

City of High Point

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



Minutes

Monday, November 19, 2012

4:45 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, James Corey,
Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Council Member Pugh offered the invocation; the Pledge of Allegiance followed.

Present 9 - Mayor Rebecca Smothers, Council Member Latimer Alexander, Council Member Britt Moore, Council Member Bernita Sims, Council Member Foster Douglas, Council Member Michael Pugh, Council Member A.B. Henley, Mayor Pro Tem Christopher Whitley, and Council Member James Corey

PRESENTATION OF ITEMS**FINANCE COMMITTEE - Chaired by Council Member Alexander.**
Committee Members Whitley, Smothers, Corey

(all were present)

120294**Annual Audit Report - FY 2011-2012 - McGladrey and Pullen, CPA**

Council is requested to confirm receipt of the City of High Point Annual Audit prepared by McGladrey and Pullen, CPA for the period of July 1, 2011 - June 30, 2012 as presented by the City Manager and Director of Finance.

Attachments: [Memo - Audit 2012.pdf](#)
[CAFR2012Web.pdf](#)
[ReportToCouncil2012.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Confirmed receipt of the City of High Point Annual Audit prepared by McGladrey and Pullen, CPA for the period of July 1, 2011 - June 30, 2012 as presented by the City Manager and Director of Finance.

A motion was made by Council Member Alexander, seconded by Council Member Moore, to confirm receipt of the City of High Point Annual Audit prepared by McGladrey and Pullen, CPA for the period of July 1, 2011 - June 30, 2012. The motion PASSED by a 9-0 unanimous vote.

120310**Contract - FY 2013-2014 CIGNA Group Health Insurance**

Council is requested to authorize the City Manager to execute contract with CIGNA Health Insurance for the employee health and dental insurance for the contract period of April 1, 2013 - March 31, 2014.

Attachments: [Health Insurance Renewal -CIGNA.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Authorized the city manager to execute contract with CIGNA Health Insurance for the employee health and dental insurance for the contract period of April 1, 2013 - March 31, 2014.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[120284](#)

Contract - Bid No. 02 - McKinley Pump Station Renovations

Council is requested to approve a contract awarding Bid No. 02 for the McKinley Pump Station Renovations. Purchasing and the Public Services Department recommends that contract be awarded to PF Plumbing Contractors, Inc. in the amount of \$309,500.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: [Bid No. 02 - McKinley Pump Station Renovations.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved contract with PF Plumbing Contractors, Inc. in the amount of \$309,500.00 which is the lowest responsive and responsive bidder meeting specifications.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[120285](#)**Contract - Bid No. 04- Kearns Loop Rehab Project**

Council is requested to approve a contract awarding Bid No. 04 for the Kearns Loop Rehab Project (old Kearns Water Plant). Purchasing and the Public Services Department recommends that contract be awarded to Dellinger, Inc. in the amount of \$1,066,670.00 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: [Bid No. 04 - Kearns Loop Rehab Project.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved contract with Dellinger, Inc. in the amount of \$1,066,670.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[120286](#)**Contract - Bid No. 28 -- W. Ward Avenue Pavement Repairs**

Council is requested to approve a contract awarding Bid No. 18 for emergency pavement repairs on West Ward Avenue. Purchasing and Public Services recommends that contract be awarded to APAC Atlantic, Inc., Thompson Arthur Division, in the amount of \$111,812.50 which is the lowest responsive and responsible bidder meeting specifications.

Attachments: [Bid No. 18 - Emergency Pavement Repairs - W Ward Avenue.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved contract with APAC Atlantic, Inc., Thompson Arthur Division, in the amount of \$111,812.50 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[120287](#)**Sole Source Authorization - ICOP Digital - Police In-car Camera System**

Council is requested to approve an exception to the bid laws under the sole source qualification for the purchase of equipment for the Police Department from ICOP-Safety Vision, LLC and approve the acquisition of the equipment and related services from ICOP-Safety Vision, LLC in the amount of \$49,026.90.

Attachments: [Sole Source Bid ICOP.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved an exception to the bid laws under the sole source qualification for the purchase of equipment for the Police Department from ICOP-Safety Vision, LLC and approved the acquisition of the equipment and related services from ICOP- Safety Vision, LLC in the amount of \$49,026.90

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[120288](#)

Budget Ordinance Amendment - Appropriate Funds - Transportation for Furniture Market

Council is requested to adopt an ordinance amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$72,000 from the State of North Carolina Department of Transportation (NCDOT) to support transportation for the Furniture Market.

Attachments: [Budget Ordinance Amendment - Furniture Market Funds.pdf](#)

Ordinance No. 6958/12-74

Introduced 11/19/2012; Adopted 11/19/2012

Ordinance Book, Volume XVII, Page 148

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Council Member Douglas asked if these are matching funds and if all these monies go to support transportation during the Furniture Market. Council Member Alexander explained that this is a pass through grant from the city to the Market Authority. Mayor Smothers confirmed this money goes to the Market Authority for transportation.

Adopted ordinance amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$72,000 from the State of North Carolina Department of Transportation (NCDOT) to support transportation for the Furniture Market.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

[120289](#)

Resolution - North Carolina Department of Transportation - Home Furnishings Market Grant

Council is requested to adopt a Resolution authorizing the City Manager to execute documents to enter into an agreement (FY13 Demonstration Grant Program) with the North Carolina Department of Transportation (NCDOT) in the amount of \$1,000,000.00 for support of transportation for the annual Spring and Fall furniture markets in High Point.

Attachments: [Resolution - Home Furnishings Market Grant Agreement - NCDOT.pdf](#)

Resolution No. 1266/12-67

Introduced 11/19/2012; Adopted 11/19/2012

Resolution Book, Volume XVII, Page 116

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted ordinance amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$72,000 from the State of North Carolina Department of Transportation (NCDOT) to support transportation for the Furniture Market.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

120290

Request for Write-Off of Uncollected Accounts

Council is requested to authorize staff to write-off the following uncollected account funds:

Uncollected utility accounts for FY 2008-2009 in the amount of \$560,802.18

Uncollected Miscellaneous Permit receivables in the amount of \$5,474.00.

Attachments: [Writeoffs of Uncollectible - Permit Fees.pdf](#)
[Utilities Writeoff 2008-2009.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Authorized staff to write-off the preceding uncollected account funds.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

120296

Dissolution of High Point/Guilford County Water & Sewer Agreement

City Council is requested to approve the termination of a "City and County Consolidated Water and Sewer Line Agreement" as proposed by the Public Services Department.

Attachments: [2012-11-14 Request Council to Terminate City County W-S agreement.pdf](#)

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Approved the termination of a "City and County Consolidated Water and Sewer Line Agreement" as proposed by the Public Services Department.

A motion was made by Council Member Alexander, seconded by Council Member Moore, that this Agreement be approved. The motion PASSED by a 9-0 unanimous vote.

