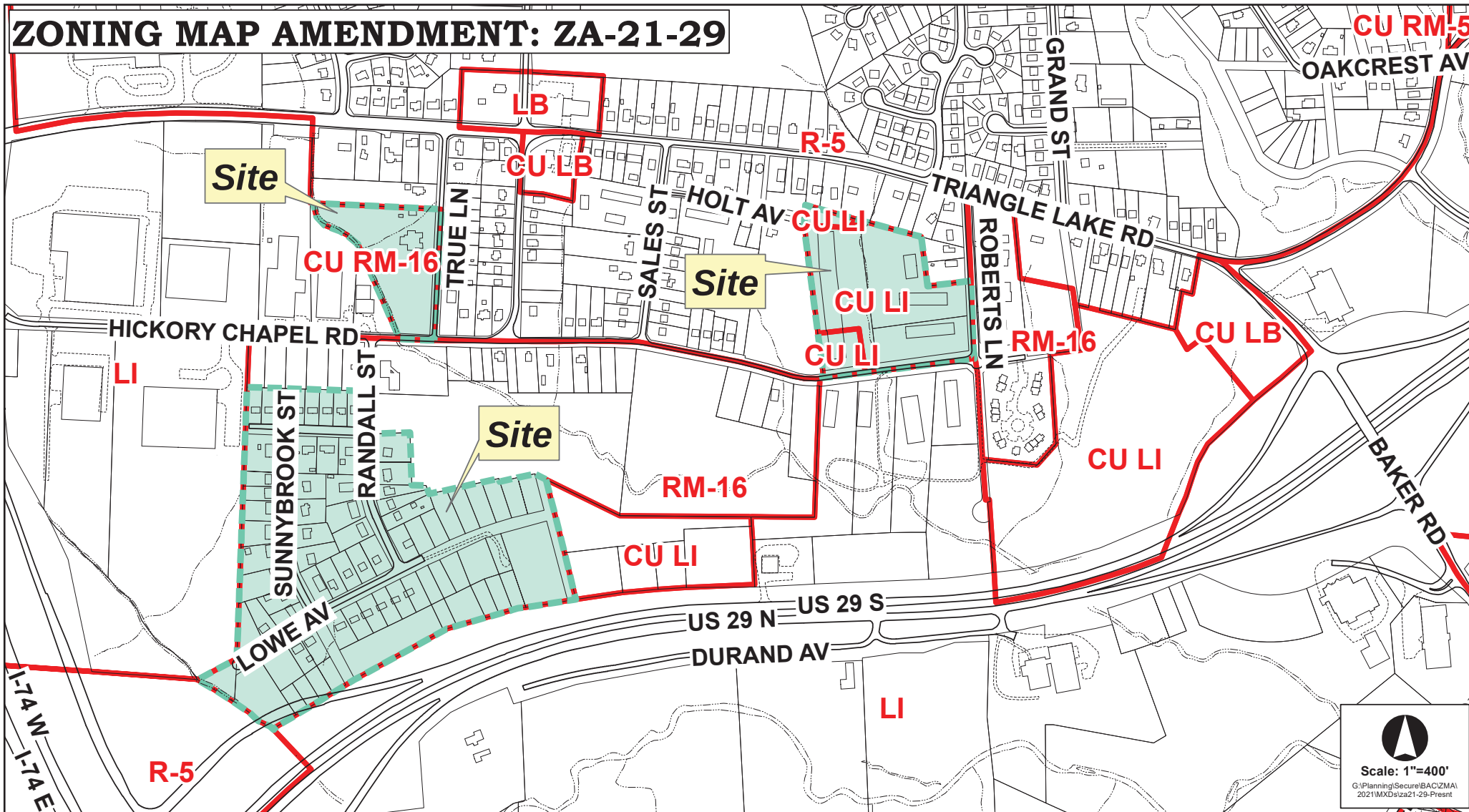
Map 3

Map 2

Guilford
County

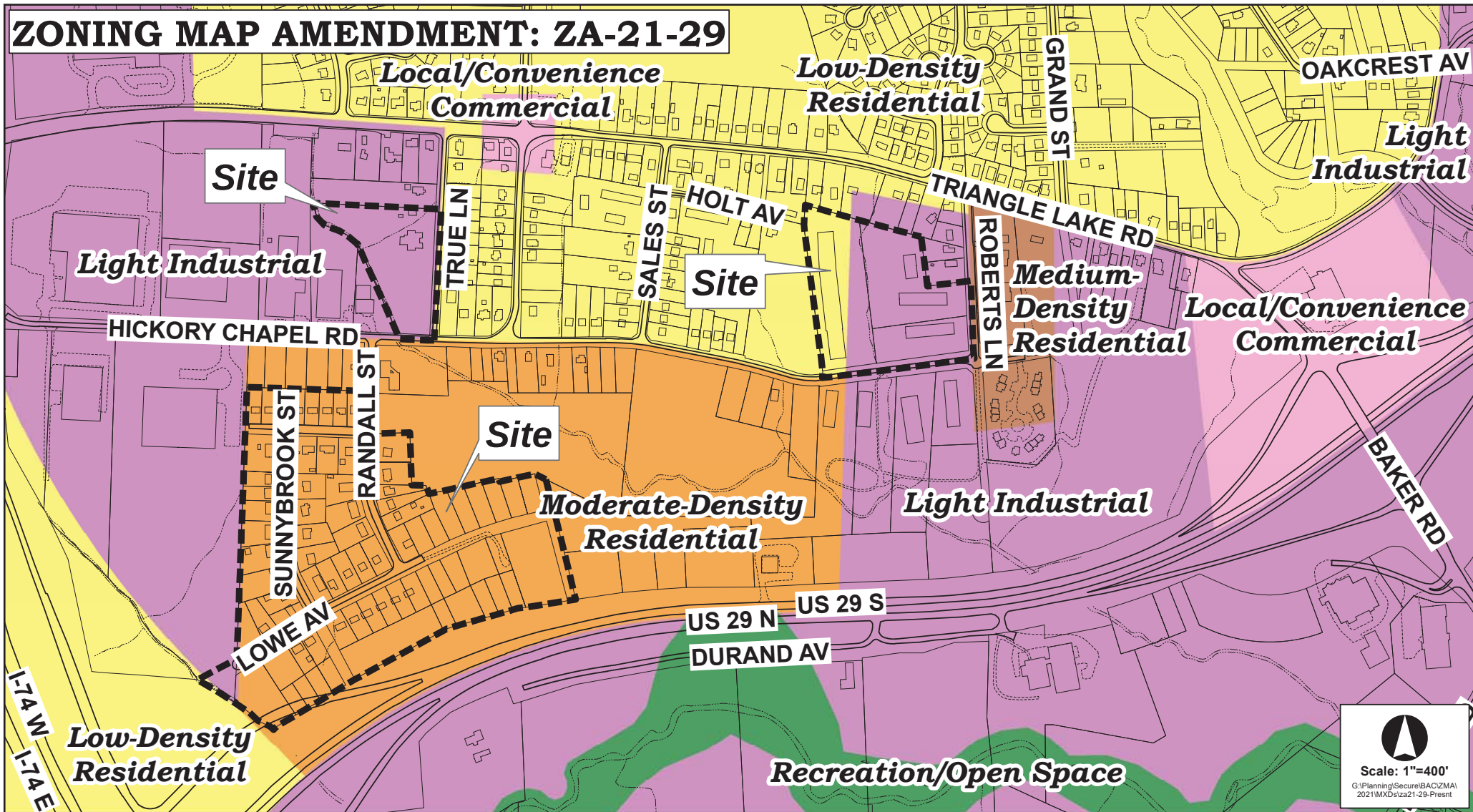


ZONING MAP AMENDMENT: ZA-21-29



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ZONING MAP AMENDMENT: ZA-21-29



Scale: 1"=400'

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MAP #1

Location: 1022 True Lane

Current Use: Group Home, convenience store and vacant building

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Conditional Use Residential Multifamily – 16 CU RM-16) District	Residential Multifamily – 16 (RM-16) District
<i>Purpose & Intent:</i>	<u>RM-16 District</u> The RM-16 district is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed.	<u>RM-16 District</u> Same
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	<u>1022 True Lane</u> 1998 Zoning Approval (CU 98-11) • Prohibited uses • Right-of-way dedication • Number and location of access points • Landscaping	None

	Adjacent Zoning	Adjacent Land Use
North:	Residential Single Family – 5 (R-5) District	Single family dwelling
South:	Residential Multifamily–16 (CU RM-16) District	Religious institution
East:	Residential Single Family – 5 (R-5) District	Single family dwellings
West:	Light Industrial (LI) District	Industrial use

Land Use Plan Classification
The area is designated as follows: • Light Industrial: Light industrial uses include general manufacturing, wholesaling, warehousing, and research and development uses.

Analysis/Recommendation

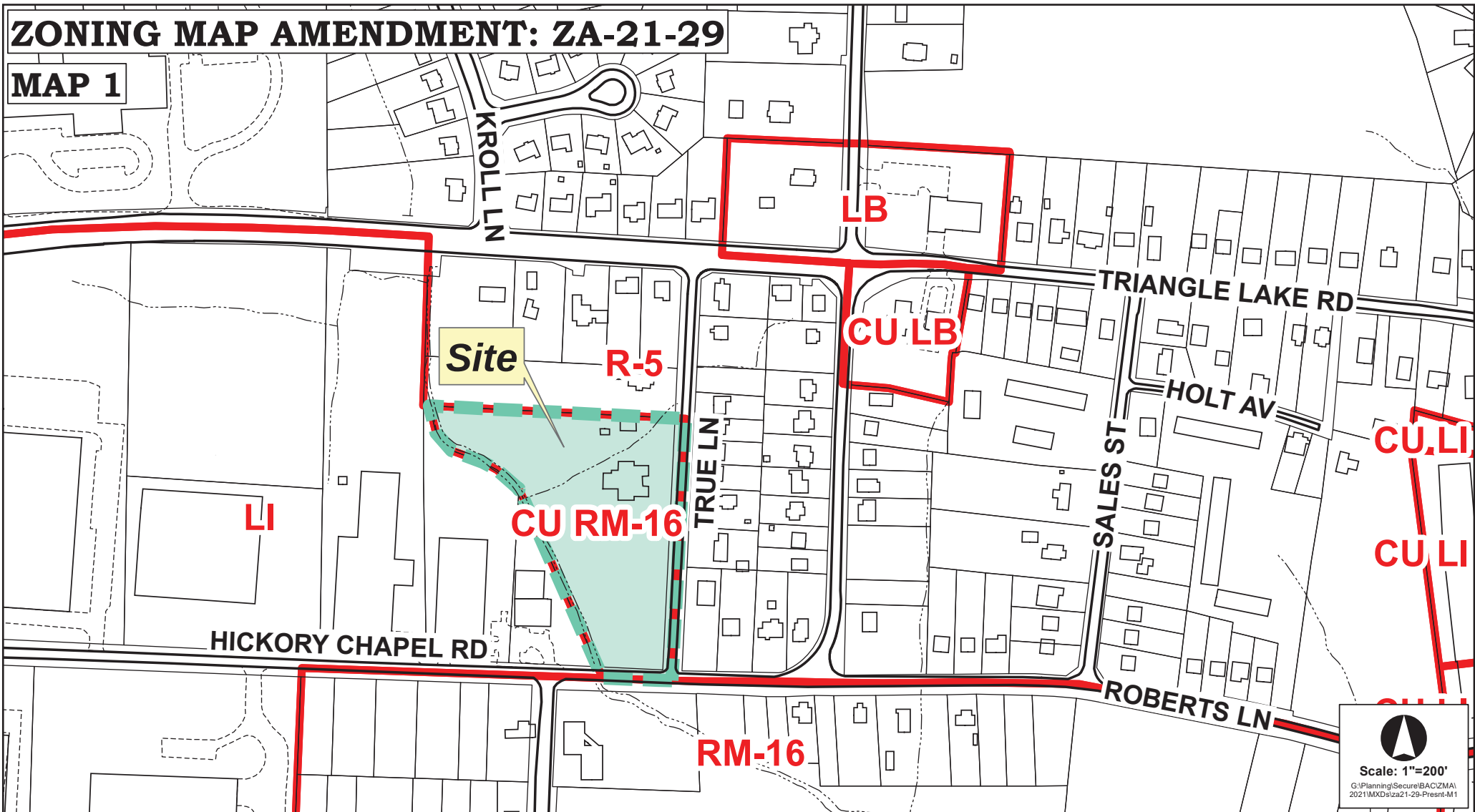
This multifamily development was initially approved and currently serves as a social service use type (group home). It has a conditional use (CU) zoning and a separate Special Use Permit approval from 1998 to allow the social service use under the standards of the prior development ordinance. Staff is proposing removal of the CU as the zoning conditions were met when the property was developed or

are now governed by the Development Ordinance. The proposed removal of the CU designation will not impact the Special Use Permit for the group home use currently operating on the site.

Staff recommends approval of the request to rezone property at 1022 True Lane from the CU RM-16 District to the RM-16 District.

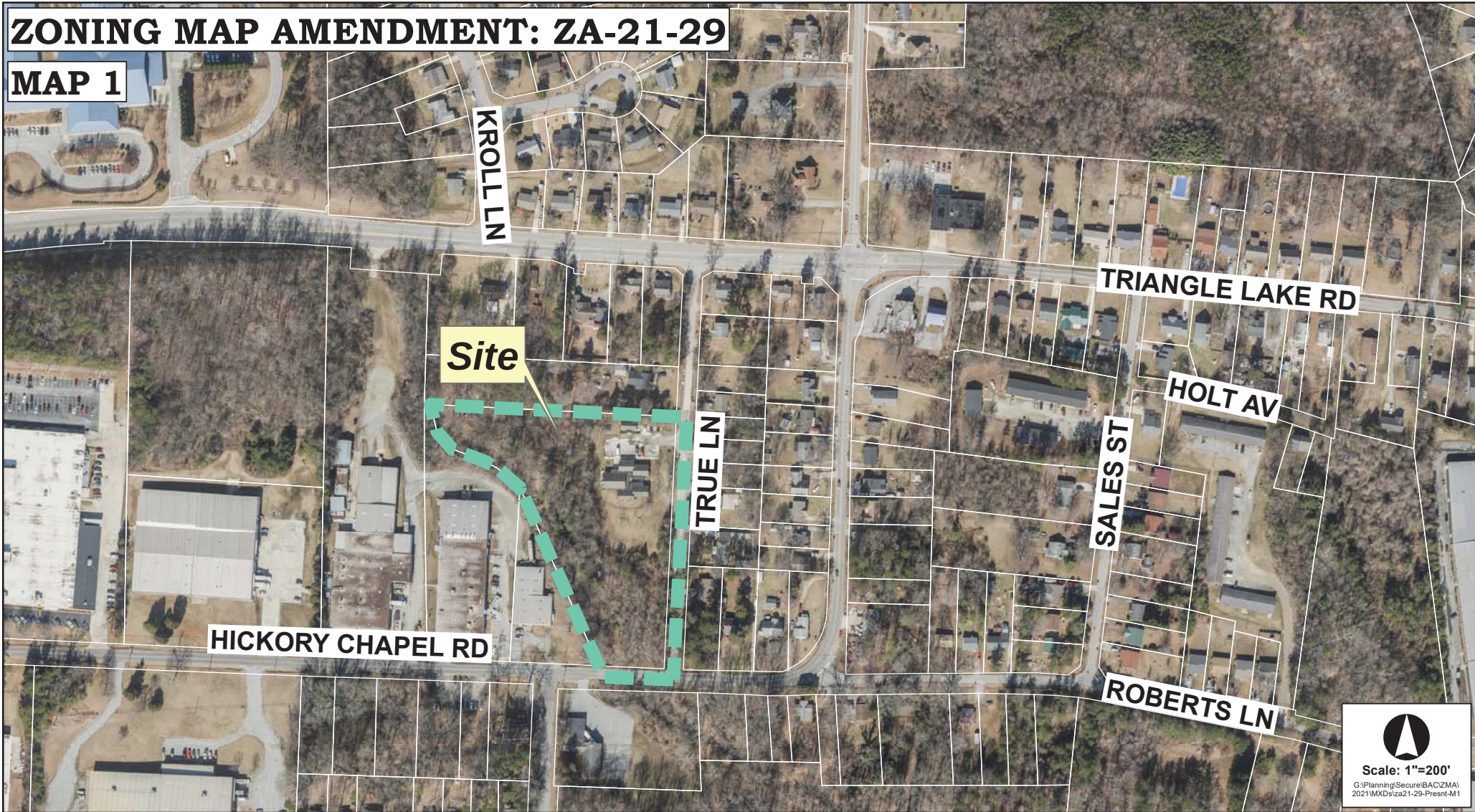
ZONING MAP AMENDMENT: ZA-21-29

MAP 1



ZONING MAP AMENDMENT: ZA-21-29

MAP 1



Scale: 1"=200'

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MAP #2

Location: Properties located south of the intersection of Hickory Chapel Road and Randall Street, within the Garner Height subdivision and includes a portion of the property located at 1237 Hickory Chapel Road.

Current Use: Single family homes and portion of an industrial developed parcel

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Multifamily – 16 (RM-16) District	Residential Single Family – 5 (R-5) District
<i>Purpose & Intent:</i>	<u>RM-16 District</u> The RM-16 district is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed.	<u>R-5 District</u> The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of 5 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district.
<i>Current Uses:</i>	Permitted	There is a parcel with two residential structures that would become a non-conforming use. The use may continue under the non-conforming use standards of the ordinance. This lot has sufficient land area and width to be subdivided to create two conforming R-5 district parcels.
<i>Conditions</i>	None	None

	Adjacent Zoning	Adjacent Land Use
North:	Residential Multifamily–16 (RM-16) District	Single family dwelling and undeveloped parcels
South:	Light Industrial (LI) District	US 29 (<i>formerly known as Business 85</i>)
East:	Residential Multifamily–16 (RM-16) District Light Industrial (LI) District	Undeveloped parcels
West:	Light Industrial (LI) District	Industrial use

Land Use Plan Classification

The area is designated as follows:

- **Moderate-Density Residential:** classification includes a variety of detached or attached dwellings, generally including single family homes, cluster homes, duplexes and townhouses. Development densities can range from five to eight dwelling units per gross acre.

- **Light Industrial:** Light industrial uses include general manufacturing, wholesaling, warehousing, and research and development uses.

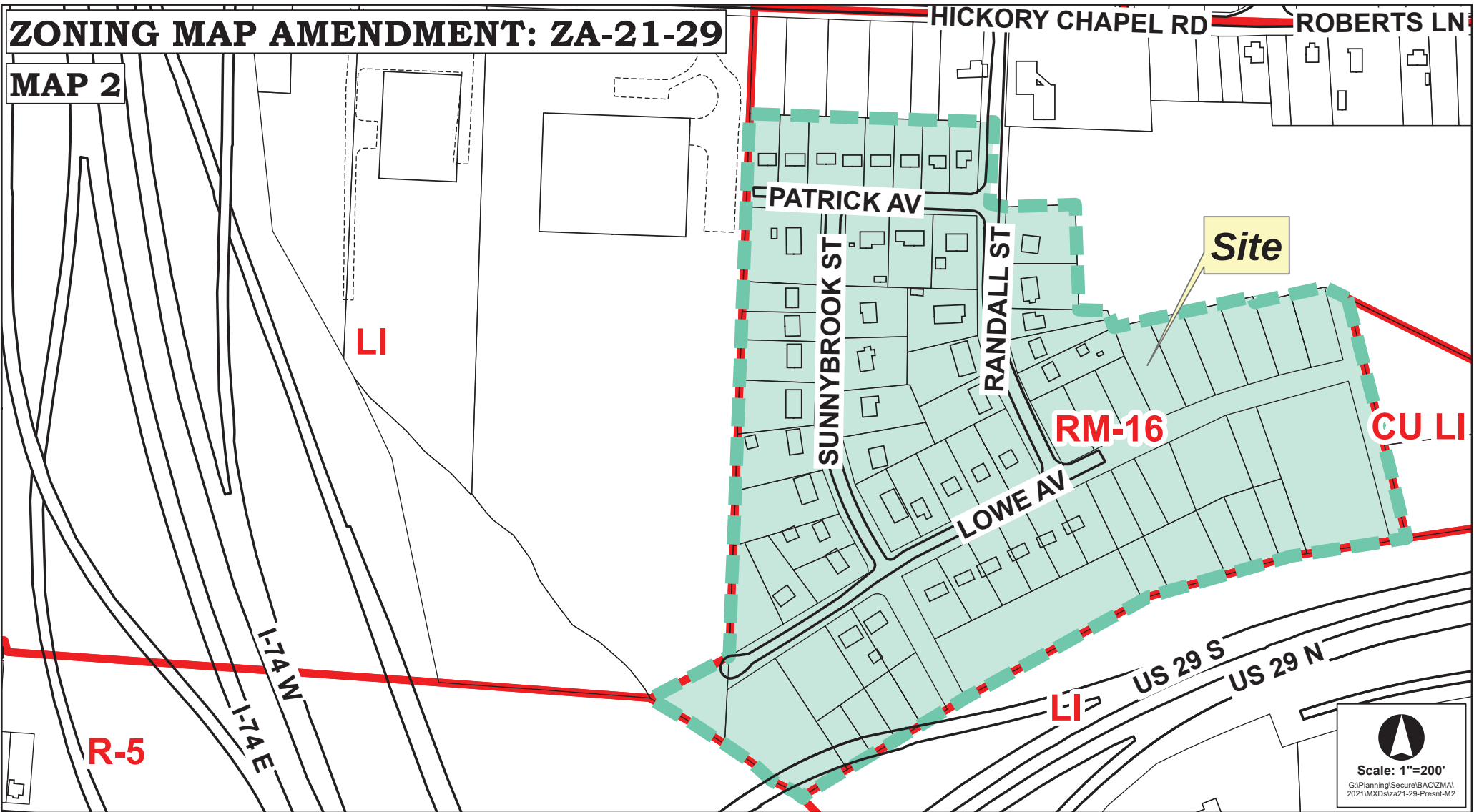
Analysis/Recommendation

The subdivision map for this development (Garner Height subdivision) was recorded in 1955 and developed with single family homes between the late 1960s to the early 1980s. The RM-16 District that currently governs land uses in this area permits multifamily development at a density of 16 units per acre. The introduction of high density residential development, in the middle of an established single family neighborhood, would not be compatible with the manner in which this area has developed. Thus, this application proposes rezoning to the R-5 District as it more accurately reflects the manner in which this area has developed and will assist in ensuring the long-term stability of this single family neighborhood. Staff recommends rezoning this subdivision from the RM-16 District to the R-5 District.

This request also proposes to clean up the zoning configuration for this area. At the southwestern corner of this subdivision (western terminus of Lowe Avenue) is a portion of the abutting industrially developed parcel addressed as 1237 Hickory Chapel Road. The southern tip of this parcel also has a RM-16 District zoning designation. Staff recommends rezoning the southern tip of this parcel from the RM-16 District to the LI District to match the manner in which this parcel developed.

ZONING MAP AMENDMENT: ZA-21-29

MAP 2



ZONING MAP AMENDMENT: ZA-21-29

MAP 2




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MAP #3

Location: 1010, 1018, 1020 and 1124 Roberts Lane

Current Use: Industrial/warehousing uses

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Conditional Use Light Industrial (CU-LI) District	Light Industrial (LI) District
<i>Purpose & Intent:</i>	<u>LI District</u> The LI district is established to accommodate light manufacturing, assembly, fabrication, processing, distribution, storage, wholesales sales, research and development, and other industrial uses that are small-scale and result in minimal exterior movement of vehicles, materials, and goods, and have minimal visual impacts. The district also allows commercial activities intended to serve the primary businesses in the districts and their employees as well as multi-family, retail, and personal services establishments as adaptive re-uses of existing buildings within the Core City.	<u>LI District</u> Same
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	1984 and 1989 Zoning Approval (CU 84-38 and CU 89-02 and CU 89-17) • Right-of-way dedication and access • Lot combination • Landscaping	None

	Adjacent Zoning	Adjacent Land Use
North:	Residential Single Family – 5 (R-5) District	Single family dwellings
South:	Light Industrial (LI) District	Industrial use
East:	Residential Single Family – 5 (R-5) District Residential Multifamily – 16 (RM-16) District	Single family dwellings Multifamily dwelling
West:	Residential Single Family – 5 (R-5) District	Undeveloped parcel

Land Use Plan Classification

The area is designated as follows:

- **Low-Density Residential:** These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.
- **Light Industrial:** Light industrial uses include general manufacturing, wholesaling, warehousing, and research and development uses.

Analysis/Recommendation

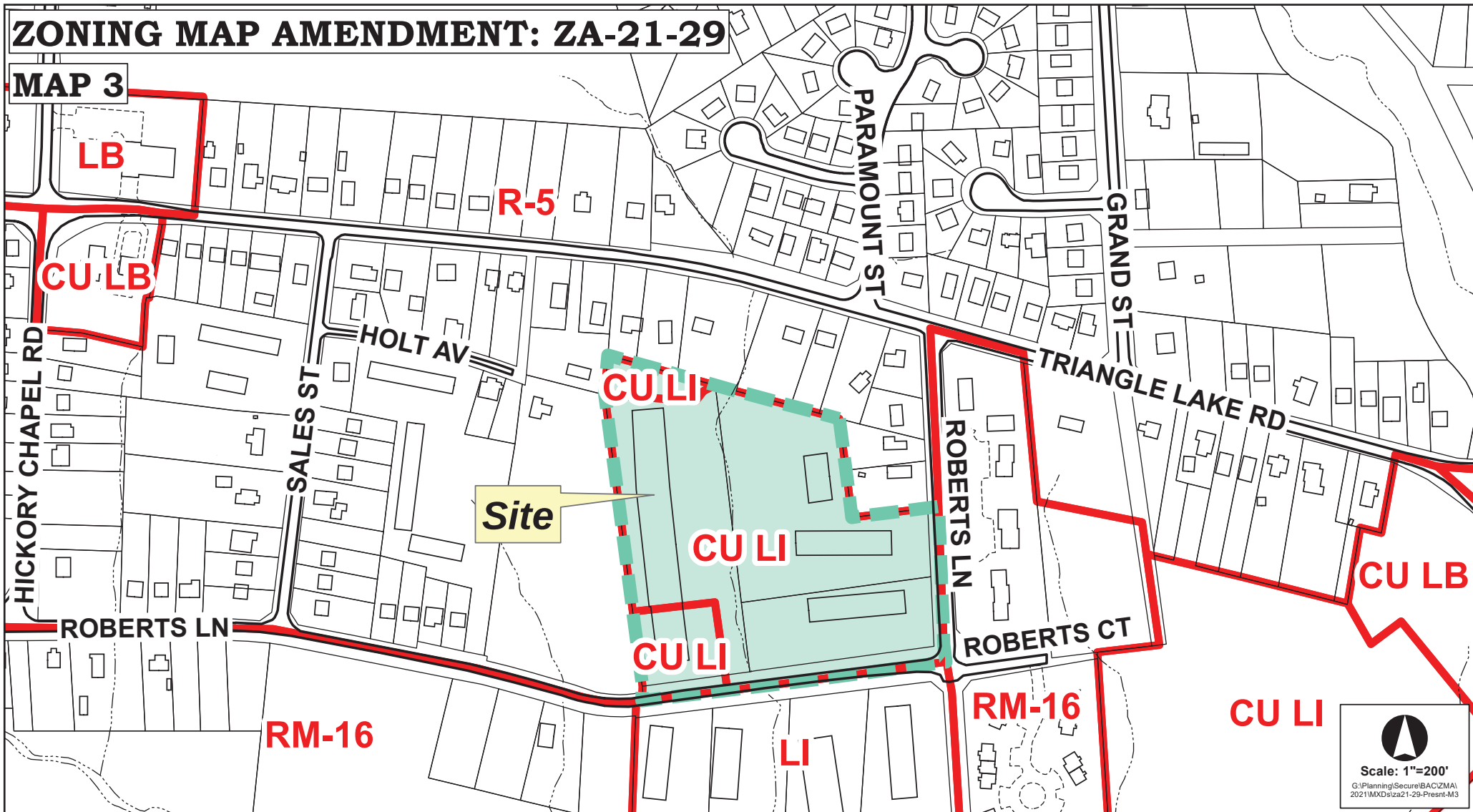
These parcels were developed for industrial related uses in the 1980s when Roberts Avenue, formerly known as E. Green Street extension, served as the east-west connector from the downtown area to US 29 (formerly Business 85). With the construction of the I-74 interchange at E. Green Drive in the late 1990s, this east-west road corridor was realigned. The former E. Green Street extension was realigned so that Triangle Lake Road now serves as the primary east-west road corridor for this area. The former E. Green Street extension dead-ends at the east side of the I-74 corridor and was renamed to Hickory Chapel Road and Roberts Lane. Current primary access to these industrial parcels, along Roberts Lane, is now from Triangle Lake Road.

Conditions pertaining to right of way dedication and lot combination were met at the time these parcels were developed. Conditions pertaining to participation in road improvements in the future are no longer valid now that Triangle Lake Road serves as the primary east-west road corridor for this area.

Staff recommends rezoning these parcels from a CU-LI 16 District to the LI District.