**PUBLIC SAFETY & COMMUNITY DEVELOPMENT COMMITTEE - Chaired
by Council Member Sims
Committee Members Alexander, Douglas, Corey**

(all were present)

[120308](#)

Ordinance - Vacate Close (48 Hour Order) - 610 Manley Street

Council is requested to adopt an ordinance ordering the inspector to effectuate the vacating and closing (48 hour order) of property located at 610 Manley Street belonging to Meredith Lynn Reynolds.

Attachments: [Ordinance - Vacate - 610 Manley - 48 HR.pdf](#)

Ordinance No. 6959/12-75
Introduced 11/19/2012; Approved 11/19/2012
Ordinance Book, Volume XVII, Page 149

Chairwoman Sims asked staff to update Council on this housing matter .

Katherine Bossi, Local Codes Enforcement Supervisor, informed Council that as of this morning, the dwelling was still occupied by the tenant, but the tenant was in the process of moving her belongings to some temporary housing until she could find her own apartment. Chairwoman Sims asked staff if there has been any communication with the property owner. Ms. Bossi noted the property owner has communicated with the Inspector and the property owner was very adamant that he would not make any repairs while the tenant was still living there and relayed that it got really confrontational between the property owner and the tenant while the Inspector was there. Ms. Bossi then shared some pictures of the various violations (rotten floor joists and hole in bathroom floor, duct work has come apart underneath the house and is not properly heating the dwelling, main sewer line was clogged and has caused sewer to back-up in the bathtub). Ms. Bossi reported that the first inspection was conducted on November 14th and staff issued a 48-hour order to repair or vacate at that time with a compliance date of November 16th, and it was still occupied this morning, but the tenant was in the process of moving out. Staff is requesting Council adopt the 48-hour order to vacate and close this dwelling.

Council Member Alexander asked if the electric meter and water meter would be removed from the dwelling after the order is issued so no one else would be able to connect service. Ms. Bossi reported that she already has a hold on the utilities which would prohibit another tenant from moving in until the repairs are made. Mayor Smothers commented that these are serious violations that necessitated the order, and asked if a complete inspection was conducted. Ms. Bossi replied in the affirmative and informed Council that staff has a regular housing case going along with this that was started on October 5th and the compliance for that is tomorrow.

Chairwoman Sims asked if the property owner or anyone else was present to speak regarding this housing case. No one was present to comment.

Council Member Douglas expressed concerns that the city no longer provides relocation assistance for the tenants in these instances since most of these come up in low income areas and felt the city should reconsider relocation assistance. Chairwoman Sims explained that one of the reasons Council did away with relocation assistance was because of the habitual people constantly coming through with housing issues and suggested the city might need to look at some other type of housing inspection before these houses are occupied to ensure they are meeting the Minimum Housing Standards on the front end before they are even occupied. Mayor Smothers pointed out this is an emergency situation and many people would not have the ability to move quickly this also needs to be examined.

There being no further discussion, the Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation for adoption.

Adopted ordinance ordering the inspector to effectuate the vacating and closing (48 hour order) of the property located at 610 Manley Street.

A motion was made by Council Member Sims, seconded by Council Member Pugh, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE - Chaired by Mayor Pro Tem Whitley Committee Members Sims, Henley, Moore

(all were present)

[120297](#)

Resolution of Intent - Street Abandonment Case 12-10

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider a request from the Technical Review Committee to abandon unimproved excess right-of-way width from a previous cul-de-sac along N. Pendleton Street adjacent to 201 and 210 N. Pendleton Street.

Attachments: [02. ROI SA12-10.pdf](#)

**Resolution No. 1267/12-68
Introduced 11/19/2012; Approved 11/19/2012
Resolution Book, Volume XVII, Page 117**

The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted a Resolution of Intent establishing a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider a request from the Technical Review Committee to abandon unimproved excess right-of-way width from a

previous cul-de-sac along N. Pendleton Street adjacent to 201 and 210 N. Pendleton Street.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[120298](#)**Resolution of Intent - Street Abandonment Case 12-11**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider a request from the Technical Review Committee to abandon an unimproved portion of the western terminus of Brookdale Avenue.

Attachments: [03. ROI SA12-11.pdf](#)

**Resolution No. 1268/12-69
Introduced 11/19/2012; Adopted 11/19/2012
Resolution Book, Volume XVII, Page 118**

The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted a Resolution of Intent establishing a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider a request from the Technical Review Committee to abandon an unimproved portion of the western terminus of Brookdale Avenue.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[120299](#)**Resolution of Intent - Street Abandonment Case 12-12**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider a request from P. Hunter Dalton to abandon Obsidian Court, lying along the south side of Marble Drive, approximately 740 feet east of White Farm Lane.

Attachments: [04. ROI SA12-12.pdf](#)

**Resolution No. 1269/12-70
Introduced 11/19/2012; Adopted 11/19/2012
Resolution Book, Volume XVII, Page 119**

The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted Resolution of Intent establishing a public hearing date of Monday, December 17, 2012 at 5:30 p.m. to consider abandoning Obsidian Court, lying along the south side of Marble Drive, approximately 740 feet east of White Farm Lane.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS ON ITEMS - 5:30 P.M.**Public Safety & Community Development Committee**

[120291](#)**Public Hearing - Stormwater Management Plan**

Monday, November 19, 2012 at 5:30 p.m. is the date and time established to receive public comments on the City of High Point Stormwater Management Plan that was submitted to the State as a requirement of the NPDES (National Pollutant Discharge and Elimination System) Phase II Stormwater Permit.

Attachments: [Stormwater Management Plan.pdf](#)

The public hearing for this matter was held on Monday, November 19, 2012 at 5:30 p.m.

Richard McMillan, Assistant Director for Public Services, explained this is a requirement due to the Phase II stormwater permit application that has to be submitted to the State. He reported that the document has been posted on the city's website and a copy has been available for public inspection at the Library for the past three weeks and no comments have been received.

Chairwoman Sims opened the floor for comments. There being none, the public hearing was declared closed.

Acknowledged that the public hearing was held as duly advertised.

A motion was made by Council Member Sims, seconded by Council Member Corey, acknowledging that the public hearing was held to receive public comments on the City of High Point Stormwater Management Plan that was submitted to the State as a requirement of the NPDES (National Pollutant Discharge and Elimination System) Phase II Stormwater Permit. The motion PASSED by a 9-0 unanimous vote.

PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY COMMITTEE -

Chaired by Mayor Pro Tem Whitley

Committee Members Sims, Henley, Moore

[120300](#)**Ordinance - Text Amendment Case 12-03 - Kautilya High Point Hotel (Motel 6)**

A request by Kautilya High Point Hotel (Motel 6) to amend the Development Ordinance sign regulations regarding electronic changeable copy signs.

Attachments: [05. TA12-03 Staff Report.pdf](#)

Ordinance No. 6960/12-76

Introduced 11/19/2012; Adopted 11/19/2012

Ordinance Book, Volume XVII, Page 150

The public hearing for this matter was held on Monday, November 19, 2012 at 5:30 p.m.