ZONING MAP AMENDMENT: ZA-21-29

MAP 3

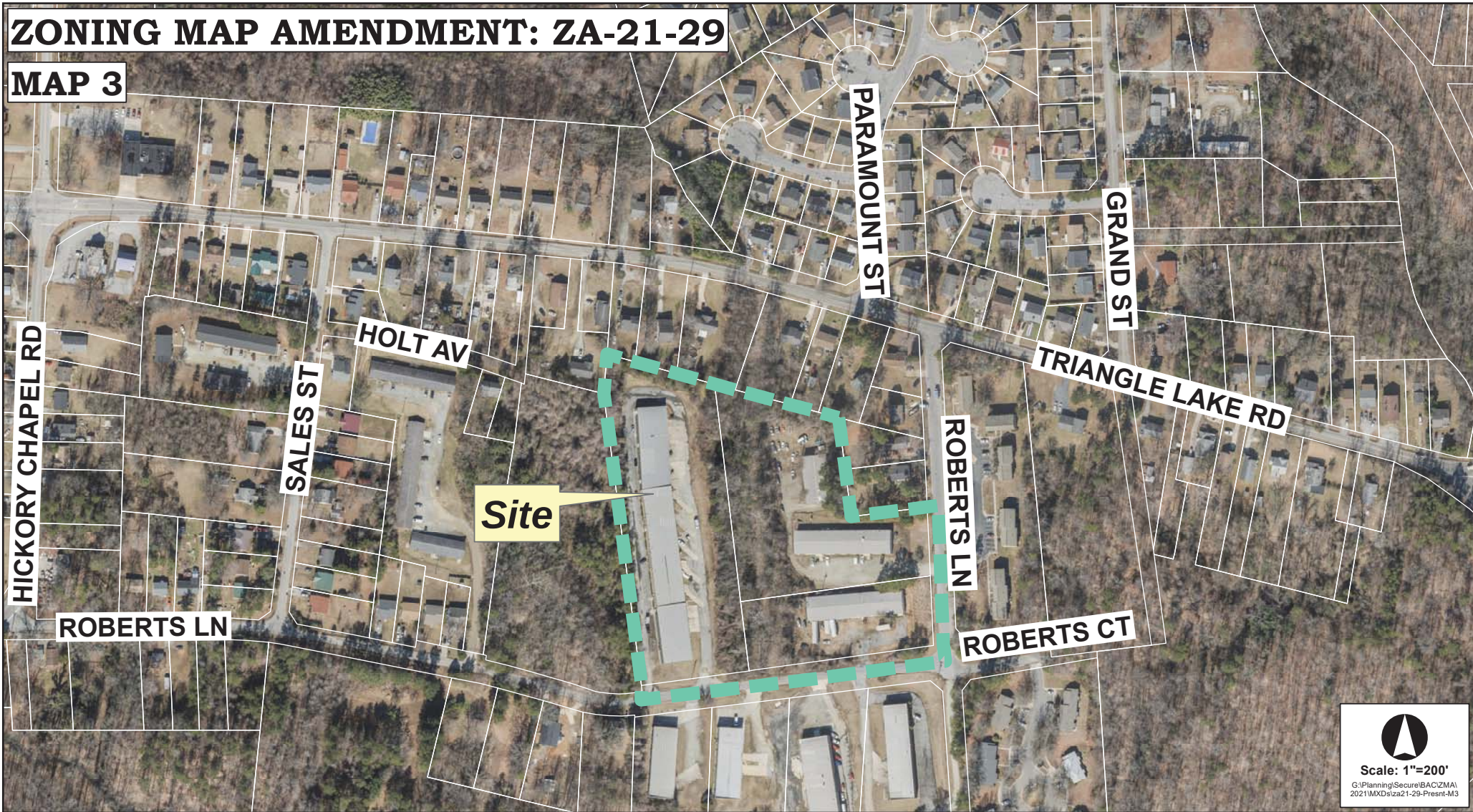


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ZONING MAP AMENDMENT: ZA-21-29

MAP 3



Scale: 1"=200'

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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case 21-29 (ZA-21-29)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on November 2, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on December 1, 2021.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

Map #1: 1022 True Lane

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Multifamily – 16 (RM-16)**. An approximate 3.35 acre parcel lying along the west side of True Lane, approximately 350 feet south of Triangle Lake Road. The parcel is also known as Guilford County Tax Parcel 176981.

SECTION 2

Map #2: Garner Height Subdivision

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family – 5 (R-5) District**. Approximately 29.3 acres, as depicted in Map of Garner Height – Section No. 4 as recorded in PB 21 PG 82 and Map of Garner Height – Section No. 1 as recorded in PB 21 PG 64 of the Guilford County Register of Deeds Office. The lands are also known as Guilford County Tax Parcels 176894, 176895, 176896, 176897, 176898, 176899, 176900, 176901, 176902, 176903, 176904, 176905, 176906, 176907, 176908, 176909, 176910, 176911, 176912, 176913, 176914, 176915, 176916, 176917, 176918, 176919, 176921, 176923, 176925, 176926, 176927, 176928, 176929, 176930, 176931, 176932, 176934, 176936, 176938, 176940, 176942, 176943, 176944, 176945, 176946, 176947,

176948, 176949, 176950, 176951, 176952, 176953, 176954, 176955, 176956, 176957, 176958, 176959, 176960, 176961, 176962, 176963, 176964, 176965, 176966, 176967, 176968, 176969, 176970, 176971, 176972, 176973, 176974

SECTION 3

Map #2: southern portion of 1237 Hickory Chapel Road.

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Light Industrial (LI) District**. An approximate 0.3 acre portion of Guilford County Tax Parcel 176981, lying at the western terminus of Lowe Avenue.

SECTION 4

Map #3: 1010, 1018, 1020 and 1124 Roberts Lane

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Light Industrial (LI) District**. Approximately 7.9 acres located along the west and north sides of Robert Lane, approximately 500 feet south of Triangle Lake Road. A description of the development is recorded in Exclusion Map of BFDK & E LLC 2929 E, Green Street “Garner Heights” as recorded in PB 136 PG 61 of the Guilford County Register of Deeds Office. The development is also known as Guilford County Tax Parcels 177074, 177077 and 177078.

SECTION 5

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of **December, 2021**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Receipt and Presentation of FY 2020-2021 Audit Report
From: Bobby D. Fitzjohn, Financial Services Director **Meeting Date:** December 6, 2021
Public Hearing: No **Advertising Date:** N/A
Attachments: None **Advertised By:** N/A

PURPOSE:

The City Council has the statutory responsibility under G.S. 159-34 to engage an auditor for the financial and compliance audit of the City's budgets, accounts, and grants. The presentation of the Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 will be presented by the audit firm Cherry Bekaert LLP.

BACKGROUND:

City Council approved the contract with Cherry Bekaert LLP for the financial and compliance audit of the City of High Point for the Fiscal Years 2021-2025 in April 2021. The Annual Comprehensive Financial Report was prepared by the City's Financial Services Department and the audit was completed on October 31, 2021.

The Annual Comprehensive Financial Report can be found on the Financial Services section of the City's website.
<https://www.highpointnc.gov/1028/Financial-Services>

BUDGET IMPACT: None.

RECOMMENDATION / ACTIONS REQUESTED:

City Council is requested to acknowledge receipt of the City of High Point Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2021 and related required communications from the City's auditors, Cherry Bekaert LLP.



City of High Point

2021 Audit Summary





Agenda

- ▶ Role of External Auditor
- ▶ Key Highlights: Results
- ▶ Internal Controls
- ▶ Significant Audit Areas
- ▶ Local Government Commission Financial Performance Indicators
- ▶ Summary
- ▶ Questions and Comments

Role of the External Auditor

Actions

Plan & Perform Procedures

Obtain Reasonable Assurance

Free from Material Misstatement

Results

Express Opinion

Required Communications

Policy Changes

Estimates

Journal Entries



Key Highlights: Results

Results	Opinions	Unmodified Opinion – Financial Statements	Unmodified Opinion – Internal Controls over Financial Reporting	Unmodified Opinion – Federal and State Single Audits
	Internal Controls	No Material Weaknesses or Significant Deficiencies		
	Single Audit	Major Programs: (Federal) Transit Authority (20.500-CL), Coronavirus Relief Fund (21.019), (State) Furniture Market Transportation and Powell Bill.		
	Required Communications	No policy changes	Estimates	No Adjusting or Passed Entries



Internal Controls

Identify Significant Transaction Cycles

Obtain Understanding

Walkthroughs

Single Audit

Compliance

Controls

Journal Entry Review

Mine for Unusual Transactions

Verify there is proper support and approval for manual entries

Information Technology Controls

IT Questionnaire



Significant Audit Areas

Statement of Activities

- Governmental/Proprietary Revenue
- Expenditures/Expenses including Payroll

Statement of Net Position

- Cash and Investments
- Governmental/Proprietary Receivables
- Accounts Payable and Other Liabilities
- Payroll Accrual and Related Liabilities
- Pension/LEOSSA/OPEB

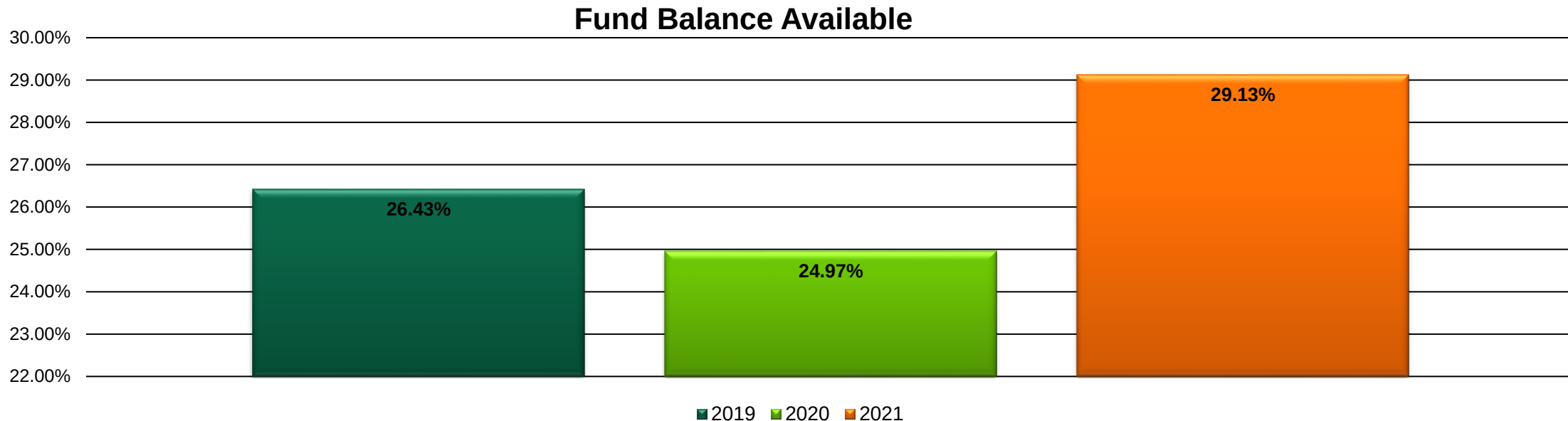
Other Items

- Due to/from Funds
- Net Position/Fund Balance
- Capital Assets
- Debt
- Landfill Liability
- Related Parties
- Legal
- Estimates



Local Government Commission (LGC) Performance Indicators – General Fund

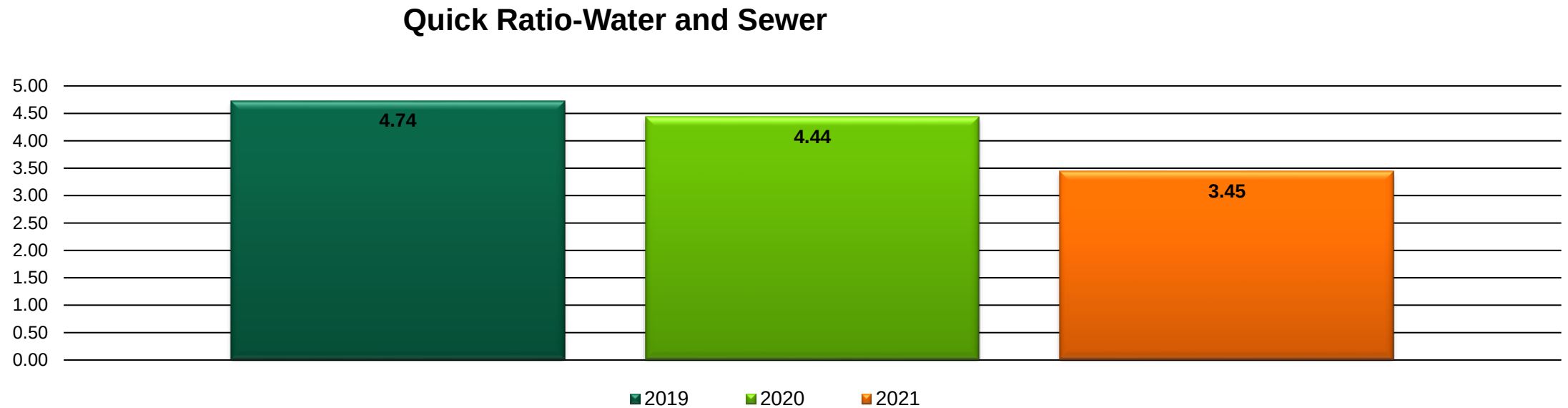
* Included in the LGC's calculation is the municipal debt service fund balance



✓ LGC Required Minimum Threshold – 25%



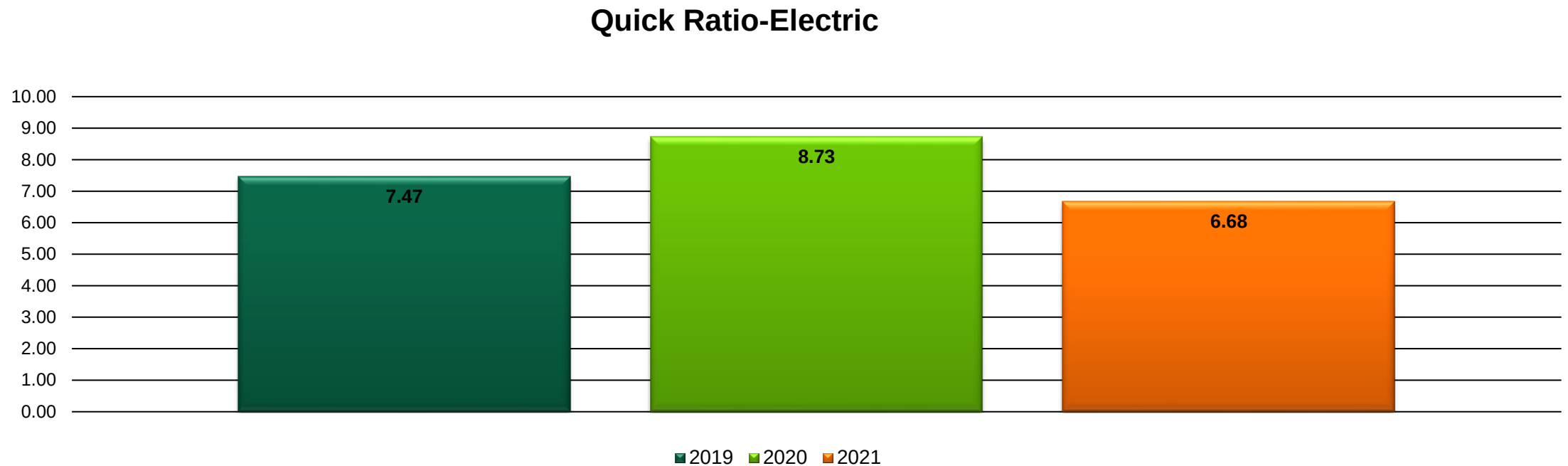
LGC Performance Indicators – Quick Ratio – Water and Sewer



✓ LGC Required Minimum Threshold – Equal or greater than 1.00



LGC Performance Indicators – Quick Ratio – Electric



✓ LGC Required Minimum Threshold – Equal or greater than 1.00



LGC Performance Indicators – Water and Sewer

Performance Indicator	2021	Minimum Threshold
Operating Net Income (loss) excluding depreciation+ debt service principal	\$17,596,993	Greater than \$0
Unrestricted cash / Total expenses less depreciation + debt service principal	84.66%	Greater than 16% (2 months)



LGC Performance Indicators – Electric

Performance Indicator	2021	Minimum Threshold
Operating Net Income (loss) excluding depreciation+ debt service principal	\$8,868,998	Greater than \$0
Unrestricted cash / Total expenses less depreciation + debt service principal	50.09%	Greater than 16% (2 months)



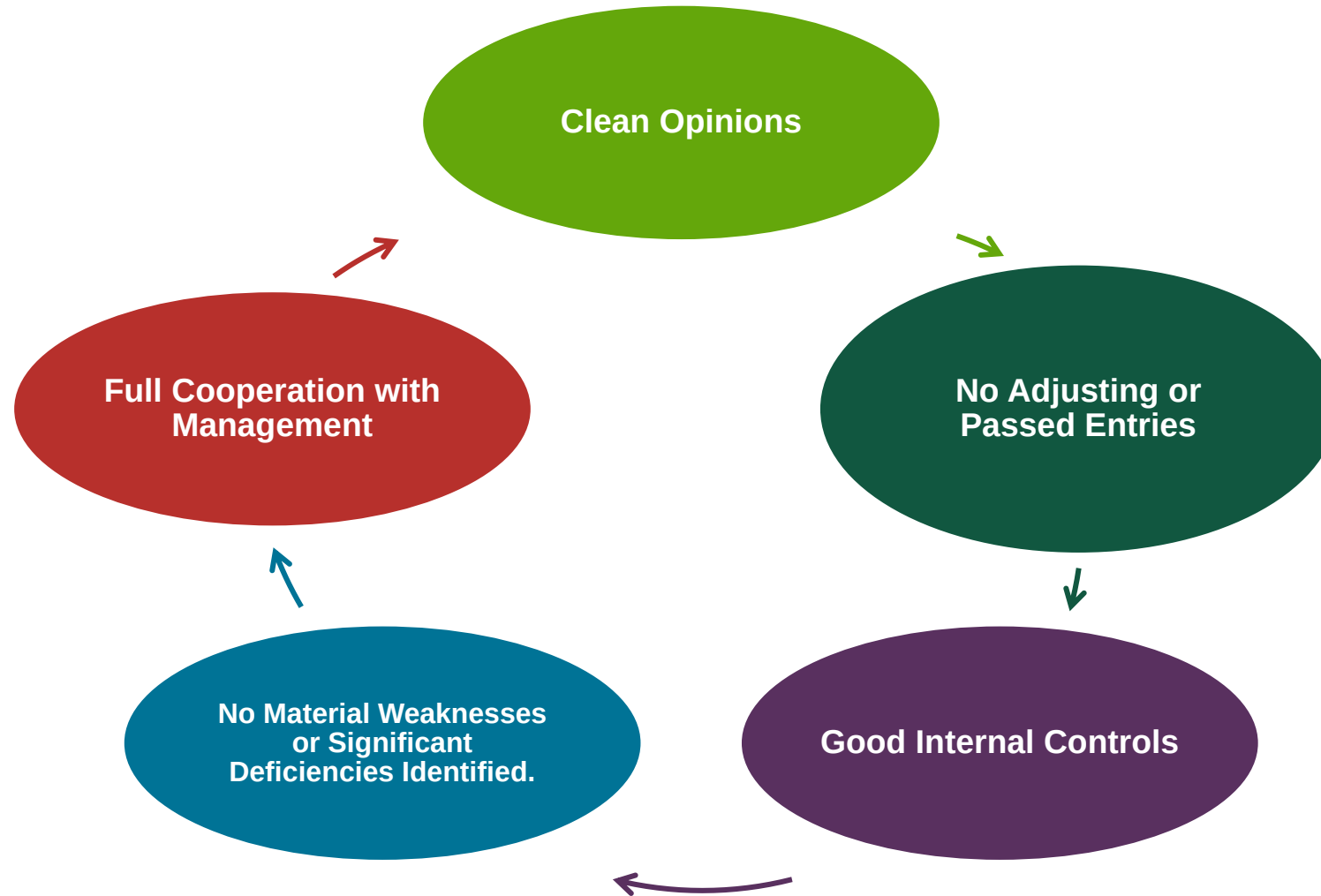
LGC Performance Indicators

Audit Report –

- ✓ Submitted within five (5) months from fiscal year end.
- ✓ Budgeted tax levy for the General Fund had less than 3% uncollected
- ✓ Effective pre-audit process to avoid pervasive budget violations
- ✓ No late debt service payments or debt covenant compliance issues
- ✓ No statutory violation within Annual Comprehensive Financial Report



Summary



Questions & Comments?

Daniel T. Gougherty, CPA

Director

dgougherty@cbh.com

704-940-2631

Richard Hart, CISA

Manager

richard.hart@cbh.com

704-940-2698

About Cherry Bekaert

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CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-28
(City of High Point)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 24, 2021, and
December 1, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the High Point City Council to rezone 151 properties, totaling approximately 36.14 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 10 properties, totaling approximately 4.11 acres, from the Residential Single Family – 5 (R-5) District, Office Institutional (OI) District and Residential Multifamily – 16 (RM-16) District to the Transitional Office (TO) District. The properties are located along the north side of Washington Street between Penn Griffin High School and the N. University Parkway bridge.
- b) To rezone 136 properties, totaling approximately 30.98 acres, from the Residential Multifamily – 16 (RM-16) District to the Residential Single Family – 7 (R-7) District. The properties are located between Park Street and S. University Parkway and between Leonard Avenue and E. Commerce Avenue.
- c) To rezone 5 properties, totaling approximately 1.05 acres, from a Conditional Use Transitional Office (CU-TO) District to the Transitional Office (TO) District and the Residential Single Family – 7 (R-7) District. The properties are located at 401 Park Street and 702, 704, 706 and 707 E. Commerce Avenue.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The following person spoke pertaining to this request:

- Ms. Annamarie Mackey, Member of Pearson Memorial AME Church, 835 E Washington Drive, High Point. Ms. Mackey had questions as to how the rezoning request would impact the Pearson Memorial AME Church along Washington Street. She also requested clarification as to impact on the 136 properties to be rezoned from the RM-16 District to the R-7 District.

Mr. Shannon stated that the church is proposed to be rezoned to the Transitional Office (TO) District [from R-5]. Rezoning will not have any negative impact on the church since that is a permitted use in the proposed TO District.

As to impact to the 136 properties lying south of Leonard Avenue, Mr. Shannon explained that this area is primarily developed as a single family neighborhood. He noted that the current RM-16 District would permit multifamily development (such as apartment complexes) in the middle of this single family

neighborhood at a density of 16 dwelling units per acre. The proposed R-7 District would not allow multifamily development, it primarily support single family development at a density of 7 units per acre. However, since this land is within the Core City Area, it would allow duplex dwellings, single family attached (townhome) dwellings and triplex/quadplex dwellings at a scale and density compatible with the current single family neighborhood.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-28 is consistent with the City's adopted policy guidelines because, the zoning map amendments are supported by the Land Use Plan, and it will ensure the way development has occurred is consistent with the zoning of the area. Furthermore, the request is reasonable and in the public interest because the amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-28
November 9, 2021**

Request

A request by the High Point City Council to rezone 151 properties, totaling approximately 36.14 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on lands within central eastern portion of the City along Washington Avenue, and south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce Avenue.

Background

The purpose of the Comprehensive Zoning Map Amendment Project is to review and evaluate the zoning of land throughout the city, identify areas where the zoning is out of sync with the existing use of land or is inconsistent with current land use policy, and propose appropriate changes in zoning for those areas. A primary goal of the project is to remove improper or obsolete zoning districts that may be acting as a barrier to development. The Comprehensive Zoning Map Amendment Project was initiated in 2017. The City Council initiated this current fourth round of zoning evaluations, associated with this request, in December 2020.

Details of Proposal

The following is a summary of affected developments, along with an attached analysis of each area being considered under this Zoning Map Amendment.

From	To	Development/Use	Location
R-5, OI and RM-16	TO	Church, undeveloped parcel and assembly use	Parcels lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge.
RM-16 CU-TO	R-7 TO	Single family dwellings, duplex dwelling, one multifamily use and one office use	Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street.

Analysis

The requested rezoning of these various residential and institutional uses is intended to update zoning to match the way these areas have developed and to remove outdated zoning conditions. See attached evaluations for further detail.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

The zoning map amendments are supported by the Land Use Plan and will ensure the way development has occurred is consistent with the zoning of the area.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

The amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.

Recommendations

Staff recommends approval of the following zoning map amendments:

- 1) Rezone 835, 1003, 1015, 1113, 1115, 1119, 1215 and 1301 Washington Street; and 114 and 119 (portion) Underhill Street from the Residential Single Family – 5 (R-5), Office Institutional (OI) and Residential Multifamily – 16 (RM-16) districts to the Transitional Office (TO) District
- 2) Rezone land approximately 300 feet south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce Avenue and along both side of Park Avenue from the RM-16 District to the R-7 District.
- 3) Rezone 401 Park Street from a Conditional Use Transitional Office (CU-TO) District to the Transitional Office (TO) District.
- 4) Rezone 702, 704, 706 and 707 E. Commerce Avenue from a Conditional Use Transitional Office (CU-TO) District to the Residential Single Family – 7 (R-7) District.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the statement(s) as written in this report or with any additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or changes as agreed upon by the Council, or, if the Council is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-28

Applicant: City of High Point

Vicinity Map

High Point



Davidson
County

Jamestown

Site

Site

City of High Point

Guilford
County



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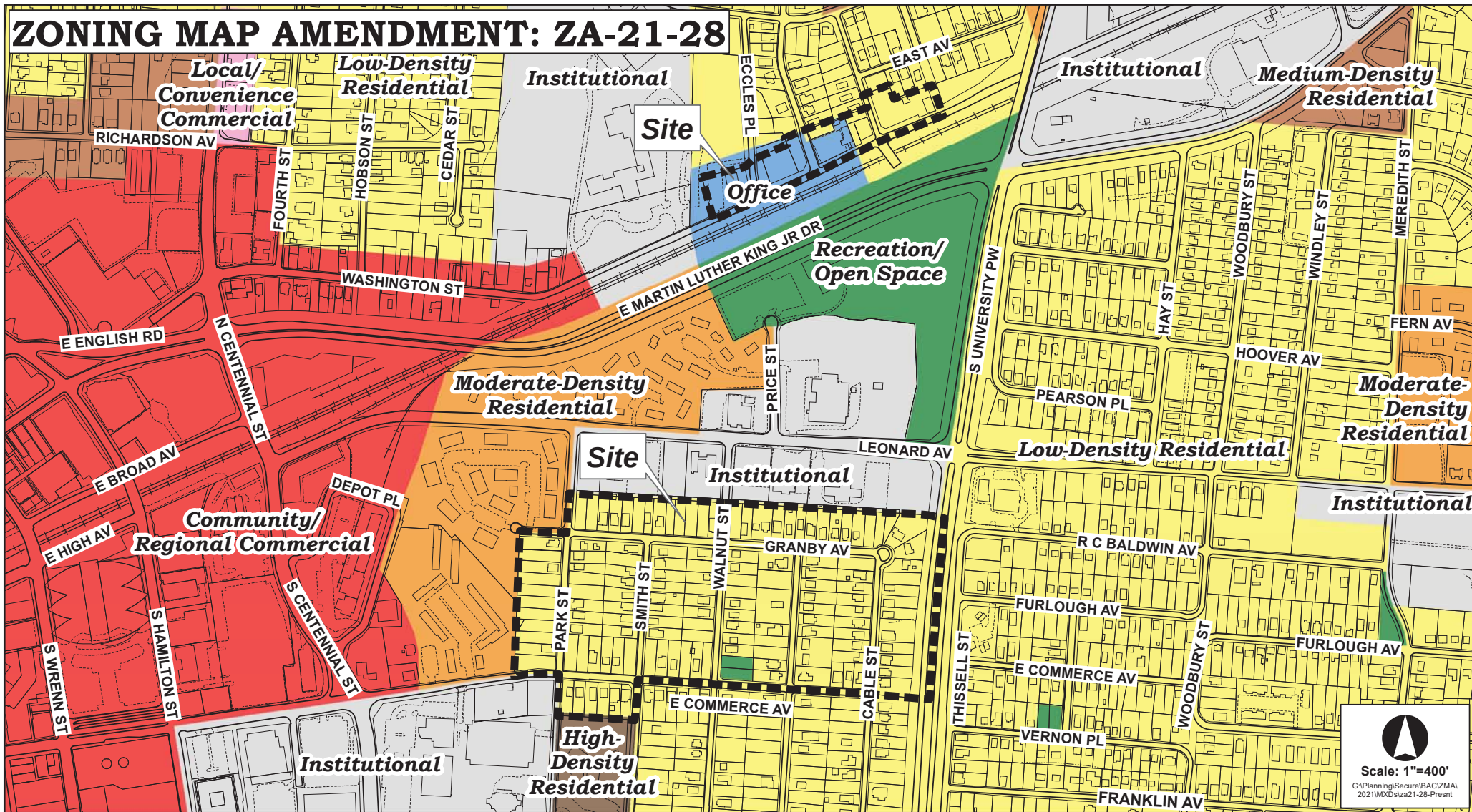
ZONING MAP AMENDMENT: ZA-21-28

The map displays the following zoning districts and streets:

- Zoning Districts:** RM-16, LB, R-5, MX-W, CB, CU, RM-26, TO, LI.
- Streets:** Richardson Av, East Av, E Martin Luther King Jr Dr, Leonard Av, E Commerce Av, E High Av, E Broad Av, E English Rd, Washington St, Cedar St, Hobson St, Fourth St, N Centennial St, S Centennial St, Depot Pl, Park St, Smith St, Walnut St, Granby Av, Cable St, Thisell St, Furlough Av, Vernon Pl, Franklin Av, Woodbury St, Windley St, Meredith St, Hoover Av, Pearson Pl, Hay St, S University Pkwy.
- Other Features:** Two sites are highlighted with yellow labels and green dashed borders. A scale bar indicates 1"=400'.

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ZONING MAP AMENDMENT: ZA-21-28



MAP #1

Location: Parcel lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge.

Current Use: Religious institution, undeveloped parcels, vacant structure and minor assemble use (lodge)

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Single Family – 5 (R-5) District Office Institutional (OI) District Residential Multifamily – 16 CU RM-16) District	Transitional Office (TO) District
<i>Purpose & Intent:</i>	<u>R-5 District</u> The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of 5 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district. <u>RM-16 District</u> The RM-16 district is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. <u>OI District</u> The OI district is established to primarily accommodate a wide variety of moderate and high intensity office, institutional, and residential uses. In addition, the district accommodates health care, personal services, and retail uses. Supporting	<u>TO District</u> The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development.

	services are permitted provided they are located in multi-tenant buildings and limited in floor area.	
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	None	None

	Adjacent Zoning	Adjacent Land Use
North:	Residential Single Family – 5 (R-5) District Institutional (I) District Residential Multifamily–16 (CU RM-16) District	Major School and single family dwelling
South:	Residential Multifamily–16 (CU RM-16) District	Washington Street ROW
East:	Residential Multifamily–16 (CU RM-16) District	N. University Parkway ROW
West:	Institutional (I) District	Major School

Land Use Plan Classification
The area is designated as follows: • Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. • Office: This classification includes professional, personal and business service uses.

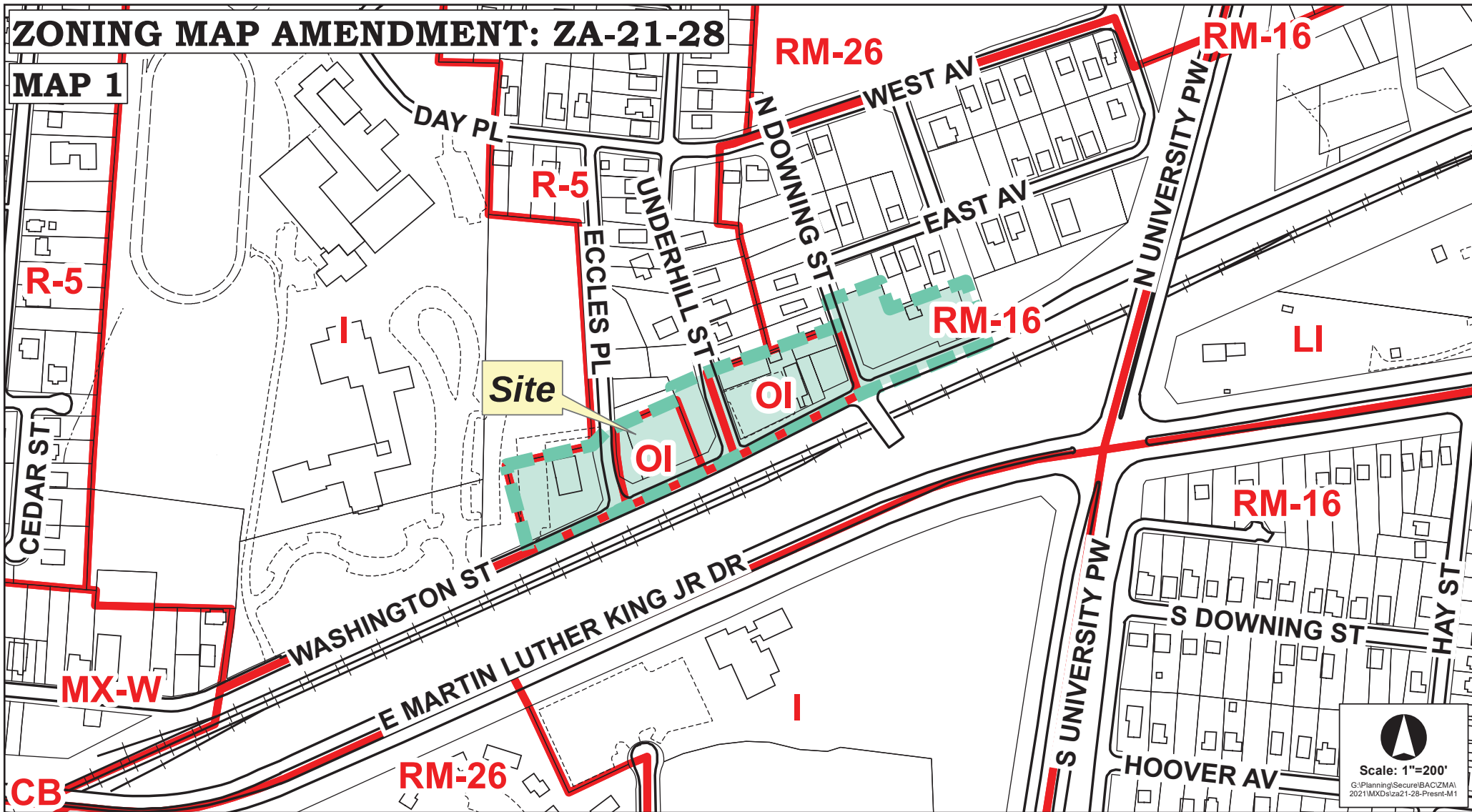
Analysis/Recommendation

These parcels lie along the north side of Washington Street, a collector street, and on the outer edge of an abutting single family neighborhood. The zoning site is developed with a mixture of institutional and assembly uses, with most of the land being undeveloped. The current zoning pattern consist of a mixture of single-family, multifamily and office districts. Staff propose a consistent zoning pattern be established along the edge of this abutting neighborhood, and recommends the area be rezoned to the TO District.

The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development. Based upon the current development pattern of this area, the proposed TO District will offer flexibility for future redevelopment, but at a scale and intensity that will be compatible with the abutting residential neighborhood.

ZONING MAP AMENDMENT: ZA-21-28

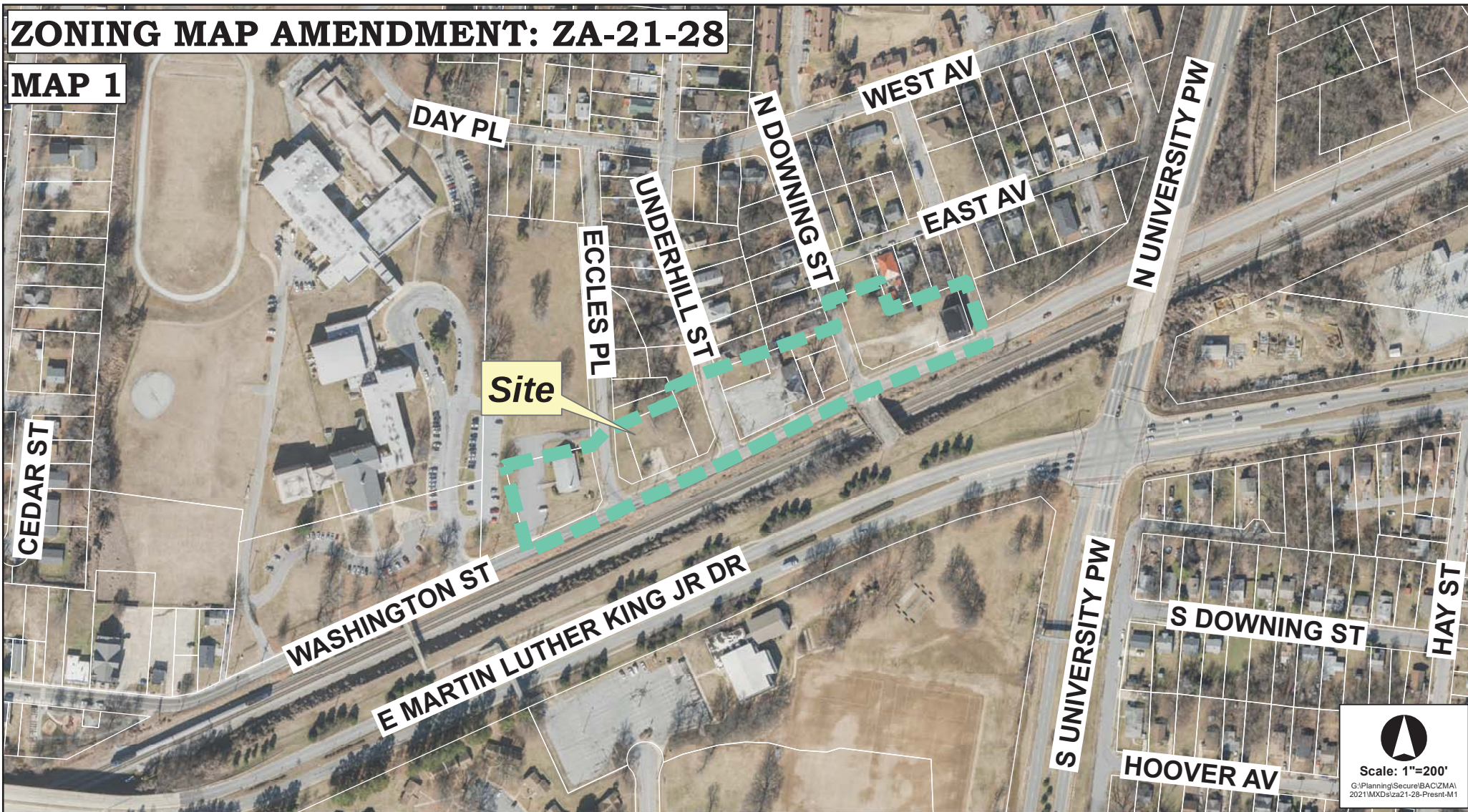
MAP 1



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ZONING MAP AMENDMENT: ZA-21-28

MAP 1



MAP #2

Location: Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street.

Current Use: Single family homes, duplexes, one multifamily and one office use.

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Multifamily – 16 (RM-16) District	Residential Single Family – 7 (R-7) District
<i>Purpose & Intent:</i>	<u>RM-16 District</u> The RM-16 district is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. <u>TO District</u> The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development.	<u>R-7 District</u> The R-7 district is established to accommodate principally single-family detached dwellings developed at a density of 7 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district. <u>TO District</u> Same.
<i>Current Uses:</i>	Permitted	Staff has identified a parcel that would become nonconforming. The use may continue under the non-conforming use standards of the ordinance. This lot has sufficient area and width to be subdivided to create two conforming R-7 district parcels.
<i>Conditions</i>	None	None

	Adjacent Zoning	Adjacent Land Use
North:	Residential Multifamily–16 (RM-16) District Limited Business (LB) District	Three churches and a small commercial use
South:	Residential Multifamily–16 (RM-16) District Residential Multifamily–26 (RM-26) District	Single family dwellings and a high-rise multifamily development
East:	Residential Multifamily–16 (RM-16) District	S. University Parkway ROW

West:	Residential Multifamily-26 (RM-26) District Institutional (I) District	Multifamily (apartment Complex) and governmental facility
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Land Use Plan Classification

The area is designated as follows:

- **Low-Density Residential:** These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.

Analysis/Recommendation

The subdivision map for this area (Peoples Realty Company) was recorded in 1905. Based on review of historic aerial photos this area was initially developed as a single family neighborhood. Although some substandard structures have been demolished and a few former single-family dwellings converted, this has predominately remained a single family neighborhood. Of the 141 parcels proposed to be rezoned, approximately 24 are undeveloped, 14 have been converted to duplex/triplex dwellings and one (1) converted to multifamily. The remaining are single-family dwellings.

The RM-16 District that currently governs land uses in this area permits multifamily development at a density of 16 units per acre. The introduction of high density residential development, in the middle of an established single family neighborhood, would not be compatible with the manner in which this area has developed or with the Low Density Residential land use classification governing this area. Thus, this application proposes rezoning to the R-7 District as it more accurately reflects the manner in which this area has developed and will assist in ensuring the long-term stability of this single family neighborhood.

The proposed R-7 District offers some development flexibility, which is supported by the Core City Plan. This district not only allows single family homes, but subject to meeting specific development standards also support a mixture of residential uses such as duplexes, single-family attached (townhomes) and triplex/quadplex dwelling units.

At the southwestern corner of this neighborhood, intersection of Park Street and E. Commerce Avenue, are 5 parcels that were rezoned to the CU-TO District in 1990 for a proposed office development. Only one of these parcels, 401 Park Street, has developed with an office use. Staff recommend the old CU designation be removed and that the parcel be rezoned from CU-TO to the TO District. As for the other CU-TO zoned parcels, as they have remained as single family dwellings, staff recommends they be rezoned from the CU-TO District to the R-7 District

Staff recommendation.

1. Rezone land approximately 300 feet south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce Avenue and along both side of Park Avenue from the RM-16 District to the R-7 District.
2. Rezone 401 Park Street from a CU-TO District to the TO District.
3. Rezone 702, 704, 706 and 707 E. Commerce Street from a CU-TO District to the R-7 District.

ZONING MAP AMENDMENT: ZA-21-28

MAP 2

CB

RM-26

Site

RM-16

LB

RM-16

LEONARD AV

DEPOT PL

GRANBY AV

PARK ST

SMITH ST

WALNUT ST

WHITE OAK ST

CABLE ST

S UNIVERSITY PW

THISSELL ST

R C BALDWIN AV

FURLOUGH AV

EVANS ST

CU TO

CU TO

E COMMERCE AV

RM-16

RM-26

VERNO

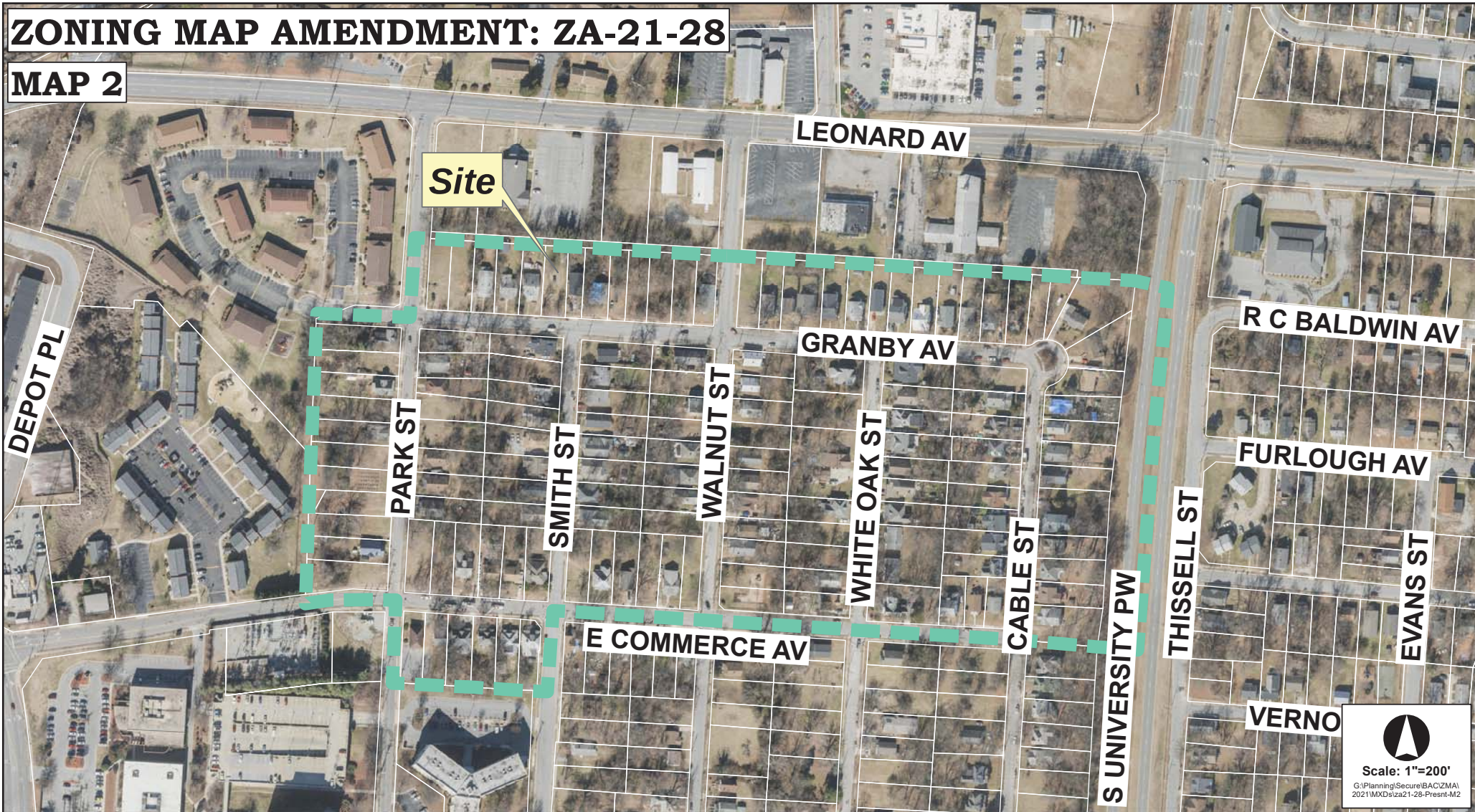


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ZONING MAP AMENDMENT: ZA-21-28

MAP 2



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case 21-28 (ZA-21-28)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on November 2, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on December 1, 2021.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

Map #1: Washington Street

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Transitional Office (TO) District**. An approximate 4.11 acres parcel lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge. The parcels area addressed as 835, 1003, 1015, 1113, 1115, 1119 (southern portion of parcel), 1215 and 1301 Washington Street; and 1114 Underhill Street and 103 N. Downing Street. The parcels area also known as Guilford County Tax Parcels 190676, 190685 (southern portion of parcel), 190687, 190688, 190889, 190890, 190891, 190892, 190900, 190912.

SECTION 2

Map #2:

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family – 5 (R-7) District**. Approximately 30.98 acres Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street. The parcels are

also known as Guilford County Tax Parcels 171694, 171700, 174472, 174473, 174474, 174475, 174476, 174477, 174478, 174479, 174480, 175285, 175287, 175288, 175289, 175290, 175291, 175292, 175293, 175294, 175295, 175296, 175297, 175298, 175303, 175304, 175305, 175306, 175307, 175308, 175309, 175310, 175311, 175312, 175313, 175314, 175315, 175316, 175317, 175318, 175319, 175320, 175321, 175322, 175323, 175324, 175325, 175326, 175327, 175328, 175329, 175330, 175331, 175332, 175333, 175334, 175335, 175336, 175337, 175338, 175339, 175340, 175341, 175342, 175344, 175345, 175346, 175347, 175348, 175349, 175350, 175351, 175352, 175353, 175354, 175355, 175356, 175357, 175358, 175359, 175360, 175361, 175362, 175363, 175364, 175365, 175366, 175367, 175368, 175369, 175370, 175371, 175372, 175373, 175374, 175375, 175376, 175377, 175378, 175380, 175382, 175383, 175384, 175385, 175386, 175387, 175388, 175389, 175390, 175391, 175392, 175393, 175394, 175395, 175396, 175397, 175398, 175399, 175400, 175401, 175402, 175403, 175404, 175405, 175406, 175407, 175408, 175409, 175410, 175411, 175412, 175413, 175414, 175415, 175416, 175417.

SECTION 3

Map #2: 401 Park Street

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Transitional Office (TO) District**. An approximate 0.14 acre parcel known as Guilford County Tax Parcel 171696.

SECTION 4

Map #3: 702, 704, 706 and 707 E. Commerce Street

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family – 7 (R-7) District**. Approximately 0.68 acres lying east of the intersection of Park Street and E. Commerce Avenue addresses as 702, 704, 706 and 707 E. Commerce Street. The parcels area also known as Guilford County Tax Parcels 171697, 171698, 171699, 175343

SECTION 5

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of **December, 2021**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-26
(Ezine Inc. and Orbaden Inc.)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 24, 2021, and
December 1, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Ezine Inc. and Orbaden Inc. to rezone approximately 0.7 acres from the Heavy Industrial (HI) District to the Central Business (CB) District. The site is located along the north side of W. Green Drive, approximately 300 feet west of S. Lindsay Street (512 & 514 W. Green Drive) and at the northeast corner of W. Green Drive and Oak Street (520 W. Green Drive).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Mr. Shannon stated that he received a phone call from the applicant late in the day noting that an emergency had come up and that he would be unable to attend the meeting as planned.

There were no public comments regarding the request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-26 is consistent with the City's adopted policy guidance because the requested CB District is supported by the goals and objectives of the Land Use Plan and the Core City Plan. Furthermore, the request is reasonable and in the public interest because the

requested CB District is similar and compatible with previous zoning approvals granted in this area.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-26
November 9, 2021**

Request	
Applicant: Ezine Inc. and Orbaden Inc.	Owner: Ezine Inc. and Orbaden Inc.
Zoning Proposal: To rezone approximately 0.7 acres	From: HI Heavy Industrial District
	To: CB Central Business District

Site Information	
Location:	The site is located along the north side of W. Green Drive, approximately 300 feet west of S. Lindsay Street (512 & 514 W. Green Drive) and at the northeast corner of W. Green Drive and Oak Street (520 W. Green Drive).
Tax Parcel Number:	Guilford County Tax Parcels 172458 and 172466
Site Acreage:	Approximately 0.7 acres
Current Land Use:	Vacant commercial structures
Physical Characteristics:	Both parcels are developed and have no noteworthy features.
Water and Sewer Proximity:	Both a 12-inch City water line and an 8-inch City sewer line lie adjacent to these parcels along W. Green Drive and Oak Street.
General Drainage and Watershed:	The site is relatively flat and drains in a general southerly direction, and development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Engineered stormwater measures are required for non-residential development with an impervious surface area that exceeds 12% or more of the site.
Overlay District:	Randleman Lake General Watershed Area (Downtown area)

Adjacent Property Zoning and Current Land Use			
North:	CB	Central Business District	Bed & breakfast/event center Parking lot
	HI	Heavy Industrial District	
South:	LI	Light Industrial District	Antique store and industrial use
	HI	Heavy Industrial District	
East:	CU-CB	Conditional Use Central Business District	Market Showroom
	HI	Heavy Industrial District	
West:	HI	Heavy Industrial District	Parking lot and industrial use
	CU-CB	Conditional Use Central Business District	

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	The following goals and objectives are relevant to this request: Goal 4: Make Downtown High Point and its environs a vibrant, diverse and mixed use environment.

	Obj. 4D: Establish more retail shops, services, restaurants, and entertainment through zoning and/or incentives.
Land Use Plan Map Classification:	The sites have an Office and Heavy Industrial land use designation. These classifications are described as follows: • Office: This classification includes professional, personal and business service uses. • Heavy Industrial: This classification includes the whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale, open land uses like wastewater treatment plants, landfills and quarries.
Land Use Plan Goals, Objectives & Policies:	The following goal and objectives of the Land Use Plan are relevant to this request: Goal #2: Encourage development that enhances and preserves established neighborhoods. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations. Obj.#10. Target appropriate established neighborhoods and areas adjoining the central business district and industrial locations for conservation and revitalization activities including public and private investment.
Relevant Area Plans:	The Core City Plan supports this request. This request is on the border of three districts that are defined as follows: • Showroom District which is intended to protect the economic vitality of the furniture showrooms. • Downtown Mixed-Use District which is intended to function more like a conventional downtown, including shopping, dining, entertainment, offices, institutional uses, cultural facilities, and housing; and • Industrial District which is intended to protect the existence and future expansion of industries.
Zoning History:	Historically, the zoning site and the adjacent land within this block was an industrial and residential area, at the fringe of the downtown, with some commercial/industrial warehousing uses fronting along W. Green Drive. Starting in the 1980s, this area began transitioning into an extension of the downtown area with the construction of the Market Square development along the east side of S. Lindsay Street. Since the 1980s, with the most recent case being in 2017, there have been approximately 13 zoning approvals granted to allow CU-CB and CB districts zoning within this block.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	W. Green Drive	Major Throughfare	
	Oak Street	Local Street	
Vehicular Access:	Via existing driveways from W. Green Drive and Oak Street.		
Traffic Counts: (Average Daily Trips)	W. Green Drive		
Estimated Trip Generation:	Not applicable.		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u>	<u>No</u> X	A TIA is not required.

School District Comment
Not applicable to this zoning case.

Details of Proposal

The applicant owns the abutting event center to the north (Pandora's Manor) that caters to furniture market visitors and serve as a bed and breakfast facility /special event center throughout the year. The applicant is requesting rezoning to the CB District to support expansion of this event center. The current HI District zoning is a holdover from when this block was an industrial area lying at the edge of the downtown area. Since the 1990s, request for CB District zoning have been approved for this area thus incorporating this block as the southeastern edge of the downtown commercial district.

Staff Analysis

These zoning sites sit on the edge of three distinct districts that were established in the Core City Plan:

- Downtown Mixed-Use District
- Showroom District
- Industrial District

Since the Core City Plan was adopted the boundaries of these districts have been sharpened through adopted city policies and ordinance changes. This site is within an area that the Core City Plan identifies as Showroom District, which is now synonymous with the CB District. It is also located in the vicinity of the Downtown Mixed-Use district, which lies just north of the railroad tracks, and is situated in a prime location to provide some support services for that district. This area is also on the edge of the Industrial District and the subject of the Southwest Downtown Area Plan that is currently under development. The vision under consideration for the Southwest Downtown Area Plan is to make the area a welcoming location for potential small-scale manufacturers, and to provide uses and services that will support the neighborhood and the downtown area.

The request to rezone to the CB District is supported by adopted policy guidance documents as the site is within the Showroom District and surrounded by lands previously rezoned to the CB District. Section 2.4.20.C. of the Development Ordinance states that the advisability of a zoning map amendment is a matter committed to the legislative discretion of the City Council and is not

controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the City Council shall weigh the relevance of and consider the following:

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

The requested CB District is supported by the goals and objectives of the Land Use Plan and the Core City Plan.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed zoning map amendment would be reasonable and in the public interest.

The requested CB District is similar and compatible with previous zoning approvals granted in this area.

Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the request to rezone these two parcels, totaling 0.88 acres, to the CB District. The requested CB District is a continuation of the transition of this block from industrial (LI and HI Districts) to the CB District and is consistent with land use policy established by the Core City Plan.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

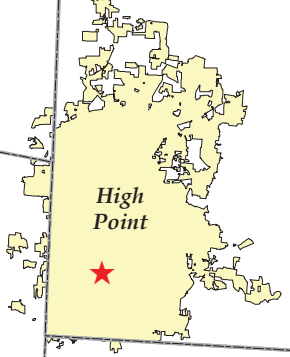
Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT ZA-20-26
Applicant: Ezine Inc. and Orbaden Inc.