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

Council Member Alexander asked if the applicant indicated a hardship with continuing with the existing sign they are currently using. Mr. Robbins explained that they feel this newer type of sign is really necessary for their business and cited issues with the old sign such as having to continually have an employee go out on a ladder to get the letters off and put the new ones on, etc.... Council Member Sims asked if this sign would be in conjunction with the Motel 6 sign itself, or if it would be a totally separate sign. Mr. Robbins explained that the ordinance requires it to be part of an existing or new freestanding sign, and confirmed that it would be in conjunction with the freestanding sign.

Regarding the two changes, Lee Burnette, Director of Planning & Development, added that the Planning & Zoning Commission thought the City Council could make the change on the second amendment, but there was no language before Council to adopt the first amendment and added this does require discussion with the city attorney on the ability to do that and if it is doable, then this would need to come back as a separate item at a later date (with another public hearing). Chairman Whitley felt the problem with the first amendment is it attaches a cost to the petitioner or anyone who has put this in place to have to swap out to something newer. Mr. Burnette explained some due process should be in place in order to allow for appeal/determination prior to any kind of enforcement action.

At this time, Mayor Pro Tem Whitley opened the floor for comments in support of or in opposition to this text amendment request and asked for those desiring to speak to come forward to make any remarks. There being no comments, the public hearing was declared closed.

Council Member Alexander pointed out he has talked to several people in the public and found that they did not warmly receive the changeable copy signs and found them to be irritating and distracting as well, so he would not support the text amendment.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's agenda for adoption of the text amendment ordinance to include Amendment #2 only based on the staff's recommendations and findings as outlined in the staff report.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that this ordinance be adopted. The motion carried by the following 8-1 vote:

Aye: 8 - Mayor Smothers, Council Member Moore, Council Member Sims, Council Member Douglas, Council Member Pugh, Council Member Henley, Mayor Pro Tem Whitley, and Council Member Corey

Nay: 1 - Council Member Alexander

120301

Ordinance - Annexation Case ANX12-05 - 350 South Land Holdings, LLC

A request by 350 South Land Holdings, LLC, et al to consider a voluntary non-contiguous annexation of approximately 431 acres. The area to be annexed contains multiple parcels generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road.

Attachments: [06. Staff Report ANX12-05_11-05-12_.pdf](#)
[Jimmy Morgan comments nov 19 2012](#)

Ordinance No. 6961/12-77
Introduced 11/19/2012; Adopted 11/19/2012
Ordinance Book, Volume XVII, Page 151

The joint public hearing for this matter and related matters 120302 Rezoning Case 12-11 and 120303 Development Agreement was held on Monday, November 19, 2012 at 5:30 p.m.

_____ Transcript of Public
Hearing _____

Chairman Whitley: We are going to proceed with the annexation, rezoning case and the development agreement for 350 South Land Holding. Before I begin with staff reports, given the number of individuals who chose to speak at P & Z, we are going to implement time limits on this. After staff makes their presentation, the petitioner will be given 15 minutes, opposition will be given 15 minutes and at that point, we will proceed to a 3-minute per individual comment period and would hope that you would refrain from repetitive remarks at that point because we do have several cases on tonight's agenda.

Herb Shannon: Yes, I will be combining the staff presentation for the annexation and rezoning regarding this proposal-that's Annexation Case 12-05 and Zoning Case 12-11. The first part of this request pertains to a proposal to annex approximately 431 acres within the northwest portion of the city's planning area. The second part of the proposal establishes initial city zoning for this proposed annexation area. The overhead projection notes the property in question. The annexation site consists of multiple parcels, generally lying south of I-40. Here's I-40 to the north here, to the west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road. The area that is cross-hatched in the red is the proposed annexation site. The applicant is requesting a voluntary non-contiguous annexation in order to obtain access to city utilities, to facilitate a proposed business industrial park. In the details, proposal section of your

staff report, it outlines how the petition represents a logical progression of the city's annexation policy for this area. Key points to note: first, the existing city corporate limits have been established in this general area. To the south of the proposed annexation site at the intersection of Sandy Ridge and Bame Road, the area that you see highlighted in white is the existing city limits. There have been some existing development in that area. Also at the intersection of Sandy Ridge and Tyner Loop Road, there's a 10-acre parcel that is also in the city limits and further to the east, there is a larger industrial development and you also have the Frazier Downs residential development at the intersection right there. Additionally with those existing areas being within the existing corporate limits, there are some city service vehicles in this general area. I would also note that the city has established annexation agreements with abutting municipalities with Greensboro and the Town of Kernersville. Based upon these agreements, the city's planning area, and that's where the city may do annexation that extends all the way up to I-40. It extends west of Sandy Ridge Road just crossing the Guilford-Forsyth County line. And finally, based upon evaluation by the various city departments, no immediate impact to city services have been identified.

In regards to the zoning aspect of this request. The current zoning of this area of the county is a combination of agriculture and light industrial. The applicant is requesting a planned unit development mixed district. Over the past 12 years, or since 1988, there have been several annexations and rezonings in this area over 300 acres. As far as the specific district, a planned unit development district is being requested and that is reviewed through the conditional zoning process. This is an option for land development that requires a master plan for that area. The main advantage of the PUD district is the flexibility that offers the potential developer. But development of a planned unit development is governed by the PUD ordinance in the Development Ordinance, a PUD master plan which is submitted and also conditions within the conditional zoning that the applicant has offered. Under this particular proposal, the applicant has proposed that the site be divided into two sections, a phase 1 and phase 2 and those are noted on the projection. Phase 1 area is generally lying to the south and east of Adkins Road. That's approximately 155 acres. The applicant has proposed that uses in this area consist of a combination of uses allowed in the agricultural district, corporate park and the light industrial district.

Phase 2 generally lying to the north and west of Adkins Road, conditions offered by the applicant note that only agriculture uses are proposed for this portion of the PUD until utility lines and roadway extensions and improvements are provided to support corporate park and light industrial uses. I would note that the city's land use plan does designate this area as restricted industrial. Heidi, can you put the next map up please. Just to note that the color designations, the area designated in red is noted for retail uses as a commercial hub established by the land use plan. The area that has the purple designation or the adopted land use plan and policies establish that area for restricted industrial uses. So all of the requested annexation site is within that area where the land use plan has designated for restricted industrial use. I would also note that this area is governed by the Oak Hollow Lake General Watershed area, so development would be subject to those requirements. It is also within Zone 2 of the Airport Overlay Zone

which prohibits any new residential development and just so there's no confusion, the Zone 2 provision for no new residential development-that pertains to property that's annexed and part of the city corporate limits. It does not apply to unincorporated area or lands not within the corporate limits.