Vicinity Map



High
Point

City of High Point

Site

W GREEN DR

Davidson
County

Guilford
County

Archdale

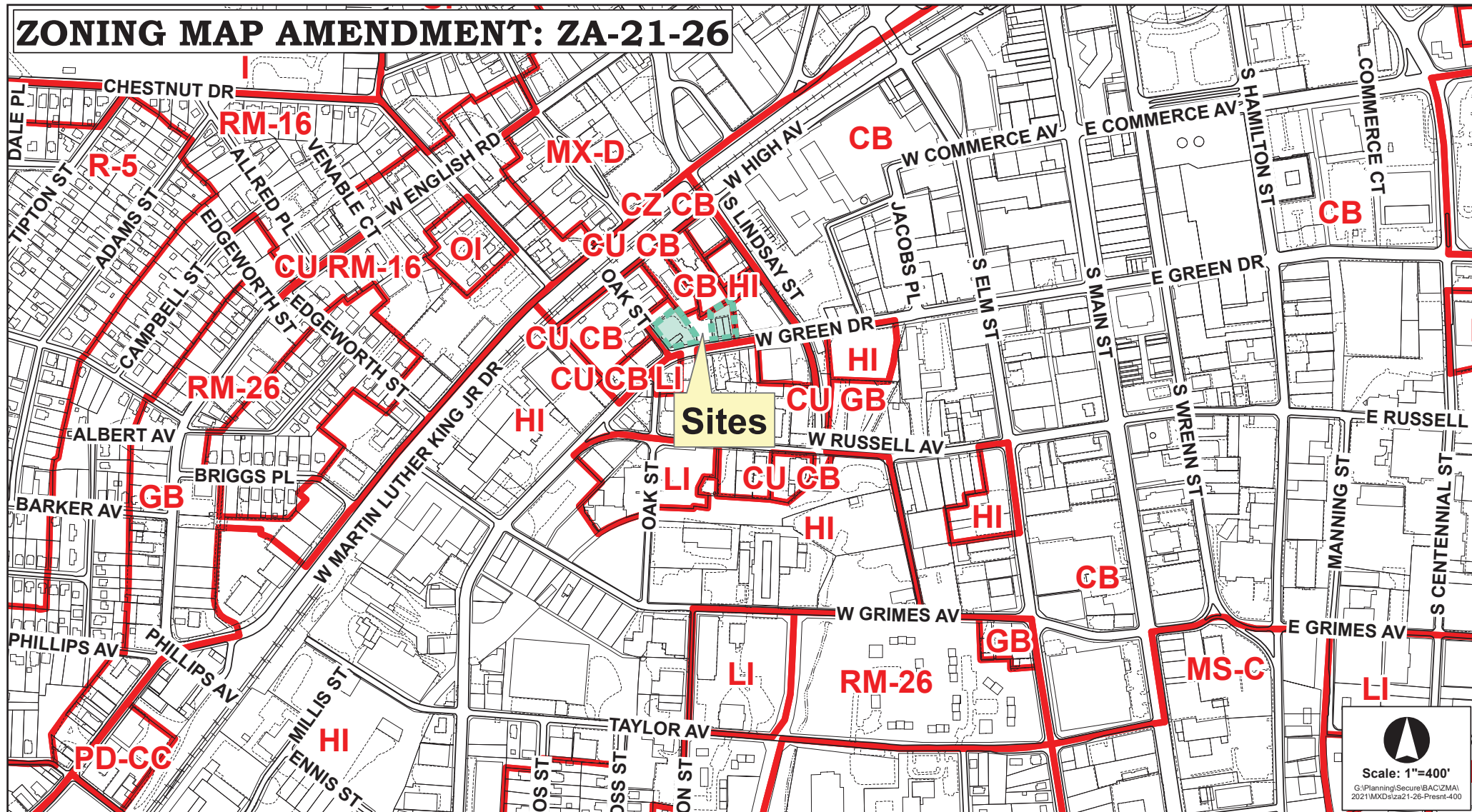
Thomasville



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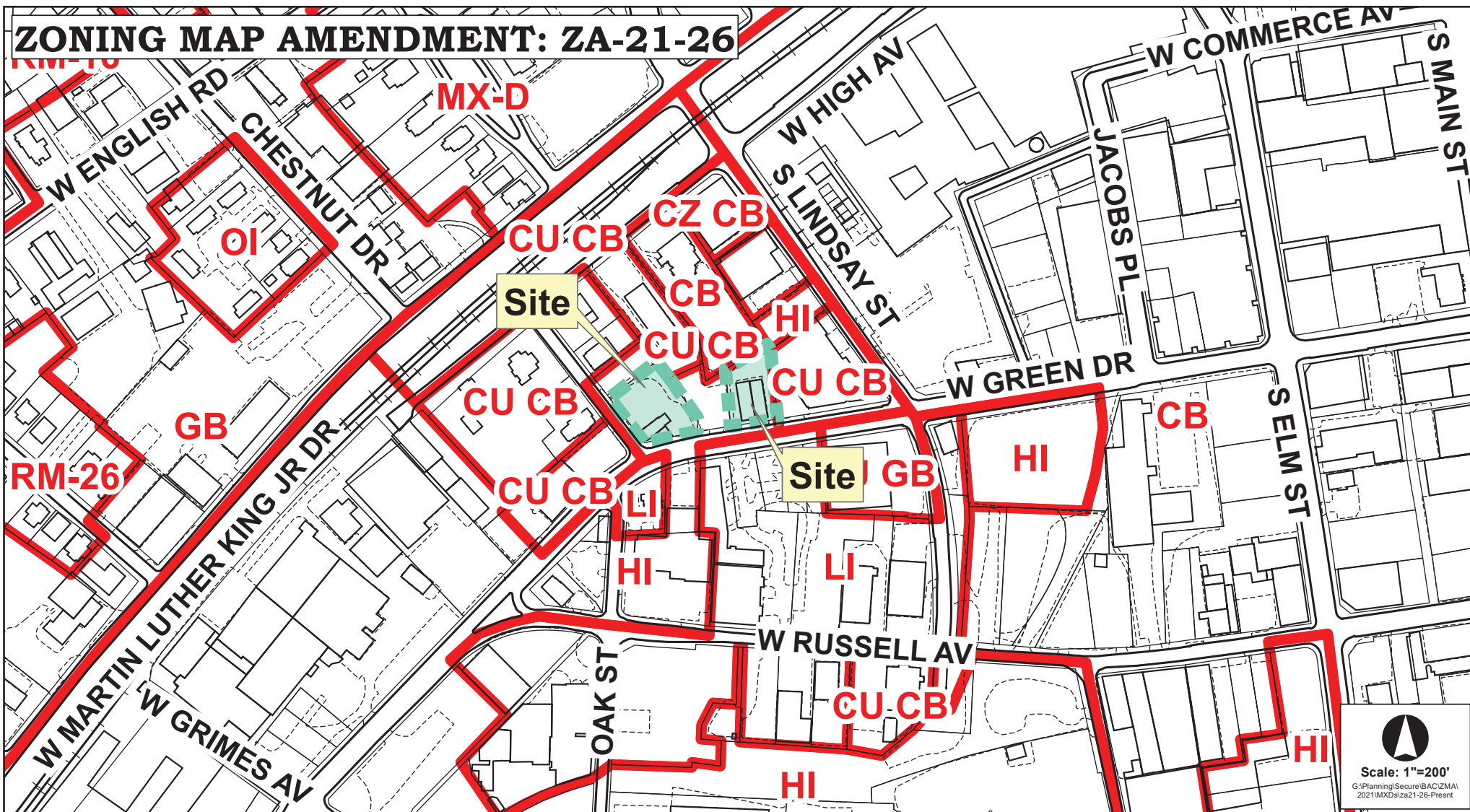
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ZONING MAP AMENDMENT: ZA-21-26

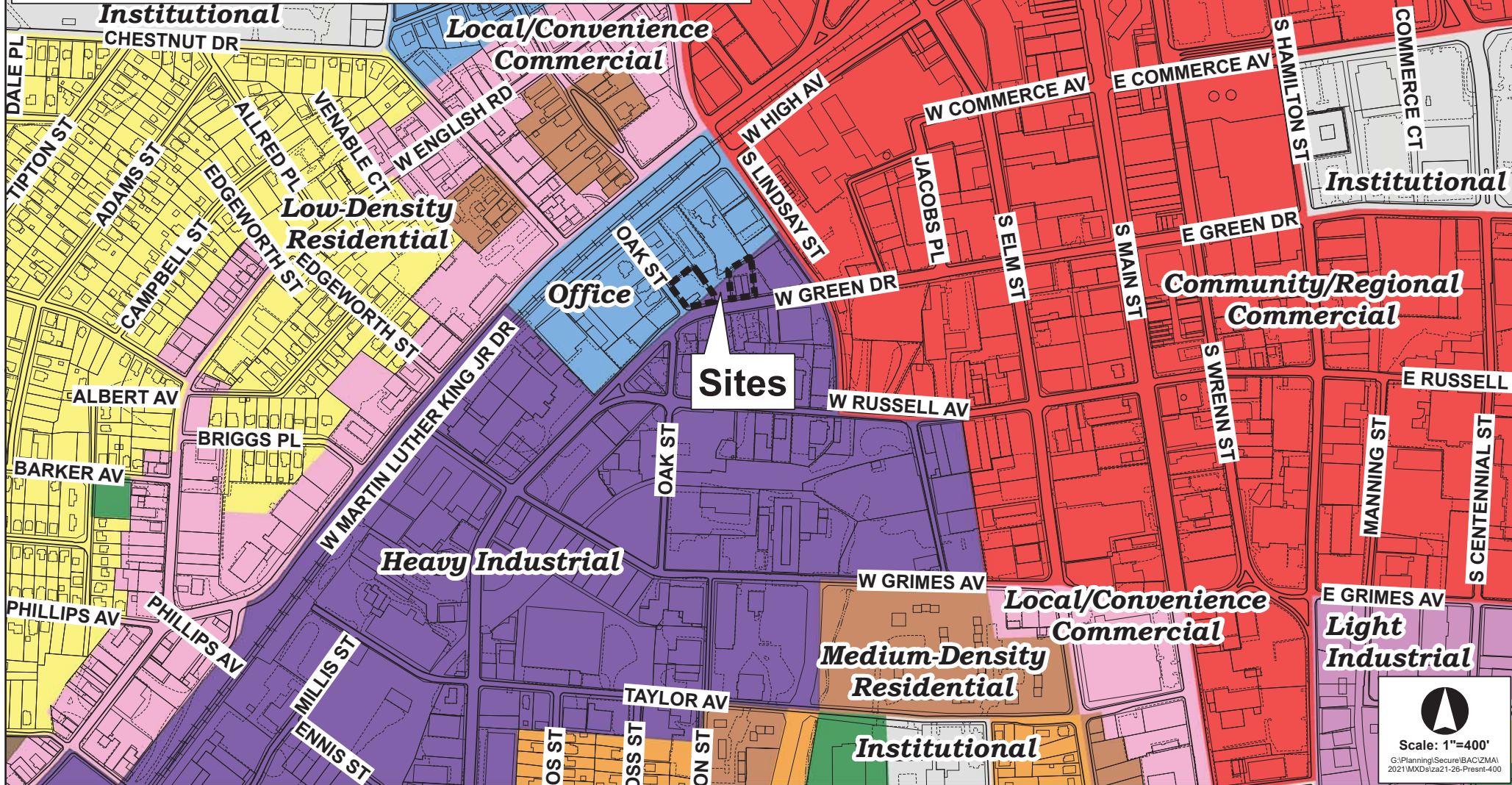


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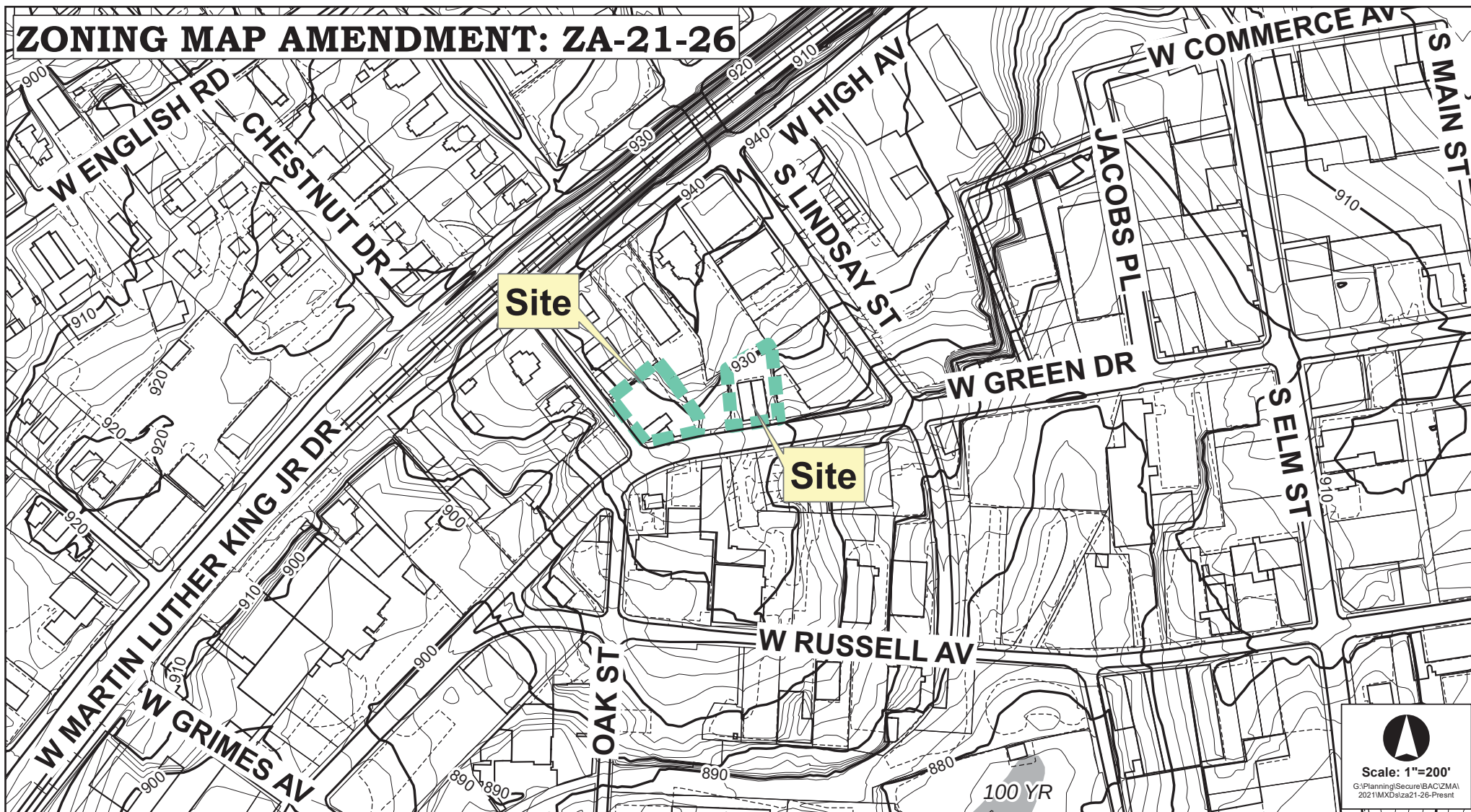
ZONING MAP AMENDMENT: ZA-21-26



ZONING MAP AMENDMENT: ZA-21-26

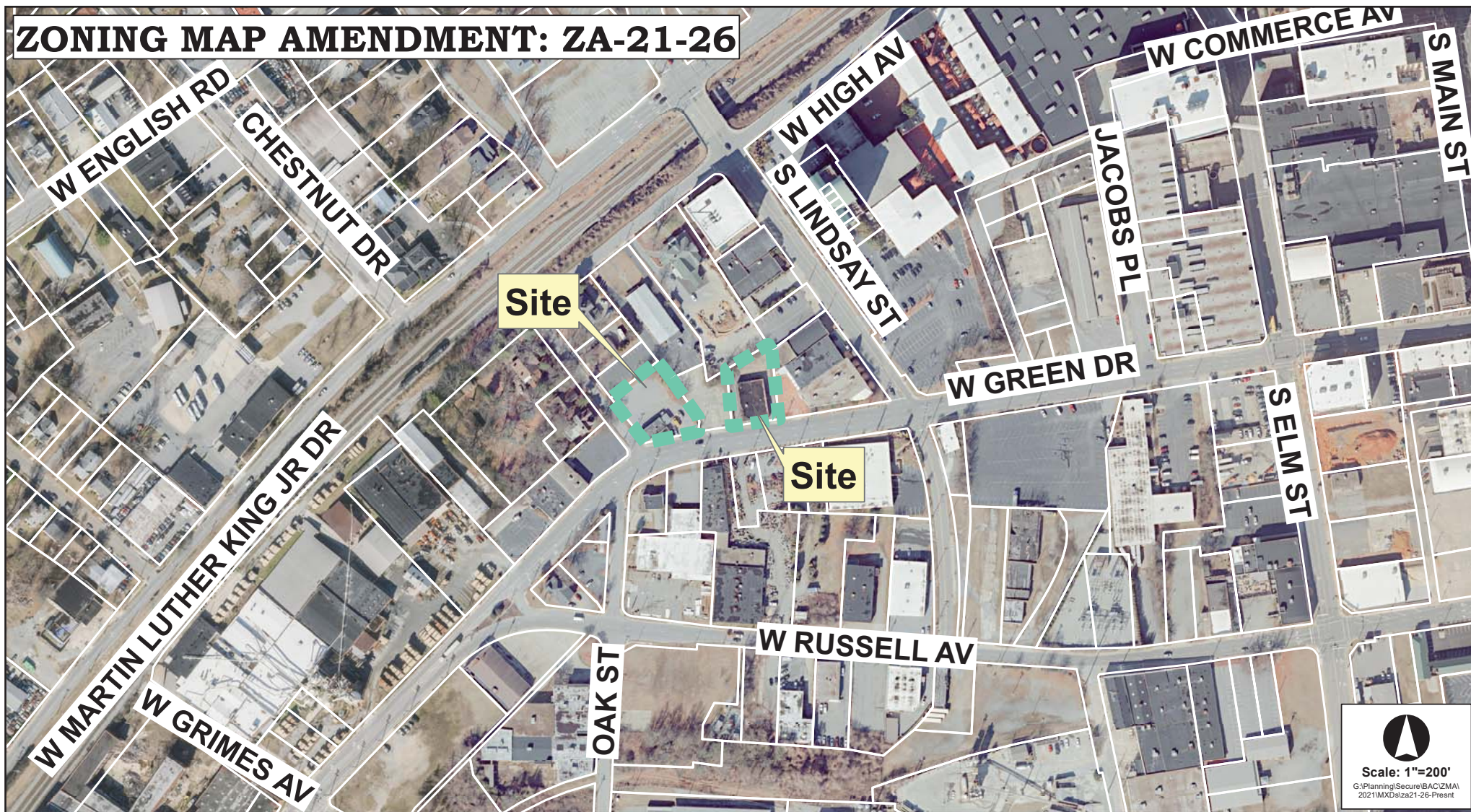


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ZONING MAP AMENDMENT: ZA-21-26



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case ZA-21-25 (ZA-21-25)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 31, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **December 6, 2021.**

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Central Business (CB) District.** The property is approximately 0.7 acres, located along the along the north side of W. Green Drive, approximately 300 feet west of S. Lindsay Street (512 & 514 W. Green Drive – Guilford County Tax Parcel 172466) and at the northeast corner of W. Green Drive and Oak Street (520 W. Green Drive – Guilford County Tax Parcel 172458).

SECTION 2

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of **December, 2021**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Pro-Active Storm Debris Removal Monitory Services

From: Terry Houk – Public Services Director
Robby Stone – Public Services Asst. Director

Meeting Date: December 6, 2021

Public Hearing: N/A

Advertising Date: October 1, 2021

Advertised By: Purchasing

Attachments: Attachment A – Evaluation Matrix

PURPOSE:

The City of High Point is continuing to take a proactive stance for disaster recovery services. Contracts have been administered to provide clean-up, demolition, removal, reduction, and disposal of debris resulting from a natural or manmade disaster as directed by the City of High Point to eliminate immediate threats to the public health and safety. The Purchasing Department issued request for proposals for storm debris monitoring services on October 1, 2021.

BACKGROUND:

The City of High Point has experienced ice storms, tornados and other events that have resulted in large quantities of vegetative debris over the past years. The most recent major event, March 2014 ice storm resulted in collection of over 16,000 tons of vegetative debris. City forces, mutual aid and the general public worked diligently for months cleaning up after this storm. This contract will assure that a firm provides monitoring services to properly conduct and document debris removal (as deemed necessary) when a storm event occurs. Proper monitoring and documentation can be submitted to FEMA for reimbursement.

BUDGET IMPACT:

Funds for this project will be set up in a storm debris removal account as directed by Finance when the event occurs.

RECOMMENDATION / ACTION REQUESTED:

The Public Services Department recommends approval and asks for the Council to award the project to Tetra Tech, Inc.



City of High Point
Storm Debris Monitoring Services
RFP 8011-102921 Score Summary Evaluation Sheet

RFP Section		Maximum Score		DebrisTech		Tetra Tech		Thompson Consulting Services, LLC		TLC Engineering
1. Experience and Capabilities		10								
2. Approach to Scope		15								
3. Review of References		20								
4. Project Team		20								
5. Timely Mobilization		10								
6. Other Commitment		10								
7. Fee Structure		15								
Total Score:		100		0		0		0		0

Firm Rank (1 = Highest Score, 4 = Lowest Score):

Reviewer Name

Date

CITY OF HIGH POINT	
RFP # 8011-102921 Storm Debris Monitoring Services	
Evaluation Matrix	
Company Name	Evaluation Score Out of 100 Points
Tetra Tech, Inc.	85.00
Thompson Consulting Services, LLC	76.00
Debris Tech, LLC	62.00
TLC Engineering, Inc.	59.00

CITY OF HIGH POINT

AGENDA ITEM



Title: Montlieu Undergrounding Project – Material Purchase
Bid # 10-111721; #11-111721; #12-111721

From: Garey Edwards, PE; Electric Utilities Director
Tyler Berrier, PE; Electric Utilities Asst. Dir.

Meeting Date: December 6, 2021

Public Hearing: N/A

Advertised By: N/A

Attachments: Attachment A: Bid Tabulations (3)
Attachment B: Recommendation Forms (3)
Attachment C: Transformer Pressing Need Recommendation

PURPOSE:

On November 17th, the City received bids for decorative street lighting, conduit, vaults, switch pads and pull boxes under the 3 bids listed above. There were also quotes solicited for transformers, but the only responsive bidder was also Wesco. These materials will be installed in conjunction with the Montlieu Undergrounding project that was previously approved by City Council. These 3 bids were for the purchase of material only.

BACKGROUND:

The Electric Department is procuring materials to be used on the Montlieu undergrounding project that was brought to council previously. The Purchasing Department solicited bids for decorative street lighting, conduit, vaults, switch pads and pull boxes to be used under this contract. These are all standard materials used regularly by the City of High Point Electric Utilities department.

BUDGET IMPACT:

Funds are included in the Capital budget to cover this material purchase. The total budget item was estimated at \$1.5 Million.

RECOMMENDATION / ACTION REQUESTED:

City Staff has reviewed the bid submittal and evaluated the information provided. The Electric Department is recommending that the bid for these items (Bid's 10-111721 at \$198,002.49, 11-111721 for \$443,687.67, 12-111721 for \$525,642.50 and Transformer pressing need quote for \$395,280.00) be awarded to WESCO Distribution, Inc. The total of these bids are \$1,562,612.66. Funds are included in the departments Capital budget to cover this material purchase.





**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **ELECTRIC**

COUNCIL AGENDA DATE: **12/6/2021**

BID NO.: **12-111721** CONTRACT NO.: DATE OPENED: **11/17/2021**

DESCRIPTION:

**LIGHTING AND STREET SCAPE
BID 12-111721**

PURPOSE:

THESE LIGHT FIXTURES WILL BE USED FOR THE MONTLIEU AVE IMPROVMENTS .

COMMENTS:

IT IS MY RECOMMENDATION THAT THE ENTIRE BID BE AWARDED TO WESCO FOR THE TOTAL PRICE OF \$525,642.50 . THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS .

RECOMMEND AWARD TO: **WESCO** AMOUNT: **\$525,642.50**

JUSTIFICATION:

WESCO HAD THE LOWEST PRICE OUT OF TWO BIDDERS , SO IT IS MY RECOMMENDATION THAT THE BID BE AWARDED TO WESCO .

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
431799	533701	431221024805	40202	\$525,642.50
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Tyler Berrier** Digitally signed by Tyler Berrier Date: 2021.11.18 15:26:46 -05'00' DATE: **Nov 18, 2021**

The Purchasing Division concurs with recommendation submitted by the **Electric Department** and recommends award to the lowest responsible, responsive bidder **WESCO** in the amount of \$ **525,624.50** .

PURCHASING MANAGER: **Erik S. Conti** Digitally signed by Erik S. Conti Date: 2021.11.19 08:56:01 -05'00' DATE: **Nov 19, 2021**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: **Bobby Fitzjohn** Digitally signed by Bobby Fitzjohn Date: 2021.11.19 09:44:51 -05'00' DATE: **Nov 19, 2021**

CITY MANAGER: DATE:



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **ELECTRIC**

COUNCIL AGENDA DATE: **12/6/2021**

BID NO.: **10-111721** CONTRACT NO.: DATE OPENED: **11/17/2021**

DESCRIPTION:

**CONCRETE STRUCTURES
BID 10-111721**

PURPOSE:

THESE CONCRETE STRUCTURES WILL BE USED FOR THE MONTLIEU AVE IMPROVMENTS .

COMMENTS:

IT IS MY RECOMMENDATION THAT THE ENTIRE BID BE AWARDED TO WESCO FOR THE TOTAL PRICE OF \$198,002.00 . THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS .

RECOMMEND AWARD TO: **WESCO** AMOUNT: **\$198,002.00**

JUSTIFICATION:

WESCO HAD THE LOWEST PRICE OUT OF TWO BIDDERS , SO IT IS MY RECOMMENDATION THAT THE BID BE AWARDED TO WESCO .

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
431799	533701	431221024805	40202	\$198,002.00
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Tyler Berrier** Digitally signed by Tyler Berrier Date: 2021.11.18 15:30:15 -05'00' DATE: **Nov 18, 2021**

The Purchasing Division concurs with recommendation submitted by the **Electric Department** and recommends award to the lowest responsible, responsive bidder **WESCO** in the amount of \$ **198,002.49** .

PURCHASING MANAGER: **Erik S. Conti** Digitally signed by Erik S. Conti Date: 2021.11.19 08:57:27 -05'00' DATE: **Nov 19, 2021**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: **Bobby Fitzjohn** Digitally signed by Bobby Fitzjohn Date: 2021.11.19 09:45:15 -05'00' DATE: **Nov 19, 2021**

CITY MANAGER: DATE:



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: **ELECTRIC**

COUNCIL AGENDA DATE: **12/6/2021**

BID NO.: **11-111721** CONTRACT NO.: DATE OPENED: **11/17/2021**

DESCRIPTION:

**PVC - CONDUIT
BID 11-111721**

PURPOSE:

THIS PVC CONDUIT WILL BE USED FOR THE MONTLIEU AVE IMPROVMENTS .

COMMENTS:

IT IS MY RECOMMENDATION THAT THE ENTIRE BID BE AWARDED TO WESCO FOR THE TOTAL PRICE OF \$443,687.67 . THEY ARE THE LOWEST RESPONSIVE BIDDER MEETING SPECIFICATIONS .

RECOMMEND AWARD TO: **WESCO** AMOUNT: **\$443,687.67**

JUSTIFICATION:

WESCO HAD THE LOWEST PRICE OUT OF TWO BIDDERS , SO IT IS MY RECOMMENDATION THAT THE BID BE AWARDED TO WESCO .

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
431799	533701	431221024805	40202	\$443,687.67
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: **Tyler Berrier** Digitally signed by Tyler Berrier Date: 2021.11.18 15:28:54 -05'00' DATE: **Nov 18, 2021**

The Purchasing Division concurs with recommendation submitted by the **Electric Department** and recommends award to the lowest responsible, responsive bidder **WESCO** in the amount of \$ **443,687.67**.