As far as the staff analysis that's noted on pages 6 and 10 of your staff report, Council is to be guided by the purpose and intent of the Development Ordinance and give consideration of those PUD findings and zoning review. Just three key things to note. First, there have been changes in this area for the past twenty or so years. In the 1980s and early 1990s, the City's Land Use Plan designated most of this area for low density residential use, but with the announcement of the FedEx Hub cargo facility in the late 1990s and also the expansion of the PTIA runway, concerns have been noted about nighttime noise and impact on the future residential development in this area. So there are various studies conducted by the city and adopted by Council that changed the Land Use Policy that designated most of this area for non-residential uses and that is what generated the low-the restricted industrial land use designation for this area.

The second key point to note, with this PUD you would have a unified development. Rather than have individual parcels come in and develop and not have any type of integration coordination. With the plan development, a master plan has been submitted that creates a long range plan for the development of this area and by having an entire area under that one plan, you have the opportunity for a unified, cohesive development and have vehicle access and pedestrian circulation unified. Finally, I just want to touch upon the fact that this is a rural area that consists mostly of large parcels. With those larger parcels, greater separation can be provided from any abutting residential use to further ensure compatibility and the applicant has offered higher development standards than the ordinance pertaining to landscaping, building facades and building materials and a location of loading docks. All these would assist in assuring compatibility with abutting uses. In their list of permitted uses, the applicant has excluded a majority of the higher intensity industrial uses also to further ensure compatibility with the area.

In conclusion, staff is recommending approval of the zoning request. The staff analysis section in the report outlines conditions and addresses objectives of the Land Use Plan and helps ensure development to be compatible with adjacent uses. As Council is aware, you must place into the official record a statement of consistency with the adopted plans and explain why the request is reasonable. This may be accomplished by adopting the statements in the staff analysis section of the report. Also, on the bottom of page 9 and top of page 10, staff has outlined the language of Council's consideration as to why the request is reasonable in the public interest.

At the Planning & Zoning Commission public hearing on November 13th, the Planning & Zoning Commission recommended denial of this request by a vote of 6-2. Because this request is being forwarded to Council with an unfavorable recommendation, a 2/3 majority or 6 votes is required for approval of this zoning request. Are there any questions regarding the annexation or zoning application?

Council Member Corey: I have a question. Did you say the developer had identified approximately 50 types of businesses or factories or something that would go into this area?

Herb Shannon: No, within your staff report, the applicant has a conditional zoning ordinance and they have outlined proposed uses. They have excluded most of the high intensity or heavy intensity industrial uses, but you may confer with the applicant, but staff's not aware of specific users at this time.

Chairman Whitley: Herb or Mark....Mark, can you go over the transportation plan for this? In more detail.

Mark McDonald: As far as the rezoning goes?

Chairman Whitley: As far as....yeah, the rezoning and also in regards to the inner workings of the road system as to how staff sees it working out.

Mark McDonald: Well, first of all, let me say that the Johnson/Sandy Ridge corridor which runs to the eastside of the site has been under study by the city for well over a decade. A feasibility study for that corridor was completed 10 or so years ago and we are currently in the NEPA process of going through the documentation through the state and federal process, to move that project forward to its next stage which will be the design and then right-of-way and construction. So that project is moving forward very slowly. We are about a year into the NEPA process right now. We expect that to be completed probably within the next two years or so. There will be extensive public hearings, public workshops and input throughout that process for that particular part of the project. At some point, we would imagine that these properties out in these areas would be looking to take access to and from the Johnson Street corridor and would have an effect on that. As far as this particular project goes, the applicants came to us with a request to look at the Phase 1 properties and we were asked to prepare a traffic impact study and I believe they are here with their representatives to present the findings of that. Phase 1 of the study was limited to the southern portion of the site-the part that surrounds Joe Drive. There was no access proposed to Adkins Road, it was strictly to Joe Drive and the study itself was, therefore, limited to looking at the portions of Sandy Ridge Road from Joe Drive northward up to about National Service Road. When access is taken through Phase 2 over to Adkins Road, Boylston Road and further to the north, that study area will have to be expanded and the traffic impact analysis will have to be revised or updated to reflect that and it will look at a much broader area that will go all the way up to the interchange at I-40, possibly further to the south and further to the west.

Chairman Whitley: Okay. Any questions from Mark at this time? [none] Thank you. Any questions of staff on anything at this time? [none] We will at this time open up comments from the petitioner for 15 minutes.

Tom Terrell: Thank you, Chairman Whitley. I'm Tom Terrell, 529 W. Parkway

Avenue. I represent 350 South Land Holding, LLC. With me tonight is Bob Dischinger with Evans Engineering, who will be answering any civil engineering questions you might have. Frank Amenya is our traffic engineer. He is on the way. We hear he got stuck in traffic.... [laughter] ...coming here out of Winston. We expect him to be walking in at any time. Of course, I think it's important to recognize who 350 South Land Holding is and that's Mr. D. H. Griffin. Mr. Griffin, if you would just raise your hand just to be recognized. The City of High Point, I think everybody knows, has few remaining places to establish high-end office and industrial parks. In fact, the area that you see on the map right here is probably the last large open area that we can look to create jobs and expand our tax base. Everything else after this will be filling in from the outside. This area is adjacent to an interstate. It is approximate to the airport. It is exactly the type of land that the city-if it's wise-would be protecting from low density residential development. In fact, the city has been protecting this in recent years from low density residential use. Much of this area, I think you probably have heard or read in the staff report, is in the noise cone. Nothing before you tonight that you are looking at is inconsistent to any of the city's adopted plans. In fact, it is quite consistent and it has been developed and the land has been acquired with these plans in mind. The Land Use Plan, the Land Use Map calls for this to be industrial. The Northwest Area Plan is not yet two years old and it calls for this to be restricted residential in nature. You saw the purple on the map just a few moments ago.

Herb, could you pull up the Master Plan? About four years ago, 350 South working very closely with city staff, keeping city staff in the loop, began to purchase hundreds of acres in this area in furtherance of the city's plans and to acquire options on other properties that it had not yet been able to acquire.

....no, the Master Plan that we had just a minute ago. The Sketch Plan...Yes, thank you. Acquiring these tracts was a very deliberate process. It was an arduous process and I think you might be able to imagine, it was an expensive process for somebody to put this together into a common area to be developed for a park. Typically, there is one document that governs something like this and in this case, there are actually two documents. We are accustomed to having zoning conditions that apply that accompany a conditional use permit application. In this case, there is a Development Agreement. Development Agreements were made possible by legislation that was adopted about a year to two years before the market collapsed. They had not yet been started to be used. To my knowledge, this is the first time the City of High Point has been able to use a Development Agreement for something like this which is ideal because it is both large scale and multi-phased. What a Development Agreement does, is it makes it possible for a developer in the city to sit down and to work out the details of development over a...in some cases a 25-30 year build-out. So we know now and it won't be left to a future interpretation of a vague document.