PURCHASING MANAGER: **Erik S. Conti** Digitally signed by Erik S. Conti Date: 2021.11.19 08:53:45 -05'00' DATE: **Nov 19, 2021**

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: **Bobby Fitzjohn** Digitally signed by Bobby Fitzjohn Date: 2021.11.19 09:45:50 -05'00' DATE: **Nov 19, 2021**

CITY MANAGER: DATE:



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT:

COUNCIL AGENDA DATE:

BID NO.:

CONTRACT NO.:

DATE OPENED:

DESCRIPTION:

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO:

AMOUNT:

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD:

DATE:

**The Purchasing Division concurs with recommendation submitted by the
award to the lowest responsible, responsive bidder**

**and recommends
in the amount of \$.**

PURCHASING MANAGER:

DATE:

Approved for Submission to Council

FINANCIAL SERVICES DIRECTOR:

DATE:

CITY MANAGER:

DATE:



CONFIDENTIAL

Quotation Date: 11/05/2021
Quotation Number: Q-00004041
FOR FASTER HANDLING
OF YOUR ORDER REFER TO
THIS NUMBER

To: WESCO DISTRIBUTION, INC 2465M00
334 ATKINSON STREET
CLAYTON, North Carolina 27520
Estados Unidos

Attn: PAUL PALMER
Customer RFQ: City of High Point
Quote Expiration Date: 12/09/2021

We thank you for your inquiry and are pleased to submit the following quotation. When placing an order, please reference this quote # on your order and process your Purchase order to the "vendor name" on the line(s) below along with payment to the correct "remit to address" as shown

Line 1

CUSTOMER ITEM	GE ITEM	QUANTITY	UNIT PRICE	LEAD TIME
	QGG0871	40		25

Capacity - kVA: 25
Primary Voltage: 12470grdy/7200
Secondary Voltage: 240/120
Details:
Description: 50 KVA
1PH PADMOUNT TRANSFORMER
12470 GRDY / 7200 - 240/120
NO TAPS
Mini-Padmount 2 HV Bushings, Hood Depth 17
Bayonet Exp. Fuse+Partial Range CLF
Loop Feed
/304 SS Skirt 1.5 in
NO LOAD LOSSES-91, LOAD LOSSES-553, TOTAL LOSSES-644
IZ PCT: 2 EXC PCT: 2

\$4,418.00

Accessories:

DOE 2016 Standard Compliant Design
Standard Nameplate
Mineral oil per ASTM type II
Stencil 2.5 in high yellow letters
Stencil 2.5 in high yellow letters
Decal H1A
Decal H1B
Decal X1
Decal X2
Decal X3
Decal Filled with NON-PCB Mineral Oil at time of Manufacture
Decal for Bayonet Instructions
Danger Decal per NEMA fig. 2
Warning Decal Per Nema fig. 1
IFD Device
IFD Cap
CELECO GRD CONECTOR CAT# D1088 #10 TO #1 AWG
LV Bushing, 5/8" Stud, Celeco
HVB Wells, 25kV, Removable Stud, Central Moloney
FUS CLF SHORTY MERSEN 0F50CBC080
GE Exp. Fuse Cat # 0F54LFC080
MUNSELL GREEN
CITY OF HIGH POINT DANGER DECAL
Drain Plug
Fill Plug
Bayonet with flapper
MS Tank 13 Gauge
304 SS Sill 13 Gauge
MS Hood 13 Gauge
MS Parking Stand 14 Gauge

prolec[®]



Line 2

CUSTOMER ITEM	GE ITEM	QUANTITY	UNIT PRICE	LEAD TIME
	QGGQ010	40		25

\$5,464⁰⁰

Capacity - kVA: 50
 Primary Voltage: 12470grdy/7200
 Secondary Voltage: 240/120
 Details:
 Description: 25 KVA
 1PH PADMOUNT TRANSFORMER
 12470 GRDY / 7200 - 240/120
 2 - 2 1/2% A&B TAPS
 Mini-Padmount 2 HV Bushings, Hood Depth 17
 Bayonet Exp. Fuse Partial Range CLF
 Loop Feed
 304 SS Skid 15 in
 NO LOAD LOSSES-57, LOAD LOSSES-310, TOTAL LOSSES-375
 IZ PCT: 2 EXC PCT: 2

Accessories:

DOE 2010 Standard Compliant Design
 Standard Nameplate
 Mineral oil per ASTM type II
 Stencil 2 5 in high yellow letters
 Stencil 2 5 in high yellow letters
 Decal H1A
 Decal H1B
 Decal X1
 Decal X2
 Decal X3
 Caution Decal for Tap Changer (US)
 Decal Filled with NON-PCB Mineral Oil at time of Manufacture
 Decal for Bayonet Instructions
 Danger Decal per NEMA fig. 2
 Warning Decal Per Nema fig. 1
 IFD Device
 IFD Cap
 CELECO GRD CONECTOR CAT# D1088 #10 TO #1 AWG
 LV Bushing, 5/8" Stud, Coleco
 HVB Wells, 25kV, Removable Stud, Central Moloney
 FUS CLF SHORTY MERSEN 9F59CBG040
 GE Expulsion Fuse Cat # 0F54LFC050
 MUNSELL GREEN
 CITY OF HIGH POINT DANGER DECAL
 Drain Plug
 Fill Plug
 Bayonet with flapper
 MS Tank 13 Gauge
 304 SS Skid 13 Gauge
 MS Hood 13 Gauge
 MS Parking Stand 14 Gauge

I. - GENERAL COMMENTS & CLARIFICATIONS

- Given the ongoing and constantly changing status of the epidemic/pandemic situations, such as coronavirus, around the world including emerging governmental restrictions, Seller assures Buyer that Seller are staying abreast of the situation across the globe. The impacts of these situations cannot reasonably be determined at this time, however, Seller will keep Buyer aware of any developments that may impact timing, schedule, pricing or other aspects of our contract. While Seller does not propose to make changes now, Seller's proposal did not consider the impacts of the coronavirus or any other epidemic/pandemic situation and may need to be adjusted, we will determine what (if any) changes we may need at a time of the award and will work with customer to ensure mutual agreement.
- Prolec GE designs, manufactures and test transformers in accordance with the latest applicable sections of ANSI, NEMA and IEEE Standards. We take exceptions to all other codes and standards.
- Prolec GE quoted based on BOM of the transformer stated on an email. Without any Specification or Drawing
- Prolec GE will provide standard impedance & losses values.
- Features not specifically documented in above bill of materials should not be assumed to be included. If required, please clarify with your Customer Support Engineer properly.
- **Spare Parts and Installation:** Unless specifically stated otherwise, this quotation does not include any field related labor or materials such as but not limited to delivery, storage, handling, installation, grounding, field testing, cleaning, adjusting, training/demonstration, coordination studies startup, special tools, spare parts, etc.
- Transformers are tested according to ANSI Standard Test Code for Transformers C57.12.90

II. - DRAWING AND SHIPMENT CYCLES (WEEKS)

Description	For Record Drawings	For Approval Drawings
Mailing of Drawings (Weeks)	6	6
Customer Drawings return	N/A	2*

***Actual shipment and drawings will depend on factory backlog at the time of the purchase order acceptance. Shipment dates are approximate and are based upon prompt receipt of all necessary information from Buyer. If Buyer exceeds the approval drawing cycle time allowed, the shipment will extend at least accordingly to the extra time taken.**

* Prolec-GE reserves the right to substitute, at its discretion, materials used to manufacture the products. Should Prolec-GE substitute any materials, it will make reasonable efforts to notify the Buyer. If Prolec-GE believes that a substitution of material will affect any express performance guarantees, it will notify Buyer and the performance guarantees will be adjusted to reflect the use of the new material.

Customer will return approval drawings by (Add 2 weeks) with the release for manufacture, otherwise price will be subject of revision according to Release Clause DT stated in our quotation letter section IV.

Release Clause DT applies along with GE Terms and Conditions of Sales listed in GE PROLEC EM104. All Changes must be resolved before order entry.

III. - TERMS, CONDITIONS & WARRANTY

This proposal will remain valid for a period of 30 days after submittal.

PGE currently facing a dynamic market of commodities (copper, silicon steel, oil, aluminum and carbon steel) where the costs are fluctuating, so Prolec GE reserves the right of revisit the pricing of this proposal if the cost of the commodities vary +2% from the date of the quote. For projects to be decided after 30 days, please contact our team through your assigned Sales Rep to get a quote update. For long-term projects we invite you to ask us about our Prolec GE Price Index policy which allows the buyer and seller to be protected for positive and negative commodities fluctuations for the duration of the contract.

The Buyer may not make any public announcement in relation to the Contract (including to any purchase orders or related contractual documents), including the fact that it exists, without the prior written approval of Seller on such terms and conditions as Seller thinks fit.

All items are sold FCA (Incoterms 2010) Laredo, TX, USA, with transportation allowed to the carrier delivery point listed in this quotation within the confines of the continental United States, excluding Alaska or Hawaii.

Terms of payment are 100% net cash within 30 days from date of shipment.

There will be a 1.5% charge per month of the total invoice price beginning 30 days after the date of the invoice, but the amount shall not be in excess of the applicable usurious rate.

Cancellation of Order

The Buyer may cancel his order only upon a written notice and upon payment to Prolec GE of reasonable and proper cancellation charges.

Cancellation Charges:	% of selling price
1 week after order	10
3 weeks after order	15
Before factory release	20
1 week after release	65
2 weeks after release	70
3 weeks after release	90
4 weeks after release	100

The following applies unless specified otherwise:

Release Clause DT

1. The prices stated herein are firm provided:

a. If order is immediate release with a scheduled shipment date within ninety (90) calendar days from the date of such order (or at Seller's earliest convenience thereafter), and no change orders are agreed upon within such ninety (90) day period; or

b. If approval drawings from Buyer are required before starting manufacture of the products, the drawings must be reviewed and approved by Buyer no later than 30 calendar days after submittal thereof by Seller. Otherwise, will be subject for price adjustment at 1.5% for each full month or fraction thereof that approval is thereby delayed.

2. In the event that the customer for any reason does not comply with the conditions in paragraph 2 above and/or shipment is delayed for a reason not within the control of the Company, the price shall be increased 1.5% for each full month or fraction thereof that shipment is there by delayed after the 90-day period from the date of order.

In the event the Company has been delayed by any of the causes specified in the clause entitled "Excusable Delays" which is set forth in the Company's Conditions of Sale, "Shipment" shall mean the actual date of shipment.

Standard warranty coverage applies (unless otherwise noticed): 12 months from energization or 18 months from date of shipment, whichever occurs first.

The sale of any product or service by GE-Prolec is expressly conditioned upon Buyer's assent to the terms (Form GE PROLEC EM104) contained herein. Any additional or different terms proposed by Buyer are expressly objected to and will not be binding upon GE-Prolec unless specifically agreed in writing by GE-Prolec's authorized representative.

NOTICE: SALES OF ANY PRODUCT AND/OR SERVICES COVERED BY THIS QUOTATION ARE EXPRESSLY CONDITIONAL ON THE CUSTOMER'S ASSENT TO THE DIFFERENT OR ADDITIONAL TERMS CONTAINED HEREIN (INCLUDING THOSE ATTACHED TO THIS QUOTATION). ANY ADDITIONAL OR DIFFERENT TERMS PROPOSED BY CUSTOMER ARE EXPRESSLY OBJECTED TO AND WILL NOT BE BINDING UPON SELLER UNLESS SPECIFICALLY ASSENTED TO IN WRITING BY SELLER'S AUTHORIZED REPRESENTATIVE. ANY ORDER FOR OR ANY STATEMENT OF INTENT TO PURCHASE HERE UNDER, OR ANY DIRECTION TO PERFORM WORK AND SELLER'S PERFORMANCE OF WORK, SHALL CONSTITUTE ASSENT TO SELLER'S TERMS AND CONDITIONS (See GE EM104 T&Cs <https://store.gegridsolutions.com/termEM104-Grid.pdf>).

*Some stock is currently available subject to prior sale. If stock is depleted at the time of Order, Standard lead time will apply. ** Subject to change as lead-times are confirmed upon receipt of purchase order.

PROP 4941

CITY OF HIGH POINT

- WE ARE QUOTING PER CITY OF HIGH POINT SPECIFICATIONS FOR PAD MOUNTED DISTRIBUTION TRANSFORMER CHP STORES #816 & #3597; NO OTHER SPEC WILL APPLY.

***** EXCEPTIONS *****

- WE ARE TAKING EXCEPTION TO GENERAL TERMS AND CONDITIONS WE ARE QUOTING TERMS AND CONDITIONS EM 104.

- WE ARE TAKING EXCEPTION TO MEET POINT 18, WE ARE PROVIDING NON PCB DECAL: "FILLED WITH NON-PCB MINERAL OIL AT TIME OF MANUFACTURE PER 40CFR 761".

- WE ARE TAKING EXCEPTION TO PROVIDE EPOXY LV BUSHING, THESE ARE MADE WITH HIGH TEMPERATURE NYLON.

- WE ARE TAKING EXCEPTION TO PROVIDE ESHA HV BUSHING WELLS, IN ORDER TO IMPROVE PRICE AND LEAD TIME WE ARE OFFERING CENTRAL MOLONEY BUSHING WELL, WE ARE SENDING BROCHURE VIA EMAIL FOR THE CUSTOMER APPROVAL

- WE ARE TAKING EXCEPTION TO PROVIDE 400 SS SKIRT, WE ARE QUOTING 304L SS SKIRT 1.5" WITH STAINLESS STEEL SILL 304.

***** COMMENTS *****

- PROLEC GE DESIGNS, MANUFACTURES AND TEST TRANSFORMERS IN ACCORDANCE WITH THE LATEST APPLICABLE SECTIONS OF ANSI, NEMA AND IEEE STANDARDS. WE TAKE EXCEPTIONS TO ALL OTHER CODES AND STANDARDS.

- WARRANTY COVERAGE APPLIES 12 MONTHS FROM ENERGIZATION OR 18 MONTHS FROM



DATE OF SHIPMENT, WHICHEVER OCCURS FIRST.

• WARRANTY COVERAGE MAY BE EXTENDED AT A PRICE ADDITION OF 2% FOR A TWO-YEAR WARRANTY, 4% FOR A THREE-YEAR WARRANTY AND 6% FOR A FIVE-YEAR WARRANTY. ALL EXTENDED WARRANTIES ARE FROM DATE OF SHIPMENT.

- WE ARE QUOTING PER ANSI C57.12.38, LOOP FEED, SINGLE PARKING STAND.
- PER LOW PROFILE WE ARE QUOTING MINI-PAD ANSI TYPE II.
- WE ARE QUOTING PRIMARY VOLTAGE 12470GRDY/1200
- WE ARE QUOTING SECONDARY VOLTAGE 240/120, WITH INTERLACED WINDINGS.
- WE ARE QUOTING 2-2.5% ABOVE % BELOW HV TAPS.
- WE ARE QUOTING BAYONET EXP FUSE + PARTIAL RANGE CLF.
- PER DRIP SHIELD WE ARE QUOTING PLASTIC DRIP CUPS.
- IN POINT 18 B WE ARE PROVIDING CONTRASTING STENCILS INSTEAD OF REFLECTIVE DECALS.

- ANSI C57.12.90 INCLUDES AS ROUTINE TEST AS FOLLOW.
 - RESISTANCE MEASUREMENTS
 - RATIO
 - POLARITY AND PHASE RELATION
 - NO-LOAD LOSSES AND EXCITATION CURRENT
 - LOAD LOSSES AND IMPEDANCE VOLTAGE
 - LOW FREQUENCY TEST (APPLIED AND INDUCED POTENTIAL)
 - LIGHTING IMPULSE
 - EFFICIENCY AT $\frac{1}{2}$, $\frac{1}{3}$, $\frac{2}{3}$, AND FULLY LOAD
 - VOLTAGE REGULATION AT 1.0 AND 0.8 POWER FACTOR
- IF YOU REQUIRE SPECIAL TESTS PLEASE CONSIDER AN EXTRA COST WILL APPLY.

DACS
11/09/2021

Regards,

Shawn Carpenter

CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 21-27**
(*High Point Eastchester Investment, LLC*)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 24, 2021, and
December 1, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by High Point Eastchester Investment, LLC, to rezone an approximate one-acre parcel from the Office-Institutional (OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

The applicant, Mr. Mark Lindsay, 1912 Eastchester Drive, High Point, spoke in favor of the request. Mr. Lindsay stated that the rezoning application is conditioned to act as the northern terminus of the abutting Center Stage shopping center and that they have offered conditions to restrict the intensity (limit building square footage) of any major restaurant use that may develop on the site. He stated that the intent is to develop a Bruster's Ice Cream restaurant that does not have indoor seating. He added that the franchise owner, the contractor and he were available for any questions.

There were no speakers in opposition.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.
2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-27 is consistent with the City's adopted policy guidance because, as conditioned, the requested CZ-GB District will not conflict with adopted policy guidance documents, given its particular location. Furthermore, the request is reasonable and in the public interest because, as conditioned, the site will serve as the northern boundary of the abutting RC-zoned shopping center and will not be in conflict with the preferred development pattern encouraged by the Eastchester Drive Corridor Plan. Mr. Morgan seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-27
November 9, 2021**

Request	
Applicant: High Point Eastchester Investment, LLC	Owner: High Point Eastchester Investment, LLC
Zoning Proposal: To rezone an approximate one-acre parcel	From: OI Office-Institutional District. To: CZ-GB Conditional Zoning General Business District

Site Information	
Location:	The site is located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street.
Tax Parcel Number:	Guilford County Tax Parcel 172458
Site Acreage:	Approximately one acre
Current Land Use:	Undeveloped
Physical Characteristics:	The site has no noteworthy features.
Water and Sewer Proximity:	Both a 16-inch City water line and an 8-inch City sewer line lie adjacent to the site along Eastchester Drive.
General Drainage and Watershed:	The site generally drains in a westerly direction and development is subject to the Oak Hollow Lake Watershed Critical Area (WCA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site. The site is within Tier 3 of this WCA, where development is limited to 2 dwelling units per acre or 35% built-upon area.
Overlay District	• Eastchester Gateway Corridor Overlay District • Oak Hollow Lake Watershed Critical Area – Tier 4

Adjacent Property Zoning and Current Land Use			
North:	CU-LB	Conditional Use Limited Business District	Office complex with various office and personal service establishments.
South:	CU-RC	Conditional Use Retail Center District	Shopping Center
East:	R-5	Office Institutional District	Single family dwellings
West:	OI	Office Institutional	Religious institution (church)

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	The site has a Local/Convenience Commercial land use designation. This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.

Land Use Plan Goals, Objectives & Policies:	The following objectives of the Land Use Plan are relevant to this request: Obj. #2. Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development. Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan:	<u>Eastchester Corridor Plan - Phase I</u> This plan was last updated in 1994 when it primarily focused on the impacts of the recently proposed, at that time, Oak Hollow Mall, both in terms of land use and traffic management. However, that update built on a previous version of the plan that made recommendations related to limiting commercial uses to major intersections, providing additional landscape and setback buffers, controlling the number of driveway cuts along Eastchester Drive, and considering minimum appearance standards for new buildings. Many of these recommendations were implemented by subsequent Development Ordinance revisions and adoption of the Eastchester Scenic Corridor (now Gateway) Overlay zoning district.
Zoning History:	In 2017 the former Laurel University site, along the opposite side of Eastchester Drive, was sold and the land converted from an educational use to a religious institution use. Except for the 2017 rezoning to the Office-Institutional (OI) District to establish the church, there has been no recent rezoning in this area.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Eastchester Drive		Major Throughfare	140 ft.
Vehicular Access:	Via shared driveway access from abutting property to the north.			
Traffic Counts: (Average Daily Trips)	Eastchester Drive		28,000 AADT (2019 NCDOT traffic count)	
Estimated Trip Generation:	Not applicable			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	As restricted by the proposed conditional zoning ordinance, a TIA is not required.	
Conditions:	The City of High Point Transportation Director and NCDOT shall approve the exact location and design of all access points and improvements.			

School District Comment
Not applicable to this zoning case.

Details of Proposal
The applicant is requesting rezoning of this parcel from its current Office Institutional (OI) District to a Conditional Zoning General Business (CZ-GB) District to allow some limited commercial uses on this parcel. In conjunction with this request the applicant has submitted a corresponding

conditional zoning ordinance in which it has offered conditions pertaining to permitted uses, development/dimensional requirements and vehicular access

Staff Analysis

This section of the Eastchester Drive corridor, between N. Centennial Street to Lassiter Drive, is classified by the Land Use Map as Community/Regional Commercial for a shopping center use at the corner of this intersection and Local/Convenience Commercial for the area north of the shopping center. The Center Stage Shopping Center is zoned Conditional Use Retail Center (CU-RC) District and land use intensity reduces to the Limited Business (LB) District northward along the corridor. The zoning site abuts this shopping center and acts as a transitional parcel. The applicant desires to develop this site as the northern edge of the abutting shopping center and proposes to construct a major restaurant (restaurant with drive-thru window) with a limited footprint. This use type is permitted in the abutting shopping center, but not on lands north of the subject site.

So as to function as the northern boundary of the shopping center and to provide a transition in commercial use intensity, the applicant has offered the following conditions:

- There is currently no perimeter buffer that meets RC District standards on the common property line between the shopping center and the zoning site. So that the zoning site may function as the northern limits of the abutting shopping center the applicant has offered a condition to provide an RC District perimeter setback (30 feet) along the eastern, northern and western boundaries of the zoning site.
- To lessen the intensity of development the applicant has offered a condition to limit allowable commercial uses. The only GB District use permitted will be the major restaurant use type, all other uses are restricted to those permitted in the LB District. Furthermore, the major restaurant use type is limited to a maximum gross floor area of 1,700 square feet. To provide some context, recent major restaurant uses developed in the City have had gross floor areas ranging from 3,400 to 4,000 square feet.

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

As conditioned, the requested CZ-GB District will not conflict with adopted policy guidance documents, given its particular location.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

As conditioned, the site will serve as the northern boundary of the abutting RC-zoned shopping center and will not be in conflict with the preferred development pattern encouraged by the Eastchester Drive Corridor Plan.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

The applicant has conditioned the zoning site so that it will serve as an extension of the abutting shopping center, but also to act as a lower intensity transitional parcel. The RC District perimeter setback standard (30 feet) is being applied, but uses are limited to those permitted in the LB District, except for major restaurant use type. This will ensure development will be compatible with abutting residential uses and consistent with the development pattern to the north along this corridor.

Mitigation of Impacts

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc. ❖ Lighting and screening requirements of the Development Ordinance will assist to mitigate negative impact as to spill over lighting onto adjacent property and to screen trash loading areas. ❖ No direct access will be permitted to Eastchester Drive; however, the applicant has offered to provide for cross-access to adjacent parcels to the north and to the south. ❖ Most commercial uses will require the installation of a Type B perimeter planting yard next to the abutting single family subdivision to the east. This planting yard consist of an average width of 25 feet, with 10 trees and 25 shrubs every 100 linear feet.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat. The site is within the Oak Hollow Lake Watershed Critical Area, and as such, development is required to meet the watershed standards of the Development Ordinance.
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire. The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.

Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.
	The applicant has offered conditions to limit allowable GB District uses, to restrict the building size of a high intensity commercial use, and to provide for a higher perimeter setback standard. As conditioned, the requested CZ-GB District will not adversely affect adjacent properties.

Supportive Changes in the Area

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

As conditioned, this request would act as an extension of the abutting shopping center and create a northern boundary to the abutting RC-zoned development.

Promotes a Preferred Development Pattern

Whether and the extent to which the proposed conditional zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

As conditioned, the zoning request will continue to promote a development pattern consistent with established land use policy.

Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the request to rezone this one-acre parcel to the CZ-GB District. As conditioned, the requested CZ-GB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

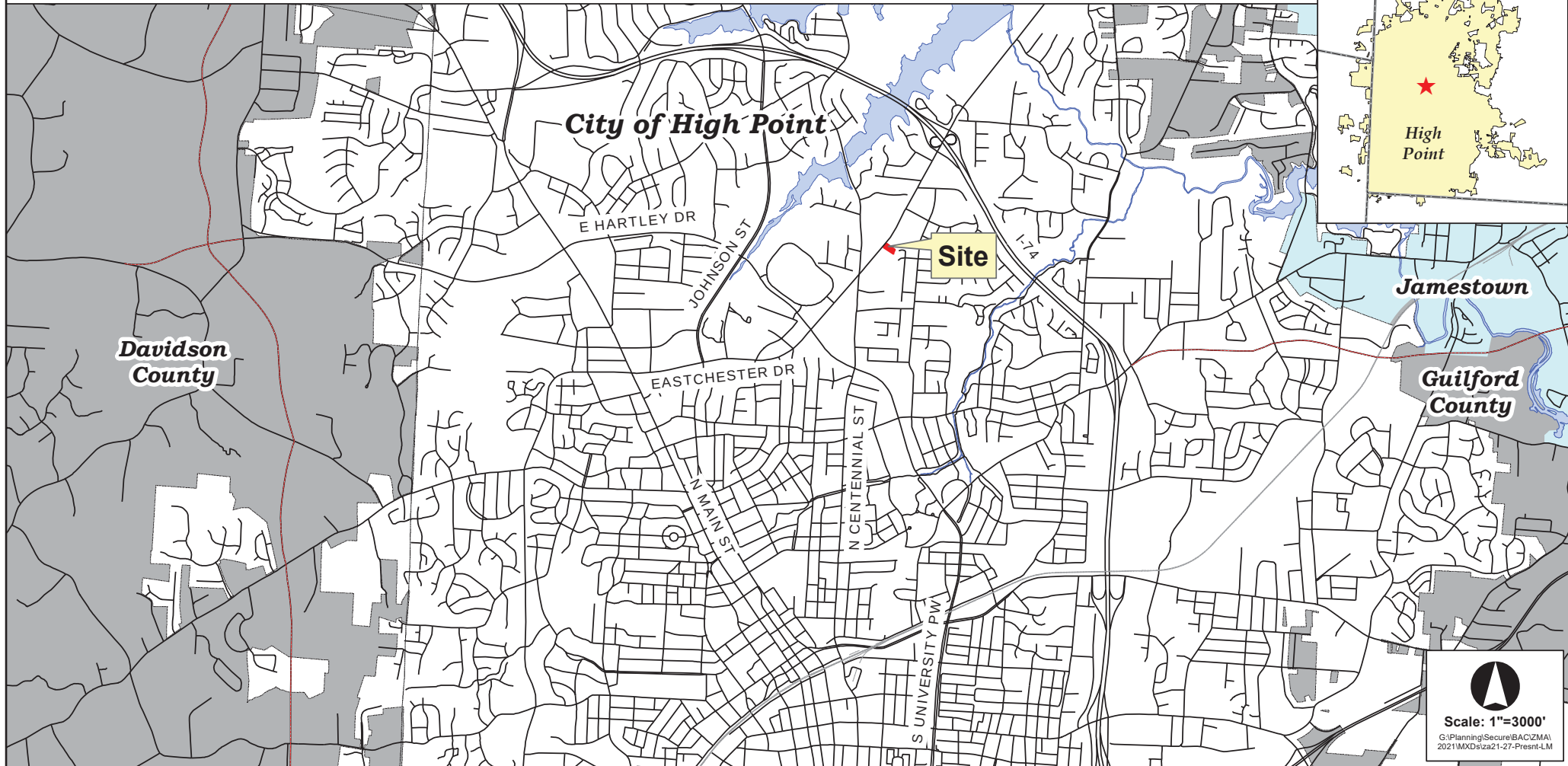
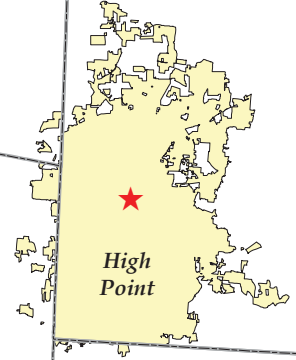
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-27

Applicant: High Point Eastchester Investment, LLC

Vicinity Map



Jamestown

Guilford County

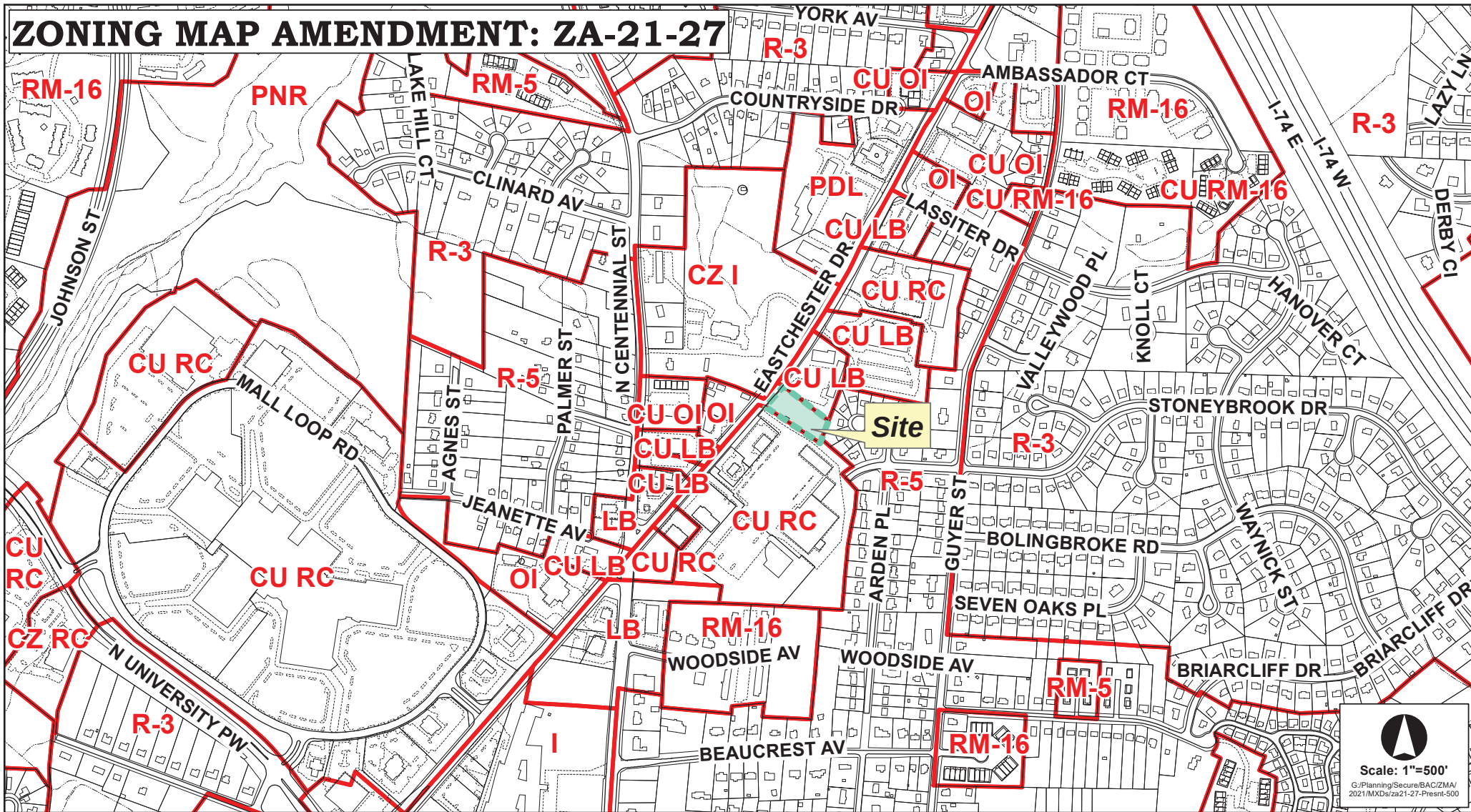
Davidson County



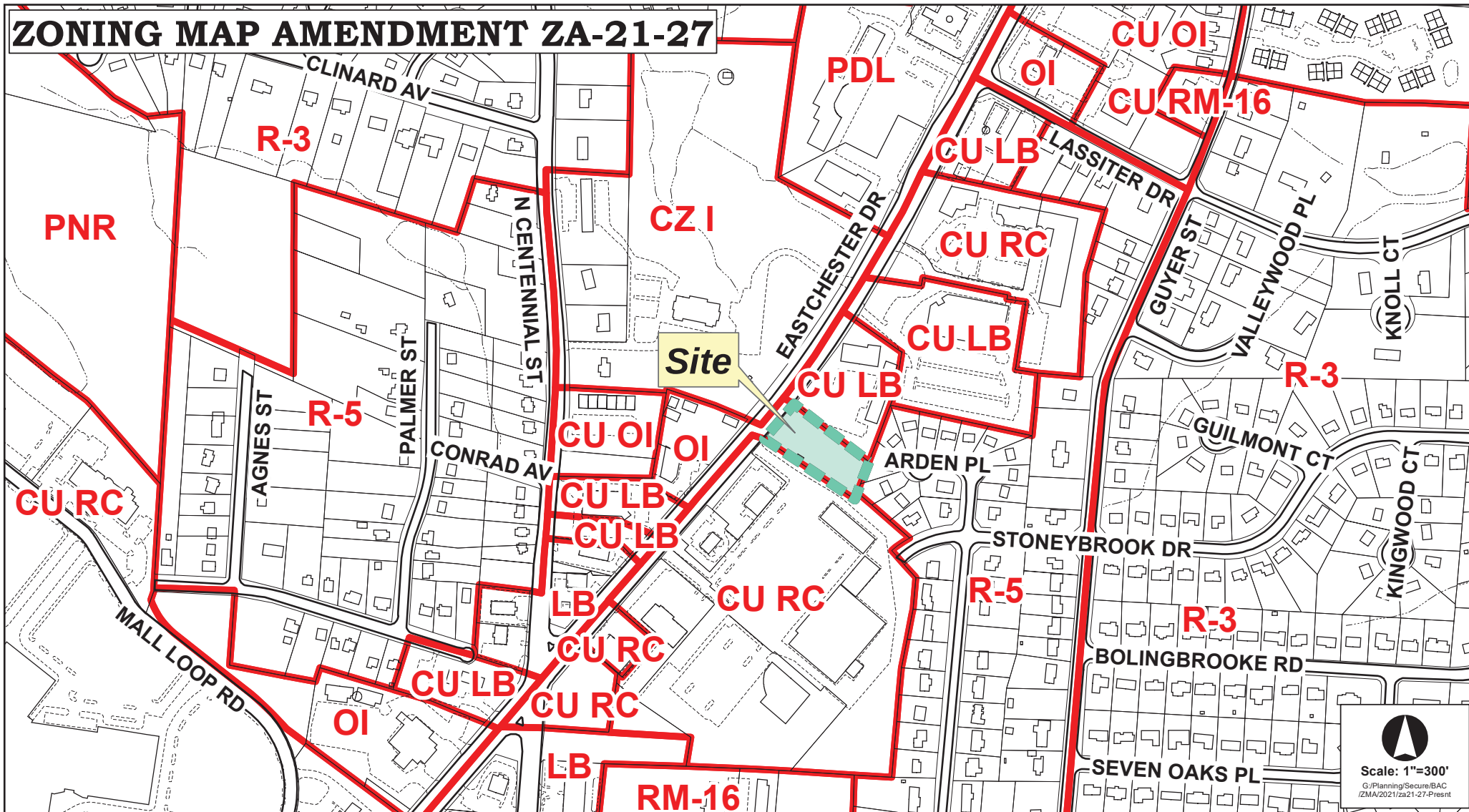
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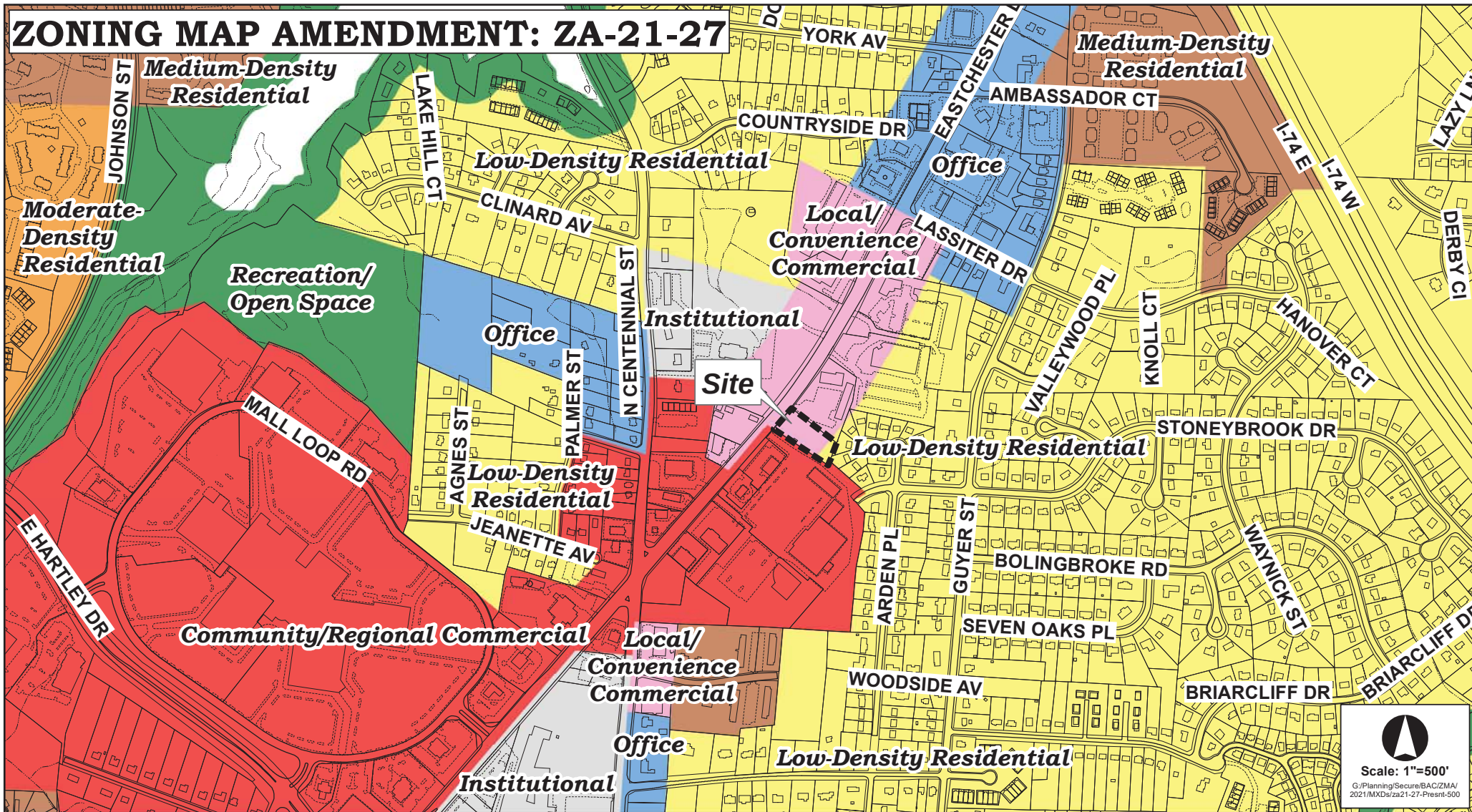
ZONING MAP AMENDMENT: ZA-21-27



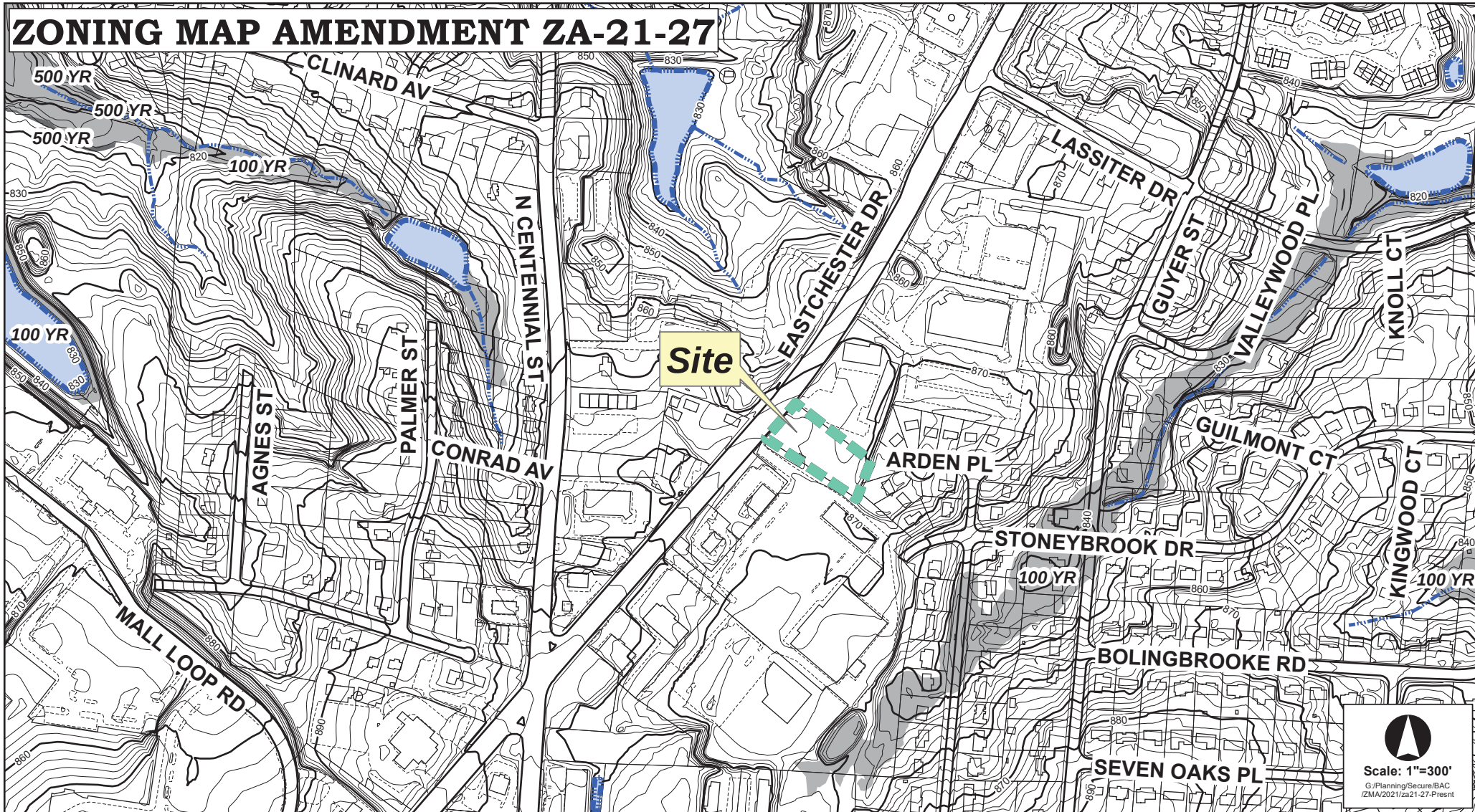
ZONING MAP AMENDMENT ZA-21-27



ZONING MAP AMENDMENT: ZA-21-27

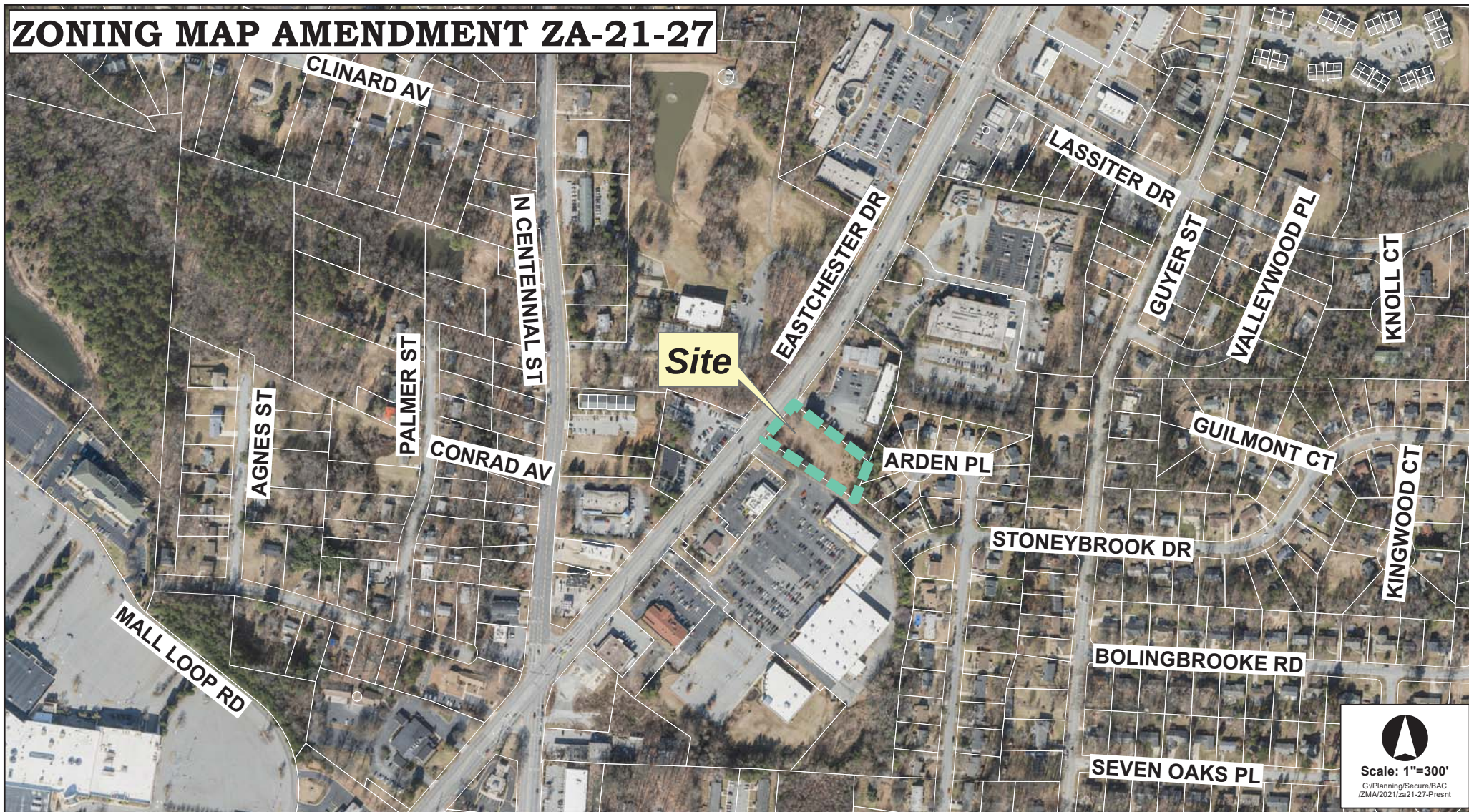


ZONING MAP AMENDMENT ZA-21-27



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ZONING MAP AMENDMENT ZA-21-27



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case ZA-21-27 (ZA-21-27)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 31, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **December 6, 2021.**

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning General Business (CZ-GB) District.** The property is approximately one-acre, located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street. The property is addressed as 1130 Eastchester Drive and also known as Guilford County Tax Parcel 196985.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

A. Permitted Uses

1. Except as excluded below in Part I.A.2, permitted uses shall be limited to those principal use of the General Business (GB) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, that is also a permitted use in the Limited Business (LB) District (use must be permitted in both districts).
2. The following GB District use, which is not permitted in the LB District, shall be permitted per standards of Principal Use Table 4.1.9 and other related standards of the Development Ordinance:
 - a) Major Eating Establishment

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Except as further restricted by this ordinance, development shall be subject to the standards of the GB District.
2. Development of the site shall be subject to the District Standards of the LB District (Section 3.4.5.G – LB District Standards).
3. Development of the site shall be subject to the RC District “Minimum Perimeter Setback” dimensional standards along the zoning site’s northern, eastern and western boundary (Section 3.4.7.B – RC Dimensional Standards)
4. The Major Eating Establishment use type shall be limited to a gross floor area of 1,700 square feet.

B. Transportation Conditions.

1. Access
 - a. No direct vehicular access shall be permitted to Eastchester Drive.
 - b. A shared access drive, through a common access easement, shall be established as part of development permit approval to the property to the north (Guilford County Tax Parcel 196984).
 - c. A shared access drive, through a common access easement, shall be established as part of development permit approval to the property to the south (Guilford County Tax Parcel 196986).
2. Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT), if applicable, shall approve the exact location and design of all access points and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of December, 2021

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 21-27

Submitted by: Mark Lindsay, Lindsay Commercial Properties

Herbert Shannon Jr

Subject: FW: Draft zoning conditions for your review.

From: Mark Lindsay <mlindsay.lcp@gmail.com>

Sent: Wednesday, October 27, 2021 7:02 PM

To: Herbert Shannon Jr <herb.shannon@highpointnc.gov>

Cc: Scott Dunbar <swd@northstate.net>; Craig <cemerson2@triad.rr.com>

Subject: Re: Draft zoning conditions for your review.

No one showed at the meeting ... may be because I went door to door with the whole neighborhood to the rear of the property a couple of weeks ago and everyone was excited about it.

I will look to see if I have the sketch plan in the morning but I'm pretty sure Scott has it

Mark Lindsay, CCIM

Lindsay Commercial Properties

336-692-5612

CITY OF HIGH POINT

AGENDA ITEM



Title: Climavision License Agreement

From: Eric Olmedo, Assistant City Manager

Public Hearing: None

Attachments: Exhibit A

Meeting Date: December 6, 2021

Advertising Date / N/A

Advertised By:

PURPOSE:

Council is requested to approve a license agreement with Climavision Operating, LLC to install and maintain weather related equipment on the Potts Avenue water tower.

BACKGROUND:

Climavision Operating, LLC is locating X band weather radar equipment in areas in order to provide greater weather radar data in areas where there have been gaps with traditional radar equipment. These gaps can be due to geographic and topographic challenges present with existing radar equipment. Climavision is seeking a ten year license agreement to host the equipment on the Potts Avenue water tank, with the option to extend the term for an additional ten year term. Climavision will be responsible for cost of maintenance and removal of the equipment if deemed necessary and will perform an annual water tank inspection at the company's cost. The company will also provide X band radar data to the City through a mutually agreeable means at no cost.

BUDGET IMPACT:

The annual license fee to locate the equipment on the water tank is \$1.00 annually.

RECOMMENDATION / ACTIONS REQUESTED:

Staff recommends and asks the Council to approve the license agreement with Climavision Operating, LLC and authorize the appropriate city official to execute all necessary documents.

CITY OF HIGH POINT

AGENDA ITEM



Title: Transit Pass Donation Policy

From: Angela Wynes

Public Hearing: N/A

Attachments: Bus Pass Donation Policy

Meeting Date: December 6, 2021

Advertising Date / N/A

Advertised By:

PURPOSE:

Consideration of adopting a policy regarding the donation of transit passes to non-profit agencies.

BACKGROUND:

Each year, the transit division receives requests from non-profit agencies to donate bus passes to assist their customers in need. To treat the requests equitably, transit staff decided there needed to be a donation policy that specifies who qualifies and the terms of the donations. Staff researched what policies or programs other transit systems had developed. We found that the policy set by Greensboro Transit Agency was a sound model to follow.

BUDGET IMPACT:

As donations are not reimbursable under the Federal Transit Administration or North Carolina Department of Transportation grants, the program would be funded by 100% local funds. Staff is recommending that the total donations per year not exceed \$1,000.00.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends adopting the Bus Pass Donation policy.



High Point Transit System Policy Manual



Department of Transportation

Public Transportation Division

SUBJECT: Transit Bus Pass Donations

EFFECTIVE DATE: JULY 1, 2021

REPLACES:

APPROVED BY:

APPROVAL DATE:

High Point Transit System is committed to the provision of community transit services for all including low-income and disadvantaged users who may receive assistance from non-profit organizations. HPTS desires to do its part with the donation of transit passes to organizations providing these needed services.

Requests for pass donations from HPTS will be considered under the following conditions and requirements:

- The organization must be an IRS designated 501(c)(3) organization; and
- One request from each organization will be considered per fiscal year (July 1 – June 30) with a maximum donation value of \$100 per organization per year; and
- If the requesting organization has an account with HPTS, that account must be in good standing with no account balance.
- Requesting organizations must submit their request on the attached form accompanied by the signature page of their most recently submitted IRS Form 990 or 990-EZ.
- Requests must be renewed annually.
- The maximum value of passes issued by HPTS per fiscal year will not exceed \$1,000 worth of one-ride complementary passes,
- Donated passes expire based on the date encoded in the card, and
- Donated pass values are based on the one-way fare in effect at the time of issuance.
- City Council must appropriate the funding annually in the Transportation Department/Transit Division budget.



Department of Transportation

High Point Transit System



Public Transportation Division

Bus Pass Donation Request Form

Organization Name: _____

Organization Address: _____

Contact Person: _____

Phone/Email: _____

Program or Event Name: _____

Date of Program/Event: _____

Number of Passes requested (\$100 maximum value): _____

Additional Comments:

Approvals:

_____ Authorized Representative Sign/Date

_____ Transit Manager Sign/Date

Please submit request at least 2 weeks prior to event date or when passes are needed.

Also please attach the signature page of your organization's most recently filed IRS Form 990 or 990-EZ.

Return to:

High Point Transit System

716 W MLK Jr Drive

High Point, NC 27261

Fax: 336-883-3425

Email: angela.wynes@highpointnc.gov

716 West Martin Luther King Jr Drive · High Point, North Carolina 27262

Phone (336) 883-3424 · Relay 711 · Fax (336) 883-3425

www.hptransit.org

CITY OF HIGH POINT

AGENDA ITEM



Title: Utility Construction Agreement: U-5896, US 29/US 70/Business 85 and South Main Street (SR 1009)

From: Terry Houk – Public Services Director

Derrick Boone – Public Services Asst. Director

C. Allan Hicks – Public Services Projects Engineer

Meeting Date: December 6, 2021

Public Hearing: N/A

Advertising Date: N/A

Advertised By: N/A

Attachments: Attachment A – Utility Construction Drawing showing vicinity and project limits (color coded)
Attachment B – Utility Construction Agreement and Cost Estimate

PURPOSE:

To seek City Council approval for the utility construction costs associated with the upcoming NCDOT initiated interchange improvement project at US 29/ US 70/ Business 85 and South Main Street (SR 1009) which has not been included in the City's five year capital plan..

BACKGROUND:

The North Carolina Department of Transportation (NCDOT) has prepared construction plans for improvements to the interchange at US 29/ US 70/ Business 85 and S. Main St. This project will require substantial water and sewer improvements which will be accomplished in conjunction with this NCDOT project. The City of High Point owns water and sewer utilities that will be impacted by the project's construction and will be responsible for a portion of the utility construction costs in the estimated amount of \$2,104,067. This amount is representative of non-betterment utility construction on water and sewer utilities that were previously located in NCDOT right-of-way. All utility work will be performed by the NCDOT's construction contractor. Water and Sewer utility design was performed through the NCDOT on-call process and Davis-Martin-Powell & Associates Inc. performed this design at a cost of \$48,996. This project is scheduled for bidding on February 15, 2022 and construction could begin as early as April 2022.

BUDGET IMPACT:

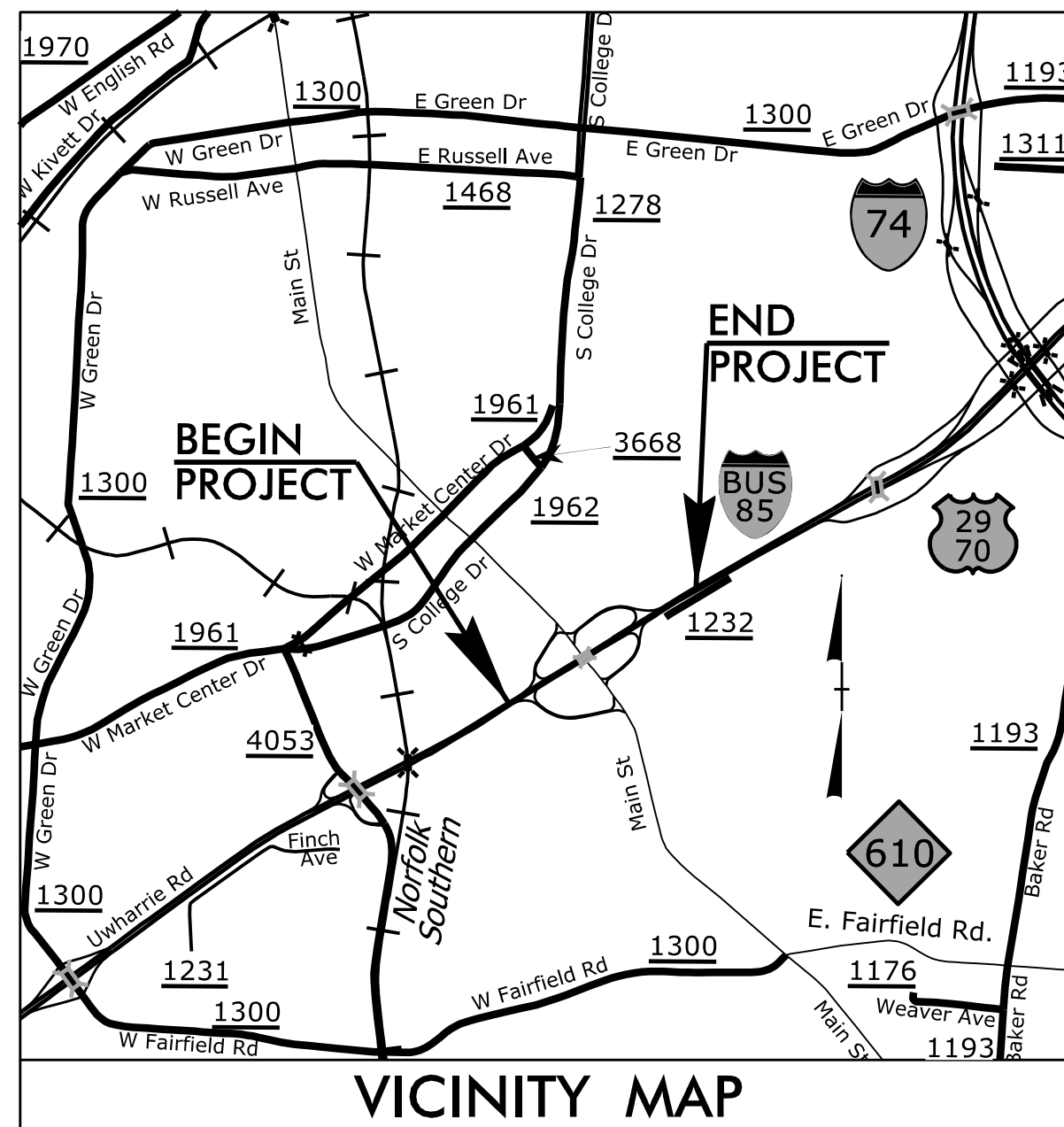
The utility construction costs and utility design will total \$2,153,063. NCDOT will perform the work and send the City an invoice once the project is completed. Funds will be budgeted in the Capital Improvement Plan (CIP) ahead of the estimated completion date.

RECOMMENDATION / ACTION REQUESTED:

The Public Services Department recommends approval of the Utility Construction Agreement and that the appropriate City official and/or employee be authorized to execute all necessary documents to finalize the agreement with the NCDOT and for an estimated total of \$2,153,063.