Just a couple of points I would like to make here. Phase 1, I think you saw a moment ago is everything that's to the right and south of Adkins Road. There is land that you are not being shown and that is this tract of land right here and this tract of land right here. That land is under option to 350 South Land Holding and the Development

Agreement contains a provision that says that Phase 1 shall not begin to develop until this property right here has been acquired and been made part of this planned development. I think that's important for everybody to understand because there is the Sandy Ridge access possible. Second, you don't see it well on this, but in the Land Use Map, this area right here is yellow. It's residential. I'm only emphasizing that to the neighbors who are behind me who live in this area that this is called to be residential. I will also point out that there is a stream right here—a blue lined stream—that must have a 100-foot buffer on each side so that anything that is in this area would have, at minimum a 200-foot buffer right here from the stream in addition to the buffer that would exist on the tract itself. I would also point out that 100% of all traffic problems that may be created by the development, must be mitigated by the developer and also the Development Agreement contains provisions whereby the city gets what are called land credits back so that the city can take those land credits to lower the purchase price for land in this park when the city is trying to attract or lure a company to come in that would bring the types of jobs that High Point is looking for.

A couple of comments about the Planning & Zoning Commission, there were several neighbors who spoke in opposition. Many of you know that the city planning staff provides developers with a list of those folks who live within 300 feet. We took that list and we communicated, not once but twice. Those letters, I think, are in your packets. They are detailed letters explaining what the proposal was and inviting everybody to a hearing, to a neighborhood meeting. Thirty-five people showed up. I had about a dozen calls in addition to that. The only negative comments were from people who thought they were about to be annexed themselves and once they found out that they were not going to be annexed, we had no negative comments from anybody who abuts any of this yellow property in its entirety. And it was a large list.

In summary, this area is perfectly situated for an industrial park. It's an area that we have reserved for an industrial park. All of our adopted plans call for this to be industrial in use and we have one developer who has worked very closely with the city staff in an effort to make this an industrial park. We hope that the city adopts favorably the annexation, the rezoning and the Development Agreement. I'm delighted to answer any questions that you have. If it's too technical, I will turn to the experts.

Council Member Alexander: Tom, one of the things that we are going to talk about tonight, so I thought I would go ahead and ask this question to put it out on the table....would be water quality because this is in a very important area to our water system. I did not see in any of the documentation that was presented to us any requests for any relief to any current or future water regulations regarding development. I'm assuming that the laws that are in place now or in place in the future, you would maintain control and improve any water quality issues that would occur in the area?

Tom Terrell: Yes, your assumption is correct. You did not see that because there was not a request. The water supply/water shed regulations are in effect and any coverage of any site in excess of 24% triggers water quality measures. The developer has made no attempts whatsoever to get out of those. Those are adequate. Now, I would

say.....you will see several blue-lined streams on this site. There may be opportunities or times when a buffer variance may have to be requested or a 401 or a 404 permit sought across the stream, but all of that will be minimal and only just enough to enable that development to deal with the stream and application.

Council Member Alexander: But you are asking for no relief now?

Tom Terrell: No.

Council Member Alexander: Thank you.

Chairman Whitley: Any other questions or comments of the petitioner at this time?
[none] Thank you, Tom.

Tom Terrell: Thank you.

Chairman Whitley: Alright, since we used about 9 minutes, is there those who would like to speak in opposition, if you would come forward and we'll start using up the 15 minutes and then at that point we'll go to 3 minutes.

Tom Terrell: There may be some others to speak in favor.

Chairman Whitley: Okay, anyone here to speak in support of this, if you will come forward. Okay, anyone here that would like to come forward and speak in opposition, if you would give us your name and address please.

Mac Bradley: Good evening ladies and gentlemen, City Council and Madam Mayor. Thank you. My name is Mac Bradley. I live at 561 S. Bunker Hill Road which is not adjacent to the subject area, but you can see it kind of off in the corner. I'm sorry, but I didn't bring a pointer. I came to the meeting last week and I expressed a number of concerns. I want to reiterate those concerns tonight. I'm particularly concerned about the transportation impact on this area and it was mentioned that I guess you all did a study saying what needed to be done to improve the area. Now, we're learning in Phase 1 that he just disclosed a new option, a new way to get to Highway 68 which your staff has not studied. I wonder how does that affect the impact of this. And I'm particularly concerned with where Phase 2 comes in. It only shows access to Phase 2 to a road on Bunker Hill Road. Up there at the top there's an input and output that the area in question onto Bunker Hill Road. Phase 2 is approximately twice the size as Phase 1. In Phase 1, it stated that there's going to be 6,000 trips per day coming in and out of that area and you have several roads, plus a new road that's not even been disclosed until tonight. So, I mean, I think-I'm guessing, but if Phase 2 is twice as big, won't it have twice as much traffic? And you have only one route coming out and Bunker Hill is, as someone else pointed out, a road to nowhere. It's not a good road for handling 6,000 or 12,000 trips per day. In fact, I think that recently....and I don't have the details, but maybe you all can correct me, but recently there was a proposal for a school in that area and I believe the City of High Point countermanded that or argued against that on the

basis that there was no sewer and that Bunker Hill could not hold...the roads in question could not handle the bus traffic. If these roads cannot handle the bus traffic, how are they going to handle 6,000 trips per day?

Mayor Smothers: That was not the argument against the school, but you can go ahead.

Mac Bradley: I think that's about it. I want to thank you all for the time.

Chairman Whitley: Thank you. Anyone else like to come forward at this time?

Jimmy Morgan: I'm Jimmy Morgan, 8625 Bull Road, Colfax. Hello everybody. First, I would like to ask in the report that was presented to you all, that my address be corrected. I do not live on Boylston Road, but it does have Boylston Road, I believe, in the report that you got.

Mayor Smothers: It did.

Jimmy Morgan: I want to thank Mr. Alexander for asking about the watershed quality. There were people that spoke about that during P & Z hearing, but I do not believe those comments were entered into the record as well-at least on the report that I saw. One thing I can tell you, Mr. Alexander, is that I'm fairly certain...I'm sure of my information, but the Kernersville Business Park which lies just north of 40 was established. And, in order to fit FedEx into there, one wetland was drained and filled by approval of the Army Corps of Engineers to accommodate that and another branch of that business park that was supposed to be bridged in the agreement that was created, the developer of the property was prohibited from building a bridge across that property-thus separating it essentially into two developable tracts of land for the time being. I will start with the rest of the statement. I sort of jumped around a little bit.

In the...I mentioned that there were no mention of the citizens environmental concerns, it is located in High Point's watershed and the many steep slopes and streams and tributaries of the Deep River that are scattered throughout the proposed site. Industrial activities would seem environmentally unwise here.

Using the Airport Overlay Districts to suggest that no new residential development could occur in the area was very disappointing and reveals that the city's true intentions which is to hold land hostage for the city's interests and not for the interests for all residents and landowners in the area unless they choose to be annexed. It's important that all non-annexed or county residents know that they and their property is governed by Guilford County and is not subjected to High Point's Airport Overlay District and zoning regulations.

Many speakers noted their concerns with transportation problems. The current road network is not friendly to industrial truck traffic. There is little access to Sandy Ridge Road which is scheduled for future improvement. Serving rural residents, current narrow roads with numerous blind spots caused by hills and curves coupled with school

buses and slow-moving farm equipment seem to increase the likelihood of a disastrous outcome.