09.08/99

TIP PROJECT: U-5896

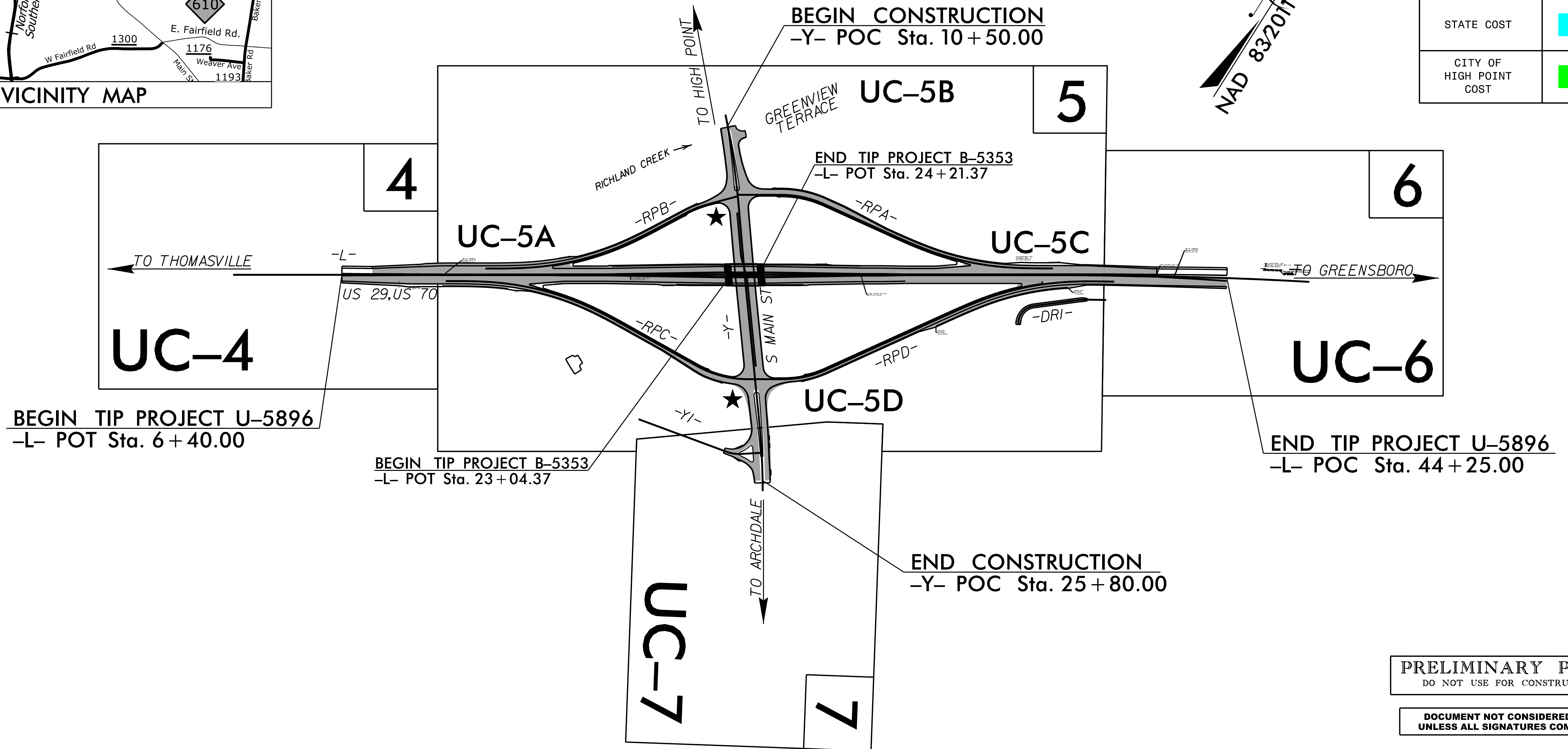


STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

UTILITY CONSTRUCTION PLANS
GUILFORD COUNTY

LOCATION: INTERCHANGE AT US 29, US 70 AND S MAIN STREET
(SR 1009), IN HIGH POINT

TYPE OF WORK: UTILITY CONSTRUCTION



T.I.P. NO.	SHEET NO.
U-5896	UC-1

UTILITY AGREEMENT PLANS

EXHIBIT A

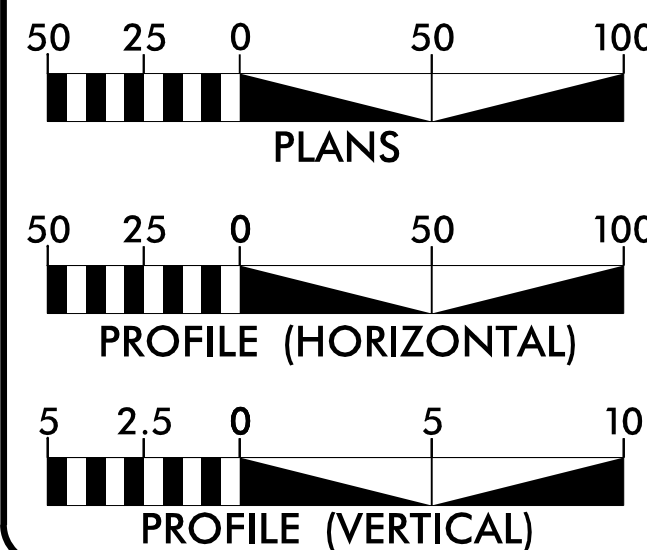
AGREEMENT PLANS

COST BREAKDOWN LEGEND	
STATE COST	
CITY OF HIGH POINT COST	

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

DOCUMENT NOT CONSIDERED FINAL
UNLESS ALL SIGNATURES COMPLETED

GRAPHIC SCALES



INDEX OF SHEETS

SHEET NO.:	DESCRIPTION:
UC-1	TITLE SHEET
UC-2	UTILITY SYMBOLOGY
UC-3	NOTES
UC-3A THRU UC-3E	DETAILS
UC-4 THRU UC-7	UTILITY CONSTRUCTION SHEETS
UC-8 THRU UC-10	PROFILE SHEETS

WATER AND SEWER
OWNERS ON PROJECT

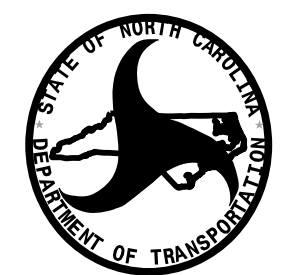
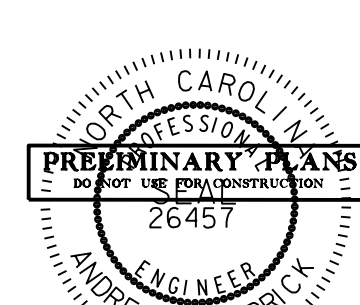
- A) WATER - CITY OF HIGH POINT
B) SEWER - CITY OF HIGH POINT

PREPARED IN THE OFFICE OF:

DAVIS • MARTIN • POWELL
ENGINEERS & SURVEYORS
6415 OLD PLANK RD., HIGH POINT, NC 27265
PHONE: (336) 888-4821 FAX: (336) 888-4458
WWW.DMP-INC.COM LICENSE: F-42645

Andy Larrick, P.E.	CONSULTANT CONTACT #1
Steve McKee, P.E.	CONSULTANT CONTACT #2
Ralph Lowe	CONSULTANT CONTACT #3

SEAL



DIVISION OF HIGHWAYS
UTILITIES UNIT
1555 MAIL SERVICE CENTER
RALEIGH, NC 27699-1555
PHONE (919) 707-6690
FAX (919) 250-4151

Amy York	CENTRAL UTILITIES MANAGER
Ali Kouchehi, P.E.	UTILITIES REGIONAL ENGINEER
Jon Loughry	SENIOR UTILITIES ENGINEER
Dayton Martin	REGIONAL UTILITY COORDINATOR
O'Hara Parker	SENIOR UTILITY COORDINATOR

Executive Summary

Entity: City of High Point

County: Guilford

TIP / WBS Element:

TIP: U-5896

WBS Element: PE: 44674.1.2; CON: 44674.3.1

Scope: The Project consists of US 29/ US 70/Business 85, SR 1009 (South Main Street) in High Point (COMB WB-5353).

Funding:

Type: Receivable

Total Cost: \$2,153,063.00

Responsibilities:

Adjustment and relocation of utility lines:

The City of High Point shall be responsible for water and sewer lines cost.

Upon completion of the utility lines relocation and adjustment covered under this Agreement; the City of High Point shall assume normal maintenance operations for these utility lines.

NORTH CAROLINA
GUILFORD COUNTY

UTILITY CONSTRUCTION AGREEMENT (UCA)

DATE: 11/17/2021

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: U-5896

AND

WBS Elements: PE 44674.1.2
CON 44674.3.1

CITY OF HIGH POINT

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of High Point, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-5896, in Guilford County, said plans consists of US 29/ US 70/Business 85, SR 1009 (South Main Street) in High Point (COMB WB-5353), Guilford County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

PRELIMINARY ENGINEERING

1. The Department shall use its utility limited-service agreement for Project U-5896, Guilford County.
2. The Municipality shall be responsible for the costs of the Preliminary Engineering Design. The actual cost to the Municipality is \$48,996.00 as shown on the attached cost estimate, Exhibit "B". It is understood by both the Department and the Municipality that this is a final cost unless the Municipality requests additional work not covered under this Agreement, or plan review by the

Department and/or Municipality does not properly identify all existing conflicts or Department revises highway plans before or during construction. Under this agreement, the Municipality reserves the right to re-engineer plans due to the Department's plan revisions.

3. Upon the satisfactory completion of the utility construction plans covered under this Agreement, the Municipality shall review and approve the plans, the associated estimated utility construction cost and special provisions to be made part of the Department's roadway contract for highway construction; the Municipality shall release the Department of any future responsibility for the design of the utility construction plans. Said releases shall be deemed to be given by the Municipality upon completion of the plans, estimate, special provisions and acceptance by the Department and Municipality for the plans to be made part of the highway roadway contract.

CONSTRUCTION

4. The Department shall place provisions in the construction contract for Project U-5896 Guilford County, for the contractor to adjust and relocate water and sewer lines. Said work shall be accomplished in accordance with plan sheets, attached hereto as Exhibit "A", cost estimate attached hereto as Exhibit "B", and project specific provisions, if applicable, attached hereto as Exhibit "C".
5. The Municipality shall be responsible for water and sewer lines cost as shown on the attached Exhibit "A". The estimated cost to the Municipality is \$2,104,067.00 as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

REIMBURSEMENT TO THE DEPARTMENT – FINAL BILLING

6. The Municipality shall reimburse the Department for said costs as follows:
 - A. Upon completion of the utility construction plans, the Department shall submit an invoice to the Municipality for costs incurred. Billing will be based upon the negotiated cost and any supplemental agreements made part of this agreement. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.

- B. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
- C. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
- D. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
- E. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
- F. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
- G. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
- H. At any time prior to final billing by the Department, the Municipality may prepay any portion of the estimated cost by sending a check with the WBS Element noted to the below address. The Department will provide a final billing based on actual costs, less any previous payments that have been made.

REMITTANCE ADDRESS:

NC Department of Transportation
ATTN: Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

7. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.
8. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - I. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - J. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
9. The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
10. A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.
11. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional,

engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF HIGH POINT

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of High Point

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

N.C. Department of Transportation
Interchange at US 29, US 70, and
South Main Street (SR 1009) in High Point
Guilford County
NCDOT Project U-5896

EXHIBIT B

Pay Item List for Utility Construction
Based on Preliminary Utility Agreement Plans - 11/12/2021

Quantities separated by cost responsibility between
State and City of High Point

Type	Item Number	Section	Pay Item Description	TOTALS			Unit of Meas.
				State	High Point	TOTAL	
D	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCTURES	0	285	285	TON
D	0320000000-E	300	FOUNDATION CONDITIONING GEOTEXTILE	0	1,622	1,622	SY
P	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	0	100	100	TON
U	5325200000-E	1510	2" WATER LINE	0	117	117	LF
U	5325600000-E	1510	6" WATER LINE	0	64	64	LF
U	5325800000-E	1510	8" WATER LINE	0	45	45	LF
U	5326200000-E	1510	12" WATER LINE	0	3,164	3,164	LF
U	5329000000-E	1510	DI WATER PIPE FITTINGS	0	9,635	9,635	LBS
U	5536000000-E	1515	2" VALVE	0	3	3	EA
U	5540000000-E	1515	6" VALVE	0	7	7	EA
U	5546000000-E	1515	8" VALVE	0	1	1	EA
U	5558000000-E	1515	12" VALVE	0	7	7	EA
U	5589200000-E	1515	2" AIR RELEASE VALVE	0	2	2	EA
U	5648000000-N	1515	RELOCATE WATER METER	0	2	2	EA
U	5666000000-N	1515	FIRE HYDRANT	0	5	5	EA
U	5673000000-E	1515	FIRE HYDRANT LEG	0	65	65	LF
U	5686500000-E	1515	WATER SERVICE LINE	0	33	33	LF
U	5691200000-E	1520	6" SANITARY GRAVITY SEWER	0	83	83	LF
U	5691300000-E	1520	8" SANITARY GRAVITY SEWER	0	380	380	LF
U	5691500000-E	1520	12" SANITARY GRAVITY SEWER	0	1,231	1,231	LF
U	5691700000-E	1520	18" SANITARY GRAVITY SEWER	0	294	294	LF
U	5768000000-N	1520	SANITARY SEWER CLEANOUT	0	5	5	EA
U	5768500000-E	1520	SEWER SERVICE LINE	0	60	60	LF
U	5775000000-E	1525	4' DIA UTILITY MANHOLE	0	15	15	EA
U	5781000000-E	1525	UTILITY MANHOLE WALL, 4' DIA	0	41	41	LF
U	5800000000-E	1530	ABANDON 6" UTILITY PIPE	68	251	319	LF
U	5801000000-E	1530	ABANDON 8" UTILITY PIPE	751	3,471	4,222	LF
U	5802000000-E	1530	ABANDON 10" UTILITY PIPE	0	633	633	LF
U	5810000000-E	1530	ABANDON 16" UTILITY PIPE	0	237	237	LF
U	5811000000-E	1530	ABANDON 18" UTILITY PIPE	0	58	58	LF
U	5815000000-N	1530	REMOVE WATER METER	0	12	12	EA
U	5815500000-N	1530	REMOVE FIRE HYDRANT	1	7	8	EA
U	5816000000-N	1530	ABANDON UTILITY MANHOLE	7	17	24	EA
U	5835800000-E	1540	18" ENCASEMENT PIPE	0	235	235	LF
U	5836000000-E	1540	24" ENCASEMENT PIPE	0	1,010	1,010	LF
U	5836200000-E	1540	30" ENCASEMENT PIPE	0	160	160	LF
U	5872500000-E	1540	BORE AND JACK OF 18"	0	235	235	LF
U	5872500000-E	1540	BORE AND JACK OF 24"	0	475	475	LF
U	5872500000-E	1540	BORE AND JACK OF 30"	0	160	160	LF
U	5876000000-N	SP	STEEL PILE PIERS	0	2	2	EA

	<u>State</u>	<u>High Point</u>	<u>TOTAL</u>
Estimated Construction Cost Responsibility \$	33,034	\$ 2,104,067	\$ 2,137,101
	1.5%	98.5%	100.0%

Preliminary Engineering Design Fee

The total fee for Utilities Design Engineering Fee on this project is \$49,742.16.

The City of High Point's percentage of the Total Estimated Construction Cost is 98.5%.

The City of High Point is responsible for 98.5% of the Preliminary Engineering Design Fee: 98.5% x \$49,742.16 = **\$48,996.00** (rounded).

CITY OF HIGH POINT

AGENDA ITEM



Title: **Annexation 21-10**
 (Madi Construction, LLC)

From: Chris Andrews,
 Interim Planning and Development
 Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 23, 2021

Attachments: A. Staff Report
 B. Map
 C. Annexation Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Madi Construction, LLC for a voluntary contiguous annexation of an approximate 1.46-acre parcel located along the north side of Willard Road, approximately 220 feet east of White Farm Lane. The property is addressed as 2405 Willard Road and also known as Guilford County Tax Parcel 195739.

BACKGROUND:

The staff report and recommendation are enclosed.

BUDGET IMPACT:

Except for water and sewer, municipal services will be available upon the effective date of annexation. Water and sewer will be available in accordance with City policy.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends ***approval*** of Annexation 21-10.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ANNEXATION 21-10
December 6, 2021**

Request	
Applicant: Madi Construction, LLC	Owner: Madi Construction, LLC
Proposal: Voluntary contiguous annexation	Effective Date: Upon adoption
	Associated Zoning Case: None; the site is within the City of High Point's Extraterritorial Jurisdictional (ETJ).

Site Information	
Location:	The site is located along the north side of Willard Road, approximately 220 feet east of White Farm Lane.
Tax Parcel Number:	Guilford County Tax Parcel 195739
Site Acreage:	Approximately 1.46 acres
Current Land Use:	Undeveloped
Current Zoning:	Residential Single Family – 3 (R-3) District (City of High Point's ETJ)
Current Fire District:	Guilford County has contracted with the City of High Point Fire Department to provide services to the unincorporated areas lying south of I-40.
Proposed Development:	The property owner is proposing to construct a single family dwelling on the parcel.
Proposed Unit Type, Number and Average Value:	A single family dwelling is proposed to be developed on this parcel with an approximate value of \$350,000.
Proposed Build-out Schedule:	Approximately 12 to 18 months.
Proposed City of High Point Council Ward:	The proposed annexation site is adjacent to Ward 6. If approved, the parcel will be part of Ward 6.
Physical Characteristics:	The site is heavily wooded with a moderately sloping terrain, also an intermittent stream runs in a west to east direction across the southern portion of the site.
Water and Sewer Proximity:	A 12-inch City water line and an 8-inch City sewer line lies adjacent to the site along Willard Road.
General Drainage and Watershed:	The property drains in an easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater treatment measures are required for single family developments with a gross density of 2 units per acre or more.
Overlay District:	City Lake General Watershed Area

Adjacent Property Zoning and Current Land Use			
North:	R-3	Residential Single Family – 3 District	Single family dwelling
South:	R-3	Residential Single Family – 3 District	Religious institution
East:	PDR	Planned Development Residential District	Single family dwellings
West:	R-3	Residential Single Family – 3 District	Single family dwelling

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Willard Road	Collector	220 ft.
Vehicular Access:	Via driveway access from Willard Road.		

City Department Comment Summary

Comments were not requested for this proposed annexation due to the fact the site is generally surrounded by the City's corporate limits. Annexation petitions for uses within proximity to existing service areas do not warrant individual department comment.

Details of Proposal

The applicant is requesting annexation to have access to City utilities for the development of a single family dwelling. City services are already present in this area as the proposed annexation site is generally surrounded by the City of High Point's corporate limits. This annexation petition represents a logical progression of the City's annexation policy for this area and will not negatively impact the City's ability to provide services in this area.

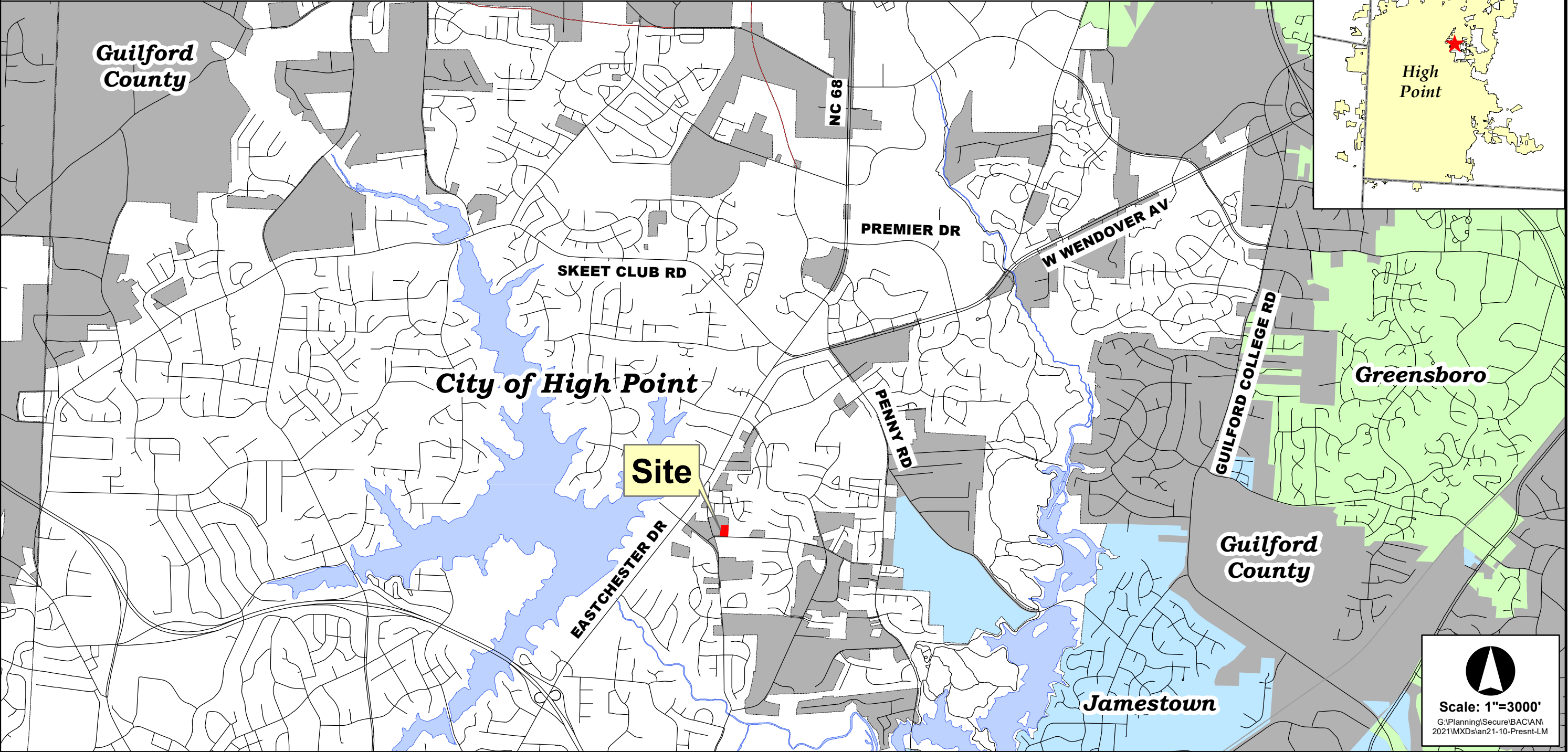
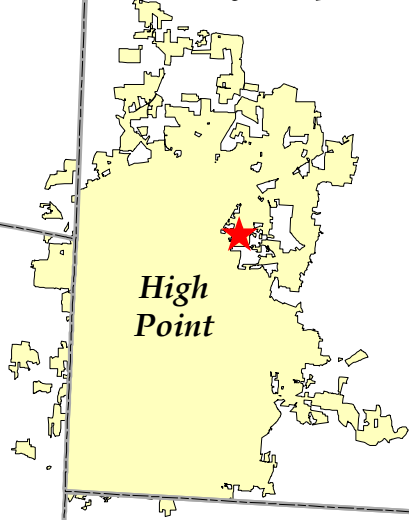
Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

ANNEXATION REQUEST: AN-21-10
Applicant: Madi Construction LLC

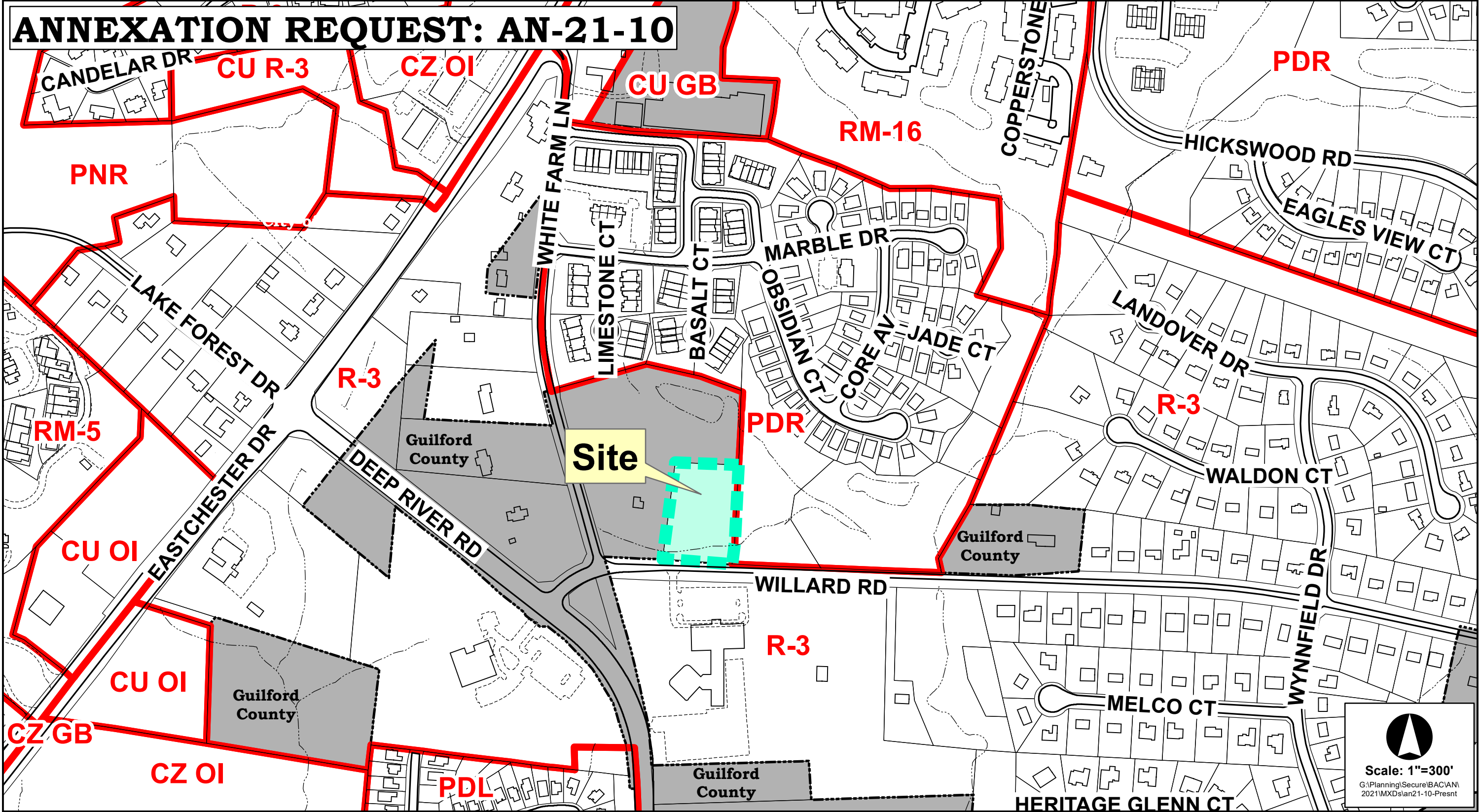
Vicinity Map



Scale: 1"=3000'

G:\Planning\Secure\BAC\AN
2021\MXDs\an21-10-Presnt-LM

ANNEXATION REQUEST: AN-21-10



Return to: JoAnne Caryle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Ordinance No. xxxx / xx-xx

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE
CITY OF HIGH POINT, NORTH CAROLINA

WHEREAS, The City of High Point has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and,

WHEREAS, the City Clerk has investigated the sufficiency of said petition and has certified it to be valid; and

WHEREAS, a public hearing on this annexation was held at the Municipal Building at 5:30 p.m. on the 6th day of December, 2021; and,

WHEREAS, the City of High Point does hereby find as a fact that said petition meets the requirements of G.S. 160A-31 as amended;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HIGH POINT, NORTH CAROLINA:**

SECTION 1 By virtue of the authority granted by G.S. 160A-31 as amended, the following described territory is hereby annexed, and made a part of the City of High Point as of December 6, 2021.

ANNEXATION DESCRIPTION

Madi Construction, LLC Annexation Case 21-10 (AN-21-10)
Guilford County Tax Parcel 195739.

The site is located along the north side of Willard Road, approximately 220 feet east of White Farm Lane and specifically described as follows:

BEGINNING at on existing iron pin control corner in the line of Edward Clark Wilson in the right-of-way line of Willard Road; and running thence south 03° 11' west 30.61 feet to a PK

nail control corner in Willard Road; thence a line in Willard Road north 84° 30' west 210.56 feet to an iron pin near the north edge of the pavement of Willard Road; thence north 04° 55' 11" east, a new line with Florence W. Allen, 335.97 feet to an iron pin, a new corner; thence a new line with Florence W. Allen south 86° 49' 39" east 200. 21 feet to an iron pin in the line of Edward Clark Wilson; thence south 03° 11' West 313.75 feet along the line of Edward Clark Wilson to the point and place of beginning; containing 1.603 acres, more or less, according to a survey entitled property of Florence W. Allen, dated December 1, 1986, prepared by Mitcham & Associates, Surveyors.

SECTION 2. Upon and after **December 6, 2021** the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of High Point, and shall be entitled to the same privileges and benefits as other parts of the City of High Point. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of High Point shall cause to be recorded in the Office of the Register of Deeds of Guilford County and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Guilford County Board of Elections, as required by G.S. 163-288.1.

Adopted by the City Council
City of High Point, North Carolina
The **6th** day of **December, 2021.**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Mary S. Brooks, Deputy City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Authorize Issuance of Series 2021A CES Revenue Refunding Bonds

From: Bobby D. Fitzjohn, Financial Services Director

Meeting Date: December 6, 2021

Public Hearing: No

Advertising Date: N/A

Advertised By:

Attachments: Bond Order

PURPOSE:

The Financial Services Department recommends that the City Council take the final step to authorize the issuance of up to \$21 million Series 2021A Taxable Combined Enterprise System (CES) Refunding Bonds.

BACKGROUND:

The bond market is currently favorable for refunding the City's outstanding Series 2012A CES Revenue Refunding Bonds. On November 15th, City Council approved the initial resolution authorizing staff to begin the process, this is the final action required.

The proposed refunding will allow the City to take advantage of current market rates by utilizing direct bank loans rather than waiting until the bonds are callable. The bonds' taxable rates will be converted to the tax-exempt rates upon the call date of the refunded bonds.

An RFP was distributed to more than 50 national, regional, and local lending institutions by the City's Financial Advisors. Upon analysis, staff is recommending the Pinnacle Bank proposal for the 2021A bond, with a 7.4% NPV savings or cash flow savings of approximately \$142 thousand per year for through FY 2032 with a total cash savings of approximately \$1.6 million.

The LGC will consider the application for refunding at their December 7, 2021 meeting and the refunding will close on December 16th.

BUDGET IMPACT:

The refunding savings will be built into the debt service budgets for the Water & Sewer Fund in the 2022-2023 Annual Budget and successive years.

RECOMMENDATION / ACTIONS REQUESTED:

City Council is requested to approve the attached "Bond Order Authorizing The Sale And Issuance By The City Of High Point, North Carolina Of Not To Exceed \$21,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021A And A Subsequent Tax-Exempt Combined Enterprise System Revenue Refunding Bond And Authorizing The Execution And Delivery Of Certain Documents In Connection Therewith".