Where I live, work and play, I have had firsthand experiences with truck traffic on similar secondary rural roads as those in the Boylston Road area. Road tractors with trailers up to 55 feet long often pass through our neighborhoods and have skidded to prevent hitting me while in route to the FedEx facility in Kernersville. On numerous occasions, I have contacted NCDOT, Highway Patrol and the Town of Kernersville officials about this problem. It seems to improve for a short while, but the trucks do come back. Sections of Crosscreek Road are crumbling due to this traffic. Allowing such development in areas designed for rural traffic will require more maintenance and upgrades. It places a heavier and unnecessary burden on taxpayers and destroys two of the three main land-use planning goals intended to create communities where people will want to live, work and play. Were impacted citizens asked if they would like to live and play in such an environment during the community meeting with developers? I doubt it.

The definition of progress has dramatically changed. For the sake of progress, industrial development is now desired in sensitive watershed areas that sustains hundreds of thousands of citizens. For the sake of progress, abandoned industrial sites which have much better access to roads are allowed further deteriorations. Finally, for the sake of progress, the quality of life sought after by far too many citizens is sacrificed. Millions for those who build it, misery for those who live near it. Thank you Mayor. Thank you Mr. Whitley.

Chairman Whitley: Anyone else?

Peter Inglis. Good evening, My name is Peter Inglis. I live on Westbourne Grove Court. 807. Before moving to Colfax, I lived in Hillsborough and Hillsborough started one economic development area and this was when times were better. Of course, some buildings were built including one of mine. I owned a small office building. There was a demand for it. Then they went ahead and decided to build another one. Now they've got this giant park. They had one anchor tenant that was the Durham Technical Institute. UNC Hospital has moved in. But it's vacant. It's been vacant for years. The rest of the land is unused and it will be unused for the next ten years. The first rule of economics is supply and demand. Where is the demand going to come from? You have stakeholders in this community-not just residential, but commercial also. And as someone who wants a commercial building, the one thing that you fear is that somebody with more money than sense is going to build an office building and say okay, the rent is now cheap so I can fill it up. Everybody else's rent now goes down. Taxes go up. Electricity goes up. Trash goes up. Everything goes up, but rents don't go up. There's an obligation to protect the stakeholders that are already here. Now, this project is transformative. It is so big that it redefines the entire area, no question about that. What I have to ask you is that if you were starting with a clean sheet of paper and a developer didn't come in and champion his course...and I'm not here to vilify developers, we need developers. Oftentimes, what a developer desires and what the

community desires is in alignment, sometimes it isn't. But if you had a clean sheet of paper and you could determine there was actually a demand for this and you blocked out parcels for this, would it look like this? I doubt it. I think this is too big. I don't see how this is going to go in where we're not going to be behind trucks all the time. It's frightening in its scale. If you will look at Hillsborough where they built their industrial park, they have much better access to major highways. They are right in between 85 and 40 and they can't sell any land. They can't get businesses to move in. I mean I really want you to think about what we're creating here. Does it have to be this big to begin with? And what they always say is yeah, we'll deal with the traffic later and then it's never done in a satisfactory way. Thank you.

Chairman Whitley: Thank you. Would you like to come forward? There's just under five minutes left on the 15-minute period. Then we'll go to three minutes.

Todd Smith: I'll try to hurry then. My first name is Todd. T-o-d-d. My last name is Smith, S-m-i-t-h. I live at 8839 Boylston Road which is right next to on what the plan would be the second part of the development. Since I only have five minutes, I may skip around a little bit and I apologize for that, but I want to make sure that I get some points said tonight. Before I do, I'd like to thank the City Council for this opportunity to address you. I appreciate that. I appreciate your attentiveness in allowing the citizens to come speak.

The first thing I want to say is I want to point out that the Planning & Zoning Commission on November 13th saw fit to vote against recommending this to the High Point City Council and that vote was 6-2. There is a reason for that and a very good reason. There are numerous reasons why the Planning & Zoning Commission felt this is not ready for the community and I would ask that the City Council keep that in mind. I would ask that the City Council put some faith in the Planning & Zoning Commission. Obviously, they very well know what they are doing. One of the things that concerns me about this and I want to preface this...what I'm about to say...I certainly have absolutely nothing against economic growth, but economic growth should not come at the price sacrificing quality of life. One of the things that attracts newcomers, including businesses to High Point, is that quality of life. This planned development will destroy that quality of life in this part of Guilford County. I firmly believe that. I want to point out to the City Council that no one, no one other than the lawyer or the applicant, got up to speak in favor of this. When the floor was asked if anybody wanted to speak in favor, no one got up. But there are plenty of people here in opposition. In fact, I would ask for those and there are a lot of folks I know by speaking with them for whatever reason are either too nervous or don't feel that they are a good enough speaker to address the City Council, but I would like to ask all of those that are here that have concerns or are in opposition to stand up and let the City Council see who's here representing that viewpoint. [approximately 15-20 people stood]. Thank you. I would ask that the City Council take that into consideration. Again, no one, no one, stood up and talked in favor of this thing. None of the land owners. The only person that stood up and talked in favor was the lawyer and he's obviously paid. I'd also like to ask the City Council a question. It was brought to my attention and I apologize, but this just

came to my attention yesterday, so I have not had time to do my due diligence, but I will ask the City Council. I was told yesterday that Mr. Terrell has been hired by the City of High Point to represent the City of High Point in a lawsuit that the City of High Point has filed against Davidson County over a zoning issue. Is that correct?

JoAnne Carlyle: There's no lawsuit.

Mayor Smothers: He hasn't been hired to represent the city in a lawsuit. No.

Todd Smith: Okay, but he has been hired by the City of High Point?

Mayor Smothers: In the past, yes.

Todd Smith: Currently?

Mayor Smothers: I don't know that...other than the....

JoAnne Ca

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Alexander, that this ordinance be adopted with an annexation effective date of May 19, 2013; this annexation shall be contingent upon the property's rezoning and the acceptance of the Development Agreement between the city and the owner to occur after December 3, 2012, but before March 31, 2013 and with the Council or the petitioner having the right to request repeal of the annexation at any time prior to May 19, 2013. The motion carried by the following 7-2 vote:

Aye: 7 - Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Mayor Pro Tem Whitley, and Council Member Corey

Nay: 2 - Council Member Douglas, and Council Member Pugh

[120302](#)

Ordinance - Rezoning Case 12-11 - 350 South Land Holdings, LLC

A request by 350 South Land Holdings, LLC to rezone approximately 431 acres from the Agricultural (AG) and Light Industrial (LI) Districts, within Guilford County's zoning jurisdiction, to a Planned Unit Development-Mixed (PDM) District. The property is generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: [07. Z12-11.pdf](#)

[Jimmy Morgan comments nov 19 2012](#)

The joint public hearing for this matter and related matters 120301 Annexation Case ANX 12-05 and 120303 Development Agreement- 350 South Land Holdings, LLC was held on Monday, November 19, 2012 at 5:30 p.m.

Note: Please refer to 120301 Annexation Case ANX 12-05 for specific comments made regarding this matter.

Following the conclusion of the public hearing, the Committee recommended this matter be deferred.

Deferred Rezoning Case 12-11 until a later date.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Alexander, that this rezoning ordinance be deferred. The motion carried by the following 7-2 vote:

Aye: 7 - Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Mayor Pro Tem Whitley, and Council Member Corey

Nay: 2 - Council Member Douglas, and Council Member Pugh

120303

Development Agreement - 350 South Land Holdings, LLC

A request by 350 South Land Holding, LLC, et al to enter into a Development Agreement with the City of High Point for properties associated with Zoning Case 12-11, pursuant to N.C. General Statute 160A-400.20 et. seq., for a proposed multi-phased 431-acre development consisting of corporate park, industrial and commercial uses. The property is generally lying south of I-40, west of Sandy Ridge Road, north of Boylston Road and east of Bunker Hill Road.

Attachments: [08. 350 South Development Agreement.pdf](#)
[Jimmy Morgan comments nov 19 2012](#)

The joint public hearing for this matter and related matters 120301 Annexation Case ANX 12-05 and 120302 Rezoning Case 12-11- 350 South Land Holdings, LLC was held on Monday, November 19, 2012 at 5:30 p.m.

Note: Please refer to 120301 Annexation Case ANX 12-05 for specific comments made regarding this matter.

Following the conclusion of the public hearing, the Committee recommended this matter be deferred.

Deferred the Development Agreement until a later date .

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Alexander, that this Development Agreement be deferred. The motion carried by the following 7-2 vote:

Aye: 7 - Mayor Smothers, Council Member Alexander, Council Member Moore, Council Member Sims, Council Member Henley, Mayor Pro Tem Whitley, and Council Member Corey

Nay: 2 - Council Member Douglas, and Council Member Pugh

120304

Ordinance - Rezoning Case 12-12Jesse Stafford (Stafford Family Ltd Partnership) and

Sandra Powell Noble (Clinard Farms LLC)

A request by Jesse Stafford and Sandra Powell Noble to rezone approximately 140 acres from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District

to an Agricultural (AG) District. The site is lying on the north side of Clinard Farm Road approximately 450 feet west of Eastchester Drive.

Attachments: [09. Z12-12.pdf](#)
[Ordinance of adoption \(Z12-12\).pdf](#)

Ordinance No. 6962/12-78
Introduced 11/19/2012; Adopted 11/19/2012
Ordinance Book, Volume XVII, Page 152

The public hearing for this matter was held on Monday, November 19, 2012 at 5:30 p.m.

Herb Shannon of Planning and Development presented the staff report which is hereby attached as a permanent part of these proceedings.

Following the conclusion of the staff presentation, Chairman Whitley invited the petitioner to come forward for comments.

Charles Hadley, 23 Hasting Circle, Greensboro, the applicant's representative, spoke in favor of the request. He informed Council that it has been at least five years since they have had any serious inquiries for purchasing this property and since that time, they have been operating as if the property was separate and apart. He explained a recent inquiry into the property prompted the property owners to visit the Planning Department to see what could be done with the property, were told that the property is bound by a site plan, so they are requesting that this be undone.

Chairman Whitley then opened the floor for comments in support of or in opposition to the request. There being no one present to offer any comments, the public hearing was declared closed.

Following the conclusion of the public hearing, Chairman Whitley pointed out that unfortunately, the attorney representing the petitioners at that time agreed to all conditions that Council suggested. He felt it was a bad choice and felt the city should have initiated the zoning change and changed it back anyway. The Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted Ordinance providing for the rezoning of this property from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District to an Agricultural (AG) District based on consistency with the city's adopted plans. Additionally, the City Council finds this action to be reasonable and in the public interest because: 1) The requested AG District zoning does not conflict with the established Restricted Industrial Land Use Map designation on the property; 2) the requested AG District re-establishes similar zoning that was on the property at the time it was rezoned and annexed in 2003) Surrounding parcels consist of undeveloped parcels, single-family dwelling on large parcels and plant nursery uses, the requested AG District is compatible with these surrounding uses and will not negatively impact adjacent property owner; and 4) the request provides the property owners with the ability to use or sell their properties without tying them to conditions for a development scenario that will not be constructed.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Alexander, that this ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

[120305](#)

Resolution - Land Use Plan Amendment Case 12-07 - S. Lowell Easter
A request by S. Lowell Easter to change the Land Use Map designation for

approximately 80.5 acres from Local Convenience Commercial and Restricted Industrial to Mixed Use Development. The site is lying along the east side of Eastchester Drive, between Regency Drive and the northern terminus of Empire Street.

Attachments: [10. Memo to Council Z12-13.pdf](#)

The joint public hearing for this matter and related matter 120306 Rezoning Case 12-13 was held on Monday, November 19, 2012 at 5:30 p.m.

Note: Objections were raised at the November 13, 2012 Planning & Zoning Commission meeting by an abutting property owner, who also has submitted a valid protest petition. The Commission suggested (and the applicant and the abutting property owner agreed) to meet in an attempt to address these concerns, so the Commission voted to continue both the Land Use Plan Amendment Case 12-07 and the Zoning Case 12-13.

Chairman Whitley explained that Council would open the public hearing tonight, but would continue the public hearing until December 17th. The Mayor asked if there was anyone present to speak on these matters.

Richard Valentino spoke up and noted he was present, but was merely observing.

The Committee recommended this public hearing be continued.

Continued the public hearing for the Land Use Plan Amendment Case 12-07 to December 17, 2012 at 5:30 p.m.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that the public hearing for Land Use Plan Amendment Case 12-07 be continued to Monday, December 17, 2012 at 5:30 p.m.. The motion PASSED by a 9-0 unanimous vote.

[120306](#)

Ordinance - Rezoning Case 12-13 - S. Lowell Easter

A request by S. Lowell Easter to rezone approximately 80.5 acres from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District and Conditional Use Light Industrial (CU-LI) District to a Planned Unit Development-Mixed (PDM) District. The site is lying along the east side of Eastchester Drive, between Regency Drive and the northern terminus of Empire Street.

Attachments: [10. Memo to Council Z12-13.pdf](#)

The joint public hearing for this matter and related matter 120305 Land Use Plan Amendment Case 12-07 was held on Monday, November 19, 2012 at 5:30 p.m.

Note: Objections were raised at the November 13, 2012 Planning & Zoning Commission meeting by an abutting property owner, who also has submitted a valid protest petition. The Commission suggested (and the applicant and the

abutting property owner agreed) to meet in an attempt to address these concerns, so the Commission voted to continue both the Land Use Plan Amendment Case 12-07 and the Zoning Case 12-13.

Chairman Whitley explained that Council would open the public hearing tonight, but would continue the public hearing until December 17th. The Mayor asked if there was anyone present to speak on these matters.

Richard Valentino spoke up and noted he was present, but was merely observing.