A regular meeting of the City Council of the City of High Point, North Carolina (the “City Council”) was duly held in the Council Chambers of the Municipal Building located at 211 South Hamilton Street in High Point, North Carolina, the regular place of meeting, at 5:30 p.m. on December 6, 2021:

Members Present:

Members Absent:

* * * * *
* * *

Councilmember _____ introduced the following order, a summary of which had been provided to each Councilmember, a copy of which was available with the City Clerk and which was read by title:

BOND ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF HIGH POINT, NORTH CAROLINA OF NOT TO EXCEED \$21,000,000 TAXABLE COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021A AND A SUBSEQUENT TAX-EXEMPT COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the City of High Point, North Carolina (the “City”) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the “Act”) to issue, subject to the approval of the Local Government Commission of North Carolina (the “Commission”), at one time or from time to time, revenue bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has heretofore entered into a Trust Agreement, dated as of November 1, 2004, as supplemented and amended (the “Trust Agreement”), with Wachovia Bank, National Association (succeeded by U.S. Bank National Association), as trustee (the “Trustee”), authorizing the issuance of revenue bonds thereunder for the purpose of financing and refinancing the cost of improvements to the City’s Combined Enterprise System created thereunder;

WHEREAS, pursuant to the Trust Agreement and a Fifth Supplemental Trust Agreement, dated as of June 1, 2012 (the “Fifth Supplemental Trust Agreement”), between the City and the Trustee, the City has heretofore issued its \$32,125,000 Combined Enterprise System Revenue Refunding Bonds, Series 2012A (the “2012A Bonds”); and

WHEREAS, the City Council of the City (the “City Council”) has been advised by the Financial Services Director that the City can achieve debt service savings by refinancing the 2012A Bonds;

WHEREAS, the City has determined (1) to issue its not to exceed \$21,000,000 Taxable Combined Enterprise System Revenue Refunding Bond, Series 2021A (the “2021A Bond”) and (2) to apply the proceeds of the 2021A Bond, together with other available funds, to (a) refund the 2012A Bonds maturing

on and after November 1, 2023 (the “*Refunded Bonds*”) and (b) pay the costs of issuing the 2021A Bond and the Tax-Exempt Bond (as defined below);

WHEREAS, the City will issue the 2021A Bond under the Trust Agreement and a Ninth Supplement Trust Agreement, to be dated as of December 1, 2021 (the “*Ninth Supplemental Agreement*”) between the City and the Trustee;

WHEREAS, the City and the Commission have arranged for the issuance of the 2021A Bond to Pinnacle Bank (the “*Purchaser*”) pursuant to the terms of the Trust Agreement, the Ninth Supplemental Agreement and the Bond Purchase Agreement (as defined below);

WHEREAS, pursuant to the terms and conditions of the Ninth Supplemental Agreement and the Forward Purchase Agreement (as defined below), the City also desires to authorize the sale and issuance to the Purchaser of a tax-exempt revenue refunding bond in the principal amount equal to the outstanding principal amount of the 2021A Bond at the time of issuance thereof (the “*Tax-Exempt Bond*”) for the purpose of refunding and redeeming the 2021A Bond;

WHEREAS, the City has filed with the Commission an application for the approval and private sale without advertisement of the 2021A Bond and the Tax-Exempt Bond in accordance with Section 159-85 of the General Statutes of North Carolina, as amended;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been or will be filed with the City and are available to the City Council:

1. the Ninth Supplemental Agreement, including the forms of the 2021A Bond and the Tax-Exempt Bond set forth in exhibits thereto;
2. the Bond Purchase Agreement to be dated as the date of delivery thereof (the “*Bond Purchase Agreement*”) among the Commission, the Purchaser and the City, related to the sale of the 2021A Bond;
3. the Escrow Agreement (2021A) to be dated as of December 1, 2021 (the “*Escrow Agreement*”) between the City and U.S. Bank National Association, as escrow agent, related to the refunding of the Refunding Bonds; and
4. the Forward Purchase Agreement to be dated as the date of delivery thereof (the “*Forward Purchase Agreement*”) among the Commission, the Purchaser and the City, related to the sale of the Tax-Exempt Bond.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA, AS FOLLOWS:

Section 1. In order to raise the money required to (a) refund the Refunded Bonds and (b) pay other costs incurred in connection with the issuance and sale of the 2021A Bond and the Tax-Exempt Bond, the 2021A Bond is hereby authorized and will be issued pursuant to the Act, the Trust Agreement and the Ninth Supplemental Agreement. In order to provide the money to refund and redeem the 2021A Bond, the Tax-Exempt Bond is hereby authorized and will be issued pursuant to the Act, the Trust Agreement and the Ninth Supplemental Agreement. The Board has determined that the sale and issuance of the 2021A Bond, and the subsequent sale and issuance of the Tax-Exempt Bond if and when issued, as provided in this Bond Order is in the best interests of the City in order to achieve debt service savings.

Capitalized words and terms used in this order and not defined herein shall have the same meanings given such words and terms in the Trust Agreement and the Ninth Supplemental Trust Agreement.

Section 2. The aggregate principal amount of the 2021A Bond authorized by this Bond Order will not exceed \$21,000,000 and the interest rate on the 2021A Bond will not initially exceed 1.99% per annum (which rate may be adjusted in accordance with the Ninth Supplemental Agreement). The aggregate principal amount of the Tax-Exempt Bond, if and when issued, authorized by this Bond Order will not exceed the principal amount equal to the outstanding principal amount of the 2021A Bond at the time of issuance thereof and the interest rate on the Tax-Exempt Bond will not initially exceed 1.59% per annum (which rate may be adjusted in accordance with the Ninth Supplemental Agreement). The final maturity of the 2021A Bond and the Tax-Exempt Bond shall not be later than November 1, 2031.

Section 3. The City requests that the 2021A Bond be sold at private sale by the Commission without advertisement to the Purchaser at such price as the Commission determines to be in the best interest of the City and in accordance with the Ninth Supplemental Agreement and the Bond Purchase Agreement. The City will be authorized, but not obligated or required, to issue and sell the Tax-Exempt Bond to the Purchaser under the terms of the Ninth Supplemental Agreement and the Forward Purchase Agreement. The City requests that the Tax-Exempt Bond, if and when issued, be sold at private sale by the Commission without advertisement to the Purchaser at such price as the Commission determines to be in the best interest of the City and in accordance with the Forward Purchase Agreement.

Section 4. The issuance of the 2021A Bond and the Tax-Exempt Bond by the City in substantially the form and content set forth in the Ninth Supplemental Agreement, subject to appropriate insertions and revisions in order to comply with the provisions of the Trust Agreement and the Ninth Supplemental Agreement, are hereby in all respects approved and confirmed, and the form and content of the 2021A Bond and the Tax-Exempt Bond set forth in the Ninth Supplemental Agreement are hereby in all respects approved and confirmed, and the provisions of the Trust Agreement and the Ninth Supplemental Agreement with respect to the 2021A Bond and the Tax-Exempt Bond (including without limitation the maturity dates and rates of interest) are hereby approved and confirmed and are incorporated herein by reference.

The 2021A Bond and the Tax-Exempt Bond, if and when issued, together with any other obligations secured on a parity therewith pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement and the Ninth Supplemental Trust Agreement. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2021A Bond and the Tax-Exempt Bond, if and when issued, and no holder of the 2021A Bond and the Tax-Exempt Bond, if and when issued, has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 5. That the form and content of the Ninth Supplemental Agreement, the Escrow Agreement, the Bond Purchase Agreement and the Forward Purchase Agreement (collectively, the “*Bond Documents*”), and the respective exhibits thereto, are hereby in all respects approved and confirmed, and the Mayor, the City Manager or the Financial Services Director and the City Clerk or any assistant or deputy City Clerk, or anyone serving in such capacity, and their respective designees (the “*Authorized Officers*”) are hereby authorized, empowered and directed to execute and deliver the Bond Documents for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions, or deletions therein as shall to

them seem necessary, desirable, or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions, or deletions therein, and that from and after the execution and delivery of the Bond Documents, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Documents as executed. The Trustee is hereby appointed as Bond Registrar under the Trust Agreement and the Ninth Supplemental Agreement and as Escrow Agent under the Escrow Agreement.

Section 6. The City Manager and the Chief Financial Officer of the City are each hereby authorized to (i) if and when the Tax-Exempt Bond is issued, execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable Income Tax Regulations thereunder and (ii) call the Refunded Bonds for redemption.

Section 7. No stipulation, obligation or agreement herein contained or contained in the 2021A Bond, the Tax-Exempt Bond, the Bond Documents or any other instrument related to the issuance of the 2021A Bond and the Tax-Exempt Bond shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2021A Bond and the Tax-Exempt Bond or be subject to personal liability or accountability by reason of the issuance thereof.

Section 8. The Authorized Officers, or their respective designees, are hereby authorized, empowered, and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Bond Order and the Bond Documents; except that none of the above will be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Order, (b) the specific provisions of the Bond Documents, (c) any agreement to which the City is bound, (d) any rule or regulation of the City, or (e) any applicable law, statute, ordinance, rule, or regulation of the United States of America or the State of North Carolina.

Section 9. From and after the execution and delivery of the documents hereinabove authorized, the Authorized Officers, or their respective designees, are hereby authorized, empowered, and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed, and are further authorized to take any and all further actions to execute and deliver any and all other documents as may be necessary in the issuance and on-going administration of the 2021A Bond and the Tax-Exempt Bond, if and when issued, and the execution and delivery of the Bond Documents.

The Authorized Officers, or their respective designees, are hereby authorized and directed to prepare and furnish, when the 2021A Bond and the Tax-Exempt Bond are issued, certified copies of all the proceedings and records of the City relating to the 2021A Bond and the Tax-Exempt Bond, and such other affidavits, certificates, and documents as may be required to show the facts relating to the legality and marketability of the 2021A Bond and the Tax-Exempt Bond as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits, and documents, including any heretofore furnished, will constitute representations of the City as to the truth of all statements contained therein.

This order also constitutes the resolution referred to in Section 2.08 of the Trust Agreement approving the award of the 2021A Bond and the Tax-Exempt Bond, if and when issued, by the Commission and directing the authentication and delivery of the 2021A Bond and the Tax-Exempt Bond, if and when issued, to or upon the order of the purchasers therein named upon payment of the purchase price therefor plus the accrued interest thereon.

Section 10. All acts and doings of the Authorized Officers, or their respective designees, that are in conformity with the purposes and intents of this Bond Order and in the furtherance of the issuance of the 2021A Bond and the Tax-Exempt Bond and the execution, delivery, and performance of the Bond Documents are hereby in all respects approved and confirmed. Any provision in this Bond Order that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 11. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements, or provisions are null and void and separable from the remaining agreements and provisions and do not in any way affect the validity of any of the other agreements and provisions hereof or of the 2021A Bond and the Tax-Exempt Bond authorized hereunder.

Section 12. The proceeds from the sale of the 2021A Bond and the Tax-Exempt Bond, if and when issued, and other available funds of the City shall be deposited in accordance with the Ninth Supplemental Agreement and the Escrow Agreement.

Section 13. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 14. This Bond Order is effective immediately on its adoption and pursuant to Section 159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City other than the procedures set out in the Act.

PASSED, ADOPTED AND APPROVED this 6th day of December, 2021.

STATE OF NORTH CAROLINA)
)
CITY OF HIGH POINT) ss:

I, Lisa B. Vierling, City Clerk of the City of High Point, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of so much of the proceedings of the City Council as it relates to an order entitled “**BOND ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF HIGH POINT, NORTH CAROLINA OF NOT TO EXCEED \$21,000,000 TAXABLE COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021A AND A SUBSEQUENT TAX-EXEMPT COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH**” duly adopted by the City Council of the City of High Point, North Carolina, at a meeting held on the 6th day of December, 2021 and that such proceedings are to be recorded in the minute books of said City Council.

WITNESS my hand and the seal of the City of High Point, North Carolina, this the ____ day of _____, 2021.

City Clerk
City of High Point, North Carolina

(SEAL)

CITY OF HIGH POINT

AGENDA ITEM



Title: Historic Marker Request
(Washington Terrace Park)

From: Chris Andrews, Interim Planning and
Development Director

Meeting Date: December 6, 2021

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: A. Staff Report

PURPOSE:

A request by Yalik's African American Art & Cultural Movement in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, and Visit High Point for approval of a historic marker to recognize Washington Terrace Park to be located on the north side of the park entrance on Murray Street.

BACKGROUND:

The Historic Preservation Commission is designated by the Historic Marker Policy to review and evaluate all proposed roadside historic markers prior to consideration by City Council. This roadside historic marker request is the ninth request under the City's roadside Historic Marker Policy.

BUDGET IMPACT:

Yalik's African American Art and Cultural Movement is purchasing this marker.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended approval of this request as outlined in the attached staff report.

B. Historic Preservation Commission Action

At its November 10, 2021 meeting, the Historic Preservation Commission reviewed a request for a historic marker recognizing Washington Terrace Park. Six members of the Commission were present. Mr. David Fencl, Senior Planner, presented the request and recommended approval of the request as outlined in the staff report.

The Historic Preservation Commission determined that the proposed marker met the minimum evaluation criteria of the Historic Marker Policy, which includes the site's

significance occurred at least 50 years before the request, no other public or private markers recognize Washington Terrace Park, and the location of the proposed marker is within the corporate limits. The Historic Preservation Commission also determined that the proposed marker will be consistent in appearance with several existing City markers and recommended approval of the historic marker request, as recommended by staff, by a vote of 6-0.



To: Historic Preservation Commission Members

From: David Fencl, Senior Planner

Meeting Date: November 10, 2021

Subject: Washington Terrace Park Historic Marker Request by Yalik's African-American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, Visit High Point, and the City of High Point

PURPOSE:

The Historic Preservation Commission (HPC) is designated by the Historic Marker Policy to review all requests for historic markers to be located in public street rights-of-way. The HPC shall first determine whether the request meets the minimum evaluation criteria outlined in the policy, and if the request meets the minimum evaluation criteria, the HPC shall then evaluate the request based on relevant criteria as determined by the HPC.

The following criteria must be present and factually correct in order for the HPC to review any request for placement of a marker:

1. Any site or event requested to be recognized must be at least 50 years old and for any individual to be recognized with a marker, the individual's contribution that is the subject of the request must have occurred as least 50 years before the request.
2. There may not be any current markers, public or private, currently recognizing the site or event within the City of High Point.
3. The location requested to be recognized must be within the corporate limits of the City of High Point and within public view.

Requests for markers shall be evaluated based on relevant criteria as determined by the HPC, including the following:

1. Is each historical claim by the applicant presenting the request supported by documentation or other evidence of the claim's validity? Documentation should consist of primary sources that were created at the time of the event and may include tax records, deeds, newspaper articles, meeting minutes, photographs, etc. Secondary sources may be submitted to help provide context and justify the significance of the event, person, or location.
2. In an attempt to avoid repetition and promote diversity in the recognitions, is the requested site, event or individual closely related to a site, event or individual accomplishment that has already been recognized with a Marker?

3. Has the site, event, or individual contribution maintained its significance over time?
4. Is the site, event or individual recognized outside of High Point at state wide, national, or international levels?
5. Marker proposals will be rejected if the Commission cannot authenticate or verify the historical information to its satisfaction. The Commission shall make the deciding rule if there is conflicting evidence.

STAFF ANALYSIS:

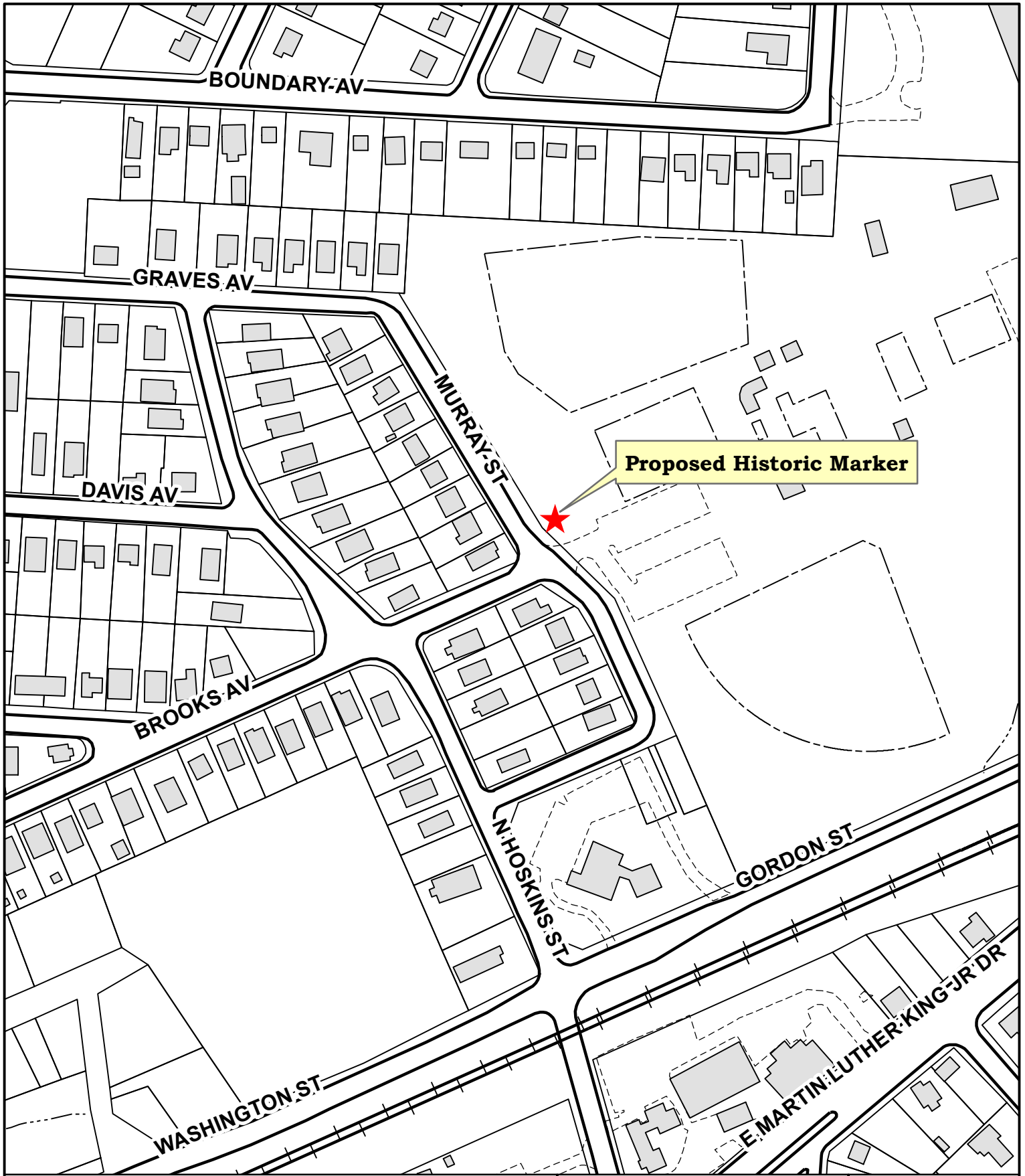
According to the information supplied with this Historic Marker Request, the groundbreaking for Washington Terrace Park, originally called the Municipal Colored Park, took place in 1935 and was officially opened in 1938. The park was constructed to serve High Point's African American citizens. Funds for the park were granted through the Federal Works Progress Administration or WPA and the park was designed by R.D. Tillson of Atlanta. The park originally included a pavilion, pool and bathhouse with showers and dressing rooms, tennis courts, ballfields, and picnic areas on almost 30 acres of land. During the park's days of segregation, African Americans visited the park by the busload to enjoy its recreational amenities.

Staff believes that this historic marker request meets the minimum evaluation criteria due to the park being constructed more than 50 years ago, there are no other historic markers recognizing Washington Terrace Park and the marker's proposed location is within the City of High Point and within public view. The applicant has submitted copies of primary resources, such as the plan prepared by R.D. Tillson, newspaper headline for the park's dedication, construction photos, photos of park users, and a photo of the 1955 Miss Washington Terrace contestants to support their request.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the Historic Preservation Commission recommend approval of the historic marker request for Washington Terrace Park. This historic marker request meets the minimum evaluation criteria, and with the documentation submitted with this request, staff believes this request meets the relevant evaluation criteria of the Historic Marker Policy.

Attachments: Washington Terrace Park Historic Marker Location Map
Historic Marker Request and Documentation



HISTORIC MARKER REQUEST

Washington Terrace Park



Proposed marker location

Planning & Development
Department

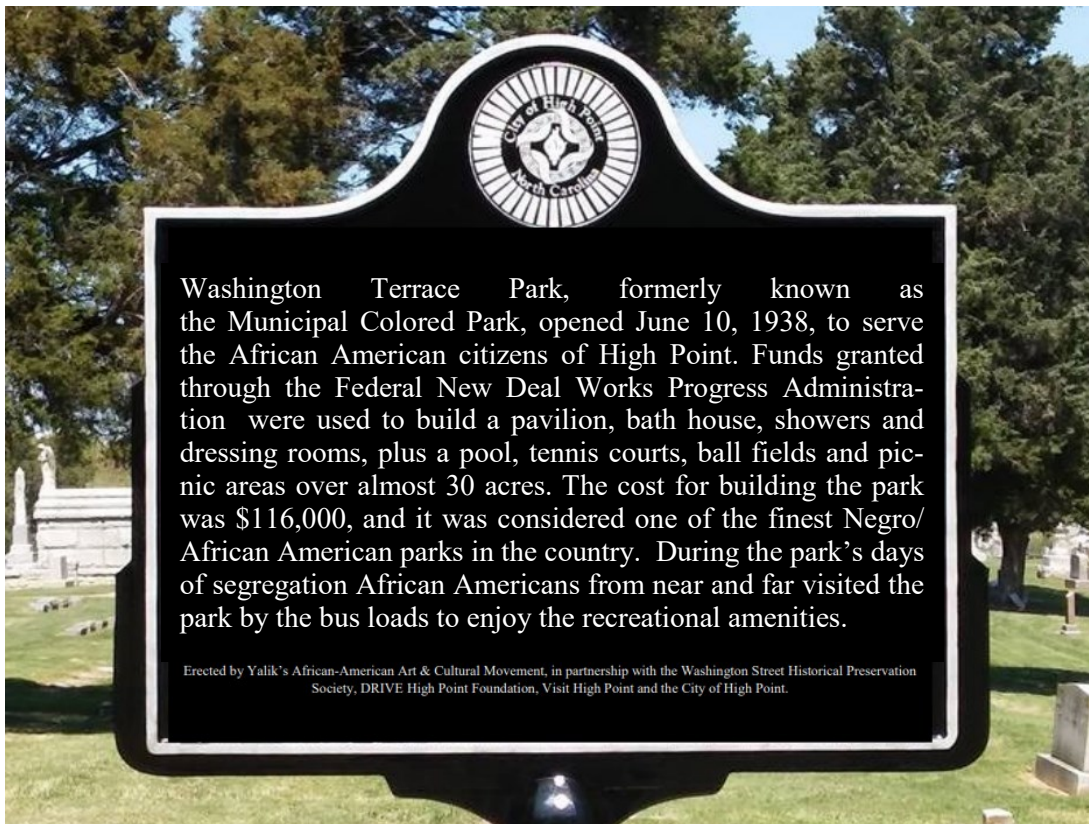
City of High Point



Scale: 1"=200'

City of High Point Historic Marker Request

The cast aluminum roadside marker falls under the new City of High Point Historic Marker Policy. The marker will be manufactured by Sewah, Inc., a company who manufactures for NC State Highway Historic markers. The wording was written by Phyllis Bridges, CEO Yalik's African American Art & Cultural Movement and approved by Edith Brady, High Point Museum Administrator, and her staff.



We would like to use the following shape mounted on a 7-foot post with the city seal. The following measurements and costs of the roadside marker are from Sewah Studios in Marietta, Ohio, who make many state roadside markers in cast aluminum and bronze throughout the US, including those for NC.

Size: 30"x 42" Georgia pattern

Style: Georgia Pattern

Post: 7foot mounting post

Letters: 1 inch

Same copy both sides.

Washington Terrace Park is located at 101 Gordon St., High Point, N. C. This is in the East Central section of High Point, in the heart of a predominantly African American community.



The official name was the Municipal Colored Park, but was informally referred to as the Colored Park. Ground breaking took place in 1935, but the plan drawings weren't finished until early 1936. At one point worked stopped because the project was temporarily short on funds, and then picked up again, so the whole process took more than a year.

The new park opened June 10, 1938, to serve the African American citizens of High Point. Funds granted through the Federal New Deal Works Progress Administration built a pavilion, bath house, showers, and dressing rooms, plus a pool, tennis courts, ball fields and picnic areas over almost 30 acres. The cost for building the park was \$10,000 and was considered one of the finest parks in the country. During the park's days of segregation African Americans from near and far visited the park by the bus loads to enjoy the recreational amenities. There is not a lot of documented history about the park, but there are plenty of stories through word of mouth.



The Municipal Colored Park, 1954.



High Point Historical Society

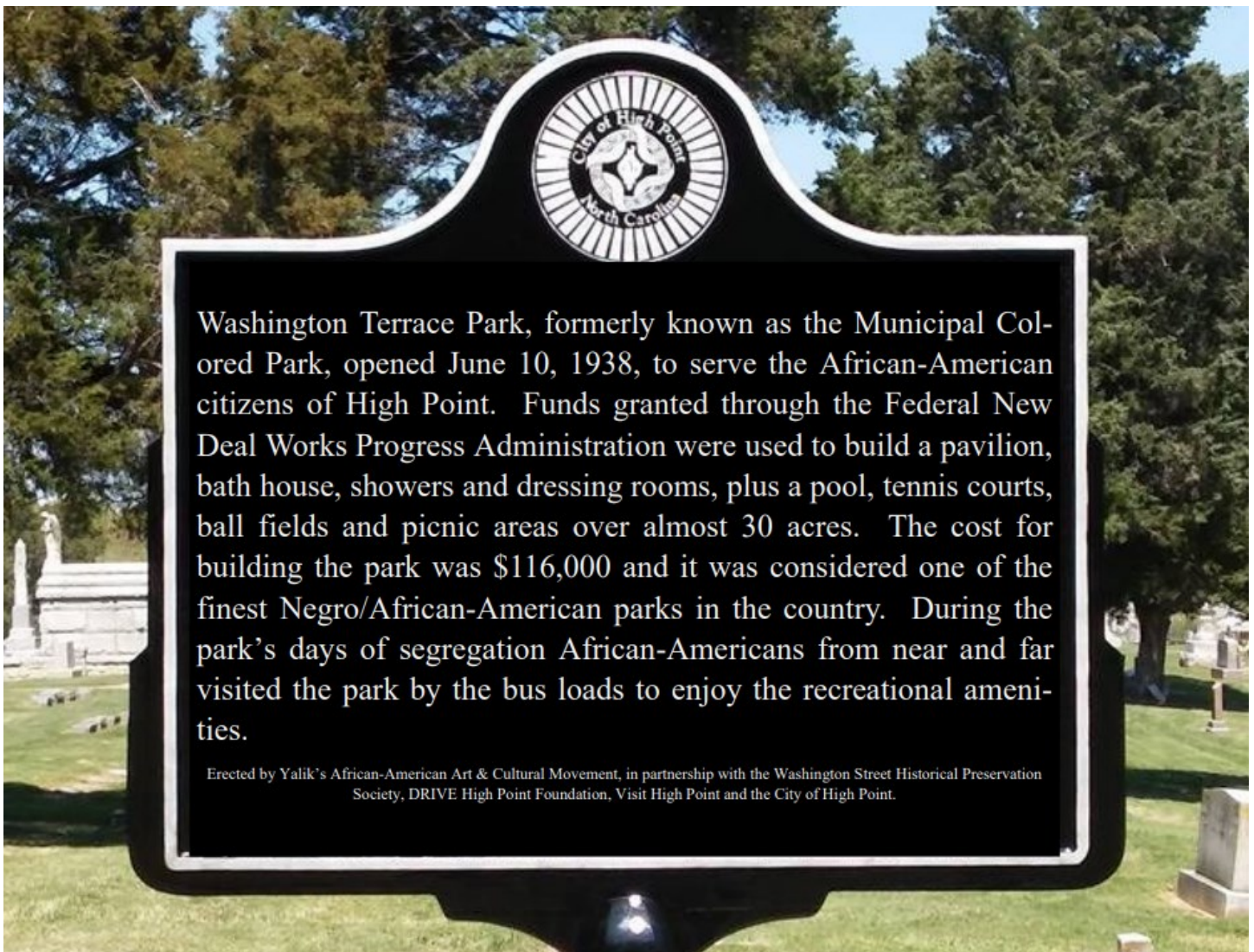
Miss. Washington Terrace, 1955



High Point Historical Society



The historical marker for Washington Terrace Park will be placed at the back entrance of the park, on Murray St., just left of the entrance. The location is within the corporate limits of the City of High Point and the site will be within public view.



Washington Terrace Park, formerly known as the Municipal Colored Park, opened June 10, 1938, to serve the African-American citizens of High Point. Funds granted through the Federal New Deal Works Progress Administration were used to build a pavilion, bath house, showers and dressing rooms, plus a pool, tennis courts, ball fields and picnic areas over almost 30 acres. The cost for building the park was \$116,000 and it was considered one of the finest Negro/African-American parks in the country. During the park's days of segregation African-Americans from near and far visited the park by the bus loads to enjoy the recreational amenities.

Erected by Yalik's African-American Art & Cultural Movement, in partnership with the Washington Street Historical Preservation Society, DRIVE High Point Foundation, Visit High Point and the City of High Point.

VERBAGE - Washington Terrace Park, formerly known as the Municipal Colored Park, opened June 10, 1938, to serve the African American citizens of High Point. Funds granted through the Federal New Deal Works Progress Administration were used to build a pavilion, bath house, showers and dressing rooms, plus a pool, tennis courts, ball fields and picnic areas over almost 30 acres. The cost for building the park was \$116,000, and it was considered one of the finest Negro/African American parks in the country. During the park's days of segregation African Americans from near and far visited the park by the bus loads to enjoy the recreational amenities.

Marker Inscription

Cost for marker \$2,315.00