The Committee recommended this public hearing be continued.

Continued the public hearing for Zoning Case 12-13 to December 17, 2012 at 5:30 p.m.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that the public hearing for Rezoning Case 12-13 be continued to Monday, December 17, 2012 at 5:30 p.m.. The motion PASSED by a 9-0 unanimous vote.

[120307](#)

Ordinance - Rezoning Case 12-14 - West Wendover Land Development, LLC; and DFC Premier Drive , LLC

A request by West Wendover Land Development, LLC and DFC Premier Drive, LLC to rezone approximately 70 acres from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District to a Planned Unit Development-Mixed (PDM) District. The site is lying at the northeast corner of W. Wendover Avenue and Samet Drive, between Samet Drive and Premier Drive.

Attachments: [12. Z12-14.pdf](#)
[CZ12-14.pdf](#)

Ordinance 6963/12-79
Introduced 11/19/2012; Adopted 11/19/2012
Ordinance Book, Volume XVII, Page 79

The public hearing for this matter was held on Monday, November 19, 2012 at 5:30 p.m.

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

Following the presentation of the staff report, Chairman Whitley invited the petitioner to come forward to make some remarks.

Chris Dunbar, President of Blueridge Companies, 5826 Samet Drive, spoke in favor of the request. He noted that when they first developed this property, it was considered a small commercial node that would serve the adjacent neighborhoods and that it has successfully become a regional/commercial node. He explained the requested expansion of uses is really intended to serve the increasing demand for mixed use development at this regional/commercial node and because interest in this property has increased, they need to make good use of the changes that have occurred with the ordinance to allow more flexibility in how and where uses are located on the site. He pointed out this is accomplished by the new CZ zoning as compared to the old CU zoning. Mr. Dunbar asked for Council's favorable support to this request.

At this time, Chairman Whitley opened the public hearing for any comments in support of or in opposition to this rezoning request. There being none, the public hearing was declared closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's agenda with a favorable recommendation.

Adopted Ordinance rezoning this property from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District to a Planned Unit Development-Mixed (PDM) District based on consistency with the city's adopted plans and adoption of the statements in the Staff Analysis section of the staff report.

A motion was made by Mayor Pro Tem Whitley, seconded by Council Member Sims, that the public hearing for Rezoning Case 12-14 be continued to Monday, December 17, 2012 at 5:30 p.m.. The motion PASSED by a 9-0 unanimous vote.

ANY OTHER NEW BUSINESS

120292

High Point Housing Authority of High Point - Reappointment - Bob Davis

Council is requested to confirm the reappointment of Mr. Bob Davis to the Housing Authority Board. Appointment will become effective December 22, 2012 and will expire November 22, 2017.

Attachments: [Commissioner Reappointment - Bob Davis.pdf](#)

Approved the reappointment of Bob Davis to the High Point Housing Authority.

A motion was made by Council Member Alexander, seconded by Council Member Sims, that this reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

120309

High Point Housing Authority of High Point - Appointment - Ed Squires

Council is requested to confirm the appointment of Mr. Ed Squires to the Housing Authority Board to fill the unexpired term of Michael Ellerbe who resigned. Appointment to be effective immediately and will expire December 22, 2013.

Attachments: [SQUIRES Edward 2012](#)

Approved the appointment of Ed Squires to the High Point Housing Authority.

A motion was made by Council Member Alexander, seconded by Council Member Sims, that this appointment be approved. The motion PASSED by a 9-0 unanimous vote.

120295

Reappointment - Planning and Zoning Commission - Carson Lomax

Council is requested to confirm the reappointment of Carson Lomax (Ward 1 appointment) to the Planning & Zoning Commission. Reappointment to be effective immediately and will expire 7/1/2015.

Reappointed Carson Lomax to the Planning & Zoning Commission as the Ward 1 representative.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Whitley,

that this reappointment be approved. The motion PASSED by a 9-0 unanimous vote.

Motion to Suspend the Rules for Reappointment of Cynthia Davis to the Planning & Zoning Commission

Council Member Pugh moved to suspend the rules to add the reappointment of Cynthia Davis to the Planning & Zoning Commission as the Ward 3 representative. Council Member Douglas made a second to the motion.

For further discussion, Mayor Smothers explained there have actually been three reappointments on the Planning & Zoning Commission since July 1st and informed Council Member Pugh that since he had not yet brought Ms. Davis' reappointment forward, she suggested to Council that this appointment be deferred until the new Council is sworn in.

The Mayor then called for a vote on the motion to suspend the rules. Those voting in favor of the motion to suspend the rules were Council Members Pugh, Douglas and Henley. Voting in opposition were: Mayor Smothers, Mayor Pro Tem Whitley, and Council Members Alexander, Moore, Corey and Sims. **The motion to suspend the rules failed by a 3-6 vote.**

For Information Only:

Special Recognition- Allen Oliver, Parks & Recreation Director

Mayor Smothers congratulated Allen Oliver, Director of High Point Parks & Recreation for receiving the Fellows Award at the 2012 North Carolina Recreation & Parks Association's Annual Conference in Greenville on November 12, 2012. This is the most prestigious award given to an individual by the NCRPA!

Presentation by Special Olympics of North Carolina

Keith Fishburne, President and CEO of Special Olympics- North Carolina appeared before the Council to make a presentation. He publicly thanked the Mayor and Council for attending the September 22nd dedication of a section in the Champions Plaza at the Miracle League Park for Special Olympics. Mr. Fishburne acknowledged and thanked Allen Oliver, the High Point Parks & Recreation Director, for serving as a member of the State level Board of Directors for Special Olympics- North Carolina as well as appreciation to other employees that help in the local efforts for Special Olympics (Brian Coward- Coordinator in Parks & Recreation; and Sherry Paul, Games Director), and others. The Special Olympics holds a State level event in High Point and has done so now for the past seven years. He also thanked the city and employees for its participation with the Law Enforcement Torch Run for Special Olympics and specifically thanked Randy Knight, the newest coordinator of those around the State. Following Mr. Fishburne's remarks, he presented a

Plaque of Appreciation to Mayor Smothers for the city's role in the success of the Special Olympics.

Mayor Smothers thanked Mr. Fishburne for coming and noted the city would display the plaque proudly.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

[120293](#)

Approval of the following Minutes:

Finance Committee meeting held Monday, November 5th @ 4:00 p.m.

Combined Meeting held Monday, November 5th @ 4:45/5:30 p.m.

Attachments: [November 5 2012 High Point City Council.pdf](#)

[November 5, 2012 Finance Committee.pdf](#)

Approved the minutes of the preceding minutes.

A motion was made by Council Member Alexander, seconded by Council Member Sims, that preceding minutes be approved as submitted. The motion PASSED by a 9-0 unanimous vote.

BOARDS AND COMMISSIONS VACANCY REPORT

[120229](#)

Boards and Commissions - Vacancies

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: [term expirations 2013 \(January 22 2013 agenda\)](#)

This information is attached for informational purposes only.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:30 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk